

2 The Lindon City Council held a regularly scheduled meeting beginning at 7:00 p.m. on
4 **Tuesday, April 17, 2007** in the Lindon City Center, City Council Chambers, 100 North
State Street, Lindon, Utah.

6 Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: Jerald Hatch
8 Invocation: Jeff Acerson

10 **PRESENT**

ABSENT

12 Jeff Acerson, Mayor
Eric Anthony, Councilmember
14 Lindsey Bayless, Councilmember
Jerald I. Hatch, Councilmember
16 Ott H. Dameron, City Administrator/Recorder
Adam Cowie, Planning Director

H. Toby Bath, Councilmember
Bruce Carpenter, Councilmember
Debra Cullimore, Deputy Recorder

18 The meeting was called to order at 7:04 p.m.

20 **PROCLAMATION** – The Mayor and City Council will consider a Proclamation for
22 “Municipal Clerks Week” on behalf of the City Recorder and Deputy City Recorder.

24 Mayor Acerson read a proclamation designating the week of April 29, 2007
through May 5, 2007 as Municipal Clerks Week in Lindon City. The Council voted
26 unanimously to approve the proclamation.

28 **MINUTES** – The minutes of the regular meeting of April 3, 2007 were reviewed.

30 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF
THE MEETING OF APRIL 3, 2007. COUNCILMEMBER ANTHONY SECONDED
32 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34 **OPEN SESSION** –

36 Mayor Acerson called for comments from any resident present who wished to
address an issue not listed as an agenda item. David Pflagl, residing at 140 South 200
38 East, approached the Council. Mr. Pflagl was also accompanied by Dave Gilbert, who is
also currently residing at the same address. Mr. Gilbert stated that he and his wife are
40 both retired school teachers. He commented on a letter which Mr. Pflagl received from
Code Enforcement Officer, Gary Hoglund, regarding off street parking of a large
42 camping trailer. He commented that the letter received from Mr. Hoglund alleged that
the trailer is being used as a residence. Mr. Gilbert stated that while the trailer is used for
44 storage of some items, and that there is electricity to the trailer, he and his wife are
currently residing as guests of Mr. Pflagl in the residential dwelling. Mr. Gilbert
46 explained that the letter received from Mr. Hoglund set a deadline for removal of the

2 trailer. He stated that he responded with a letter requesting a 30 day extension to the
requirements set forth in the letter due to a scheduled surgery he will be undergoing in
4 May. He stated that after the surgery and recovery period are completed, he will be
relocating to Washington.

6 Mr. Pflegl commented on City ordinance, which specifically prohibits use of
recreational vehicles for residential occupancy. Mr. Pflegl suggested that some ordinance
8 revision may be appropriate which would allow use of recreational vehicles for visitors at
Lindon residences. According to Mr. Pflegl, the current ordinance was written in 1970,
10 and is not applicable to this circumstance. Mr. Pflegl also questioned the clarity of the
existing ordinance in relation to this particular situation. He noted that according to Mr.
12 Hogle, 25 letters have been sent out to residents in similar circumstances. He felt that
some time should be allowed for use of trailers by visitors to Lindon residents.

14 Councilmember Bayless requested an overhead view of the property to clarify the
location of the trailer. Mr. Cowie presented an overhead photograph of the Pflegl
16 property. Councilmember Bayless stated that in order to allow use of travel trailers for
residential occupancy in excess of one week would require an ordinance revision. She
18 noted that the ordinance is intended to address the good of the community, and that there
are many factors to be considered when applied community wide. Mayor Acerson stated
20 that it may be appropriate to revisit the ordinance to determine whether it would be
appropriate to allow use of trailers for longer periods in certain circumstances, and for a
22 shorter time period in certain circumstances. Councilmember Hatch stated that to the
best of his recollection, the ordinance came about due to circumstances in the City where
trailers were being used for long term residential occupancy.

24 Mr. Dameron clarified that Mr. Pflegl and Mr. Gilbert are requesting an extension
of use of the trailer for approximately two weeks to allow Mr. Gilbert to recover from
26 scheduled surgery. Mr. Gilbert confirmed that this is the request before the Council. Mr.
Dameron explained that no official action would be necessary to allow the extension, but
28 that the Council could direct staff to work with the interested parties to resolve the issue.

30 Councilmember Anthony clarified that that Mr. Gilbert and his wife are not
sleeping in the trailer, but are actually staying in the home. Mr. Pflegl and Mr. Gilbert
32 confirmed that the Gilberts are sleeping in the Pflegl home and not in the trailer.
Following further discussion, it was the general feeling of the Council that if the trailer is
34 not being used for sleeping, it is not technically being used for habitation, and that
ordinance requirements are not applicable. The Council also felt that it would be
36 appropriate to review ordinance requirements to determine whether revisions would be
appropriate.

38 Lindon resident Heath Peters requested an opportunity to comment on the Pflegl
property. Mr. Peters stated that he did not file the complaint with the City regarding the
40 trailer, but that he is aware that neighbors are frustrated with the overall appearance of the
property. He stated that he has discussed existing problems with the Code Enforcement
42 Officer on several occasions. Mayor Acerson explained that the City is aware of the
problems associated with the property, and is working with the property owner to resolve
the issues.

44 **MAYOR'S COMMENTS/REPORT** –

Mayor Acerson gave no report at this meeting.

CONSENT AGENDA –

No items.

CURRENT BUSINESS –

1. **Preliminary Plat** – *Lindon Pointe Estates, Plat “A”*. This is a request by Ernest Silva for preliminary plat approval of Lindon Pointe Estates, Plat “A”, 5 lots, in the R1-20 zone at approximately 350 West 200 South. The Planning Commission recommended approval with one condition. This item was continued from the meeting of April 3, 2007 pending a review by the City Engineer of the slope concerns from neighboring properties.

Tim Metlor was present as the representative for this application. Ernie Silva was also present in the audience. Mr. Cowie reviewed this item, which was continued from the City Council meeting on April 3, 2007 to allow further engineering review regarding the slope on the east end of the proposed development. Mr. Cowie explained that a concrete bunker that existed for many years adjacent to the slope was removed in conjunction with this development. Neighboring property owners expressed concern that the bunker may have helped stabilize the slope, and that removal of the bunker may cause slippage and damage to fences located at the top of the slope. Mr. Cowie explained that it appears that the neighboring fence was built on top of an existing retaining wall, and that the area near the fence is not being disturbed as part of this development. Mr. Cowie stated that the City engineer recommended that the area where the bunker had been located be filled and compacted at this time, and that the developer provide a geo-tech study regarding the stability of the slope and any additional recommendation for retention of the hillside.

The geo-tech report submitted by the applicant indicates that the slope appears to be stable, and that fill and compaction should be adequate retention measures until individual lots develop. The engineer concurred with the geo-tech assessment. Both reports recommended that individual lots be evaluated for additional retention needs as homes are built and additional grading takes place.

Councilmember Bayless inquired as to comments in the report regarding future evaluation of lots. She asked if it would be appropriate to require future evaluation to be shown on the plat. Mr. Cowie explained that slope stability and retention needs will be addressed during the building permit process. She felt that some notice and clarification to future property owners would be appropriate. Mr. Cowie stated that it would be difficult to define specific restrictions on the plat. Councilmember Anthony clarified that recommendations state that if the slope on individual lots is changed during the construction and landscaping process, an evaluation would be appropriate. He agreed that a note on the plat may be appropriate in order to inform future property owners that further evaluation may be required. The applicant agreed that it would be appropriate to include a note on the plat stating that if the slope of the east side is modified, additional geo-tech evaluation will be required.

2 Kathy Hellewell requested further clarification of the engineering and geo-tech
reports. The Council explained that report indicates that the slope appears to be stable,
4 but required the developer to confirm that the fill had been compacted. Mr. Metlor
explained that disturbed areas were filled and compacted, but that areas that were
6 undisturbed at this point in the development were not filled or compacted.
Councilmember Anthony asked Mr. Cowie whether the City has any responsibility to
8 make requirements regarding undisturbed areas. Mr. Cowie explained that disturbing
areas unnecessarily may create less stability, and that the City made the recommendation
10 that existing vegetation be left in place to minimize erosion potential in undisturbed
areas.

12 Mayor Acerson asked neighboring property owners if the engineering and geo-
tech reports adequately address concerns related to the slope and adjacent fences. The
14 Council further clarified that there may be additional geo-tech evaluations required if the
slope is altered during the construction process. Councilmember Anthony observed that
16 including the note on the plat put the responsibility on the property owners to address
future slope issues. Mr. Metlor asserted that the current fill and compaction have
increased slope stability. Neighboring property owners expressed concern regarding
18 stability issues in the future. Mayor Acerson stated that if a situation arises in the future,
the City will evaluate responsibility of the issue. He noted that the engineering and geo-
20 tech reports indicate that the slope is adequately stable at this point, and that it would not
be detrimental to surrounding properties to proceed with the development. The Council
22 continued to discuss specific concerns with neighboring property owners related to the
possibility of problems in the future.

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

26
28 **COUNCILMEMBER ANTHONY MOVED TO APPROVE THE LINDON
POINTE ESTATES, PLAT "A" SUBDIVISION PRELIMINARY PLAT WITH THE
FOLLOWING CONDITIONS:**

- 30 1. THAT LOT #1 ACCESS FROM THE NEW CUL-DE-SAC AT 350 WEST.
- 32 2. THAT THE PLAT INCLUDE A NOTE ON LOT #4 THAT ENGINEERING
AND GEO-TECHNICAL REPORTS INDICATE THAT THE CURRENT
34 SLOPE IS STABLE IF IT IS NOT FURTHER ALTERED AND IF IT IS
VEGETATED TO MINIMIZE EROSION POTENTIAL. IF THE SLOPE IS
36 ALTERED DURING CONSTRUCTION, THE PROPERTY OWNER IS
ENCOURAGED TO FOLLOWING ENGINEERING
RECOMMENDATIONS TO EVALUATE THE STABILITY OF THE
38 SLOPE BASED ON PROPOSED CONSTRUCTION PLANS.

40 **THE MOTION FAILED DUE TO LACK OF A SECOND.**

42 Mr. Metlor commented that the geo-tech studies recommend additional analysis if
the slope is altered during construction. Councilmember Hatch stated that it is necessary
44 to clearly state that the property owner is responsible for additional studies, and that the
liability is on the homeowner if future slope issues are not addressed. Councilmember
46 Bayless recommended that the note include a comment that the requirement is to protect
the future property owner from liability. Mr. Metlor suggested that the note include a

comment that additional studies would protect future and surrounding property owners. He also noted that the note should specify the slope on the east side, as there are other slopes in the development as well. Councilmember Hatch recommended that the previous motion be amended to include the protection of future and surrounding property owners. The motion was amended as follows:

COUNCILMEMBER ANTHONY MOVED TO APPROVE THE LINDON POINTE ESTATES , PLAT “A “ SUBDIVISION PRELIMINARY PLAT WITH THE FOLLOWING CONDITIONS:

1. THAT LOT #1 ACCESS FROM THE NEW CUL-DE-SAC AT 350 WEST.
2. THAT THE PLAT INCLUDE A NOTE ON LOT #4 THAT ENGINEERING AND GEO-TECHNICAL REPORTS INDICATE THAT THE CURRENT SLOPE ON THE EAST SIDE OF THE SITE IS STABLE IF IT IS NOT FURTHER ALTERED, AND IF IT IS VEGETATED TO MINIMIZE EROSION POTENTIAL. IF THE SLOPE IS ALTERED DURING HOME CONSTRUCTION, THE PROPERTY OWNER IS ENCOURAGED TO FOLLOW ENGINEERING RECOMMENDATIONS TO EVALUATE THE STABILITY OF THE SLOPE BASED ON PROPOSED CONSTRUCTION PLANS TO PROTECT FUTURE PROPERTY OWNERS AND SURROUNDING PROPERTY OWNERS.

COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2. **Discussion** – *Defining and Regulating Use of Shipping Containers as Storage Buildings.* This is a request by staff for the Council’s review and discussion of portable shipping containers that are being used as storage buildings throughout the City.

Mr. Cowie explained that this is a City initiated discussion of portable shipping containers that are being used as storage buildings throughout the City. Mr. Cowie noted that the containers are currently being used as temporary storage units on construction sites. He presented photographs of various sites where containers are currently located. He stated that one particular container was approved as a temporary conditional use for an 18 month period. The Council discussed current ordinance requirements related to use of shipping containers, which are allowed only for temporary use at this time.

Councilmember Bayless inquired as to the implications of use of a tent for temporary storage. Mr. Cowie stated that temporary use of a tent or other temporary structure would be addressed through a temporary site plan. He noted that the City has received several calls from residents requesting to use the containers as storage sheds in residential zones. He explained that depending on the size, a building permit may be required, but that use is not currently prohibited in residential zones.

Councilmember Anthony inquired as to potential safety concerns if permanent use, including electrical service, is allowed. Mr. Cowie stated that the containers are not intended for permanent use, and that there may be safety concerns. Councilmember Anthony stated that the Council should consider whether a reasonable person would consider the containers to be unsightly, and whether there are associated safety concerns.

2 Councilmember Hatch stated that he has considered use of a storage container to
protect hay cubes during the winter months. He noted that a permanent structure is not
necessary, because indoor storage is not necessary during the summer months.

4 Councilmember Bayless inquired as to whether use of shipping containers may be a way
to circumvent building permit requirements. Mr. Cowie stated that building permit
6 requirements are based on the size of storage structures, and that any structure over 200
square feet or 10 feet in height requires a building permit.

8 Councilmember Anthony suggested that containers be allowed for temporary use
on construction sites with a specific time limit. Mr. Cowie noted that one member of the
10 Planning Commission felt that use of the containers should be allowed in residential
zones. Councilmember Bayless felt that containers in residential zones would be
12 unsightly, and that it would not be in the best interest of neighboring property owners to
allow use in residential zones.

14 Councilmember Anthony inquired as to what procedure would be followed if
construction projects exceed the specified time limit. Mr. Cowie stated that it would be
16 appropriate to allow on construction sites during active construction projects for a
reasonable time period.

18 Councilmember Hatch felt that use of containers should be allowed in residential
zones unless a proliferation becomes problematic. Mr. Cowie explained that staff would
20 recommend a temporary time limit for storage uses on commercial or industrial sites. On
construction sites, staff recommended that use of containers only until the final certificate
22 of occupancy is issued. Staff also recommended that use of shipping containers be
prohibited in residential zones. Following further the discussion, Councilmember
24 Bayless and Councilmember Anthony were in general agreement with staff
recommendations. Mr. Cowie will draft a proposed ordinance for review by the Planning
26 Commission and the full City Council.

- 28 3. **Discussion** – *Boundary Adjustment, Tax Sharing, and Utility Services with*
Vineyard Town. This is a request by Vineyard Town officials for Lindon City's
30 reaction regarding the possibility of a boundary adjustment, tax sharing
agreement, and utility services between Lindon City and Vineyard Town in the
32 vicinity of 600 South Geneva Road. If the concept is acceptable, joint meetings
would be scheduled to work out the details of an Interlocal Agreement between
34 the two municipalities.

36 Councilmember Anthony declared a potential conflict of interest on this item. He
suggested that it may be appropriate to continue this item until a quorum is present
38 without his participation. Mr. Dameron noted that this item is for discussion purposes
only, and that no action will be taken at this time. Mr. Cowie inquired as to whether
40 there is any potential financial benefit to Councilmember Anthony as a result of this
project. Councilmember Anthony stated that he has no financial involvement with the
42 project, but that he and his wife have a close personal relationship with the potential
property owners. Those present felt that it would be appropriate to proceed with
44 discussion of this item.

46 Mr. Cowie explained that Tai Pan Trading has expressed interest in a small
section of property that is currently in Lindon adjacent to the existing rail road tracks near

2 the old Geneva Steel site. The proposed project would require realignment of a section of
the rail road tracks. The Council discussed whether the rail road company would allow
the necessary realignment.

4 Mr. Cowie stated that subject property is within the old Geneva site, but is located
within Lindon City. Vineyard has requested a boundary adjustment with Lindon City and
6 utility service to the site. Staff recommendations following discussion with engineering
and planning staff is to have a tax sharing agreement, as well as utility service agreement
8 to facilitate locating the proposed business on the site. Vineyard is trying to locate a
primary Tai Pan retail facility on the site, as well as an associated shipping and
10 warehouse area at the rear of the site. Vineyard staff also feels that the area will be a
primary entrance corridor into the City, and would like to maintain the ability to regulate
12 the area in the future.

If Lindon City provides service to the site to facilitate development, property and
14 sales taxes generated by any business locating on the site would be split between the two
cities, with 40% going to Vineyard and 60% going to Lindon. The amount going to
16 Lindon will allow Lindon to maintain the utility infrastructure and continue to provide
utility service to the site. At the time Vineyard utilities (sewer & water) are within a
18 specified distance of the subject properties, Vineyard would commit to connect their own
utilities to the site. The boundary line could be adjusted so that the entire subject
20 property west of Geneva Road is within Vineyard. This will allow Vineyard to maintain
planning, review and approval authority for any projects that are proposed on the site.
22 Lindon would review any design details for utility service and public works issues only.
Vineyard would have jurisdictional authority and maintenance responsibilities on the new
24 roads and properties in the subject area. Representatives of Vineyard have expressed that
they would be willing to consider the Commercial Design Guidelines and landscaping
26 designs adopted by Lindon City during review of projects on the site.

28 Mayor Acerson inquired as to the reasoning for the boundary adjustment, and
why the site could not remain in Lindon. Mr. Cowie explained that Vineyard planning
staff had initiated this discussion due to the location of the site as a gateway to Vineyard.
30 The proposed boundary adjustment will also create adequate square footage to locate the
proposed business in one city.

32 Mayor Acerson expressed concern regarding Lindon “giving up” property to
Vineyard. He felt that concerns regarding an appropriate entrance, or gateway, to
34 Vineyard could be addressed without the boundary adjustment. Mr. Cowie stated that
there are potential financial benefits to Lindon City as a result of the boundary
36 adjustment. Mr. Cowie noted that the boundary adjustment would place responsibility
for road maintenance on Vineyard, and may provide a long term benefit to Lindon. Mr.
38 Dameron noted that there is an option for a tax sharing agreement without the boundary
adjustment based on Lindon providing utility service to the site

40 Councilmember Bayless felt that due to the location of the site, the area would
appear to be in Lindon. She expressed concern regarding the appearance of the site if
42 there is a perception that it is located in Lindon. Mr. Cowie stated that use of the
Commercial Design Guidelines and landscaping standards could be stipulated in the final
44 agreement.

46 Mr. Cowie explained that it is not possible for Vineyard to provide utility service
to the site at this time, and that it may be up to five years before utility service from

2 Vineyard will be an option. Mayor Acerson commented that it is the best interest of both
4 cities to work cooperatively regarding development adjacent to boundaries lines. He felt
6 that a portion of the business could locate in each city, and that the boundary adjustment
8 is not essential to the development. He also felt that a tax sharing agreement would be
10 appropriate based on the location of the site and utility service, but that tax sharing would
12 not be contingent upon the boundary adjustment. Mr. Cowie stated that formal
discussions with Tai Pan Trading have not taken place. However, preliminary
discussions indicate that the company would prefer to locate the entire business in one
city. He noted that there may be complications related to development of different
components of the business in two different cities. Mayor Acerson observed that approval
of the project should not be excessively complicated if both cities are in favor of the
proposed business. He felt that the cities could work cooperatively to resolve relevant
issues.

14 Councilmember Bayless noted that if the retail portion of the facility is in Lindon
and the warehouse component is in Vineyard, it is to the benefit of Vineyard to work
16 cooperatively with Lindon to establish a tax sharing agreement.

18 Mr. Dameron observed that it appears the Council is in agreement with the tax
sharing and utility service agreement, but that there is some concern related to a boundary
adjustment. Mayor Acerson commented that further discussion would be necessary with
20 potential businesses to address specific needs of the developer and determine appropriate
action on the part of the City. He felt that if original acreage of each City is maintained, a
22 boundary adjustment could be considered.

24 Mr. Dameron stated that a joint Work Session with Lindon City Council and
Vineyard City Council will be scheduled to discuss options for the project area.
Councilmember Bayless suggested that it may be beneficial to have a representative of
26 Tai Pan Trading attend the meeting as well.

28 Mayor Acerson noted that historically, boundary line adjustments have been used
to clean up boundary lines, and have been in the best interest of both cities without one
city relinquishing any acreage. Councilmember Bayless observed that residents may be
30 concerned if the City Council aligns the boundary to create more acreage in Vineyard.
Mr. Cowie asserted that without a cooperative effort, the property in both cities is not
32 developable, and that the boundary adjustment will allow access to the site and facilitate
development.

34 Mr. Cowie will report to Vineyard that the general feeling of the Council is that a
tax sharing agreement is conceivable, utility service from Lindon to the site is
36 conceivable, but that the Council would prefer to maintain the net acreage of both cities if
a boundary line adjustment is needed. Councilmember Bayless stated that she felt the
38 Council is still willing to discuss the boundary line adjustment, but that based on current
evidence it does not appear that the boundary line adjustment would be in the best
40 interest of Lindon.

- 42 4. **Discussion** – *Old Lindon Tithing Office*. This is a request by staff for the renewal
44 of the discussion concerning the possible purchase of the Old Lindon Tithing
Office. The owner of the property has indicated that a reduced price from the
46 appraised value might be possible.

2 Mr. Cowie explained that the current owner of the Tithing Office, Rene' Brereton,
3 contacted the City and expressed concern regarding demolition of the historic structure
4 during development of the property. Ms. Brereton has had the property listed for sale,
5 but has not yet sold the property. He stated that the current appraisal for the Tithing
6 Office is \$160,000, which includes a parcel of property approximately 160 feet deep.
7 Ms. Brereton has expressed to the City that she is willing to accept a sale price of
8 \$100,000 in order to preserve the site. Mr. Cowie discussed the possibility of additional
9 concessions which would be applied toward the sale of the property, such as installation
10 of improvements associated with the development project. The City Engineer has
11 reviewed possible improvements which the City could participate in, such as a driveway
12 to the flag lot at the rear of the development.

13 Councilmember Anthony inquired as to the size of the parcel. Mr. Cowie stated
14 that the parcel is approximately 17,000 square feet. Councilmember Bayless noted that
15 the heritage of the site should be considered as well as the actual property.

16 Mr. Cowie asked for direction from the Council as to whether a possible sale
17 should be pursued. Councilmember Bayless stated that the Historic Preservation
18 Commission is very interested in acquiring the property, and that the possibility of a sale
19 should be further explored. Councilmember Anthony felt that the current figures are
20 approaching a level where negotiations may be appropriate. Councilmember Hatch
21 agreed that the possibility of purchasing the property should be explored further. Mr.
22 Cowie will discuss the details with the current property owner and report back to the
23 Council. Councilmember Anthony noted that it will be necessary to address restoration
24 and preservation of the site as well as purchase of the property. He suggested that the
25 Historical Commission present a proposal regarding restoration and preservation of the
26 site.

- 27 5. **Review and Action** – *Appointments to the Tree Advisory Board*. This is a request
28 by Councilmember Eric Anthony, assigned as the advisor to the Tree Advisory
29 Board, for the reappointment of three individuals for additional 4 year terms.
30 Each individual is currently serving on the Board. The individuals are Jeannine
31 Cartwright, Kevin Cartwright, and David Lawson.

32 COUNCILMEMBER ANTHONY MOVED TO REAPPOINT JEANNINE
33 CARTWRIGHT, KEVIN CARTWRIGHT, AND DAVID LAWSON TO SERVE FOUR
34 YEAR TERMS AS MEMBERS OF THE TREE ADVISORY BOARD.
35 COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED
36 IN FAVOR. THE MOTION CARRIED.

37 Councilmember Anthony noted that these individuals have served on the Board
38 for some time, and that they provide a valuable service to the community. He also noted
39 that several board members have resigned and that those positions will be filled with new
40 members in the near future. He suggested that at the appropriate time, the City Council
41 recognize the service of board members who have resigned.

- 42 44
43 46 6. **Review and Action** – *Bid Award – 200 South Street Improvements – 200 East to
45 State Street*. This is a request by staff for the Council's review and approval of

2 the bid award for the 200 South Street Improvements from 200 East to State
Street. Request for bids were properly advertised and received for this project.
4 Two bids were received with the low bid being in the amount of \$136,281.75 by
Cody Ekker Construction, Inc. Staff recommends awarding the bid to Cody
Ekker Constriction, Inc.

6
8 Mr. Dameron explained that this bid is to complete the 200 South street widening
project from 200 East to State Street. He stated that the bid was properly advertised, and
two bids were submitted. The low bid was submitted by the contractor currently working
10 on the project, Cody Ekker Construction, Inc. The bid is \$55,401 less than engineering
estimate.

12
14 COUNCILMEMBER BAYLESS MOVED TO AWARD THE BID FOR 200 SOUTH
STREET IMPROVMENTS TO CODY EKKER CONSTRUCTION, INC. IN THE
AMOUNT OF \$136,281.75. COUNCILMEMBER HATCH SECONDED THE
16 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

18 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER HATCH AYE

20 THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

22 **COUNCIL REPORTS –**

24 **WATER, SEWER, SOLID WASTE, HOUSING CONSORTIUM –**

26 Councilmember Hatch inquired as to the status of a previous request he made
regarding a document for owners of North Union water rights who are currently not using
28 shares. Councilmember Hatch previously discussed the possibility of some type of
document which could be provided to share holders to verify that the water is receiving
30 beneficial use. Share holders have expressed concern that they may lose rights to the
shares if beneficial use is not documented. Mr. Dameron stated that he has discussed the
32 matter with City engineer, David Thurgood. Mr. Thurgood felt that share holders should
not be concerned, due to the fact that they own shares in the company, rather than water
34 per se. He stated that there is no concern that shares will be lost due to non-use.

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

38 Councilmember Bayless requested that the flags at City facilities be lowered to
half staff to show respect for victims of the recent shooting at Virginia Tech. Mr.
40 Dameron stated that the flags would be lowered the following morning.

42 Councilmember Bayless proposed that the Council make some commitments to
promote healthy living in Lindon as discussed at the recent conference in St. George.
She suggested that some type of a Healthy Living Committee be established, which may
44 include City staff as well as members of the community. She suggested the possibility of
allowing motivated staff members 30 minutes three days per week to pursue health and
46 fitness activities. Councilmember Anthony suggested that some budget be provided for

2 the committee which would allow sponsoring of training and classes, as well as some
3 type of simple advertising and literature to distribute to the community. He also
4 suggested that use of the trail system be promoted for health and exercise purposes. He
5 expressed appreciation for the forethought of past community leaders in creating the trail
6 system. He also suggested that the City consider implementing a maintenance budget for
7 the trails system.

8 Councilmember Bayless asked Mr. Dameron to report on the status of trail section
9 located adjacent to the Christensen property on Lakeview Drive. Mr. Dameron reported
10 that Mr. Christensen may purchase 10 feet of property from the neighboring property
11 owner, Brigham Ashton. The City will trade the property currently designated for the
12 trail for the property purchased from Mr. Ashton, and the trail will be installed on the
13 purchased property in an effort to address concerns related to the set back of the trail in
14 relation to the Christensen home. The agreement will be presented to Mr. Christensen
15 during the next week, and he will have a specific time frame to respond.

16 **PUBLIC SAFETY, COURT, BUILDING INSPECTIONS** –

17 Councilmember Bath was not present at the meeting.

20 **PARKS, RECREATION, ENGINEERING, LINDON FAIR, NEWSLETTER** –

21 Councilmember Anthony reported that the annual Arbor Day Celebration will be
22 held on May 5th at Pheasant Brook Park. Additional grant funds were obtained to
23 purchase additional trees for the tree planting project. A new award will be presented at
24 the celebration for outstanding tree care in the community. A proclamation designating
25 Arbor Day as May 5th will be presented for approval at the regular City Council meeting
26 on May 1, 2007.

28 **GENERAL PLAN, STREETS & SIDEWALKS, PUBLIC BUILDINGS** –

29 Councilmember Carpenter was not present at the meeting.

32 **ADMINISTRATOR'S REPORT**–

33 Mr. Dameron reported on the following items.

- 34 1. The Council reviewed the Project Tracking List. Councilmember Bayless
35 requested that the City Council review the Care Facility at Old Station Square.
- 36 2. The Council was invited to attend a meeting at 8:30 a.m. on Wednesday, April 18,
37 2007 with Brent Tippetts of VCBO Architects. Mr. Tippetts will present an update
38 of the Feasibility Study for recreation facilities in Lindon.
- 39 3. The Heritage Trail Committee meeting will be held Monday, April 23rd at 3:00
40 p.m.
- 41 4. The Work Session scheduled with Public Works Director, Don Peterson, has been
42 rescheduled to May 1st at 6:00 p.m.
- 43
- 44

- 2 5. Repairs on the secondary water system are being completed. Some zones are
currently operational, but sporadic interruption is possible as repair work is
completed.
- 4 6. The tentative 2007/2008 budget will be reviewed by the Council on May 1st. The
Budget Committee will review the budget prior to City Council review.

6

8 Councilmember Anthony passed on to Mr. Dameron comments of residents on
200 East regarding striping associated with the street improvement project. Residents
have requested that striped walkways be equal on both sides of the street. Mr. Dameron
10 will discuss striping with the engineer report back to Councilmember Anthony.

12 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PAY
VOUCHERS. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL
14 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

16 **ADJOURN** –

18 COUNCILMEMBER ANTHONY MOVED TO ADJOURN THE MEETING AT
9:32 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL
20 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

22 APPROVED – May 1, 2007

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Ott H. Dameron, City Administrator/Recorder

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Jeff Acerson, Mayor