

2 The Lindon City Council held a regularly scheduled meeting beginning with a Work  
Session at 6:00 p.m. on **Tuesday, May 19, 2009**, in the Lindon City Center, City Council  
Chambers, 100 North State Street, Lindon, Utah.

4 **WORK SESSION** – 6:00 p.m.

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8 The Mayor and City Council met in a Work Session with UTOPIA representative  
to tour the organization’s operations vehicle which was brought to the City Center site for  
the tour. The Council received an update on the current progress of the UTOPIA system,  
10 and discussed planning for the UTOPIA system. The Work Session was for information  
and discussion only. No business or action items were considered by the Council during  
12 this session.

14 **PRESENT**

**ABSENT**

16 James A. Dain, Mayor  
Eric Anthony, Councilmember  
18 H. Toby Bath, Councilmember  
Lindsey Bayless, Councilmember  
20 Bruce Carpenter, Councilmember  
Jerald I. Hatch, Councilmember  
22 Ott H. Dameron, City Administrator

24 **REGULAR SESSION** – 7:00 p.m.

26 Conducting: James A. Dain, Mayor  
Pledge of Allegiance: Carson Hunsaker  
28 Invocation: Jerald Hatch

30 **PRESENT**

**ABSENT**

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

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

44 **PROCLAMATION** – Cancer Awareness Week

2 Mayor Dain read the proclamation designating May 31, 2009 through June 13,  
2009 as “Cancer Awareness Weeks” in Lindon. The proclamation encouraged residents  
to participate in “Relay For Life” fundraising events.

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6 **PRESENTATION** – Mr. Winget’s class from Oak Canyon Junior High School will  
make a presentation concerning recycling in the community.

8 Carson Hunsaker, Jaron King, Griffin Bodine, Mitch Brown and Matt Bently,  
Members of the PUSH (Preserving Utah Science and History) Team at Oak Canyon  
10 Junior High presented information regarding recycling gathered during a study completed  
as a class project. The presentation encouraged use of the recycling program in Lindon,  
12 as well as improvements to the program. The results of the study indicated that currently,  
500 of the 2,000 homes in Lindon participate in recycling programs, but that many  
14 residents were unaware of the availability of recycling. The students encouraged the City  
to publicize the program. Mayor Dain invited the boys to create a flier which could be  
16 sent out with monthly utility bills. The students agreed to create a flier advertising the  
program. Mayor Dain and the Council thanked the team for their presentation.

18 **MINUTES** – The minutes of the Regular Meeting of May 5, 2009 were reviewed.

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22 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES  
OF THE MEETING OF MAY 5, 2009. COUNCILMEMBER BAYLESS SECONDED  
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

24 COUNCILMEMBER ANTHONY AYE  
COUNCILMEMBER BATH AYE  
26 COUNCILMEMBER BAYLESS AYE  
COUNCILMEMBER CARPENTER AYE  
28 COUNCILMEMBER HATCH AYE  
THE MOTION CARRIED UNANIMOUSLY.

30  
32 **OPEN SESSION** –

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

36 **MAYOR’S COMMENTS/REPORT** –

38 Mayor Dain reported that he recently represented the City at the “Utah Genius  
Awards.” Lindon received an award recognizing that the City has the second highest  
40 number of patents per capita in the state, with Park City being the highest in Utah.

42 The Utah County Council of Governments is still considering a Resolution  
regarding smoking in public areas, such as parks. Mayor Dain will inform the Council  
when the UCCOG takes action on this matter.

44 Construction on the Murdock Canal covering and trail project is expected to begin  
in the spring of 2011. Engineering on project will be completed in June 2009, and bids  
46 will be accepted for the project in the fall of 2009.

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3 **CONSENT AGENDA** –

- 4 1. Green Valley Condominium Subdivision Yield Signs. Resolution #2009-13-R.  
5 2. Aquatics Center Seasonal Pass Policy. Resolution #2009-14-R.  
6 3. Appointment of Barbara Martell to the Tree Advisory Board.

7 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE CONSENT  
8 AGENDA ITEMS AS LISTED. COUNCILMEMBER BAYLESS SECONDED THE  
9 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

10 COUNCILMEMBER ANTHONY AYE  
11 COUNCILMEMBER BATH AYE  
12 COUNCILMEMBER BAYLESS AYE  
13 COUNCILMEMBER CARPENTER AYE  
14 COUNCILMEMBER HATCH AYE  
15 THE MOTION CARRIED UNANIMOUSLY.

16 **CURRENT BUSINESS** –

- 17 1. **Public Hearing** – *Preliminary Plat – Schwartz Estates Residential Subdivision,*  
18 *Plat “A”*. This is a request by Michael Schwartz for approval of the preliminary  
19 plat for the Schwartz Estates Residential Subdivision, Plat “A”, 1 lot, in the R1-20  
20 zone at 345 East 200 North. The Planning Commission recommended approval  
21 with one condition.  
22

23 COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING.  
24 COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT  
25 VOTED IN FAVOR. THE MOTION CARRIED.

26 Michael Schwartz was present as the representative for this item. Mr. Cowie  
27 explained that this is a request for a minor subdivision. An R2-Overlay project is  
28 proposed on the site. The 20,000 square foot subdivision lot is located at 547 East 200  
29 North.

30 Mr. Cowie noted that the City Council approved a change to the Master Plan  
31 Street Map approximately six months ago which removed the through street previously  
32 shown on the property and replaced it with a cul-de-sac street. The eastern portion of the  
33 affected property is proposed for this subdivision, with additional lots possible in the  
34 future.

35 Mr. Cowie stated that asphalt, curb, gutter and sidewalk improvements would be  
36 extended as part of this project. He noted that the Planning Commission expressed  
37 concern during review of this application regarding potential effects to the adjacent  
38 Hansen property due to the slope of the lot. He explained that the slope will be toward  
39 the vacant Schwartz property at this time, and that drainage will be channeled into  
40 existing storm drains as adjacent property continues to develop.

41 The proposed structure is a twin home which will be occupied by members of the  
42 Schwartz family initially. Architectural elevations were presented for the Council’s  
43 information. Mr. Cowie noted that the drawings submitted with the application show  
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possible future second kitchens. He explained that as an R2-Overlay project, accessory apartments would not be permitted in this structure. The Planning Commission recommended a notion on the plat stating that accessory apartments would not be permitted.

Mr. Cowie stated that there are no staff or engineering concerns related to this project, and that the proposal appears to comply with all ordinance requirements.

Councilmember Carpenter inquired as to the current capacity of this R2-Overlay district. Mr. Cowie presented a map of R2-Overlay districts. He noted that due to the 750 foot separation distance requirement, this project will likely fill this particular district. He noted that accessory apartments are still permitted in single family dwellings regardless of the capacity of the R2-Overlay district.

Mayor Dain called for public comment. There was no public comment. He observed that the absence of any neighbors seems to indicate that there are no concerns. The applicant noted that there were several neighbors present during Planning Commission review of this application, but that their questions and concerns seem to have been adequately addressed.

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

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

COUNCILMEMBER BATH MOVED TO APPROVE THE SCHWARTZ ESTATES SUBDIVISION PRELIMINARY PLAT WITH THE FOLLOWING CONDITION:

1. THAT A NOTE BE INCLUDED ON THE PLAT INDICATING THAT ACCESSORY APARTMENTS ARE NOT PERMITTED AS PART OF THIS R2-OVERLAY PROJECT.

COUNCILMEMBER HATCH 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.

2. **Presentation** – *North Utah County Groundwater Recharge Project*. This presentation will be given by Barry Edwards, Highland City Administrator. Highland City sponsored a concept level groundwater recharge study to determine if a feasibility level study is warranted to discover if ground water recharge is a feasible way to increase the level of water supply reliability in northern Utah County.

2 Mr. Edwards had not arrived at the meeting at this time. Mayor Dain suggested  
that the Council move ahead with other agenda items until Mr. Edwards arrived.

4 COUNCILMEMBER CARPENTER MOVED TO CONSIDER AGENDA  
ITEMS OUT OF ORDER. COUNCILMEMBER BATH SECONDED THE MOTION.  
6 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 8 3. **Review and Action** – *Lindon City’s Engineer of Record (EOR) – Resolution*  
#2009-15-R. This is a request by staff for formal approval by the City Council of  
10 the Engineer of Record for state and federally funded transportation projects for  
Lindon City. The selection of the EOR involved a long process supervised by  
12 UDOT. A committee was established which included Lindon City  
Representatives and representatives of various disciplines of UDOT. JUB  
14 Engineers was selected as Lindon City’s EOR for Bridge Design, Pre-  
Construction Engineering and Construction Engineering Management.

16 Mr. Dameron explained that the selection process for the Lindon City Engineer of  
18 Record included a review of a Selection Committee consisting of UDOT representatives  
and City representatives. He stated that several engineering firms submitted proposals in  
20 response to the Request for Qualifications. The Engineer of Record is authorized to work  
on all state and federally funded City projects. Following careful review, the Committee  
22 selected JUB Engineers as the Lindon City Engineer of Record for pre-construction  
engineering, construction engineering and engineering management. Another firm will  
24 be selected for environmental engineering review of projects. Councilmember Carpenter  
participated on the selection committee, and noted that other firms appeared to have  
26 strengths in environmental engineering, and that the committee felt it would be  
appropriate to draw from the best qualified firms in this particular area.

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

30 COUNCILMEMBER CARPENTER MOVED TO APPROVE JUB  
32 ENGINEERS AS THE LINDON CITY ENGINEER OF RECORD FOR PRE-  
CONSTRUCTION ENGINEERING, CONSTRUCTION ENGINEERING AND  
34 ENGINEERING MANAGEMENT FOR A FIVE YEAR PERIOD.  
COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS  
36 RECORDED AS FOLLOWS:

38 COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
40 COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	AYE

42 THE MOTION CARRIED UNANIMOUSLY.

- 44 4. **Discussion** – *Harassment Training*. This is periodic training for the Mayor and  
City Council regarding harassment in the work place. A fifteen minute video  
46 provided by the City’s liability insurance carrier (URMMA) will be viewed.

2 The Mayor and Council viewed a video presentation regarding sexual harassment.  
Following the video presentation, they discussed the need to use caution and be respectful  
of others in communication in all areas, religious and political topics.

4 **COUNCIL REPORTS** –

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

10 Councilmember Carpenter reported on UTOPIA business. He discussed the  
financial structure of pledging vs. non-pledging cities.

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

14 Councilmember Hatch reported that the Landfill Board has asked that the City  
16 provide a Master Plan and Zoning Map for the area located north of the Transfer Station,  
as well as documentation of the wetlands purchased by the City in cooperation with  
18 Orem. The information will be used in conjunction with road development projects in  
the area of the Transfer Station. Mr. Cowie will forward the requested information to  
20 Councilmember Hatch.

22 **COUNCILMEMBER BAYLESS** – *Trails, Planning, Zoning, Board of Adjustments,*  
24 *Administration.*

26 Councilmember Bayless had no items to report.

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

30 Councilmember Bath reported that he has received several inquiries from  
residents regarding completion of swing sets in Squaw Hollow Park. Mr. Dameron stated  
that the concrete structure around the swing set requires some modification before the  
32 swings can be installed. The project should be completed in the near future.

34 Councilmember Bath invited Chief Cullimore to report on Police Department  
activities. Chief Cullimore reported that the first reserve officer in Lindon, Clint  
Peterson, was sworn in on Monday, May 18, 2009. He also reported that the Department  
36 will participate in the Special Olympics Torch Run on May 28<sup>th</sup>. Chief Cullimore invited  
the Council to attend the upcoming Memorial Day Flag Ceremony. He stated that  
38 community response to a request for names of Lindon Veterans has been overwhelming,  
and that 108 names have been submitted thus far.

40 **COUNCILMEMBER ANTHONY** – *Parks, Recreation, Engineering, Lindon Days,*  
42 *Newsletter.*

44 Councilmember Anthony presented information regarding an emergency response  
program currently being used in several other communities. The program uses a color  
46 coded card system of green, yellow or red cards displayed in windows following an

2 emergency to indicate the urgency of the need for help in specific homes. Chief  
3 Cullimore stated that plans are underway to implement a similar system on a countywide  
4 basis, and that plans include a database of home with special needs. He suggested the  
5 possibility of a scout group assisting with implementation of the program in the future.

6 Councilmember Anthony reported that he recently spoke with Jim Curtis,  
7 manager of 13 Wal-Mart stores in Utah, regarding the possibility of a Sam's Club in  
8 Lindon. Mr. Curtis indicated that it would be advisable for the Mayor or  
9 Councilmembers to contact the corporation and express interest in the company locating  
10 in Lindon. Councilmember Anthony stated that he will obtain contact information for  
11 Sam's Club, as well as contact information for an outlet store corporation.

12 Councilmember Carpenter stated that he overlooked an issue during his report.  
13 He stated that the sod strip adjacent to the Lindon Heritage Trail has not yet been restored  
14 as promised to residents. Mr. Dameron stated that a letter would be distributed to  
15 residents along the trail on Wednesday explaining the restoration project, including an  
16 option to opt out of the restoration project if property owners have completed work on  
17 their own and do not want additional work completed.

#### 18 **ADMINISTRATOR'S REPORT** –

19 Mr. Dameron reported on the following items:

- 20 1. The Council reviewed the Project Tracking List. Councilmember Bayless  
21 expressed concern that the City Council does not review R2-Overlay projects.  
22 Mr. Dameron stated that the Council has the authority to call any application  
23 forward for review. Mayor Dain observed that residents attended the Planning  
24 Commission review of the recently approved R2 project, and it appears that  
25 their concerns were adequately addressed. He noted that the current process  
26 for approval of R2 projects seems to be working. The Council also noted that  
27 the Planning Commission has the authority to forward applications to the  
28 Council if there are any significant concerns the Planning Commission would  
29 like the Council to review.
- 30 2. Thirty seven pavers are in cue for engraving, with additional orders expected.
- 31 3. The 700 North widening project is underway.
- 32 4. The bond for supplemental Aquatics Center financing closed at 3.8%.  
33 Projections of final costs indicated that approximately \$600,000 will be  
34 necessary to complete the pool financing. The remainder of the \$800,000  
35 bond will be repaid to the principal immediately.
- 36 5. Councilmember Bayless, Councilmember Anthony and Councilmember  
37 Carpenter noted that they will be out of town for the June 2<sup>nd</sup> City Council  
38 Meeting. The Council discussed an alternate date to schedule the meeting due  
39 to lack of a quorum on June 2<sup>nd</sup>. Following discussion, the meeting was  
40 scheduled for June 9<sup>th</sup> at 7:00 p.m. The meeting will include a Public Hearing  
41 regarding the Final 2009/2010 Budget.  
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2 COUNCILMEMBER BATH MOVED TO APPROVE THE PAY VOUCHERS.  
3 COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS  
4 RECORDED AS FOLLOWS:

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

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11 COUNCILMEMBER BAYLESS MOVED TO CONTINUE REVIEW OF THE  
12 NORTH UTAH COUNTY GROUNDWATER PROJECT – AGENDA ITEM #2.  
13 COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED  
14 IN FAVOR. THE MOTION CARRIED.

15 **ADJOURN** –

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17 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT  
18 8:55 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL  
19 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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22 Approved – June 9, 2009

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27 Debra Cullimore, City Recorder

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33 James A. Dain, Mayor