

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, August 19, 2008**,  
beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100 North State  
Street, Lindon, Utah.

4 **REGULAR SESSION** – 7:00 P.M.

6 Conducting: James A. Dain, Mayor  
8 Pledge of Allegiance: Lindsey Bayless  
Invocation: Jim Dain

10 **PRESENT**

**ABSENT**

12 James A. Dain, Mayor  
14 Eric Anthony, Councilmember  
H. Toby Bath, Councilmember  
16 Lindsey Bayless, Councilmember  
Bruce Carpenter, Councilmember  
18 Jerald I. Hatch, Councilmember  
Ott H. Dameron, City Administrator  
20 Adam Cowie, Planning Director  
Woody Mataele, Assistant Planner  
22 Mark Christensen, City Engineer

Debra Cullimore, City Recorder

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

26 **MINUTES** –

28 The minutes of the Regular Meeting of July 15, 2008 and the special meeting of August  
5, 2008 were reviewed.

30  
32 COUNCILMEMBER BATH MOVED TO APPROVE THE MINUTES OF THE  
REGULAR MEETING OF JULY 15, 2008. COUNCILMEMBER CARPERNTER  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

34 COUNCILMEMBER ANTHONY AYE  
COUNCILMEMBER BATH AYE  
36 COUNCILMEMBER BAYLESS AYE  
COUNCILMEMBER CARPENTER AYE  
38 COUNCILMEMBER HATCH AYE  
THE MOTION CARRIED UNANIMOUSLY.

40  
42 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF THE  
SPECIAL MEETING OF AUGUST 5, 2008. COUNCILMEMBER HATCH SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

44 COUNCILMEMBER ANTHONY AYE  
COUNCILMEMBER BATH AYE  
46 COUNCILMEMBER BAYLESS AYE

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

6 **OPEN SESSION –**

8 Mayor Dain called for comments from any resident present who wished to address an  
9 issue not listed as an agenda item. Councilmember Anthony expressed his desire to thank and  
10 congratulate Ernie and Yvonne Silva for the fine manner in which they planned and ran this  
11 year’s “Lindon Days”, especially the inclusion of the west-side of Lindon with activities such as  
12 the Fireworks. Mr. Anthony continued by acknowledging his appreciation for the Lindon City  
13 Police Officers and their involvement and positive addition to the “Lindon Days” festivities.

14 Mayor Dain wanted to echo Mr. Anthony’s remarks and inquired if the Silvas would be  
15 coming into a council meeting to make a presentation. The mayor wants to give the Silvas some  
16 feedback and suggested the inclusion of Meadow Park as a venue in the future. Ott Dameron,  
17 City Administrator, indicated that as soon as Ernie Silva is ready, he would come in to make a  
18 report to the Council. The Mayor shared some of the stats he had on the event and expressed  
19 appreciation for the Silva’s efforts.

20 **MAYOR’S COMMENTS/REPORT –**

22 Mayor Dain reported that Lindon City applied for, and are recipients of 3.258 million  
23 dollars in MAG (Mountainland Association of Governments) money to continue the Lindon City  
24 Heritage Trail. This expansion would begin in 2012. The Council thanked the City Planner;  
25 Adam Cowie, and the City Engineer; Mark Christensen, for being so proactive with this  
26 application.

28 Mayor Dain also wanted everyone to be aware of the I-15 reconstruction Project - Phase  
29 1, which will begin in 2010. He mentioned that the 2.63 billion dollar first phase, would be from  
30 American Fork to Provo.

32 Mayor Dain briefly reported on the Utah Lake Commission and the Front-Runner South  
33 project.

34 **CONSENT AGENDA –**

36 No items.

38 **CURRENT BUSINESS –**

- 40 1. **Preliminary Plat** – *Old Station Square Office Condominiums*. This is a request by  
41 Brigham Ashton with Beesmark Investment. LC for preliminary plat approval of Old  
42 Station Square Lot 17 Office Park Condominiums, vacating the previously recorded Old  
43 Station Square Plat “E”. This project is located in the Old Station Square Commercial  
44 Subdivision at 199 North 290 West in the CG zone. The request creates 6 units in the  
45 Beesmark Offices and 10 units in the Shingle Offices. The Planning Commission  
46 recommended approval with no conditions.

2 Mr. Cowie noted that the applicant for this item is looking for approval of a condominium  
4 plat and that the site plan has already been approved. The buildings would be separated into  
4 condominium units that could be sold individually. There would be a common area that would be  
maintained by an association. Currently, the site is under construction.

6 Brigham Ashton, the developer, mentioned that they would be moving their main office to  
6 this location. Councilmember Bayless expressed her impression of the buildings and its  
proximity to the Heritage Trail.

8 There was then some discussion on interested tenants. The Council asked if BMA is getting  
any interests, and Mr. Ashton mentioned that they are getting some interested parties.

10 Mayor Dain noted that there seemed to be minimal discussion on the item during the  
Planning Commission meeting. Mr. Cowie indicated that the Planning Commission  
12 recommended approval with no conditions.

14 Mr. Cowie expressed that this may be the better method, to have the buildings in place and  
then surveyed, which minimizes surveying error. Councilmember Bayless stated that we also  
16 know what we are getting because we can see it. Mr. Cowie indicated that there is no concern  
from staff in regards to this items proposal.

18 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE OLD STATION SQUARE  
OFFICE CONDOMINIUMS MAJOR SUBDIVISION PRELIMINARY PLAT WITH NO  
20 CONDITIONS. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE  
WAS RECORDED AS FOLLOWS:

22 COUNCILMEMBER ANTHONY            AYE  
COUNCILMEMBER BATH                AYE  
24 COUNCILMEMBER BAYLESS            AYE  
COUNCILMEMBER CARPENTER        AYE  
26 COUNCILMEMBER HATCH             AYE  
THE MOTION CARRIED UNANIMOUSLY.

- 28
- 30 2. **Preliminary Plat** – *Hill/Cox Residential Subdivision, Plan “A”*. This is a request by Eric  
Hill and Lewis Cox for preliminary plat approval of Hill/Cox Residential Subdivision,  
32 Plat “A”, 4 lots, in the R1-20 zone at 68 North 800 West. The Planning Commission  
recommended approval with one condition.

34 Mr. Cowie reported that the applicant is presenting a major subdivision. There are currently  
two existing homes on the property that are part of the subdivision. The homes would remain as  
36 part of the subdivision. The applicant is proposing to stub a cul-de-sac that would be connected  
to 800 West. Two new lots would be created behind the two existing lots. The Planning  
38 Commission has recommended a condition of approval requested by the City Engineer, that the  
end of the proposed 80 North be slightly skewed to the north to align with 800 west. This shift  
40 would also require minor adjustments to the proposed property lines for the 4-lots to meet the  
20,000 sq/ft minimum lot sizes. The applicant will be required to install all road improvements.  
42 The plans also show some existing buildings that are within the proposed property lines, which  
would be removed.

44 Mr. Cowie mentioned that two concerned adjacent property owners commented during  
the Planning Commission meeting. They indicated that there is a drainage that runs  
46 along/through the property. Lewis Cox gave some history of the drainage flow, and indicated

2 that currently the water runs uninterrupted. Mr. Cowie indicated that the applicant would need to  
3 have an easement identified on the plat for the drainage flow. Mr. Cowie continued to present  
4 pictures of the location of the subject property.

5 Mr. Cowie referred to the grant that was present by MAG (Mountainland Association of  
6 Governments) for the Lindon Heritage Trail expansion; which would be made available in 2012.  
7 Currently the Lindon Master Plan shows the trail running along the west side of 800 West. Mr.  
8 Cowie indicated that after spending time with the City Engineer, they felt that it would be less  
9 expensive to have the trail constructed on the east side of the road. Mr. Cowie indicated that  
10 opting to build the trail on the west side of the 800 West rather than the east side would require  
11 the removal of more electric poles, more driveway cuts, greater elevation changes, and greater  
12 right-of-way purchase required; which would naturally mean a greater expense. Mr. Cowie  
13 expressed his desire to gauge the Council's feelings towards this proposed adjustment. Mr.  
14 Cowie stated that he would like staff to continue to look into this option and also work with the  
15 affected neighboring property owners to evaluate the best option. It is anticipated that a decision  
16 will be made regarding the 800 West trail cross-section before the applicant would construct road  
improvements in the spring of 2009.

17 Councilmember Bayless said that she has heard this item discussed in the Planning  
18 Commission meeting and is comfortable with having this trail cross-section changed. There was  
19 further discussion on the neighboring property owners participating in the development. It was  
20 indicated that the applicant has met with surrounding owners to provide them with options of  
21 developing their lots. This configuration has been agreed upon by the applicants after several  
22 years of planning.

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

25 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE HILL/COX RESIDENTIAL  
26 MAJOR SUBDIVISION PRELIMINARY PLAT WITH THE FOLLOWING CONDITIONS:

- 27 1. PER THE CITY ENGINEER RECOMMENDATION, THE PROPOSED 80 NORTH  
28 CUL-DE-SAC CONNECTION WITH 800 WEST BE ADJUSTED SLIGHTLY NORTH  
29 TO CREATE A 90 DEGREE ANGLE AND IF NECESSARY, LOT LINES BE  
30 ADJUSTED TO MEET THE 20,000 SQ/FT MINIMUM LOT SIZE REQUIREMENT.
- 31 2. DIRECT STAFF TO EVALUATE TRAIL LOCATION ALONG 800 WEST, AND  
32 REPORT BACK TO THE COUNCIL.

33 COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED  
34 AS FOLLOWS:

35 COUNCILMEMBER ANTHONY            AYE  
36 COUNCILMEMBER BATH                AYE  
37 COUNCILMEMBER BAYLESS            AYE  
38 COUNCILMEMBER CARPENTER         AYE  
39 COUNCILMEMBER HATCH               AYE  
40 THE MOTION CARRIED UNANIMOUSLY.

- 41 3. **Concept Review** – *Golden Years – Elderly Group Home*. This is a request by Ray Taylor  
42 for review of a concept plan for and elderly residential group home facility, in the R1-20  
43 zone at 190 North 400 West. The applicant's plans will need to meet all requirements  
44

2 indicated in the Lindon City Code Section 17.07.030. The Planning Commission  
provided feedback at their last meeting.

4 Mr. Cowie explained that this was a concept review; the applicant has been to the  
Planning Commission twice. The proposed concept plan is to replace the existing home on the  
6 location. The property borders the old Lindon City Public Works building. The applicant is  
proposing an elderly group home that would consist of 8 residential units, with a common living  
8 area, common kitchen, and a fulltime caretaker on the premises. The proposed floor plans  
include individual units that would include a kitchenette, a car garage, living space, office, and  
10 den. The plans also show a shared living room, kitchen & eating area, drop-off area, office, and  
caretakers unit. Mr. Cowie mentioned that during the Planning Commission, there was a lot of  
12 discussion in regards to the elderly group home ordinance.

14 It was noted that staff has discussed interpretation of specific language in the ordinance  
with the City Attorney since the Planning Commission meeting regarding the term “family type  
arrangement” and “live-in care provider arrangement,” referred to LCC Section 17.70.030,  
16 which would distinguish the maximum of either 4 or 8 residents. Mr. Cowie said that the City  
Attorney, Brian Haws, indicated that there is no State definition that exists for the terms but had  
18 the following opinion on the issue. “The State Code Section 7-70-030(3) sets out the conditions,  
both of which must be present, that limit the number of residents to four. 1.) Live in Assistance  
20 who 2.) are paid to assist the residents. The only ambiguous word is “paid” but courts  
consistently interpret this term to include compensation provided by in-kind services or benefits,  
22 such as free rent. So if the intent to have a paid care provider live-in the facility and they are  
identified as employees (W-2) or independent contractors (1099) or are getting rent free or  
24 significantly reduced, then it is not the family style living center. If they are not being paid and  
are paying rent for their unit, it can go to 8 residents.” Brian also mentioned in his response to  
26 staff that a “family-type arrangement” is one which allows individuals to function primarily on  
their own and who are mostly ‘independent’ but may have common facilities available to the  
28 group if needed. He felt that this facility appears to be designed to accommodate more  
‘independent’ individuals – even though there is a care provided unit on site – just as long as  
30 they are not “paid” to assist the residents.

32 Mr. Cowie felt that it would be difficult for staff to monitor and regulate if the care  
provider is being compensated. Another issue that arose was the possibility of a resident having a  
spouse. The applicant’s plans show 8 separate units, but the city code limits such a facility to  
34 have a maximum of 8 individuals. The applicant would also have to address and meet the LCC  
Section 17.44.120, which refers to the 40% maximum building lot and 40% minimum  
36 landscaping requirement within residential zones. Mr. Cowie gave some background on the  
group home ordinance and its intent when it was drafted.

38 There was additional discussion regarding the differences between a group homes and  
assisted living. Councilmember Bayless indicated that she has a number of concerns. She felt  
40 that a “family” would be one residence, not residences. She felt that this was a proposal of 8  
separate condos/apartments, rather than a group home. Councilmember Bayless noted that this  
42 concept would need to be discussed much more before there is additional money spent by the  
application.

44 The Council discussed LCC Section 17.70.030(2), regarding the facility not operating as  
a business (not for profit). Paul Warnock discussed some background on the concept plan and the  
46 issues of the subject property. Mr. Warnock indicated that after going through Lindon City’s

Code, they felt that this product would be the best fit. Councilmember Hatch felt that this concept plan does not fit the ordinance. He felt that this project would be an R2-Overlay. Mr. Cowie indicated that this type of use is a permitted use within the City's residential zone as long as it meets the city ordinance. Mr. Warnock indicated that he understands the councils concerns. He continued to explain the intent of the project and the type of citizens this project is targeting.

Councilmember Bayless indicated that there are group homes that are scattered throughout the city. She continued by noting that these facilities are not individual units, but one home/unit that is used for all residents. Councilmember Bayless asked if the applicant has talked with some of the neighboring property owners. Mr. Taylor indicated that he has and that the neighbors are in favor of the existing home being replaced with something similar to their proposed concept plan.

There was then discussion on density and the Lindon City code requirements. Mr. Cowie asked the Council to discuss why this proposed project does not meet the current ordinance. He continued by saying that the City Attorney feels that the applicants proposal would meet the ordinance, other than the care taker aspect. Councilmember Carpenter indicated the he feels that there are more issues to look at. One of those issues being LCC Section 17.70.03(3)(a.), which states that a residential facility for elderly persons shall be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident. Mr. Cowie noted that the city attorney felt that an association would meet this requirement.

The Council went on to discuss specific elements of the proposed facility, including separate units, kitchenettes, and living quarters, in comparison to a communal facility. Mr. Cowie stated that staff was asked by the Planning Commission to consult with Brian Haws; the City Attorney, to get his interpretation of the current ordinance and the proposed concept plan. He continued to say that the current residential facility for elderly persons ordinance is vague in its requirements and definitions. There was then discussion about the Councils concerns, the applicant meeting the current ordinances, parking, and the possibility of revisiting the subject ordinance to make some changes.

Councilmember Carpenter and Anthony felt that it would be wise that the council revisit LCC Section 17.70.030 'Residential Facility for Elderly Persons.' Mr. Warnock expressed his concern and frustration with what he was hearing from the Council. Councilmember Anthony expressed his interpretation of what the Council as a whole was saying. Mr. Cowie asked the Council what they felt needed to be reconsidered in the current ordinance. Councilmember Bayless gave some back ground on past discussions and experiences on providing for the elderly. Mayor Dain explained that the Council is not trying to work against the elderly, but that they need to take some time to revisit the ordinance or have more discussion on the issues at hand.

The Council discussed the future of these proposed units. Mr. Warnock proposes coming back to the Council with a concept that would address the concerns expressed. He suggested that they would move forward in conjunction with the Council's review of the current ordinance. Mr. Taylor then asked for a time frame. Mr. Dameron indicated that staff would have the ordinance review as part of a Work Session during September, and then a Public Hearing September 16<sup>th</sup>, 2008.

(NO MOTION IS NECESSARY).

- 2 4. **Preliminary Plat** – *Highlands at Bald Mountain Residential Subdivision*. This is a  
2 request by Chad Clifford and Bryce Black with Black Scott Development, LC for  
4 preliminary plat approval of Highlands at Bald Mountain Residential Subdivision, Plat  
4 “A”, 37 buildable lots, in the R1-12 zone at 650 East 760 North. The application and plat  
6 configuration was previously approved in 2004, but the plat expired due to conflicts  
6 between developers. The Planning Commission recommended approval with conditions.

8 Mr. Cowie reported that this is a request by Black Scott Development for approval of a  
8 major subdivision. Black Scott had applied and was approved for a major subdivision back in  
10 2004. Due to business conflicts, the previous approval lapsed. The applicant is proposing 40 total  
10 buildable lots that would be built in two phases. The applicant has provided documentation that  
12 they have mitigated FEMA concerns regarding flood plains on the subject property. There are  
12 also indications of two significant easements that run through the property, including the Jordon  
14 Valley Aqueduct and Rocky Mountain Power. The applicant has provided adequate  
14 documentation from these two entities which indicates that any relevant concerns have been  
16 addressed. The applicant is also proposing a 1.3 acre debris basin to be located on the east side of  
16 the property. In 2006, the City of Lindon completed a Geological Hazards Report, which  
18 identified an unmitigated drainage that may be a potential debris hazard flow on the subject  
18 property. The applicant has hired a surveyor to mitigate this concern and the recommendation by  
20 Earthtec Engineers has been turned in since the Planning Commission meeting. Mr. Cowie  
20 discussed the development of the Master Planned collector road, 1200 East, which would  
22 connect with 1000 South (Pleasant Grove). He noted that MAG has indicated that there may be  
22 some funds to help purchase the necessary right-of-way for 1200 East, which runs east of the  
24 proposed development. The lot configuring indicates that there would be no access on to 1200  
24 East. Mr. Cowie said that the City does not currently have the funds to purchase the right-of-  
26 way, but staff is currently working on obtaining some grant funding assistance.

28 There was also mention of Mr. Millet in relation to this application. Mr. Cowie noted that  
28 the proposed 1200 East collector road on both the Lindon City and Pleasant Grove Master Plan  
and was approved by both councils in its current configuration. He also mentioned that there was  
30 one Planning Commissioner who felt that the alignment of the future 1200 East should be split  
30 evenly between Black Scott Development’s and Mr. Millet’s property. Mr. Cowie then discussed  
32 the increased costs and property that would have to be acquired to shift the roads alignment south  
32 to satisfy Mr. Millet’s proposal. Mr. Cowie mentioned concerns that came up during a joint  
34 meeting last week with Mr. Millet, Black Scott Development, and staff from both Pleasant Grove  
34 and Lindon City. It was also mentioned that Pleasant Grove City has no desire to alter or change  
36 the current alignment of the future 1200 East collector road.

38 Mr. Cowie then presented the future alignment of Pleasant Grove’s 1000 South with the  
38 connection to 650 East-Lindon. The Council discussed the slope easement that would be  
imposed on the proposed homes that are adjacent to the future 1200 East collector road. Mr.  
40 Dayle Jeffs, Black Scott Development’s Attorney, indicated that the easement would be recorded  
40 on the lot. Bryce Black noted that he has discussed concerns with staff regarding a retaining wall  
42 being put in on the property line of the lots adjacent to the future 1200 East collector road.

44 Mr. Cowie reviewed the Planning Commissions recommended conditions of approval.  
44 He noted that during the joint meeting last week, Black Scott Development presented a proposal  
to purchase the Millet property at fair market value. As of City Council meeting time today,  
46 Black Scot Development indicated that Mr. Millet had not responded to the offer. Mr. Cowie

discussed his communications with the County in regards to the plat recording of Meadows at Bald Mountain in 2004. The County indicated that they will correct the documentation showing the dedication on county maps.

Councilmember Bayless asked staff were this leaves Mr. Millet's concern. Mr. Cowie said that there would need to be an amendment to both the Lindon City and Pleasant Grove Master Plans in order to have 1200 East altered from its currently approved configuration, which is not the intent of either City.

Mr. Dayle Jeffs mentioned that the Jordon Valley Aqueduct will require that all lots that are affected by the aqueduct easement to be notified. He assured the Council that the developer would notify all the future property owners. Mr. Black expressed his concern regarding possible delay of the project because of the 'connection requirement' of 650 East (Lindon) with 1000 South (Pleasant Grove). He felt that it would not be fair that there are other developments south of his project that were not required to put in this connection and that he should not be faulted because of the County's oversight.

There was then discussion on the history of the connection between 650 East (Lindon) and 1000 South (Pleasant Grove). Councilmember Bayless said that this recommended condition from the Planning Commission was also a condition of approval during the first application in 2004. She also noted that it was the City's understanding that this connection was to be put in, therefore not requiring the developments south to complete this connection.

There was then discussion about the location and size of the property that is in dispute (Mr. Millet's) and the issues of a temporary connection. Larry O'Donnell, Mr. Millet's neighbor, presented some information and handouts. He indicated that the Pleasant Grove Engineer indicated during the meeting that a one lane temporary road would not meet their code. Mr. O'Donnell expressed his concerns and discussed his feelings for the situation. He felt that this proposal would harm the Millet property due to the fact that the road is not split between the two cities. He felt that Mr. Millet should receive additional compensation for the north section of the roadway.

Mark Christensen, the City Engineer, indicated that the design and engineering of 1200 East was previously done and engineered back in 2004, and that the current alignment was adopted by both cities.

Mayor Dain asked for some clarification on Mr. Millet's dedication to complete the connection of 650 East (Lindon) and 1000 South (Pleasant Grove). Mr. Cowie and Mr. Christensen gave some background and noted that they are working with the County to resolve this situation. He explained that Mr. Millet previously signed a plat dedicating the roadway area to the City to create the two lane access. Mr. Cowie indicated that there is no dispute that there is currently a dedicated single lane and that it is up to Pleasant Grove City to decide if they require a crash gate on there side of the connection.

Councilmember Bath expressed that this connection needs to be resolved before we go any further. Councilmember Anthony and Bayless echoed the same remarks and noted that this is a safety concern. There was also some discussion on the responsibility of putting in the necessary road improvements and the County's stance on the issue of Mr. Millets dedicated property.

Mr. Black explained his conversation with the county and felt that they were confident in the dedication of the Millet property. He also indicated that Black Scott Development would not be opposed to completing the temporary connection if the dedication issue is resolved. There was further discussion on the safety issues of the temporary road and the sale of the future lots.

2 Councilmember Bath felt that these concerns should be resolved before the application is  
3 approved.

4 The Council discussed Pleasant Grove's responsibility for the temporary connection road  
5 and the current item being reviewed as a preliminary plat. It was then the consensus that the  
6 council make a motion with conditions.

7 Mr. Christensen indicated that wording regarding the Hillside Overlay which was included in  
8 the approval in 2004 should also be included in any motion to approve this application.

9  
10 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE HIGHLANDS AT BALD  
11 MOUNTAIN MAJOR SUBDIVISION PRELIMINARY PLAT BASED ON THE  
12 FOLLOWING FINDINGS:

- 13 1. THE HILLSIDE OVERLAY STANDARDS ARE ACCEPTABLE TO BE WAIVED ON  
14 THE SUBJECT PARCELS AS WAS APPROVED IN 2004.
- 15 2. THAT GIVEN THE EMERGING TRAFFIC LOAD AND SAFETY CONCERNS, THAT  
16 IT IS CRITICAL THAT THE TEMPORARY CONNECTION TO 1000 SOUTH  
17 (PLEASANT GROVE) BE COMPLETED AS A TWO LANE ROAD.
- 18 3. THAT IT APPEARS THAT THE COUNTY IS HONORING THE DEDICATION OF  
19 THE MILLET PROPERTY ON THE MEADOWS AT BALD MOUNTAIN  
20 SUBDIVISION PLAT.

21 WITH THE FOLLOWING CONDITIONS:

- 22 1. THAT FLOOD PLAIN BE REROUTED BEFORE A PLAT IS RECORDED ON LOTS  
23 AFFECTED BY THE IDENTIFIED FLOOD PLAIN.
- 24 2. THAT ROCKY MOUNTAIN POWER AND JORDAN VALLEY AQUADUCT SIGN  
25 THE PLAT BEFORE IT IS RECORDED.
- 26 3. THAT THE CITY AND THE APPLICANT FINALIZE PURCHASE OF THE  
27 NECESSARY 1200 EAST RIGHT-OF-WAY THROUGH A DEVELOPMENT  
28 AGREEMENT.
- 29 4. THAT THE CONDITIONS MITIGATING THE GEOLOGICAL HAZARDS AS  
30 RECOMMENDED BY EARTHTECH FOUND IN THE REPORT DATED AUGUST  
31 12, 2008 BE IMPLEMENTED TO THE SATISFACTION OF THE CITY ENGINEER.
- 32 5. THAT THE APPROVAL IS CONTINGENT UPON VERIFICATION FROM THE  
33 COUNTY THAT THE PREVIOUS DEDICATION OF THE MILLET PROPERTY IS  
34 VALID AND IS CURRENTLY PUBLIC PROPERTY AVAILABLE FOR ROAD  
35 CONSTRUCTION.
- 36 6. THAT THE PAVED TWO LANE TEMPORARY CONNECTION BETWEEN 650  
37 EAST (LINDON) AND 1000 SOUTH (PLEASANT GROVE) BE PROVIDED BY THE  
38 DEVELOPER, MINUS ANY BONDED AMOUNT THAT HAS BEEN PAID TO THE  
39 CITY IN RELATION TO PREVIOUS DEVELOPMENT PROJECTS. LINDON CITY  
40 WILL PROVIDE ANY ENGINEERING REQUIRED FOR THIS TEMPORARY  
41 CONNECTION.
- 42 7. THAT A NOTATION BE INCLUDED ON THE PLAT INDICATING THAT NO  
43 REAR LOT ACCESS WILL BE PERMITTED ONTO THE FUTURE COLLECTOR  
44 STREET 1200 EAST/1000 SOUTH.
- 45 8. THAT NOTIFICATION OF A SLOPE EASEMENT BE RECORDED ON A  
46 SEPARATE DOCUMENT FOR EACH AFFECTED PARCEL.

2 There was then some discussion regarding the possibility that Pleasant Grove may reject the  
4 proposed connection. It was indicated that in such and event, the approval would be nullified and  
the developer would have to come back for re-approval.

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

8 COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	NAY
10 COUNCILMEMBER BAYLESS	AYE
COUNCILMEMBER CARPENTER	AYE
12 COUNCILMEMBER HATCH	AYE

THE MOTION CARRIED (4-1).

14 The meeting was brought to a break at 9:55 p.m.  
16 The meeting was called back to order at 10:04 p.m.

- 18 5. **Report** – *Traffic Calming Follow-up Study – 800 West, 425 North, 575 West*. This is a  
20 report from Mark Christensen of JUB Engineers concerning the results of the traffic  
calming project in the 800 West vicinity adjacent to Pheasant Brook Park.

22 City Engineer, Mark Christensen presented information and a follow-up on the traffic  
calming study on 800 West from 425 North to 575 West. He reviewed speed and volumes on the  
24 street prior to and following installation of chokers in the area. Traffic speed was reduced by  
approximately 2%, while traffic volume was decreased by approximately 11%. Mr. Christensen  
26 felt that there was not a significant reduction in traffic speed after the chokers were installed.  
He felt that that the signage which was installed on 800 West in conjunction with the chokers  
28 caused the volume change reflected in the study.

The study concluded that chokers will provide only minimal reductions in traffic speeds,  
30 but do provide a safer crossing area for pedestrians. The Council discussed the type of residents  
using these streets and whether the majority of traffic on the street is local traffic. The Council  
32 also discussed average speeds that would be found on various roads throughout the City. Mr.  
Christensen noted that 36 to 37 miles per hour is average speed on designated collector streets.

34 Councilmember Carpenter reiterated Mr. Christensen's concerns and conclusions. He felt  
that chokers may not result in the desired effect, and that the resulting two mile per hour decrease  
36 may not justify the cost of \$50,000. Mr. Christensen noted that safer pedestrian crossing areas  
and a reduction in excessively high speeds may justify installation of chokers in specific  
38 locations.

There was then discussion on the concerns and opinions of the public that use these  
40 subject roads. Several audience members voiced their concerns and opinions on the need for  
implementing effective traffic calming methods in appropriate locations. Residents inquired as  
42 to the effect of the chokers on local residents who frequently use 800 West. Mr. Dameron noted  
that a series of neighborhood meetings were held prior to installation of the chokers to receive  
44 public input. One resident noted that the chokers were not aesthetically pleasing.

2           6. **Review and Action** – *Adoptions and Modifications to the Citizen Initiated Traffic*  
3           *Calming Process*. This is a request by staff for the Council’s review of proposals to  
4           modify the Citizen Initiated Traffic Calming Process. Mark Christensen of JUB  
5           Engineers will be present to discuss this matter with the Council.

6           Mr. Christensen reported on a study of collector roads. He also gave some examples of  
7           Orem City’s traffic methods. Orem increased speed limits on major collector streets to the  
8           eighty-fifth percentile speed of 30 miles per hour on major collector streets, subsequent studies  
9           indicated that there was no increase in the eighty-fifth percentile speed on those streets as a result  
10          of the speed limit increase. Mr. Christensen suggested that the City raise the eighty-fifth  
11          percentile requirements for justified traffic calming devices. Current standards include a 25 mile  
12          per hour threshold to determine warrants for traffic calming measures. Mr. Christensen  
13          recommended that the threshold be increased to 30 miles per hour on all major collector streets.  
14          He noted that with out doing so, the majority of the City’s collector roads would warrant some  
15          sort of calming method. He noted that the proposed increase in the eighty-fifth percentile  
16          threshold to 30 miles per hour would halt the traffic calming process for 200 South, as it would  
17          not meet proposed warrants. He clarified that he is not suggesting that the speed limit be raised,  
18          but only that the warrant standards be increased. He noted that lane striping may be possible on  
19          200 South based on the new standards.

20          There was discussion of striping the roads, costs, and the false safety for pedestrians.  
21          Councilmember Bayless noted that wide striped shoulders do increase safety for pedestrians as  
22          opposed to walking on a gravel shoulder. Mr. Christensen noted that traffic studies are not  
23          required to install narrow lane striping in most areas. He noted that the striping method is an  
24          inexpensive method which has been shown to reduce traffic speeds. Mr. Christensen also  
25          discussed the current and future primary response routes for public safety, which would prevent  
26          speed bumps, traffic circles, round-about, etc. Mr. Christensen indicated that Chief Cullimore  
27          has requested the 60 North, Main Street and Center Street be included as emergency response  
28          routes. Future emergency response routes which will be completed as development occurs are  
29          also included on maps. He noted that cooperation would be necessary with neighboring  
30          communities for some identified emergency response routes. The Council discussed the  
31          differences between passive and active traffic calming measures. Mr. Christensen explained that  
32          passive measures, which do not force a vehicle to slow but provide a psychological barrier which  
33          encourages drivers to slow, are allowed on emergency routes.

34          Mr. Christensen made the following recommendations for changes to the Citizen Initiated  
35          Traffic Calming Study Process as follows:

- 36           1. Proposed evaluation process relative to the current 200 South Study.
- 37           2. Raising the threshold from 25 miles per hour to 30 miles per hour on all major  
38           collector streets, or increase the speed limit to 30.
- 39           3. Addition of new emergency response routes.
- 40           4. Consideration of only passive traffic calming measures on identified emergency  
41           response routes.

42          There was discussion on MUTCD (Manual on Uniformed Traffic Control Devices) and  
43          their methods and requirements that are recommended to justify traffic control devices. Mr.  
44          Christensen observed that 200 South is heavily used, and is a unique route to several areas. He  
45          stated that although 200 South is heavily used, the intersection of 800 West and 200 South does

not meet warrants to install a four way stop at that location. He clarified that traffic speed and volume on 200 South is average to most major collector streets in the City.

Several Lindon residents were present in the audience to voice their concerns regarding traffic on 200 South. These residents asserted that a 4-way stop sign on the intersection of 200 South and 800 West would slow traffic and provide safety for drivers and pedestrians. Mr. Christensen stated that two traffic accidents have occurred in the area since 2005.

Brenda Smithson noted that she initiated the study for a traffic calming measures on 200 South. There was some citizen remarks that expressed Mr. Christensen's proposal to raise the eighty-fifth percentile speed threshold was not acceptable. Mrs. Smithson argued that there are a lot of children that live near and cross 200 South, and the residents are concerned. She also mentioned that the Lindon Police Officers should also ticket the large commercial traffic that speed through 200 South. The citizens present also questioned Mr. Christensen's remarks on a 4 way stop not being warranted on the intersection of 200 South and 800 West based on children's safety, past attempts to implement traffic calming devices, and concerns for unkempt trees that have visually caused a safety concern.

The Council discussed traffic calming devices which may be appropriate, such as signage, stop signs, speeding indicators, and striping.

Mr. Christensen explained the standards and methods defined in the Manual of Uniform Traffic Control Devices. He stated that traffic control devices must meet the criteria specified in the MUTCD to permit installation in order to maintain consistency and predictability for drivers.

Residents continued to express concerns regarding pedestrian safety, especially for children living in the area. Mr. Christensen stated that traffic speed on 200 South was studied extensively in relation to speeds on 800 West following installation of chokers. He stated that traffic speed is similar in both locations. Residents asserted that a large number of "near-miss" accidents occur on the street frequently. Residents encouraged the Council to consider the impact on residents if traffic control measures are not implemented. Residents also noted that overgrown trees are affecting visibility on roadway. Mayor Dain stated that the City will follow up on the tree trimming. Residents also requested installation of signage indicating the presence of disable children living in the area. Residents commenting included Erlene Lott, Rich and Shawna Powell, Deona Carling, Laura Smith, Luke Gillman, Byron Tate, Doug Rogers and Rita Swenson.

Mayor Dain noted that completion of the planned Vineyard Connector Road will likely have a positive impact on traffic speed and volume on the west side of Lindon.

Residents noted that while Police Officers are effective in enforcing traffic speed in private vehicles, but that they do not see effective enforcement of commercial vehicles. Mayor Dain will forward the concern to Chief Cullimore. Mr. Christensen noted that large vehicles may have the appearance of traveling at higher speeds than smaller vehicles, even though the large vehicles are traveling at similar speeds. One resident asserted that a stop sign at 800 West would effectively slow traffic, including commercial vehicles. Residents continued to express concerns regarding safety of residents in the area.

Councilmember Bath felt that striping on 200 South should be a priority, and would effectively slow traffic. Councilmember Anthony questioned the effectiveness of a stop, and a possible increase in hazard if a stop sign is installed inappropriately. Mayor Dain noted that the intersection of 800 West would likely meet warrants in the future when the road is completed through to Wal-Mart. He felt that installation of a stop sign at this time in anticipation of the future increase may be appropriate. Councilmember Bayless expressed agreement that the stop

2 sign would be appropriate. She also felt that striping would be beneficial and effective in  
4 slowing traffic. She felt that the speed threshold should not be increased from 25 miles an hour  
6 to 30 miles per hour. Councilmember Carpenter agreed that the increase in threshold should not  
8 be adopted at this time. The Council discussed installation of signage identifying disabled  
10 children in the area, and whether they would help effectively slow traffic. Councilmember Bath  
12 noted that 200 South is a major collector, and that all other options should be exhausted prior to  
14 installing a stop sign. He felt that striping may effectively slow traffic without the need to install  
16 the stop sign. He felt that the issue should be discussed with Chief Cullimore prior to approving  
18 the stop sign. The Council also discussed the effectiveness of increased traffic enforcement on  
20 200 South.

22 Residents inquired as to the effectiveness of permanent digital speed monitoring signs.  
24 Mr. Christensen stated that studies indicate that effectiveness of permanent digital signs declines  
26 significantly after approximately two years. Councilmember Bath pointed out that the majority  
28 of speeding in any given neighborhood is typically residents who live in the area. He stated that  
30 education of area residents will also be effective in slowing traffic.

32 The Council discussed measures which would be appropriate to take at this time,  
34 including increased enforcement, striping, chokers, signage, and a stop sign at 800 West. Mr.  
36 Christensen reviewed standards found in the MUTCD regarding installation of stop signs, which  
38 indicate that stop signs should not be used to control speed. He explained that four way stop  
40 standards are not mandated, and though not recommended, a stop sign could legally be installed.

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

24 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE ADOPTION AND  
26 MODIFICATIONS TO THE CITIZEN INITIATED TRAFFIC CALMING PROCESS WITH  
28 THE FOLLOWING CONDITIONS:

- 30 1. THAT STRIPING BE COMPLETED ON 200 SOUTH AND THAT OTHER AREAS IN  
32 THE CITY WHERE STRIPING MAY BE BENEFICIAL BE INVESTIGATED.
- 34 2. THAT A FOUR-WAY STOP AND CROSS WALK BE INSTALLED ON THE  
36 INTERSECTION OF 200 SOUTH AND 800 WEST.
- 38 3. THAT THE COUNCIL APPROVES THE PRIMARY EMERGENCY RESPONSE  
40 ROUTE MAP AND THAT ONLY PASSIVE TRAFFIC CALMING PRACTICES BE  
42 ALLOWED ON THESE ROUTES.
- 44 4. ADDITIONAL SIGNS REGARDING DISABLED CHILDREN BE CONSIDERED ON  
200 SOUTH PER CITY ENGINEER'S RECOMMENDATIONS.

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

COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	NAY
COUNCILMEMBER BAYLESS	AYE
COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	AYE

THE MOTION CARRIED (4-1).

2 Councilmember Bath indicated that he is in favor of all the recommendations with the  
3 exception of the 4-way stop sign. Councilmember Bayless noted that similar measures may be  
4 considered in other areas of the City as well, and that these actions are not specific only to 200  
5 South.

- 6 7. **Report** – *Metro Area Impact of Home Building in Utah County, Utah*. Ron Rydman of  
7 the Utah Valley Home Builders Association will present this report to the Council.

8  
9  
10 Ron Rydman presented a copy of a completed economic model report relative to  
11 homebuilding in Utah County completed in conjunction with the National Homebuilders  
12 Association. The report considered the values of new home construction in Utah County. The  
13 study considered the construction phase, the occupancy phase, and revenues generated on a  
14 county-wide basis, as well as costs to provide services for residential homes. He explained the  
15 different phases the study considered, and the economic ripple effect of wages and tax revenue  
16 being recycled into the local economy. He explained that cities with a low commercial base do  
17 not have the opportunity to recycle funds within their local economy as wages earned during the  
18 construction phase are not spent within the community. He stated that the study results indicate  
19 that county-wide, new home construction generally pays for itself. Mr. Rydman stated that the  
20 housing industry expects the economy to recover following the November election, which will  
21 likely result in an increase in new home construction.

- 22 8. **Review and Action** – *Lindon Heritage Trail Contract Modification Request*. This is a  
23 request for a contract modification to increase the amount allocated for JUB Engineers on  
24 this project by \$183,558.20. Mark Christensen of JUB Engineering will be here to discuss  
25 this matter with the Council.

26  
27 Mr. Dameron and Mr. Christensen presented information that revealed additional hours  
28 spent and expenses incurred by JUB on the Lindon Heritage Trail project. These extra hours  
29 would require an increased allocation to be paid to JUB Engineering, therefore increasing the  
30 overall project cost that was originally bid on and awarded to the Contractor. Mr. Christensen  
31 stated that a large portion of the increase is for inspection hours, which were approximately  
32 1,400 hours over the hours used to tabulate the original costs.

33 There was discussion on the Contractor's proposed increase on funds and their  
34 experience with UDOT projects. In addition, the Council discussed the contractor's lack of  
35 experience and the burden of costs being placed on the City and/or the Federal Government, the  
36 current City's budget, the method use to pay the contractor, increased hours by JUB Engineering,  
37 and the project deadline.

38 Councilmember Anthony felt that the contractor should be responsible to carry the  
39 burden of the increased cost or there should be a compromise where the City is not stuck with the  
40 entire bill. Mayor Dain called for further comments or discussion from the Council. Hearing  
41 none, he called for a motion.

42  
43 COUNCILMEMBER HATCH MOVED TO APPROVE THE PROPOSED LINDON  
44 HERITAGE TRAIL CONTRACT MODIFICATIONS IN THE AMOUNT OF \$183,558.20.  
45 COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED  
46 AS FOLLOWS:

2 COUNCILMEMBER ANTHONY NAY  
3 COUNCILMEMBER BATH AYE  
4 COUNCILMEMBER BAYLESS AYE  
5 COUNCILMEMBER CARPENTER AYE  
6 COUNCILMEMBER HATCH AYE  
7 THE MOTION CARRIED (4-1).

8 9. **Review and Action** – *Agreement for Street Light Installation*. This is a request by staff  
9 for approval of an agreement between Lindon City and Voltiac, Inc. for street light  
10 installations. The City was informed by Rocky Mountain Power that they would no  
11 longer be installing street lights in municipalities. Staff advertised an RFP and  
12 interviewed several firms who do these installations. Voltiac was selected and an  
13 agreement for this work has been drafted by the city attorney. New developments will  
14 pay the fees for the lights and installation and the city will contract with Voltiac, Inc. for  
15 the work.

16  
17 Mr. Dameron presented information regarding the agreement for the street lighting  
18 installation. He indicated that the issue has been discussed with the Council on several occasions  
19 in the past. It was noted that Rocky Mountain Power is no longer in the street lighting business,  
20 but will continue to maintain their current street lights with no new additions. Mr. Dameron  
21 explained that the City has considered and interviewed four companies to take on the  
22 responsibility of installing and maintaining the City’s street lights. Staff recommends the  
23 contract be awarded to Voltiac based on their experience, the fact that they were recommended  
24 by Orem City, they currently have a local office, and the company presented the lowest bid.

25 Mr. Dameron suggested that a cost reducing method would be that Lindon City purchases  
26 the lights and have Voltiac install them. Mayor Dain then asked if the City has funds to move  
27 forward with this project. Mr. Dameron explained that the City has budgeted for this project.  
28 There was then discussion on the City creating an inventory of street lights and the type of light  
29 that would be used.

30  
31 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE PROPOSED AGREEMENT  
32 FOR STREET LIGHT INSTALLATION AND MAINTENANCE. COUNCILMEMBER  
33 BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

34 COUNCILMEMBER ANTHONY AYE  
35 COUNCILMEMBER BATH AYE  
36 COUNCILMEMBER BAYLESS AYE  
37 COUNCILMEMBER CARPENTER AYE  
38 COUNCILMEMBER HATCH AYE  
39 THE MOTION CARRIED UNANIMOUSLY.

40  
41 10. **Review and Action** – *Bid Award – 400 East Street Improvement Project*. This is a  
42 request by staff for the Council’s review and approval of the bid award for the 400 East  
43 Improvement Project. Staff recommends that the bid be awarded to the low bidder,  
44 Geneva Rock Products with a bid of \$453,591.74.

2 Mark Christensen explained the bidding of this project. He then explained the concerns of  
3 contractors for increased asphalt prices. The two interested bidders were Geneva Rock and  
4 Staker Parsons, with Geneva Rock submitting the lowest bid. The Geneva Rock bid includes an  
5 increase clause that addresses a possible increase in asphalt prices. Mr. Christensen discussed the  
6 price for asphalt and gave some background on the current demands.

7 The Council discussed the location of the project, Geneva's bid, and the escalating price  
8 clause. Councilmember Anthony asked what Mr. Christensen's suggestion would be. He  
9 recommended that the City award the bid to Geneva Rock as the lowest bidder.  
10 There was then discussion on the project budget and cushioning that the city has with price  
11 adjustment.

12 COUNCILMEMBER BATH MOVED TO AWARD THE BID FOR 400 EAST STREET  
13 IMPROVEMENTS TO GENEVA ROCK IN TH AMOUNT OF \$453,591.74.

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

16 COUNCILMEMBER ANTHONY            AYE  
17 COUNCILMEMBER BATH                AYE  
18 COUNCILMEMBER BAYLESS            AYE  
19 COUNCILMEMBER CARPENTER        AYE  
20 COUNCILMEMBER HATCH             AYE  
21 THE MOTION CARRIED UNANIMOUSLY.

22 **COUNCIL REPORTS** –

23  
24  
25 **COUNCILMEMBER HATCH** – *Water, Sewer, Solid Waste, Housing Consortium.*

26  
27 Councilmember Hatch reported that Jolene Campbell and Shalona Barney are two  
28 citizens that have volunteered to be involved with the 'Night Out Against Crime'.

29  
30 **COUNCILMEMBER BAYLESS** – *Trails, Planning, Zoning, Board of Adjustments,*  
31 *Administration.*

32  
33 Councilmember Bayless reported on 'Healthy Lindon' upcoming events, volunteers for  
34 the "Healthy Lindon" Committee, and a reminder for the 'Night Out Against Crime' scheduled  
35 for September 8, 2008.

36  
37 **COUNCILMEMBER BATH** – *Public Safety, Court, Building Inspections.*

38  
39 Councilmember Bath reported that the Lindon Police Officers and Staff are moving along  
40 well and are doing a great job. He also mentioned that their computer program is moving along  
41 as well. Mr. Dameron mentioned that he has talked to Chief Cullimore about giving  
42 Councilmember Bath a monthly report.

43  
44 **COUNCILMEMBER ANTHONY** – *Parks, Recreation, Engineering, Lindon Fair, Newsletter.*

2 Councilmember Anthony reported that the Lindon City Tree Board is experiencing some  
3 difficulty and may be reorganized.

4 There was then discussion on improvements in the landscaping in Squaw Hollow Park.  
5 Mr. Dameron indicated that he would forward concerns to Elite Landscaping in regards to  
6 Squaw Hollow Park. It was also mentioned that the sprinkler system has been adjusted at the  
7 City Center to water the lawn on the west side of the pool construction site.

8 There was also mention of the September 10<sup>th</sup>-12<sup>th</sup> Utah League of Cities and Towns  
9 meeting and that the Aquatic Center bond closing August 12<sup>th</sup>, 2008.

10 Councilmember Anthony expressed his gratitude for the City sending a crew down to the  
11 County Fair to help break it down. The Chairmen of the County Fair had sent a letter to thank  
12 Lindon City for their support and efforts.

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

14 Councilmember Carpenter reported that the Utah League of Cities and Towns would be  
15 meeting again soon. He mentioned that an issue that would affect Lindon would be  
16 Representative Hilliard's proposal to have the entire State be on a uniform software program. If  
17 the proposal is adopted, cities will have two years to implement the program.

18 Councilmember Carpenter reported that impact fees that are allocated to allow funding  
19 for fire trucks must comply with the current state law. Councilmember Carpenter also reported  
20 on current water issues in the State.

21 **ADMINISTRATOR'S REPORT** –

22 Mr. Dameron reported on the following items:

- 23 1. Engineering Coordination Meeting
- 24 2. Heritage Trail

25 **ADJOURN** –

26 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT 11:59  
27 P.M. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN  
28 FAVOR. THE MOTION CARRIED.

29 Approved – September 02, 2008

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Debra Cullimore, City Recorder

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James A. Dain, Mayor