

2 The Lindon City Council held a regularly scheduled meeting beginning with a Work
Session at 6:00 p.m. on **Tuesday, April 7, 2009** in the Lindon City Center, City Council
Chambers, 100 North State Street, Lindon, Utah.

4 **WORK SESSION** – 6:00 P.M.

6 Conducting: James A. Dain, Mayor

8 **PRESENT**

ABSENT

10 James A. Dain, Mayor
12 Eric Anthony, Councilmember
H. Toby Bath, Councilmember
14 Lindsey Bayless, Councilmember
Bruce Carpenter, Councilmember
16 Ott H. Dameron, City Administrator
Phil Brown, Chief Building Official
18 Adam Cowie, Planning Director
Debra Cullimore, City Recorder

Jerald I. Hatch, Councilmember

20 The meeting began at 6:07 p.m.

22 **Budget Discussion** – *The Mayor and City Council met with Phil Brown, Chief Building
24 Official, and Adam Cowie, Planning Director, to hear a report on current year data and
discuss issues and concerns for fiscal year 2009/2010.*

26 Planning Director, Adam Cowie, and Chief Building Official, Phil Brown, were
28 present for this discussion with the Council. Mr. Brown reviewed the number of building
permits issued in 2008. He stated that the 203 permits issued in 2008 are typical of other
30 years since 2001, with the exception of 2007 when 320 permits were issued. Mr. Brown
explained that the increase in 2007 permits was due in large part to construction of the
32 Creekside Meadows subdivision.

34 Mr. Brown stated that commercial and industrial development is strong in the
City. He noted that while the number of permits issues may not be excessive, projects
have a high valuation and are a benefit to the City. He observed that several large
36 office/warehouse type facilities have been completed recently, and that tenant
improvements will follow as space is leased to smaller businesses.

38 Mr. Brown went on to review revenues and expenditures in the Building
Department for 2008. He noted that in 2007, the department showed a deficit of
40 \$59,589.21 due to the high volume of inspections and other services provided during
development of Creekside Meadows, as well as the purchase of two vehicles for the
42 department. In 2008, the Building Department reports a surplus of \$32,917.31. Mr.
Cowie noted that the surplus is due in part to the vacant Building Inspector position
44 which was not filled when Ken Johnson retired. Mr. Brown stated that the department
has also reduced expenditures for training and equipment purchases this year.

2 Councilmember Carpenter asked if City projects are included in the figures
presented by Mr. Brown. Mr. Brown stated that City projects are issued permits, but that
no fees are collected. Councilmember Carpenter noted that the Building Department has
4 spent a significant amount of time on the aquatics center project.

6 Mr. Brown reported that there are approximately 600 active business licenses
within the City. He stated that he makes an effort to visit each business on an annual
basis, and that the current slow down in development projects has allowed him an
8 opportunity to work on this and other administrative projects.

10 Mr. Cowie reported on the number of permits issued by the Planning Department
from 2001 through 2008. He noted that the drop in permits in 2008 is due in large part to
the current economic slow down and the effect on the housing market. He noted that site
12 plan applications for commercial and industrial projects were near average in 2008.

14 Mr. Cowie reviewed grants funds which were awarded to the City during 2008.
Grants were awarded to the City through Mountainland Association of Governments for
the Lindon Heritage Trail Project totaling \$3.25 million dollars, the Utah State Quality
16 Growth Commission for wetlands preservations in the amount of \$150,000, Utah County
for playground equipment in the amount of \$5,866, Utah State Historical Society for
18 Tithing Office site plan engineering in the amount of \$2,500, and a Utah State Forestry
Grant in the amount of \$1,400 for tree planting.

20 Mr. Cowie went on to review land use and development application submittals for
2008. Applications included Conditional Use Permits, Concept Reviews, Subdivisions,
22 and Site Plans, as well as other land use applications. Mr. Cowie noted that the decrease
in Conditional Use Permit applications is reflective of a recent review of the Standard
24 Land Use Table which made a number of Conditional Use Permit land uses permitted in
specific zones.

26 Mr. Cowie reviewed revenues and expenditures for the Planning Department for
2008. He noted that the significant increase in expenditures is due to hiring an Assistant
28 Planner in the department. He noted that the jump in expenditures in 2006 was due to
expenses associated with creation of the Commercial Design Guidelines document used
30 to regulate architectural standards in commercial zones.

32 Mr. Cowie gave an overview of ordinances adopted by the City Council in 2008,
as well as other significant projects. He commented on Mr. Brown's involvement in the
aquatics center project, as well as other boards, committees and projects which Planning
34 Department staff participate in, such as the Utah Lake Commission, agreements with
Anderson Geneva, Tree City USA, and the Lindon Heritage Trail Committee.

36 Councilmember Carpenter asked if involvement in this number of outside committees
and projects is typical for cities. He noted that the staff hours represent a significant
38 expense to the City. Mr. Cowie observed that the expenses incurred by the City are the
price of being actively involved in development of the community and the region, and
40 that the projects benefit the City and its residents.

42 Mr. Cowie went on to review the Code Enforcement report. He noted that a
significant amount of enforcement is staff initiated. He observed approximately 80% of
code enforcements complaints are generated in residential areas. Mr. Dameron inquired
44 as to what approach the Council would like to take with businesses during the current
economic climate relative to enforcement of signage regulation. Mr. Cowie explained
46 that the City has taken the approach of letting businesses know that temporary banner

2 signs are out of compliance, but have been lenient in enforcing requirements to install
3 permanent signage in the specified time frame. The Council felt that this was a
4 reasonable approach to current economic impacts to area businesses, and would allow a
5 greater opportunity for businesses to remain viable during the economic slow down.

6 Mr. Cowie went on to review possible fee schedule changes. He noted that in
7 comparison to fees charged in communities in Utah and Salt Lake County, most other
8 cities charge additional fees above those charged by Lindon. He noted that expenses for
9 Public Works inspections are not considered in the current fee schedule. Mr. Cowie
10 asserted that an increase in fees could be justified to help cover the City's expenses,
11 particularly on site plan and subdivision applications. Mr. Cowie presented current
12 development fees, which are below average compared with surrounding communities,
13 and proposed fees which are intended to offset actual expense to the City. As an
14 example, Mr. Cowie noted that current fees cover approximately 50% of minor
15 subdivision approval expenses, and approximately 34% of major subdivision approvals.
16 He stated that proposed fees are in the 75th percentile of fees charged in other
17 communities. He requested that the Council consider possible fee increases as the budget
18 process moves forward.

19 Mayor Dain noted that the Lindon Planning and Building Departments have an
20 excellent reputation in the development community. Mr. Brown thanked the Council for
21 their support. He also complimented the staff in the Planning and Building Department
22 for their professionalism and positive attitude.

23 **REGULAR SESSION** – 7:00 P.M.

24 Conducting: James A. Dain, Mayor
25 Pledge of Allegiance: Nate Church, Oak Canyon Junior High Student Body Officer
26 Invocation: Jim Dain

27 **PRESENT**

28 **ABSENT**

29 James A. Dain, Mayor
30 Eric Anthony, Councilmember
31 H. Toby Bath, Councilmember
32 Lindsey Bayless, Councilmember
33 Bruce Carpenter, Councilmember
34 Jerald I. Hatch, Councilmember
35 Ott H. Dameron, City Administrator
36 Adam Cowie, Planning Director
37 Cody Cullimore, Chief of Police
38 Debra Cullimore, City Recorder
39

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

41 **MINUTES** – The minutes of the regular meeting of March 17, 2009 were reviewed.

2 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES
OF THE MEETING OF MARCH 17, 2009. COUNCILMEMBER ANTHONY
3 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

4 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
6 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
8 COUNCILMEMBER HATCH AYE
THE MOTION CARRIED UNANIMOUSLY.

10 **OPEN SESSION** –

12 Mayor Dain called for comments from any resident present who wished to
14 address an issue not listed as an agenda item. There was no public comment.

16 **MAYOR'S COMMENTS/REPORT** –

18 Mayor Dain expressed thanks to Chief Cullimore for the professional response of
the Police Department to a recent criminal event in Lindon. Mayor Dain noted that he
20 and Chief Cullimore held a neighborhood meeting with residents in the area of the
incident. He stated that the meeting was well attended, and that residents were able to
22 voice concerns over the incident and get answers to questions. Mayor Dain requested
that Chief Cullimore send letters of appreciation to agencies who assisted in the
24 investigation of the case.

Mayor Dain also reported that Lindon has been invited to attend the “Utah Genius
26 Awards” event. He explained that the invitation indicates that Lindon is in the top five
cities in the state for the number of patents per capita. The Mayor will represent the City
28 at the event.

The Master Plan for the Utah Lake Commission is in the final stages of review,
30 and will be finalized in the near future. A prescribed burn was completed on the shores
of the lake today to remove non-native plants.

32 The Utah County Fair is scheduled for August 12-15, 2009. The Police
Department will provide assistance to the County during the event.

34 Councilmember Anthony invited residents to attend the annual Easter Egg Hunt
on Saturday, March 11th at 9:00 a.m. He also invited residents to participate in Arbor
36 Day events at the aquatics center on May 2, 2009.

Councilmember Bayless invited residents to attend the April Healthy Lindon
38 Community Education Class on Thursday, April 9 at 7:00 p.m. She noted that this class
is Part 2 of a four part health and fitness series.

40 **CONSENT AGENDA** –

42 No items.

44 **CURRENT BUSINESS** –

1. **Review and Action** – *Request to Name 725 East “Eagles Nest Avenue.”* This is a request by the Student Council at Oak Canyon Junior High School and the advisor Chelsea Collins for approval to name 725 East Street “Eagles Nest Avenue.”

Advisor, Chelsea Collins was joined by Student Body Officers Brynn Willes, Kirsten Millet and Nate Church to address the Council regarding their request to rename 725 East “Eagles Nest Avenue.” The students explained that due to the location of the school away from a main road, the name would more easily identify the location of the school. In addition, the students felt that the renaming would instill a sense of student pride, and would serve as a lasting legacy that the ninth grade class could leave for future students.

Councilmember Bath inquired as to the reasoning behind the name “Eagles Nest Avenue.” Ms. Willes explained that the Eagle is the school mascot. She observed that students enter the school as children, and during their time at Oak Canyon Junior High, they grow into young men and women who “leave the nest.”

Councilmember Bayless expressed strong support of the request to rename the street. However, she felt that for safety reasons relative to emergency response, the street sign should display the street number as well. Mr. Cowie presented a photograph of a similar street sign with both the name and number of the street displayed.

Mayor Dain noted that there is a minimal expense associated with the new sign. Mr. Dameron stated that the sign would cost approximately \$150.00. Ms. Collins stated that it is the intent of the Student Body Officers for the renaming and the sign to be a gift to the school from the graduating ninth grade class. She felt that it would be appropriate for the Student Council to purchase the sign out of their budget.

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

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE REQUEST TO RENAME 725 EAST “EAGLES NEST AVENUE” IN HONOR OF OAK CANYON JUNIOR HIGH SCHOOL. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	AYE

THE MOTION CARRIED UNANIMOUSLY.

Mr. Dameron stated that he will forward a drawing to the Student Council for their approval before ordering the sign. He stated that the sign could be available for installation in approximately two weeks to allow installation before the end of the school year. Councilmember Carpenter expressed appreciation for the contributions of the school in the community.

2 2. **Preliminary Plat** – *Old Station Square Commercial Subdivision, Plat “D”*. This
3 is a request by BMA Construction for approval of the preliminary plat for the Old
4 Station Square Commercial Subdivision, Plat “D”, 2 lots, in the CG zone at
5 Lakeview Drive and State Street. The Planning Commission recommended
6 approval with no conditions.

7 Mr. Cowie explained that this is a request for approval of a minor subdivision
8 plat, Old Station Square, Plat “D” in the CG zone in Old Station Square. The plat
9 combines three parcels into two lots, and includes the vacated portion of Lakeview Drive.
10 Mr. Cowie explained that existing underground utilities are located in the vacated
11 roadway area, and that the existing utility easement will be maintained. No permanent
12 structures will be permitted in the easement area.

13 Mr. Cowie reviewed State Street access, as well as cross access easement between
14 lots. He noted that cross access locations will be finalized and shown on the final plat.
15 The Planning Commission recommended approval with no conditions.

16 Mayor Dain inquired as to specific development plans for the lots. Mr. Cowie
17 stated that he is unaware of any specific development plans.

18 Councilmember Bayless inquired as to whether State Street access would be part
19 of the development of the lots. Mr. Cowie stated that such access would be possible, and
20 would be reviewed during site plan approval for development on the lots. He clarified
21 that through access would be made inconvenient using landscaping, curbing or similar
22 barriers.

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

25 COUNCILMEMBER BATH MOVED TO APPROVE THE OLD STATION
26 SQUARE PLAT “D” PRELIMINARY PLAT. COUNCILMEMBER CARPENTER
27 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER ANTHONY	AYE
29 COUNCILMEMBER BATH	AYE
30 COUNCILMEMBER BAYLESS	AYE
31 COUNCILMEMBER CARPENTER	AYE
32 COUNCILMEMBER HATCH	NAY
33 THE MOTION CARRIED (4-1).	

34 3. **Concept Review** – *Auto Repossession Yard and Sales*. This is a request by David
35 Argyle for review of a concept plan to use a vacant property located at 1500 West
36 150 North on the east side of I-15 in the Mixed Commercial zone as an auto
37 repossession and sales yard. Mr. Argyle is not the current property owner. The
38 most similar use listed in the Standard Land Use Table is “impound yard” and is
39 not permitted in the MC zone. The applicant feels that this proposal is not an
40 impound yard and that he could meet the “compatibility standard” provided for in
41 the SLU Table. The Planning Commission will provide feedback at their meeting
42 on April 8, 2009.
43
44

Mr. Cowie stated that the application for this Concept Review has been withdrawn, and no action is necessary at this time.

4. **Public Hearing** – *Ordinance to Amend the City's Parks, Trails, and Recreation Impact Fee (Ordinance #2009-5-O)*. The City Council will hear public comment on, and possibly adopt, an Ordinance amending the City's parks, trails, and recreation impact fee.

COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING.
COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Fred Philpot of Lewis, Young, Robertson and Burningham (LYRB) was present to discuss this item with the Council. Mr. Dameron explained that the Council approved the Capital Facilities Plan in 2008. Since that time, staff and LYRB have worked together to complete this study. He noted that the proposed revised impact fee schedule includes a recreation component, and identifies service area boundaries as the entire City, allowing impact fee revenues to be used city-wide as the Council sees fit.

Councilmember Bayless suggested that Mr. Philpot explain the impact fee structure to a number of scouts present in the audience. Mr. Philpot explained that impact fees are a mechanism used to assess fees to new development to share in the cost of the development of infrastructure which will be necessary to serve the new development. He explained that the study which will be discussed tonight determines the appropriate fee for new development which distributes costs fairly between existing and new residents. He also explained that impact fees are typically paid by developers at the time homes are built, and the cost is passed on to the homeowner when the home is purchased.

Mr. Philpot went on to review the results of the recently completed study. He explained that the proposed impact fee structure considers the 2008 population of 10,341, as well as the anticipated build-out population of approximately 15,000. The study also assumes the value of existing inventory, as well as the value of new growth including improvements and land value.

Mr. Philpot noted that the current level of service stated in the City Master Plan is 6.93 acres of park space per 1000 residents. The total estimated cost of future improvements if that level of service is maintained through build-out is in excess of \$59 million. He noted that the Master Plan indicates that it is the City's intent to maintain that level of service through build-out.

Mr. Philpot stated that the study found the value of existing facilities at \$1,317.84 per household. At an average of 4.29 persons per household based on the 2000 Census, the maximum allowable impact fee per household would be set at \$5,696.26. He clarified that the Council has several options in determining the appropriate fee assessment, including lowering the current level of service and level of investment, or adjusting the fee at any level up to the maximum.

Councilmember Anthony inquired as to how the fee could be adjusted for significant improvements in the future, such as the aquatics center. Mr. Philpot explained that if large capital improvements are completed after the impact fee is established, it

2 may be appropriate to review the fee structure. He noted that projects completed with
3 grant revenue can not be considered when establishing appropriate fees, but that projects
4 completed using bond revenues can be included. Mr. Philpot noted that periodic reviews
5 allow the fee to be adjusted based on inflation, level of service, and new facilities.

6 Councilmember Anthony felt that an incremental approach to an impact fee
7 increase may be appropriate if the fee affected current residents, but that since this fee
8 affects only new growth, the fee could be appropriately adjusted in one step. He asked
9 Mr. Philpot if LYRB had any specific recommendation regarding the fee level. Mr.
10 Philpot stated that LYRB makes no recommendation regarding the specific fee, and that
11 the Council has the discretion to determine an appropriate fee based on the information in
12 the study. Councilmember Carpenter observed that the Council has the discretion to
13 charge less than the maximum recommended amount, but can not charge more.

14 The Council went on to discuss assessments for multi-family dwellings, including
15 accessory apartments. Mr. Cowie stated that currently the impact fee is charged per
16 dwelling unit, including accessory apartments. He noted that each dwelling unit will
17 theoretically house a family who will use the facilities on an equal basis with families in
18 single family dwellings. A resident in the audience asked if the fee would be assessed on
19 a true "mother-in-law" apartment which is occupied by a family member and not rented.
20 Mr. Cowie stated that if a family member occupies the apartment, and no rent is charged,
21 the fee would not be assessed. He explained that specific requirements apply to legal
22 accessory apartments which are intended to be rented, and that the fee is charged at the
23 time the building permit is issued. He clarified that a second kitchen does not constitute
24 an accessory apartment, but that the property owner is required to sign an affidavit that
25 the living area will be occupied by family members and not rented.

26 Mr. Cowie noted that the total of all impact and permit fees assessed at the time a
27 building permit is issued is approximately \$9,800. He observed that based on
28 comparisons with other Utah County municipalities, fees are reasonable, but are
29 significantly lower than many municipalities. Councilmember Carpenter observed that
30 the intent of impact fees is to cover the cost of providing infrastructure to new
31 development. He noted that if appropriate fees are not assessed, current residents
32 unfairly bear the burden of providing services for new development.

33 Mayor Dain inquired as to impact fees which would be assessed on mobile
34 homes. Mr. Cowie stated that mobile homes do constitute a dwelling unit. He stated that
35 he will clarify appropriate assessments with the Building Official, noting that there is
36 technically no net increase in population if one mobile home is moved out and a new one
37 moved in to the same location.

38 Councilmember Carpenter noted that an appropriate fee in Lindon may be higher
39 than in neighboring communities due to the above average level of service provided in
40 the City. Councilmember Anthony observed that the Council has made an effort to find
41 ways to create affordable housing opportunities in Lindon to allow children of current
42 residents to continue to live in Lindon as they leave home, and that this fee may be one
43 more cost that makes housing less affordable.

44 Mayor Dain called for public comment. There was no additional public comment.
He called for a motion to close the public hearing.

2 COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4
6 Councilmember Bayless observed that in addition to possible financial impacts on
existing residents if the impact fee is not increased appropriately, development of new
parks may be delayed creating overuse of existing parks which would be an additional
8 burden to current residents.

10 Mayor Dain noted that he was not required to pay an impact fee when he moved
to the City 25 years ago. Councilmember Carpenter observed that 25 years ago, property
tax revenue was sufficient to pay for necessary services, and that residents paid a higher
12 property tax relative to income and property value at that time. He also noted that
services and facilities offered by the City at that time were much more limited than
14 services offered at this time.

16 Councilmember Bayless inquired as to what level of fee the Council would feel
comfortable with. Councilmember Carpenter stated that he felt that the analysis provided
by LYRB was accurate, and that the maximum fee would be justifiable. He observed that
18 while the proposed fee would have a negligible effect on the cost of houses, this fee
would not push houses out of the range of affordability.

20 Councilmember Anthony suggested a graduated fee structure for single family
homes and multi-family dwellings. Councilmember Bayless noted that multi-family
22 dwellings which share a wall create as many new residents as two single family
dwellings, resulting in the same impact on services. Mr. Cowie observed that residents of
24 multi-family dwellings may result in higher use of park areas due to limited yard space at
multi-family dwellings. Mr. Dameron noted that some communities assess the same fee
26 per dwelling unit whether single or multi-family dwellings, while others assess different
fees for the two types of dwellings.

28 Mr. Cowie inquired as to whether any multiplier mechanism could be used to
increase the fee automatically annually. Mr. Philpot stated that a multiplier could be used
30 to increase the fee up to the maximum. Councilmember Anthony stated that he is not in
favor of using an annual multiplier. He felt that the maximum fee may be excessive now,
32 and in five years time when the multiplier would increase the fee to the maximum. He
suggested a fee of 75% of the maximum. The Council discussed using a percentage of
34 the maximum, possibly 80%, or \$4,560 per dwelling unit.

36 Councilmember Anthony noted that communities with graduated fees for multi-
family units tend to be 80% - 85% of the fee imposed on single family dwelling units.
Following discussion, the majority of the Council felt that a lower fee should be charged
38 on multi-family units. Councilmember Bayless felt that the same fee should be charged,
due to the fact that the same impact on facilities is created. She observed that any cost
40 savings would be to the developer rather than the residents of the home, as multi-family
units are typically rental homes. Following discussion regarding a specific fee, the
42 majority of the Council felt that an impact fee of \$4,500 per single family dwelling unit
and \$4,000 per multi-family unit would fairly distribute costs. Mayor Dain called for a
44 motion.

COUNCILMEMBER ANTHONY MOVED TO APPROVE ORDINANCE
2 #2009-5-O FIXING AND PRESCRIBING OF A POLICY FOR IMPACT FEES FOR
PARKS, RECREATION AND TRAILS FACILITIES AND OTHER RELATED
4 MATTERS AT A RATE OF \$4,500 FOR EACH SINGLE FAMILY DWELLING UNIT
AND \$4,000 FOR EACH MULTI-FAMILY DWELLING UNIT TO BE REVIEWED
6 AT THE APPROPRIATE TIME IN THE FUTURE. COUNCILMEMBER BATH
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

8 COUNCILMEMBER ANTHONY AYE

COUNCILMEMBER BATH AYE

10 COUNCILMEMBER BAYLESS NAY

COUNCILMEMBER CARPENTER AYE

12 COUNCILMEMBER HATCH AYE

THE MOTION CARRIED (4-1).

14

5. **Review and Action** – *Bond Parameters Resolution – Aquatics Center Completion Financing. (Resolution #2009-8-R).* The City Council will give consideration for adoption of a resolution authorizing the issuance and sale of not more than \$800,000 aggregate principal amount of sales tax revenue bonds, Series 2009 (The “Series 2009 Bonds”) of Lindon City, Utah, for the purpose of financing the completion costs of constructing an aquatics center and related improvements, calling a public hearing and establishing a time place and location for said public hearing; providing for publication of a notice of public hearing and bonds to be issued; providing for a pledge of sales tax revenues for repayment of the Series 2009 Bonds; fixing the maximum aggregate principal amount of the Series 2009 Bonds, the maximum number of years over which the Series 2009 Bonds may mature, the maximum interest rate which the Series 2009 Bonds may bear, and the maximum discount from par at which the Series 2009 Bonds may be sold; providing for the running of a contest period and related matters.

30 Mr. Dameron explained that in November 2008, the Council discussed the
possibility of under-runs in construction fund for the Aquatics Center. At that time, the
32 Council discussed whether or not to move forward with construction of the FlowRider,
and approved moving forward with completion of the FlowRider. Mr. Dameron noted
34 that since that time, the City has been pursuing sponsorship of the FlowRider without
success. Current budget figures indicate a shortfall in funding of \$700,000 to \$750,000
36 to complete the aquatics center.

The parameters of the bond through Hogan Construction set a maximum bond
38 amount of \$800,000 at a maximum interest rate of 5%. Mr. Dameron indicated that the
City anticipates a rate of approximately 3.5% based on the AA Bond rating established
40 for the City. The City anticipates borrowing the full amount of \$800,000 with the interest
rate being set in the final bond resolution which the Council will approve on May 5,
42 2009. If any funds are not used to complete the project, any remaining balance can be
paid to the principal loan amount immediately with no penalty. The first bond payment
44 will not be due until July 1, 2010.

Mr. Dameron noted that City Attorney, Brian Haws, was present to answer
46 questions regarding this Parameters Resolution. Councilmember Bayless asked Mr.

2 Haws if he had any concerns regarding this transaction. Mr. Haws stated that he had no
concerns regarding the parameters or the bond transaction. Mayor Dain called for further
comments or discussion. Hearing none, he called for a motion.

4
6 COUNCILMEMBER ANTHONY MOVED TO APPROVE RESOLUTION
#2009-8-R, BOND PARAMETERS RESOLUTION FOR AQUATICS CENTER
COMPLETION FINANCING. COUNCILMEMBER HATCH SECONDED THE
8 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

10 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
12 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE

14 THE MOTION CARRIED UNANIMOUSLY.

- 16 6. **Review and Action** – *Public Hearing - Disposal of Real Property – 2100 West*
18 *600 South (Resolution #2009-9-R)*. The City Council will hear public comment
on, and possibly approve, the disposal of real property located at 2100 West 600
20 South. The property consists of a 35 foot wide strip of land totaling 1.54 acres
adjacent to the existing railroad tracks and needed by UTA for the FrontRunner
22 Commuter rail line. The property has been appraised at \$322,000 and is intended
to be sold for that amount.

24 COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC
HEARING TO CONSIDER RESOLUTION #2009-9-R. COUNCILMEMBER
26 BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
MOTION CARRIED.

28
30 Mayor Dain called for public comment. There was no public comment. He
called for a motion to close the Public Hearing.

32 COUNCILMEMBER ANTHONY MOVED TO CLOSE THE PUBLIC
HEARING TO CONSIDER RESOLUTION #2009-9-R. COUNCILMEMBER HATCH
34 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

36
38 Mr. Dameron reviewed the details of this real property purchase. He stated that
the City has reached an agreement with the Utah Transit Authority (UTA) for UTA to
purchase a 35 foot wide strip of land totaling 1.54 acres for future right-of-way for the
40 UTA FrontRunner commuter rail project. The property was appraised at \$322,000,
which is also the purchase price.

42 Councilmember Bayless expressed concern regarding the loss of any existing park
space. She felt that the subject property is usable and has value as a part of the future
44 park. She inquired as to whether the City would be responsible to install fencing adjacent
to the rail line when the park is developed in the future. Mr. Cowie stated that UTA will
46 install six foot chain link fencing at their expense. Mr. Dameron noted that sale of the

subject property will not significantly impact future park use. He noted that the additional property will widen the right-of-way adjacent to the existing tracks.

Councilmember Anthony inquired as to how revenue from the property sale can be used. Mr. Dameron explained that the revenue will go into the General Fund to be used as necessary. Mayor Dain observed that the sale is a “win/win” and will benefit the City as well as UTA.

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

COUNCILMEMBER ANTHONY MOVED TO APPROVE RESOLUTION #2009-9-R APPROVING THE SALE OF REAL PROPERTY TO THE UTAH TRANSIT AUTHORITY AND PROVIDING FOR AN EFFECTIVE DATE. COUNCILMEMBER CARPENTER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	NAY
COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	AYE

THE MOTION CARRIED (4-1).

COUNCIL REPORTS –

COUNCILMEMBER HATCH – *Water, Sewer, Solid Waste, Housing Consortium.*

Councilmember Hatch reported on matters discussed at the North Union Canal meeting he recently attended. The Council discussed ownership of water shares relative to beneficial use. Mayor Dain asked what share of North Union shares Lindon holds. Mr. Dameron reported that the City owns over 50% of North Union shares.

Councilmember Hatch also reported that a resident adjacent to the Lindon Heritage Trail reported to him that grass seed adjacent to the trail has not grown. Mr. Dameron stated that the City will address the issue with individual property owners this spring.

COUNCILMEMBER CARPENTER – *General Plan, Streets & Sidewalks, Public Buildings.*

Councilmember Carpenter reported on UTOPIA matters. He noted that various methods are being considered to provide connections for residents which would offset installation costs for the company. Additional providers are being solicited to increase service options. He noted that the Executive Committee is actively involved in overseeing day to day operations of UTOPIA.

Councilmember Carpenter reported that land acquisition for the Vineyard Connector has been funded.

2 **COUNCILMEMBER ANTHONY** – *Parks, Recreation, Engineering, Lindon Fair,*
Newsletter.

4 Councilmember Anthony reminded the Council that the annual Easter Egg Hunt
will be held Saturday, April 11, 2009 at 9:00 a.m. The new Little Miss Lindon Royalty
6 has assisted with preparations, and will be at the event to assist.

8 The annual Arbor Day Celebration will be held May 2, 2009. The location has
not been finalized, but some of the events may coincide with the planting activities at the
aquatics center.

10 **COUNCILMEMBER BATH** – *Public Safety, Court, Building Inspections.*

12 Councilmember Bath reported that he visited with officers at the Police
14 Department during shift change earlier in the evening. He expressed appreciation for the
positive attitude and professionalism of the department. He invited Chief Cullimore to
16 report on Police Department activities.

18 Chief Cullimore reported on the status of recent high-profile case involving an
illegitimate massage therapy home based business. He discussed details of prosecution
of the case and cooperative efforts with the Utah County Attorney. A neighborhood
20 watch class has been scheduled in the neighborhood where the crime occurred on
Thursday, April 9, 2009. A letter of thanks will be sent to Noah's Center for providing a
22 meeting room for the neighborhood meeting held the day the incident occurred.

24 Chief Cullimore reported on crimes being investigated at Oak Canyon Junior
High School, involving students sending sexually explicit photographs of themselves and
others. Students involved will be referred to Juvenile Court for action. The Council
26 discussed that students involved in such activities are not aware of the seriousness of their
actions. Chief Cullimore noted that the intent of prosecution is for corrective action to
28 take place.

30 Chief Cullimore reported that a DUI Administrative Check Point has been
approved on April 17th from 8:00 p.m. to 2:00 a.m. on Geneva Road. Lindon City Police
Department will work with the Utah State Highway Safety Office, the Utah Highway
32 Patrol, and 50 officers from various agencies to conduct the operation. Chief Cullimore
noted that a high percentage of DUI arrests in the City take place on Geneva Road, and
34 that the location should result in a number of DUI arrests. A legal requirement of the
operation is to provide appropriate public notice. The event has been advertised in the
36 City newsletter, on the City website, and in the Daily Herald. Officer Purvis and Officer
Gray will assist the Utah County Sheriff's Office with a similar operation on Saturday,
38 April 11th.

40 **COUNCILMEMBER BAYLESS** – *Trails, Planning, Zoning, Board of Adjustments,*
Administration, Healthy Lindon.

42 Councilmember Bayless reminded the Council that the Healthy Lindon
44 Community Education Class will be held Thursday, April 9th at the City Center. She
noted that this class is Part 2 of a 4 part series, and that over 100 residents attended the
46 first session.

2 At the request of resident, Lynn Lemone, Councilmember Bayless inquired as to
whether the Council would be supportive of a professional bike race to be held in the City
4 on October 3rd. The Council discussed logistics of the event, and advised
Councilmember Bayless to refer Mr. Lemone to Chief Cullimore to discuss costs
6 associated with the event. The Council also noted that the requested date is General
Conference for the Church of Jesus Christ of Latter Day Saints, which involves many
residents. They suggested that an alternate date be considered.

8 Mr. Lemone also requested that Councilmember Bayless discuss the possibility of
a home tour at Christmas time, possibly the weekend following the traditional tree
10 lighting ceremony. The Council expressed general approval for the event, and suggested
that preparations begin with home owners in October.

12 **ADMINISTRATOR'S REPORT** –

14 Mr. Dameron reported on the following items:

- 16 1. Mr. Dameron asked Mr. Cowie to review the “Twitter” program the City is
18 considering using as a way to notify residents and other interested parties about
events in the City. Following discussion regarding the program, Mr. Cowie was
20 instructed to prepare a policy for the Council to review. Following approval of
the policy, the City will begin to use the program to notify residents of important
information and events.
- 22 2. Mr. Cowie asked the Council if there would be any interest in establishing a
recycling zone in the City. He reviewed potential benefits to the City and
24 developers if a recycling zone is established. Following discussion, the Council
did not feel that a recycling zone should be established at this time.
- 26 3. Annual training for the City Council, Planning Commission, Board of
Adjustments and Department Heads will be held Wednesday, April 8th at 6:00
28 p.m. in the City Council Chambers.
- 30 4. The Council reviewed the Project Tracking List.
- 32 5. Final preparations are underway at the aquatics center, including installation of
the lap pool liner and establishing the final fence location. Pavers are currently
34 being installed.
- 36 6. The Council discussed the possibility of season passes for City employees. The
Council expressed concern regarding a variety of issues if employees were given
passes.
7. The 700 North widening project is underway.

38 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PAY
VOUCHERS. COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE
40 VOTE WAS RECORDED AS FOLLOWS:

42 COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
44 COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	AYE

46 THE MOTION CARRIED UNANIMOUSLY.

2 **ADJOURN** –

4 COUNCILMEMBER HATCH MOVED TO ADJOURN THE MEETING AT
6 10:30 P.M. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

8 Approved – April 21, 2009

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Debra Cullimore, City Recorder

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18 James A. Dain, Mayor