

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, November 18,**  
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: Ott Dameron  
7 Invocation: Bruce Carpenter

8 **PRESENT**

**ABSENT**

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

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

19 **MINUTES** – The minutes of the meeting of October 21, 2008 were reviewed.

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

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25 COUNCILMEMBER ANTHONY AYE  
26 COUNCILMEMBER BATH AYE  
27 COUNCILMEMBER BAYLESS AYE  
28 COUNCILMEMBER CARPENTER AYE  
29 COUNCILMEMBER HATCH AYE  
30 THE MOTION CARRIED UNANIMOUSLY.

31 **OPEN SESSION** –

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33 Mayor Dain called for comments from any resident present who wished to  
34 address an issue not listed as an agenda item. Mark Christensen of JUB Engineers  
35 approached the Council and presented two framed photograph collections of the Lindon  
36 Heritage Trail project which was recently completed. He noted that the project spans the  
37 terms of three Mayors, including Mayor Dain, Mayor Acerson and Mayor Ellertson. He  
38 observed that the trail is already providing safe pedestrian routes to schools in the  
39 community, and that the community will benefit from the pedestrian access provided by  
40 the trail when the aquatics center is completed in the spring of 2009. The Council  
41 thanked Mr. Christensen for his hard work on the project.  
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**MAYOR’S COMMENTS/REPORT** –

Mayor Dain invited residents to attend the annual Christmas Tree Lighting Ceremony at the City Center on Monday, December 1, 2008 at 6:30 p.m. He also commented that the Utah Lake Commission is moving forward, and that the draft Master Plan is nearing completion. Mayor Dain also reported that the aquatics center fundraising committee will be chaired by Ron Hatfield. The committee will organize fundraising projects, such as brick purchases, which allow families to participate financially at their own level.

**LINDON DAYS REPORT** – *Ernie and Yvonne Silva, chairs of the Lindon Days Committee, presented the activity report for the 2008 Lindon Days Celebration.*

Ernie Silva was present to report to the Council regarding the 2008 Lindon Days Celebration. Mr. Silva gave an overview of 2008 events, as well as suggested events for the 2009 celebration. He observed that as a result of the recent economic downturn, financial donations from sponsors were down approximately 11% from the previous year, which required some scheduled events to be scaled back or eliminated from the schedule.

Mr. Silva noted that residents have expressed appreciation for the community and family atmosphere at the celebration. He stated that additional events are being planned for the 2009 celebration which will appeal to 14 – 18 year olds. He stated that many events which were part of the 2008 celebration, including Little Bits of Lindon, Mad Science, and the mechanical bull event, will be carried over for 2009. The performing group, “Block Party” has been invited back to perform at the 2009 Saturday night event.

Mr. Silva went on to review revenues and expenditures for the 2008 event. He stated that actual expenses in 2008 were \$43,464.00, an increase from the \$39,398 expenses in 2007. Including \$13,532 in funds carried over from 2007, total available revenue for 2008 was \$60, 996. An account balance of \$17,532.00 will be carried over to 2009.

Mr. Silva went on to review new activities which are planned for 2009, including a western play with dinner, an international fair, an expanded basketball tournament, and a horseshoe tournament. Mr. Silva stated that he anticipates a need for an increase of approximately 15% in expenditures for 2009 as a result of additional activities and increased costs. He also expressed an interest in raising funds to improve the Veterans Memorial located in the City Center Park. Councilmember Anthony suggested that it may be appropriate to form a citizen committee involving families of veterans to raise funds for the improvements to the memorial.

Mr. Silva presented drawings done by fine arts students at Utah Valley University. He invited the Council to choose one of the pictures to be used as the cover for the 2009 program guide for Lindon Days. The Council reviewed the drawings and chose one to be used on the 2009 program guide.

The Council thanked Mr. Silva for his hard work and enthusiasm in planning and organizing the event. Mr. Silva thanked the Council for their support.

**CONSENT AGENDA** –

No items.

**CURRENT BUSINESS** –

- 1. **Public Hearing** – *continued* – *Amendments to the Parks/Trails Master Plan Map of Lindon City.* This is a Public Hearing continued from the October 21, 2008 meeting. This item is a request by staff for consideration of approval for an amendment 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 THE PARKS AND TRAILS MASTER PLAN MAP AMENDMENT. COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

City Engineer, Mark Christensen, was present to address this issue with the Council. Mr. Cowie explained that this item was continued from the October 21, 2008 meeting. The proposed amendments include two areas, the first of which is the realignment of the 800 West segment of the Lindon Heritage Trail from the west side of the street to the east side of the street. The other area under consideration is a trail easement section connecting 300 East with Center Street.

Mr. Cowie noted that during discussion at the October 21 meeting, Mr. Christensen presented figures relative to projected cost savings if the trail were relocated to the east side of 800 West. Mr. Cowie presented photographs of a completed area of trail on Lakeview Drive with a profile similar to the planned profile for the 800 West section. He explained that the trail would extend approximately six feet into the existing road area.

Mr. Cowie noted that during the October 21 meeting, the Council cast a tie vote (2-2 with one absent) in response to a motion by Councilmember Anthony to deny the proposed changes. Mayor Dain broke the tie with a Nay vote, and the Council subsequently voted to continue the item in order to allow further discussion with the full Council present. Mr. Cowie went on to review 800 West impacts on the east side as opposed to the west side as prepared by the City Engineer as follows:

	<b><u>West Side</u></b>	<b><u>East Side</u></b>
Dwellings	15	18 (3 side yards)
Driveway Cuts	29	20
Existing Sidewalk	~563'	~1,035
Total Trail Length	~2,440	~2,440
Potential ROW Purchase	10-12 properties	0-1 property
Tree Removals	15-18	1
Fence Relocation	5-7	0-2
Power Pole Relocation	10-11	1-3

2 Mr. Cowie explained that the existing sidewalk on either side of the street would be  
4 removed and replaced with the trail cross section. He noted that the 2,440 foot distance  
6 represents the full distance from Lakeview Drive to 200 South. He pointed out that  
property impacts on the west side would create a significant additional expense if the  
alignment is left on the west side.

8 Mr. Christensen went on to review the proposed trail cross section in relation to  
10 potential impacts to properties on the west side of 800 West. He explained that several  
12 properties would require a 10% slope approximately 30 feet long into the driveway from  
14 the road. Mayor Dain noted that the maximum slope for ADA accessibility is 8%. Mr.  
Christensen stated that retaining walls would probably not be used, as most property  
owners would likely prefer a slope rather than a retaining wall in their front yard. Mr.  
Christensen reviewed other areas of possible impact, including trees which would require  
removal, and fences which would be removed or relocated.

16 Councilmember Anthony inquired as to whether the City would incur any added  
18 liability resulting from the steep slopes in slick conditions. Mr. Dameron stated that there  
is a possibility that the City may have some additional liability due to the steep slope.

20 Councilmember Carpenter observed that the City does have a Master Plan for  
22 eventual completion of both sides of the street. He noted that the difference between  
24 completion of a trail section as opposed to a sidewalk section is that the City bears the  
financial responsibility for the trail which benefits the community as whole, while the  
property owner would bear the financial responsibility for completion of the  
sidewalk. Mayor Dain observed that completion of sidewalk may not occur unless and  
until property is sold and redeveloped in the future.

26 Mr. Christensen went on to review an alternative alignment extending down  
28 Center Street from 800 West to Geneva Road as suggested by residents during previous  
discussion. He explained that this alignment was considered during planning of the trail,  
30 but was abandoned as a possible alignment due to the location of a large portion of the  
32 trail away from residential areas. He also noted that the Center Street alignment would  
cross two additional rail road spurs, creating an additional expense, and that Geneva  
Road has a higher volume of traffic traveling at a higher rate of speed than 800 West or  
200 South.

34 Mr. Christensen went on to review crossings of side streets associated with both  
36 the east and the west side 800 West alignments. He noted that the uncontrolled crossing  
of 800 West at Lakeview Drive to access the trail on the west side would present  
38 significant safety concerns. The proposed alignment on the east side would increase the  
overall number of crossing, but all crossings would take place at controlled intersections.  
40 Councilmember Anthony noted that a significant increase in traffic is anticipated when  
800 West connects to 700 North in the future. Mr. Christensen confirmed that traffic  
42 flow on 800 West will likely double in the future, which would increase concerns related  
to crossings in uncontrolled locations.

44 Councilmember Anthony requested an official recommendation from Mr.  
Christensen regarding the trail alignment. Mr. Christensen stated that it is the official  
46 recommendation of JUB Engineers that the trail be relocated to the east side of 800 West.

Mr. Cowie presented photographs of the trail area on the west side. He showed  
the location of the back of the trail in relation to private properties, including areas of

2 slope impact, tree removal, and fence removal or relocation. He then presented  
3 photographs of the proposed trail area on the east side of 800 West. He noted that private  
4 property impacts on the east side will be significantly less than those on the west side.  
5 He noted that the back of the trail will be in the same location as the existing back of  
6 walk. Mr. Christensen clarified that some areas may be adjusted by several inches, but  
7 that the trail would be in the same general location as the existing sidewalk. He also  
8 noted that it may be necessary to pave some areas of the street wider on the west side to  
9 make sure travel lanes are adequate width as the trail area extends into the existing street  
10 area. Mr. Cowie clarified that any impacts to the west side of the street would primarily  
11 be temporary construction impacts. The Council held further discussion regarding  
12 impacts to properties on the west side, trees which would require removal, and crossing  
13 locations associated with each alignment.

14 Mayor Dain called for public comment. Blaine Kofford stated that he lives on the  
15 west side of 800 West. He stated that after listening to the facts presented by City staff, it  
16 seems apparent that the appropriate alignment would be on the east side. He inquired as  
17 to the reasoning of having 800 West function as a collector street in a residential  
18 neighborhood when Geneva Road is located in close proximity to the area. He felt that if  
19 800 West were narrowed, traffic speed would be slowed. Mayor Dain clarified that  
20 expansion or connection of 800 West is not a planned City project in the foreseeable  
21 future. He explained that 800 West will continue to be structured as a two lane street  
22 after the trail is completed. Councilmember Anthony noted that motorists will naturally  
23 drive faster on wider streets, and that techniques such as narrow lane striping can be used  
24 to help slow traffic.

25 Marion Clark asked if on-street parking would still be permitted on 800 West,  
26 regardless of which side the trail is completed on. Mayor Dain stated that on-street  
27 parking will be allowed on 800 West.

28 Craig Harvey inquired as to the anticipated increase in traffic when the 800 West  
29 connection to 700 North is completed in the future. Mr. Christensen stated that he  
30 anticipates that traffic could double, increasing by as much as 2,000 vehicles per day.  
31 Mr. Harvey noted that Councilmember Carpenter had mentioned earlier in the evening  
32 that he had visited the area to get a sense of traffic speed and volume. Mr. Harvey asked  
33 Councilmember Carpenter his impression of speed on the street. Councilmember  
34 Carpenter stated that a recent traffic study completed on 800 West indicated that  
35 approximately 50% of cars exceed the posted speed limit. Councilmember Anthony  
36 clarified that the study completed prior to installation of the chokers near Pheasant Brook  
37 Park showed that 85% of cars on 800 West are traveling at a speed of 35 miles per hour  
38 or less.

39 Mr. Harvey asserted that the intersection of 100 South and 800 West presents  
40 significant safety concerns given the speed and volume of traffic on 800 West.  
41 According to Mr. Harvey, approximately 200 cars per hour enter the intersection in the  
42 middle of the day, and the majority of drivers do not come to a complete stop at the stop  
43 sign, which may pose a threat to trail users, particularly children on bicycles.  
44 Councilmember Anthony suggested that a crosswalk in that location could be considered  
45 to enhance safety. Councilmember Carpenter observed that the majority of drivers in the  
46 area are local residents, and that the neighborhood could take steps to drive using more  
47 caution.

2 Sharon Drake expressed concern regarding the safety of small children on the trail  
3 as well. She noted that the fence on her property may need to be relocated to increase  
4 visibility. Mayor Dain stated that if it is necessary to remove or relocate the fence, the  
5 City will be responsible for the associated costs. Mr. Christensen noted that the fence  
6 Ms. Drake is referring to is a three foot fence, and should not create any significant  
7 visibility issues.

8 Ken McMillan suggested that the City consider an alternate route through less  
9 populated areas. Councilmember Carpenter explained that one of the primary purposes  
10 of the trail is to connect neighborhoods. Councilmember Anthony noted that the trail  
11 unites the east and west sides of the City into one community, and creates a safety  
12 network for pedestrians. Councilmember Bayless observed that it is the goal of the City  
13 to create a trail system which is accessible to residents.

14 Christine Kearley stated that she submitted the “unofficial” traffic counts which  
15 were included in the packets for this meeting. She asserted that traffic speed and volume  
16 on Center Street far exceeds traffic on 100 South. She observed that the trail alignment  
17 on the west side of 800 West would create significant impacts to her property, and that  
18 the uncontrolled crossing across 800 West would represent significant safety concerns.  
19 Ms. Kearley stated that during initial discussions, she was not in favor of the trail system,  
20 but has found that it is an enjoyable amenity.

21 Wayne Whitely suggested that the alignment on the west side would create better  
22 access to Pheasant Brook Park, which is located on the west side. He suggested that a  
23 stop sign be installed at the intersection of Lakeview Drive and 800 West to create a  
24 controlled crossing area. Councilmember Anthony explained that traffic studies indicate  
25 that a stop sign in that location would not meet warrants, and that improperly placed stop  
26 signs may actually create additional safety concerns. Councilmember Bayless noted that  
27 trail users will likely use the trail on the east side of 800 West to travel north to the  
28 marked pedestrian crossing located at the chokers adjacent to the park. She noted that if  
29 the trail is located on the west side of the street, pedestrian would be likely to cross at  
30 uncontrolled mid-block areas.

31 Kris Meister stated that she lives at 38 North 800 West. She stated that a pipe is  
32 located on her property which she was told was an old fire hydrant. She stated the pipe  
33 may be in the trail area. She noted that UTOPIA crews informed her that they could not  
34 put underground lines in that area due to the location of the pipe, and that it may be  
35 problematic during trail construction as well. Mayor Dain stated that the Public Works  
36 Department will investigate the pipe. Mr. Christensen stated that it is unlikely that the  
37 pipe is an active fire hydrant.

38 Phil Clegg stated that he lives on the corner of Lakeview Drive and 800 West, and  
39 that the trail will be located adjacent to two sides of his property if it is located on the east  
40 side of 800 West. He stated that he and his family enjoy the trail. He suggested that the  
41 City consider installation of a stop sign at the intersection of 800 West and Lakeview  
42 Drive to enhance safety in the area. Mr. Clegg also expressed concern regarding trail  
43 maintenance and snow removal. Mayor Dain explained that the City will be responsible  
44 for snow removal from the trail. He noted that it may be appropriate for residents to clear  
45 a small path if there is a delay in City crews responding to the area during storm events.  
46 Councilmember Bath stated that the City may be able to consider some additional  
47 signage in the area to warn drivers of the trail location.

2 Councilmember Carpenter observed that residents frequently complain that  
3 drivers exceed the speed limit in their neighborhood, but that the majority of traffic on  
4 residential streets is Lindon residents. He noted that if additional traffic enforcement is  
5 done in a particular neighborhood, police are likely to catch local residents speeding. He  
6 noted that the solution to safety issues associated with speeding cars is for all drivers to  
7 drive more cautiously. Vicki Caldwell noted that there has been a significant increase in  
8 traffic enforcement in the area since the Police Department began serving the community  
9 in July.

10 Wayne Peay expressed appreciation to the Council for their work in making  
11 difficult decisions. He stated that he attended the meeting to echo the suggestions made  
12 by Mr. McMillan to move the trail to an alternate location which did not impact  
13 residential neighborhoods. He explained that he was unaware that the goal of the City  
14 was to place the trail in neighborhoods to provide convenient access to residents, but that  
15 the discussion has helped him to understand that reasoning.

16 Delray Gunnell stated that he lives on the east side of 800 West, and that he is in  
17 favor of the trail. He observed that it appears the east side will be the safest and least  
18 expensive location.

19 Nicole Phelon of the North County Newspapers asked residents to show by raise  
20 of hands how many were residents of the east side of 800 West and how many were  
21 residents of the west side. It appeared that residents attending the meeting were split,  
22 with approximately half of those attending living on the east side and half living on the  
23 west side.

24 Mr. Harvey again noted that there is need to slow traffic on 800 West. Mr. Peay  
25 inquired as to whether large trucks using the area as a route to the freeway could be asked  
26 to consider alternate routes. Mr. Cowie stated that the Code Enforcement Officer has  
27 written letters to one company asking them to use an alternate route. Mayor Dain stated  
28 that the Police Department can also be asked to step up traffic enforcement in the area.

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

31 **COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC  
32 HEARING TO CONSIDER THE PARKS AND TRAILS MASTER PLAN MAP  
33 AMENDMENT. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL  
34 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.**

35 Councilmember Carpenter thanked residents for taking the time to provide  
36 comments. He noted that it was also beneficial to have visited the area. He observed that  
37 property acquisition on previously completed trail sections has proven to be costly and  
38 time consuming, resulting in delays in completing the trail. He felt that the property  
39 impacts on the west side of 800 West were a significant consideration.

40 Councilmember Anthony felt that safety is most important priority in determining  
41 the final trail alignment, with property impacts being the second consideration and cost  
42 being the third consideration. He felt that the influence of cost savings in making a final  
43 decision should be minimized as much as possible.

44 Councilmember Bayless observed that traffic speed is likely to increase when the  
45 trail and associated road improvements are completed. She noted that the majority of  
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2 trail users will access the trail from residential areas located to the east of 800 West, and  
3 that crossing 800 West at uncontrolled areas would present significant safety concerns.  
4 She noted that while the City does want to maximize the use of grant funds for the trail,  
5 safety and usability are far more important than cost savings. She noted that some  
6 concern has been expressed regarding visibility and safety of children using the trail, but  
7 that the trail, curb and gutter will provide a much safer pedestrian area than the side of the  
8 street with no safety barrier. Councilmember Bayless stated that she has walked the  
9 length of the trail on 800 West and observed the property impacts associated with the  
10 west side alignment. She stated that after considering safety, property impacts, and cost,  
11 she feels strongly that the trail should be located on the east side of 800 West. She also  
12 noted that the City has learned a great deal during construction of the previous phase of  
13 the trail, and that the project on 800 West should be a smoother process with minimal  
14 impacts to residents in the area.

15 Councilmember Bath agreed that after visiting the area and considering all the  
16 relevant issue, placement on the east side appears to be the natural conclusion.

17 Councilmember Hatch agreed that after visiting the area and considering impacts and  
18 safety concerns, the east side is the reasonable choice.

19 Mayor Dain noted that the 300 East to Center Street trail easement was discussed  
20 during the last City Council meeting, and that there were no concerns or objections from  
21 property owners or the Council regarding the addition of the easement to the Master Plan  
22 map. Mayor Dain called for further comments or discussion from the Council. Hearing  
23 none, he called for a motion.

24 COUNCILMEMBER BAYLESS MOVED TO AMEND THE LINDON CITY  
25 PARKS AND TRAILS MASTER PLAN MAP ALIGNMENT OF THE LINDON  
26 HERITAGE TRAIL TO THE EAST SIDE OF 800 WEST FROM LAKEVIEW DRIVE  
27 TO 200 SOUTH, AND TO INCLUDE A TRAIL EASEMENT FROM 300 EAST TO  
28 CENTER STREET. COUNCILMEMBER HATCH SECONDED THE MOTION. THE  
29 VOTE WAS RECORDED AS FOLLOWS:

30 COUNCILMEMBER ANTHONY AYE

31 COUNCILMEMBER BATH AYE

32 COUNCILMEMBER BAYLESS AYE

33 COUNCILMEMBER CARPENTER AYE

34 COUNCILMEMBER HATCH AYE

35 THE MOTION CARRIED UNANIMOUSLY.

36

37 Councilmember Carpenter expressed appreciation for the respectful nature of the  
38 discussion among residents.

39 COUNCILMEMBER BAYLESS MOVED TO ADDRESS AGENDA ITEM #6  
40 AT THIS TIME TO ACCOMMODATE CITY ATTORNEY, BRIAN HAWS, WHO  
41 WAS PRESENT TO DISCUSS THIS ITEM WITH THE COUNCIL.

42 COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL PRESENT  
43 VOTED IN FAVOR. THE MOTION CARRIED.  
44

**Review and Action** – *Sale Contract – Lindon City and the Corporation of the Presiding Bishopric of the Church of Jesus Christ of Latter Day Saints.* This is a request by the Mayor and staff for the City Council’s consideration of a Sale Contract which would enable the City to acquire the LDS Meetinghouse and land located at 25 North Main Street in Lindon, Utah to be used as a future Cultural Arts/Senior Citizen Center.

Mayor Dain noted that representatives of the Church have been very accommodating and gracious to work with during negotiations to purchase the meetinghouse. The Council discussed the recommendations from Mr. Haws that employment of the Mayor and Councilmember Carpenter by Church owned Brigham Young University did not need to be disclosed in the agreement, as there is no financial benefit for the Church employees.

Councilmember Anthony expressed concern regarding provisions in the agreement which require the City to confirm that asbestos clean up was completed on the structure. He noted that any necessary clean up would be costly and could present a liability for the City. Mr. Haws explained that the agreement provides a two year time period before final payment is due from the City. He clarified that the agreement provides a 60 day feasibility period with an option to extend the feasibility period for up to two years. The City has the ability to cancel the sale if it is determined at any time during the feasibility period that the sale is not in the best interest of the City.

Mr. Haws noted that the City has been working with the real estate department of the Church, and that it does not seem that the church is unwilling to provide information regarding asbestos removal, but that this particular department does not have that information. Mr. Dameron stated that he will contact the resident who was the Bishop at the time the asbestos removal was done to get information regarding the contractor, etc.

Councilmember Anthony inquired as to the dates the three payments on the facility will be due. Mr. Haws stated that the first payment of \$150,000 will be due ten days after the contract is signed. The payment will be held in escrow until the final payment is received. The City will be credited any earned interest toward the purchase price. The second payment of \$275,000 will be due July 15, 2009, with the final payment of \$275,000 scheduled for July 15, 2010. Mr. Haws noted that the final payment will likely be less than the scheduled \$275,000 after earned interest is credited. No interest will accrue on the purchase price, and the final cost to the City will likely be less than the established \$700,000 cost after interest is credited.

Councilmember Anthony requested clarification regarding a shared parking arrangement between the City and the Church during the time period before the final payment is received. Mr. Haws explained that shared parking will be a matter of practice, but that the Church is not willing to enter into a formal written shared parking agreement due to a potential increase in liability.

Councilmember Anthony asked Mr. Haws to address the terms and conditions relative to water rights. Mr. Haws stated that the language in the agreement relative to water shares is generally used in reference to agricultural land which has irrigation water rights, and that this stipulation does not apply to this sale.

Mayor Dain expressed some concern regarding specific language in the warranty deed which prohibits use of the site for public entertainment or amusement. Mr. Haws

2 observed that the Church is aware of the planned use of the facility as a community arts  
4 center which will include entertainment events such as piano recitals. He stated that the  
6 language is meant to preclude commercial use of the building. Councilmember Anthony  
8 observed that the church was willing to sell the building to the City based on the  
10 community and cultural uses planned for the facility. Councilmember Carpenter  
12 suggested that the City may want to define “cultural and civic events” by ordinance in  
14 order to clarify permitted uses of the facility.

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

20 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PURCHASE  
22 AGREEMENT FOR THE LDS MEETINGHOUSE AND LAND LOCATED AT 25  
24 NORTH MAIN STREET FROM THE CORPORATION OF THE PRESIDING  
26 BISHOPRIC OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS TO  
28 BE USED AS A COMMUNITY CENTER TO INCLUDE CULTURAL ARTS  
30 ACTIVITIES AND SENIOR CITIZENS CENTER FACILITIES AND AUTHORIZE  
32 STAFF TO EXERCISE THE CITY’S OPTION TO EXTEND THE FEASIBILITY  
34 PERIOD TO TWO YEARS. COUNCILMEMBER BATH SECONDED THE  
36 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

38 COUNCILMEMBER ANTHONY            AYE  
40 COUNCILMEMBER BATH                AYE  
42 COUNCILMEMBER BAYLESS            AYE  
44 COUNCILMEMBER CARPENTER        AYE  
46 COUNCILMEMBER HATCH              AYE  
THE MOTION CARRIED UNANIMOUSLY.

Mayor Dain noted that it is fitting to preserve this building for community use, as  
it was built by the hands of Lindon residents, and is a part of the history and culture of the  
community.

COUNCILMEMBER CARPENTER MOVED TO ADDRESS AGENDA ITEM  
#5 AT THIS TIME TO ACCOMMODATE JASON BURNINGHAM, FINANCIAL  
ADVISOR TO THE CITY, WHO WAS PRESENT TO DISCUSS THIS ITEM WITH  
THE COUNCIL. COUNCILMEMBER BATH SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

**Review and Action** – *Standby Purchase Agreement.* This is a request by staff for the  
Council’s consideration of a Standby Purchase Agreement between Lindon City and  
Hogan & Associates Construction for gap financing of the aquatics center amenity  
known as the Flow Rider. This agreement would essentially allow the City a line of  
credit to be used if and when it might be necessary. The City is actively seeking  
sponsorships for the FlowRider. This item was continued from the October 21, 2008  
meeting.

Mr. Dameron explained that this standby purchase agreement, extended by Hogan  
& Associates Construction, would provide a line of credit in the event that additional

2 funding is needed to complete the aquatics center facility, including the FlowRider. He  
3 explained that the City is also seeking corporate sponsorships for the FlowRider in an  
4 effort to offset the costs.

5 Mr. Burningham explained that Hogan is not requiring the City to go through the  
6 entire bonding process which typically included obtaining bond insurance and ratings.  
7 Hogan has agreed to purchase the bonds if and when an additional revenue source is  
8 needed to complete the facility. Mr. Burningham noted that there will be a cost savings  
9 to the City as a result of not being required to provide a bond rating and insurance. The  
10 agreement specifies that Hogan will be obligated to purchase the bond to the extent  
11 necessary, but not to exceed \$800,000.

12 Councilmember Anthony inquired as to whether it would be possible to draw  
13 down the funds in several smaller amounts, or if only one draw down would be  
14 permitted. Mr. Burningham explained that only one bond will be issued at the end of the  
15 project for the total amount necessary to complete the facility. Mayor Dain clarified that  
16 by the time the bond is issued, any sponsorship revenue will have been received and the  
17 City will know the amount of revenue which will be needed to complete the facility.

18 Councilmember Anthony asked when payment for the FlowRider would be  
19 required. Mayor Dain clarified that the FlowRider will be ordered and paid for using  
20 existing bond revenue from the Series 2008 Bonds. Any necessary revenue from the  
21 additional bond will be used at the end of the project for the necessary amount to  
22 complete the full project.

23 Councilmember Anthony requested clarification regarding language in the  
24 agreement which specifies that final payment of the bond is callable with 30 days prior  
25 written notice. He asked if Hogan could require repayment in full with the proper notice.  
26 Mr. Burningham explained that the agreement allows the City to pay the bond in full at  
27 any time with 30 days written notice with no prepayment penalty. Hogan will not have  
28 the ability to call for final payment prior to the five year bond period. Mr. Burningham  
29 explained that the worst case scenario for the City would be to repay the bond in five  
30 equal payments over a five year period.

31 Mayor Dain reported that he and Mr. Dameron, along with Brent Tippets of  
32 VCBO Architecture, met recently with Bryan Davis of Xango to discuss sponsorship of  
33 the FlowRider. Mr. Davis expressed some interest in the sponsorship, but the decision  
34 will be made by the Board of Directors who will meet in December. Mayor Dain noted  
35 that although financial sponsorships are being actively pursued, the Council must make a  
36 decision tonight regarding the agreement with Hogan in order to make sure the  
37 FlowRider is completed on schedule with the rest of the aquatics facility.

38 Councilmember Carpenter observed that the timing to consider the additional debt  
39 is disadvantageous, but that the commitment to move ahead with the aquatics center was  
40 made prior to the economic downturn. He observed that if the FlowRider is not  
41 completed along with the facility, it may be a lost opportunity.

42 Mr. Dameron noted that he has discussed the possible additional debt service with  
43 departments heads in staff meeting, and that staff is supportive of the Council providing a  
44 finished facility to the community. Mr. Dameron noted that staffing has been reduced by  
45 4.5 positions as a result of vacancies which will not be filled at this time. He noted that  
46 the vacant positions represent approximately a 10% staffing cut.

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

4 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE STANDBY  
PURCHASE AGREEMENT BETWEEN LINDON CITY AND HOGAN &  
6 ASSOCIATES CONSTRUCTION FOR GAP FINANCING FOR THE AQUATICS  
CENTER FACILITY IF AND WHEN IT BECOMES NECESSARY.

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

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

16 2. **Public Hearing** – *Ordinance Amendments to Chapters 17.08, 17.10, and 17.12 of*  
*the Lindon City Code – Land Use and Appeals Authority - (Ordinance #2008-11).*  
18 The City Council will hear public comment and possible act to approve  
amendments to Chapters 17.08, 17.10 and 17.12 of the Lindon City Code dealing  
20 with land use authority and appeal authority to conform to state requirements.

22 COUNCILMEMBER ANTHONY MOVED TO OPEN THE PUBLIC  
HEARING TO CONSIDER ORDINANCE #2008-11. COUNCILMEMBER BAYLESS  
24 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
CARRIED.

26

The Council discussed proposed language which species various requirements for  
28 an individual to serve on the Planning Commission or Board of Adjustments. Following  
discussion, it was the general feeling of the Council that experience or training should not  
30 be required to serve on an appointed Board, and that only residency should be required.

32 Mr. Cowie went on to review proposed additions and revisions to the City Code.  
He stated that clarification has been made that individuals can not serve in multiple  
bodies, and that individuals can be appointed for multiple three year terms.

34 Additional clarifications in proposed ordinance revisions include specification of  
the powers and duties of the Planning Commission, the effective date of decision of the  
36 land use authority, purpose of the Board of Adjustments, final authority and appeal  
authority for land use decisions, and a ten day appeal period for denials.

38 Mayor Dain called for comments, questions, or concerns from the Council.  
Hearing none, he called for a motion.

40

COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC  
42 HEARING TO CONSIDER ORDINANCE #2008-11. COUNCILMEMBER BAYLESS  
SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
44 CARRIED.

COUNCILMEMBER BAYLESS MOVED TO APPROVE ORDINANCE  
2 #2008-11 – LAND USE AND APPEALS AUTHORITY, WITH LANGUAGE  
4 CHANGES REMOVING REQUIREMENTS FOR APPOINTMENT TO THE  
6 PLANNING COMMISSION AND BOARD OF ADJUSTMENTS AS DISCUSSED.  
COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

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

12 THE MOTION CARRIED UNANIMOUSLY.

- 14 3. **Public Hearing** – *Ordinance Amendments to Section 17.46.090 of the Lindon*  
16 *City Code – R2 Overlay Projects Width to Depth Ratio - (Ordinance #2008-12).*  
The City Council will hear public comment and possibly act to approve  
18 amendments to Section 17.46.090 of the Lindon City Code dealing with the width  
to depth ratio for R2 Overlay projects.

20 COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO  
22 CONSIDER ORDINANCE #2008-12. COUNCILMEMBER HATCH SECONDED  
THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24 Mr. Cowie explained that current ordinance requirements allow a maximum  
width-to-depth ratio of 2-1 for R2 Overlay projects. Proposed revisions will increase the  
26 maximum width-to-depth ratio to 3-1, consistent with other zones. He noted that R2  
projects will be allowed on any platted subdivision parcel, and that revisions to the width-  
28 to-depth ratio requirement will affect only metes and bounds parcels. Mayor Dain called  
for further comments or discussion. Hearing none, he called for a motion.

30 COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC  
32 HEARING TO CONSIDER ORDINANCE #2008-12. COUNCILMEMBER HATCH  
SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
34 CARRIED.

36 COUNCILMEMBER HATCH MOVED TO APPROVE ORDINANCE #2008-  
12 – R2 OVERLAY WIDTH TO DEPTH RATIO. COUNCILMEMBER ANTHONY  
38 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY	AYE
40 COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
42 COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	AYE

44 THE MOTION CARRIED UNANIMOUSLY.

2 4. **Public Hearing** – *Ordinance Amendment to Section 3.09.030 of the Lindon City*  
3 *Code – Municipal Energy Sales and Use Tax (Ordinance 2008-13)*. The City  
4 Council will hear public comment and possibly act to approve an amendment to  
5 Section 3.09.030 of the Lindon City Code changing the Municipal Energy Sales  
6 and Use Tax from 4.5% to 6%.

7 COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC  
8 HEARING TO CONSIDER ORDINANCE #2008-13. COUNCILMEMBER HATCH  
9 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
10 CARRIED.

11 Mayor Dain called for public comment. Hearing none, the Public Hearing was  
12 closed.

13 COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC  
14 HEARING TO CONSIDER ORDINANCE #2008-13. COUNCILMEMBER  
15 ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE  
16 MOTION CARRIED.

17 Mayor Dain noted that this adjustment in the municipal energy tax is being  
18 considered in an effort to cover the increased expense for full time fire and EMS services.  
19 He noted that the increase in expense will be approximately \$300,000, and that the  
20 proposed tax adjustment will generate approximately \$200,000 annually.

21 Councilmember Carpenter observed that the proposed tax increase brings the City  
22 in line with the majority of municipalities in Utah County. He noted that the proposed  
23 1.5% adjustment represents an increase of approximately \$1.50 on a \$100 utility bill. He  
24 called for further comments or discussion. Hearing none, he called for a motion.

25 COUNCILMEMBER ANTHONY MOVED TO APPROVE ORDINANCE  
26 #2008-13 – MUNICIPAL ENERGY TAX. COUNCILMEMBER CARPENTER  
27 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER ANTHONY AYE  
29 COUNCILMEMBER BATH NAY  
30 COUNCILMEMBER BAYLESS AYE  
31 COUNCILMEMBER CARPENTER AYE  
32 COUNCILMEMBER HATCH AYE  
33 THE MOTION CARRIED (4-1).

34 Mr. Dameron stated that sales tax revenues are being tracked on a monthly basis  
35 and compared with the two previous years. He reported that sales tax revenues this year  
36 are approximately 9% less than budgeted sales tax figures. Mayor Dain noted that the  
37 City may consider a CARE tax to help fund the aquatics center. He stated that Orem City  
38 has used the CARE tax successfully for the past three years. The tax is .1% of retail  
39 sales, with the full benefit going to the City to fund arts and recreation programs.  
40

2 5. **Review and Action** – *Standby Purchase Agreement*. This is a request by staff for  
4 the Council’s consideration of a Standby Purchase Agreement between Lindon  
6 City and Hogan & Associates Construction for gap financing of the aquatics  
8 center amenity known as the FlowRider. This agreement would essentially allow  
the City a line of credit to be used if and when it might be necessary. The City is  
actively seeking sponsorships for the FlowRider. This item was continued from  
the October 21, 2008 meeting.

10 This item was addressed earlier in the meeting.

12 6. **Review and Action** – *Sale Contract – Lindon City and the Corporation of the*  
14 *Presiding Bishopric of the Church of Jesus Christ of Latter Day Saints*. This is a  
16 request by the Mayor and staff for the City Council’s consideration of a Sale  
Contract which would enable the City to acquire the LDS Meetinghouse and land  
located at 25 North Main Street in Lindon, Utah to be used as a future Cultural  
Arts/Senior Citizen Center.

18 This item was addressed earlier in the meeting.

20 **COUNCIL REPORTS** –

22 **Councilmember Anthony** – *Parks, Recreation, Engineering, Lindon Fair, Newsletter*.

24 Councilmember Anthony had no items to report.

26 **Councilmember Hatch** – *Water, Sewer, Solid Waste, Housing Consortium*.

28 Councilmember Hatch inquired as to the status of the business plan for UTOPIA.  
30 The Council discussed some elements of the business plan. Councilmember Carpenter  
32 explained that UTOPIA officials are reluctant to discuss details of the business plan in  
open meetings, but would be happy to meet with Councilmembers individually to discuss  
plans. Councilmember Carpenter noted that Lindon is not a high priority location for  
marketing at this time.

34 **Councilmember Bayless** – *Trails, Planning, Zoning, Bd. of Adj., Administration*.

36 Councilmember Bayless requested feedback from the Council regarding verbiage  
38 which will be included on signage for the Lindon Heritage Trail. She also made  
40 suggestions for several wording changes to new information sheets regarding sidewalks,  
library services, and traffic calming measures.

42 **Councilmember Carpenter** – *General Plan, Streets & Sidewalks, Public Buildings*.

44 Councilmember Carpenter reported that he has been appointed to the UTOPIA  
46 finance subcommittee. He also reported that he has been contacted by several residents  
on Center Street adjacent to the trail regarding the poor quality of the hydro-seeding

2 which was completed as part of the trail project. The City will follow up with the contractor regarding the hydro-seeding complaints.

4 **Councilmember Bath** – *Public Safety, Court, Building Inspections.*

6 Councilmember Bath inquired as to whether final payment has been made by the City for work completed on the State Street under crossing. He reported that some  
8 subcontractors have not yet been paid by the contractor. Mr. Dameron will follow up with UDOT to make sure all contractors are paid.

10 **ADMINISTRATOR’S REPORT** –

12 Mr. Dameron reported on the following items:

- 14 1. The Council reviewed the Project Tracking List.
- 16 2. The aquatics center is moving forward on schedule.
- 18 3. The Interstate Gratings Industrial Development Revenue Bond final Bond Resolution will be considered at the December 2<sup>nd</sup> City Council meeting. Several  
20 protests regarding issuance of the bond have been received from competitors.
- 22 4. Building Inspector, Ken Johnson, has retired from the City.
- 24 5. Finance Director, Jamie Bennee, has received the Distinguished Budget Presentation Award for the 2008-2009 fiscal year budget.
- 26 6. The Audit Committee will meet with the Auditor on December 10 at 4:00 p.m. The audit report will be presented to the full Council at the December 16 City  
28 Council meeting.
- 30 7. All City water tanks were recently inspected and cleaned and appear to be in sound condition.
- 32 8. A new alignment for the sewer line and lift station which will be completed in cooperation with Orem City has been presented to the City. The new alignment  
34 will follow the existing alignment down Geneva Road and connect to the existing lift station site. A pressurized line will be used from 800 North.
- 36 9. Engineering Coordination Meeting will be held November 19 at noon at the Public Works complex.
- 38 10. The Council reviewed a report from Chief Cullimore regarding current projects in the Police Department.
- 40 11. The Council reviewed a report from the Code Enforcement Officer, Gary Hoglund.
- 42 12. Mayor Pro-Tem assignments for 2009 were distributed.
- 44 13. The manufacturers of the FlowRider have approved Xango, NuSkin and Tahitian Noni as potential sponsors for the amenity.
- 46 14. The Environmental Impact Study for the canal enclosure project is currently underway. Construction is expected to begin in the fall of 2009 with completion of the full project expected in 2013.
15. Ray Taylor, applicant for the Golden Years Elderly Group Home, has contacted the office of the State Property Rights Ombudsman to discuss the denial.
16. The Council discussed the City’s participation in the Lindon Hollow Wetlands Purchase associated with the Anderson Geneva Development.

