The Lindon City Council held a regularly meeting on **Tuesday, November 17, 2009** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

Conducting: James A. Dain, Mayor
Pledge of Allegiance: Spencer Jardine, Boy Scout Troop 880
Invocation: Eric Anthony

**PRESENT**

James A. Dain, Mayor
Eric Anthony, Councilmember
H. Toby Bath, Councilmember
Lindsey Bayless, Councilmember
Bruce Carpenter, Councilmember
Jerald I. Hatch, Councilmember
Ott H. Dameron, City Administrator
Adam Cowie, Planning Director

**ABSENT**

Debra Cullimore, City Recorder
Cody Cullimore, Chief of Police

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

**MINUTES** – The minutes of the Special Meeting of November 10, 2009 were reviewed.

COUNCILMEMBER ANTHONY MOVED TO APPROVE THE MINUTES OF THE MEETING OF NOVEMBER 10, 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** – Citizen comments.

Mayor Dain called for comments from any resident present who wished to address the Council concerning any issue not listed as an agenda item. Connie Johnson Bahr, daughter of long time Lindon residents Oliver and Marie Johnson, approached the Council. Ms. Bahr stated that she would like to give the community of Lindon a gift. She stated that her parents moved to Lindon in approximately 1942. She stated that her parents were very community minded, and that her father served on the Town Council, and was instrumental in Lindon becoming a City and establishing the Lindon Days community fair, among other community projects. She noted that her mother was also very active in the community in a variety of capacities.

Ms. Bahr stated that when her parents passed away, she inherited the property her parents owned on 200 South. She stated that she feels that it please her parents and serve
as a tribute to them and their efforts in the community if the property she inherited were
to be used to create a City park. She explained that it was necessary to use the property
as collateral for a loan she secured to preserve the nearby family home. Ms. Bahr stated
that it is her intent to pursue grant funding to pay the debt on the property and improve
the park. She has solicited help through various avenues, but has had a response from the
office of Senator Orrin Hatch who provided contact information to investigate grants for
the project. A family acquaintance suggested that the Johnson’s approach the City for
assistance in writing and submitting grant applications to pay for and improve the park.

Mr. Dameron stated that Ms. Johnson has been working with Assistant Planner,
Woodworth Mataele, in writing and submitting grant applications. Ms. Bahr stated
that the park area would be one and half acres in size. Mayor Dain asked for clarification
regarding the City’s role in creating the park. Mr. Cowie stated that he will work with
Mr. Mataele in an effort to secure grant funding. Mayor Dain expressed support in
finding funding to pay for and complete the park. The Council expressed support for the
project, and appreciation for the generous offer to donate the park to the City.

MAYOR’S COMMENTS/REPORT –

Mayor Dain expressed appreciation to residents for their service to community.
He noted that a number of great service projects are underway in the City, including the
Feed America Day food drive, and the Police Department Wives Christmas service
project. He thanked residents for their generosity and their willingness to serve those in
need.

CONSENT AGENDA –

No items.

CURRENT BUSINESS –

1. Continued Public Hearing – Plat Amendment – Stable Ridge Residential
Subdivision, Plat “D”. The City Council will hear public comment and possibly
act to approve this request by Vaughn Heath for preliminary plat approval of a
plat amendment to Plat “A” of the Stable Ridge Residential Subdivision. This
item was continued from the meeting of October 20, 2009. If approved, this
amendment will shift the shared property line for Lot and Lot 7 of Plat “A” of the
Stable Ridge Residential Subdivision. This item was continued from the meeting
of October 20, 2009. If approved, this amendment will shift the shared property
line for Lot 6 and Lot 7 of Plat “A,” thereby creating a new Plat “D”. No
additional lots will be created by this proposal. The Planning commission
recommended approval with no conditions.

COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.
Vaughn Heath was present as the representative for this application. Mr. Cowie stated that this is a request to adjust the property line between two existing lots currently owned by Mr. Heath. Mr. Cowie outlined the location of the property line, and the proposed adjustment. He explained that a variance application submitted by Mr. Heath in 2003 received approval from the Board of Adjustments which allows one of the lots to be below the required 20,000 square foot minimum lot size. The approved variance runs with the land, and is still valid. The variance application was submitted when it became apparent that the existing Heath home was not built in the correct location on the lot. The lot line adjustment is necessary to maintain appropriate setbacks.

Mr. Cowie explained that the City Council continued this application at the previous meeting pending an opinion from the City Attorney as to whether this approval of the plat amendment would vacate the existing CCR’s associated with this subdivision. The City Attorney, Brian Haws, has provided a written opinion which indicates that the CCR requirements would not be a consideration in approving or denying the application, and that the City is obligated to enforce only the requirements of the City Code.

Mr. Cowie noted that other re-plats have been completed in this same subdivision without discussion regarding CCR’s. He stated that the City has not received any additional comments from neighboring property owners regarding this application since the initial review by the City Council. He showed a graphic of the existing property line and the proposed adjusted property line.

Councilmember Carpenter read a portion of the legal opinion submitted by the City Attorney which indicates that the CCR’s are a binding legal contract between the private property owners, but that the City does not have the authority or the responsibility to enforce the requirements of the CCR’s associated with the development. Councilmember Carpenter observed that it appears that based on case law, the CCR requirements will carry over to the new plat.

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

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

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE STABLERIDGE PLAT D PRELIMINARY PLAT AMENDMENT. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS: COUNCILMEMBER ANTHONY AYE COUNCILMEMBER BATH AYE COUNCILMEMBER BAYLESS AYE COUNCILMEMBER CARPENTER AYE COUNCILMEMBER HATCH AYE THE MOTION CARRIED UNANIMOUSLY.
2. **Public Hearing – Conditional Use Permit – Amateur Radio Antenna Tower.** The City Council will hear public comment and possibly act to approve this request by Davidson Banner for a conditional use permit to construct a radio antenna tower at 448 East 760 North. The antenna, at its full extension, was recommended by the Planning Commission not to exceed 80’ high. The applicant is applying under the SLU table “Compatibility Standard” since this use is not codified in the table. The Planning Commission recommended approval with conditions.

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

Davidson Banner was present as the representative for this application. Mr. Cowie stated that this is a request for approval of a Conditional Use Permit for an amateur radio antenna tower located at 448 East 760 North in the R1-20 zone. This specific use is not listed in the Standard Land Use Table, and is therefore required to meet the “Compatibility Standard” which is reserved for land uses not codified in the SLU Table. Mr. Cowie noted that commercial radio towers are specifically not permitted in the residential zone, but that this proposed use is private. He noted that the applicant has presented a packet of information on the proposed tower in response to the compatibility standards.

Mr. Cowie reviewed LCC Section 17.04.230, Height Limitations – Exceptions, which outlines exceptions to typical height requirements in residential zones for specific structures, such as skylights, towers, steeples, flagpoles, chimneys, smokestacks, wireless or television masts. He explained that due to the fact that this proposed use is not specifically listed, approval of the application creates a site specific Conditional Use Permit.

Mr. Cowie went on to review Utah State Code 10-9a-513 – Regulation of Amateur Radio Antennas, which indicates that if a municipality does not have an ordinance specifically regulating amateur radio antennas, the municipality “shall reasonably accommodate amateur radio communications; and represent the minimal practicable regulation to accomplish the municipality’s purpose.”

Mr. Cowie noted that the City also requested a legal opinion on this application from the City attorney, which was provided in the packet for this meeting. He noted that the City is fairly limited in regulation of amateur radio towers, which was indicated by Mr. Banner during Planning Commission review of this application.

Mr. Cowie indicated that prior to the Planning Commission meeting, the City received complaints from two neighbors, one anonymously, expressing concern regarding the aesthetic impact of the proposed tower on surrounding properties. No additional comments have been received from neighboring property owners since the Planning Commission meeting. The Planning Commission recommended approval of this application with conditions as follows:

1. That fencing be placed either around the yard or around the tower at least 6 feet high to prevent access to the tower.
2. That a climbing shield be installed on the tower.
3. That the applicant actively identify and assist in resolving any possible Radio Frequency Interference (RFI) issue with the surrounding neighbors.

4. That the combined height of the tower and antenna not exceed 80 feet.

5. Excepting actual emergencies and/or emergency training exercises, the applicant shall substantially comply with his estimated extended tower use of 10 hours per week.

Mr. Cowie noted that the proposed tower location is directly behind the home of the applicant, with a 40 foot setback to the Murdock Canal located to the east of the property, as well as a 70 foot setback to the tower from all other surrounding property lines. The retracted height of the tower is 22 feet, with a height of 70 feet when fully extended. The applicant has indicated that the antenna structure located on top of the tower will extend the height up to an additional 10 feet. He presented photographs submitted by the applicant showing similar towers and the approximate location of the proposed tower.

Mr. Cowie noted that enforcement of the ten hour weekly time limit for use of the tower in its extended position as set forth by the Planning Commission would be difficult to monitor or enforce. Councilmember Carpenter noted that enforcement of that requirement would likely be based on complaint.

Councilmember Carpenter inquired as to whether the proposed height of the tower is necessary to facilitate adequate communication. Mr. Cowie noted that Utah does not currently have a statute regulating height. Councilmember Bayless noted that discussion at the Planning Commission meeting indicated this proposed height is necessary to accomplish Mr. Banner’s intended use. Mr. Banner explained that the height is not used to get the radio signal over surrounding structures, but to raise the signal above the ground to avoid interference and increase the effectiveness of the signal which is transmitted and received.

Audience member William Rahlston stated that he received a Doctorate degree in electrical engineer and has worked for 25 years in radio communications field. He stated that when transmitting short wave radio signals from a tower, the antenna radio waves interact with the ground beneath the tower. The angle at which the signal is launched has an effect on the ability to effectively transmit the signal. The effect on the signal from lower towers is to project the radio wave straight up rather than out vertically from the tower. From higher towers, the signal bounces off the upper levels of the atmosphere, the ionosphere, allowing long range communication between radios. He stated that optimal range for tower height is between 70 feet and 140 feet. He stated that towers are allowed up to 200 feet without any notification to the FCC or the FAA. He noted that all towers meet building code requirements relative to health and safety issues. Mr. Rahlston noted that the proposed height of the tower also limits exposure to radio waves for residents in the surrounding area.

Councilmember Anthony inquired as to the impact of the mountains to the east on the ability to transmit radio waves. Mr. Banner explained that radio waves have the ability to refract over mountains, and that the mountains are not expected to create any significant interference.

Councilmember Bath inquired as to the level of power used to run the radio and the tower. Mr. Banner stated that he currently runs on 100 watts of power, but that by law he is allowed to run up to 1500 watts. Councilmember Bath inquired as to possible
RFI issues which may be associated with the power. Mr. Banner stated that he has been running on 100 watts for two years and has not received any RFI complaints or reports from neighbors. He noted that some electronic equipment is not compliant with current FCC regulations regarding RFI issues. He stated that he is very willing to identify and assist neighbors in resolving any RFI issues which may arise. He noted that resolving all issues may not be his responsibility once the reason for the interference is identified. He stated that the proposed height of the tower would be expected to reduce the chance of any RFI issues. He stated that he doesn’t have any plans at this time to increase his power, but may at some time in the future.

Councilmember Anthony inquired as to what frequency is being used by other amateur radio operators in Lindon are using. Mr. Banner explained that he is unaware of other towers in Lindon, but that there are approximately 100 radio operators. He stated that he believes other operators in Lindon currently use handheld devices and frequencies designed for line of sight communications. He stated that initial licensing may allow operators to communicate at distances up to 40 miles away, and that with more advanced licensing, communications over longer distances is possible.

Mayor Dain inquired as to whether this proposed tower would preclude use of a similar tower by another radio operator in close proximity to Mr. Banner’s tower. Mr. Banner stated that towers can be located in close proximity as long both operators are not transmitting on the same band at the same time. He invited audience member, Mr. Richardson, to address this question as Mr. Richardson has experience with this particular issue. Mr. Richardson stated that in ten years of operating a radio along with his neighbor operating a separate radio, they have had an issue one time. He stated that FCC regulations do not allow interference with ongoing communications, and that the problem is resolved by using a different band than the neighboring tower.

Mr. Banner was asked if the tower would be lighted. He stated that there will be no lights on the tower, and that lighting is not required unless the tower exceeds 200 feet in height.

Mayor Dain inquired as to whether a building permit would be required for the tower structure. Mr. Cowie stated that a building permit would be required and that the structure would be inspected to ensure compliance with building codes relative to health and safety issues. Mr. Banner stated that he is aware that a building permit and inspections are required.

Mr. Cowie reiterated that approval of this application creates a site specific Conditional Use Permit. Mayor Dain noted that any future applications would also be reviewed on a case by case basis based on the compatibility standards. Mayor Dain noted that aesthetics issues are subjective, but that health and safety issues should be carefully considered on this and any future applications for radio towers. The Council noted that the location of this proposed tower, including the significant setbacks from neighboring properties, along with the location of the tower adjacent to the Murdock Canal, appear to address safety concerns adequately.

Councilmember Bayless noted that a number of neighbors have submitted written statements which indicate that they have no concerns with the tower, or that their concerns have been adequately addressed. She noted that one neighbor, Jack Frank, spoke in opposition to the tower at Planning Commission meeting. Mr. Cowie outlined the location of the property owned by Mr. Frank. He noted that two of the lots are
currently vacant, and that the lots are approximately 40 feet above the location of the
proposed tower. Mr. Cowie noted that in addition to aesthetic concerns, Mr. Frank also
expressed concern regarding possible RFI issues. Mr. Cowie stated that RFI concerns
were adequately discussed with Mr. Frank at the Planning Commission meeting. Mr.
Cowie also noted that the one anonymous complaint received by the City was from a
resident who stated that they had submitted a written statement in support of the tower in
order to avoid a confrontation or possible future issues with Mr. Banner. The anonymous
complaint was relative to aesthetic issues only.

Councilmember Anthony inquired as to the time of day Mr. Banner anticipates
using the tower. Mr. Banner stated that the time of use will vary according to what
frequencies are operating. He anticipates the majority of use will be during late afternoon
and early evening hours.

Mayor Dain called for public comment. Richard Harris stated that he is a
Professor at BYU, and that he has a tower at his home in Provo identical to the tower
proposed by Mr. Banner. Mr. Harris stated that his neighbors prefer that he keep his
tower extended to the full height, and feel that it is less visible when it is extended. Mr.
Banner stated that the largest part of the tower is two inches wide, and that from a
distance the visibility of the tower is diminished.

Councilmember Bayless inquired as to any possible noise impacts resulting from
extending the tower. Mr. Banner stated that extension of the tower is done using an
electronic motor which is audible for approximately 20 feet around the tower. He stated
that the tower can be extended or retracted manually, but that this method is very difficult
and would be used only if the elect motor failed for some reason.

Bryce Walker stated that he used to live in Lindon, and that he had two fifty foot
towers at that time. He stated that he lived on 400 North just west of the Murdock Canal.
Mr. Banner observed that this hobby also provides a public service which can be used in
an emergency. He asserted that amateur radio operators played an important role during
significant emergency events such as Hurricane Katrina and 9/11. He stated that radio
operators typically have access to alternate power sources to allow operation of the radios
during significant emergency events.

Councilmember Bath asked the difference between a CB radio and a short wave
radio to provide emergency communications. Mr. Banner stated that CB radios can
provide communications during emergencies, but that they are limited to a small
frequency range typically useful only for line of site communications rather than long
range communications provided by short wave radios. Mr. Banner reported that he
participated in the recent emergency communications drill.

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

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

Councilmember Carpenter asked to discuss the conditions set forth by the
Planning Commission. He asked Mr. Banner if he had any concern regarding conditions
relative to the height of the tower, the fencing or the climbing shield. Mr. Banner stated
that he had no concerns regarding those requirements. Councilmember Carpenter suggested that the condition relative to resolving RFI issues be re-worded to indicate that Mr. Banner would assist in identifying and resolving reported RFI issues rather than requiring that issues which may not be his responsibility be resolved. Mr. Banner stated that he wants to assist in identifying and resolving any issues which may arise, but that once identified, the actual source of the problem may not be his responsibility. He stated that he is willing to assist in identifying and resolving issues.

Councilmember Carpenter asked if Mr. Banner had any concerns regarding the usage of the tower as set forth by the Planning Commission. Mr. Banner stated that he does not have concerns regarding usage requirements, but noted that there will be some extended use during actual emergencies or emergency drills. Councilmember Anthony observed that enforcement of time restrictions may be difficult, and would be based on complaints from neighbors. He suggested that a condition relative to hours of usage not be included in any motion to approve this application. Councilmember Bayless noted that this is a Conditional Use Permit, which is reviewable upon complaint.

Councilmember Carpenter suggested that it may be appropriate to replace the time limitation with a statement that hours of use would be reviewable upon complaint. Mr. Banner stated that he discussed hours of use with neighbors, and that no significant concerns were expressed during those conversations. Following discussion, the majority of the Council felt that hours of usage restrictions should not be included as a condition of approval.

The Council discussed whether it would be appropriate to specifically state in a motion that health and safety issues have been considered. Mr. Cowie stated that health and safety issues are routinely considered during review of all applications, and that it would not be necessary to address those issues specifically. The Council also discussed the licensing process to operate an amateur radio, noting that a proliferation of towers in the City is not likely.

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE CONDITIONAL USE PERMIT FOR DAVISON BANNER’S PERSONAL AMATEUR RADIO TOWER WITH THE FOLLOWING CONDITIONS:

1. THAT FENCING BE PLACED EITHER AROUND THE YARD OR AROUND THE TOWER AT LEAST 6’ FEET HIGH TO PREVENT ACCESS TO THE TOWER.
2. THAT A CLIMBING SHIELD BE INSTALLED ON THE TOWER
3. THAT THE APPLICANT IS WILLING TO HELP IDENTIFY AND REASONABLY ASSIST IN FINDING A RESOLUTION TO ANY POSSIBLE RFI ISSUES WITH SURROUNDING NEIGHBORS.
4. THAT THE TOTAL HEIGHT OF THE COMBINED TOWER AND ANTENNA SHALL NOT EXCEED 80 FEET.

COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
3. **Report** – Lindon Aquatics Center Operational Report 2009 Season. This item is a report covering the operations of the Lindon Aquatics Center for the 2009 Season. Dan Seder, Parks and Recreation Director, will present the report to the Council.

Parks and Recreation Director, Dan Seder, presented this report to the Mayor and Council. Mayor Dain and the Council expressed appreciation to Mr. Seder for a successful first season.

Mr. Seder stated that the report is an overview of the full summer season from May 30, 2009 to September 7, 2009. Information regarding revenues and expenditures, attendance, accidents, rescues, programs, season passes, concessions, cleaning contract, rentals, employees and winterization.

Mr. Seder explained that the financial section outlines revenues and expenditures, as well as start up costs of approximately $185,000.00. Projected revenues prior to the season were $354,070.00, and projected expenditures were $327,800.00. Projections for the facility identified excess revenue of $26,270 at the conclusion of the 2009 season.

Mayor Dain noted that early projections form VCBO indicated that municipalities typically subsidize recreational aquatics facilities. He commented that the City anticipated subsidizing the pool as much as $100,000 annually.

Mr. Seder went on to outline monthly operating expenses. He noted that the first two weeks of June were unseasonably cold, and that the season was slow to start. He also noted that the wage figure includes half of his salary. Final figures indicate actual total expenses for the 2009 season of $342,337.04, $14,537.04 over projected expenses of $327,800. Councilmember Carpenter asked if there were specific expenses which were not anticipated correctly which caused expenses to exceed projections. Mr. Seder stated that projections did not included 50% of his salary, which was included in final figures.

He observed that utility costs were estimates at the time the projections were made. Councilmember Carpenter asked Mr. Seder to include budgeted amounts and actual expenditures in reports for future years in order to identify and address any issues specific to budgeting rather than projections.

Mr. Seder then outlined monthly revenue. He noted that revenue is higher in the earlier months due to season pass purchases and signing up and paying fees for various programming. Councilmember Anthony inquired as to what impact Mr. Seder felt the early season cold weather had on expenditures. Mr. Seder estimated that approximately $15,000 in revenue was lost due to the slow start of the season. He noted that daily admissions produced a significant amount of revenue in mid season.

Mr. Dameron commented on the pride he took in Lindon having a swim team. Mr. Seder stated that it was necessary to cap the swim team at 125 participants. He stated that he plans to expand the swim team program next season.
Mr. Seder stated that actual total revenue for the 2009 season was $358,666.42, which is $4,596.42 over the projected revenue of $354,070.00. The final figures indicate excess revenue in the amount of $16,329.38.

Mr. Seder reported that the aquatics center had approximately 59,000 visitors over the course of the season. Approximately 48,200 of the visits were the result of daily admission sales, with the remaining 11,200 visits being from season pass holders. Councilmember Bayless inquired as to whether Mr. Seder had considered any type of pass for aerobics and lap swimming programs. Mr. Seder stated that he is considering a punch pass for various programs next year. He noted that attendance decreased significantly during the week after the start of the school year. The end of season schedule will be evaluated for next season, possibly closing during the week and opening on the weekend after school starts.

Mr. Seder went on to review accidents, incidents and rescues. He stated that a total of 57 accidents occurred at the facility. Councilmember Bath inquired as to what action could be taken to prevent any of those incidents. Mr. Seder stated that only 4 incidents required an EMS response, with the remainder being minor incidents. Mr. Seder outlined assists and rescues. He explained that assists are documented when the swimmer is not in imminent danger, and assist is an active drowning rescue. He explained that assists occur on a daily basis. No rescues resulted in an EMS response, injury, or administration of CPR. He felt that overall the facility experienced a safe season given the number of visitors. He noted that the pool staff was well trained and dealt with situations before an active drowning rescue occurred.

Mr. Seder went on to review Swim Lesson and Swim Team programs. He stated that the swim lesson program had approximately 955 registered participants. He anticipates expanding both programs next season. Evaluations submitted by parents at the end of the season indicate that participants were very satisfied with the programs. Mayor Dain complimented Mr. Seder on establishing adaptive swim lessons for children with disabilities so quickly. Mr. Seder stated that several staff members were very excited about the program and willing to teach the lessons.

In reviewing the swim team program, Mr. Seder stated that the swim team served 122 participants. He noted that the level of service of the swim team is expected to increase next year. He complimented the coaches and parents of the team members for their cooperative efforts in making the season a success.

Mr. Seder went on to review season pass statistics. He stated that 284 resident season passes were sold, along with 39 non-resident season passes. Mayor Dain inquired as to whether season passes may be able to be sold as Christmas presents at last season prices. Mr. Dameron suggested that pavers also be promoted as Christmas gifts. Mr. Seder will set up the payment program to allow purchase of passes and/or pavers during the Christmas season. Mr. Seder noted that family passes provided to city staff had a minimal impact on pool capacity, but that employees have expressed appreciation for the passes.

Mr. Seder then reviewed revenue received through the concession contract with Hogi Yogi. The contract paid the City 15% of total gross revenue received through the concessions. Total revenue generated by concessions was $65,664.64, with $9,849.67 being paid to the City. The Council discussed several issues with concessions, such as
long wait times, cleanliness and running out of food, which will be addressed prior to
next season.

Mr. Seder went on to review issues relative to the cleaning contract. He stated
that the contract cleaning company did a good job. He stated that rentals of the party
room are expected to expand next year, with a staff member dedicated to hosting birthday
parties in the party room. Packages for parities would be available rather than just
renting the room. He noted that the full facility was rented on most weekends during the
season.

Mr. Seder noted that the pool staff did an excellent job this season. He stated that
the facility ran smoothly with minimal staff disciplinary issues. He noted that Pool
Manager, Kara Jenkins, along with the head guards, were well qualified and were
successful in creating a team environment. He also commented that Scott Gottfredson
did an excellent job running the front end of the facility.

Mr. Seder stated that the facility is now full winterized. CEM has recommended
that the leisure pool and lazy river remain full with water circulating through the winter
to avoid damage to valves and lines caused by freezing temperatures. He noted that
circulating the water year round will result in some unanticipated expenses. He noted
that another additional expense was purchasing a cover for the FlowRider to protect it
from the elements during the off season. The cover is expected to last 7-10 years.

The Council discussed reservations for the upcoming season. Following
discussion, Mr. Seder recommended that reservations be made starting February 1, 2010
for the 2010 season. Mr. Seder reviewed programming plans for the 2010 season, along
with a Junior Lifeguard program and FlowRider camps or competitions. He invited the
Council to forward any suggestions from the community for additional programs or
activities. The Mayor suggested a ‘mini triathlon’ event as part of Lindon Days which
would incorporate the aquatics center. The Council also discussed rental policies, and the
possibility of including weeknight rentals.

Mr. Seder will meet with the Council again after the first of the year to discuss
details of plans for the coming season.

4. **Review and Action** – *Annual Meeting Schedule.* The annual meeting schedule
for calendar year 2010 will be reviewed and approved by the Mayor and City
Council. The Schedule includes meeting dates for the City Council, Planning
Commission, Board of Adjustment, Redevelopment Agency, and the Municipal
Building Authority.

Councilmember Carpenter asked if it would be reasonable to designate the
December 21, 2010 meeting subject to cancellation if there are not adequate agenda items
to warrant the meeting.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PUBLIC
MEETING SCHEDULE FOR 2010. COUNCILMEMBER CARPENTER SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY    AYE
COUNCILMEMBER BATH          AYE
COUNCILMEMBER BAYLESS       AYE
5. **Review and Action – Lindon City and UDOT – “Storm Drain System Maintenance and Cooperative Agreement.”** This is a request by staff for the Council’s review and approval of an agreement between Lindon City and UDOT for the handling of storm water from the I-15 expansion project into the City’s storm water drainage system. This proposed agreement was negotiated over the last few months and is the fourth and last agreement associated with the I-15 expansion. Mark Christensen, JUB Engineers, will be present to discuss the agreement with the Council.

Mr. Dameron explained that this is the last of four agreements associated with the I-15 Core widening project. City Engineer, Mark Christensen, was present to discuss this agreement with the Council. Mr. Christensen establishes that UDOT can discharge storm drainage into the Lindon drainage system, and that a one time fee will be charged for Lindon to provide this service. The fee is based on an amortized 50 year life, and will cover operational costs and maintenance of the facilities. The fee will be paid into the storm water fund, and will be available for improvements to the wetlands, or for necessary facility maintenance. Councilmember Carpenter inquired as to whether the negotiated fee is fair to Lindon. Mr. Christensen stated that the fee is very fair to Lindon. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE STORM DRAIN SYSTEM MAINTENANCE AND COOPERATIVE AGREEMENT BETWEEN LINDON CITY AND UDOT. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

<table>
<thead>
<tr>
<th>Councilmember</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>COUNCILMEMBER ANTHONY</td>
<td>AYE</td>
</tr>
<tr>
<td>COUNCILMEMBER BATH</td>
<td>AYE</td>
</tr>
<tr>
<td>COUNCILMEMBER CARPENTER</td>
<td>AYE</td>
</tr>
<tr>
<td>COUNCILMEMBER HATCH</td>
<td>AYE</td>
</tr>
</tbody>
</table>

THE MOTION CARRIED UNANIMOUSLY.

**COUNCIL REPORTS** –

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

Councilmember Bayless inquired as to a community center site plan. Mayor Dain stated that he ran copies of CAD files for the community center (LDS Church) facility for preliminary review and discussion as the committee is formed to move ahead with the project. He noted that if grant funding is received for remodeling, construction will begin.
shortly after taking possession of the facility. The Council discussed a variety of programming which could be included in the facility.

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

Councilmember Carpenter reported that he was not able to attend the recent Legislative Policy Committee meeting, but discussions at that meeting regarding the Utah Retirement System anticipate changes to the ‘double dipping’ option for retirees. The Council discussed various options under consideration by the legislature.

COUNCILMEMBER BATH – Public Safety, Court, Building Inspections.

Councilmember Bath discussed the Youth Court Program which is being established by the Police Department under the direction of Officer John Lloyd and Officer Julie Sutch. Mr. Dameron noted that the Council will consider a Resolution establishing the Youth Court Program at the next City Council meeting. Councilmember Bath stated that he would like to make an effort on behalf of City employees to re-establish pay raises which have been suspended for the past six months. The Council discussed options for pay raises as the economy recovers and tax revenues increase, such as the possibility of reinstating pay increases retroactively when tax revenues reach a certain level. Mr. Dameron stated that he anticipates a budget deficit again in the coming year, and that funds will likely not be available for pay increases for some time. Following discussion, there was general agreement among the Council that employee pay increases would be a priority as the finances of the City stabilize and the economy recovers. The Council will discuss options at a later date.

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

Councilmember Anthony stated that he would like to serve on the Tree Advisory Board as his term ends in January 2010. Councilmember Bath expressed interest in serving on the Board as well.


Councilmember Hatch reported that the Consortium Board is in the process of accepting applications. The Landfill Board is working with UDOT in finalizing plans for traffic flow during construction of the Vineyard Connector road project. He commented on improvements to the wetlands area near the landfill.

ADMINISTRATOR’S REPORT –

Mr. Dameron reported on the following items:
1. The Council reviewed the project tracking list.
2. The 400 North drainage project is complete. The change order for additional improvements will be $6,270, with Alan College paying $2400 for improvements
to his property. The change order will be on the consent agenda for the City Council meeting.

3. The County Commission has named the portion of 700 North through Pleasant Grove “North County Boulevard.” Mr. Dameron asked if the Council would support signage along the Lindon portion identifying the Boulevard, along with the 700 North street number to provide continuity in addresses.

4. The Deseret News is including Lindon in a pilot program for providing community specific information on their website.

5. The City currently has 134 residents using paperless utility billing.

6. Steve Smith and Lynn Lemone were instrumental in removing a small structure from the side of the Tithing Office owned by the City. Mayor Dain will send a letter of thanks for their work.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PAY VOUCHERS. COUNCILMEMBER ANTHONY 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.

ADJOURN –

COUNCILMEMBER BATH MOVED TO ADJOURN THE MEETING AT 10:22 P.M. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – December 1, 2009

____________________________________
Debra Cullimore, City Recorder

____________________________________
James A. Dain, Mayor