

2 The Lindon City Council held a Special Meeting on **Tuesday, March 22, 2011**
beginning at 5:30 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: Jerald Hatch
Invocation: Ott Dameron

8 **PRESENT**

ABSENT

10 James A. Dain, Mayor
12 Lindsey Bayless, Councilmember
Bruce Carpenter, Councilmember
14 Bret Frampton, Councilmember
Jerald I. Hatch, Councilmember
16 Mark L. Walker, Councilmember
Ott H. Dameron, City Administrator
18 Brian Haws, City Attorney

Debra Cullimore, City Recorder

20 The meeting was called to order at 5:30 p.m.

22 **MINUTES** –

24 No minutes were reviewed at this meeting

26 **OPEN SESSION** –

28 Mayor Dain called for comments from any audience member who wished to
address an issue not listed as an agenda item. There was no public comment.

30 **MAYOR'S COMMENTS/REPORT** –

32 Mayor Dain gave no report at this meeting.

34 **CONSENT AGENDA** –

36 No items.

38 **CURRENT BUSINESS** –

- 40
- 42 1. **Review and Action** – *Amendment to Interlocal Agreement (Sewer Services and*
44 *Expansion of Water Reclamation Facility – February 12, 2010) between Lindon*
City and the City of Orem. This is a request by staff for the Mayor and Council's
46 review and approval of an amendment to the Interlocal Agreement between
Lindon City and the City of Orem relating to sewer services dated February 12,
2010. This amendment provides clarification of cost sharing for the sewer

2 upgrade project now in process, and allows for Lindon's ownership of the project through the life of the bond.

4 Mr. Haws reviewed discussions between Lindon and Orem representatives regarding specific language in the agreement. Language will be added to clarify that
6 Orem is entitled to 20% capacity at the pump station, which at build out will be approximately a million gallons per day. Existing pumps are not adequate to
8 accommodate the full flow at build out, so replacement of pumps may be necessary at some time in the future. Final language will specify that Orem will be allotted a
10 minimum of one million gallons per day, or 20% of full capacity, whichever is greater, at build out.

12 Additional language will be added to expressly provide that Orem has input into remedies if the construction project does not go as planned or designed. A final
14 determination will be made prior to signing the final agreement. Mr. Haws clarified that the Council has the authority to approve the agreement without the final language, with
16 final review and authorization by the Mayor prior to signing the final agreement.

18 A new section will be added to ownership and maintenance responsibilities. Lindon will own the infrastructure and the land through the term of the bond payments. When the bond is repaid in full, ownership will be transferred to Orem. Additional
20 language will be added to the final agreement to specify responsibility for repair, replacement and maintenance costs per city. Costs will be divided with Lindon paying
22 80% and Orem paying 20% from the Parshall Flume to 1000 North Geneva Road Lift station. Costs will be adjusted based on the location and flow contributed by each City
24 from that point going south and east up Orem 800 North. Costs will be applied on a percentage basis after calculating Orem flow in the line in any specific location. The
26 formula will be specified to calculate maintenance, repair and replacement costs in the agreement to clarify future costs.

28 Councilmember Carpenter inquired as to the opinion of the City Engineer regarding the proposed formula. Mr. Dameron stated that City Engineer, Dave
30 Thurgood, was present during meetings with Orem regarding the calculation, and felt that the proposed formula was fair and equitable to both cities. Mr. Dameron noted that Orem
32 will participate in 10% of construction costs for the gravity line, and 20% for repair and maintenance costs. Formulas will apply only to this section of the sewer system, and is
34 not applicable to any area outside the zones identified in this agreement.

36 Mr. Haws noted that the agreement also specifies credits to Lindon, including \$203,830 associated with lift station construction costs and \$78,012.80 for land
38 acquisition costs. These credits, along with an additional \$75,750.12, will be credited to the Fire EMS costs owed to Orem by Lindon. Credits will be adjusted based on change
orders or contingency costs.

40 The date for project completion has been changed to October 31, 2011 as agreed by Lindon and Orem. Temporary construction easements are being finalized prior to
42 bond closing. Permanent utility easements have been established.

44 Mayor Dain noted that staff has spent many hours working on this agreement with Orem representatives. He asked Mr. Dameron his impression of the agreement. Mr.
46 Dameron stated that staff feels that the agreement is fair and equitable to both cities. He suggested that if the Council approves the agreement that it be approved subject to final

review and approval by the Mayor as final changes discussed during this meeting are incorporated into the agreement. Mayor Dain noted that if any additional significant changes are made to the agreement by Orem, those changes would be reviewed by the Council prior to approval. Councilmember Carpenter explained to audience members that it is necessary for the Council to approve this agreement as soon as possible due to bonding requirements and coordination with other projects.

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE AMENDMENTS TO THE INTERLOCAL AGREEMENT BETWEEN LINDON CITY AND THE CITY OF OREM FOR SEWER SERVICES AND EXPANSION OF WATER RECLAMATION FACILITIES AS OUTLINED PENDING FINAL REVIEW AND APPROVAL BY MAYOR DAIN OF FINAL WORDING AS DISCUSSED AT THIS MEETING, AND AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED DOCUMENTS. 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.

2. **Review and Action** – *Agreement for Right-of-Way Lead Agent Services – Heritage Trail Phase 2.* This is a request by staff for the Mayor and Council’s review and approval of an agreement between Lindon City and Padgett Properties for right-of-way Lead Agent Services for the Lindon Heritage Trail, Phase 2, Project #F-LC49(110). These services will include appraisal, appraisal review, and acquisition services. Padgett Properties provided these services during the Lindon Heritage Trail Project, Phase 1 and were professional and exemplary in the work completed for the City. The cost of these services included in the total cost of the project and is estimated to be \$68,650. Lindon City has already met the match for the entire project. This agreement is required by UDOT.

Mr. Dameron explained that the agreement will not incur any additional costs to the City, as these costs were anticipated in the total cost of the trail project. Padgett Properties will be responsible to work with property owners to acquire property and easements for the Lindon Heritage Trail Phase 2, down 800 West as toward Utah Lake. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE AGREEMENT FOR RIGHT-OF-WAY LEAD AGENT SERVICES BETWEEN LINDON CITY AND PADGETT PROPERTIES FOR THE LINDON HERITAGE TRAIL, PHASE 2

PROJECT. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE
2 VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS AYE

4 COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER FRAMPTON AYE

6 COUNCILMEMBER HATCH AYE

COUNCILMEMBER WALKER AYE

8 THE MOTION CARRIED UNANIMOUSLY.

10 **COUNCIL REPORTS** –

12 No Council reports were given at this meeting.

14 **ADMINISTRATOR'S REPORT** –

16 Mr. Dameron gave no report at this meeting.

18 **ADJOURN** –

20 COUNCILMEMBER WALKER MOVED TO ADJOURN THE MEETING AT
6:00 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL
22 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24 Approved – April 5, 2011

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Debra Cullimore, City Recorder

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James A. Dain, Mayor