The Lindon City Council held a Special Meeting beginning at 5:30 p.m. on Tuesday, November 6, 2007, in the Lindon City Center, Lower Level Conference Room, 100 North State Street, Lindon, Utah.

Conducting: James A. Dain, Mayor
Pledge of Allegiance: Bruce Carpenter
Invocation: Ott Dameron

PRESENT

James A. Dain, Mayor
Eric Anthony, Councilmember
H. Toby Bath, Councilmember
Lindsey Bayless, Councilmember
Bruce Carpenter, Councilmember
Jerald I. Hatch, Councilmember
Ott H. Dameron, City Administrator
Adam Cowie, Planning Director
Debra Cullimore, City Recorder

The meeting was called to order at 5:35 p.m.


COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES OF THE OCTOBER 16, 2007 REGULAR SESSION. 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 BAYLESS MOVED TO APPROVE THE MINUTES OF THE OCTOBER 23, 2007 WORK SESSION AND PUBLIC OPEN HOUSE.
COUNCILMEMBER HATCH 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 OCTOBER 24, 2007 JOINT WORK SESSION. 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.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF NOVEMBER 1, 2007. 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.

OPEN SESSION –

Mayor Dain called for comments from any resident present who wished to address an issue not listed as an agenda item. Chief Marc Sanderson of the Pleasant Grove/Lindon Fire Department was present to report to the Council on a recent fire which occurred at 520 North 400 East. Chief Sanderson reported that the initial call indicated that a structure was involved in the fire. However, upon arriving at the scene, firefighters determined that a flat bed trailer located adjacent to the structure was on fire, rather than the structure. Chief Sanderson stated that the trailer was completely destroyed, but that the total value was estimated at approximately $400.

Chief Sanderson commented on the response time of fire units, which was significantly less than the response time to other recent fire incidents in the City. He noted that units arrived on scene one minute prior to response time from the fire station on previous calls. He explained that the reduced response time was possible because fire crews were already at the station from a medical call they had just returned from, and did not have to respond from work or home to the station. He noted that if full times crews were to have responded from the Lindon fire station location, response times could have been reduced to approximately three minutes.

Mayor Dain thanked Chief Sanderson for his report, and asked him to convey appreciation to firefighters for their professional response to fire incidents in Lindon.

MAYOR’S COMMENTS/REPORT –

Mayor Dain gave no report at this meeting.
CONSENT AGENDA –

No items.

CURRENT BUSINESS –

1. Review and Action – Interlocal Agreement between Lindon City and Vineyard Town – Provision of Water Services. This is a proposed agreement between Lindon City, Vineyard Town and Anderson/Geneva Development for provision of water services to an area generally north of the extended 1600 North Street (Orem) from Geneva Road to 200 West. This item was continued from the October 16, 2007 meeting of the City Council.

Dennis Astill of Anderson/Geneva Development was present as the representative for this item. Mr. Dameron explained that the agreement for Lindon City to provide water service to this particular area in Vineyard is secondary to the discussion regarding an appropriate location for the trail section through Vineyard. He asked City Engineer, Mark Christensen, to review the status of the discussion regarding the trail location.

Mr. Christensen explained that during the last City Council meeting, he was asked to investigate the possibility of an alternate trail location which would utilize a section of property already owned by the City. He stated that there are three existing power poles located in the middle of the 18.5 foot strip of property owned by the City, and that it is not a viable trail corridor.

Mr. Christensen went on to present a map of possible trail alignments. He noted that Anderson/Geneva is sensitive to minimizing the amount of property associated with the Vineyard development which will be needed for the trail. He stated that in areas where the trail will not be adjacent to the ditch area, a 10 foot trail width, a 3 foot shoulder area on either side of the trail, and an additional 4 feet on each side of the trail to accommodate the vertical transition from the trail to the adjacent land, for a total of 24 feet will be necessary. He stated that the four foot transition area will also provide a safety buffer from the trail to the ditch area. Five additional feet, for a total of 29 feet, will be necessary for bank stabilization in areas where the trail will be located adjacent to ditch.

Mr. Christensen reiterated that the developer would like to minimize the amount of property used on the north side of the development as much as possible. He also noted that the intent of Lindon City is to create the trail access, and to preserve the character of the area with as little disruption as possible to wetlands in the area. He noted that there may be some dissension between what the developer is willing to provide and what the City may feel is acceptable for the trail alignment.

Mayor Dain invited Mr. Astill to discuss possible alignments for the trail. Mr. Astill agreed that there may be some disagreement on potential trail alignment in certain areas. He stated that a steep embankment does not exist in all areas of the ditch, and that location of the trail adjacent to the ditch is reasonable in most areas. He asserted that going into the existing commercial area 60 – 80 feet is not necessary in most locations,
and that locating in most areas adjacent to the ditch will create terrain and interest in the trail.

Councilmember Carpenter inquired as to whether approval from the Army Corp of Engineers would be necessary in wetlands areas which may be disrupted if the trail is located adjacent to the ditch. Mr. Astill stated that it may be reasonable to meander the trail in areas identified as wetlands, but that much of the terrain adjacent to the ditch is usable area if cuts and fills are used to level the trail route somewhat.

Councilmember Bayless asked Mr. Christensen to address reasoning for not locating the trail adjacent to the ditch in some areas. Mr. Christensen stated that he is less optimistic than Mr. Astill about possible wetlands mitigation in some areas. He also explained that use of cuts, fill, and possible retention in the area proposed by Mr. Astill may be more costly than acquiring property to locate the trail section in another location.

Councilmember Bayless noted that the water level at this time is significantly lower than the water level during the spring and summer. Councilmember Anthony noted that water flow is typically at the lowest level during October. Mr. Christensen noted that there is potential for serious bank erosion in some areas during high water seasons. He presented photographs of the ditch area which show a three to four foot bank undercut in some areas. He noted that there is a significant difference in the ditch elevation and the bank elevation in some areas. Councilmember Bayless observed that a large portion of the trail may be under water at some times of the year if the trail is installed only a few feet above the ditch level. Mr. Christensen reiterated concerns regarding erosion of the bank area of the ditch during peak flow following storm events.

Mr. Astill noted that during discussion with DRC, he made the request to move the trail as far to the north as possible. He stated that he is willing to sell 25 to 29 feet from the ditch bank to the City to allow the trail alignment, but that it is not necessary to go as far into the private property as was previously discussed.

Mayor Dain observed that the proposed trail alignment would primarily affect two lots. He noted that the commercial development on the lots would likely extend to edge of the trail right of way, and that there may be a grade differential between the commercial area and the trail area. He inquired as to who would be responsible to install necessary retention improvements between the commercial development and the trail. It was determined that the property owner would be responsible to install necessary improvements.

The Council went on to discuss possible alignments for the trail in relation to the ditch area. Mr. Astill noted that there is an existing rail road easement located at the rear of the FedEx lot which may affect the location of the trail in that particular area.

The Council discussed the proposed cost to Lindon City to acquire the necessary land for the trail. Lindon City Attorney, Brian Haws, explained that the City will pay the developer fair market value for the land. The price of the land will be applied to the annual fee charged to Vineyard for water service. He stated that the initial 15 foot trail width will be purchased for a lump sum amount of $150,000, with the additional 35,000 square feet to create the full 24 to 29 foot width right of way being purchase for $4.50 per square foot, or an additional $157,000, for a total cost of approximately $307,000 to be applied to the cost of provision of water for the Vineyard development, less approximately $75,000 which will paid in a single cash payment to Vineyard.
Councilmember Carpenter inquired as to whether Mr. Astill would be amenable to allow construction of the trail in the area currently outlined on the map. Mr. Astill stated that the current proposed alignment is far too intrusive on the commercial lots, and is not a reasonable request. Mr. Christensen suggested that members of the Council visit the site with Mr. Astill to discuss a reasonable and workable area for the trail which all parties can agree to. Mr. Astill expressed concern regarding time constraints if approval of the water agreement is delayed further. He requested that the Council approve the agreement contingent upon an agreement being reached regarding the trail location. The Council felt that it would not be appropriate to approve the water agreement at this time due to significant unresolved issues with the trail. Mr. Dameron suggested that the Council hold a Special Meeting on Monday, November 12, 2007 following a site visit and survey of the proposed trail alignment. Following further discussion, a site visit was scheduled for the Mayor, City staff, Councilmember Bayless and Councilmember Carpenter to visit the site and discuss an appropriate alignment with Mr. Astill. A Special Meeting will be held Monday, November 12, 2007 to take action on this matter. Mayor Dain called for a motion.

COUNCILMEMBER BAYLESS MOVED TO CONTINUE THE INTERLOCAL AGREEMENT BETWEEN LINDON CITY AND VINEYARD TOWN FOR PROVISION OF WATER SERVICE TO THE SPECIAL MEETING OF MONDAY, NOVEMBER 12, 2007. COUNCILMEMBER HATCH 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.

The Council discussed specific language changes which should be incorporated into the final water provision agreement, such as specifying when payment for water service will be due and the exact square footage of the area which will be provided water service from the Lindon City water system.

2. **Preliminary Plat** – Olsen Industrial Park, Industrial Subdivision Plat “A”. This is a request by Sunroc Corporation and Mountain States Steel for preliminary plat approval of Olsen Industrial Park, Industrial Subdivision, Plat “A”, 1 lot, in the LI zone at 520 South 800 West. The Planning Commission recommended approval with conditions.

Tony Christopherson of Sunroc Corporation and Chris Olsen of Mountain States Steel were present as representatives for this application. Mr. Cowie stated that this is a request by Sunroc Corporation for approval of a one lot subdivision in the LI zone. This site is currently the location of the Sunroc truss manufacturing facility. The property is currently leased from Mountain States Steel. This subdivision will allow purchase of the
property by Sunroc Corporation. The Planning Commission reviewed this request and recommended approval with conditions.

Mr. Cowie noted that this subdivision application requires that the property be brought into conformance with existing development standards as much as possible. The applicant is proposing that the existing gravel parking area be paved. He noted that a City owned pump station is located on 800 West. Due to constraints caused by the location of the pump station, the owner is requesting to install a 28 foot asphalt width roadway, rather than the standard 34 foot asphalt width.

The required 20 foot landscaping strip will be installed on the 800 West frontage. The existing ordinance also requires that ten feet of landscaping, including trees, be installed along the freeway frontage. However, due to the steep slope from the freeway to the site, landscaping installed along the freeway frontage would not be visible. The applicant has agreed to install an equivalent amount of landscaping further north on 800 West to screen the Mountain States Steel site.

Mr. Cowie reviewed the recommendations of approval set forth by the Planning Commission as follows:

1. That 28 feet of asphalt be permitted on the 800 West road width rather than the typical 34 feet of asphalt.
2. That both sides of the street be ‘red-curbed’ to prohibit on street parking.
3. That the trees that would have been installed along the freeway frontage will be located along 800 West as shown on the submitted plan, and that the trees be evenly spaced and continue north along the west side of 800 West to help screen the Mountain States Steel storage yard.
4. That the applicant remove the gravel and install sod in the corner landscape area located to the north-east of the Sunroc building and adjacent to 800 West.
5. That if appropriate after approval from Public Works, the City would accept the offer to plant up to 5 trees along the west edge of the detention basin to help screen the Sunroc facility from the business park.

Councilmember Anthony inquired as to whether there is an adequate emergency vehicle turn around area on 800 West. Mr. Cowie explained that the area is currently a through street. Councilmember Anthony asked if a turnaround would be provided if a cul-de-sac is installed in the future. Mr. Cowie stated that emergency vehicle access will be addressed if and when the cul-de-sac is installed.

Mr. Dameron inquired as to how far the trees on 800 West would extend to the north. Mr. Cowie stated that a specific distance is not addressed, but that the required number of trees which would be planted on the freeway frontage will be relocated to 800 West. Councilmember Carpenter inquired as to whether Mountain State Steel had approved the trees in that area. Mr. Olsen stated that he is aware of the landscaping plan and is in agreement with the proposed tree placement.

Councilmember Carpenter asked if neighboring property owners expressed any concerns regarding this subdivision. Mr. Cowie stated that neighboring property owners within 300 feet were noticed regarding this application, and that the City has not received any response.
Councilmember Anthony noted that the conditions of the Planning Commission include a requirement that trees be planted as shown on the submitted plan. However, it appears that trees may not be planted exactly as shown on the plan. Mr. Cowie clarified that trees along the Sunroc frontage will be planted according to standard 30 foot spacing. The spacing of trees on the Mountain States Steel frontage is not specifically defined, but will extend as far north as possible.

Councilmember Bayless observed that this site is currently a functioning business, and that all proposed upgrades are improvements to the existing use. Councilmember Bath felt that red curb on the 28 foot street would address traffic concerns. The Council also determined that installation of no parking signs in compliance with MUTCD guidelines would be appropriate on the 28 foot roadway. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE OLSEN INDUSTRIAL PARK, PLAT A, SUBDIVISION PRELIMINARY PLAT WITH FOLLOWING CONDITIONS:
1. THAT 28 FEET OF ASPHALT BE PERMITTED ON THE 800 WEST ROAD WIDTH RATHER THAN THE TYPICAL 34 FOOT ASPHALT WIDTH.
2. THAT BOTH SIDE OF THE STREET BE RED CURBED AND THAT NO PARKING SIGNS BE INSTALLED IN COMPLIANCE WITH MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) STANDARDS TO PROHIBIT ON STREET PARKING.
3. THAT TREES THAT WOULD HAVE BEEN INSTALLED ALONG THE FREEWAY BE RELOCATED ALONG 800 WEST AS PER LANDSCAPING GUIDELINES TO SCREEN THE MOUNTAIN STATES STEEL SITE.
4. THAT THE APPLICANT REMOVE THE GRAVEL AND INSTALL SOD IN THE CORNER LANDSCAPE AREA LOCATED TO THE NORTH EAST OF THE SUNROC BUILDING AND ADJACENT OT 800 WEST.
5. THAT IF APPROPRIATE AFTER APPROVAL FROM PUBLIC WORKS THE CITY WOULD ACCEPT THE OFFER TO PLANT FIVE TREES ALONG THE WEST EDGE OF THE DETENTION BASIN TO HELP SCREEN THE SUNROC FACILITY FROM THE BUSINESS PARK.

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.
3. **Review and Action – Resolution #2007-15 – Acceptance of Aquatics Center Feasibility Study and Authorization to Move Forward.** After a Work Session of the City Council and a Public Open House where the Aquatics Feasibility Study was presented, this is a request from staff to formally accept the Aquatics Center Feasibility Study, authorize VCBO to begin design of the project, approve the CMGC method of coordinated design/construction, and authorize Lewis Young Robertson & Burningham to begin the bonding process.

Mayor Dain explained that the CMGC construction method proposed for this project allows the contract and the architect for the project to work together on the design and construction of the facility. He noted that it is beneficial both financially and logistically, and typically results in fewer change orders. Mr. Dameron stated that a contractor will be chosen in the near future, and the design process will begin shortly thereafter. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

**COUNCILMEMBER BATH MOVED TO APPROVE RESOLUTION #2007-15 ACCEPTING THE FEASIBILITY STUDY FOR THE LINDON CITY AQUATICS CENTER AND AUTHORIZING STAFF TO MOVE FORWARD WITH THE PROCESS TO CONSTRUCT THE AQUATICS CENTER AND SETTING AN EFFECTIVE DATE. 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.

4. **Review and Action – Resolution #2007-16 – Authorizing the Lindon City Chief of Police to lease Police Vehicles for Fiscal Year 2007/2008 and Beyond.** This is a request from the Chief of Police to authorize the City to enter into lease agreement for police vehicles instead of outright purchase of the vehicles. It is estimated that delivery will take place in May or June of 2008, but the orders need to be placed in December 2007.

Councilmember Bath asked Chief Cody Cullimore to explain the economic benefit of leasing as opposed to purchase of vehicles. Chief Cullimore explained that using a lease program, the City can equip the police department with vehicles, lights and radios for a fraction of the cost of purchasing equipment. He noted that vehicles are leased for a two year period. During the lease period, vehicles are under full factory warranty, which results in a significant reduction in maintenance costs. According to Chief Cullimore, Pleasant Grove Police Department has realized significant savings using the lease program, and that he anticipates similar savings using the lease option.

Councilmember Bath inquired as to what type of vehicles Chief Cullimore anticipates. Chief Cullimore stated that it is his intent to order several pick up trucks,
with the majority of vehicles being Ford Explorers. He noted that four wheel drive capabilities are important given the terrain of the City and typical winter driving conditions.

Councilmember Bath suggested that shells be used on trucks to provide protected storage areas outside of the prisoner transport area. Chief Cullimore noted that firearms can not be stored outside of a locked vehicle, but that various options are available to provide safe storage areas and prisoner transport. He explained that the lease program is a cost effective method to provide new equipment every two years.

Mr. Dameron noted that a steering committee will be formed to discuss options for the police department. He suggested that two Councilmembers, the Mayor and City staff members sit on the committee. Mayor Dain suggested the possibility of a community member participating on the steering committee.

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

COUNCILMEMBER ANTHONY MOVED TO APPROVE RESOLUTION #2007-16 AUTHORIZING THE LINDON CITY CHIEF OF POLICE TO BEGIN A LEASE PROGRAM FOR POLICE VEHICLES AND SETTING AN EFFECTIVE DATE. 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.

5. Review and Action – Resolution #2007-17 – Authorizing Lindon City to Join the Roosevelt City Water Right Preservation Fund. This is a request from the Mayor for the City Council’s consideration of joining the Roosevelt City Water Right Preservation fund to financially help Roosevelt City pursue a court action against the recent decision of the State Engineer which could have state-wide implications. Lindon’s contribution would amount to $3,500.

Councilmember Carpenter observed that Lindon City is in much the same position as Roosevelt, and that decisions made in this matter may affect Lindon. The Council agreed that it is an important gesture to support Roosevelt in this effort. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER BATH MOVED TO APPROVE RESOLUTION #2007-17 AUTHORIZING LINDON CITY TO JOIN THE ROOSEVELT CITY WATER RIGHT PRESERVATION FUND AND SETTING AN EFFECTIVE DATE. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
6. **Review and Action** – Resolution #2007-18 – Wastewater Planning Program Report – 2006. This is a request from the Director of Public Works for the City Council’s consideration of approving a resolution which affirms to the Water Quality Board that the Lindon City Council has reviewed the Municipal Wastewater Planning Program Report for 2006, and is maintaining effluent requirements contained in the Utah Pollutant Discharge Elimination System permit (if applicable).

Mr. Dameron explained that many of the requirements included in the report are not applicable to Lindon, due to the fact that Lindon wastewater is processed at the Orem treatment plant.

COUNCILMEMBER HATCH MOVED TO APPROVE RESOLUTION #2007-18 ACCEPTING AND APPROVING THE MUNICIPAL WASTEWATER PLANNING PROGRAM REPORT FOR 2006 AND SETTING AN EFFECTIVE DATE. COUNCILMEMBER ANTHONY 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.

**COUNCIL REPORTS** –

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

Councilmember Hatch gave no report at this meeting.

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

Councilmember Bayless gave no report at this meeting.

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

Councilmember Bath gave no report at this meeting.

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

Councilmember Anthony gave no report at this meeting.
COUNCILMEMBER CARPENTER GAVE NO REPORT AT THIS MEETING.

Mr. Dameron gave no report at this meeting.

COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT 7:25 P.M. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – November 20, 2007

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Debra Cullimore, City Recorder

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James A. Dain, Mayor