The Lindon City Council held a regularly scheduled meeting on Tuesday, October 18, 2011 at Lindon City Center, City Council Chambers, and 100 North State Street, Lindon, Utah.

Conducting: James A. Dain, Mayor
Pledge of Allegiance: Tyler Cowie, Troop 1548
Invocation: James A. Dain, Mayor

PRESENT
Bruce Carpenter, Councilmember
Jerald I. Hatch, Councilmember
Bret Frampton, Councilmember – Arrived 8:20
Mark L. Walker, Councilmember
Adam Cowie, Planning Director
Ott Dameron, City Administrator
Cody Cullimore, Chief of Police
Kathryn Moosman, City Recorder

ABSENT
Lindsey Bayless, Councilmember

The regular meeting was called to order at 7:05 p.m.

SWEARING IN CEREMONY – Mayor Dain will administer the Oath of Office for two new judges on the Lindon City Youth Court. Chelsea Kristiansen and Ethan English will be sworn in.
Mayor Dain administered the Oath of Office to Ethan English for the office of Lindon City Youth Court Judge. Chelsea Kristiansen was not in attendance. Officer John Lloyd came forward and introduced Ethan and read a letter from Ethan’s mother. The Mayor and Officer Lloyd then congratulated Ethan and thanked him for all of his hard work and dedication.

MINUTES – The minutes of the regular meeting of the City Council held on October 4, 2011 were reviewed.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF OCTOBER 4, 2011 WITH CORRECTIONS. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

OPEN SESSION – Citizen Comments
Mayor Dain called for comments from any audience member who wished to address an issue not listed as an agenda item
Roy Shepherd approached the Council with concerns and questions regarding the State Street widening project. Mr. Cowie stated that there has not been anything official since the last time Mr. Shepherd came before the council, and that it should be started some time next year. Mr. Shepherd made a suggestion regarding the southbound traffic and the turnoff to Lakeview Road where the 3rd lane disappears, and recommended three lanes throughout that area along State Street. Mr. Shepherd also inquired about signage. Mayor Dain asked Mr. Dameron if there was anything on the traffic standard stating that there should be signs. Mr. Dameron stated that there are signs already in place. Mr. Dameron stated that he will also make a call to UDOT and the Mayor will bring it up in the transportation meeting.

Mr. Dameron reported that the company is here in town to do the striping on Center Street, and noted that this will be done from 400 East to Canal Drive; they will shift the striping to the south to get more space for parking along the trail on the north side of the street. Mr. Dameron stated that they are evaluating the striping further west. A scout member in the audience questioned when 400 north would be open again and what vegetation, if any, would be along the trail. Mayor Dain stated that the road should be open in about 2 weeks and the plan for the trail is for a non-motorized trail with (green) natural vegetation and a nice level asphalt path for everyone to use. Another scout in attendance asked why the canal is being covered. Mayor Dain stated that it is due to the amount of water that will be saved due to seepage and evaporation and also for safety issues. The Mayor also noted that the canal company is covering the canal, not Lindon City, and also noted that the whole canal from Lehi to the mouth of the canyon is being covered. Another audience member in attendance, Tony Cook, from Cook’s Farm Greenhouse, asked how the sewer line is coming along. The Mayor replied that it is 80% complete, but that it is a difficult job and the project is constantly being evaluated.

Mayor Dain asked if there were any other public comments, being none he moved on to the next agenda item.

MAYOR’S COMMENTS/REPORT – Mayor Dain reported on the 2nd Annual Thanksgiving dinner to be held on Thanksgiving Day at the Community Center. He further commented that this is a wonderful community event that was well attended last year and is expected to be a success again this year.

CONSENT AGENDA –

No Items.

CURRENT BUSINESS -

1. **Conditional Use Permit** – North Shore Aqueduct, Central Utah Water Conservancy District – 1900 West 2000 West – This is a request by the Central Utah Water Conservancy District for approval of a conditional use permit for construction and maintenance of a 60 inch diameter water pipeline in both public and private lands throughout the west side of Lindon City generally along the future Vineyard Connector corridor.
Mayor Dain invited the representatives from the Central Utah Water Conservancy District, KC Shaw and David Pitcher forward. Mr. Cowie opened the discussion by stating that the applicants are here representing the Central Utah Water Conservancy District and their proposed North Shore Aqueduct; which is a segment of the significant water pipeline which will pump water from wells in Vineyard out to the western Utah County area; of which some segments of the pipeline are already installed through Saratoga Springs and along Pioneer Crossing. He then referenced a map showing the route the pipeline will take through Lindon. Mr. Cowie further noted that this is a 60 inch pipeline which will be pressurized, so the pipe alignment will fluctuate, and raise and lower to get around some existing utilities, and with that ability, so far, any potential conflicts with existing utilities within the city has been avoided.

Mr. Cowie further discussed that there is one area that is planned for a future storm water outlet to Utah Lake to collect areas off of the Pleasant Grove/Lindon interchange and then down to Utah Lake, and he also noted that there appears to be enough room to get through that location. He went on to say that one item to consider, as a potential condition of approval, would be an agreement with the District that would state that if any problems or issues come up and the infrastructure needed to be moved, relocated or reconfigured in some method, the City could work with the District through an agreement to get it done. Mr. Cowie stated that Mr. Shaw thought an agreement was potentially feasible, which would be similar to a franchise agreement with Saratoga Springs. Mr. Cowie also added that this is a significant piece of infrastructure, which would be very costly to move or relocate. Mr. Cowie noted along the right of way, there is not any section that runs parallel within our street right of way, but generally parallels the Vineyard connector alignment. Mr. Cowie then showed a map of the Aqueduct route.

Mr. Shaw stated that when they previously met with the Council there were some questions regarding the project, and they were able to meet with Mayor Dain and Councilmember Carpenter and had some good discussion regarding the project. Mr. Shaw went on to say that the project consists of approximately 7 miles of 60 inch pipe which starts at the former Geneva Steel site, will run north along 2000 west to the animal shelter, then along 200 north for a short distance, where it will intersect at the proposed Vineyard connector, up to Pleasant Grove Blvd. where it will cross under the railroad and begin the route northwest to Saratoga Springs.

Mr. Shaw also noted that they anticipate being able to bid this project on November 15th of this year, but would not start construction until April of 2012, because of the time frame to get the pipeline fabricated and delivered. He also stated that this is an estimated 50 million dollar project that will take approximately 2 years to complete. Mr. Shaw commented that they have completed most of the right of way acquisitions, with a few left to be resolved, which they anticipate will be successful. Mr. Dameron inquired if the District has power of imminent domain. Mr. Shaw replied that they do have power of imminent domain and would reluctantly apply that, but only if absolutely necessary.

Mr. Pitcher commented that the water is not just well water but also treated surface water from the Utah Valley Water Treatment Plant, and is meant to be a conjunctive use project that can use ground water and treated surface water. Councilmember Carpenter recalled from their discussion, the question of the
oversubscription of ground water currently in the area, and if this would add to that problem. He also inquired if there had been any more consideration, or if there was anything else to add, given the fact that the city has concerns about this issue. Councilmember Carpenter also stated that he may sound overly cautious but wants to ensure Lindon has sufficient ground water rights, particularly given that the State continues to allow parties to sell, extend and transfer those rights, which is clearly oversubscribed and unsustainable under the present scenario.

Mr. Pitcher stated that they have looked at this issue and they want to support it, and also noted that they are still studying and working with a consulting firm regarding this issue. He also noted that a lot of change is happening, and the study that was funded with the cities, of which Lindon City participated, became the tool where they looked at this issue and decided to stop the surface to ground water transfers; which is a good start, and he also added that they are supportive of conjunctive use aquifer recharge and recovery water, and they try to encourage this as a District. Mr. Pitcher also stated that as future growth happens they will find out more about how and if ground water is oversubscribed.

Councilmember Carpenter voiced his concerns stating that what they are proposing is taking water from Utah County and Lindon, which is an area that still needs water, and sending it to the Salt Lake Valley. Councilmember Carpenter further noted he does not agree with the idea of the pipeline, but he does understand that the CUWCD is trying to serve the needs of the people; he further stated that this project does not serve Lindon City. Councilmember Carpenter went on to say that he is not sure whether we should even consider piggybacking some of these concerns onto this kind of agreement but he feels this warrants some serious attention that may require some concessions on their part.

Mr. Shaw replied that they do understand Councilmember Carpenter’s position. He further noted that the pipeline facility on the east side currently delivers pressurized water to Lindon and originates in the Uintah Basin. Councilmember Carpenter stated that he can see no sense in this project; he also added that the City’s rights are hollow because the aquifer is oversubscribed. Mr. Pitcher replied that what has happened this year has helped to ensure that the existing rights will have a greater surety. He also added that even after they obtain the Conditional Use Permit they will still be continually working with the city. He further noted that he has a lot of optimism, and that the pioneers provided for us well and it is our job to do equally as well, and he feels this can happen.

Councilmember Carpenter stated that he is deeply concerned about this project and added that the CUWCD has the best knowledge in the state, along with the state engineers, to ultimately decide how this can be solved; but noted there are questions regarding what will happen with the water issues 20 years down the road.

Councilmember Carpenter added that Lindon is in the best position, in terms of rights through build out that will sustain us, and historically the city has been aggressive, which is fortunate, otherwise it could be hugely expensive moving forward and perhaps at some point we wouldn’t be able to develop. He went on to say that the master plan states if the infrastructure or resources are not in place we don’t build; he also added that water is perhaps the most critical element of the future.
Chris Finlayson, CUWCD Governmental Affairs Director, approached the Council. Mrs. Finlayson commented that she understands the concerns of the city, and stated that the city is justified in having concerns. She further noted that the CUWCD is also concerned with the future planning of the State of Utah, and they feel if the right planning is done now to adopt a culture of conservation and actively search out solutions to the problems that we face, they feel confident with what has already been done and they will be closely watching what happens, and noted that when the aquifer is affected we are all affected. She further stated that this may very well affect costs, but that it probably would anyway; the population is growing in this area, and the CUWCD is trying to plan and mitigate and be as responsible as they possibly can. Mr. Dameron pointed out the people at CUWCD have been good partners with Lindon City.

Councilmember Carpenter commented that Lindon City would rather be allies with the CUWCD rather than obstructionists and hopefully our position is clearly understood and they recognize that in many respects we are right and therefore need to be part of the policy.

Mr. Cowie then presented a diagram showing where the pipeline route will go with discussion following. Mr. Cowie noted that an agreement is feasible, similar to the franchise agreement with Saratoga Springs. Mr. Dameron stated the agreement will be brought to Council when it is drafted. Mr. Shaw added that utilities will be tracked in the GIS system. Mr. Shaw confirmed that they will have all of the easements in place.

Mr. Cowie pointed out three items for discussion as follows:
1. Agreement in place.
2. Service to Lindon (currently there is not service).
3. Discussion with parking at the indoor soccer arena.

Mr. Cowie concluded by stating the following conditions for approval:
1. Suggest road closure and traffic plan be approved by the city.
2. District repair and restore all work done in the city right of ways to our satisfaction to our city standards.
3. Utility relocation agreement or some similar agreement that has been discussed.
4. Final condition of approval that any outstanding engineering issues are resolved to the City Engineers satisfaction.

Mayor Dain then asked if there were any further questions or comments. Being none he called for a motion.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE CONDITIONAL USE PERMIT AND AGREEMENT FOR THE CENTRAL UTAH WATER CONSERVANCY DISTRICT NORTH SHORE AQUEDUCT WITH CONDITIONS AS SHOWN. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2. Public Hearing – Ordinance Amendment – Off Street Parking (Ordinance #2011-4-0). The City Council will hear public comment and possibly act to approve this
request by staff for several updates to the Off Street Parking Ordinance as found in LCC 17.18. Significant changes included landscaping changes.

COUNCILMEMBER FRAMPTON MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cowie began by stating the recommendations came from the planning commission regarding off street parking was based on the Castle Park Development which had the most significant changes as follows:

1. Trees should also be required in the industrial zones; interior landscaping should be required in all parking lots in the city no matter where the location.
2. Any parking lot with 10 or more parking spaces should have a fair amount of landscaping.
3. Clarification of what kind of trees should be planted; a condition was added for every 10 parking spaces one 2 inch caliper tree should be planted.
4. The City Council allowed some flexibility to the planning commission for discretion on landscaping buffers against residential zones; particularly with existing remodels where residences are not adversely affected.

Mr. Cowie noted that the changes would not need to be brought back before the City Council if the motion includes giving the Mayor final approval with the changes discussed.

COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

AFTER DISCUSSION, COUNCILMEMBER WALKER MOVED TO APPROVE THE ORDINANCE AMENDMENT (ORDINANCE #2011-4-0) “OFF STREET PARKING” AND GIVE THE MAYOR AUTHORITY TO SIGN AND GIVE FINAL APPROVAL. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

3. Discussion – Detached Accessory Apartments. This discussion item is brought forward at the request of the City Council for staff to present information and options concerning detached accessory apartments as an amendment to the R2 Overlay ordinance.

Mr. Cowie opened the discussion by presenting a report he drafted regarding detached accessory apartments. Toby Bath was also in attendance for discussion on this issue. Mr. Cowie further noted that he attended a conference in Salt Lake City and had articles for the council’s review, from Seattle and other cities regarding accessory apartments and their policies. Mr. Cowie commented that he had met with Mr. Bath and
Councilmember Walker and discussed some suggestions and ideas of how to possibly make this work.

Mayor Dain suggested requiring the same address as the primary residence and sharing utilities, which would make more of a connection to the apartment. Mayor Dain also stated that he does not disagree with this concept. Councilmember Carpenter suggested that Mr. Cowie prepare an ordinance regarding the use of the same address and take it to the planning commission. This should be a continued discussion item for the council with an ordinance review.

4. **Review and Action** – *Construction Engineering Contract for the Lindon Heritage Trail Project.* This is a request by JUB Engineers, engineers for the Lindon Heritage Trail, for the City Council’s review and approval of the Construction Engineering Contract between JUB Engineers and Lindon City. This contract is for engineering services during the construction phase of the trail. The costs are anticipated within the grant funding. Lindon City has previously met the matching requirements of this contract. Staff recommends approval of this request.

Mark Christensen, City Engineer, was in attendance to discuss the contract. Mr. Christensen began by stating that this involves inspections, preparing requests, and overseeing the construction. He further noted that on the financial end, the engineering comes from the construction dollars and added that the federal funding is adequate to cover the costs, which is around 10% for construction engineering, and which also includes a large amount of paperwork.

COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE CONSTRUCTION ENGINEERING CONTRACT FOR THE LINDON HERITAGE TRAIL PROJECT. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

5. **Review and Action** – *Recertification of the Lindon City Municipal Justice Court (Resolution #2011-10-R).* The Lindon City Municipal Justice Court must be recertified by the Utah Judicial Council every four years in order to continue operations. Part of the process includes a resolution by the City Council that requests recertification and agrees to continue to comply with operational standards for the term of the recertification. Judge W. Brent Bullock will be present to discuss this item with the City Council and to give a report on issues relevant to the Court.

Judge Bullock was in attendance as a representative for recertification of the Lindon City Municipal Justice Court. Mr. Dameron stated that the court and the judge are required to recertify every 4 years with the Council. He further noted that this is a resolution that states the city will continue to support the court for another 4 years. Councilmember Carpenter then thanked Judge Bullock for his work and dedication to Lindon City.

Judge Bullock addressed the council and advised the council to be aware that starting in July of next year all procedures in court, by law, will be recorded and
recordings must be retained for one year. He further noted there was a small majority
who felt the necessity of passing this law, and that most of the complaints were from the
district courts and not the justice courts. He further noted that there is currently a move
to push justice court judges into the state system. Judge Bullock also commented that
there will be some costs involved to bring the system up to speed; the State will pay for
part of the costs and the City will also pay for part of the costs.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE
RECERTIFICATION OF THE LINDON CITY MUNCIPAL JUSTICE COURT
(RESOLUTION #2011-10-R). COUNCILMEMBER HATCH SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6. Review and Action – Policy Adoption – Concussion or Traumatic Head Injury
(Resolution #2011-11-R). This is a request by Heath Bateman, Parks and
Recreation Director, and Brian Haws, City Attorney, for the City Council’s
consideration and approval of a policy dealing with concussions or traumatic head
injuries while participating in city recreational programs. HB 204 was signed into
law requiring cities to comply with these requirements.

City Attorney, Brian Haws, was in attendance to discuss this policy adoption. Mr.
Haws stated that this policy is pretty straightforward. He further discussed that whenever
officials or coaches are notified of a head trauma, or if a player loses consciousness, the
player has to be pulled from the game or practice and can not come back until they have
been seen by a doctor who has been trained in concussion treatment within the last three
years.

Mr. Haws commented that concussions have a huge impact on young people, and
also noted that this policy applies to minors only. He also added that the player would be
required to have something in writing from the doctor stating that they are cleared to
play. Mr. Haws went on to say that this would be a judgment call by the coaches; the
parents will sign a waiver and acknowledge that they will help enforce it, which will be
highlighted and bolded in the waiver.

COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE POLICY
ADOPTION – CONCUSSION OR TRAUMATIC HEAD INJURY (RESOLUTION
#2011-11-R). COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED

7. Public Hearing - Continued – Lindon City General Plan – Comprehensive
Review. The City Council will hear public comment on a comprehensive review
of the city’s General Plan as recommended by the Planning Commission. The
Council will review a comprehensive update to the new 2011 General Plan;
including Land Use, Moderate Income Housing, Public Facilities, Parks & Trails,
Environmental, and Transportation Elements. This is the sixth of several public
hearings concerning the new 2011 General Plan for Lindon City.
COUNCILMEMBER FRAMPTON MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cowie began by noting that Parks and Trails will be the discussion topic on
the General Plan. He further noted that the big changes were the renaming of several
parks and changing of locations; he then identified them on the map. Mr. Cowie went on
to say that they are looking at a 2 ½ acre parcel called Lindon View Park. He also added
that the Planning Commission felt that this park was too close to Pheasant Brook Park
and would be better served out in the Fieldstone Development area. Mr. Cowie also
noted some underlined items and noted that the wording had been changed, but there
were no other significant changes. Councilmember Carpenter commented that adding
fountains, exercise aspects etc. may be a good thing to be incorporated into some of our
parks in the future.

Mr. Cowie concluded by stating that the Transportation section, including light
rail, transit nodes, bike routes etc. will be discussed at the next meeting. Mr. Cowie then
went over the map and referenced all of the changes.

Mayor Dain asked if there were any public comment. Being none he called for a
motion.

COUNCILMEMBER WALKER MOVED TO CONTINUE THE PUBLIC
HEARING OF THE LINDON CITY GENERAL PLAN COMPREHENSIVE REVIEW.
COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

COUNCIL REPORTS –

Mayor Dain reported that in the past Lindon City has participated with Utah Valley University in purchasing a table at the scholarship ball. He went on to say that Lindon Elementary is having an upcoming silent auction. Mayor Dain pointed out that we can’t help every cause, but would suggest that we help the Elementary school with one aquatics center family pass for the auction, and added that this action could be considered an extension of the education grant program. The Council was in favor of looking at this issue. Mayor Dain directed Mr. Dameron to draft a proposal for this issue and bring it to the next city council meeting. He also reported that they had received the bid back on the epoxy on the patio at the Community Center.

COUNCILMEMBER FRAMPTON – Councilmember Frampton had nothing to report.

COUNCILMEMBER HATCH – Councilmember Hatch had nothing to report.

COUNCILMEMBER WALKER – Councilmember Walker reported that he has been approached by citizens regarding parking along the trail. He went on to say that the parking on Center Street is narrower adjacent to the trail. He suggested re-striping be done from 200 East to Canal Drive.
COUNCILMEMBER BAYLESS – Councilmember Bayless was not present.

COUNCILMEMBER CARPENTER – Councilmember Carpenter had nothing to report.

ADMINISTRATOR’S REPORT – Mr. Dameron reported on the following items:

- Mr. Dameron reported that he would check on the top two items on the Project Tracking List to see if they are expired and if they can be removed.
- The Meet the Candidates Night is scheduled for October 20th at the Community Center at 6:00 p.m.
- Center Street striping is currently being evaluated.
- The lap pool cover is installed.
- The storm water master plan will be brought to city council next month.

Chief Cullimore reported that the Police Department did a search warrant on a residence in the city that was running liquor out of the house; they also found methamphetamine and other drugs. He further noted that the Division of Child and Family Services was called in and children were removed from the home. Chief Cullimore also reported that the DUI checkpoint will be held on October 31st from 8 p.m. to 12:00 a.m. from Center Street in Lindon to Geneva Road.

Chief Cullimore brought up an issue involving a large problem on West Geneva Road which actually fronts Utah Lake in Vineyard. The problem involves people committing lewd acts. They are receiving several calls a week regarding these problems and have a cooperative effort by working with the Utah County Sheriff’s office and Vineyard City to raise community awareness and take back the lake front for families to use and enjoy. Mayor Dain commented that the Utah Lake Commission would be interested in this issue and he will take it to the next meeting. Chief Cullimore further noted that the Lindon Police Officers are responding and making arrests when needed, but also noted that the Sheriff’s office does not have the coverage to patrol the area. Mayor Dain directed Chief Cullimore to have his officers patrol the area, and also stated that with a cooperative effort we can make a difference.

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

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

ADJOURN –

COUNCILMEMBER HATCH MOVED TO ADJOURN THE MEETING AT
11:00 P.M. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – November 1, 2011

Kathryn A. Moosman, City Recorder

James A. Dain, Mayor