

2 The Lindon City Council held a regularly schedule meeting on **Tuesday, February 19,**
3 **2013** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon,
4 Utah.

6 **REGULAR SESSION** – 7:00 P.M.

7 Conducting: James Dain, Mayor
8 Pledge of Allegiance: Chase Tomlinson, Lindon Elementary Student
9 Invocation: Randi Powell, Councilmember

10 **PRESENT**

ABSENT

11 James A. Dain, Mayor
12 Mark L. Walker, Councilmember
13 Bret Frampton, Councilmember – arrived 7:15
14 Matt Bean, Councilmember
15 Randi Powell, Councilmember
16 Jeff Acerson, Councilmember
17 Adam Cowie, City Administrator
18 Hugh Van Wagenen, Planning Director
19 Cody Cullimore, Chief of Police
20 Kathryn Moosman, City Recorder

21 The meeting was called to order at 7:05 p.m.

22
23 **PRESENTATION** – *The Mayor and City Council will be presented with the Character
24 Connection Poster Calendar by the children who created the original artwork. Kathy Allred will
25 make the presentations.*

26
27
28
29 Mayor Dain welcomed all who were in attendance to the meeting. He then
30 introduced Kathy Allred, who was in attendance to present the Mayor and Council with
31 the 2013 Character Connection poster and calendar. Mayor Dain commended Mrs.
32 Allred and expressed his appreciation for her efforts and dedication to the program. Ms.
33 Allred explained that the Character Connection Program has been a Lindon tradition
34 since 1993. She noted that they formed a partnership with Wasatch Mental Health
35 approximately nine years ago and they have produced a poster every year since the
36 program's inception.

37 Ms. Allred went on to say the Character Connection started with some PTA moms
38 who met together, and decided they wanted to be on the same page with businesses,
39 homes and schools, with the purpose of being connected to promote character in the
40 community. Ms. Allred noted that is when the Lindon Character Connection was started,
41 and they have done a curriculum every year for the teachers to use for resources. Ms.
42 Allred stated that they have always presented a poster to the Mayor and Council that will
43 hang in the City Building.

44 Ms. Allred then presented the 2013 Character Connection poster to Mayor Dain
45 and the Council. Ms. Allred then invited the participating students forward to receive
46 their awards, after which a photo was taken with the students and Mayor Dain. Ms.

2 Allred then invited the teachers forward and noted what a great job they do and also
3 expressed her appreciation for their support of the program.

4 Ms. Allred expressed her thanks and appreciation to the City Council and Mayor
5 for their support of the Character Connection program. Mayor Dain thanked Ms. Allred
6 for all of her hard work, service, and dedication to the Character Connection Program and
7 stated that this is a wonderful program and we have a better community because of her
8 service.

9 **PRESENTATION** – *The Mayor and Council will hear a presentation by Ammon Allen,
10 Project Manager, for the Metropolitan Water District of Salt Lake and Sandy (MWDSS)
11 regarding the Salt Lake Aqueduct. The purpose of the presentation is to raise awareness
12 of the Salt Lake Aqueduct (SLA) that runs through Lindon City.*

13 Ammon Allen, Project Manger, with the Metropolitan Water District of Salt Lake
14 and Sandy (MWDSS) was present for this discussion with the Council. Mr. Allen
15 provided an overview of the history of the Metropolitan Water District which includes
16 four facilities. He also reviewed the layout of the aqueduct system, which was built by
17 the Bureau of Reclamation in 1937 but is now owned by the Metropolitan District. He
18 noted that this will be the fourth time in five years the District has presented the progress
19 of the SLA to the Mayor and Council.
20

21 Mr. Allen explained the right-of-way consists of an easement, fee title and an
22 1890's easement with widths that vary from 50 ft, to 250 ft. Mr. Allen then referenced
23 current activities as follows:

24 **Survey Program:**

25 1. Surveyed:

- 26 • Tracts 210 to 216 in Lindon which are 1.6 miles long , survey completed in
27 the fall of 2012.

28 2. Not yet surveyed:

- 29 • one access road easement (214) and one blow off easement (216).

30 3. Markings:

- 31 • Aqueduct centerline (on full corridor) and the boundary (on district-owned
32 land).

33 **Encroachment Program:**

34 1. Program Goals:

- 35 • Maintain proper access to aqueduct corridor.
36 • Provide for reasonable constructability.
37 • Avoid litigation.
38 • Minimize exposure to liability claims.
39 • Provide adequate security.
40 • Enter into written agreements to outline the obligations.

41 2. Annual pamphlet

- 42 • More than 60 properties.

43 3. Individual contact typically occurs after survey.

- 44 • No priority areas.
45 • Three active approved uses.

46 4. District desires to license acceptable uses.

5. May require removal of some existing uses.
6. Five developing areas of interest.

Blow off Assessment:

1. Blow offs are used to drain the aqueduct.
2. Two are located in Lindon City.
3. Staff is working to determine the rate at which the pipe may be safely drained at each blow-off. This is based on:
 - Surrounding development
 - Natural drainage patterns.

Aqueduct Inspection:

1. Regular above-ground inspection
 - Watch for new development and improvements.
2. Annual internal inspection.
 - Drain and inspect pipe interior.
 - Schedule 2015 from Orem to cedar hills.

Mr. Allen noted that existing blow off valves for the aqueduct has flowed through natural drainage and into the Murdock Canal. The canal enclosure project has made this system unworkable, and requires the District to reevaluate and reroute any blow off flow into the City drainage system. He assured the Council that open communication will be maintained with the City and property owners regarding encroachments. Mayor Dain and the Council thanked Mr. Allen for this report.

PROCLAMATION – “*Lindon City Arbor Day*” Proclamation to set May 18, 2013 as *Lindon City Arbor Day* in accordance with Tree City USA requirements.

Mayor Dain read the Arbor Day Proclamation setting May 18, 2013 as “Lindon City Arbor Day.” He noted that there will be a tree planting ceremony in recognition of Arbor Day at Lindon View Park on May 18th. This ceremony will be held in conjunction with the Heritage Trailhead opening at the park.

MINUTES – The minutes of the regular meeting of the City Council of February 5, 2013, were reviewed.

COUNCILMEMBER ACERSON MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 5, 2013 AS AMENDED OR CORRECTED. COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

2 **OPEN SESSION** – Citizen Comments.

4 Mayor Dain called for any public comment not listed as an agenda item. Don De
6 St. Jeor was in attendance to address the Council at this time. Mr. De St. Jeor thanked the
8 Mayor and Council for allowing him the time to present an issue with the Council. He
10 noted that the Lindon Baseball Program has a \$500 shortfall this year. He noted that after
 talking to other cities and Heath Bateman, Parks and Recreation Director, in the past field
 maintenance has been done by the cities, and Mr. Bateman felt that the city could
 facilitate the field maintenance. He noted that some of the other cities pay the UVBA
 fees (\$500-\$700) per year that help to build permanent fences, dugouts and hitting cages.

12 Mr. De St. Jeor further explained that they are currently forming a baseball
14 commission and they will get a proposal together to present to the Council. He added that
16 they do have corporate sponsors, and concessions etc. to help raise revenue. Mr. De St.
 Jeor stated that he also talked to Mr. Bateman about Saturday play, and they also plan to
 work with Rocky Mountain Baseball to gain revenue by perhaps leasing the field. They
 will also be looking into liability issues.

18 Mayor Dain inquired if all items described are needed or just several options that
20 may help the program. Mr. De St. Jeor stated that the commission is meeting tomorrow
22 and they need to know what options the Council will consider. Mayor Dain stated that the
24 Council will do what they can to facilitate some funds for the baseball program. Mayor
 Dain directed Adam Cowie to check into this issue from a budgetary standpoint. Mayor
 Dain thanked Mr. De St. Jeor for his good works with the Lindon Baseball program and
 for his dedicated service. Mayor Dain called for any further public comments. Hearing
 none he moved on to the next agenda item.

26 **MAYOR/COUNCIL COMMENTS/REPORT** – Mayor Dain commented on the recent
28 fire at Patch’s Majestic Metals. Mayor Dain noted that there was an incredible response
30 service from Orem City, the contract provider, within minutes. He noted that the police
32 mutual aid is a great concept and works very well in Utah County and the camaraderie
34 among the cities is incredible. Mayor Dain noted that he sent letters of appreciation to
36 the Mayors of the following cities who responded to the fire: American Fork, Pleasant
 Grove, Provo, and Orem. Mayor Dain noted the fire was deemed an accidental fire after
 investigation. Mayor Dain expressed his appreciation to everyone who was involved.
 Mayor Dain also mentioned the upcoming Little Miss Lindon pageant that will be held on
 March 2, 2013 at Oak Canyon Jr. High School and noted that all Councilmembers are
 invited and encouraged to attend.

38 Councilmember Powell reported on the Healthy Lindon Program. She commented
40 that the challenge started yesterday, and it is not too late to sign up and noted that there
42 are prizes to be won. She added that the program is a 12 week challenge that culminates
 on May 11th. Councilmember Powell also mentioned that Valerie Diehl is over the
 Healthy Lindon Program and is doing a great job in that capacity.

44 **CONSENT AGENDA** –

 No items.

46 **CURRENT BUSINESS** –

2 1. **Review and Action (Continued)** –*Fireworks Restriction (Resolution #2013-2-R)*.

4 This is a request by Chief Cody Cullimore for the City Council’s formal action to
6 review and possibly act to approve a resolution establishing a restriction on the use of
fireworks in specific areas of the city.

8 Adam Cowie, City Administrator, explained this continued item is a request by
Chief Cody Cullimore and staff for the Council’s consideration to renew a resolution to
10 for the 2013 calendar year that would extend through the end of January 2014. He noted
that this resolution is similar to the resolution passed by the City Council last year. He
12 went on to say the discussion from the last meeting was to consider moving the boundary
down to the Murdock Canal. Mr. Cowie then showed a map depicting the proposed
14 boundary lines and also showed the boundary lines from last year. Mr. Cowie noted two
informational items. First item being legislation has been proposed at the state level that
16 would prohibit the municipalities from limiting fireworks in these zones and would
allow all fireworks allowed by the state, and if passed it would be effective in May. Mr.
18 Cowie noted the second informational item being the feasibility of designating a city park
for fireworks. He stated that after checking with the insurance carrier this could be
20 something the city could accommodate. Mr. Cowie added that Chief Cullimore is in
attendance to address any questions. He noted that 750 notices were sent out to residents
22 regarding this issue. Mayor Dain then read two letters sent from citizens expressing their
opinions and concerns regarding the proposed fire restrictions. Mayor Dain then called
24 for any public comments.

26 **Marlin Sharp** – Mr. Sharp noted that he supporting the neighbors in his area who were
unable to attend. He added that they feel the restriction conducted last year was well
28 done. Mr. Sharp noted in his neighborhood, those on the back side of where he lives, they
couldn’t shoot fireworks and a lot of those neighbors came down to shoot fireworks with
30 them in a safer area. Mr. Sharp pointed out that he understands this is a freedom issue
but at the same time citizens need to understand the dangers. He added that education is
32 very important in understanding the issues. He suggested keeping the 500 ft. boundary as
it does work and to not arbitrarily make the canal the boundary restriction. He reiterated
34 that he is representing several people in his area who feel the same.

36 **Sheryl Davis** – Ms. Davis mentioned her family tradition with their annual “Cul-de-sac
of fire” and explained that Lindon is very family oriented, and that is what they love
38 about the city. Ms. Davis noted that she has extended family that comes for this annual
tradition.

40 **Jeff Jarman** – Mr. Jarman noted that after comparing the map from last year to this year,
he observed that the proposed boundary is 6 blocks farther in from last year, and added
42 that he feels that seems huge. Mr. Jarman noted that he understands the need to make it
easier to enforce by having the canal as the marker but the distance seems huge in certain
44 areas. Mr. Jarman also noted that he likes the idea of a park or a designated are to light
fireworks if the restrictions are in place.
46

2 Councilmember Walker commended the Mayor and Council on this process, and
noted the process works more efficiently if given enough time. He further expressed his
appreciation for the transparency and noted that reasonableness is important to him.

4 Mayor Dain stated that the message he would like to convey is that the Council has to
make difficult decisions at times and it is important to hear from the citizens.

6 Councilmember Acerson stated that he has had many people talk to him regarding this
issue and noted that he will vote based on the citizens he represents. He added that what
8 has been expressed tonight from the citizens is that they are not opposed to having a
safety barrier but that the proposed distance is a little excessive. He feels the Council
10 should be consistent with what has been discussed. Councilmember Acerson stated that
he would propose keeping the restrictions from last year with the option to change. Chief
12 Cullimore stated that under state law the Mayor or Fire Marshal has the right to shut
down fireworks completely in an emergency situation at any time.

14 Councilmember Powell inquired why the restrictions are being addressed so early.
Councilmember Powell proposed, when changing the restriction, to keep in mind all of
16 the state approved holidays and extend the resolution to that date so it would not have to
be addressed until next spring. Councilmember Powell noted that she is comfortable with
18 last year's boundaries but she is not comfortable with not having something in place.
Councilmember Powell commented that she is also grateful to have Center Street open to
20 facilitate getting people off the foothills quickly in case of an emergency.

22 Councilmember Bean commented that he feels the restriction from last year was
pretty reasonable given some of the feedback received from citizens. He agreed that it is a
long distance from the canal to 200 south and as far East as the boundary goes. It
24 excludes a lot of homes that are fairly close to the canal but that are not very close to the
foothills. He did make one suggestion in defining an area to somehow make the
26 boundary easier, to identify a road or part of a road where homes on either side are
restricted, and that way there would be no question as to who is restricted and who is not
28 restricted.

30 Mayor Dain asked Chief Cullimore if he senses that the Council would like to
stay with the old boundary. He also asked if he would like to look at the boundary and
tweak it and bring it back to the Council. Chief Cullimore noted that he is fine with the
32 old boundary but feels there needs to be more education so there is less confusion on
where the boundary lines are. Mr. Cowie noted that he would appreciate having a little
34 more time to look at the boundary and have more discussion with staff in house.

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

38 COUNCILMEMBER ACERSON MOVED TO CONTINUE RESOLUTION
#2013-2-R, FIREWORKS RESTRICTIONS, FOR FURTHER DISCUSSION INTO
40 THE BOUNDARY LINES AND THE POSSIBILITY OF DESIGNATING A CITY
PARK AS AN AREA TO USE FIREWORKS. COUNCILMEMBER FRAMPTON
42 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

44 COUNCILMEMBER WALKER	AYE
COUNCILMEMBER FRAMPTON	AYE
COUNCILMEMBER ACERSON	AYE
46 COUNCILMEMBER BEAN	AYE

COUNCILMEMBER POWELL AYE
2 THE MOTION CARRIED UNANIMOUSLY.

4 2. **Concept Review** – *Lindon Senior Housing Development – 37 South Main Street.*
6 This is a request by Matt Gneiting to present a development concept for senior
8 housing located at approximately 37 South Main Street. This is a concept review
only with no formal action required by the Council.

10 The applicant, Matt Gneiting, was in attendance to address the Council. Mr. Van
12 Wagenen opened the discussion by stating this item is a request by Mr. Gneiting to
14 present a development concept for senior housing located at approximately 37 South
16 Main Street. Mr. Van Wagenen noted that a concept review is an opportunity for the
18 applicant to present an idea before the Council for input and feedback. He added that
concept reviews require no application materials from the applicant and is for review
only and no formal action is required. Mr. Van Wagenen further stated that the Council is
not committing to an approval or denial of a future application based on this review. He
noted that this concept review has been heard by the Planning Commission. Mr. Van
Wagenen then turned the time over to Mr. Gneiting for his presentation.

20 Mr. Gneiting then addressed the Council. He explained that the proposed
22 development is a dedicated senior housing project comparable to the Seville, located on
24 Center Street in Orem. Mr. Gneiting also stated that there is a growing need for this type
of development in the area and this project would add value to the city in the long term.
Mr. Gneiting then presented an overview of independent living and statistics regarding
seniors and senior living. He noted there will be units with one or two person residences
with one or two bed units. He added there is a total of 3.6 acres with a proposed 4 story
building with a 40,000 sq ft. footprint. There would also be a total of 135 units with 37
units per acre. He added that the property is currently zoned commercial.

28 Mr. Gneiting then presented some of the features and potential amenities of the
proposed housing development as follows:

30 Features:

- 32 • View of Mount Timpanogos.
- 34 • Walking distance to the Lindon Senior Center, City Offices and the park.
- 36 • Secluded setting, buffered by land on the north, Timp Academy on the east and
industrial office on the south.
- Access to/from Main Street. Visually accessible from State Street.
- Services Lindon, Orem and Pleasant Grove committees.

38 Potential Amenities:

- 40 • Full time onsite management.
- 42 • Spacious 1 and 2 bedroom apartments.
- 44 • Full kitchens/private bathrooms.
- Interior corridor apartment access only.
- Secured entrance/exits to the property for 24 hour security.
- Elevator access.
- 46 • UTA Para-transit accessible.

- No smoking for oxygen use.
- Onsite salon.
- Swimming pool, exercise faculty.
- Activity area for family gatherings, library reading, and property activities like Saturday morning breakfast or education vignettes.
- Attractive, functional landscaped walking paths and grounds.
- Wired for computer usage.
- Covered parking.
- Quiet, peaceful setting adds to the quality of life.
- Affordable.

Mr. Gneiting then presented a schematic of option A and discussed the proposed parcel location. Mr. Gneiting noted that he has had discussions with the neighbors, the Scott's, Roger's, Lewis's and Abbott's regarding the proposed development. Mr. Gneiting stated that the overall scope of the project is subject to the selling of the property. He added that this would be a terrific buffer to senior housing between the commercial to residential zones. He then showed photos of sample exteriors, interiors, courtyards and the basic layout of the facility. There was then some general discussion between Mr. Gneiting and the Council regarding the proposed senior housing development and the possibility of utilizing an overlay.

The Council discussed several issues of concern brought up by the Planning Commission regarding the height and location of the facility, emergency and access issues, density and parking involved with the proposed development. The Council also felt that this is an underserved market in the community. Mayor Dain commented that he feels the Council has given Mr. Gneiting sufficient input and feedback on this concept review but assured him that this is no guarantee from the council to move forward or assurance as to what the council vote would be. Mayor Dain then thanked Mr. Gneiting for his presentation.

Mayor Dain called for any further discussion from the Council. Hearing none he moved on to the next agenda item.

3. **Review and Action** – *Stormwater Plan Update (Resolution #2013-3-R)*. This is a request by staff for the Mayor and Council to review and possibly approve updates to the Stormwater Management Program.

City Engineer, Mark Christensen, opened the discussion by stating that this stormwater plan update was originally adopted in 2003 and again in 2010. He noted there have been some minor changes this past year that are provided with the summary of changes included in the packets. He noted this is updated information that was added in Appendix A and does not increase additional requirements to the developers but gives more information. He went on to say this process will include the simplification of documents.

Mr. Christensen further explained that he is requesting approval of the updates and changes to the Stormwater Management Program and the authorization of the Development Review Committee (DRC) to make future changes to Appendix A and authorize the Public Works Department to make future changes to Appendices B through

2 G. Mayor Dain called for any comments or discussion from the Council. Hearing none
he called for a motion.

4 COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION
#2013-3-R, STORMWATER MANAGEMENT PROGRAM UPDATE.
6 COUNCILMEMBER ACERSON SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

8 COUNCILMEMBER WALKER AYE
COUNCILMEMBER FRAMPTON AYE
10 COUNCILMEMBER ACERSON AYE
COUNCILMEMBER BEAN AYE
12 COUNCILMEMBER POWELL AYE

14 THE MOTION CARRIED UNANIMOUSLY.

16 4. **Review and Action** – *Annual Development Policy Manual Updates (Resolution*
#2013-4-R). This is a request by staff for the Mayor and Council’s review and
18 possible ratification of the updates to the city’s Development Manual.

20 City Engineer, Mark Christensen, opened this discussion by stating that changes
accumulate throughout the year regarding the Development Manual. Mr. Christensen
noted the significant changes this year as follows:

- 22 1. Building Department updated Chapter #3 to reflect the current
International Residential Code.
24 2. Changes to the standard specifications dealing with asphalt as follows:
a. Testing of asphalt
26 b. Use of recycled asphalt pavement.
28 3. Storm water standards, incorporating changes approved in Appendix A.

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

32 COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION
#2013-4-R, ANNUAL DEVELOPMENT POLICY MANUAL UPDATES.
34 COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

36 COUNCILMEMBER WALKER AYE
COUNCILMEMBER FRAMPTON AYE
38 COUNCILMEMBER ACERSON AYE
COUNCILMEMBER BEAN AYE
40 COUNCILMEMBER POWELL AYE

42 THE MOTION CARRIED UNANIMOUSLY.

44 5. **Review and Action** – *PRV Bid Award*. This is a request by staff for the Mayor and
Council’s review and possible approval of the bid award for replacement and
reconstruction of Pressure Reducing Valve (PRV) Stations located on 200 South and

2 400 East. Staff recommends awarding the bid to the low bidder, Johnston and Phillips Inc., with a bid of \$61,707.00.

4 City Engineer, Mark Christensen, opened this discussion by explaining that last
6 year JUB Engineers prepared a project for the replacement and reconstruction of Pressure
8 Reducing Valve Stations (PRV) on the culinary system on 200 South and 400 East. Mr.
10 Christensen noted that the bids came in reasonably higher than expected, therefore, they
12 pulled the PRV's out as a separate project and bid those. He stated that the low bidder
was Johnston and Phillips whose bid came in at \$61,707.00. Mr. Christensen
recommended awarding the contract to the low bidder.

12 Mayor Dain called for any comments from the Council. Hearing none he called
for a motion.

14 COUNCILMEMBER WALKER MOVED TO APPROVE THE PRV BID
16 AWARD FOR THE REPLACEMENT AND RECONSTRUCTION OF PRESSURE
18 REDUCING VALVE STATIONS. COUNCILMEMBER ACERSON SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

18 COUNCILMEMBER WALKER AYE
20 COUNCILMEMBER FRAMPTON AYE
22 COUNCILMEMBER ACERSON AYE
COUNCILMEMBER BEAN AYE
COUNCILMEMBER POWELL AYE

24 THE MOTION CARRIED UNANIMOUSLY.

26 6. **Review and Action** – *Utah Infrastructure Agency (UIA) Assessments (Resolution*
28 *#2013-5-R)*. The Council will review and possibly take action on the assessments by
UIA requesting member participation in monthly operating costs in order to eliminate
such expenses from being funded by UIA bond proceeds.

30 Adam Cowie, City Administrator, opened the discussion by giving an overview
32 and explaining that UIA passed a resolution to assess member cities payments that would
34 go towards their operations and administration costs that are currently due to a shortfall in
36 their current budgets. Mr. Cowie stated there is state legislation that is currently moving
38 through that would require payments from bond proceeds to be prohibited from being
used for these types of administration costs. Mr. Cowie then reviewed with the Council
some additional documentation regarding estimated monthly UIA assessments and both
the current and future bond obligations. There was then some general discussion
regarding the additional information provided. Mayor Dain noted that he realizes this is a
very difficult decision and called for further discussion from the Council.

40 Councilmember Walker read a prepared written statement at this time.
42 Councilmember Walker also requested the written comments be part of the official
44 minutes (see attached statement). Councilmember Powell also read a prepared written
statement. Councilmember Powell also requested the written comments be part of the
official minutes (see attached statement).

46 Councilmember Bean voiced his concerns about which cities are going to
participate, and he thought it irresponsible to pass the resolution knowing there was

incorrect information, as it was questionable which cities would be participating. He questioned if the Council is required to take a vote on this issue tonight. Mr. Cowie stated that the Council could vote to continue the item. Councilmember Bean commented that he would like to have complete information before voting. Mayor Dain stated the options are to approve, deny or continue the resolution to allow time to see what the actual numbers are going to be. Councilmember Acerson commented that continuing may or may not change the Council's vote but we can see how the other cities stand, which will cause UIA to make a decision. He added that the City came in good faith and committed to the level we felt we could commit to before, and now cities are bailing and Lindon is not going to be the pivotal point. He added that it is important to be a good team player but not necessarily part of a group, and you do not necessarily have to lead out to make a statement. Councilmember Walker stated that continuing the item will not change his vote or where he stands on the issue. Councilmember Powell noted that we owe it to the citizens in Lindon who use UTOPIA to continue this item and added that the Council's decisions may not change but the delay may provide more confidence in the decision. Councilmember Bean commented that the Legislature is now in session and what we do will be noticed, and this may not guide the decision too much but he feels it is a factor.

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

COUNCILMEMBER BEAN MOVED TO CONTINUE RESOLUTION #2013-5-R, UTAH INFRASTRUCTURE AGENCY ASSESSMENTS. COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER	NAY
COUNCILMEMBER FRAMPTON	AYE
COUNCILMEMBER ACERSON	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER POWELL	AYE

THE MOTION CARRIED 4 TO 1.

Sherry Williams, audience member, expressed her appreciation and respect for the Council after listening to their deliberation and commended them for working as a team. Ms. Williams noted that she has been employed with Century Link for 34 years and she believes that UTOPIA was implemented in good faith. Ms. Williams noted that her company also has a lot at stake. She added that fiber is the future and other companies that are also installing fiber, but not at the taxpayers expense or through bonds. She concluded that it was a pleasure for her to observe the Lindon Council and she noted that she respects their decisions and knows how difficult it is to make these decisions in good faith to work towards the future.

COUNCIL REPORTS –

COUNCILMEMBER POWELL - Councilmember Powell commented that the Historic Preservation Commission could use some benchmarks and asked the Council to

2 consider some projects, as it seems they are not progressing. Councilmember Acerson
inquired if they have a vision or guiding principle of what they want to accomplish; he
4 suggested that the council could enhance or make recommendations. Councilmember
Powell mentioned there is still a budget of \$3,200 and she would like to see it use for the
6 renovation in the Community Center for their use. Mr. Cowie noted that appointing a new
chairperson to the commission is an option to consider, as it is typically done this time of
8 year. There was also some discussion on the status of the tithing house. Mr. Cowie
noted that the tithing house appraisal is done and came in at \$77,000. They have also
10 hired a surveyor and scheduled the Board of Adjustments hearing to review a variance on
the lot size. Mayor Dain suggested posting the house through surplus and receive bids
12 rather than using a realtor, which would save some money. Mr. Cowie noted that he will
check into that issue. Councilmember Powell thanked Councilmember Acerson for
14 attending the IHC Outreach meeting. Councilmember Acerson noted that he made the
suggestion to be more proactive, pertaining to cities, to implement a wellness program for
16 the employees. Councilmember Acerson added that he would be happy to attend the IHC
Outreach meeting when needed.

18 Councilmember Powell reported that the next Community Center Advisory Board
will be held next Thursday. Councilmember Powell also encouraged the Council to
participate in the Healthy Lindon Program. Councilmember Powell reported that Angie
20 Hendrickson is very excited to chair Lindon Days and will do a great job.
Councilmember Powell noted that Ms. Hendrickson will be asking that there be a
22 councilmember at each event at Lindon Days. Councilmember Powell also mentioned
that Kathy Allred does an awesome job with the Character Connection Program.
24 Councilmember Powell noted that she appreciates the updates and information presented
from the Councilmember's reports. Councilmember Powell also mentioned that the
26 Youth Council was discussed last year, and if it is still a possibility. Mayor Dain directed
Mr. Cowie and Chief Cullimore to take this issue under advisement and bring back to the
28 next meeting.

30 **COUNCILMEMBER WALKER** – Councilmember Walker reported that he attended
the North Valley Animal Shelter meeting and also the Engineering meeting.
32 Councilmember Walker noted that he appreciates the tone and comments made at the
meeting tonight.

34 **CHIEF CULLIMORE** – Chief Cullimore reported on the list of participants who
36 responded to the recent fire at Patch's Majestic Metals, and noted that the response was
great from everyone involved.

38 **COUNCILMEMBER BEAN** – Councilmember Bean mentioned the discussion on the
40 senior housing issue tonight. He noted that some of the presentation changed from what
was proposed to the Planning Commission. Councilmember Bean stated that density and
42 the height of the building were also issues of concern with the Commission.

44 **COUNCILMEMBER ACERSON** – Councilmember Acerson suggested reading an
enlightening book, "Over treated, why too much medicine is making us sicker and
46 poorer," written by Shannon Brownlee, who was the keynote speaker at a recent seminar

2 he attended. Councilmember Acerson noted that there is a need to educate the citizens on
4 this issue so they can be more informed on medical procedures. Councilmember Acerson
6 also reported that he attended the board meeting for the Provo Bench Canal and Irrigation
8 Company, and noted there are some issues that need to be addressed including a gate on
200 south that is a problem area. Councilmember Acerson also reported that he attended
the IHC Outreach meeting for Councilmember Powell. Councilmember Acerson noted
that he made a suggestion at the outreach meeting to be more proactive, pertaining to
cities, to implement a wellness program for the employees.

10 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton reported on the
12 upcoming Arbor Day celebration to be held on May 18, 2013. The opening of the
trailhead at Lindon View Park will coincide with the celebration.

14 **MAYOR DAIN** –Mayor Dain had nothing further to report.

16 **ADMINISTRATOR’S REPORT** –

18 Mr. Cowie reported on the following items:

1. The Council reviewed the Project Tracking list.
2. The Council reviewed the list of responders to the recent fire from Chief Cullimore.
3. Property clean up at Fryers: Due to reduced progress being made, the City Attorney will file one charge of “failure to abate nuisance” against the property owner. This action will initiate an appearance before the Judge with renewed clean-up deadlines imposed and increased penalties if there is failure to act.
4. The City will be setting up coordination meetings with Pleasant Grove and Orem to discuss common interests, street and utility sharing, contracts, etc.
5. 700 North CDA: Met with Rob Kallas and Randy Woodbury, with the Woodbury Corporation. They are evaluating areas and will contact us.
6. Two claims have been submitted: Larry McColm, with a water break issue will be sent to URMA, and Carolyn Hyde, with a pothole repair that was denied.
7. Mr. Cowie noted a letter from Representative Jason Chaffetz.
8. Utility bills need discussion of sending duplicates of bills to owners of rental properties.
9. Maverick Convenience store is looking at coming to Lindon City at the 1600 N. area. The Hotel near the interchange is still hopeful.
10. Murdock Canal Trail ribbon cutting will be held on May 18th. The ribbon cutting will be held in conjunction with the Arbor Day Tree Planting.
11. Mr. Cowie noted that he has been nominated by UTOPIA Board to serve on the “Executive Committee” as the “at-large city representative.
12. Heritage Trail Update: Contractor will start construction on 800 West on March 25th and be completed by June 12th. A public relations group (through JUB) will be contacting property owners.
13. Van Con will be starting the sewer project this week.

14. Meeting with Lewis, Young, Robertson & Burningham, Financial Consultants,
2 about bond refunding possibilities. Kristen Colson, Lindon City Finance Director
will also attend.
4 15. Required mandatory direct deposit for all employees.
6 16. Chief Cullimore and Doug Eastman are working on cameras for the west side.
There is an agreement with the property owners.

8 Upcoming Meetings/Future Items:

- Retreat feedback discussion.
- 10 ● Mayor's Open House will be held on 3rd Thursday of the month at 6:30. The
Council agreed to host the following open house dates:
12 March 21st – Councilmember Acerson
April 18th – Councilmember Powell
14 May 16th – Councilmember Frampton
June 20th – Mayor Dain
16 July 18th – Councilmember Bean
- 2013 Election filing period is June 3rd to June 17th.

18 **ADJOURN** –

20 COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING AT
22 11:35 P.M. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24 Approved – March 5, 2013

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Kathryn A. Moosman, City Recorder

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James A. Dain, Mayor