

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, October 6,**
3 **2009** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100
4 North State Street, Lindon, Utah.

5 Conducting: James A. Dain, Mayor
6 Pledge of Allegiance: Jacob Olsen, Boy Scout Troop 1209
7 Invocation: Lindsey Bayless

8 **PRESENT**

ABSENT

9 James A. Dain, Mayor
10 Eric Anthony, Councilmember
11 H. Toby Bath, Councilmember
12 Lindsey Bayless, Councilmember
13 Bruce Carpenter, Councilmember
14 Jerald I. Hatch, Councilmember
15 Ott H. Dameron, City Administrator
16 Adam Cowie, Planning Director
17 Cody Cullimore, Chief of Police
18 Debra Cullimore, City Recorder

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

20 **PRESENTATION** – *The Mayor and City Council will recognize Jamie Bennee, Finance
21 Director, with a certificate and plaque for her successful efforts in obtaining the
22 Certificate of Achievement for Excellence in Financial Reporting for the City’s first
23 Comprehensive Annual Financial Report (CAFR). This is a notable achievement and
24 reflects great credit upon Ms. Bennee and Lindon City.*

25 Mayor Dain presented Ms. Bennee with a plaque in recognition of her
26 accomplishment in achieving the Certificate of Excellence in Financial Reporting. Mr.
27 Dameron noted that this is the first time Lindon City has received the award. Mayor
28 Dain congratulated Ms. Bennee on her achievement, and thanked her for her hard work
29 on behalf of the City.

30 **PRESENTATION** – *Kathy Allred, of the Lindon Character Connection, will present the
31 Character Connection Poster Calendar to the mayor and Council and introduce the
32 children who created the original artwork.*

33 Ms. Allred was not present at the meeting. This annual presentation will be
34 rescheduled for a future meeting.

35 **PRESENTATION** – Police Chief Cody Cullimore will present his report on the “Drill
36 Down For Safety” exercise conducted in Lindon City on September 11, 2009. He will
37 also recognize JoAnna Larsen for her efforts in making the exercise a success.

Chief Cullimore was present, along with JoAnna Larsen, coordinator of the Drill Down event. He stated that Ms. Larsen is an Emergency Services Planner for Utah County. Chief Cullimore explained that the purpose of the drill was to test communications and response in the event of a disaster. Chief Cullimore went on to explain that the Drill Down was a preparedness test for the City, but was also a national competition against other participating cities. He noted that the ultimate goal was to have 100% resident participation, with a realistic expectation that there would be 75% participation. The final numbers indicate that 78% of Lindon residents participated in the drill. He turned the time over to Ms. Larsen to announce the results of the competition.

Ms. Larsen reported that Lindon City won the Best Community Plan, will receive a \$1,000 cash prize. The report submitted by Lindon is also being taken to Chicago and Philadelphia to use as a model for how the drill can be conducted in small communities. Chief Cullimore noted that the success of the drill is a credit to Joanna, the City Council, and the community.

Chief Cullimore went on to review results of drills conducted at each school in Lindon during school hours as part of the exercise. He reported details of each drill, including areas of improvement and areas of success at each school.

Mayor Dain presented Ms. Larsen with a certificate in recognition of her hard work and commitment to the success of the drill. The Mayor and Council expressed appreciation to Chief Cullimore and Ms. Larsen for conducting the drill and enhancing the safety of the community.

MINUTES – The minutes of the Regular Meeting of September 1, 2009, the Special Meeting of September 9, 2009, and the Special Meeting of September 22, 2009 were reviewed.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES OF THE MEETINGS OF SEPTEMBER 1, 2009, SEPTEMBER 9, 2009 AND SEPTEMBER 22, 2009. 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.

OPEN SESSION –

Mayor Dain called for comments from any resident present who wished to address an issue not listed as an agenda item. Harvey Taylor was present as a leader with a Boy Scout Troop in the audience. Mr. Taylor stated that he participated in the “Drill Down For Safety” exercise at Aspen Elementary. He complimented the City and the Police Department on the success of the drill.

MAYOR’S COMMENTS/REPORT –

2 Mayor Dain had no items to report.

4 **CONSENT AGENDA** –

6 No items.

8 **CURRENT BUSINESS** –

- 10 1. **Report** – *I-15 CORE Project Update*. The Mayor and City Council will receive
12 an updated report about the I-15 widening project. The presentation will be given
14 by UDOT officials assigned to the project and charged with its successful
16 completion.

14 Merrill Jolley of UDOT was present to discuss this project with the Council. Mr.
16 Jolley noted that the project has been undergoing planning and environmental study for
18 approximately five years. He stated that the project will extend from approximately Main
20 Street in American Fork to Center Street in Provo.

20 Mr. Jolley stated that the RFP for this project was released in June, and that three
22 groups are expected to submit proposals by the November 9, 2009 deadline. The
24 successful candidate will be selected in December, and the bid will be awarded in
26 January 2010. Mr. Jolley explained that this will be a ‘design/build’ project. The process
28 currently underway is setting a budget for the project, and the guidelines under which
proposals will be submitted. Selection will be based on best value in the budget,
including project scope, traffic control and mitigation and schedule of the project. Final
proposals may result in the project extending further than currently anticipated. He noted
that an important criteria is to minimize inconvenience to motorists as much as possible,
with specific restriction on main line road, ramp and interchange closures.

30 Mr. Jolley indicated that UDOT will be responsible to contact businesses or
32 property owners who may be impacted by ramp and road closures. He clarified that the
contractor chosen to complete the project will provide the information regarding closures
and other impacts, and UDOT will disseminate the information.

34 Mayor Dain noted that this is a significant transportation project, which will cause
36 some inconvenience during construction, but will result in an improved transportation
system in the valley. The Council thanked Mr. Jolley for his time.

- 38 2. **Review and Action** – *Lindon City and UDOT – “Betterment Agreement.”* This
40 is a request by staff for the Council’s review and approval of an agreement
between Lindon and UDOT for work requested by Lindon City to be installed
during construction of the I-15 widening project.

42 Mr. Dameron noted that the Council recently approved a landscaping agreement
44 with UDOT as part of the I-15 widening project. As part of the project, the City has
46 asked that a 36 inch sewer casing on 600 South and a 20 inch water casing 200 South be
installed to accommodate future development. The improvements will be installed by the
contractor, and will be paid by the City at a cost of \$204,046. Mr. Dameron noted that

2 Mr. Cowie has negotiated with UDOT to allow payment in July of 2010 during the next
3 budget year. Councilmember Bayless noted that the improvements are necessary for
4 future development, and that it would be counterproductive not to complete them at this
5 time. Mayor Dain called for further comments or discussion. Hearing none, he called for
6 a motion.

7 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE BETTERMENT
8 AGREEMENT BETWEEN LINDON CITY AND UDOT FOR INSTALLATION OF 36
9 INCH SEWER CASING ON 600 SOUTH AND A 20 INCH WATER CASING ON 200
10 SOUTH AT A COST OF \$204,046.00 DURING CONSTRUCTION OF THE 1-15
11 WIDENING PROJECT. COUNCILMEMBER HATCH SECONDED THE MOTION.

12 THE VOTE WAS RECORDED AS FOLLOWS:

13 COUNCILMEMBER ANTHONY AYE

14 COUNCILMEMBER BATH AYE

15 COUNCILMEMBER BAYLESS AYE

16 COUNCILMEMBER CARPENTER AYE

17 COUNCILMEMBER HATCH AYE

18 THE MOTION CARRIED UNANIMOUSLY.

- 20 3. **Review and Action** – *Lindon Hollow Creek Study – Existing Capacity Analysis,*
21 *Flow Analysis and Recommendations. (Resolution #2009-21-R).* This is a
22 request by staff for the Council’s review and adoption of the 2009 update to the
23 Lindon Hollow Creek Study completed by David Thurgood of JUB Engineers.
24 This study shows the water flows from Lindon, Orem and Pleasant Grove into the
25 Lindon Hollow Creek and establishes shared costs for operations, maintenance,
26 and improvements to the creek area.

28 Mr. Dameron explained that City Engineer, David Thurgood, completed this
29 study regarding the Lindon Hollow Creek area, which extends from Geneva Road west to
30 Utah Lake. Mayor Dain noted that the Council recently approved a conservation
31 easement to protect the wetlands located in the Lindon Hollow Creek area. Mr. Dameron
32 explained that the study estimates storm drainage flows each of the contributing cities,
33 and creates a shared cost ratio for maintenance and improvements. He noted that Orem
34 and Pleasant Grove are expected to adopt the study as well, but that Cedar Hills
35 contributes only minimally to the drainage and is not expected to participate. Cost will
36 be broken down as follows: Orem 50.15%, Lindon 32.25%, Pleasant Grove 17.65%. If
37 Cedar Hills were to participate, their assessment would be 0.04%.

38 Mr. Dameron noted the City has experienced a good cost sharing relationship
39 with Orem and Pleasant Grove, and this action is intended to formalize the current
40 practice. Mr. Cowie noted that some layouts in the area have changed since the last
41 analysis, and that maximum drainage flows are calculated for buildout in all participating
42 communities.

43 A resident in the audience inquired as to what future improvements are
44 anticipated in the area. Mayor Dain stated that a variety of improvements such as inlet
45 and outlet boxes, earth work and rip rap lining will be installed in the future as
46 development occurs and flows increase. He noted that the improvements will be

2 completed as necessary over a period of years, and that no schedule to install
improvements has been established at this time.

4 Mr. Cowie clarified that some improvements will be completed by October 2010
as a condition of an agreement to purchase an area of trail right-of-way. The current
6 channel will be relocated down the future trail route. The City is currently seeking grant
funding in the amount of \$150,000 from the Quality Growth Commission, with another
8 \$500,000 grant possible from Senator Bennett's office. Any additional costs not covered
by grant funding will be shared according to the agreement with Orem and Pleasant
Grove.

10 Mr. Cowie presented photographs of the conservation easement and drainage
area, as well as the future trail location. He noted that the storm water detention in the
12 area functions as a natural pre-treatment of storm water before it enters Utah Lake.

14 The Scout Master in the audience, Harvey Taylor, observed that this project
appears to be a viable location for future Eagle Scout projects as improvements become
necessary. Mayor Dain stated that the City always welcomes participation in projects
16 from Eagle Scout candidates. Mr. Dameron informed Mr. Taylor that Eagle Scout
candidates should contact Parks and Recreation Director, Dan Seder, to arrange for
18 specific projects.

20 Mayor Dain invited Mr. Thurgood to address the Council regarding any updates
to the previous agreement. Mr. Thurgood explained that the percentages in this analysis
have not changed from the previous analysis. He stated that there have been substantial
22 changes to the alignment of the Hollow Creek, and additional improvements are
anticipated in the area in the coming years. Mr. Cowie presented photographs of the
24 existing wetlands area, and the current channel which will be diverted to the north and
partially enclosed. The first phase of the project will also include wetland vegetation
26 reseeding. A box culvert will be installed under an existing roadway in order to achieve
proper flows in that area.

28 Mayor Dain inquired as to the City's responsibility for additional improvements
in the abandoned channel after the diversion is complete. Mr. Thurgood explained that
30 the City will install a berm, and that any additional improvements will be the
responsibility of the property owner, Anderson Geneva Development.

32 The Council went on to discuss storm flow and detention capacity in the detention
area. Mr. Thurgood noted that significant storm events may maximize the capacity of the
34 detention area, but that controlled inlet and outlet boxes should prevent flooding in the
area for flows up to ten year storm events. He noted that none of the participating
36 communities are currently at build out, and that full capacity of storm flows are not
currently being directed into the area.

38 Mayor Dain noted that a workable, reliable storm drainage system is essential to
orderly growth in all participating communities. A resident in the audience asked if it
40 would be possible to recapture and recycle any of the storm drainage. Mr. Thurgood
explained that the water is owned by the State of Utah, and that the City does not have a
42 right to use the water. Another resident inquired as to whether the outflow from the
detention area complies with EPA standards. Mr. Thurgood stated that flows do comply
44 with current standards. He noted that the wetlands area provides natural pretreatment to
ensure that water entering Utah Lake is good quality water.

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

4 COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION
#2009-21-R ADOPTING THE UPDATED 'LINDON HOLLOW CREEK STUDY-
6 EXISTING CAPACITY ANALYSIS, FLOW ANALYSIS AND
RECOMMENDATIONS, DATED JULY 2009 AND SETTING AN EFFECTIVE
8 DATE. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

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

- 16
18 4. **Public Hearing** – *Canberra Estates Residential Subdivision, Plat "A"*. The City
Council will hear public comment and possibly act to approve this request by
20 Dale Dellamas for preliminary plat approval of Canberra Estates Residential
Subdivision, Plat "A", 9 lots, in the R1-12 zone at 400 North 1200 East. The
22 Planning Commission recommended approval with conditions.

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

26
28 Dale Dellamas and Dave Ackley were present as representatives for this
application. City Engineer, Mark Christensen, was also present for this discussion. Mr.
Cowie explained that this is a request by Dale Dellamas for approval of a major
30 subdivision in the R1-12 zone. This application was reviewed by the Planning
Commission on three occasions, October 22, 2008, November 12, 2008 and January 14,
32 2009. The City Council reviewed the application on January 20, 2009 and members of
the Council conducted a site visit on January 29, 2009. Mr. Cowie noted that the
34 development is intersected by the future 1200 East corridor shown in the City Streets
Master Plan Map. The City received corridor preservation funds which facilitated
36 purchase of a portion of the right-of-way for the corridor. Mr. Dellamas intends to
complete a significant section of the roadway as part of this project.

38 Mr. Cowie explained that the current application is for 9 lots. The previous
application included 12 lots. Three lots have been removed from the current proposal
40 based on unresolved potential geological hazards associated with the Squaw Hollow
drainage area. A hammerhead turnaround is shown on the current proposal, and would
42 serve the development until the corridor is completed to connect to 700 North and I-15 at
some time in the future. Only the section of 1200 East associated with this development
44 is under consideration as part of this application.

2 The current proposal shows development of 4 lots on the east side of 1200 East,
with an additional 3 lots to be developed at some time in the future if geological hazards
can be adequately addressed. Five lots are shown on the west side of 1200 East.

4 Mr. Cowie went on to review issues specific to the road design in relation to the
Salt Lake Aqueduct easement which runs along the length of the project. He explained
6 that the 69 inch diameter pipe supplies water to approximately 750,000 residents in the
Salt Lake Valley. A representative of the Metropolitan Water District, Wayne Winsor,
8 was present at the meeting to address any questions or concerns regarding the aqueduct of
the associated easement.

10 Mr. Cowie noted that the Metropolitan Water District aggressively protects the
150 foot easement area, which has caused significant issues with this development. He
12 went on to explain that underground utilities which would typically be located in the
roadway area are proposed primarily on the west side of the street. The Water District
14 has indicated that placement of the water lines in the street area to contain possible breaks
in the line would be acceptable. Water lines are currently shown on the plan three feet
16 within the roadway. Other utilities are proposed in non-standard locations or with non-
standard materials to address the constraints imposed by the aqueduct easement.

18 Mr. Cowie went on to review specific non-standard utilities and other significant
issues associated with this development as follows:

- 20 1. Non-standard 2 inch pressure sewer main line with sewer ejection
pumps and grinders installed in each dwelling.
- 22 2. Non-standard culinary water line location. The lines are now approved
by the Metropolitan Water District to be placed 3 feet inside the
24 roadway.
- 26 3. Fire hydrants are proposed 60 feet off the street next to dwellings. The
Orem Fire Department has approve the proposed fire hydrant locations
28 provided that access to the hydrants is not obscured by vegetation or
fencing.
- 30 4. Much of the site consists of Hillside Overlay areas with a slope
exceeding 20%, which precludes development in those areas. The
32 developer has identified building envelopes outside of the steep slope
areas. The Hillside Overlay area requires a 20 foot side yard setback.
34 The Hillside Overlay Ordinance also prohibits cuts and fills in excess of
10 feet. Fills proposed on the west side of the street would require
approval of a variance application by the Board of Adjustments.
- 36 5. Potential geologic hazards associated with lots 5, 6, and 7. There has
been no detectable movement of the identified geologic hazard in the
38 past two years. However, the applicant has agreed to remove the
affected lots from the proposal at this time until the hazards can be
40 adequately mitigated.
- 42 6. The proposed design of 1200 East, including the median and
hammerhead turnaround are not standard road designs. However, the
44 ordinance does provide the City Council with authority to approve non-
standard designs provided associated concerns have been adequately
46 addressed. The hammerhead design is being requested due to potential
impacts of a full cul-de-sac on the adjacent lots. The proposed median

2 design would allow right turns only on a portion of 1200 East. The full
hammerhead turnaround area is located in the road right-of-way.
4 Permitted length of a permanent cul-de-sac is 650 feet. The proposed
length of this section of 1200 East to the hammerhead is 1,000 feet, but
6 this section is proposed as a temporary design. Mr. Cowie noted that
other temporary cul-de-sacs which exceed the 650 foot limit have been
approved.

- 8 7. The Bonneville Shoreline Trail is Master Planned through this
development. Installation of the trail is proposed approximately 25 feet
10 into the front yard area of lots on the east side of the roadway. The trail
section is proposed in lieu of sidewalk on the east side of the roadway.
- 12 8. Due to restrictions associated with the aqueduct easement, several lots
on the east side of the roadway are proposed with shared driveways.
14 The City Code does not appear to prohibit shared driveways for
standard lots that have adequate street frontage. Cross easements for
16 the shared driveways will be shown on the final plat.
- 18 9. The applicant is proposing to reconstruct a new gravel access to the City
water tank. The proposed access road would create a better street grade
within the defined access easement area.
- 20 10. The developer is negotiating with the property owner on the corner of
300 North and 1200 East regarding the existing rock retaining wall in
22 that location. Relocation of the wall may be required by the Water
District. The developer could construct a reinforced earth retaining wall
24 without relocating the existing wall. Either option would support
proposed improvements.
- 26 11. The applicant is currently proposing that pressurized irrigation not be
installed to the lots associated with this development. Addition of
28 another utility in the easement area would create additional
complications due to the available space for underground lines due to
30 easement restrictions. A Relief Petition application would have to be
approved by the City Council to allow this development without
32 installation of pressurized irrigation.

34 Mr. Cowie stated that following several reviews of this application, the Planning
Commission felt that although there was a potential for unusual maintenance
36 requirements associated with the utilities as proposed, the functionality of the
utilities appeared to be met. They recommended approval of the application with
the following conditions:

- 38 1. That the utility variation are permitted as proposed, with the requirement that
a Home Owners Association be established to take responsibility for
40 maintenance of the 2" pressurized sewer main line up to the point where it
enters the standard gravity fed system.
- 42 2. That the applicant comply with any additional City Engineering and/or Public
Works recommendations regarding utility installation and design.
- 44 3. The temporary hammerhead turnaround is acceptable given the constraints
caused by the aqueduct easement.

- 2 4. That lots 5, 6 and 7 are not proposed in the current plan, and will not be
4 approved by the City until adequate information is provided by the developer
6 to verify that the slopes and identified geo-hazards will not adversely affect
8 the buildable areas of those lots.
- 6 5. That the developer will provide hazard free, maintenance free ground cover in
8 the medians.
- 8 6. That cross easements are shown as needed on the final plat for all lots with
10 shared driveway accesses.
- 10 7. That the developer install water pressure increasing pumps on each dwelling.
12 Proposed water pressure meets State required minimums, but will not be at
14 typical pressures found in Lindon. The developer has offered to install pump
16 systems in each dwelling to increase water pressures.
- 14 8. Approval of the currently proposed subdivision is contingent on approval of a
16 relief petition to allow the development without installation of pressurized
18 irrigation lines. If the relief petition is not approved, installation of
20 pressurized irrigation lines would be required. If culinary water is used for
22 irrigation, low water use landscaping is recommended for all lots in the
24 development.
- 20 9. Approval of the currently proposed subdivision is contingent on approval by
22 the Board of Adjustment of a variance to cut and fill restrictions imposed by
24 the Hillside Overlay ordinance.
- 22 10. Any agency having existing easement or utilities on the property will need to
24 sign the final plat and/or approve the construction of the roadway (Bureau of
Reclamation, Metropolitan Water District, Rocky Mountain Power, etc.).

26 Staff recommends an additional condition of approval that the roadside barriers be
28 installed above existing homes in Queensland Court as recommended by the City
30 Engineer. Mayor Dain asked if any of the conditions of approval recommended by the
32 Planning Commission or staff could not be met. Mr. Cowie stated that it appears that all
conditions can be met. Mr. Ackley confirmed that the developer is confident that all
eleven conditions can be met. Mayor Dain asked Mr. Winsor of the Water District if the
proposed plan is acceptable. Mr. Winsor indicated that the proposed development plan
would be acceptable to the District.

34 Mr. Cowie explained that while the Planning Commission felt there were some
36 concerns with this development, only the City Council had the authority to approve the
proposed non-standard utility designs and locations. The Planning Commission felt that
construction of the roadway section associated with this development represented a
significant benefit to the City.

38 Mayor Dain called for public comment on this application. David Bagley
40 inquired as to whether the road width on 1200 East would allow for necessary u-turns due
42 to the right turn only configuration. Mr. Christensen stated that 50 foot road width would
44 provide adequate u-turn area. Mr. Bagley asked if there would be adequate turning radius
during the winter months following snow removal from the roadway. Mr. Christensen
stated that there may be occasions when a three point turn would be necessary following
significant snow fall.

46 Mr. Bagley asked what provisions would be made to address drainage and
potential flooding issues. He expressed concern that storm water run off may be

2 channeled into neighboring yards below this development. Mr. Ackley explained that
3 curb, gutter, sidewalk and storm drainage will all be installed, which will enhance storm
4 drainage in the area. He noted that drainage and detention from the lots would be
5 addressed during the landscaping process. Mr. Bagley expressed concern regarding
6 potential run off during the construction process before landscaping and other
7 improvements are installed. Mr. Christensen stated that the developer is obligated to
8 retain run off on the lots during construction, and that the developer is liable for any flood
9 damage caused during construction.

10 Mr. Bagley asked about the proposed retaining walls at the back of the homes on
11 the west side of the street. Mr. Dellamas stated that he anticipates using three to four foot
12 boulders or other aesthetically pleasing materials to construct the retaining walls to
13 establish the appropriate finished grade for the lots. Mr. Cowie stated that the proposed
14 design is acceptable. Mr. Ackley stated that the proposed design complies with City
15 standards. Mr. Cowie noted that the maximum height of each retaining wall is ten feet.

16 Mr. Bagley inquired as to the square footage of lot #10. Mr. Cowie stated that the
17 lot is 30,800 square feet, and could be as small as 12,000 square feet in this zone. He
18 explained that the buildable area of the lot is significantly smaller than the lot due to steep
19 slope areas.

20 Mr. Bagley asked if there will be any time limits to install landscaping. Mr.
21 Cowie stated that the City does not impose a time limit for installation of landscaping on
22 residential lots. Mr. Dellamas stated that he anticipated homeowner's association
23 restrictions to allow a one year time limit for installation of landscaping. Councilmember
24 Carpenter clarified that restrictions imposed by a homeowners association are not
25 enforced by the City. Mr. Cowie noted that a specific landscaping plan showing final
26 grading, landscaping and retaining is required for all lots in the Hillside Overlay prior to
27 final plat approval.

28 Mr. Bagley observed that water lines will break at some time. He asked how
29 water from a future break would be retained to protect neighboring homes. Mr. Ackley
30 explained that the Water District has allowed water lines to be located within the
31 roadway. He explained that water from a line break would be retained in the roadway
32 and directed into the storm drainage system. He asserted that neighboring homes will
33 have greater protection following development than exists under current conditions.

34 Bretton Lind asked if any utilities will be installed in the Public Utility Easement
35 between his property and the neighboring property. Mr. Ackley outlined the location of
36 utilities in the easement area, such as phone, cable television and natural gas. He noted
37 that only small 4 foot deep trenches would be necessary in the public utility easement,
38 and that the developer would restore any damage resulting from utility installation in that
39 area.

40 Mr. Lind expressed concern regarding the road design located at the rear of his
41 property. He noted that an additional retaining wall will be necessary on top of his
42 existing five foot retaining wall. Mr. Christensen stated that an approved traffic barrier is
43 recommended in that location to protect the Lind property from vehicles on the roadway
44 above their lot. Mr. Cowie noted that the finished retaining wall at the rear of the Lind
45 property will be approximately 10 feet in height.

46 Mr. Bagley explained that neighbors are here to comment to ensure that they are
adequately protected from potential negative impacts associated with this development.

2 Mayor Dain asked Mr. Bagley if he felt that relevant concerns had been addressed by the
Council. Mr. Bagley stated that it appears that the developer has provided answers to the
majority of his concerns.

4 Roger Jackson expressed concern that disturbing the steep slopes on the lots
would result in flooding issues for neighboring lots. Mr. Ackley noted that the steep
6 slope areas are only 2-3% above the maximum allowable grade. He clarified that no
construction will be done on the steep slope areas. Councilmember Carpenter noted that
8 steep slopes associated with this development are similar to other steep slope areas which
have been developed in the past. Mr. Christensen stated that installation of drainage
10 systems and curb gutter and sidewalk improvements offers greater protection to
neighboring property owners, and a considerably reduced risk of flooding over current
12 conditions.

14 Mr. Jackson stated that he is concerned about the identified geologic hazard above
the lots, and possible impacts in the future. Mr. Cowie explained that the geologic hazard
has not shown any detectable movement in the past two years.

16 Mr. Lind expressed concern regarding possible run off flooding onto neighboring
lots in the future. Mr. Cowie reiterated that a plan must be submitted prior to issuance of
18 a building permit showing full landscaping design on all Hillside Overlay lots. JoAnna
Larsen asked if it would be possible to specify as a condition of approval a requirement
20 that drainage be retained on the lots. Mayor Dain explained that City ordinance already
requires drainage to be retained on the lots.

22 Mr. Lind requested further clarification of the proposed sewer pump system. Mr.
Cowie explained that the pressure will come from a pump in each dwelling. The pump
24 will push a 'slurry' down the two inch pressurized lines to the main gravity fed line.

26 Mayor Dain expressed concern that subsequent purchasers of the homes may be
unaware of their obligation to maintain the individual pumps and the two inch
pressurized line. Mr. Dellamas noted that a recommended condition of approval is that a
28 homeowners association be established to take responsibility for maintenance of the
pressurized lines. Mr. Cowie stated that a notice could also be added to the deed and/or
30 the plat. Mayor Dain suggested that a note be included on the deed to notify future
property owners of their obligation.

32 Mr. Lind stated that he was not aware of the easement restrictions when he
purchased his home. Mayor Dain explained that the easement would typically show up
34 on the subdivision plat, but that potential buyers do not routinely review the plat.
Councilmember Carpenter noted that a routine title search should identify easements and
36 associated restrictions.

38 Mr. Lind asked Mr. Winsor if the proposed retaining walls associated with
roadway construction may become problematic in the future. Mr. Winsor stated that the
Water District will enter into a formal agreement with the developer to permit the
40 proposed roadway improvements.

42 Councilmember Carpenter noted that repairs or reconstruction on the aqueduct
may be necessary in the future. He inquired as to what affect this may have on property
owners. Mr. Winsor stated that it is not the desire of the Water District to unnecessarily
44 impact property owners. He explained that improvements in the easement area are
restrictive to prevent unnecessary impacts to property owners should access to the
46 aqueduct become necessary. He explained that construction on the aqueduct began in

1937 and was completed in 1951. Original life span of the facility was expected to be 50 years. He noted that the facility is still in 'great shape,' and that a 100 year life span is expected, but that future repairs and reconstruction will be completed as necessary.

An unidentified resident in the audience asked Mr. Dellamas his time frame for development if this application is approved. Mr. Dellamas stated that marketing would begin immediately, and that as soon as he has a high enough level of commitment, funding would be sought. He stated that he anticipates construction would begin approximately summer of 2010. He clarified that all homes would be pre-sold, and would not be constructed as spec homes.

Councilmember Anthony inquired as to whether current economic conditions may impact the projected time line. Mr. Dellamas stated that he anticipates the unique characteristics of the property will attract buyers in the current economic climate. Mr. Cowie stated that any approval would be valid for two and a half to three years.

Councilmember Anthony asked about the impact of a power outage on the sewer pumps in each dwelling. Mr. Ackley stated that a back up generator would be installed to provide power during electrical outages. Mr. Cowie noted that the design of the holding tanks would allow the sewer system to function for a period of time without power.

An unidentified audience member asked if there would be any way to install a typical gravity fed system. Mr. Ackley stated that he would prefer a typical gravity fed system, but that easement restrictions will not allow such a system. Mayor Dain noted that the proposed system would be a potential burden on the homeowners, but should not impact neighboring property owners in any way. He reiterated his suggestion that a note be included on the property deed to alert future buyers to their obligation.

Mayor Dain called for further public comment. Hearing none, he called for a motion to close the public hearing.

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

Councilmember Carpenter asked if variances other than those for fill would require approval from the Board of Adjustments. Mr. Cowie stated that the only variance would be for fills that exceed ten feet.

Councilmember Anthony asked Mr. Winsor what the benefit of cooperation for this development would be for the Metropolitan Water District. Mr. Winsor stated that the District feels that the proposed development is the best engineering solution to allow development of this property. He stated that an existing agreement is in place to allow development of the roadway, and that the District is obligated to honor that agreement. He stated that after a great deal of discussion and negotiation, the District has agreed to permit installation of the water lines in the roadway. He reiterated that the District feels that this is the best engineering solution to complete the roadway and extend utility lines.

Councilmember Anthony asked if the existing agreement would remain in place if this application is approved. Mr. Winsor stated that a modified agreement would be signed by the developer, the City and the Metropolitan Water District. Mr. Cowie clarified that the previous agreement included the roadway only, and did not address installation of utilities.

2 Councilmember Bayless expressed concern regarding six of the eleven conditions
of approval which were discussed earlier. She expressed particular concern regarding the
4 variance for fills exceeding ten feet which will require approval of the Board of
Adjustments. If the variance is not approved, completion of the development as proposed
6 would be precluded. She also noted that the proposed hammerhead turnaround is not an
approved road design. The water pressure increasing pumps do not comply with typical
8 requirements, and the proposed relief petition for installation of pressurized irrigation is
not typical. She felt that not providing secondary water would be problematic for
10 homeowners who would be required to irrigate landscaping with expensive culinary
water. She referred to engineering comments which indicated that storm drainage
12 facilities are typically constructed of concrete, and this proposal calls for use of pvc
materials. She noted that the sewer system will be privately owned, which may become
14 problematic for the City in the future if the system is not properly maintained. She noted
that the Public Works Director has expressed concern regarding the proposed sewer
16 system. Councilmember Bayless also expressed concern regarding the proposed location
of the trail in relation to the front yard area of the homes. She felt that approval of this
18 development as proposed would require too many compromises on the part of the City,
and that relevant concerns had not been addressed to her satisfaction.

20 Councilmember Bath agreed with the statements made by Councilmember
Bayless. He felt that use of culinary water for irrigation was not reasonable. He also
22 expressed concern regarding necessary cuts and fills on Hillside Overlay lots. He stated
that he is not a geologist, but that he has witnessed changes to the hillside over the years
24 which could impact the homes in this development. He gave the example of a hillside
development in Cedar Hills which had resulted in sliding and significant damage to
26 several dwellings. He noted that while CCR's could be implemented, enforcement of
CCR's is difficult. He expressed concern regarding the proposed utility locations. He
28 also expressed concern regarding the stability of the aqueduct if the surrounding area is
disturbed. He felt that the proposal represented too many concerns to allow approval at
this time.

30 Councilmember Anthony inquired as to the frequency of a recommendation for
approval from the Planning Commission with this many conditions. Mr. Cowie stated
32 that several conditions of approval are not an uncommon recommendation from the
Planning Commission. He noted that several of the recommended conditions for this
34 application are not action items, but are concurring with proposals made by the
developer. Councilmember Anthony observed that Planning Commission felt
36 comfortable enough with the proposal to recommend approval with a vote of 5-1, with
the dissenting Commissioner not expressing specific concerns but rather concerns of a
38 general nature. Mr. Cowie noted that the Planning Commission discussed possible
impacts to neighbors at length. The Planning Commission determined that only the City
40 Council had authority to approve the requested exceptions to proposed utility design and
location.

42 Councilmember Anthony asked if the Water District had approved any specific
traffic barriers as recommended by the City Engineer. Mr. Winsor stated that the barrier
44 design had not yet been approved, but that approval would be required prior to
installation.

2 Mayor Dain inquired as to the responsibility of the City to complete the roadway
to allow development of adjacent lands. Mr. Christensen stated that the City currently
4 has the right to develop the roadway as previously approved. He noted that if the
roadway were to be built as previously approved, some adjacent lands would not be
6 accessible. City Attorney, Brian Haws, was present at the meeting. Mr. Haws stated that
generally speaking, the City is not obligated to take into consideration future
development if the road design meets the design shown on the Master Plan maps.

8 Councilmember Carpenter noted that the property included in easement area may
have been originally sold at a discounted rate assuming that there could be no meaningful
10 development of that property in the future, and that the property also may have been sold
to subsequent buyers at a significant profit. He observed that the roadway will be
12 completed at some time in the future, possibly at the City's expense, possibly using state
or federal funding, and that this proposal shifts the cost of the roadway to people who buy
14 the adjacent property. He stated that forgoing the road improvements is a consideration,
but that he is deeply troubled by the requested exceptions. He noted that it carries some
16 weight that the City Engineer has indicated that the proposed utility design would be
acceptable, but that concerns are not completely resolved. He noted that another
18 significant concern for him is that future home owners may purchase these properties and
be unaware of the unique obligations and restrictions.

20 Councilmember Hatch expressed concern regarding allowing further development
on the hillside. He felt that the ground would not be stable enough to allow the property
22 to develop safely. He agreed with the concerns expressed by neighbors relative to
potential flooding and run off issues during construction. He expressed concern
24 regarding enforcement of CCR's to address maintenance concerns associated with the
proposed sewer system, and felt that at some point responsibility would be transferred
26 back to the City.

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

30 COUNCILMEMBER BATH MOVED TO DENY THE CANBERRA ESTATES
SUBDIVISION APPLICATION BASED ON THE NUMBER OF REQUESTED
32 VARIATIONS TO TYPICAL STANDARDS, AND WITH THE FOLLOWING
FINDINGS: (Councilmember Bath asked Councilmember Bayless to restate her list of
34 specific concerns as part of the motion)

- 36 1. ENFORCEMENT OF MAINTENANCE RESPONSIBILITIES FOR THE
PRESSURIZED SEWER SYSTEM BY A HOMEOWNERS ASSOCIATION.
- 38 2. UNACCEPTABLE VARIATIONS TO APPROVED ROAD DESIGN FOR THE
PROPOSED HAMMERHEAD TURNAROUND.
- 40 3. UNACCEPTABLE VARIATIONS TO TYPICAL WATER SERVICE
REQUIREMENTS, SPECIFICALLY WATER PRESSURE INCREASING
PUMPS.
- 42 4. POSSIBLE VARIANCES TO CUT AND FILL REQUIREMENTS TO THE
HILLSIDE OVERLAY AREAS, NOTING THAT CUT AND FILL
44 REQUIREMENTS WERE ESTABLISHED FOR SPECIFIC REASONS.
- 46 5. LACK OF SPECIFIC DESIGN FOR ROADSIDE BARRIERS TO PROTECT
THE SAFETY OF RESIDENTS.

2 6. THERE IS NOT CURRENTLY A FORMAL AGREEMENT IN PLACE WITH
THE METROPOLITAN WATER DISTRICT FOR THE DEVELOPMENT AND
IMPROVEMENTS AS PROPOSED.

4 7. UNRESOLVED CONCERNS REGARDING ENFORCEMENT OF CCR'S
ESTABLISHED BY THE HOMEOWNERS ASSOCIATION.

6
8 At this time, Mr. Cowie suggested that the application be continued rather than
denied to allow the applicants to continue to work with the City and the Water District to
10 further address concerns. Mayor Dain observed that it appears that if a variance is not
granted for the fills on the Hillside Overlay areas, the development is not possible. Mr.
Ackley stated that the fills will be necessary for the road regardless of whether the homes
12 are developed.

14 COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

16 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
18 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER NAY
20 COUNCILMEMBER HATCH AYE
THE MOTION CARRIED (4-1).

22

COUNCIL REPORTS –

24

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

28 Councilmember Carpenter had not items to report.

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

32 Councilmember Hatch reported on information he received while attending the
Utah League of Cities and Towns Conference. He stated that economists reported on
34 economic trends which indicate a turn around in the recession in the middle of 2010. He
also reported on a recent trip to a recycling facility in California. He discussed new
36 technology and practices which are being incorporated into recycling facilities, including
methods of recapturing and reusing methane gas. He also discussed the possibility of
38 converting City vehicles to run on natural gas rather than gasoline.

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

42

44 Councilmember Anthony discussed possible recommendations for residents to
serve as Chair of the Lindon Days celebration in 2010.

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

2 Councilmember Bath reported a maintenance issue at City Parks when pavilions
4 are not properly cleaned up after use. He also suggested that signs be installed asking
residents to clean up after pets in the park. He reported a possible leak in a sprinkler line
in Pioneer Park. Mr. Dameron will forward the report to Public Works for follow up.

6 Councilmember Bath invited Chief Cullimore to report on Police Department
activities. Chief Cullimore reported on an accident at Mitchell X that occurred while
8 officers were in the area conducting a training exercise. Two SWAT paramedics
responded to the scene immediately. The victim of the accident was severely injured, but
10 expected to recover.

Chief Cullimore explained a new program being used by the Police Department.
12 The program, CrimeReports.com, allows residents to view the location of a variety of
incidents in the City. A link to the site is provided on the Lindon City website.

14 Mayor Dain expressed appreciation to Chief Cullimore for the work the
Department does in the community.

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

20 Councilmember Bayless had no items to report.

22 **ADMINISTRATOR’S REPORT** –

24 Mr. Dameron reported on the following items:

- 26 1. A staff briefing for all Municipal Election candidates will be held Thursday,
October 7th at 7:00 p.m.
- 28 2. A “Meet the Candidates Night” is scheduled for October 22, 2009 at 7:00 p.m..
- 30 3. The Metropolitan Water District will address the Council during the October 20th
meeting to discuss removal of structures which have been built in the aqueduct
easement area.
- 32 4. The secondary water system will be turned off on October 15th. Water will be
available for several more days until the reservoirs are empty.
- 34 5. The Council was asked if they would prefer that Lindon Day 2010 be held July 31
through August 7 or August 7 through August 14. Following discussion, the
Council felt that Lindon Days should be held July 31 through August 7, 2010.
- 36 6. Mayor Dain discussed the possibility of the City joining the Utah Valley Chamber
of Commerce. Following discussion, the Council felt that it would be appropriate
38 to join the Chamber, and provide information to business owners as part of the
business licensing process.

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

44 COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE
46 COUNCILMEMBER BAYLESS	AYE

2 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE
4 THE MOTION CARRIED UNANIMOUSLY.

6 **ADJOURN** –

8 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT
11:30 P.M. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT
10 VOTED IN FAVOR. THE MOTION CARRIED.

12 Approved – October 20, 2009

14
16 _____
18 Debra Cullimore, City Recorder

20
22 _____
James A. Dain, Mayor