The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 19, 2008**, in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

Conducting: James A. Dain, Mayor

Pledge of Allegiance: Justin Hymas, Boy Scout, Troop 1201

Invocation: Jerald Hatch

**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
Cody Cullimore, Chief of Police
Debra Cullimore, City Recorder

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

**PROCLAMATION** – **“White Ribbons Against Pornography” Month. This proclamation was submitted for approval by the organization ‘Community For Decency.’**

Mayor Dain read the proclamation designating February 2008 as “White Ribbons Against Pornography” month in Lindon City. The proclamation will be displayed at the City Center for the remainder of the month.

**MINUTES** – The minutes of the regular meeting of January 15, 2008 and the retreat meeting of February 2, 2008 were reviewed.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF THE JANUARY 15, 2008 MEETING. 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.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 2, 2008 RETREAT MEETING. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
OPEN SESSION –

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

MAYOR’S COMMENTS/REPORT –

Mayor Dain welcomed a large number of Boy Scouts present in the audience. He invited them to look at maps which were displayed showing the regional transportation plan for Utah Valley through the year 2030.

Mayor Dain reported on several meetings he recently attended, including the Mountainland Association of Governments regional planning meeting. Upgrades to the existing radar system at the Provo airport were discussed at that meeting.

Mayor Dain also reported on the Utah County Council of Governments meeting. He noted that the Utah County Fair will be located at the County Fairgrounds in Spanish Fork. The theme of the event will be “Family, Education, and Fun.” The event will be held August 13-16, 2008, and will be chaired by Jay and Carol Harmer of Pleasant Grove. Mayor Dain noted that the County Sheriff may request assistance from local law enforcement agencies during the celebration.

A Utah Valley 24 Hour Race event is planned for May 30-31, 2008. The event will consist of a race throughout Utah Valley, with participants completing events in various communities. Mayor Dain asked for suggestions from those present as to what event could be staged in Lindon. Suggestions were made for an event at the Dry Canyon trail head, the oldest tree in Lindon, the Stringtown Train, and the Anderson Clydesdales.

Mayor Dain reported that the Utah Lake Commission is progressing well, and Master Plan development is underway.

The March Mayor’s Open House event will be held at the home of Dave and Kim Rutter. The date and time of the meeting are pending, and will be posted on the City website as soon as they are finalized.

Mayor Dain recently met with the Lindon Elementary Community Council to discuss concerns regarding pedestrian safety in the area of the elementary school. Mr. Dameron noted that the City has taken steps to address safety concerns previously expressed by the school.

Mayor Dain invited Councilmember Bayless to report on the “Run For The Trees!” event scheduled for April 19, 2008. Councilmember Bayless explained that the event is being sponsored by the Lindon City Tree Advisory Board and the Healthy Lindon Committee, and is intended to get residents “out and moving,” as well as to raise funds for trees to be planted at various locations in the City. Corporate sponsors for the event include Nature’s Way, Timpanogos Harley Davidson, Great Harvest Bread,

CONSENT AGENDA –

No items.

CURRENT BUSINESS –

1. Preliminary Plat – Lakeview Industrial Park Industrial Subdivision, Plat “D”.
   This is a request by Lindsay Strasburg for preliminary plat approval of Lakeview Industrial Park Industrial Subdivision, Plat “D”, combining 2 lots into 1 lot, in the LI zone at 486 North 1200 West. The Planning Commission recommended approval with no conditions.

   Lindsey Strasburg was present as the representative for this application. Mr. Cowie explained that this is a request to combine two separate lots into one larger lot. He noted that the Planning Commission recommended approval of this application. During review of this application, the Planning Commission discussed future site improvements which may be required at the time Mr. Strasburg obtains a building permit for any structure on the site.

   Councilmember Carpenter inquired as to whether the existing buildings on the site are in compliance with current standards. Mr. Cowie stated that existing buildings comply with set back requirements, but that they were built prior to current architectural standards.

   Mayor Dain invited Mr. Strasburg to present any relevant information. Mr. Strasburg stated that it is his intention to construct a building which will be used to store large trucks. He stated that he is willing to comply with landscaping standards on the site to the extent possible with available space at the time he obtains necessary permits.

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

   COUNCILMEMBER CARPENTER MOVED TO APPROVE THE LAKEVIEW INDUSTRIAL PARK SUBDIVISION PLAT “D” PRELIMINARY PLAT.

   COUNCILMEMBER BAYLESS 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. Concept Review – Request for Bridging the Lindon Heritage Trail. This is a request by BMA Construction to discuss with the Mayor and Council the
feasibility of re-grading lots 11 and 12 in the Old Station Square Commercial Subdivision creating daylight basements in the two proposed buildings and bridging the Lindon Heritage Trail to connect the two parking lots on the upper level for better traffic circulation. The Planning Commission also reviewed Mr. Ashton’s request and provided input.

Brigham Ashton was present as the representative for this Concept Review. Mr. Cowie explained that this concept review affects lots 11 and 12 of the Old Station Square development, located on the corner of 200 North and State Street.

Mr. Cowie presented an overhead view of the subject property, noting that the Lindon Heritage Trail divides the two commercial properties. The proposal suggested by Mr. Ashton minimizes the retaining walls associated with the trail on the west side of State Street, using the building walls as retention. Mr. Ashton’s plan also calls for grading of the lots to create a ground level plaza area outside the tunnel entrance, and a decorative wooden bridge over the Lindon Heritage Trail to provide vehicular access and connectivity between the lots.

Councilmember Carpenter inquired as to whether the slope of the trail would be increased as a result of this proposed layout. Mr. Cowie stated that the slope would increase, but would be in compliance with federal guidelines for trail slope and accessibility.

Mr. Cowie presented photographs of similar decorative wooden bridges. Mr. Ashton noted that while the upper portion of the bridge would be wooden, the supporting structure would be constructed of steel or concrete to create the necessary stability.

Mr. Cowie noted that the most significant change from the current design to the proposed design would be a reduction in the size of the retaining wall. He observed that this reduction would result in savings to the City in the final cost of the trail. He noted that the drainage collection point would also be moved nearer the entrance of the tunnel.

Councilmember Bayless expressed concern regarding visibility through the tunnel. Mr. Cowie stated that preliminary engineering reviews indicate that maintaining line of site through the tunnel would be feasible based on the proposed design. Mayor Dain observed that the slope will be minimal, and will be less than half the allowable slope for ADA access.

Mayor Dain noted that plans for the tunnel entrance include some type of logo or other identifying mark. He expressed concern that the bridge structure may obscure the view of the markings. Mr. Ashton stated that it is his intention to create a recognizable “landmark” area with this proposal, and that he would be willing to discuss options to make any logo markings visible.

The Council viewed photographs of the site. Mr. Ashton noted that lot 11 and lot 12 will be graded, and will include walkout basements for the structures on those lots.

Mr. Cowie clarified the existing and proposed grade of the lots.

Councilmember Bayless noted that this project is funded primarily with federal funds. She inquired as to what process would be necessary to allow modifications to the current trail design. Mr. Dameron stated that he has discussed the proposal with UDOT representatives, and that it appears that the proposed design would be possible with a change order process. Mr. Cowie noted that the proposed design would create a net savings to the City of approximately $25,000.
Councilmember Bayless inquired as to the distance from the proposed bridge to State Street. Mr. Cowie stated that the bridge would be approximately 30 feet from State Street. Mr. Cowie noted that the current plan is conceptual only, and that site plan details are not yet finalized. Mr. Ashton stated that the bridge is currently proposed at a width of 24 feet, but that he would be willing to narrow the bridge if necessary.

Mayor Dain asked Councilmembers if there were any strong negative feelings regarding the proposal. Councilmember Bath felt that while there may be some concern with the proposal, there may also be significant benefits. Councilmember Anthony stated that he had a neutral to negative opinion of the proposal at this point. Councilmember Bayless stated that she had no significant concerns with the design, so long as the final plan did not vary significantly from the concept plan. Councilmember Hatch felt that the proposed layout may be beneficial to the development and the City.

Councilmember Bayless noted that her most significant concern would be to maintain daylight from end to end in the tunnel. Councilmember Anthony echoed that concern. Mr. Ashton stated that the proposed design is intended to open the tunnel up, rather than close it off. He noted that the grade change associated with the tunnel will be minimal. Councilmember Anthony felt that it would be beneficial for the City Council to have some input regarding the aesthetics of the bridge. Mr. Cowie observed that the bridge will span a publicly owned property, and that the City Council will have input into the design of the bridge.

Mr. Ashton will finalize the details of the proposed design and submit appropriate applications. Mr. Cowie noted that tunnel construction will not begin immediately, and that there is an adequate time frame to address details and concerns associated with the design.

3. Public Hearing – Ordinance Amendments (#2008-1). – Notice Requirements Pertaining to Land Use Applications. The City Council will hear public comment and possibly act to approve amendment to various sections of the Lindon City Code dealing with “noticing” requirements pertaining to land use applications. The Planning Commission recommended approval.

COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER ORDINANCE #2008-1. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cowie stated that this ordinance creates Chapter 17.14 of the Lindon City Code, which outlines noticing requirements for various land use applications. He explained that State requirements have been directly applied to noticing for land use applications since 2005, and that the proposed changes bring the City Code into conformance with associated State statutes. During Planning Commission review of this proposed ordinance, Commissioners requested that a provision be include which would allow the City to provide additional noticing by electronic means, such as an e-mail group list. The requested language has been added to the ordinance presented to the City Council. Mr. Cowie noted that several other code sections will also be amended with regard to noticing requirements.
Mr. Cowie read section 17.14.50 – Third Party Noticing. He noted that this section includes a provision which will allow the Planning Director to notice surrounding property owners and hold a public hearing regarding permitted uses deemed to have ‘more than routine significance’ in order to protect the interest of surrounding property owners. This section also defines the notice area as parcels located within 300 feet of the subject property. Additional noticing requirements for Group Homes and Care Facilities will be referenced in section 17.14.90.

Mr. Cowie explained that several code sections will be removed which are no longer applicable, or have been replaced by other sections. Sections which require noticing to be mailed by applicants and requirements relative to neighborhood meetings held by the applicant will no longer be referenced in the City Code. Mr. Cowie noted that it is beneficial for the City to complete all required noticing to ensure that interested parties are properly noticed, and that noticing is completed uniformly.

Mr. Cowie stated that several sentences were added to clarify the noticing process for accessory apartments. He explained that staff reviews accessory apartment applications to determine if the application meets the criteria for a legal accessory apartment. If the accessory apartment application meets requirements, notices are mailed to neighboring property owners. Notices state that the apartment meets the requirements of the City Code, and that the application will be approved. Neighboring property owners can request a hearing regarding the apartment if they feel that for any reason the apartment does not meet ordinance criteria. Mr. Cowie noted that the requirements will be listed in the notice. He observed that some residents are opposed to accessory apartment in general, but that if the accessory apartment meets the requirements of the ordinance, it must be approved.

Mr. Cowie went on to review noticing requirements specific to reimbursement agreements. He noted that when the reimbursement agreement application is deemed ‘complete and correct,’ affected property owners will be noticed 10 days prior to the Public Hearing for the application.

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

COUNCILMEMBER HATCH MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER ORDINANCE #2008-1. COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER BAYLESS MOVED TO APPROVE ORDINANCE #2008-1 CREATING CHAPTER 17.14 OF THE LINDON CITY CODE TITLED ‘NOTICING’, AND MODIFYING, AMENDING AND REVISING THE PROVISIONS OF SECTIONS 17.12.090, 17.16.100, 17.10.080, 17.46.040, 17.46.090, 17.46.100, 17.68.050, AND 17.68.070 AND PROVIDING FOR AN EFFECTIVE DATE. COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
4. **Public Hearing** – Ordinance Amendments (#2008-2) – Flag Lots, Width to Depth Ratio. The City Council will hear public comment and possibly act to approve an amendment to exempt flag lots from the “width to dept” lot ratio and also to consider suggested revisions to driveway standards involving width and fire hydrant placement. The Planning Commission recommended approval.

COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER ORDINANCE #2008-2. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cowie explained that it was brought to his attention recently that flag lots are not currently exempt from width to depth ratio requirements. Proposed revisions exempt flag lots from width to depth ratio requirements applied to standard lots. Mr. Cowie noted that language was also added regarding required driveway width. The 25 foot width will be required to be maintained for the full length of the driveway. If a fire hydrant is located on the driveway portion of the flag lot, a forty foot section of the driveway adjacent to the hydrant must be 31 feet wide and the surface traversable by a fire truck must be at least 25 feet wide to allow adequate space for a fire truck to access and connect to the fire hydrant.

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

COUNCILMEMBER HATCH MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER ORDINANCE #2008-2. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER HATCH MOVED TO APPROVE ORDINANCE #2008-2 AMENDING CHAPTER 17.32.320 OF THE LINDON CITY CODE TITLE ‘FLAG LOTS’, MODIFYING, AMENDING AND REVISING THE PROVISIONS OF THE SECTION AND PROVIDING FOR AN EFFECTIVE DATE. 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.
5. **Public Hearing** – Ordinance Amendment (#2008-3) – Appendix A (Standard Land Use Table). The City Council will hear public comment and possibly act to approve various land use changes for uses within the CG zone and listed in the SLU Table. The Planning Commission recommended approval.

COUNCILMEMBER HATCH MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER ORDINANCE #2008-3. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cowie stated that this is a City initiated review of Appendix A: Standard Land Use Table of the Lindon City Code. He noted that language was added to Section I which states that the Planning Director or Planning Commission have authority to hold a Public Hearing for permitted or conditional uses if the application is deemed to have more than routine significance for which the surrounding property owners should be notified in order to protect the public interest. He noted that conditions can not be imposed on a permitted use, and conditional uses must be approved with appropriate conditions, but that the Public Hearing would provide an opportunity to discuss relevant concerns.

Mr. Cowie went on to discuss recommendations of the Planning Commission regarding specific uses which are land intensive with limited sales tax revenue potential that are currently listed as permitted uses in the Commercial Zone. The Planning Commission recommended that universities, colleges, professional and vocational schools be changed from permitted to conditional uses in the CG zone. Commissioners also recommended that church, synagogues and temples be listed as not permitted in the CG zone, and be listed as conditional uses in other zones.

Mayor Dain inquired as to whether zoning requirements listed in the Standard Land Use Table would be challengeable in court. Mr. Cowie explained that the City Council has broad legislative authority to establish appropriate zoning requirements.

Councilmember Carpenter observed that the Commercial zone is the appropriate location for uses with a true commercial element.

Councilmember Bayless expressed concern regarding churches and other similar uses. She noted that while the predominate religion in the area does not typically locate church facilities on commercial corridors, other religions may prefer a more visible location. Mr. Cowie noted that the concern on the Planning Commission was that a commercial corridor would not be the appropriate location for a church facility. He noted that a church could apply for a zone change to allow a church facility in the CG zone.

Mr. Dameron noted that church facilities would be conditional uses in the MC zone, which would move the location off of major commercial corridors. Councilmember Bayless noted that the cost of commercial property would likely preclude the possibility that a church would purchase commercial property. Following further discussion, the majority of the Council felt that church facilities should be listed as not permitted in the CG zone, and that the issue could be addressed in the future if necessary.

Mr. Cowie went on to discuss other recommendations of the Planning Commission. He noted that the intent of the recommended changes is to relocate land intensive uses which do not produce significant tax revenue off of the main corridors.
The Council discussed uses such as Member Organizations, Labor Unions, and Fraternal Associations, which were recommended as not permitted uses in the CG zone, and conditional in the LI zone. Amphitheaters, arcades and miniature golf were recommended to be conditional uses. In discussing golf courses, the Council observed that golf courses and country clubs are land intensive uses which produce minimal tax revenue. Following discussion, the Council felt that golf courses should be amended to be not permitted in the CG and MC zone, and should be conditional in the HI and LI zone. Tennis courts and indoor soccer facilities were discussed, and at the recommendation of the Planning Commission will be listed as not permitted uses in the CG zone.

The Council discussed the possibility of creation of a skateboard park in the City. Chief Cullimore noted that Orem has been successful with similar facilities in Orem, placing the responsibility on users of the facility to police themselves and maintain the facility in an orderly manner.

Following further discussion, the Council agreed that the zoning designation of golf courses and country clubs should be listed as not permitted, and that other changes as recommended by the Planning Commission were reasonable. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER ORDINANCE #2008-3. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE #2008-3 WITH THE FOLLOWING CHANGES:

• COUNTRY CLUBS AND GOLF COURSES TO BE NOT PERMITTED IN THE MC AND CG ZONE, AND TO BE CONDITIONAL USES IN THE LI AND HI ZONES.

• OTHER CHANGES AS RECOMMENDED BY THE PLANNING COMMISSION.

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.

COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER ORDINANCE #2008-4. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cowie explained that this ordinance amends current language which references the “Uniform Building Code” to “currently adopted code.” He noted that the City has currently adopted the “International Building Code,” but that proposed language will allow future changes to the adopted building code without further ordinance revisions.

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

COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER ORDINANCE #2008-4. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER BAYLESS MOVED TO APPROVE ORDINANCE #2008-4 AMENDING CHAPTER 17.24.170, 17.44.140, 17.48.100, 17.49.070, 17.49.080, 17.50.080, AND 17.56.120 OF THE LINDON CITY CODE, MODIFYING, AMENDING AND REVISIONING THE PROVISIONS OF THE SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE. 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.

7. **Public Hearing** – Surplus Property Resolution (#2008-2). The City Council will hear public comment and possibly act to approve a resolution declaring certain property of the City as surplus and approving the disposition of the listed property. This declaration does not involve real estate.

COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER RESOLUTION #2008-2. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Dameron explained that the City currently has several surplus items for sale. He noted a minimum bid has been set for the vehicles and for the camera equipment. Councilmember Anthony asked Mr. Dameron to review the process followed if an employee submits a bid which does not meet the established minimum bid. Mr. Dameron
stated that in the event that a City employee submits a bid which does not meet minimum
bid requirements, but it is the high bid, the City Council will approve the sale of the item
to the employee. Mr. Dameron also noted that a camera company has expressed an
interest in the surplus camera, which they plan to purchase and re-sell.

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

COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC
HEARING TO CONSIDER RESOLUTION #2008-2. COUNCILMEMBER BAYLESS
SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

COUNCILMEMBER BAYLESS MOVED TO APPROVE RESOLUTION
#2008-2 DECLARING CERTAIN PROPERTY OWNED BY THE CITY TO BE
SURPLUS PROPERTY AND AUTHORIZING THE DISPOSAL OF THE LISTED
PROPERTY. 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.

8. **Review and Action** – **Bid Award – Curb Ramp Replacement Project.** This is a
request by staff for the Council’s review and approval of the bid award for the
curb ramp replacement project at various locations within the City. Staff
recommends awarding the bid to Raass Brothers, Inc. in the amount of $62,987.00
which is 37% lower than the Engineers’ opinion of probable cost.

Councilmember Hatch observed that the bid for this project came in significantly
below engineering estimates. Mr. Dameron explained that the project will be completed
using CDBG funds and City matching funds. He noted that based on the bid amount for
scheduled ramps, available funds will make it possible to complete additional ramps
based on the prioritized list. Mayor Dain called for further comments or discussion.
Hearing none, he called for a motion.

COUNCILMEMBER ANTHONY MOVED TO AWARD THE BID FOR CURB
RAMP REPLACEMENT PROJECTS TO RAASS BROTHERS, INC. IN THE
AMOUNT OF $62,987.00. COUNCILMEMBER HATCH SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER ANTHONY    AYE
COUNCILMEMBER BATH     AYE
COUNCILMEMBER BAYLESS    AYE
COUNCILMEMBER CARPENTER AYE
9. **Review and Action** – Agreement – Utah County and Lindon City. This is a staff request for the Council’s review and approval of an agreement between Utah County and Lindon City for the widening of Lindon City’s 700 North Street.

Mr. Dameron explained that this is an unexpected reimbursement which will be paid to the City by Utah County for work completed on 700 North. The Council discussed minor wording changes recommended by the City Engineer. Wording changes include changing “design specifications” to “design standards,” and changing “no new access points” to “no additional access points.” The engineer also recommended that the agreement clarify who is responsible for future costs associated with the project. The Council discussed the application of road impact fees to the project. Mr. Dameron explained that road impact fees will not be applied to the project because the city’s money is not being expended. He noted that it may be an option to change road impact fees to include curb and gutter improvements which will be installed by the City.

Councilmember Anthony inquired as to whether there would be any reimbursement to the original property owners. Mr. Dameron stated that the City purchased property from the original property owners, and that the full reimbursement amount will be paid to the City.

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

**COUNCILMEMBER BATH MOVED TO APPROVE THE AGREEMENT BETWEEN UTAH COUNTY AND LINDON CITY FOR THE 700 NORTH STREET PROJECT, INCLUDING LANGUAGE REVISIONS AS RECOMMENDED BY THE CITY ENGINEER. 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.

10. **Review and Action** – Agreement – Carter Construction and Lindon City. This is a staff request for the Council’s ratification of a construction agreement between Carter Construction Company and Lindon City for the basement finishing project for the Lindon City Police Department.

Mr. Dameron noted that construction has begun on the Police Department project, and that this action is ratification by the Council of the agreement between Carter Construction and Lindon City. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.
COUNCILMEMBER BATH MOVED TO APPROVE THE RATIFICATION
OF THE AGREEMENT BETWEEN LINDON CITY AND CARTER
CONSTRUCTION COMPANY FOR THE BASEMENT FINISHING PROJECT FOR
THE LINDON CITY POLICE DEPARTMENT. 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.

11. **Review and Action** – Bid Award – Street Lighting Contractor – 800 West Traffic
Calming Improvements. This is a staff request for the Council’s review and
approval for the lighting contractor for the 800 West Traffic Calming
Improvements. Staff recommends awarding the bid to the low bidder, Voltiac
Construction, Inc. in the amount of $16,050.00.

City Engineer, Mark Christensen, explained that the type of street lighting which
will be installed as part of this project is designed to provide better lighting of the area at
mid-block crossings, and increases pedestrian safety. Mayor Dain called for comments
or discussion from the Council. Hearing none, he called for a motion.

COUNCILMEMBER BATH MOVED TO AWARD THE STREET LIGHTING
CONTRACTOR BID FOR THE 800 WEST TRAFFIC CALMING IMPROVEMENTS
TO VOLTIAC CONSTRUCTION, INC. IN THE AMOUNT OF $16,050.00.
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.

12. **Review and Action** – Residential Street Light Type. This is a staff request for the
Council’s review and approval of a particular type of street light for residential
areas of the City. The two heads under consideration are called “American
Revolution” and “Granville.”

City Engineer, Mark Christensen, was present to discuss lighting styles with the
City Council. Mr. Cowie explained that the proposed lighting types are listed in the
current lighting styles listed in the 2008 Development Policy Manual. He outlined
designs for various areas of the City, including residential streets, collector streets, and
commercial areas.
Mayor Dain inquired as to the cost savings for the proposed lighting styles as opposed to the lighting styles currently being used in various areas. Mr. Christensen stated that the anticipated cost savings would be several hundred dollars per light. He noted that the light produced by each of the styles is similar, and that all styles are “dark sky” compliant. Mr. Cowie drew the attention of the Council to a sample of the Granville light which was on display in the Council Chambers. He turned on the light and removed the “dark sky” shield located at the top of the light, which directs light toward the ground rather than into the sky.

Mr. Christensen noted that proposed lighting designs are intended to differentiate between residential areas and commercial areas. The Council discussed decorative details which can be included or not included in the lighting styles. Councilmember Anthony inquired as to the style of lights used in Orem. Mr. Christensen stated that the lighting style used city wide in Orem is similar to the style used on State Street in Lindon. Councilmember Anthony commented that when flying over the valley recently, he observed that lighting in Orem was very visible from the sky. He inquired as to whether proposed lighting in Lindon would be as bright as lighting in Orem. Mr. Christensen explained that the amount of light produced is dependent on the bulb used, as well as use of the dark sky shield. He noted that various watt bulbs can be used in any of the lighting styles to produce more or less light.

The Council discussed specific lighting styles under consideration. It was the general feeling of the Council that the American Revolution style light was not the light of choice. They felt that the Granville style light with the decorative band would be an appropriate choice for lighting in residential areas. It was also the feeling of the Council that the Esplanade light would be appropriate for collector streets, and the Washington Postlight would be appropriate for commercial corridors. Councilmember Anthony noted that all lighting styles are expected to be dark sky compliant. Mayor Dain called for a motion.

COUNCILMEMBER ANTHONY MOVED TO APPROVE THE “GRANVILLE” STYLE LIGHT WITH THE DECORATIVE FRAME AND DARK SKY SHIELD FOR USE IN RESIDENTIAL AREAS, “ESPLANADE” STYLE LIGHT FOR COLLECTOR STREETS, AND THE “WASHINGTON POSTLIGHT” STYLE LIGHT FOR COMMERCIAL CORRIDORS. COUNCILMEMBER BAYLESS 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.

Mr. Dameron stated that three applicants were interviewed regarding the contract for lighting installation and maintenance. Custom Lighting currently does installation for Rocky Mountain Power, as well as several cities. Mr. Christensen stated that his perception is that they are qualified contractors, but that they do not seem to be highly service oriented. Mr. Christensen explained that he has learned that one reason for typical
delays in installation of street lights is that there is approximately a ten week delay in
receiving lights from the manufacturer after they are ordered.

Mr. Christensen stated that the second contractor interviewed was Voltiac
Construction. He noted that Voltiac has the current maintenance contract for lighting in
Orem City. Orem representatives spoke very favorably when asked about the service
provided by Voltiac. He observed that Voltiac appears to be very service oriented.

The final contractor interviewed regarding the contract was Hunt Electric. Mr.
Christensen noted that Hunt Electric appears to have experience in larger lighting
projects, such as I-15, and they do not appear to be the appropriate company to install and
maintain a City lighting system.

Mr. Christensen stated that the Development Review Committee feels
comfortable in making a recommendation to negotiate a contract with Voltiac
Construction for installation and maintenance of street lights in the City. He noted that in
addition to being customer oriented, they are also the low bidder on the installation
project on 800 West.

Mayor Dain inquired as to whether the bid price for the installation project on 800
West represents the price per light. Mr. Christensen stated that the bid price is the
approximate cost per light, but that actual costs may vary depending on several factors,
including the proximity of an available power source. He noted that Orem City orders
and stock piles a number of lights in order to have them available for installation in a
timely manner. Mayor Dain agreed that pre-ordering lights would be beneficial. He
noted that the manufacturer will not directly supply the lights to a contractor, but will
directly supply to municipalities. He noted that directly ordering a number of lights will
likely result in a cost savings, and time savings.

Mr. Dameron asked Mr. Christensen to review the procedure which will be
followed for lighting installation for new developments. Mr. Christensen stated that the
City will work directly with the lighting contractor to install lighting. Developers will be
required to post a bond to cover the typical cost of lighting. The developer will be billed
the actual cost of lighting purchase and installation. Mayor Dain noted that this
procedure will allow consistent and timely installation of lighting in new development
projects. He stated that he felt comfortable with the recommendation to negotiate with
Voltiac Construction to establish a contract to provide lighting installation and
maintenance services. He called for further comments or discussion from the Council.
Hearing none, he called for a motion.

COUNCILMEMBER CARPENTER MOVED TO AUTHORIZE STAFF TO
NEGOTIATE A CONTRACT WITH VOLTIAC CONSTRUCTION, INC. FOR
LIGHTING INSTALLATION AND MAINTENANCE SERVICES IN LINDON CITY.
COUNCILMEMBER BAYLESS 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.
Councilmember Anthony inquired as to the effect of this action on the ability of residents to request lighting in existing developments. Mr. Dameron explained that the criteria to request and qualify for lighting installation will not be affected. The lighting will be installed by Voltiac, rather than Rocky Mountain Power.

13. **Review and Action** – “HOME” and “CHODO” Funding Resolution (#2008-3). This is a request from Councilmember Hatch for the Council’s consideration of Lindon City’s allocation of HOME and CHODO monies for the funding of affordable housing projects in Utah County.

Councilmember Hatch reported to the Council on projects which will be funded by the Housing Consortium this year. He noted that after all approved projects were funded, $150,000 in additional revenue was available. He commented on the rural housing project overseen by Brad Bishop which starts construction on 10 homes simultaneously. Home owners participate in the construction of all 10 homes, and all families move into the homes at the same time. The Chaplain at the Utah County Jail also contacted the consortium regarding creation of housing options for inmates being released from jail.

Councilmember Hatch explained that the Consortium combines funds awarded to various communities and works cooperatively on projects which benefit Utah County as a whole. He noted that Lindon is the smallest community involved in the Consortium, as smaller communities with limited resources are not typically able to participate. Mayor Dain stated that he is proud to be involved with these worthy projects. Councilmember Carpenter expressed appreciation to Councilmember Hatch for his efforts working with the consortium in behalf of the community. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

**COUNCILMEMBER HATCH MOVED TO APPROVE RESOLUTION #2008-3 AUTHORIZING THE USE OF LINDON CITY’S 2008 ALLOCATION OF HOME FUNDS AND COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FUNDS TO ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING PROJECTS AND SERVICE CENTERS LOCATED IN UTAH COUNTY AND SETTING AN EFFECTIVE DATE. 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.

14. **Review and Action** – Reimbursement Resolution (#2008-4). This is a staff request for the Council’s review and approval of a resolution which will allow City expenditures related to the aquatics center to be reimbursed by bond proceeds.
Mr. Dameron explained that this Resolution will allow the use of bond proceeds to reimburse the City for expenses related to the aquatics center which the City will incur before the bond is funded.

COUNCILMEMBER BATH MOVED TO APPROVE RESOLUTION #2008-4. 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.

Mr. Dameron reviewed the schedule for issuance of the bond. He noted that five contractors attended a pre-proposal meeting for the project. Mayor Dain observed that it is important that the contractor selected to complete the project have experience in building pools. Mr. Dameron noted that the contractors are aware that the project must be completed by May 2009.

COUNCIL REPORTS –

WATER, SEWER, SOLID WASTE, HOUSING CONSORTIUM –

Councilmember Hatch reported on a specific Housing Consortium project which will assist a Spanish Fork family in qualifying for a Habitat For Humanity home.

During a recent Provo Bench Water Users Meeting, it was reported that the Wasatch Front is currently 117% of normal for the water year, and the St. George area is 160% of normal.

TRAILS, PLANNING, ZONING, BD OF ADJ., ADMINISTRATION –

Councilmember Bayless inquired as to the status of bids for the Lindon Heritage Trail. Mr. Dameron stated that the low bid was submitted by Ram Constructors. Mayor Dain noted that the low bid was approximately $1 million under engineering estimates. Mr. Dameron stated that the information will be forwarded to UDOT, and that UDOT will then award the bid. Construction will begin as soon as weather permits.

Councilmember Bayless noted that there are vacancies on the Planning Commission and the Board of Adjustments which need to be filled. The Council discussed various names for possible appointment to vacant positions. Consensus was reached on an appointment to the Planning Commission. Mr. Dameron will place the item on the agenda of the next City Council meeting for official action.

PUBLIC SAFETY, COURT, BUILDING INSPECTIONS –
Councilmember Bath inquired as to the status of an agreement for contract dispatch services with Pleasant Grove. Chief Cullimore stated that there has been no contact from Pleasant Grove, and that he intends to send a letter notifying Pleasant Grove that Lindon is interested in continuing contract services, but that there are time restrictions to finalize an agreement. Chief Cullimore stated that he has also contacted Orem City to discuss the possibility of receiving contract dispatch, fire and EMS services through Orem. He noted that Pleasant Grove has eluded that they will not be willing to provide fire and EMS services if an agreement is not reached for dispatch services.

PARKS, RECREATION, ENGINEERING, LINDON FAIR, NEWSLETTER –

Councilmember Anthony offered his apologies for missing the Annual Retreat. He stated that he met with Mr. Dameron to review the discussion held during the Retreat.

GENERAL PLAN, STREETS & SIDEWALKS, PUBLIC BUILDINGS –

Councilmember Carpenter reported that the pavement on 200 South is failing. He suggested that the City investigate the possibility of any recourse with the contractor. Councilmember Carpenter also reported that he may have a resident who is willing to serve as a leader for a Lindon City Youth Court/Youth Council. He noted that it is the appropriate time to create Lindon’s own youth organizations in conjunction with the Police Department.

Councilmember Carpenter reviewed bills under consideration at the State Legislature. He discussed the status of several bills, including bills related to water shares, justice courts, forms of government, municipal landfills, and public meeting minutes.

ADMINISTRATOR’S REPORT –

Mr. Dameron reported on the following items:

1. Engineering coordination meeting will be held Wednesday, February 20, 2008 at noon at the public works complex. Councilmember Bayless, Councilmember Carpenter and Mayor Dain will attend.

2. Mayor Dain and Mr. Dameron will attend a meeting with Alpine School District Wednesday, February 20, 2008 at noon at the school district offices.

3. The Heritage Trail is a UDOT, rather than a City project. Residents will be provided with door hangers with contact information as construction begins. Questions or concerns expressed by residents should be directed to UDOT. Mayor Dain noted that it may be appropriate for the City to convey concerns and communicate with UDOT in certain circumstances.

4. Work Sessions with Department Heads will be scheduled at 6:00 prior to regular City Council meetings beginning March 4, 2008.

5. The Lindon City Planning Commission was featured in an article in “The Commissioner,” a national magazine publication.
6. According to a recent article in the Salt Lake Tribune, The Utah Homebuilders Association ranked Lindon the number one city to work with on development projects.

7. The City has received payment in full from Pleasant Grove for the MAG funds reimbursement. The payment included interest up to the day payment was made.

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

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<tr>
<th>Councilmember</th>
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<tr>
<td>Councilmember Anthony</td>
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<td>Councilmember Carpenter</td>
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<td>Councilmember Hatch</td>
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THE MOTION CARRIED UNANIMOUSLY.

ADJOURN –

COUNCILMEMBER HATCH MOVED TO ADJOURN THE MEETING AT 10:43 P.M. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – March 4, 2008

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Debra Cullimore, City Recorder

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James A. Dain, Mayor