The Lindon City Council held a regularly scheduled meeting beginning with an Open House at 5:30 on Tuesday, July 21, 2009 in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

OPEN HOUSE – 5:30 p.m.

PRESENT

James A. Dain, Mayor
H. Toby Bath, Councilmember
Lindsey Bayless, Councilmember
Jerald I. Hatch, Councilmember
Ott H. Dameron, City Administrator
Cody Cullimore, Chief of Police
Debra Cullimore, City Recorder

ABSENT

Eric Anthony, Councilmember
Bruce Carpenter, Councilmember

The Mayor and City Council met with residents in an informal Open House setting to answer questions and discuss information regarding a proposed increase in Lindon’s portion of property tax assessments. The Open House was attended by approximately 12 residents. An additional Open House is scheduled for August 11, 2009 at 5:30 p.m. A Public Hearing will be held on Tuesday, August 18, 2009 at 7:00 p.m. to hear public comment and take final action on the proposed tax increase.

REGULAR SESSION – 7:00 p.m.

Conducting: James A. Dain, Mayor
Pledge of Allegiance: Cody Cullimore
Invocation: Toby Bath

PRESENT

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

ABSENT

Eric Anthony, Councilmember

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

PROCLAMATION – “Blue Sky Community Challenge” Proclamation sets the week of July 20, 2009 as Renewable Energy Week and officially declares the Lindon City Blue Sky Community Challenge open.
Bret Hunter, representing Rocky Mountain Power, was present to discuss this proclamation with the Council. Mr. Hunter explained that the goal of the Blue Sky Challenge is to increase the number of Lindon residents enrolled for use of renewable energy sources. He stated that currently, 3% of residents are enrolled and that the goal of the program is to increase enrollment by 2%, for a total enrollment of 5% of Lindon residents. Mr. Hunter thanked the City for their support and participation in the challenge.

Mayor Dain read the Blue Sky Community Challenge proclamation, designating the week of July 20th 2009 as Renewable Energy Week in Lindon.

MINUTES – The minutes of the meeting of July 7, 2009 were reviewed.

COUNCILMEMBER HATCH MOVED TO APPROVE THE MINUTES OF THE MEETING OF JULY 7, 2009. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- COUNCILMEMBER BATH    AYE
- COUNCILMEMBER BAYLESS  AYE
- COUNCILMEMBER CARPENTER AYE
- COUNCILMEMBER HATCH    AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

OPEN SESSION –

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.

MAYOR’S COMMENTS/REPORT –

Mayor Dain reported that CNN Money Magazine ranked Lindon the 74th best small city in the United States. He reminded residents that Lindon Days will be celebrated August 1 through August 8. He also invited Chief Cullimore to report on the Law and Order Magazine police vehicle design competition. Chief Cullimore reported that the Lindon City Police Department vehicles won the People’s Choice award in the national competition.

CONSENT AGENDA –

No items.

CURRENT BUSINESS –

1. **Public Hearing** – Ordinance Amendment – Lindon City Code Section 17.08.140 – “City Council Review” (Ordinance #2009-7-O). The City Council will hear public comment and possibly act to amend the Lindon City Code Section 17.08.140 “City Council Review.” This change would clarify the appropriate
timing to notify an applicant of the requirement to have an application reviewed by the City Council. The Planning Commission recommended approval.

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

Mr. Cowie explained that the Council previously discussed a provision in the City Code which allows the City Council to call any land use application forward, and serve as the final land use authority. Proposed changes to the ordinance clarify when notice must be given informing the applicant that the Council will be the final authority. Ordinance revisions specify that the applicant must receive notification prior to the application being placed on the Planning Commission agenda.

Mr. Cowie explained that the Planning Commission recommended approval of this ordinance. During the Public Hearing at the Planning Commission meeting, an audience member commented that land use decision are typically administrative rather than legislative actions, and that allowing the Council approval authority may give the appearance to the public that the issue is being handled legislatively. Councilmember Bayless noted that the general intent of the Council in reviewing specific land use applications is to be informed regarding current development in the community. Councilmember Carpenter observed that the City Council does have administrative as well as legislative authority in making decisions. He stated that while the Council has the authority to take final action which may differ from the decision of the Planning Commission, the Council is bound by rules found in both local and state laws.

Mayor Dain called for public comment. There was no public comment. He called for further comments or discussion from the Council. Hearing none, he called for a motion.

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE #2009-7-O. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- COUNCILMEMBER BATH: AYE
- COUNCILMEMBER BAYLESS: AYE
- COUNCILMEMBER CARPENTER: AYE
- COUNCILMEMBER HATCH: AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

2. **Public Hearing** – Ordinance Amendments – Lindon City Code Chapter 17.14 – “Noticing Requirements (Ordinance #2009-8-O). The City Council will hear public comment and possibly act to amend the Lindon City Code Chapter 17.14 –
3. “Noticing Requirements.” These changes are proposed to bring our local ordinance into compliance with the State Land Use Code.
COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING.
COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cowie explained that this proposed ordinance brings the City Code into compliance with State statutes regarding noticing. He reviewed proposed changes, including elimination of a requirement for a public hearing for a subdivision plat amendment, and changing mailed noticing from 3 days to 10 days for subdivision applications. Mr. Cowie stated that while some other types of applications require less than 10 days mailed notice, staff recommends that all notices be mailed ten days prior to the Planning Commission meeting in order to maintain consistency and provide adequate notice to applicants and affected property owners.

Councilmember Bayless asked Mr. Cowie to clarify the difference between a Public Hearing and a Public Meeting. Mr. Cowie stated that the Council is compelled to take public comment during a Public Hearing. He explained that the Council has discretion to take public comment during a Public Meeting, but that public comment is not required.

Mayor Dain asked if there is any concern that the new noticing requirements may delay the application process. Mr. Cowie stated that applications may be delayed by a week in some situations, but that significant delays in the process are not anticipated.

Councilmember Carpenter inquired as to whether there is any need to clarify language in the ordinance relative to vacation of easements. Mr. Cowie stated that this language has been reviewed by the City Attorney, and the language was interpreted to refer to vacation of public access easements.

Mayor Dain called for public comment. There was no public comment. He called for further comments or discussion from the Council. Hearing none, he called for a motion.

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

COUNCILMEMBER BATH MOVED TO APPROVE ORDINANCE # 2009-8-O. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

4. **Presentation** – *North Utah County Ground Water Recharge Project.* This presentation will be given by a representative of Highland City. Highland City sponsored a concept level groundwater recharge if ground water recharge is a feasible way to increase the level of water supply reliability in northern Utah County.
Matt Ship, representing Highland City and the North Utah County Aquifer Association (NUCAA) was present to discuss this item with the Council. Mr. Ship explained that the intent of the project is to redirect excess water underground in order to recharge the aquifer. He stated that the objectives of the project are to promote the use of renewable water supplies, provide efficient use of water resources, and ensure an adequate water supply during drought years.

Mr. Ship stated that a study was completed several years ago. The study, conducted by the United States Geological Survey (USGS), found that the entire aquifer is affected by well drilling. He presented a graphic completed by the USGS showing groundwater movements throughout Utah County.

Mr. Ship presented information regarding projected levels in the aquifer in the coming years, and the impact of efforts to recharge the aquifer. He stated that a conceptual study was completed using grant funding. The conceptual study shows the benefit to communities of participating in the ground water recharge project. The NUCAA is requesting that communities affected by the aquifer commit up to $20,000 to join the NUCAA and participate in the project.

Mayor Dain requested clarification regarding how the project would be conducted. Mr. Ship stated that a feasibility study would be the first step in the project. The feasibility study would more clearly outline the process for the recharge project, as well the expected cost.

Councilmember Carpenter noted that Lindon City has planned development in such a way that there is adequate water supply to meet the needs of the community even during dry years. He asserted that other cities did not make similar provisions, and the outcome is negatively impacting the aquifer and surrounding communities. He felt that lack of foresight in certain areas in the valley is impacting all communities, and that if the cost to participate in the project is equitable, some communities who have created more impact on the aquifer should be required to pay more to participate.

Mr. Dameron noted that Highland City paid the initial cost for the Concept Study, and is requesting to be reimbursed by participating cities. He asked if that request would be in addition to the requested contribution to join the association and participate in the feasibility study and the project. Mr. Ship clarified that the reimbursement would come from the participation costs, with the balance being directed to the feasibility study.

The Council will discuss this issue further at future meetings. No decision was made at this time regarding participation in the association.

COUNCIL REPORTS –


Councilmember Hatch had no items to report.

COUNCILMEMBER CARPENTER – General Plan, Streets & Sidewalks, Public Buildings.
Councilmember Carpenter reported on UTOPIA activities. He noted that some stimulus funds may be available to move installation along as a rural utility project. If awarded, the stimulus funds would be available in October 2009.

COUNCILMEMBER BATH – Public Safety, Court, Building Inspections.

Councilmember Bath invited Chief Cullimore to report on Police Department activities. Chief Cullimore stated that Officer Tony Weinmuller has been accepted into a training program which is part two of a two part training to serve on the Special Victims Task Force. The training is out of state, but the cost of training is paid by the task force, with the City being responsible for payment of transportation and lodging. Chief Cullimore requested approval for Officer Weinmuller to attend the training. The Council approved the training, noting that participation in the task force is a benefit to the community.

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

Councilmember Bayless reported on some comments she received during the Property Tax Open House held earlier in the evening. She requested that the Council make final plans for Lindon Days events, noting that this is the last meeting before the celebration. The Council discussed plans for the breakfast and parade events.

COUNCILMEMBER ANTHONY – Parks, Recreation, Engineering, Lindon Days, Newsletter.

Councilmember Anthony was not present at this meeting.

ADMINISTRATOR’S REPORT –

Mr. Dameron reported on the following items:

1. City offices will be closed Friday, July 24th in celebration of Pioneer Day.
2. The ribbon cutting ceremony for the new North Utah County Boulevard will be held Friday, July 31 at 9:00 a.m.
3. An additional Open House to discuss the proposed property tax increase will be held Tuesday, August 11, 2009 at 5:30 p.m.
4. The Council reviewed the Project Tracking List.
5. Councilmember Carpenter will serve as the Mayor Pro-Tem July through September.

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

COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE
THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

ADJOURN –

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

Approved – August 18, 2009

Debra Cullimore, City Recorder

James A. Dain, Mayor