

2 The Lindon City Council held a regularly scheduled meeting beginning at 7:00 p.m. on  
3 **Tuesday, February 21, 2012** in the Lindon City Center, City Council Chambers, 100  
4 North State Street, Lindon, Utah.

5 Conducting: James A. Dain, Mayor  
6 Pledge of Allegiance: Derek Watkins, Orem Scout Troop  
7 Invocation: Randi Powell, Councilmember

8 **PRESENT**

**ABSENT**

9 James A. Dain, Mayor  
10 Mark L. Walker, Councilmember  
11 Bret Frampton, Councilmember  
12 Matt Bean, Councilmember  
13 Randi Powell, Councilmember  
14 Jeff Acerson, Councilmember  
15 Ott H. Dameron, City Administrator  
16 Adam Cowie, Planning Director  
17 Cody Cullimore, Chief of Police  
18 Kathryn Moosman, City Recorder

19 The meeting was called to order at 7:00 p.m.

20  
21 **PRESENTATION** – *The Mayor and City Council will be presented with an update of  
22 the activities of the Utah Lake Commission by Reed Price, Executive Director.*

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24  
25 Reed Price, Executive Director, was in attendance to give an update of the  
26 activities of the Utah Lake Commission. Mr. Price began by expressing his appreciation  
27 to Mayor Dain for giving him the opportunity to address the Council to present an update  
28 on the Utah Lake Commission. Mr. Price noted that Mayor Dain has been an ardent  
29 supporter since he took over for Mr. Acerson and is now Chairman of the Commission.

30  
31 Mr. Price then gave a brief history, and noted that the Commission's inception  
32 started back in 2004 when the Mayor's were meeting in the Council of Governments  
33 meetings, and they began discussing what they could do to help Utah Lake. They  
34 realized that the Lake is a resource we have here in the region that gets very little  
35 attention from municipalities or state agencies. He further discussed that as the Mayors  
36 worked together they invited the state to team up with the community in Utah Valley to  
37 see how they could work together. Mr. Price noted that in the fall of 2006, the study  
38 group that was formed from the Council of Governments decided to create a Commission  
39 that would be an advisory body that could help encourage people to work to accomplish  
40 specific goals for Utah Lake.

41  
42 In the 2007 Legislative session the state entered into an agreement with the  
43 municipalities that was signed by Governor Huntsman in March of 2007. So the first  
44 official meeting of the Utah Lake Commission was on April 19, 2007. Currently the  
45 Commission has 13 municipal governments who are members who want to be involved  
46 in the future of Utah Lake, along with the Central Utah Water Conservancy District and  
several state agencies. The interlocal agreement identifies five specific purposes for the

Utah Lake Commission, and those are the things the Commission works to coordinate and accomplish. They include encouraging and promoting multiple uses of the lake, whether it is recreation or some type of development. The most important role is to foster communication and coordination because before when the lake wasn't managed it was partially due to the fact that nobody was really encouraging anyone to do anything and there wasn't a lot of communication with the municipalities or the state agencies. Also, to protect the resources of the lake and at the same time utilize the resources of the lake, so there is a balance that needs to occur there. Maintain and develop recreation access around the lake, of which Lindon is fortunate to have a nice boat harbor that is very accessible to the residents. They are looking to see how they can create additional arenas or simple leisure access near the lake. And of course promote and monitor responsible economic development. In order to accomplish these purposes they entered into a master planning process in February of 2008 that included Land use and shoreline protection, an element of transportation, natural resources and recreation facilities. They reached out to the public for ideas and worked with the commission and came up with the Utah Lake Master Plan that identifies 18 high priority goals that have 36 different objectives associated with each of those elements. Mr. Price then presented the goals, objectives, elements and tasks associated with the Utah Lake Master Plan of which the Commission takes a leading role.

Another effort the Commission has completed recently is the creation of a shoreline model ordinance. He noted that Lindon is a little unique in that it does not have a lot of shoreline, but the model ordinance was created as a resource to municipalities, keeping in mind that different municipalities have different land use philosophies, but the model ordinance would give them a product that was 80%-90% done which they could tweak. In the ordinance they recommend a buffer to limit development close to the lake. It also recommends planning for the lake trail and also to establish trail standards. Mr. Dameron inquired if any other cities have adopted the ordinance. Mr. Price replied that American Fork is the only city who has adopted the ordinance to date.

Mr. Price noted that transportation planning is another component the commission is involved with along with the proposed bridge across Utah Lake. Also the Utah Lake Trail, which when completed will be an 80 -100 mile trail around the lake. Another component the commission is heavily involved in is public education and outreach, along with school curriculum and sponsoring field trips at the Utah Lake State Park. Also the Utah Lake Festival is sponsored by the Commission. Mr. Price noted that they have had a lot of great feedback with these programs. Mr. Price then discussed the removal of Phragmites at the lake and the ongoing efforts to remove them. Another issue that has come up recently is private boat docks and the commission is helping homeowners work through a public process right now to see the desirability of boat docks and the permitting process on Utah Lake. And of course water quality issues are at the forefront. The Division of Environmental Quality is anxiously waiting to see the results of studies to see what restrictions should be placed on waste water treatment. No restrictions are coming soon, but in the future it is potential and the Commission wants to be on top of this issue and work with the DEQ to make sure that if restrictions are implemented that they are doing it with good reason. Mr. Price concluded by expressing his appreciation to the Mayor and Council for allowing him to give an update and explain what the Commission is about and asked if there were any questions. Mayor Dain asked Mr. Price to explain

2 why the June Sucker is so important to Utah Lake. The June Sucker is indigenous to  
4 Utah Lake, which means it is only found in Utah Lake. The June Sucker is referred to as  
6 a “trash fish” but the way the Commission sees it, if the lake is the only place it is found  
8 then we need to do what we can to help it survive. The June Sucker is on the endangered  
10 species list and if nothing was done the Federal government would come down on the  
12 State and not fund this and other programs. So there needs to be an active effort to help it  
14 improve. The most important factor is that it is an indicative species, so if it does well it  
16 means that the ecosystem of the lake is doing well. And that means the efforts that are in  
18 place are helping the lake. It has opened many doors to help make improvements to the  
20 lake that otherwise would not be opened. Mr. Price concluded that this is the beginning  
22 of a marathon and as these issues are continuously being worked on, it is the goal of the  
24 Commission to make Utah Lake to be understood as the gem that it once was and that it  
26 once again can become.

28 Mayor Dain asked if there were any questions from the Council or any public  
30 comment. Councilmember Powell inquired if Powell Slough still exists. Mr. Price  
32 confirmed that it still exists but that it has changed because of the Phragmites infestation  
34 and still functions as a slough but is not as defined as it was in the past. A resident in  
36 attendance asked Mr. Price if a desirable species could be planted at the lake to take the  
38 place of the Phragmites and if that wouldn’t solve the problem. Mr. Price replied that it  
40 would and they have tried to transplant new species but they were washed away, and they  
42 are fighting Mother Nature. So this would be an ongoing process of re-vegetation, but it  
44 is also very expensive to do. Mayor Dain asked if there were any further comment.  
There were no further comments.

Mayor Dain thanked Mr. Price for the presentation and the valuable information  
regarding Utah Lake and the Utah Lake Commission, and expressed his appreciation for  
all of his good work. Mr. Price thanked the Mayor and Council for all of the City’s  
support of their efforts.

**MINUTES** - The minutes of the regular meeting of February 7, 2012 were reviewed.

COUNCILMEMBER POWELL MOVED TO APPROVE THE MINUTES OF  
THE MEETING OF FEBRUARY 7, 2012 AS CORRECTED OR AMENDED.  
COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER	AYE
COUNCILMEMBER FRAMPTON	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER ACERSON	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.

2 Roy Shepherd was in attendance to address the issue of the signage for the State  
Street widening project. Mayor Dain stated that he will be meeting with UDOT and will  
4 address the issue of signage to try and get it in place. Mr. Shepherd thanked Mayor Dain  
and the Council for their time.

6 Phil Memmott, Lindon resident, was in attendance and approached the council.  
He expressed his appreciation to the Lindon Police Department and the City for what  
8 they do to keep the community safe and commented on what a great job they do for the  
City. Mr. Memmott stated that he would like to petition the Council for assistance on  
10 several issues that he has encountered. Mr. Memmott explained that he is a homeowner  
doing contractor work on his home located on Center Street in Lindon. He noted that he  
12 broke ground on the home on April 6, 2010. Mr. Memmott further noted that he feels  
that he did not get the help from the City that he believes he should have received, and  
14 that communication was lacking. Mr. Memmott stated that he would like help from the  
council regarding the city policy with communication standards and he wanted to make  
the Council aware of the situation.

16 Mayor Dain addressed Mr. Memmott stating that he is aware of the situation and  
has had clarification with the Building Official and noted that, when Mr. Memmott  
18 completes the items on the check list he received from the inspectors, the Building  
Department will issue him the Certificate of Occupancy and finalize the permit. Mr.  
20 Memmott thanked the Mayor and Council for their consideration regarding this matter.

22 Mayor Dain asked if there were any further public comments. Being none he  
moved on to the next agenda item.

24 **MAYOR'S COMMENTS/REPORT** - Mayor Dain reported that the ribbon cutting and  
open house for the new Castle Park Reception Center is upcoming and noted that he will  
26 be attending the ceremony.

28 **CONSENT AGENDA** –

30 No Items

32 **CURRENT BUSINESS** –

- 34 1. **Review and Action** – *Conditional Use Permit–Aquatherm Distribution Center.*  
This a request by Greg Allen with Aquatherm Distribution Center for approval of a  
36 conditional use permit for the operation of a warehouse and distribution facility  
within the R&B (Research and Business) zone. The existing building is located at  
38 500 West and 500 South at the site of the former Modus Media complex. The  
Standard Land Use Table does not address this type of land use; therefore, the  
40 applicant has applied under the “Compatibility Standard” which requires both the  
Planning Commission and City Council approval. The Planning Commission  
42 recommended approval.

44 Greg Allen, with Aquatherm Distribution Center, was in attendance to address the  
council for this agenda item. Mr. Cowie opened the discussion by stating that Mr. Allen  
46 is requesting a conditional use permit (CUP) for a warehouse and distribution facility  
within the R & B (Research & Business) zone. The facility would be a distribution

center for plastic piping systems, and currently this type of land use is not listed as a permitted use in the R & B zone. Therefore, the applicant has applied under the “Compatibility Standards” for a conditional use permit, of which requires both the Planning Commission and Council approval. Mr. Cowie noted that the planning commission approved with the condition of required fencing at the outdoor storage area. Mr. Cowie then showed photos of the proposed location of the facility.

Mr. Cowie went on to say that Aquatherm currently operates within Lindon City’s LI (Light Industrial) zone and is looking to relocate and occupy a section of the former Modus Media complex, where the existing infrastructure and location is conducive to the company’s operations.

Mr. Allen stated that Aquatherm is a distributor of plastic piping systems to plumbing wholesalers across the U.S. and Canada. Mr. Allen went on to say that the proposed location, with its existing warehouse space, would be used as a distribution facility to store and ship product throughout the country and Canada. Mr. Allen noted that they will have up to 18-20 employees and operate from 7 a.m. to 6 p.m. Monday through Friday. There was then some discussion between Mr. Allen and the Council regarding the operations of the proposed Aquatherm facility and fencing of the outdoor storage area.

Mr. Cowie noted that after review by staff, it is determined that there is more than adequate parking stalls associated with this property for the type of land use proposed. Additionally, there are no concerns for odors or noise that may be generated by this land use due to the location and procedures taken by the business to minimize these concerns. Mr. Cowie further explained that this is a request for approval of a conditional use permit through Lindon’s Compatibility Standards, therefore if the Council feels it is necessary, conditions may be imposed to mitigate any concerns for the health, safety, and welfare of the community.

Mayor Dain called for any further discussion or comments from the Council. Being no further comments, he called for a motion.

COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE CONDITIONAL USE PERMIT FOR AQUATHERM DISTRIBUTION CENTER WITH NO CONDITIONS. COUNCILMEMBER ACERSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER	AYE
COUNCILMEMBER FRAMPTON	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER POWELL	AYE
COUNCILMEMBER ACERSON	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 2. Public Hearing – Ordinance Adoption – Utah Lake Shoreline Protection Overlay Zone (Ordinance #2012-5-0).** The City Council will hear public comment and possibly act to approve the adoption of Chapter 17.55 “Utah Lake Shoreline Protection Overlay Zone.” Discussion has been on-going for several years by the Utah Lake Commission and bordering cities on Utah Lake about creating this protection overlay zone which will encourage public access to the shoreline of the

2 lake and will assist in providing protection from development pressures along the  
lake's shoreline. The Planning Commission recommended approval.

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

8 Mr. Cowie opened the discussion by stating that this is a creation of an overlay  
zone with the underlying zone being recreational mixed use that will still apply. Mr.  
10 Cowie went on to say that the area that is being looked at will be using the railroad tracks  
as the boundary and the model ordinance includes the flood plain area. Mr. Cowie  
12 further discussed that they are focusing on properties immediately adjacent to the water  
area. Mr. Cowie explained that there is limited land ownership with various  
14 governmental entities owning the adjacent parcels. Private development is not expected,  
but theoretically those parcels could be sold, so this ordinance would regulate that  
16 possibility.

18 Mr. Cowie noted that the majority of the ordinance is to look at protection of the  
shoreline, which requires a 50' buffer along the shoreline to accommodate open space  
and the trail through the park area. Mr. Cowie asked if there were any questions on the  
20 ordinance itself. Mayor Dain commented that he feels that the ordinance accomplishes  
the goals of the Commission and the City. Mr. Cowie then showed a Google photo of the  
22 boundaries.

24 Mayor Dain called for any public comments. Hearing none, he called for a  
motion.

26 COUNCILMEMBER ACERSON MOVED TO CLOSE THE PUBLIC  
HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL  
28 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 COUNCILMEMBER POWELL MOVED TO APPROVE ORDINANCE  
# 2012-5-O, UTAH LAKE SHORELINE PROTECTION OVERLAY ZONE.  
32 COUNCILMEMBER ACERSON SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

34 COUNCILMEMBER WALKER AYE  
COUNCILMEMBER FRAMPTON AYE  
36 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER POWELL AYE  
38 COUNCILMEMBER ACERSON AYE  
THE MOTION CARRIED UNANIMOUSLY

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42 **3. Review and Action** – *Bid Award – Aquatics Center Concessions*. This is a request  
by staff for the Mayor and Council's review and approval of the bid award for the  
44 Aquatics Center Concessions contract. Staff recommends awarding the bid to the  
bidder sharing the highest percentage with the city, WGR Concessions and Catering  
(Wise Guys Pizza) with a bid of sharing 17% of the gross sales.  
46

2 Mr. Dameron opened the discussion by explaining that Mr. Bateman, Parks and  
3 Recreation Director, advertised and solicited bids for the concessions stand at the  
4 aquatics center. Mr. Dameron then noted that pros and cons of each submitted bid. Mr.  
5 Dameron stated the Mr. Bateman is recommending WGR Group (Wiseguys Pizza) as the  
6 concessionaire for the aquatics center for this summer. Mr. Dameron stated that if  
7 approved, City Attorney, Brian Haws, will draw up an agreement. The Council was in  
8 agreement that the contract should be a one year with renewals. Mr. Dameron requested  
9 the motion to allow the Mayor or the City Administrator to have final approval authority  
10 to sign the agreement. The Council agreed to give Mr. Dameron authority to sign the  
11 agreement.

12 Mayor Dain called for any further comments or discussion from the Council.  
13 Hearing none, he called for a motion.

14 COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE BID AWARD  
15 FOR THE AQUATICS CENTER CONCESSIONS AND GIVE OTT DAMERON  
16 APPROVAL TO SIGN WITH ONE YEAR RENEWALS. COUNCILMEMBER  
17 WALKER SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
18 FOLLOWS:

19 COUNCILMEMBER WALKER AYE  
20 COUNCILMEMBER FRAMPTON AYE  
21 COUNCILMEMBER BEAN AYE  
22 COUNCILMEMBER POWELL AYE  
23 COUNCILMEMBER ACERSON AYE

24 THE MOTION CARRIED UNANIMOUSLY.

25 **4. Review and Action** – *Agreement between Lindon City and Alexander’s*  
26 *Holdings LC, a Utah Limited Liability Company.* This is a request by staff for the  
27 Mayor and City Council’s review and approval of an agreement between Lindon  
28 City and Alexander’s Holdings LC primarily for the allowance of the Heritage  
29 Trail storm water run-off onto Alexander’s property.  
30

31 Mr. Dameron stated that Mr. Alexander from Alexander’s Holdings LC, has  
32 signed the agreement between Lindon City and Alexander’s Holdings to allow the  
33 Heritage Trail storm water run-off onto his property. Mr. Dameron noted that the City  
34 has agreed to pay Mr. Alexander \$12,000 for this purpose. Mr. Dameron noted that this  
35 agreement is the next to the last piece to be acquired for the Heritage Trail. Mayor Dain  
36 expressed his appreciation that we are closer to full acquisition. Mr. Dameron noted that  
37 the money will come out of the RDA funds.  
38

39 Mayor Dain called for any comments or discussion. Hearing none, he called for  
40 a motion.

41 COUNCILMEMBER BEAN MOVED TO APPROVE THE AGREEMENT  
42 BETWEEN LINDON CITY AND ALEXANDER’S HOLDING LC, A UTAH  
43 LIMITED LIABILITY COMPANY. COUNCILMEMBER ACERSON SECONDED  
44 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

45 COUNCILMEMBER WALKER AYE

COUNCILMEMBER FRAMPTON            AYE  
2 COUNCILMEMBER BEAN                AYE  
COUNCILMEMBER POWELL            AYE  
4 COUNCILMEMBER ACERSON            AYE  
THE MOTION CARRIED UNANIMOUSLY.

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8 **ADMINISTRATORS REPORT:**

Mr. Dameron reported on the following items:

1. The Annual meeting for the Fire/EMS contract is scheduled for tomorrow, February 22<sup>nd</sup> at 4:30 in the upper conference room at the City Center with Mayor Dain, Councilmember Walker and Mr. Dameron in attendance.
2. Status report on the Center Street piping – Ames Construction estimates 200 south to be paved by Friday.
3. Project Tracking List – If there are any items on the list that are not already coming forward, those can be brought up, none were.
4. Appointments for the Board for the Southfield Metropolitan Water District will be on the agenda at the next council meeting.
5. The Global Signal Agreement (cell tower) will hopefully be addressed at the next council meeting.
6. The Planning Commission will be canceling 2 upcoming meetings, March 13<sup>th</sup> for the caucus and June 26<sup>th</sup> for primary election purposes.
7. Kristen Colson, Finance Director gave copies of the monthly financial status report to the Councilmembers. The report will be coming at the second meeting of each month.

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30 **COUNCIL REPORTS:**

32 **COUNCILMEMBER WALKER** – Councilmember Walker reported that he had spent some time with Chief Cullimore discussing his budget, and noted that it was a good discussion. He further reported that the North County Animal Shelter meeting is next week with the Fire/EMS meeting tomorrow with Orem City.

36 **CHIEF CULLIMORE** – Chief Cullimore had nothing to report.

38 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton reported that Arbor Day is coming up and the Tree Board would like suggestions or thoughts about where to plant a tree. Councilmember Frampton also asked the Council to be thinking about a business and citizen to select who has a nice tree in their yard or on their property. Councilmember Frampton noted that he will not be in attendance at the next council meeting.

44  
46 **COUNCILMEMBER BEAN** – Councilmember Bean reported that the Planning Commission is doing well with no issues at this time, and doing a good job overall.

2 **COUNCILMEMBER POWELL** – Councilmember Powell reported Tracey Whitehead  
4 has an assistant for Lindon Days. She also reported that the Chamber of Commerce is  
having an expo next week and that Steven R. Covey and Governor Herbert are planning  
to attend.

6 Councilmember Walker gave Councilmember Powell a copy of a proposal for the North  
Utah County Chamber of Commerce. She asked for recommendations from the Council  
8 as how to proceed as far as aligning ourselves with the North County Chamber of  
Commerce or if we are happy where we are.

10 Mr. Dameron commented that North Utah County Chamber of Commerce in the  
past was unstable. Mayor Dain added that it is important that we are represented  
12 somewhere, but he is not sure that the North Utah Chamber is the best way to go.  
Councilmember Walker commented that we should keep our eyes open and maybe look  
14 at Lehi, American Fork, and Pleasant Grove. Mayor Dain suggested that we research the  
issue further and see where we are best represented.

16 Councilmember Powell further reported that Healthy Lindon is not doing a lot  
yet, but she further noted that she will be attending an IHC Outreach meeting this week,  
18 and noted that will be a great resource for the Healthy Lindon program. Councilmember  
Powell also reported that the Community Center Advisory Board is quiet right now with  
20 not a lot to report. Councilmember Powell also mentioned the (CEEP Program) she  
attended and added that she thought that it would be great to implement that on a city  
22 wide basis to help city employees and families be prepared in case of an emergency.

24 **COUNCILMEMBER ACERSON** – Councilmember Acerson reported that he has a  
meeting on Thursday with the Provo River Water Users Association. He further noted  
26 that he will be meeting with the Jazz Organization concerning the potential date for city  
employees to attend a Jazz game. Councilmember Acerson also reported that he is on the  
28 agenda for Thursday with MAG to introduce the letter that was given to the  
councilmember’s last month.

30 **MAYOR DAIN** – Mayor Dain had nothing further to report.

32 COUNCILMEMBER POWELL MOVED TO APPROVE THE PAY  
34 VOUCHERS. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:  
36 COUNCILMEMBER WALKER AYE  
COUNCILMEMBER FRAMPTON AYE  
38 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER POWELL AYE  
40 COUNCILMEMBER ACERSON AYE  
THE MOTION CARRIED UNANIMOUSLY.

42 **ADJOURN** –

44

COUNCILMEMBER WALKER MOVED TO ADJOURN THE MEETING AT  
2 8:55 P.M. COUNCILMEMBER ACERSON SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4 Approved – March 6, 2012

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Kathryn A. Moosman, City Recorder

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James A. Dain, Mayor