

2 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.

4 **OPEN HOUSE** – 5:30 p.m.

6 **PRESENT**

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

ABSENT

Eric Anthony, Councilmember
Bruce Carpenter, Councilmember

16 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
18 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
20 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.

22 **REGULAR SESSION** – 7:00 p.m.

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

28 **PRESENT**

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

ABSENT

Eric Anthony, Councilmember

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

42 **PROCLAMATION** – “Blue Sky Community Challenge” Proclamation sets the week of
44 July 20, 2009 as Renewable Energy Week and officially declares the Lindon City Blue
Sky Community Challenge open.

2 Bret Hunter, representing Rocky Mountain Power, was present to discuss this
3 proclamation with the Council. Mr. Hunter explained that the goal of the Blue Sky
4 Challenge is to increase the number of Lindon residents enrolled for use of renewable
5 energy sources. He stated that currently, 3% of residents are enrolled and that the goal of
6 the program is to increase enrollment by 2%, for a total enrollment of 5% of Lindon
7 residents. Mr. Hunter thanked the City for their support and participation in the
8 challenge.

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

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

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

16 COUNCILMEMBER BATH AYE
17 COUNCILMEMBER BAYLESS AYE
18 COUNCILMEMBER CARPENTER AYE
19 COUNCILMEMBER HATCH AYE

20 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

21 **OPEN SESSION** –

22
23 Mayor Dain called for comments from any resident present who wished to
24 address an issue not listed as an agenda item. There was no public comment.

25 **MAYOR'S COMMENTS/REPORT** –

26
27 Mayor Dain reported that CNN Money Magazine ranked Lindon the 74th best
28 small city in the United States. He reminded residents that Lindon Days will be
29 celebrated August 1 through August 8. He also invited Chief Cullimore to report on the
30 Law and Order Magazine police vehicle design competition. Chief Cullimore reported
31 that the Lindon City Police Department vehicles won the People's Choice award in the
32 national competition.
33
34

35 **CONSENT AGENDA** –

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37 No items.

38 **CURRENT BUSINESS** –

- 39
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41 1. **Public Hearing** – *Ordinance Amendment – Lindon City Code Section 17.08.140*
42 – *“City Council Review” (Ordinance #2009-7-O)*. The City Council will hear
43 public comment and possibly act to amend the Lindon City Code Section
44 17.08.140 “City Council Review.” This change would clarify the appropriate

2 timing to notify an applicant of the requirement to have an application reviewed
by the City Council. The Planning Commission recommended approval.

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

8 Mr. Cowie explained that the Council previously discussed a provision in the City
10 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
12 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.

14 Mr. Cowie explained that the Planning Commission recommended approval of
this ordinance. During the Public Hearing at the Planning Commission meeting, an
16 audience member commented that land use decision are typically administrative rather
than legislative actions, and that allowing the Council approval authority may give the
18 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
20 applications is to be informed regarding current development in the community.
Councilmember Carpenter observed that the City Council does have administrative as
22 well as legislative authority in making decisions. He stated that the while the Council has
the authority to take final action which may differ from the decision of the Planning
24 Commission, the Council is bound by rules found in both local and state laws.

26 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.

28
30 COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32
34 COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE
#2009-7-O. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

36 COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
38 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE

40 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 42 2. **Public Hearing** – *Ordinance Amendments – Lindon City Code Chapter 17.14 –*
44 *“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 –
46 3. “Noticing Requirements.” These changes are proposed to bring our local
ordinance into compliance with the State Land Use Code.

2 COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING.
3 COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT
4 VOTED IN FAVOR. THE MOTION CARRIED.

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

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

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

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

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

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

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

37 COUNCILMEMBER BATH AYE
38 COUNCILMEMBER BAYLESS AYE
39 COUNCILMEMBER CARPENTER AYE
40 COUNCILMEMBER HATCH AYE

41 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 42 4. **Presentation** – *North Utah County Ground Water Recharge Project*. This
43 presentation will be given by a representative of Highland City. Highland City
44 sponsored a concept level groundwater recharge if ground water recharge is a
45 feasible way to increase the level of water supply reliability in northern Utah
46 County.

2 Matt Ship, representing Highland City and the North Utah County Aquifer
3 Association (NUCAA) was present to discuss this item with the Council. Mr. Ship
4 explained that the intent of the project is to redirect excess water underground in order to
5 recharge the aquifer. He stated that the objectives of the project are to promote the use of
6 renewable water supplies, provide efficient use of water resources, and ensure an
adequate water supply during drought years.

7 Mr. Ship stated that a study was completed several years ago. The study,
8 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
10 groundwater movements throughout Utah County.

11 Mr. Ship presented information regarding projected levels in the aquifer in the
12 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
14 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
16 join the NUCAA and participate in the project.

17 Mayor Dain requested clarification regarding how the project would be
18 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
20 well the expected cost.

21 Councilmember Carpenter noted that Lindon City has planned development in
22 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
24 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
26 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.

27 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
30 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
32 from the participation costs, with the balance being directed to the feasibility study.

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

36 **COUNCIL REPORTS** –

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

40 Councilmember Hatch had no items to report.

42 **COUNCILMEMBER CARPENTER** – *General Plan, Streets & Sidewalks, Public 44 Buildings.*

2 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.

4
6 **COUNCILMEMBER BATH** – *Public Safety, Court, Building Inspections.*

8 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
10 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
12 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
14 community.

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

18
20 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
22 celebration. The Council discussed plans for the breakfast and parade events.

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

26
28 Councilmember Anthony was not present at this meeting.

30 **ADMINISTRATOR'S REPORT** –

Mr. Dameron reported on the following items:

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

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

44 COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
46 COUNCILMEMBER CARPENTER	AYE

2 COUNCILMEMBER HATCH AYE
3 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

4 **ADJOURN** –

6 COUNCILMEMBER HATCH MOVED TO ADJOURN THE MEETING AT
7 8:18 P.M. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL
8 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

10 Approved – August 18, 2009

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Debra Cullimore, City Recorder

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James A. Dain, Mayor