

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, October 21,**
3 **2008,** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100
4 North State Street, Lindon, Utah.

5 Conducting: James A. Dain, Mayor
6 Pledge of Allegiance: Trevor Anderson
7 Invocation: Toby Bath

8 **PRESENT**

8 **ABSENT**

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

9 Lindsey Bayless, Councilmember

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

19 **MINUTES** – The minutes of the Regular Meeting of October 7, 2008 were reviewed.

20
21 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES
22 OF THE MEETING OF OCTOBER 7, 2008. COUNCILMEMBER ANTHONY
23 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

24 COUNCILMEMBER ANTHONY AYE
25 COUNCILMEMBER BATH AYE
26 COUNCILMEMBER CARPENTER AYE
27 COUNCILMEMBER HATCH AYE

28 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

29 **OPEN SESSION** –

30 Mayor Dain called for comments from any resident present who wished to
31 address an issue not listed as an agenda item. Lindon resident Gene Maag addressed the
32 Council. Mr. Maag stated that he has lived on 800 West in Lindon for 40 years. He
33 stated that he attended the two Planning Commission discussions regarding realignment
34 of the Lindon Heritage Trail to the east side of 800 West, along with many other residents
35 from that area who were not in attendance at this meeting. Mr. Maag expressed concern
36 regarding several aspects of the trail, including the need for sidewalk, curb and gutter on
37 the west side, necessary UDOT approvals for the rail road crossing on 200 South,
38 consideration of routing down Center Street, and whether or not the City Council
39 considers public opinion when making decisions. Mayor Dain noted that the concerns

expressed by Mr. Maag were in reference to an agenda item. He explained to Mr. Maag that it would be appropriate to address those concerns as the agenda item is discussed.

MAYOR'S COMMENTS/REPORT –

Mayor Dain invited all present to attend the Lindon Heritage Trail ribbon cutting on Thursday, October 23, 2008 at 5:30 p.m. in the City Center Park. He also noted that there will be no City Council Meeting on November 4, 2008 due to the national election.

CONSENT AGENDA –

No items.

CURRENT BUSINESS –

1. **Public Hearing** – *Amendments to the Parks/Trails Master Plan Map of Lindon City.* This is a request by staff for approval of amendments to the Parks/Trails Master Plan Map of Lindon City which would 1) change the alignment of the Lindon Heritage Trail from the west side of 800 West to the east side of 800 West and 2) allow for a trail easement connecting 300 East and Center Street. The Planning Commission recommended approval of the amendments.

COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE PARKS AND TRAILS MASTER PLAN MAP. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cowie explained that the Planning Commission has made a recommendation to the City Council regarding this issue. He stated that the City Council held previous informal discussion regarding amendments to the Parks and Trails Master Plan Map, particularly along 800 West. The proposed revisions also include addition of a trail section on 300 East.

Mr. Cowie went on to explain that the current map shows the 800 West section of the Lindon Heritage Trail on the west side of 800 West. During review of the recent Hill/Cox Subdivision application, the City began to consider realignment of that trail section to the east side of 800 West. Mr. Cowie explained that the cost for east side realignment would be significantly lower, fewer power poles would require relocation, there would be fewer driveway crossings, and there would be significantly less impact to private properties if the trail is realigned to the east side of the road.

Mr. Cowie noted that additional grant funding has been awarded to the City to extend the trail west from the current ending point at the intersection of Lakeview Drive and 800 West. Grant funds will be disbursed in 2012, with design work for the new trail section beginning in 2011.

Mr. Cowie stated that the Planning Commission also reviewed this proposed trail realignment. He noted that several residents were present at the Planning Commission meeting. He observed that the majority of residents at the meeting spoke against the

2 realignment, and that they live on the east side of 800 West. Mr. Cowie noted that the
biggest concern expressed by residents was the number of street crossing associated with
4 the east side alignment. He observed that there will be a total of four street crossings, but
that all crossings will be at controlled intersections. Residents also expressed concern
6 regarding the impact of removing the existing sidewalk on the east side and replacing it
with trail.

8 Mr. Cowie stated that the Planning Commission recommended approval of the
proposed realignment to the east side of the road by a vote of 4 to 1. He stated that the
opposing vote was cast by Commissioner Johnson due to his feeling that completion of
10 the trail on the west side of the street would provide pedestrian facilities on both sides of
the street and benefit the neighborhood. Mr. Cowie reiterated that completion of the trail
12 section on the west side of the street would create significantly greater impact to private
properties than the proposed alignment on the east side of the street.

14 Councilmember Anthony inquired as to whether grant funding would cover 100%
of the project costs in 2012. Mr. Cowie explained that the City has a required 7% match
16 of the entire project cost. He clarified that if costs are saved in a particular area of the
project, it will allow the trail to be extended a greater distance with available funds.

18 Mr. Cowie presented photographs of the existing trail on Lakeview Drive. He
explained that the design of the curb wall on the 800 West section will be the
20 same as the curb wall on Lakeview Drive. If the trail is relocated to the east side of the
roadway, the rear curb wall will be installed in the same location as the existing back of
22 sidewalk, causing only temporary construction disruption to private properties.

24 Councilmember Carpenter asked if the cost savings on the east would be
significant, due to the cost of removing the existing sidewalk, curb and gutter. Mr.
Cowie explained that the cost to remove the sidewalk on the east side and replace it with
26 trail would be significantly less costly than mitigation of the property impacts on the west
side. Councilmember Carpenter noted that typically, installation of curb, gutter and
28 sidewalk improvements is the responsibility of the homeowner or developer. He
observed that while it would be more costly for the City, placement of the trail on the
30 west side of the street would complete pedestrian improvements on both sides. He noted
that if the trail is placed on the east side, the economic advantage would be that grant
32 funds specified for completion of the trail would allow the trail to extend further to the
west, and completion of the trail on the west side would represent a financial advantage
34 to property owners who would typically be financially responsible for completion of
pedestrian improvements in front of their home. He noted that the placement of the trail
36 on the west side in order to complete pedestrian improvements may be seen as unfair to
the remainder of the community who do not have the advantage of the City completing
38 pedestrian improvements on a city-wide basis. He also noted that it may be seen as
unfair by some community members if the City does not make the best use of available
40 grant funding and extend the trail as far as possible.

42 Mr. Cowie noted that placement of the trail on the west side of 800 West would
require pedestrians to cross the street at an uncontrolled intersection. Placement of the
trail on the east side would mitigate that particular concern. Mr. Cowie also noted that
44 the City Council has approved the installation of an additional stop sign at the
intersection of 800 West and 200 South, creating a four way stop in that location, which
46 will allow a safer pedestrian crossing area. Councilmember Anthony noted that traffic

2 volume on 800 West will increase when the north connection is completed, and that
crossing 800 West will be problematic at any location.

4 Mr. Cowie presented photographs of the area on the west side of 800 West which
would represent the greatest property impacts. Mr. Maag noted that impacts and expense
6 will be equivalent if the trail is located on the west side, or if curb, gutter and sidewalk
are completed. Mr. Cowie explained that the main difference would be that the City
8 would not be financially responsible for completion of curb, gutter and sidewalk
improvements on the west side.

10 Councilmember Anthony noted that locating the trail on the east side would result
in crossing four intersections as opposed to one crossing on the west side. He inquired as
12 to the safety impacts associated with the additional crossings. Mr. Cowie observed that
all four intersections are controlled intersections, and are located on minor local streets
without high traffic volume. He noted that existing sidewalk in the proposed trail
14 location is currently functioning as a pedestrian walkway, but that pedestrian traffic may
increase when the trail section is completed.

16 Councilmember Anthony asserted that safety should be the driving force in the
placement of the trail. He felt that it would not be prudent to create a safety concern to
18 save money. He stated that he is in favor of crossing as few streets as possible, and that
he is not convinced that placement of the trail on the east side will enhance safety.

20 The Council discussed the location of Pheasant Brook Park to the north of
Lakeview Drive on 800 West. Mr. Cowie noted that there is existing sidewalk on both
22 sides of the street from Lakeview Drive to the park, with a pedestrian crossing and
chokers located adjacent to the park.

24 Mayor Dain suggested that the Council respond to each of the concerns expressed
by Mr. Maag during the open session. Mayor Dain reiterated that the cost of locating the
26 trail on the west side of the street would exceed the cost of the completion on the east
side due to significant property impacts on the west side. Mr. Maag asked if the grant
28 funds could be pooled with City funds to complete improvements on both sides of the
street. The Council explained to Mr. Maag that grant funds are specified for trail projects
30 only, and can not be redirected to any other use. Councilmember Carpenter noted that
there is a greater need for trails in the City than there is funding to complete. He noted
32 that in fairness to the community as a whole, grant funds should be used to complete as
much of the trail system as possible.

34 In response to Mr. Maag's concern regarding approval from UDOT for the
crossing on Geneva Road, Mayor Dain explained that the agreement is not finalized, but
36 that the City is working cooperatively with UDOT to finalize the design of the trail. Mr.
Cowie noted that grant funding is administered through UDOT, and that UDOT is
38 heavily involved in the planning stages of the trail.

40 Mayor Dain noted that Mr. Maag had asserted that residents of Lindon had voted
down the trail in an election some years ago. Mayor Dain explained that the issue on the
42 ballot was not whether the trail should be constructed, but whether a General Obligation
Bond should be used to fund the trail. He explained that the City Council has an
obligation to the community to provide and expand safe pedestrian walkways though the
44 City. Councilmember Carpenter observed that the concept of the trail has evolved over
time, from the initial design as a soft surface horse trail to an ADA accessible multi-use
46 trail which is a benefit to all residents. Councilmember Hatch observed that there is a

strong push among municipalities to create “walkable” communities. He noted that the Heritage Trail connects to other regional trail systems, such as the Bonneville Shoreline Trail, creating a regional trail system.

Mr. Maag inquired as to responsibility for clean up and snow removal on the trail. Mayor Dain stated that the City will remove snow from the trail. Signs will be installed asking pet owners to clean up after their animals on the trail. He noted that if residents have a concern regarding clean up of pet droppings on the trail, they have the option to call the City to respond and clean up the trail.

Councilmember Anthony noted that as time goes on, there will be fewer and fewer horses in Lindon. He asserted that the interest from horse owners is minimal, as horses prefer other surfaces to the asphalt surface of the trail. He noted that funds have been budgeted for repair and maintenance of the trail system, and that the trail meets the needs of many Lindon residents.

Mayor Dain noted that Mr. Maag mentioned that the City Council does not listen to the concerns of citizens. Mayor Dain stated that he has never gotten the sense that the City Council is not concerned about input from residents. Councilmember Bath invited Mr. Maag to attend the Mayor’s Open House events held in homes around the community which provide an opportunity for residents to meet with the Mayor, as well as City Council representatives and City staff, to discuss concerns and give input in an informal setting.

Mr. Maag expressed concern regarding the viability of the proposed trail alignment, and felt that an alignment down Center Street should be considered. Mr. Cowie explained that the current alignment was adopted as part of the Master Plan in 2000. He noted that the intent of the proposed alignment is to provide convenient access to the trail from residential areas, as well as providing a possible bicycle or pedestrian route to the business areas on the west side of the City.

Councilmember Anthony felt that there may be a safety benefit to completing pedestrian improvements on both sides of 800 West. Mr. Cowie noted that if improvements are completed on both sides of the street, traffic speed is likely to increase. Councilmember Bath noted that area residents are the most likely to be speeding on the road, and that traffic and pedestrian safety are a matter of education for area residents.

Amelia Schwartz expressed appreciation to the Council for their hard working, and their integrity in making difficult decisions which all residents may not agree with.

Mr. Cowie noted that there is one additional change to the trails Master Plan under consideration as part of this action. He stated that the Planning Commission recommended approval of the addition of a ten foot asphalt trail connection from Center Street to 300 East.

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

COUNCILMEMBER HATCH MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE PARKS AND TRAILS MASTER PLAN MAP. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2 Councilmember Carpenter observed that realigning the trail down Center Street
4 from 800 West to Geneva Road would not be a viable option. He observed that crossing
6 the railroad spur on Geneva Road would present significant difficulties. He also
8 observed that the alignment down Center Street suggested by residents would not meet
10 the intent of the alignment to provide convenient access from residential areas. He noted
12 that the final trail alignment on Geneva Road may be impacted by the final design of the
Geneva Road widening project. Councilmember Carpenter expressed concern regarding
completing improvements on 800 West which would not be typical for other similar
streets. He noted however that as a collector street, 800 West bears a heavier traffic
burden than local streets, and that it may be advisable to complete pedestrian
improvements on both sides of the road. Following additional discussion,
Councilmember Anthony put forth the following motion:

14 COUNCILMEMBER ANTHONY MOVED TO DENY THE CHANGE TO THE
16 PARKS AND TRAILS MASTER PLAN TO MOVE THE LINDON HERITAGE
18 TRAIL ALIGNMENT TO THE EAST SIDE OF 800 WEST, AND TO APPROVE THE
20 ADDITION OF THE TEN FOOT TRAIL EASEMENT CONNECTION FROM
CENTER STREET TO 300 EAST. COUNCILMEMBER CARPENTER SECONDED
THE MOTION.

22 Councilmember Anthony noted that he was in agreement with the comments of
24 Commissioner Johnson that completion of the trail on the west side of the street would
26 enhance pedestrian safety and benefit citizens, particularly as the street becomes busier.
28 Mr. Cowie noted that the Planning Commission considered property impacts associated
with the west side alignment to be significant issues. Councilmember Carpenter noted
that if the trail is left on the Master Plan on the west side, there may be an outcry from
west side residents that they want the trail moved to the east side. Councilmember Hatch
suggested that rather than deny the proposed realignment that the discussion be continued
for further consideration and discussion

30 THE VOTE WAS RECORDED AS FOLLOWS:
32 COUNCILMEMBER ANTHONY AYE
34 COUNCILMEMBER BATH NAY
36 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH NAY
THE VOTE WAS TIE (2-2).

38 In the event of a tie vote, the Mayor votes to break the tie. Mayor Dain felt that it
40 would be appropriate to delay final action on this issue to allow further discussion with
the full Council present.

42 MAYOR DAIN NAY
44 THE MOTION FAILED (3-2) WITH ONE ABSENT.

46 COUNCILMEMBER CARPENTER MOVED TO CONTINUE PROPOSED
AMENDMENTS TO THE PARKS AND TRAILS MASTER PLAN MAP TO THE

MEETING OF NOVEMBER 18, 2008. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY NAY

COUNCILMEMBER BATH AYE

COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER HATCH AYE

THE MOTION CARRIED (3-1) WITH ONE ABSENT.

Mr. Cowie stated that he will re-notice 800 West residents regarding the November 18, 2008 City Council meeting. Mayor Dain requested that staff prepare a cross section showing property impacts if the trail alignment is left on the west side of 800 West.

2. **Public Hearing** – *Amendments to the Street Master Plan Map*. This is a request by staff for approval of amendments to the Street Master Plan Map of Lindon City which would 1) change the future street connection 200 North and 400 East to a cul-de-sac and 2) eliminate the connection between 300 East and Center Street and replace it with the hammerhead turnaround. The Planning Commission recommended approval of these amendments.

COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE STREET MASTER PLAN MAP. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cowie explained that this is a City initiated review of proposed updates to the Lindon City Street Master Plan Map, which includes modifications in two different areas. The first proposed amendment would include a proposal made by Larry and Amelia Schwartz that the future street connection between 200 North and 400 East be changed from a through street to a cul-de-sac. Mr. Cowie noted that this change was discussed last year during review of a subdivision application submitted by Bryan Davis which showed the cul-de-sac configuration. Mr. Cowie explained that the Schwartz property has adequate frontage on 200 North to develop. The Davis subdivision application was subsequently withdrawn. This proposed amendment will change the Streets Master Plan, but the roadway area will not be dedicated at this time.

Mr. Cowie explained that the second item for consideration is a road connecting 300 East to Center Street, which is currently shown as a through street. Area residents felt that the through street was not beneficial. Various configurations have been discussed over the past several months. The City Council recently approved a hammerhead turnaround standard drawing, which includes seven specific limitations to allow use of the hammerhead turnaround design. Residents seem to be in favor of the proposed hammerhead alignment. The through street shown on the current Master Plan causes significant impacts to the Walker and Eggett properties. Mr. Cowie noted that completion of the through street would also require relocation of a City owned well house which would be a visibility concern.

2 Councilmember Hatch inquired as to the right-of-way width of the hammerhead
3 configuration as opposed to the through street. Mr. Cowie stated that both configurations
4 would be a 50 foot right-of-way. He noted that the proposed trail easement in this area
5 considered in the last agenda item will not reduce the adjacent lot below the minimum
6 square footage. Mr. Cowie noted that the Schwartz family has submitted an application
7 to develop one lot to front off of 200 South. He explained that if the through street is left
8 on the Master Plan in the current configuration, a small narrow parcel will be left on the
9 Schwartz property, which may not be developable. Councilmember Carpenter observed
10 that the proposed cul-de-sac would make better use of the remaining land.

11 Mayor Dain called for public comment. Amelia Schwartz explained that when
12 they purchased the property in 1989, the through street was not shown on the Master
13 Plan. She explained that based on the configuration of the property when they purchased
14 it, they built the existing home on the west end of the property, and had enough property
15 to create three additional lots, each with the required 100 feet of frontage. She observed
16 that the through street creates an economic disadvantage in two ways. She noted that the
17 street may cause them to lose the value of one building lot, and will significantly increase
18 the amount of curb, gutter, and sidewalk improvements they would be responsible for
19 when the property develops from 400 linear feet to approximately 850 linear feet. Ms.
20 Schwartz noted that Mr. Cowie has indicated that the cul-de-sac configuration also opens
21 up a landlocked parcel to the rear of the existing home, which could be developed in the
22 foreseeable future.

23 Councilmember Anthony inquired as to whether the Schwartz's were involved in
24 the Master Plan process when the street was added to the map. Ms. Schwartz stated that
25 there was no public advisement other than required newspaper advertising at the time the
26 street was under consideration, and that they were unaware that the street was being
27 added to the Master Plan map. Mr. Cowie noted that State law does not require notice to
28 be provided to individual property owners, but that the current practice of the City is to
29 notice affected property owners of any pending action which affects private property.

30 Ms. Schwartz stated that she understands the frustration of the Williams family
31 regarding access to their landlocked parcel. She observed that the Williams purchased
32 the property in the current landlocked configuration. She inquired as to whether it would
33 be reasonable to require her to give up the value of one lot in order to create access to the
34 Williams lot. She noted that the proposed cul-de-sac appears to provide adequate access
35 to the Williams property to allow future development.

36 Councilmember Carpenter inquired as to when the through street was placed on
37 the Master Plan maps. Mr. Cowie stated that the road was included in maps of the 2000
38 Master Plan. Councilmember Anthony noted that both the Schwartz and the Williams
39 property were purchased prior to the road being shown on the maps. Mayor Dain
40 observed that the proposed cul-de-sac configuration accomplishes the same access to
41 properties, and includes access to an additional deep lot on the Schwartz property if they
42 chose to develop that lot.

43 Ms. Schwartz asserted that their preferred option would be to remove the street
44 from the Master Plan altogether. She noted that the cul-de-sac option is a compromise
which provides necessary access to all adjacent land with less negative impact to her

property. Mayor Dain noted that it will be necessary for the neighboring Davis and Schwartz properties to develop before the Williams property can develop.

Bentley Peay introduced himself to the Council as Mr. Davis' legal representative. He agreed with Ms. Schwartz that the preferred alternative would be to remove the street from the Master Plan altogether. He stated that if the street is left on the Master Plan in the proposed cul-de-sac configuration, placement of the road would need to be in same location as the current configuration due to the location of underground utility lines which have been installed as part of the Davis home, which is under construction on the adjacent property. Mr. Peay stated that his client has no objection to the alignment proposed by the Schwartz, but that the revised drawing completed by the City engineer creates an additional burden on the Davis property without any added benefit. Mr. Peay stated that Mr. Davis did not attend the Planning Commission discussion of this issue to voice concerns as he was out of the country at the time.

Mayor Dain inquired as to the specific difference between the Schwartz proposal and revisions proposed by the City Engineer. Mr. Cowie stated that there are minor differences in the two drawings, and that the road is shifted approximately 15 feet to the west. He stated that the intent was to match the original road alignment, to maintain adequate square footage for two additional lots on the Davis property, and create the necessary frontage on the Williams property. Mr. Peay stated that his client would prefer placement of the road as far away as possible from the home which is currently under construction.

The Council discussed the specific location of the cul-de-sac in relation to surrounding properties. Mayor Dain observed that it may be appropriate to simply require that the cul-de-sac be a legal street, with the final location in relation to the surrounding properties to be determined at the time the property develops. Councilmember Hatch agreed that the purpose of the Master Plan map is to establish access to interior lots. He observed that the map shows potential for development, and that the exact location could be finalized at the time properties develop.

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

COUNCILMEMBER ANTHONY MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE STREETS MASTER PLAN MAP. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Councilmember Anthony inquired as to the possibility of treating removal of the existing through street and placement of the cul-de-sac street as separate issues. Councilmember Carpenter observed that if the through street is removed, it will be necessary to replace it with another configuration. He inquired as to whether the Council felt additional information regarding the final design of the cul-de-sac would be necessary before making a final decision. Mayor Dain noted that the Master Plan map does not necessarily specify the final details of the street. He suggested that the cul-de-sac be placed as far south as possible, that it be a legal cul-de-sac, and that the final placement be determined as property develops. He noted that the placement requested by

2 Mr. Davis will potentially eliminate one parcel on the Davis property, but that if Mr.
4 Davis prefers that configuration at the time of development, the City could likely
6 accommodate the requested placement after considering impacts to all surrounding
8 properties. Mayor Dain called for a motion

6 COUNCILMEMBER HATCH MOVED TO REMOVE THE THROUGH
8 STREET LOCATED AT 200 NORTH AND 400 EAST AND REPLACE IT WITH A
10 CUL-DE-SAC CONFIGURATION WITH THE FINAL LOCATION BEING
12 DETERMINED BY THE NECESSARY SQUARE FOOTAGE FOR THE WILLIAMS
14 PROPERTY TO DEVELOP.

12 Councilmember Anthony stated that he felt any damage created by placement of
14 the street should be shared equally among neighboring property owners. Councilmember
16 Hatch suggested that the alignment should be split along the property line between the
18 Williams and Schwartz property, while assuring that the Williams property has adequate
20 access and square footage to develop in the future. Mr. Dameron observed that the road
22 does not require final design at this point. He explained that the action taken by the
Council at this time should specify that the through street will be removed from the map,
and that the cul-de-sac must be a legal width street with a maximum length of 650 feet
with the bulb located south of the Davis property, with the final alignment to be designed
at the time of development. Councilmember Hatch amended his motion as follows:

22 COUNCILMEMBER HATCH MOVED TO REMOVE THE THROUGH
24 STREET LOCATED AT 200 NORTH AND 400 EAST FROM THE MASTER PLAN
26 STREET MAP, AND TO REPLACE IT WITH A LEGAL CUL-DE-SAC
28 CONFIGURATION A MAXIMUM OF 650 FEET IN LENGTH WITH THE BULB
30 LOCATED TO THE SOUTH OF THE DAVIS PROPERTY, AND TO APPROVE THE
HAMMERHEAD TURNAROUND OPTION AT 300 EAST AS CENTER STREET AS
RECOMMENDED BY THE PLANNING COMMISSION. COUNCILMEMBER
ANTHONY SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

32 COUNCILMEMBER ANTHONY AYE
34 COUNCILMEMBER BATH AYE
36 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE

36 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 38 3. **Public Hearing** – *Disposal of Real Property*. This is a request by staff for the
40 Council’s consideration for disposal of real property (storm water detention pond)
42 currently owned by Lindon City located at approximately 800 West 400 South.
This property is under consideration to be transferred to a new car dealer in
conjunction with development of the property.

44 COUNCILMEMBER HATCH MOVED TO OPEN THE PUBLIC HEARING
TO CONSIDER DISPOSAL OF REAL PROPERTY. COUNCILMEMBER

2 ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
MOTION CARRIED.

4 Mr. Cowie explained that Larry H. Miller car dealerships dedicated the detention
basin area located at 800 West and 400 North to the City approximately two years ago at
6 the request of the City. Murdock Hyundai recently approached the City regarding the
possibility of obtaining the detention basin area to use as part of a new Hyundai
8 dealership. The detention basin area would be used to expand the display area for the
dealership. A letter from Blake Murdock was received by the City requesting that the
10 City deed the property to Murdock Hyundai as an incentive to locate in Lindon. State
statute requires the City to offer the property to the party who deeded it to the City prior
12 to disposal in any other manner. Use of the area by the car dealership would require the
typical landscape perimeter to be maintained with no net loss of trees. Detention would
14 be maintained in the area using an underground detention system rather than the existing
basin system. Mr. Dameron noted that this detention basin serves the surrounding area,
16 including Home Depot and the Canopy buildings.

18 Mayor Dain inquired as to whether access for the site would be located on 400
South. Mr. Cowie stated that access would be evaluated during the site plan process, and
that no specific access proposals have been discussed.

20 Mr. Dameron suggested that any motion to dispose of the property by deeding the
area to a dealership be contingent upon the requirement that it be a new car dealership,
22 and that the owner of the property be responsible for installation of the necessary
underground detention infrastructure. Mayor Dain noted that these conditions would
24 assure that the area would not be used as an extension of the existing used car dealership.

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

28
30 COUNCILMEMBER ANTHONY MOVED TO CLOSE THE PUBLIC
HEARING TO CONSIDER DISPOSAL OF REAL PROPERTY. COUNCILMEMBER
BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
32 MOTION CARRIED.

34 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE TRANSFER
OF OWNERSHIP OF THE DETENTION BASIN AREA LOCATED AT 800 WEST
36 400 SOUTH WITH THE CONDITIONS THAT THE PROPERTY BE USED IN
CONJUNCTION WITH A NEW CAR DEALERSHIP, THAT THE REQUIRED
38 PERIMETER LANDSCAPING AND NET NUMBER OF TREES BE MAINTAINED,
AND THAT ALL UNDERGROUND DETENTION BE INSTALLED ACCORDING
40 TO THE CITY ENGINEER'S SPECIFICATIONS. IN ACCORDANCE WITH STATE
LAW, TRANSFER OF THE PROPERTY WILL BE OFFERED TO THE LARRY H.
42 MILLER DEALERSHIPS UNDER THE SAME REQUIRED CONDITIONS. FINAL
TRANSFER OF THE PROPERTY WILL NOT OCCUR UNTIL THE REQUIRED
44 CONDITIONS HAVE BEEN MET. COUNCILMEMBER ANTHONY SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

46 COUNCILMEMBER ANTHONY AYE

COUNCILMEMBER BATH AYE

2 COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER HATCH AYE

4 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

6 4. **Concept Review** – *Creekside Retirement – Assisted Living Facility*. This is a
8 request by Ben Probst of Creekside Retirement Homes for review of a concept
10 plan for an assisted living facility within the Creekside Retirement Homes project
in the R3-Overlay zone at 500 North 1700 West. The Planning Commission also
provided comments and feedback.

12 Ben Probst and Chad Pollard were present as representatives for this Concept
14 Review. Mr. Cowie explained that the applicant is requesting feedback regarding an
elderly assisted living facility in the center of the Creekside retirement development. The
16 applicant is the current owner of the property associated with the assisted living facility,
as well as the surrounding residential development. The City owns one parcel of
18 property in the development which has been deeded as public park space. The roads
associated with the development will be privately owned. Twin homes are proposed
20 around the perimeter of the assisted living facility. Mr. Cowie noted that an ordinance
amendment would be necessary to allow construction of the facility in the proposed
location.

22 Mayor Dain observed that it may be beneficial for residents living in the twin
homes to have the option to move to a graduated facility as the need arises.
24 Councilmember Anthony noted that this concept is different than the Golden Years
elderly group home which was recently denied by the City Council due to the proposed
26 location within a privately owned retirement community. Mr. Cowie noted that an
ordinance change could be written as an overlay which would allow this specific facility
28 only in this specific location with no impact to other residential neighborhoods.

Councilmember Hatch inquired as to the number of beds in the proposed facility.
30 Mr. Cowie stated that current ordinance standards allow a maximum of 90 beds in a care
facility in a commercial zone. Mr. Probst explained that the facility will have an
32 architectural appearance similar to an LDS Stake Center, with individual units of
approximately 400 square feet. He stated that the number of units has not been finalized
34 at this point, but anticipates between 90 and 120 beds in the facility.

36 Mayor Dain observed that while the concept appears to be possible, the design
details would need to be carefully considered prior to any approval. Councilmember
38 Anthony agreed that there may be some concern with specific details, such as the number
of beds in the facility. Mr. Cowie noted that based on removal of a number of twin
40 homes to allow construction of the care facility, residency would be reduced by
approximately 44 residents, which would offset the number of residents in the proposed
42 facility. Mr. Cowie noted that traffic flow would not be expected to increase dramatically
based on occupancy of the care facility due to the type of residents and the fact that many
of them may no longer drive.

44 The Council indicated to Mr. Probst and Mr. Pollard that the concept sounds
favorable, but that further review of design details, as well as necessary ordinance
46 amendments, would be necessary to allow the facility.

2 5. **Concept Review** – *Bio-Diesel Plant*. This is a request by Colleen Nelson with
4 Resource Exchange Corp for review of a concept plan for a bio-diesel company to
6 locate in the former Indian Oil Facility at 1155 West 135 South. The Planning
 Commission also provided comments and feedback.

8 Mr. Cowie stated that the applicants for this Concept Review have withdrawn the
 application. No action is necessary at this time.

10 6. **Review and Action** – *Standby Purchase Agreement*. This is a request by staff for
12 the Council’s consideration of a Standby Purchase Agreement between Lindon
14 City and Hogan & Associates Construction for gap financing of the aquatics
 center amenity known as the Flow Rider. The agreement would essentially allow
 the City a line of credit to be used if and when it might be necessary.

16 Blake Davis of Hogan Construction and Jason Burningham, the City’s financial
18 advisor, were present to discuss this item with the Council. Mr. Dameron explained that
20 the City has found the cost of the FlowRider amenity associated with the aquatics center
22 to exceed the amount of available bond proceeds. Hogan & Associates has made an offer
 to the City to provide a line of credit to cover the difference if and when additional
 revenue is needed to complete the FlowRider. Mr. Dameron noted that the City is still
 seeking sponsorships for the FlowRider, but that the financing offered by Hogan would
 be available if sponsorships were inadequate to cover the full cost of the amenity.

24 Mr. Burningham stated original cost estimates indicated that the entire project,
26 including the FlowRider, could be completed using available bond proceeds. He stated
28 that based on the actual cost of the FlowRider, bond proceeds may be as much as
30 \$800,000 short of necessary revenue for completion of the FlowRider. During discussion
32 regarding possible options to obtain the necessary funding to complete the project, Mr.
 Davis indicated that Hogan Construction would be in a position to purchase a bond to
 fund the project. Mr. Burningham clarified that the funding would act as a line of credit,
 and would be used only in the event that bond proceeds and contingency funds do not
 cover the cost of the facility. Terms of the bond would be a five year note in an amount
 not to exceed \$800,000.

34 Mr. Burningham explained that the process of obtaining a bond rating and bond
36 insurance can be costly and time consuming. Hogan Construction has agreed to purchase
38 the bond as a direct placement. He noted that due to not paying underwriting or
40 insurance costs, the five year rate would be established slightly higher than if the bond
42 were insured and rated, but the fact that the City is not paying for insurance and
44 underwriting fees still provides a financial benefit to the City. The benefit to Hogan
46 Construction would be a better bond yield with good security. Mr. Burningham stated
 that the bond agreement is fairly straightforward, and establishes a formal commitment
 that if the funds are needed, Hogan Construction will purchase the bond with a 30 day
 notice period. Mr. Burningham clarified that entering into the bond agreement does not
 obligate the City to proceed with the bonding process in any way. The agreement is
 intended to provide funding options for the City to complete the FlowRider amenity. Mr.
 Burningham asserted that the bond agreement offers a good solution for the City.

2 Councilmember Anthony expressed concern regarding incurring additional debt
3 for the City in the current economic situation where tax revenues have decreased at the
4 same time as City services have increased. He stated that if the decision were made
5 today as to whether an aquatics center should be constructed, he would not support the
6 project. He felt that the necessary underground infrastructure for the FlowRider should
7 be installed at this time, but that the amenity should be completed at some point in the
8 future when adequate revenue is available.

9 Mayor Dain agreed that if the decision to build the aquatics center were being
10 made based on current economic conditions, the project would likely be delayed. He
11 noted that a decision must be made on the FlowRider immediately to allow adequate time
12 to order parts and complete the facility on schedule. Councilmember Anthony inquired
13 as to any negative ramifications if the FlowRider is completed in the future. Mr. Davis
14 explained that remobilization of crews to complete the amenity in the future would
15 increase the final cost by approximately \$40,000 to \$80,000.

16 Councilmember Anthony stated that his overall concern is not the final cost of the
17 FlowRider, but the impact of the increased debt on the City budget and potential
18 shortfalls for the upcoming year. He observed that the decision to construct the pool was
19 made in good faith based on the economic climate at the time. He felt that the question
20 before the Council was whether incurring additional debt would be responsible and
21 reasonable given the current economic issues facing the City.

22 Councilmember Bath noted that the FlowRider is expected to produce a
23 significant amount of revenue above what would be generated by the other amenities,
24 which could help offset operational and debt service costs associated with the facility.
25 Mayor Dain noted that the community has expressed overwhelmingly positive support of
26 the pool, and that when the concept of the FlowRider has been presented, citizens have
27 provided positive feedback as well.

28 Mr. Burningham explained that the Series 2008 Bonds for the aquatics center
29 carry an annual debt service of approximately \$650,000. He stated that the new bonds, if
30 issued to the \$800,000 maximum would carry an additional debt service of approximately
31 \$180,000 for a five year term. He noted that the debt service is a legitimate concern
32 given current revenue sources. Mr. Dameron inquired as to the possibility of structuring
33 bond payments for lower amounts during the early years and higher amounts in the final
34 years to allow time for the economy to recover. Mr. Davis observed that if typical
35 economic patterns hold true, the economy will likely be in another boom in five years.
36 Mr. Burningham suggested the possibility of amortizing payments over a longer period of
37 time to reduce annual debt service payments, but have a five year call when the bond
38 would be paid in full.

39 Mr. Dameron observed that there seems to be a high level of expectation and
40 excitement in the community about the FlowRider. He noted that the FlowRider will be a
41 draw for the entire facility. Mayor Dain agreed that the amenity will be a draw for users
42 as well as seasonal employees. He felt that if residents were presented with the options
43 of postponing completion of the FlowRider, or completing the amenity with any
44 associated debt, residents would likely favor a complete facility.

45 Councilmember Anthony observed that the Council is responsible to set an
46 example and make difficult economic decisions. He noted that the City has discontinued
47 participation in some activities which were a very minimal expense as compared to this

2 \$800,000 debt. He recommended that the Council practice economic frugality and
postpone completion of the FlowRider.

4 Mr. Dameron suggested that the Council pursue financial sponsorship
contributions for the FlowRider from corporations over the coming weeks, which may
6 offset the amount of additional funding which may be necessary. Mr. Burningham noted
that there may be additional bond proceeds left to cover a portion of the additional cost.
8 He estimated that the funding source through Hogan Construction may be as low as
\$400,000. Councilmember Carpenter observed that balancing the financial viability of
10 the aquatics center as a whole with the risk of incurring more debt in the current
economic climate is challenging.

12 Mayor Dain expressed appreciation to Mr. Davis for the offer to provide
financing options for the FlowRider. He noted that there are no terms of the agreement
14 that the Council is in opposition to, but that it will be necessary for the Council to make a
philosophical decision regarding the debt. He felt that the Council could come to a
16 decision by the November 18 City Council meeting. He called for a motion to continue.

18 COUNCILMEMBER ANTHONY MOVED TO CONTINUE THE STANDBY
PURCHASE AGREEMENT BETWEEN HOGAN AND ASSOCIATES AND LINDON
CITY TO THE MEETING OF NOVEMBER 18, 2008. COUNCILMEMBER
20 CARPENTER SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

22 COUNCILMEMBER ANTHONY AYE

COUNCILMEMBER BATH AYE

24 COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER HATCH AYE

26 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

28 **COUNCIL REPORTS** –

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

32 Councilmember Hatch reported that Ron Hatfield has agreed to help with
community fundraising efforts for the aquatics center. He noted that the project is about
34 1/3 complete, and that construction is currently on schedule for the Memorial Day 2009
opening date.

36 **COUNCILMEMBER BAYLESS** – *Trails, Planning, Zoning, Board of Adjustments,*
38 *Administration, Healthy Lindon* –

40 Councilmember Bayless was not present at the meeting.

42 **COUNCILMEMBER BATH** – *Public Safety, Court, Building Inspections* –

44 Councilmember Bath had no items to report.

2 **COUNCILMEMBER ANTHONY** – *Parks, Recreation, Engineering, Lindon Fair,*
Newsletter –

4 Councilmember Anthony had no items to report.

6 **COUNCILMEMBER CARPENTER** – *General Plan, Streets & Sidewalks, Public*
Buildings -

8
10 Councilmember Carpenter reported on the UTOPIA meeting he attended on
Monday. He stated that details of the new marketing plan will be presented in the
coming weeks.

12 The Legislative Policy Committee recently discussed the economic outlook for
14 the State, indicating that municipalities can anticipate flat sales tax revenues for a period,
but that major cities in Utah are not in an official recession at this time. He noted that
balancing the State budget will take some extra effort during the upcoming legislative
16 session, which may decrease the amount of legislation which affects municipalities. He
noted that water issues are still under consideration, as well as legislation governing the
18 availability of minutes of public meetings in a specific time period.

20 **ADMINISTRATOR'S REPORT** –

22 Mr. Dameron reported on the following items:

- 24 1. Engineering coordination meeting will be held October 22, 2008 at noon at the
Public Works Complex.
- 26 2. The Lindon Heritage Trail ribbon cutting will be held October 23, 2008 at 5:30
p.m. in the City Center Park.
- 28 3. The Public Hearing for the franchise tax adjustment from 4.5% to 6% will be
advertised in the newspaper for the November 18, 2008 meeting.
- 30 4. The Council reviewed the Project Tracking List.
- 32 5. Lynn Lemone is working on designs for signage along the trail route.
6. Utah Valley University is holding a democracy summit, and has asked for
representation from the City for a panel discussion.

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

COUNCILMEMBER ANTHONY AYE
38 COUNCILMEMBER BATH AYE
COUNCILMEMBER CARPENTER AYE
40 COUNCILMEMBER HATCH AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

42 **ADJOURN** –

2 COUNCILMEMBER HATCH MOVED TO ADJOURN THE MEETING AT
11:30 P.M. COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4
6 Approved – November 18, 2008

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10 _____
Debra Cullimore, City Recorder

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14
16 _____
James A. Dain, Mayor