

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, December 16,**
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: Cameron Wilkinson, Boy Scout Troop 1202
7 Invocation: Jerald Hatch

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 Cody Cullimore, Chief of Police
18 Debra Cullimore, City Recorder
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20
21 The meeting was called to order at 7:00 p.m.

22
23 **PRESENTATION** – *The Mayor and City Council will be presented with the Character*
24 *Connection Calendar Poster by the children who created the original artwork.*

25
26 Mayor Dain introduced Kathy Allred of The Character Connection. Ms. Allred
27 explained that she has been associated with the Character Connection program for 16
28 years. She noted that the intent of the program is to connect businesses, homes, schools,
29 and the community in common goals. Ms. Allred expressed appreciation to the City for
30 their support in distributing the Character Connection newsletter each month with the
31 Lindon City utility bill. She noted that the program also provides curriculum to teachers
32 in Lindon schools, as well as ideas for family activities to reinforce the monthly values.

33 Ms. Allred then presented the Mayor and Council with the poster showing the
34 artwork for the 2008-2009 calendar. Several of the students who created the artwork
35 were present at the meeting, and were invited to give a comment about their picture.
36 Each of the artists was presented with a certificate of recognition for their contribution to
37 the project. Mayor Dain thanked Ms. Allred and the students for their efforts in the
38 community.

39
40 **PRESENTATION** – *Officer John Lloyd of the Lindon City Police Department will*
41 *present the results of the first Lindon City R.A.D. (Rape Aggression Defense) class.*
42 *Students who participated in class will also be in attendance.*

43
44 Officer John Lloyd of the Lindon City Police Department reported on the first
45 R.A.D. class taught by the department. He noted that four of the six graduates were
46

present at the meeting tonight. He explained that the class is taught in four, three hour sessions. The first session was offered to City employees or their spouses. The next session will be offered to wives of officers in the department, and subsequent courses will be offered to the community. Class graduates, Dona Haacke, Debbie Cullimore, Cynthia Dameron, and Lindsey Bayless each gave their impression of the program. They felt that the class taught them valuable skills, and overall was a positive experience. Not present at the meeting were Kathy Bird and Shauna Hatch who also participated in the class.

MINUTES – The minutes of the regular meeting of December 2, 2008 and the corrected minutes of July 15, 2008 will be reviewed.

Councilmember Bayless explained that additional details have been added to the minutes of the July 15, 2008 regular City Council meeting in order to address specific concerns which were expressed regarding the Inducement Resolution for the Industrial Development Bond. All additional information included in the minutes was taken from the audio recording of the meeting in an effort to clarify the details of the discussion.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE CORRECTED MINUTES OF THE JULY 15, 2008 MEETING. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE
THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER HATCH MOVED TO APPROVE THE MINUTES OF THE MEETING OF DECEMBER 2, 2008. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE
THE MOTION CARRIED UNANIMOUSLY.

OPEN SESSION –

Mayor Dain called for comments from any resident present who wished to address an issue not listed as an agenda item. Ruth Ann Johnson approached the Council. Ms. Johnson stated that she has lived in Lindon for 11 years, and has had the opportunity to become a R.A.D. Kids instructor, working with elementary schools in the community. Ms. Johnson stated that she has worked with Pleasant Grove Police Department in the past to present the program. Following the termination of police services through Pleasant Grove, the schools worked with the Utah County Sheriff's Office to put on the

2 program this year. Ms. Johnson requested that the City consider certifying an officer of
3 the Lindon City Police Department to work with area schools. Chief Cullimore stated
4 that Officer Lloyd will be certified as an instructor for the R.A.D. Kids program, and will
5 work with the schools next year. Chief Cullimore noted that the Red Man suit used in the
6 R.A.D. Women class is the same suit that is used in the school program, and that the
7 department has all the necessary equipment to present the program.

8 **MAYOR'S COMMENTS/REPORT** –

10 Mayor Dain expressed appreciation to Boy Scout Troop 1202 for meeting with
11 him prior to the meeting. He noted that the scouts had a lot of good questions, and that
12 they are anxious to be involved in the community.

13 Mayor Dain thanked the employees responsible for the Christmas party for their
14 hard work in presenting an outstanding event.

16 **CONSENT AGENDA** –

18 No items.

20 **CURRENT BUSINESS** –

- 22 1. **Concept Review** – *Creekside Retirement – Assisted Living Facility*. This is a
23 request by Ben Probst of Creekside Retirement Homes for an additional review of
24 a concept plan for an Assisted Living Facility within the Creekside Retirement
25 Homes project in the R3-Overlay zone at 500 North 1700 West. Mr. Probst
26 initially came before the city Council on October 21, 2008 with a concept plan.
27 Some alterations to that plan have been made and the applicant is requesting
28 another review before proceeding. The Planning Commission reviewed the new
29 plan and has provided comments.

30
31 Chad Pollard and Ben Probst were present as the representatives for this Concept
32 Review. Mr. Cowie explained that Mr. Probst is the developer of this project, and
33 currently owns all of the subject property. Mr. Cowie noted that the retirement
34 community was approved just after the Fieldstone Homes development began
35 construction. Mr. Probst has been before the Planning Commission as well as the City
36 Council with Concept Review requests for this proposed care facility to be located in the
37 Center of the retirement development. An ordinance change, and a new plat, would be
38 required to allow this use in the proposed location.

39 Mr. Cowie reviewed specific elements proposed for the facility. He stated that
40 Mr. Probst is considering approximately 130 rooms in order for the facility to be
41 financially successful. The proposed structure would be two to three stories high. The
42 current residential zoning allows a maximum height of 35 feet. Most of the existing
43 residential structures in the surrounding area are 31 to 32 feet high. Mr. Cowie noted that
44 the primary issue appears to be allowable height. He noted that the Planning
45 Commission also expressed concern regarding available parking, and the alignment of
46 parking which would require backing onto the street.

2 Mr. Probst stated that the primary concern he would like to address before moving
ahead with design details is the allowable height. He noted that he is planning
4 approximately 130 rooms in the facility, with 15% – 20% of the rooms being designed to
accommodate couples. He anticipates maximum residency to be 160 people if the facility
is at capacity.

6 Mayor Dain noted that the Planning Commission had expressed some concern
regarding parking on the site. Mr. Probst explained that approximately 20% of residents
8 of the facility will be expected to own a vehicle. He stated that once an operator of the
facility is hired, the director will make a determination regarding parking needs based on
10 market data. Mayor Dain observed that it will be necessary to make sure there is
adequate visitor parking for holidays and other events. He also expressed that it may be
12 beneficial to relocate parking so vehicles are not forced to back out onto the street to
leave the parking area.

14 Mr. Pollard stated that he was unclear on the difference between a vehicle backing
from a private driveway onto the street as opposed to backing from the parking area. Mr.
16 Cowie explained that the concern would be the number of locations where vehicles could
be backing into the street. Mr. Pollard noted that parking on the site will not be limited to
18 one location, but will be spread out to multiple areas. Mayor Dain asked if the roadway
surrounding the facility would be a public road or privately owned. Mr. Cowie stated
20 that the roadway will be privately owned. He noted that the City will not be likely to take
ownership of the roadway, as it is designed narrower than the standard street cross
22 section.

24 Councilmember Hatch inquired as to the cost of the twin homes surrounding the
proposed care facility. Mr. Probst stated that homes will range in price from \$280,000 to
\$325,000. Mr. Cowie noted that the development agreement for this development
26 requires that a percentage of the units be sold within the range for moderate income
housing. Mr. Dameron asked Mr. Probst if he is aware of this requirement. Mr. Probst
28 confirmed that he is aware that a percentage of the units must be sold within the moderate
income housing range, and that he will work with the State to establish the appropriate
30 selling price for those units.

32 Councilmember Carpenter inquired as to the anticipated percentage of the site
which will consist of various elements, such as parking, structure and landscaping. Mr.
Probst stated that he anticipates approximately 60% of the site to consist of structure,
34 with 20% for parking and 20% landscaped. Councilmember Carpenter expressed
concern regarding these proposed percentages.

36 Councilmember Bayless expressed concern regarding the possible 48 foot height
of the structure in relation to surrounding residential structures. She noted that the
38 surrounding 48 foot high structures, combined with the proposed care facility, may
“sandwich” the twin homes between two very tall structures.

40 Stephen and Jesse Buntjer, architects for this project, introduced themselves to the
Council. Jesse Buntjer stated that research indicates that the demographic for this type of
42 facility has a higher expectation of what amenities will be available. He noted that rather
than building a smaller box type building, the intent of this facility will be to be appealing
44 and aesthetically pleasing, inside and out. Stephen reviewed proposed elements of the
facility, including separate sections of the building with varying heights, gables, and
46 cupolas intended to break up the building and create a less massive look. He noted that

2 the architecture of the building is intended to fit in with the design of the surrounding
community.

4 Councilmember Bayless inquired as to what type of amenities are anticipated at
the facility. Mr. Probst stated that the facility will include amenities such as a hair salon,
6 a library, a genealogy center, a gym, and possibly a small ice cream parlor or similar
business. He observed that the facility will provide a “micro-community” with most
8 services residents would need on site. Mr. Buntjer stated that there will also be large
gathering areas for social events or church functions, as well as outdoor patio areas.

10 Mayor Dain inquired as to the monthly cost of a unit in the facility. Mr. Probst
stated that rooms in similar facilities range from \$2,800 to \$3,200 per month.

12 Mayor Dain asked if all sections of the building will be three stories high. Mr.
Buntjer stated that there may be a combination of two and three story sections. He noted
14 that due to the high water table, basements are not feasible on the site. He observed that
storage areas located above ground will be necessary, as well as all living areas.

16 Councilmember Bayless inquired as to the effect on this project if the maximum
height were established at 35 feet. Mr. Probst stated that it is a profitability issue, and
18 that the lower height would significantly reduce the number of units in the facility,
making economic viability less likely.

20 Councilmember Carpenter observed that while the concept of this facility makes
sense, the proposed size of the facility appears to be quite large in comparison to the size
22 of the lot. Mayor Dain agreed that the scale of the facility may be too large for the
available area. He again expressed concern regarding the need for adequate parking, as
24 well as space for moving trucks and delivery vehicles. Mr. Probst pointed out designated
delivery areas shown on the concept drawing.

26 Councilmember Bayless inquired as to current landscaping requirements on the
site. Mr. Cowie stated that current standards require a minimum of 20% landscaping on
28 commercial sites. He clarified that the applicant will be requesting to create a new zone
to allow this facility, and that landscaping requirements could be defined in that particular
zone.

30 Mr. Cowie showed a photograph of the Low Book Sales site, located across the
street from existing residential uses. He noted that the height of the Low Book Sales
32 building is 48 feet, and that there is a similar separation distance as there would be
between this proposed facility and the existing Fieldstone Homes residential subdivision.

34 Mr. Buntjer noted that concept drawings are intended to maximize the space
without physically designing the building. He observed that when design details are
36 established, it may be determined that only two stories will be necessary. He stated that
if the facility consisted of individual rooms with a small entry area, much less space
38 would be required. However, the desire to include additional amenities will require
significant additional space.

40 Mayor Dain asked if residents in the private twin homes would have access to the
amenities offered at the care facility. Mr. Probst stated that services at the care facility
42 will be offered to residents of the twin homes on an ala carte basis. Councilmember
Anthony noted that consideration should be given to services purchased by residents in
44 the surrounding homes when completing the financial planning for the facility.

46 Councilmember Hatch inquired as to the distance from the proposed care facility
to surrounding twin homes, and the Fieldstone Homes subdivision. Mr. Cowie stated that

2 the separation distance to the Fieldstone Homes is approximately 250 feet, and the
3 distance to the nearest twin home will be approximately 50 – 60 feet. Councilmember
4 Carpenter expressed concern that the height of the care facility, combined with the height
5 of the surrounding commercial structures, may create a “canyon” feeling for the twin
6 homes. Mayor Dain encouraged the applicants to consider the building height, as well as
7 parking and density on the site, in finalizing design details.

8 Mr. Probst reviewed additional details of the plan. He stated that there is an
9 existing eight foot pre-cast concrete fence around the perimeter of the retirement
10 community. Completion of fencing around the perimeter is planned using an iron gate to
11 restrict access. Mr. Probst stated that he has met with City staff to discuss appropriate
12 ingress and egress. Visitors will access the site using a call box located at the gate.
13 Small water features are planned at the entrance. Public access to the park area will be
14 maintained using fencing around the interior of the park site, with a gate for retirement
15 community residents to access the park. Mr. Probst noted that when twin homes are sold,
16 purchasers will have a full awareness of the care facility. He stated that he anticipates the
17 finished height of the facility to be 40 – 42 feet rather than 48 feet. He stated that he will
18 consider the concerns expressed by the Planning Commission and City Council as he
19 proceeds with design of the facility.

20 Councilmember Carpenter noted that the motivation of the City in agreeing to
21 higher density housing in this area was to provide housing for typically underserved
22 residents. He observed that if the facility is fully “high-end” that vision will be lost. Mr.
23 Probst explained that specific criteria relative to funding by Medicare and Medicaid must
24 be met in order to qualify for financing. Councilmember Carpenter requested that Mr.
25 Probst provide some additional information regarding Medicare and Medicaid
26 affordability requirements for review at future meetings. Mr. Pollard invited members of
27 the Council to visit the site to help them better visualize the scale of the facility in
28 relation to surrounding structures.

29 **2. Review and Action – *Financial Audit Report for Fiscal Year 2007/2008.***

30 Michael R. Stoddard of CPA Network, LLC will present the annual financial
31 audit report for the City for fiscal year 2007/2008 to the Mayor and City Council.
32

33 Mike Stoddard of CPA Network, LLC presented the annual financial audit report
34 to the Mayor and Council. Mr. Stoddard distributed a copy of the audit report to the
35 Council. He noted that a statistical section was completed by Finance Director, Jamie
36 Bennee, who was not present at the meeting due to an illness. The report prepared by
37 Ms. Bennee is the Comprehensive Annual Financial Report (C.A.F.R.), and provides a
38 forward looking portion to the financial report.

39 Mr. Stoddard presented the Audit Opinion for the financial status of the City. He
40 stated that the audit reflects a clean opinion of the City’s finances, the highest opinion
41 accorded to a financial statement. Mr. Stoddard went on to review specific elements of
42 the report. He noted that a dramatic decline in sales tax revenues is anticipated during the
43 coming year. He encouraged the Council to consider an adjustment to the city portion of
44 the certified tax rate associated with property taxes. Mr. Stoddard explained that there
45 has been a steady deterioration in tax revenues over time due to inflation. He noted that
46 unless a COLA increase is built in to the tax structure, City’s must undergo truth in

2 taxation proceeding in order to adjust tax rates, or be forced to ratchet down expenditures every year due to the reduction in buying power of property tax revenue.

4 Councilmember Carpenter noted that the ability for the City to use property tax revenue to pay expenses deteriorates over time due to inflation. He noted that when he was a teenager, the minimum wage was \$1.00 per hour, which gave a similar buying power to the current minimum wage. Mayor Dain noted that while overall property tax assessments have increased over time, the portion paid to the City has remained the same for approximately 20 years, with a reduced buying power each year.

10 Councilmember Anthony asked if other cities have implemented an annual COLA adjustment structure. Mr. Stoddard stated that cities have had the luxury of ignoring necessary tax adjustments during the recent robust economy, but that many cities will be considering implementing an annual COLA increase due to the recent economic downturn. Mr. Dameron noted that in discussion with other City Administrators, every municipality has experienced a reduction in purchasing power of property tax revenues. He reported that a number of municipalities have already adjusted the tax rate. He noted that Lindon has been fiscally conservative, which has allowed the City to delay any tax rate adjustment. Councilmember Carpenter noted that discussions at meetings of the Utah League of Cities and Towns indicates that even in communities where tax rates have been adjusted, the adjustments have still not kept pace with inflation.

20 Councilmember Anthony observed that any increase in tax assessments may have a negative impact on residents with a fixed income. Councilmember Carpenter noted that property taxes typically take a smaller percentage of spendable income than sales taxes, creating less of an impact than an increase in sales taxes.

24 Mr. Stoddard asserted that the most important financial issue before the City at this time is to bring property taxes in line with inflation. Councilmember Carpenter observed that any property tax adjustment would require an educational process for residents to understand the need for the adjustment. Mr. Stoddard encouraged the Council to keep the information as simple as possible, and explain that any adjustment is to maintain the certified tax rate, keep pace with inflation, and maintain the buying power of property tax revenue. Councilmember Anthony suggested that any explanation be made in terms of analogies, such as not getting a pay raise for 20 years, which is understandable to the majority of residents.

34 The Council went on to discuss the current economic climate in the country, noting that indicators show that the economy may stay in the current downturn for some time. Mr. Stoddard noted that it is difficult to forecast the economy. He observed that it will be necessary to closely monitor finances over the coming years until the economy recovers to maintain the financial stability of the City.

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

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42 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE FINANCIAL
AUDIT REPORT FOR THE 2007/2008 FISCAL YEAR. COUNCILMEMBER
44 BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

46 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE

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

6 3. **Review and Action** – *Development Agreement – Vineyard Town, Lindon City,*
7 *Anderson/Geneva Development.* This is a request by staff for approval of a
8 development agreement which involves Vineyard Town, Lindon City and
9 Anderson/Geneva Development for the provision of additional culinary water
10 service to portions of Vineyard Town where Anderson/Geneva is developing the
11 ground. This agreement is part of the larger negotiations between
12 Anderson/Geneva, Lindon City and the City of Orem for acquisition of the
13 ‘wetland’ area needed for storm water detention from Lindon and Orem.
14 Vineyard and Anderson/Geneva previously approved this agreement.

16 Jerry Grover of Anderson/Geneva Development was present for this discussion.
17 David Thurgood of JUB Engineers was also present to address any questions regarding
18 water service. Mr. Dameron explained that agenda items 3, 4 and 5 are inter-related. The
19 first item for consideration is the Development Agreement, which provides culinary
20 water service. A map specifying service areas will be included as an exhibit to the
21 agreement. Mr. Dameron explained that this agreement has been under discussion for
22 several months, with Mr. Cowie being at the forefront of the negotiations. Mr. Dameron
23 stated that the intent of the agreement is to allow the City to acquire the wetlands area
24 from Anderson/Geneva Development. Vineyard Town has approved the agreement, and
25 Anderson/Geneva has expressed approval of the provisions of the agreement.

26 Mayor Dain asked Mr. Dameron if there is a sense of partnership between
27 Vineyard and Lindon. Mr. Dameron confirmed that there is a strong feeling of
28 partnership. Councilmember Anthony observed that the goal is to preserve the wetlands
29 area. Mayor Dain noted that ultimately the whole county will benefit from preservation
30 of the wetlands area, because Utah Lake will benefit from the natural storm drainage
31 treatment.

32 Mr. Cowie explained that the agreement provides water service to the specified
33 properties for up to ten years, with the exception of four lots located across from the
34 power plant. Water will be provided to those lots on a permanent basis unless Vineyard
35 chooses to disconnect and provide service from other sources. Mr. Cowie explained that
36 there are currently three separate water service agreements in place for various areas of
37 Vineyard, and that each agreement functions independently. Mr. Grover stated that there
38 is some expectation that water service will be available through the Central Utah Project
39 in a couple of years. He noted that there is a financial motivation to discontinue service
40 through Lindon as soon as possible.

41 Councilmember Carpenter inquired as to billing procedures for this water service.
42 Mr. Cowie explained that usage will be metered through master meters located at Pioneer
43 Lane and 1600 North (Orem). Vineyard will be responsible for billing and collection of
44 utility fees. An administrative fee will be included in utility billing to cover
 administrative costs.

2 The Council went on to discuss the Central Utah Project water rights associated
with the Geneva property. He explained that the majority of rights are associated with
4 existing wells. Mr. Thurgood stated that some rights are being transferred which will
allow new wells, or more water to be taken out of existing wells. Mr. Grover explained
that the developer is working closely with the State Engineer regarding water rights.

6 Mayor Dain asked Mr. Thurgood if this water provision agreement threatens the
City's ability to provide water to Lindon residents. Mr. Thurgood explained that a
8 pressure sustaining valve will be installed to maintain minimum upstream pressure. If
there is a greater need for water in Lindon, the amount provided to Vineyard will be
10 reduced.

12 Mr. Dameron noted that water impact fees associated with development in the
area specified in the agreement will be collected by Vineyard and forwarded to Lindon.
Out of boundary water accounts will be charged a higher base rate to cover the increased
14 cost for service.

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

18 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE
DEVELOPMENT AGREEMENT BETWEEN VINEYARD TOWN, LINDON CITY
20 AND ANDERSON GENEVA DEVELOPMENT FOR PROVISION OF ADDITIONAL
CULINARY WATER SERVICES TO PORTIONS OF VINEYARD TOWN AND
22 AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED DOCUMENTS.

COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS
24 RECORDED AS FOLLOWS:

| | |
|----------------------------|-----|
| 26 COUNCILMEMBER ANTHONY | AYE |
| COUNCILMEMBER BATH | AYE |
| COUNCILMEMBER BAYLESS | AYE |
| 28 COUNCILMEMBER CARPENTER | AYE |
| COUNCILMEMBER HATCH | AYE |

30 THE MOTION CARRIED UNANIMOUSLY.

- 32 4. **Review and Action** – *Interlocal Cooperative Agreement – Vineyard Town and*
Lindon City. This is a request by staff for approval of an Interlocal Cooperative
34 Agreement between Vineyard Town and Lindon City which stipulates the
responsibilities of each entity in the provision of water to the additional ground to
36 be developed by Anderson/Geneva. This agreement is part of the larger
negotiations between Anderson/Geneva, Lindon City, and the City of Orem for
38 the acquisition of the 'wetland' area needed for storm water detention for Lindon
and Orem. Vineyard previously approved this agreement.

40 Mr. Dameron explained that this Interlocal Agreement is very similar to the
42 Development Agreement. The ten year agreement between the two cities describes the
service area and the scope of services. The terms of the agreement have been reviewed
44 by Engineers for both municipalities. The agreement specifies that any impact fees
collected for development on the subject property will be passed through to Lindon.

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

4 COUNCILMEMBER HATCH MOVED TO APPROVE THE INTERLOCAL
6 COOPERATIVE AGREEMENT BETWEEN VINEYARD TOWN AND LINDON
8 CITY FOR PROVISION OF WATER TO ADDITIONAL GROUND TO BE
10 DEVELOPED BY ANDERSON/GENEVA DEVELOPMENT, AND AUTHORIZE
12 THE MAYOR TO SIGN THE ASSOCIATED DOCUMENTS. COUNCILMEMBER
14 CARPENTER SECONDED THE MOTION. THE VOTE WAS RECORDED AS
16 FOLLOWS:

12 COUNCILMEMBER ANTHONY AYE
14 COUNCILMEMBER BATH AYE
16 COUNCILMEMBER BAYLESS AYE
18 COUNCILMEMBER CARPENTER AYE
20 COUNCILMEMBER HATCH AYE
22 THE MOTION CARRIED UNANIMOUSLY.

18 5. **Review and Action** – *Memorandum of Understanding Regarding Conditional*
20 *Real Estate Purchase Agreement.* This is a request by staff for approval of the
22 Memorandum of Understanding Regarding Conditional Real Estate Purchase
24 Agreement between the City of Orem, Lindon City and Anderson/Geneva for
26 property acquisition for the Lindon Hollow Ditch Storm Water Detention
'wetlands' area. Negotiations for this acquisition have been on-going for several
months. The purchase price is to be shared by the City of Orem (60%) and
Lindon City (40%). Lindon City's cost will be \$460,128.69 net, including closing
costs. The City of Orem previously approved this agreement.

28 Mr. Dameron explained that this Memorandum of Understanding has been
30 reviewed and approved by Orem City. Councilmember Anthony inquired as to budgeted
32 funds for this purchase. Mr. Dameron stated that \$500,000 was budgeted for this
34 purchase, and that the City's final cost \$460,128.69.

32 Councilmember Carpenter inquired as to the status of grant funds which were
34 awarded to purchase the property, but will not be necessary for the purchase due to the
36 lower negotiated cost. Mr. Cowie stated that he met with the Quality Growth
38 Commission who awarded the grant funds to discuss the possibility of using the grant
40 funds to offset the cost of trail improvements. The Commission has not yet rendered a
42 decision regarding the request. Mr. Cowie stated that the Department of Environmental
44 Quality may also allow grant funds to be redirected to mitigate the environmental clean
up in the area.

40 The Council discussed possible re-channeling of the drainage ditch and the impact
42 on the wetlands area. Mr. Cowie explained that the water elevation in the ditch may
44 increase, but the wetlands will not be dried out. Mr. Dameron explained that the
wetlands area provides important natural pretreatment for storm flows before entering
Utah Lake. Mr. Cowie noted that a variety of wildlife, including ducks, heron, egrets and
beavers live in the wetlands area. Preservation will also maintain the wildlife habitat.

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

4 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE
MEMORANDUM OF UNDERSTANDING REGARDING THE CONDITIONAL
6 REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF OREM,
LINDON CITY AND ANDERSON/GENEVA FOR PROPERTY ACQUISITION FOR
8 THE LINDON HOLLOW DITCH STORM WATER DETENTION WETLANDS
AREA, AND AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED
10 DOCUMENTS. COUNCILMEMBER CARPENTER SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

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

- 18
20 6. **Review and Action** - *Annual Meeting Schedule*. The annual meeting schedule
for calendar year 2009 will be reviewed and approved by the Mayor and City
22 Council. The schedule includes meeting dates for the City Council, Planning
Commission, Board of Adjustments, Redevelopment Agency, and the Municipal
24 Building Authority. The Planning Commission has reviewed the schedule and
recommends approval.

26 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE 2009
ANNUAL MEETING SCHEDULE FOR THE CITY COUNCIL, PLANNING
28 COMMISSION, BOARD OF ADJUSTMENTS, REDEVELOPMENT AGENCY AND
MUNICIPAL BUILDING AUTHORITY. COUNCILMEMBER BAYLESS
30 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

38 **COUNCIL REPORTS** –

40 **COUNCILMEMBER BAYLESS** – *Trails, Planning Zoning, Board of Adjustments,*
Administration –

42 Councilmember Bayless had no items to report.

44 **COUNCILMEMBER CARPENTER** – *General Plan, Streets & Sidewalks, Public*
46 *Buildings* –

2 Councilmember Carpenter presented information compiled by Wells Fargo Bank
4 concerning the economy in Utah. The presentation compared figures on a month-by-
month basis from the previous year in various areas, such as unemployment,
construction, long and short term interest rates and consumer confidence.

6 Councilmember Carpenter also reported on legislative issues, including
transportation funding, impact fees, immigration and water rights. The legislature will
8 also consider transparency in government relative to access to financial records, as well
as the taxation authority of Special Districts.

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

12 Councilmember Bath reported that he attended the first NOVA graduation of the
14 Lindon City Police Department. Chief Cullimore explained that NOVA stands for
“Nurturing Opportunities, Values and Accountability.” The course is taught as part of the
16 curriculum at Lindon Elementary and Rocky Mountain Elementary. Chief Cullimore
stated that the charter schools in the City have not approached the Police Department
18 requesting that the course be implemented at those schools. If the charter schools choose
to include NOVA in their curriculum, a fee will be charged to cover the cost of providing
20 the service. The Council went on to discuss the benefits of such programs as NOVA and
RAD in exchange for the cost. Councilmember Anthony noted that it is difficult to
22 measure the results, but that the opportunity to build a relationship between the
community and the Police Department is a notable benefit.

24 Chief Cullimore went on to discuss a traffic accident involving Officer Russell
Collins. Officer Collins entered the travel lane from the side of the street on 700 North
26 near 2000 West and was struck by a vehicle in the travel lane. Chief Cullimore explained
that Officer Collins was in his office approximately an hour before the accident to submit
28 his resignation. Orem Police Department investigated the accident, and did not issue a
citation.

30 Mayor Dain passed on compliments from a Lindon resident regarding a response
of emergency services personnel to a medical situation at his home. Chief Cullimore
32 also reported that two Lindon officers participated in the “Shop With A Cop” event
which benefits underprivileged children in the community.

34 **COUNCILMEMBER ANTHONY** – *Parks, Recreation, Engineering, Lindon Fair,*
36 *Newsletter* –

38 Councilmember Anthony had no items to report.

40 **COUNCILMEMBER HATCH** – *Water, Sewer, Solid Waste, Housing Consortium* -

42 Councilmember Hatch discussed design details and placement of the pavers
which will be used in fundraising efforts for the pool. Mayor Dain suggested that details
44 be discussed with the architect.

2 Councilmember Hatch reported that Allied Waste has been purchased by
Republic Waste, a nationwide company. He also discussed changes to the fee schedule at
the transfer station.

4 Councilmember Hatch also reported that the contractor for the pool has had
difficulty contacting the company who is building several of the features for the pool, and
6 there is some concern that the company may be out of business. Mr. Dameron noted that
there may not be a problem, but the contractor will follow up with CEM regarding the
8 equipment.

10 **ADMINISTRATOR'S REPORT –**

12 Mr. Dameron reported on the following items:

- 14 1. The Council reviewed the project tracking list.
- 16 2. There have been several complaints from residents regarding motorized vehicles,
such as four-wheelers, on the trail. Chief Cullimore stated that there is no specific
18 law prohibiting motorized vehicles on the trail. Mr. Dameron noted that due to
the current economy, installation of additional signage for the trail has been
postponed.
- 20 3. Councilmember Hatch requested that Chief Cullimore assign extra patrols on 40
South due to reports of high speeds on the street in the morning rush hours and
after school hours.

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

| | |
|--------------------------|-----|
| 26 COUNCILMEMBER ANTHONY | AYE |
| COUNCILMEMBER BATH | AYE |
| 28 COUNCILMEMBER BAYLESS | AYE |
| COUNCILMEMBER CARPENTER | AYE |
| 30 COUNCILMEMBER HATCH | AYE |

THE MOTION CARRIED UNANIMOUSLY.

32 **ADJOURN –**

34 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT
36 10:48 P.M. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38 Approved – January 6, 2009

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42 _____
Debra Cullimore, City Recorder

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46 _____
James A. Dain, Mayor