

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, July 20, 2010**  
beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100 North  
4 State Street, Lindon, Utah.

6 Conducting: James A. Dain, Mayor  
Pledge of Allegiance: Brady Thompson, Eagle Scout  
8 Invocation: Bruce Carpenter

10 Mayor Dain welcomed Brady Thompson and his family to the meeting. He read  
from a newspaper article regarding Brady's accomplishment in achieving his Eagle Scout  
12 recognition in spite of serious physical disabilities Brady lives with. With the help of  
family and friends, Brady painted 50 fire hydrants in his neighborhood. Mayor Dain also  
14 presented Brady with a letter of congratulations, noting that he is an inspiration to the  
community of Lindon. Brady led the audience in the Pledge of Allegiance with  
16 assistance from his brother and father.

18 **MINUTES** - The minutes of the regular meeting of July 6, 2010 will be reviewed.

20 COUNCILMEMBER HATCH MOVED TO APPROVE THE MINTUES OF  
THE MEETING OF JULY 6, 2010. COUNCILMEMBER CARPENTER SECONDED  
22 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

24 COUNCILMEMBER BAYLESS AYE  
COUNCILMEMBER CARPENTER AYE  
26 COUNCILEMMBER FRAMPTON AYE  
COUNCILMEMBER HATCH AYE  
COUNCILMEMBER WALKER AYE

28 THE MOTION CARRIED UNANIMOUSLY.

30 **OPEN SESSION** - Citizens comments

32 Kendal Blust, a representative of the United Way of Utah County approached the  
Council and requested that the City work in cooperation with the United Way in  
34 promoting volunteer opportunities throughout the City.

36 Curt Jolley, Chairperson for the Lindon Days Trail Ride, invited the Council to  
participate in the upcoming event. He noted that the cost of \$7.00 includes dinner and  
entertainment. The Council thanked Mr. Jolley for his work in coordinating this event.

38 **MAYOR'S COMMENTS/REPORT** –

40 Mayor Dain invited Councilmembers, staff and audience members to register and  
participate in the United Way Day of Caring event to be held Wednesday, September 8,  
42 2010.

44 Mayor Dain also reported on the pending closing on purchase of the Community  
Center building. He noted that the Community Center Committee has started meeting to  
discuss plans for the facility.

2 Mayor Dain reminded residents that Lindon Days events being on July 31, 2010  
with the Trail Ride. Other events are scheduled during the following two weeks. He  
4 noted that Lindon Days magazines with complete event information should be arriving in  
mail boxes in the next few days.

6 **CONSENT AGENDA** –

- 8 1. **Resolution (# 2010-16-R)** - *Municipal Services Group, Inc. for water meter  
change-out project.* The City Council approved the project at the last meeting.  
10 This resolution locks in the terms of the agreement.

12 COUNCILMEMBER BAYLESS MOVED TO APPROVE RESOLUTION  
#2010-16-R APPROVING THE MASTER MUNICIPAL LEASE AND OPTION  
14 AGREEMENT FOR THE WATER METER CHANGE OUT PROGRAM.  
COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE VOTE WAS  
16 RECORDED AS FOLLOWS:

18 COUNCILMEMBER BAYLESS AYE  
COUNCILMEMBER CARPENTER AYE  
20 COUNCILEMMBER FRAMPTON AYE  
COUNCILMEMBER HATCH AYE  
COUNCILMEMBER WALKER AYE

22 THE MOTION CARRIED UNANIMOUSLY.

24 **CURRENT BUSINESS** -

- 26 1. **Presentation** – *The Lindon Historical Preservation Commission.* The Lindon  
Historical Preservation Commission will make a presentation to the Mayor and  
28 City Council regarding the LDS Church Fireside held on July 4, 2010 in the  
Chapel at 25 North Main Street. A Time Capsule was opened which contained  
30 many artifacts related to the City. Lindon City has purchased this building and  
will convert it into the new Lindon Community Center.

32 Several members of the Historic Preservation Commission presented historical  
34 information regarding the new Community Center facility which the City recently  
purchased from the Church of Jesus Christ of Latter Day Saints. Lynn Lemone spoke of  
36 the hard work and dedication of community members at the time the church facility was  
constructed. He explained that information was gathered from a variety of sources,  
38 including a time capsule which was opened during a ceremony on July 4, 2010. The  
items found in the time capsule will be submitted the LDS Church history department.  
40 The display will be available for residents to view during the Lindon Days celebration.  
Copies of all documents and photographs which are submitted to the church will be  
42 retained by the Historical Preservation Commission. A “Heritage Room” display is being  
planned as part of the Community Center, which will include a variety of historic  
44 information and displays related to the building and the community. The Mayor and  
Council thanked the Commission for their efforts in preserving this part of the heritage of  
46 the community.

2           2. **Concept Review** – *Creekside Retirement Residential Subdivision*. This is a  
3 request by Steve Maddox for the City Council’s review and feedback concerning  
4 additional potential changes to the Creekside Retirement Residential Subdivision  
5 and Development Agreement. Mr. Maddox appeared before the Council on  
6 December 15, 2009 and May 18, 2010 for similar reviews. He again wishes to  
7 discuss ways to address concerns raised in the previous meetings.

8           Steve Maddox was present as the representative for this Concept Review. Mr.  
9 Cowie explained that Mr. Maddox has been before the Council on two previous  
10 occasions to discuss this concept, once in December 2009 and once in May 2010. The  
11 concept under discussion is the Creekside Retirement development located at  
12 approximately 1700 West 500 North. Mr. Cowie invited Mr. Maddox to present  
13 proposed revisions to the plan for review and discussion.

14           Mr. Maddox stated that he has explored a variety of options for the development  
15 based what the seller and the market will bear. He stated that if the Council is unwilling  
16 to consider any changes to the Development Agreement as written, then further  
17 discussion is not necessary. He noted that several other Utah County communities have  
18 allowed modifications to developments specified for retirement communities which will  
19 allow the units to be marketed to buyers of any age. He explained that young families are  
20 currently the active homebuyer market, as opposed to retirees who currently can not  
21 generally afford to sell existing homes and purchase new homes. He discussed proposed  
22 changes since the last discussion with the Council, including the addition of a pool and  
23 gathering area, removal of two residential units, red curbing along interior streets, and the  
24 addition of six visitor parking stalls.

25           Councilmember Walker stated that he had visited the site recently, and that it does  
26 appear to be a blighted area. Mr. Maddox asserted that without a buyer for the property,  
27 the area will continue to be blighted. He also asserted that the first area of the housing  
28 market which is expected to recover will be affordable family housing. Councilmember  
29 Carpenter asked Mr. Maddox to clarify what he is referring to when he says the area is  
30 blighted. Mr. Maddox stated that asphalt will deteriorate if streets are not used, and that  
31 in this somewhat remote location there is a possibility of vandalism and theft. He  
32 expressed concern regarding the possibility of damage to other infrastructure which is  
33 already installed, as well as weeds and other associated problems.

34           Councilmember Frampton inquired as to the projected price of homes in the  
35 development. Mr. Maddox stated that homes will sell in the range of \$200,000 with  
36 unfinished basements. He explained that amendments to the size and cost of homes are  
37 not being considered. He clarified that he asking for amendments to the Development  
38 Agreement which will allow marketing of single family homes to any age buyer.

39           Mayor Dain inquired as to the process which the City would be required to follow  
40 in order to allow the requested amendments to the Development Agreement. He  
41 expressed concern regarding the impact to neighbors in Creekside Meadows who  
42 purchased their homes with the understanding that the remainder of the development  
43 would be a retirement community. Mr. Maddox stated that he has discussed this concept  
44 with 27 homeowners in Creekside Meadows, and that the idea of more families and more  
children in the neighborhood is not offensive to current residents in the area. Mr. Cowie

2 stated that a notice could be sent to neighboring property owners prior to a public  
meeting to consider the requested amendments to the development agreement.

4 Councilmember Bayless suggested that there may be other options to consider  
other than leaving the Development Agreement as written or accepting changes as  
6 proposed by Mr. Maddox. She noted that the possibility of allowing sales to any age  
buyer had been discussed if density were decreased and lot sizes increased. Mr. Maddox  
8 asserted that from an economic standpoint, this density is necessary to keep the units  
affordable for young families. Councilmember Walker inquired as to what level of  
flexibility the bank who currently owns the property has as far as sales and marketing.  
10 Mr. Maddox explained the bank does not want to contribute to devaluation of property by  
minimizing the sale price.

12 Councilmember Bayless observed that while the Council is not opposed to  
development, it is not their purpose to maximize profits for developers or banks. She  
14 noted that the Council is responsible to protect the development of the community which  
they have stewardship over, and that the Council should not go back on the principles or  
16 the integrity of the decision which lead to the Development Agreement in the first place.  
Councilmember Walker agreed that the decision made by the Council to enter into the  
18 agreement was based on appropriate intentions. However, due to the economic  
downturn, he felt the City should consider the economics of the situation and determine  
20 whether it would be appropriate to consider input from neighboring property owners  
regarding a potential change to the terms of the agreement.

22 Mayor Dain observed that one of the main concerns expressed by the Council  
during previous discussions is the street width. He noted that the narrower streets in the  
24 development are not designed to accommodate the level of traffic flow which would be  
generated by families with multiple drivers. Mr. Maddox asserted that some  
26 communities are now being designed with narrower streets as a traffic speed control  
measure.

28 Mr. Cowie reported that the City has received two written complaints from  
neighboring property owners regarding weeds, rodents and snowplowing in the winter.  
30 He stated that the City has responded to the complaints by informing the residents that  
the development is private and that the City is not responsible for any of the problems  
32 associated with the complaints. He stated that the City has sent letters to the bank who  
currently owns the property without response. The City is not currently doing weed  
34 abatement projects due to budget constraints.

36 Mr. Maddox reported that one of the existing units in the development has been  
sold by the bank to a resident who does not meet the age restriction discussed in the  
agreement. He clarified that he is not asking for narrower streets or higher density, that  
38 those conditions already exist. He stated that his motivation is to find a solution which  
will allow development of the property to move forward based on the current economy.  
40 Mr. Cowie noted that the City has assisted Mr. Maddox in investigating potential  
government programs which may provide development alternatives, such as the Olene  
42 Walker Housing Program, but that it does not appear that this project would qualify for  
any type of acceptable government funding.

44 Mayor Dain suggested that Mr. Maddox discuss alternatives with the bank to  
determine whether it may be possible to remove additional units and reduce density in the

development. Mr. Maddox stated that it was difficult to get consent from the bank to remove one lot, and that further concessions are unlikely.

The resident who purchased the existing unit in the development was present in the audience. She inquired as to how she would go about withdrawing her property from an HOA which is non-existent. Mr. Cowie stated that the current plat shows ownership of only the dwelling, and that a re-plat would be required to include the surrounding yard area. He clarified that the lot size currently shown on the plat does not meet current minimum square footage requirements for the zone. Mr. Cowie invited the resident to meet with him in his office to discuss options.

- 3. **Review and Action** – *UDOT Federal Aid Agreement – Heritage Trail*. This item is a request by staff for the Council’s ratification of the execution of the Federal Aid Agreement for the next phase of the Lindon Heritage Trail. This agreement was discussed at the Engineering Coordination meeting and because no additional funding match is required by the City, the agreement was executed to quickly begin the process.

Councilmember Walker noted that the property already purchased by the City meet the matching funds requirement for this grant, and that no further expenditures will be necessary.

COUNCILMEMBER BAYLESS MOVED TO APPROVE RATIFICATION OF THE UDOT FEDERAL AID AGREEMENT FOR THE HERITAGE TRAIL. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS            AYE  
COUNCILMEMBER CARPENTER        AYE  
COUNCILMEMBER FRAMPTON         AYE  
COUNCILMEMBER HATCH             AYE  
COUNCILMEMBER WALKER            AYE  
THE MOTION CARRIED UNANIMOUSLY.

**COUNCIL REPORTS** –

**COUNCILMEMBER FRAMPTON** – Councilmember Frampton reported the planning for the Senior Citizens Center and the Veterans Memorial are moving forward. He complimented Mayor Dain on his comments at the Community Center/Church fireside.

**COUNCILMEMBER CARPENTER** – Councilmember Carpenter reported that UTOPIA is working with UIA, but that approval of the UIA agreement is still pending in several UTOPIA cities.

Councilmember Carpenter invited Chief Cullimore to report on Police Department activities. Chief Cullimore reported that the City is the recipient of \$7,500 in grant funds through the forfeiture money fund which the City participates in. Over the past two years, the City has contributed approximately \$1,200 to the fund and received \$11,500. The funds will be used to purchase crime scene and enforcement equipment.

2 Chief Cullimore also reported that in return for the City's participation, JCAT is  
purchasing one vehicle for the Police Department, including \$6,000 in annual fuel  
expenses.

4 Chief Cullimore reported he recently became aware that design of the police  
vehicles will change when new vehicles are leased, due to the fact that the brown color is  
6 currently unavailable. The logos have been redesigned to match the new silver vehicles.  
Chief Cullimore will explain the lease program and associated cost savings in an  
8 upcoming newsletter.

10 Chief Cullimore also request approval for out of state travel for Officer Darrell  
Bingham to attend Utah County SMART Coalition training in Denver. The cost of  
training and travel will be paid by Utah County. The Council gave their approval for the  
12 training.

14 **COUNCILMEMBER HATCH** – Councilmember Hatch had no items to report.

16 **MAYOR DAIN** – Mayor Dain inquired as to the Master Plan for trails sections located  
on 400 North. He noted that some areas which are not hard surface trails are becoming  
18 very unsightly. The Council discussed the possibility of paving those sections.  
Councilmember Bayless requested additional details regarding the area of trail under  
20 consideration for paving. Mr. Dameron will investigate and report prior to installing  
asphalt.

22 Mayor Dain inquired as to whether the County will install a sprinkling system  
along the Murdock Canal Trail. Mr. Dameron stated that the City will be responsible to  
24 install sprinkling systems along the trail. The Council discussed options for green spaces,  
locations for benches.

26 Mayor Dain called for discussion regarding signage for the new Community  
Center. He suggested that signage be installed as soon as possible to identify the building  
28 as a City facility.

30 **COUNCILMEMBER BAYLESS** – Councilmember Bayless reported that the Utah  
County Trails Committee will be touring several trails in the valley on August 19<sup>th</sup>. The  
32 Lindon Heritage Trail is included on the tour.

34 **COUNCILMEMBER WALKER** – Councilmember Walker reported that the confirmed  
dates for Lindon Days 2011 are August 6-13. He also reported that he will meet with the  
36 current Lindon Days Chairs on Wednesday evening to discuss the status of the 2010  
event.

38 Councilmember Walker also reported that he will attend the Animal Shelter  
Board meeting on Thursday. Chief Cullimore asked Councilmember Walker to report  
40 back to him about the Board's perception of the PETA protest which was held at the  
shelter the previous Saturday. Chief Cullimore stated that PETA representatives have  
42 been respectful and cooperative in their interactions with officers, and that from the  
Police Department perspective the protest went very well.

44 **ADMINISTRATOR'S REPORT** –

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Mr. Dameron reported on the following items:

1. The Council reviewed the Project Tracking List.
2. Several members of the Council attended a Zoning Tour with Mr. Cowie to review zoning and development Master Plans in the City.
3. Former intern, Scott Gotfredson, completed a concept plan for the Geneva Resort Park as part of a school project. Mr. Dameron distributed the plan for review by the Council.
4. City offices will be closed on July 24<sup>th</sup> in observance of Pioneer Day.
5. Passport training for City staff will be conducted during September.
6. The City has received a small grant from the Economic Development Corporation of Utah which will be used to print brochures to promote development on the 700 North commercial corridor.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PAY VOUCHERS. COUNCILMEMBER WALKER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS	AYE
COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER FRAMPTON	AYE
COUNCILMEMBER HATCH	AYE
COUNCILMEMBER WALKER	AYE

THE MOTION CARRIED UNANIMOUSLY.

**ADJOURN** –

COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT 10:05 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – August 17, 2010

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Debra Cullimore, City Recorder

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James A. Dain, Mayor