The Lindon City Council held a regularly scheduled meeting beginning with a Work Session at 6:00 p.m. on Tuesday, May 15, 2007, in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

WORK SESSION – 6:00 p.m.

Conducting: Jeff Acerson, Mayor

PRESENT

Jeff Acerson, Mayor
Eric Anthony, Councilmember
H. Toby Bath, Councilmember
Lindsey Bayless, Councilmember
Bruce Carpenter, Councilmember
Jerald I. Hatch, Councilmember
Ott H. Dameron, City Administrator/Recorder
Kristen Colson, Finance Director/Treasurer
Debra Cullimore, Deputy Recorder

The meeting began at 6:10 p.m.

Discussion – The Mayor and City Council will meet in a budget Work Session with staff to discuss the proposed budgets for the City, the RDA, and the MBA for fiscal year 2007/2008.

Kristen Colson, Finance Director/Treasurer, presented tentative budget figures for the 2007/2008 fiscal year. Ms. Colson clarified that tentative budget figures are still subject to change, and that personnel expenses will be refined during completion of the budget process. She stated that the City anticipates a 3% increase in expenditures over the previous budget year.

Ms. Colson reported that the United States Department of Labor estimates a CPI increase of 2.6% from April 2006 to April 2007. The tentative budget proposes employee CPI pay adjustments, as well as utility bill adjustments of 2.6% based on the Department of Labor statistics.

Ms. Colson went on to review budget issues related to personnel. She stated that the City is researching the possibility of a Certification Pay System which may be implemented. Three new personnel positions are proposed in the tentative budget. Proposed changes include an Assistant Planner, a Parks Technician, and a Management Intern, as well as a changing the Deputy Recorder position to the Recorder position.

Ms. Colson commented on a proposed change in the health insurance provider for the City. The Council may take action later in the meeting to change the health care provider from Utah Local Governments Trust to Aetna. Ms. Colson noted that health insurance premiums may be slightly higher than the previous year. She also commented that City employees will meet on May 22nd to discuss participation in long term cost containment for health insurance benefits.
Ms. Colson explained that information is still being gathered on specific budget issues, and will be discussed in greater detail later in the budget process.

Ms. Colson went on to review revenues, expenditures, and fund balances in the General Fund, the Enterprise Funds, and the RDA and MBA budgets. She observed that the tentative General Fund balance at the end of the year is below the recommended level of reserves. The proposed budget allows for a fund balance at the end of the fiscal year of $490,923, which represents 6.92% of budgeted revenue. The recommended level of fund balance would be a minimum of $638,908, or 9% of budgeted revenue, up to $851,877, or 12% of budgeted revenue. Ms. Colson requested that the Council discuss capital projects currently proposed in the budget and prioritize projects in order to achieve the desired fund balance. She noted that it will be necessary to eliminate approximately $200,000 in funding for projects to achieve the desired fund balance.

The Council went on to discuss and prioritize specific capital projects proposed for the upcoming year. Following review and discussion of proposed projects, some members of the Council felt that it may be appropriate to delay construction of the tennis courts at Pioneer Park. Other members felt that the City has made a commitment to residents that the tennis courts would be completed this fiscal year. The Council also discussed postponement of other parks projects, such as a second pavilion in Pheasant Brook Park, or walking trail lighting in Hollow Park as areas for potential budget adjustments.

The Council also discussed the possible purchase of the LDS meeting house on Main Street. The tentative budget includes $350,000 designated for the purchase of the church property. Ms. Colson suggested that it may be possible to pay the purchase price over a three year period, which would result in adequate adjustment in the current budget to provide the desired fund balance. Mr. Dameron and Ms. Colson will investigate possible terms for the purchase of the meeting house.

Councilmember Anthony inquired as to whether there is any recommendation from the State for fund balances in enterprise funds. Mr. Dameron explained that State regulations apply only to the General Fund, due to the fact that it is a tax supported fund. Ms. Colson also explained that if specific projects are funded by bond proceeds, those funds are self contained, and have no affect on revenues or expenditures in other funds.

The Council discussed completion of Pheasant Brook Park this budget year. Mr. Dameron noted that development of the park has been delayed for many years, and that there is a need for the park facility on the west side of the City. The Council agreed that Pheasant Brook Park, with the possible exception of one pavilion, should be a priority during this budget year.

Councilmember Carpenter noted that if a bond is obtained to fund completion of recreation facilities in the City, funds will be reallocated to repayment of the bond, temporarily reducing the number of other capital projects the City is able to complete each year. The Council felt that as many parks projects as possible should be completed in the 2007/2008 budget year in anticipation of bonding for recreation facilities.

Ms. Colson stated that details of the proposed budget will be discussed further during Public Hearings scheduled in June. Mayor Acerson thanked Ms. Colson for her time and expertise.

**REGULAR SESSION** – 7:00 p.m.
The meeting was called to order at 7:00 p.m.

PRESENT

8 Jeff Acerson, Mayor
Eric Anthony, Councilmember
H. Toby Bath, Councilmember
Lindsey Bayless, Councilmember
Bruce Carpenter, Councilmember
Jerald I. Hatch, Councilmember
Ott H. Dameron, City Administrator/Recorder
Adam Cowie, Planning Director
Debra Cullimore, Deputy Recorder

ABSENT

The School Teachers who received education grants from the City were invited to report to the Mayor and City Council on the use of the funds.

Several of the ten teachers who received education grants from the City were present to report to the Council on use of the funds. Grants were used to purchase Spanish reading books at Oak Canyon Junior High, guided reading books for kindergarten students at Lindon Elementary, blank books used to publish students projects in second grade at Lindon Elementary, and classroom library books to encourage reading at Lindon Elementary. Mayor Acerson thanked each of the teachers for their efforts.
COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF THE MEETING OF MAY 1, 2007. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

The minutes of the Work Session of May 8, 2007 were reviewed.

COUNCILMEMBER HATCH MOVED TO APPROVE THE MINUTES OF THE WORK SESSION OF MAY 8, 2007. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

OPEN SESSION –

Mayor Acerson called for comments from any resident present who wished to address an issue not listed as an agenda item. Lindon resident Ron Winfield approached the Council. Mr. Winfield commented on a future freeway which he asserted may run from Canada, through the United States and into Mexico. He expressed concern regarding the sovereignty of the United States, and the possible formation of the North American Union. He encouraged members of the Council to become informed about this issue, and to petition congress to withdraw from the North American Free Trade Agreement. Mr. Winfield distributed written material for the Mayor and Council to review at their convenience. Mayor Acerson thanked Mr. Winfield for bringing this issue to the attention of the Council.

MAYOR’S COMMENTS/REPORT –

Mayor Acerson gave no report at this meeting.

CONSENT AGENDA –

No items.

CURRENT BUSINESS –

1. Public Hearing – Ordinance Amending Various Sections of the Lindon City Code pertaining to Water Requirements for Development. (Ordinance #2007-8) The City Council will hear public comment and possibly act to approve an ordinance amending existing language in various sections of the Lindon City Code (Sections 13, 19, 17.32.270, and 17.66) to allow administrative approval of a cash “payment in lieu” of turning in water shares or rights required for development. The Planning Commission recommended approval.

COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER ORDINANCE #2007-8. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.
Mr. Cowie explained that this is a City initiated ordinance revision which allows cash payment in lieu of turning in of water shares for development without the requirement to complete the relief petition process. The ordinance will reference the Lindon City Fee Schedule to set the amount of cash payment. The required cash payment amount will be calculated at 95% of the fair market value based on an average of bids obtained from three water brokers. Market value will be reviewed and established on a quarterly basis. Required shares for development will be rounded to the nearest tenth share, and will be in equivalent acre feet compared to North Union shares.

Mr. Cowie noted that the ordinance still refers to a relief petition process which requires Planning Commission and City Council approval. He explained that this relief petition process refers to relief from connection to the secondary water system, rather than relief from turning in water shares.

Mr. Cowie explained that properties with existing culinary water service will not require additional water shares for future development. Councilmember Carpenter suggested that an additional sentence be added to the ordinance to clarify that if subsequent connection to the secondary system occurs in addition to culinary water service, water shares or cash payment in lieu of water shares will be required based on the size of the property.

Mr. Cowie noted that ordinance revisions allow cash payments to be handled administratively rather than requiring Planning Commission and City Council review. Cash payment amounts will be based on the current market rate listed in the City Wide fee schedule as previously discussed.

Mr. Cowie reviewed concerns expressed by Commissioner Ron Anderson during Planning Commission review of this item. Commissioner Anderson voted against approval of this ordinance based on concerns related to historical water use in Lindon. Commissioner Anderson noted that some types of water which have historically been used in Lindon are no longer accepted for development. Mr. Cowie explained that revenues produced by cash payment for water shares will be used to purchase and maintain Jordanelle water shares. He noted that surface water is necessary to meet the needs of the community, and that transfer of well water into the City water system is difficult. Mr. Dameron observed that shares of other types of water can be sold by owners, and North Union shares purchased and turned in for development in Lindon.

Councilmember Carpenter observed that it may be advantageous to large developments to pay cash in lieu of water shares at 95% of market value which would result in a 5% savings to the developer. Mr. Cowie noted that there may be parties willing to sell shares at more than 5% below market value. Councilmember Carpenter commented that there may not be any incentive for developers to submit shares if they are available on the market. Mr. Cowie clarified that the proposed ordinance does not require a good faith effort on the part of the applicant to acquire shares. Councilmember Bayless noted that this ordinance and policy change comes as a result of the Council becoming educated on the value of having revenues available to pursue other water sources.

The Council discussed specific language changes which would clarify the administrative process for turning in of water shares or for cash payment in lieu of shares.
Language changes which would clarify that the intent of the proposed change is to ensure adequate water supply were also discussed.

Mayor Acerson inquired as to the ability of developers to transfer shares or pay cash payment in lieu of shares for future development. Mr. Dameron explained that shares can be turned in and held by the City to meet requirements for future development. City Attorney, Brian Haws, was present in the audience. Mr. Haws explained that shares can be turned in for future development, but that cash payment in lieu of shares is applicable only to current development projects, and can not be paid in advance for future development. He stated that cash payment amount will be established based on the current fee schedule at the time complete development applications are submitted.

Mayor Acerson called for public comment. There was no public comment. He called for further comments or questions from the Council. Following discussion, the Council felt that it would be appropriate to continue this item for further review of proposed language changes.

COUNCILMEMBER CARPENTER MOVED TO CONTINUE THE PUBLIC HEARING TO CONSIDER ORDINANCE #2007-8. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2. **Public Hearing** – Ordinance Replacing Lindon City Election Code Chapter 2.44 (Ordinance #2007-7). The City will hear public comment and possibly act to approve an ordinance which replaces Chapter 2.44, “Elections” of the Lindon City Code in order to comply with recent changes in state law. The City Council continued this item from the May 1, 2007 meeting.

COUNCILMEMBER HATCH MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER ORDINANCE #2007-7. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

City Attorney, Brian Haws, explained that this Ordinance was continued from the previous meeting. A section regarding requirements for write in candidates for office was added to the ordinance, as well as a section regarding prohibition of political signs on Lindon City property. Mr. Dameron explained that prohibition of political signs was previously addressed only in the Sign Ordinance, but is now in both ordinances. Following discussion, the Council felt that the term “Lindon City property” should be changed to “public property” to clarify requirements. Councilmember Bayless inquired as to the definition of “public property.” Mr. Dameron explained that political signs must be placed on private property with the permission of the property owner. No political signs are allowed on City owned property or public right of ways.

Mayor Acerson called for public comment. There was no public comment. He called for further comments or discussion from the Council. Hearing none, he called for a motion.
COUNCILMEMBER BATH MOVED TO CLOSE THE PUBLIC HEARING TO
CONSIDER ORDINANCE #2007-7. COUNCILMEMBER HATCH SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER BATH MOVED TO APPROVE ORDINANCE #2007-7
REPLACING LINDON CITY CODE CHAPTER 2.44, ELECTIONS, AND
PROVIDING FOR AN EFFECTIVE DATE WITH LANGUAGE CHANGES AS
DISCUSSED. 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.

3. Discussion – Deep (Flag) Lots. This is a continued discussion regarding options
for amendments to the Deep Lot ordinance of the City.

Mr. Cowie explained that the Planning Department has reviewed dozens of deep
lot ordinances from around the country, and incorporated various aspects which may be
applicable to the community of Lindon in recommendations. He observed that proposed
changes are different than the direction historically taken by the City regarding
development of deep lots. The current ordinance requires construction of City streets as
part of initial subdivision development, and does not allow deep lot configurations in
initial subdivision development. Development of deep lots is allowed only if a deep lot
configuration is the only feasible option for development of the property, and
construction of full width City streets is not feasible. Proposed changes allow some
flexibility in road standards in appropriate circumstances where streets are possible, but
may not be in the best interest of the community.

Mr. Cowie observed that in certain circumstances, development of deep lots may
create more open space than development of City streets. He explained that if a deep lot
is a consideration for initial development of a subdivision, the developer will be required
to submit two sets of concept plans. One set of plans will include development of the
proposed deep lot, and the other set of plans will show the development including full
width City streets. This method would allow the Planning Commission and City Council
to consider the impact of both options on the surrounding neighborhood, and determine
which option would be in the best interest of the community.

Mayor Acerson observed that it would be necessary to articulate findings of the
decision of the City regarding development of deep lots, but that proposed revisions
allow more options for property development. Mr. Cowie stated that the proposed
ordinance clarifies that it is not the intent of the ordinance to allow use of deep lots to
maximize development, but that decisions will be based on impact to surrounding
properties and the best interest of the community.

Mr. Cowie went on to review proposed changes to minimum separation distance
between deep lots. The current ordinance requires a separation distance of 500 feet
between deep lot driveways which are accesses from the same street. Proposed revisions would require a separation distance of two lots to eliminate the possibility of adjacent deep lot driveways. Mr. Cowie presented drawings of several possible deep lot configurations. He observed that in some circumstances, deep lots with common boundaries may not increase the number of possible deep lots, and may decrease the amount of infrastructure necessary for the lots.

Councilmember Bayless observed that changes to the deep lot ordinance have become increasingly liberal. She expressed concern that changes may become burdensome to members of the community who are opposed to deep lot development. Councilmember Anthony felt that property owners should have options which allow use of property as they see fit, and that the City should focus on safety rather than aesthetic issues. Mayor Acerson observed that individual property rights are an important consideration. Councilmember Bayless expressed support for the proposed two lot separation between deep lots to eliminate the possibility of a lot having deep lot drives on both sides of a property. She observed that property rights of surrounding properties should also be a consideration in approval of deep lot configurations.

The Council went on to discuss various configurations for deep lots, and potential impacts on surrounding properties. Councilmember Bath observed that it is not possible to anticipate every possible situation, and that oversight of the City Council and Planning Commission will ensure that deep lots are used as an appropriate development option. Mr. Cowie commented that proposed revisions have been reviewed by the City Engineer, who felt that proposed changes provide some flexibility in deep lot development requirements. He noted that current ordinance requirements are very specific, and do not allow flexibility in approval of deep lot development.

Mr. Cowie will schedule a public hearing for official review of this item with the Planning Commission. Recommendations will be forwarded to the City Council for further review and discussion.

4. **Discussion – Old Lindon Tithing Office.** This is a continued discussion regarding the possible purchase of the Old Lindon Tithing Office, its future use, and its associated costs.

Mr. Cowie explained that the current owner of this historical property, Rene Brereton, is anxious to resolve the issue, and has offered to work cooperatively with the City regarding sale of the property. Ms. Brereton is willing to trade approximately $25,000 of the $100,000 purchase price for installation of infrastructure for the surrounding development. The final cash purchase price for the historical structure and surrounding property would be approximately $75,000.

Mr. Cowie explained that a member of the Historical Preservation Commission, Jim Dain, is a licensed architect. Mr. Dain has inspected the property to determine what City operations could be housed at the facility when renovations are complete. Mr. Dain felt that the structure could accommodate a conference room area, and that there may be some use for historical displays or in conjunction with the annual Lindon Days celebration. Additions to the structure will be removed, and the structure will be restored to the original architecture. Mr. Dain estimated renovation costs at approximately $50,000. Mr. Cowie noted that renovations could be completed over a number of years,
but that there is a very limited time frame to acquire the property. The City will contact
the Church of Jesus Christ of Latter Day Saints to determine if there is any interest in
Church participation in restoration of the property.

Councilmember Bayless observed that this property is one of the last tithing
offices to exist in the State, and that the property is part of the heritage of the State, the
LDS Church, and the City. She noted that a portion of renovations will likely be
completed on a volunteer basis, and that estimates are based on renovations being
completed under professional contract. Therefore, the actual cost of renovations will
possibly be less than estimated.

Following further discussion, it was the consensus of the Council that an official
offer for purchase of the property would be supported, and that the City should prepare a
purchase offer. Mr. Cowie noted that there may some limited grant funds available to off
set the cost of restoration. City staff will proceed with a proposal for purchase of the
property. This item will be officially addressed by the Council when a final purchase
proposal is prepared.

5. **Review and Action** – *Resolution Approving a Change in the City’s Health
Insurance Provider (Resolution #2007-7).* This is a request by staff for
consideration by the City Council of a resolution approving a change in the City’s
health insurance provider. If approved, the City would change from the Public
Employees Health Plan to The Aetna Health Plan. The contemplation of this
change is a result of background research of several health insurance providers
and meetings with the employees and the City Council.

Mr. Dameron noted that this item was discussed extensively during a Work
Session held on May 8, 2007. He explained that during discussion of this issue with City
staff, employees opted overwhelmingly to change health coverage from the Public
Employees Health Plan provided through the Utah Local Governments Trust to Aetna.
He noted that employees felt that it would be advantageous to have access to both the
Mountainstar and the IHC network of providers. Councilmember Carpenter observed
that the proposed change in health care coverage for City employees is a sound financial
decision, and improves accessibility of services for employees. Mayor Acerson called for
further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER ANTHONY MOVED TO APPROVE RESOLUTION
#2007-8 APPROVING A CHANGE IN THE CITY’S HEALTH INSURANCE
PROVIDER FROM THE PUBLIC EMPLOYEES HEATH PLAN THROUGH THE
UTAH LOCAL GOVERNMENTS TRUST TO THE AETNA HEALTH PLAN.
COUNCILMEMBER CARPENTER 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.
6. **Review and Action – Revised Public Meeting Schedule – 2007.** This is a request by staff for consideration by the City Council of approval for a revised public meeting schedule for 2007. The change in the Primary Election date has prompted this revision.

The Council discussed scheduled meeting dates which may warrant revisions to the 2007 Public Meeting schedule. Mr. Dameron explained that this particular revision is prompted by the 2007 Primary Election. Mayor Acerson called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE REVISED 2007 MEETING SCHEDULE. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

**COUNCIL REPORTS –**

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

Councilmember Hatch had no items to report.

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

Councilmember Bayless noted that Planning Commissioner Marilyn Simister has submitted a letter of resignation. She commented that Commissioner Simister has served the community well on the Commission, but has resigned due to other responsibilities. Councilmember Bayless suggested that the Council consider recommendations to fill the vacancy on the Planning Commission.

Councilmember Bayless also reported that right-of-way acquisitions for the Lindon Heritage Trail are being taken care of, and the trail project is moving forward.

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

Councilmember Bath thanked Mr. Dameron for resolving a situation previously reported on Center Street. He had no other items to report.

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

Councilmember Anthony gave a final report of the Arbor Day Celebration held on May 5, 2007 at Pheasant Brook Park. Residents planted 38 trees during the event. Mayor Acerson commented that turn out was exceptionally good based on the cold weather conditions. Councilmember Anthony reported that the Arborist of the Year Award was presented to Harold and Elvie Erickson, and Oak Canyon Junior High student, Jori Larsen, was awarded $50 for her design of the Tree Advisory Board logo for the 2007 season.
Councilmember Carpenter suggested that it may be beneficial for Lindon and Pleasant Grove to approach the State regarding funding for completion of 700 North to the freeway interchange. He noted that future State road improvement projects may redirect a significant amount of traffic flow onto 700 North. He felt that the state may be amenable to participation in completion of the roadway. Mr. Dameron explained that he and the Mayor have participated in discussion with Pleasant Grove and MAG officials regarding funding for completion of the road, and possible partial compensation to Lindon for the section completed earlier by the City. Mayor Acerson noted that UTA and Utah County have also been represented at the meetings.

Mr. Dameron reported on the following items:

1. The Council reviewed the Project Tracking List
2. Engineering Coordination meeting will be held Wednesday, May 16th at noon. Councilmember Bayless and Councilmember Carpenter plan to attend.
3. The tentative budget Work Session schedule for Tuesday, May 22nd was cancelled. Two Public Hearings will be held in June to review the proposed budget.
4. Two new businesses have scheduled ribbon cutting ceremonies, and requested that the Mayor and City Council attend if possible. Anytime Fitness ribbon cutting will be held Saturday, May 26, 2007 at noon. Lindon Business Park ribbon cutting will be held Wednesday, June 6, 2007 at noon.
5. The Council reviewed various designs for an entry sign to the City on 700 North.

COUNCILMEMBER BATH MOVED TO APPROVE THE PAY VOUCHERS. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER HATCH MOVED TO ADJOURN THE MEETING AT 9:05 P.M. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

APPROVED – June 5, 2007

Ott H. Dameron, City Administrator/Recorder

Jeff Acerson, Mayor