The Lindon City Council held a regularly scheduled meeting on **Tuesday, January 4, 2011** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

**Conducting:** James A. Dain, Mayor

**Pledge of Allegiance:** John Carson, Audience Member

**Invocation:** Lindsey Bayless

**PRESENT**

James A. Dain, Mayor
Lindsey Bayless, Councilmember
Bruce Carpenter, Councilmember
Bret Frampton, Councilmember
Jerald I. Hatch, Councilmember
Mark L. Walker, Councilmember
Ott H. Dameron, City Administrator
Adam Cowie, Planning Director
Cody Cullimore, Chief of Police
Debra Cullimore, City Recorder

The meeting was called to order at 7:03 p.m.

**RECOGNITION** – The Mayor and City Council will recognize Jamie Bennee, former Finance Director, for her achievement in receiving the Distinguished Budget Award. Mrs. Bennee achieved this award in advance of the tragedy which took her life. This Award has been presented to Lindon City for the past five years. The Award reflects honor upon Mrs. Bennee and brings great credit to the City.

Mr. Dameron observed that a representative of the Bennee family had not yet arrived at the meeting. He suggested that the Council proceed with other items of business and return to this item if a family member arrived.

**MINUTES** - The minutes of the regular meeting of December 21, 2010 will be reviewed.

**COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF THE MEETING OF DECEMBER 21, 2010. 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.

**OPEN SESSION** - Citizens comments
Mayor Dain called for comments from any audience member who wished to address an issue not listed as an agenda item. Iwalani Ahuna-Curran, a representative of the Holiday Inn of American Fork approached the Council. She invited the Mayor and Council to attend a ribbon cutting for this new business on January 19, 2011 at 10:00 a.m., with tours of the facility prior to the ribbon cutting at 8:30 a.m. She noted that the facility serves American Fork, and surrounding communities for leisure lodging, as well as business services. She distributed flyers with information about the services provided at the Holiday Inn. She thanked the Mayor and Council for their time.

Suzanne Henninger stated that she is a resident of Pheasant Hollow subdivision. She reported large piles of debris near her home, and asked if the City has any ability to follow up with the property owners on clean up of the debris. Mr. Dameron will follow up with the Code Enforcement Officer regarding the report.

**MAYOR'S COMMENTS/REPORT**

Mayor Dain wished all present a Happy New Year, and stated that he looks forward to the coming year.

**CONSENT AGENDA –**

No Items

**CURRENT BUSINESS**

1. **Review and Action – Supplemental Agreement – UDOT – I-15 Widening Project (#0407).** This is a request by staff for the Mayor and Council’s review and approval of a supplemental agreement between Lindon City and UDOT relative to the I-15 Widening Project. There are no additional costs associated with this agreement.

   Mr. Dameron explained that Mr. Cowie has been working with UDOT regarding this agreement. Mr. Cowie explained that some work which has been completed as part of the UDOT I-15 Core project is outside the scope of the existing Master Utility Agreement which the City previously entered into. UDOT has requested approval of an additional agreement which includes all work completed in order to maintain a complete record of all work associated with the project. He noted that there is no additional cost to the City for work completed by UDOT as outlined in the agreement. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

   **COUNCILMEMBER HATCH MOVED TO APPROVE THE SUPPLEMENTAL AGREEMENT BETWEEN LINDON CITY AND UDOT RELATIVE TO THE UDOT I-15 WIDENING PROJECT. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:**

   COUNCILMEMBER BAYLESS  AYE
   COUNCILMEMBER CARPENTER  AYE
   COUNCILMEMBER FRAMPTON  AYE
2. **Review and Action – Engineering Services Agreement for Sewer Project.** This is a request by staff for the Mayor and Council’s review and approval of an Engineering Services Agreement between Lindon City and JUB Engineers for the sewer upgrade project consisting of a new sewer lift station and gravity flow line. This agreement is a requirement of the approved bond through the Department of Water Quality. The city has an agreement for services already in place, but the addition to the agreement refers to this specific project.

Mr. Dameron explained that this supplemental agreement is specific to the Geneva Road sewer line project, and is a requirement of the approved bond. The agreement outlines costs and services specific to this project, and is supplemental to the Master Agreement between the City and JUB Engineers. Amounts were estimated within the bond amount with some fluctuation in exact amounts expected within the available budget. Bids which have been submitted for the project are well below engineering estimates, leaving more than adequate revenue for the proposed fees, which are within industry standards. Councilmember Carpenter noted that JUB has been closely involved in planning and preparation for this project, and has a clear understanding of the associated costs and services. Mayor Dain called for comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE SEWER PROJECT ENGINEERING SERVICES AGREEMENT BETWEEN LINDON CITY AND JUB ENGINEERS. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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<td>COUNCILMEMBER BAYLESS</td>
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<td>COUNCILMEMBER WALKER</td>
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THE MOTION CARRIED UNANIMOUSLY.

3. **Review and Action – Bid Award - Geneva Road Sewer Lift Station Project.** This is a request by staff for the Mayor and Council’s review and approval of the bid award for the Geneva Road Sewer Lift Station Project. This is the first of two phases for the project, with the second phase being the Gravity Flow Line. Staff anticipates bringing the second phase bid (Gravity Flow Line) for award on January 18, 2011. Staff recommends awarding the bid to the low bidder, VanCon, Inc., with a bid of $1,019,150.00. As you remember, this project is financed through a revenue bond approved by the Department of Water Quality.

Mr. Dameron explained that this bid is for the lift station phase of the Geneva Road sewer project, with bids for the gravity line portion of the project being considered
by the Council on January 18, 2011. Staff recommends awarding the bid to the low bidder, VanCon Construction, with a bid of $1,019,150.00. The project will be financed through a bond purchased by the Water Quality Board.

Mr. Dameron noted that the City has received one letter of protest regarding this bid award from COP Construction, another bidder on the project. The protest alleges that the bid process was not administered fairly, based on the absence of contact information for subcontractors which was not completed on forms by all bidders. Rod Bragger of COP Construction explained that they filed the protest due to the fact that they felt that if they had not taken the time to include this information, they may have had an opportunity to include lower bids from subcontractors which were received just prior to the bid submittal deadline.

Mr. Dameron noted that VanCon, as well as other bidders, did not include subcontractor contact information on the final forms submitted with bids. City Engineer for this project, David Thurgood, explained that subcontractor information is not a requirement for all bids, but that it was included for this project to make sure the General Contractor would be responsible for the bulk of the work, and that subcontractors have the right equipment and materials to complete the necessary work. Mr. Thurgood noted that some bids were submitted with full subcontractor information, others were submitted with partial information, and others were submitted with only the name of the subcontractor. He noted that the presence or absence of the contact information was not considered in awarding the bid.

Mr. Dameron invited the City Attorney, Brian Haws, to address the Council regarding this issue. Mr. Haws explained that State Statute gives the City latitude in establishing criteria to accept and award bids. The law allows the City to waive technicalities in specific circumstances. The Project Engineer inspected each bid submitted for defects prior to considering bid amounts. The absence of subcontractor contact information was not considered a defect in the bid documents. Technicalities can be waived by the City provided compliance with the technicality does not affect the time for proceeding with the project, the scope of the work, price of work or completion of work associated with the bid.

Councilmember Carpenter acknowledged the conscientiousness of COP Construction in completing the bid documents. He observed that if other bids were disqualified due to the absence of the subcontractor information in question, the cost to taxpayers would increase substantially. Councilmember Frampton noted that he submits a number of bids in his profession, and understands the frustration of COP Construction in losing this bid. He observed that VanCon was not the only bidder who did not include subcontractor contact information on the forms.

Mr. Haws clarified that the absence of subcontractor information on the bid documents was not material in nature, and would not affect the price, timeline or work associated with the project. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER BAYLESS MOVED TO AWARD THE BID FOR THE GENEVA ROAD SEWER LIFT STATION TO THE LOW BIDDER, VAN CONSTRUCTION, WITH A BID OF $1,019,150.00 FINDING THAT WAIVING THE TECHNICALITY OF INCLUDING SUBCONTRACTOR CONTACT INFORMATION...
WILL NOT MATERIALLY AFFECT THE TIME LINE, PRICE OR WORK ASSOCIATED WITH THE PROJECT. 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.

A representative of VanCon Construction was present in the audience. He expressed appreciation for the opportunity to work with the City on this project. He noted that his company works with a number of engineers on a variety of projects around the state, and that JUB ranks among the highest of great engineers. He felt that JUB strives to protect the interest of all parties, including municipalities and bidders. Mr. Dameron noted that the City has worked with VanCon on several other projects, and that the company has always performed admirably. Mayor Dain acknowledged that COP Construction is also a quality company, and noted that the City looks forward to COP submitting bids for future projects.

4. Discussion – General Plan Update. This is a request by Adam Cowie, Planning Director, for the Mayor and Council’s feedback concerning the west-side general plan development. The proposed general plan map that was presented in the Open House on November 30, 2010 showed increased housing densities near the rail corridor.

Mr. Cowie explained that the General Plan Committee is in the process of reviewing the General Plan and preparing recommendations for the Planning Commission and City Council regarding possible amendments to the General Plan. He stated that the Committee has discussed the possibility of implementing higher density housing components in the City west of Geneva Road, particularly around areas shown on UDOT plans as possible future transit stop locations. He noted that the General Plan is typically used as a long-range planning tool, considering development options for the next 20 years. However, based on the Mountainland Association of Governments (MAG) 2040 Regional Plan and transit and traffic studies, staff encouraged the Committee to consider development options for up to 50 years.

Mr. Cowie went on to present MAG maps showing employment and population density in the Utah County area. Traffic counts in 2007 showed approximately 217,000 trips per day through the Lindon area. Projections for 2040 indicate approximately 400,000 trips per day, nearly doubling the current traffic flow. The Vineyard Connector is on the maps for completion in approximately 2020, with no other new UDOT regional streets in the Lindon area. He noted that the geographic nature of the valley routes north/south traffic through Lindon, creating higher traffic volumes that any other location in Utah County. Mayor Dain noted that the City could use projected traffic flows to encourage economic development, noting that businesses prefer to develop in high traffic areas. Councilmember Walker inquired as to whether UDOT is in the process of
acquiring property for the Vineyard Connector right-of-way. Mr. Cowie that some
property acquisition is taking place, but that UDOT does not feel the roadway will be
warranted until 2020. He suggested that Lindon should encourage construction of the
roadway earlier to encourage and facilitate commercial development.

Mr. Cowie reviewed elements of the MAG 2040 transit plans, which show only
the Vineyard Connector as a new roadway. Rapid transit components are shown on the
plan, including a line from Cedar Hills to 700 North in Lindon, with a potential rapid
transit or light rail stop in Lindon. He noted that population projections show a Utah
County population similar to the current Salt Lake County population. Mr. Cowie
explained that based on population and traffic flow projection, the General Plan
Committee has discussed a variety of housing options for the west side of the City,
including higher density housing and possible mixed use areas of residential and
commercial uses similar to developments found at the Gateway in Salt Lake City and the
Riverwoods in Provo. The Committee has also discussed strategies for maintaining open
space in the City as population increases, such are large park areas. The Committee has
considered removing smaller park areas on the west side of the City, and creating a larger
park area to preserve the feeling of open space based on 2030 and 2040 population
projections.

Councilmember Carpenter expressed concern regarding impacts to property
owners if large parcels are designated for park areas which may preclude other types of
development. He noted that the City may not be in position to purchase the property at
the time other offers are made, and property owners may be negatively impacted. Mr.  
Cowie noted that property could develop based on current zoning, and that if commercial
development is proposed on commercial property and the City is unable to purchase
property for parks shown on the General Plan, the commercial development could
proceed. He noted that the Committee has discussed providing density bonuses for
developers relative to higher density developments in exchange for deeding park areas to
the City. Mr. Cowie also noted that as property develops based on current zoning, the
City may lose the ability to develop property based on the General Plan. He suggested
that the Council consider making zoning consistent with General Plan land uses. He
stated that the General Plan Committee will make recommendations to the City Council
and Planning Commission regarding General Plan amendments. In addition, residents
will have a chance to comment on the General Plan during Public Hearings. Any
approved General Plan amendments will be adopted during fall 2011. Appropriate
zoning amendments should be considered following adoption of the General Plan.

The Council went on to discuss the impacts of higher density housing
development on the west side of the City. Creekside Meadows subdivision, which was
approved at a higher density that other residential developments, was discussed with the
Council noting that the subdivision appears to be successful. Councilmember Bayless
noted that the development was allowed as an overlay zone to prevent a proliferation of
similar developments in other areas of the City.

Councilmember Carpenter stated that he would not have great concern regarding
additional housing options similar to Creekside Meadows, but that he would have
concerns with very high density apartment complexes. Mr. Cowie stated that ordinances
could be written to specify density limits and prevent development of apartment
complexes. Councilmember Frampton stated that he is pleased with development in the
City over the past 20 years, and that planning for future development appropriately is important. He felt that additional development similar to Creekside Meadows would be appropriate.

Councilmember Bayless expressed concern regarding the impact of high density, transit oriented housing development. She felt that if higher density housing options are considered, very tight controls should be in place to avoid the possibility of apartment housing. Councilmember Hatch felt that if too much high density housing develops, the character of the community of Lindon may be impacted. He and Councilmember Carpenter expressed a preference for not allowing density higher than that found in the R-112 zone, with Councilmember Hatch stating that his preference would be to maintain half acre lots throughout the City. Mr. Cowie noted that half acre lots may not be economically viable on the west side of the City. Councilmember Bayless noted that she grew up in a very urban City, and that her observations of that community indicated that the higher the density of a community becomes the less connected residents are with one another. She felt that increased density in Lindon may negatively impact the character of the community.

Councilmember Carpenter agreed that while there may be negative impacts to transit options and higher density housing, there are economic practicalities and other limiting factors which need to be considered. He noted that increases in Utah population in the coming decades will require additional residential development.

Following further discussion, the Council indicated that density similar to that found in Creekside Meadows would be acceptable in specific areas provided that strict controls are in place to prevent development of apartment complexes. Mr. Cowie will discuss City Council recommendations with the General Plan Committee at future meetings.

5. **Discussion – Proposed Model Ordinance – Utah Lake Shoreline Protection Overlay Zone.** This is a request by staff for the Mayor and Council’s review and discussion of the proposed “Utah Lake Shoreline Protection Overlay Zone” model ordinance. This model ordinance is intended to be used as a framework for each member city to establish their own shoreline protection area to further the purposes of the Utah Lake Commission.

Mayor Dain explained that this is a draft model ordinance which is intended to control development around the shoreline of Utah Lake and protect natural resources in the area. Councilmember Bayless expressed concern regarding jurisdiction of the trail area and who will set and enforce policies for the trail. Mr. Cowie explained that Utah County will have authority over the trail, but that each municipality will have input into trail policies. Mayor Dain noted that the Utah Lake Commission does not have any authority, and that the intent of this ordinance would be to create a vision for lake shore development and preserve recreational use of the lake. The City will adapt language specific to Lindon prior to adopting an ordinance.

**COUNCIL/ADMINISTRATOR REPORTS -**

Mr. Dameron reported on the following items:
1. Engineering Coordination Meeting will be held January 11th at noon at the Public Works Complex. Councilmember Frampton and Councilmember Walker will attend.

2. The Council reviewed the Project Tracking List. Councilmember Bayless expressed appreciation for the pro-active approach of the Planning Department in applying for grants.

3. The Council reviewed a draft of a plaque which will be placed at projects funded through the Afton Fryer Huggard Foundation.

4. The annual Budget Retreat Meeting was scheduled for February 10, 2011 from 4:00 p.m. to 9:00 p.m. at the City Center.

5. Further meetings with the Community Center Advisory Committee will be postponed until a later date.

6. City offices will be closed Monday, January 17th for the Martin Luther King holiday.

7. The City has received an offer from Boswell Olsen to participate in construction of the Lindon Heritage Trail. Staff will approach other Lindon businesses to determine if they are interested in similar participation in the trail project.

8. Mr. Dameron will not be present at the January 18, 2011 meeting due to family obligations.

COUNCILMEMBER BAYLESS – Councilmember Bayless again expressed appreciation to the Planning Department for their pro-active efforts.

COUNCILMEMBER FRAMPTON – Councilmember Frampton noted that non-resident recreation fees in Pleasant Grove are high. Mr. Dameron explained that a previous agreement with Pleasant Grove allowing Lindon residents to participate in Pleasant Grove programs at resident rates based on a subsidy paid by the City was withdrawn by Pleasant Grove. Councilmember Frampton stated that the City should make an effort to establish additional recreation programs in Lindon as much as possible.

COUNCILMEMBER HATCH – Councilmember Hatch had no items to report.

COUNCILMEMBER CARPENTER – Councilmember Carpenter invited the Mayor and Council to participate in Local Official Day at the Legislature on January 26, 2011. He noted that the Legislature will be considering immigration laws which may impact municipalities. The Utah Chiefs of Police Association are involved in those discussions. Chief Cullimore reported that the Police Department Wives Afghanistan service project wrapped up today, with two truckloads of goods being shipped to Afghanistan and two truckloads which could not be shipped being delivered to other charitable organizations.

COUNCILMEMBER WALKER – Councilmember Walker reported emissions from a pipe of the Geneva property which should be investigated. Staff will follow up on the report. Councilmember Walker commented on a newspaper article regarding use of social media in Herriman which allows additional means of communication between
residents and elected officials. The Council and staff discussed benefits and problems associated with use of social media to communicate with residents.

Mayor Dain noted that a representative of the Bennee family had not attended the meeting. He recognized her contribution to the City during her time as the Finance Director, and acknowledged the Distinguished Budget Award which was presented to the City is Ms. Bennee’s name.

Approved – January 18, 2011

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Debra Cullimore, City Recorder

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James A. Dain, Mayor