

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, March 21,**  
4 **2017, beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100  
North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Jeff Acerson, Mayor  
Pledge of Allegiance: Keith Anderson, Boy Scout  
10 Invocation: Matt Bean, Councilmember

12 **PRESENT** **EXCUSED**

12 Jeff Acerson, Mayor  
14 Matt Bean, Councilmember  
Carolyn Lundberg, Councilmember  
16 Van Broderick, Councilmember  
Jacob Hoyt, Councilmember  
18 Dustin Sweeten, Councilmember  
Adam Cowie, City Administrator  
20 Brian Haws, City Attorney  
Mark Christensen, City Engineer  
22 Kathryn Moosman, City Recorder

- 24 1. **Call to Order/Roll Call**– The meeting was called to order at 7:00 p.m.  
26 2. **Presentations/Announcements** –  
a) **Mayor/Council Comments** – There were no announcements at this time.  
28  
3. **Approval of Minutes** – The minutes of the regular meeting of the City Council  
30 meeting of March 7, 2017 were reviewed.

32 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES  
OF THE REGULAR CITY COUNCIL MEETING OF MARCH 7, 2017 AS  
34 AMENDED. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:

36 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER LUNDBERG AYE  
38 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER HOYT AYE  
40 COUNCILMEMBER SWEETEN AYE  
THE MOTION CARRIED UNANIMOUSLY.

- 42  
44 4. **Consent Agenda** – No items.  
46 5. **Open Session for Public Comment**– Mayor Acerson called for any public  
comment not listed as an agenda item.

2 Jamie Rolf addressed the Council at this time. Ms. Rolf stated she is the new  
owner of the Holy Cow Boutique. She noted they are still operating out of the old  
4 Recreation Center in Pleasant Grove but there are plans to tear this facility down. Ms.  
Rolf stated she has talked to Heath Bateman, Lindon City Parks and Recreation Director  
6 Hannah Silvey about renting the Lindon Community Center and they have indicated that  
think it may work out to hold the event there four (4) times a year with the cost being the  
8 only issue. She mentioned that she has emailed Councilmember Hoyt and has also been  
working with Josh Walker at the PG/Lindon Chamber of Commerce who suggested  
10 joining the Chamber of Commerce.

Ms. Rolf pointed out as it stands right now (with the hourly rate) it would be close  
12 to \$10,000 to use the building for five (5) days. She noted the PG Recreation Center is  
\$250 a day so it is \$1,250 for the five (5) days. She recognizes this is a small amount but  
14 they are really hoping to get a daily rate which would be so much better and more  
manageable. She also mentioned that perhaps they could get the Chamber of Commerce  
16 pricing and/or volunteer for the Chamber as well. She pointed out they pay close to  
\$50,000 in sales tax per year and that revenue would come to Lindon City. Also, other  
18 businesses in the area see more business during the show dates. She explained the Holy  
Cow Boutique has been operating for 30 years and originally got its start in Lindon and  
20 then moved to Pleasant Grove.

Councilmember Lundberg pointed out that the previous owner addressed the City  
22 Council several years ago about this issue. Mr. Cowie stated it never got formalized at  
that time. Mr. Cowie noted that Mr. Bateman has mentioned this issue and he has some  
24 ideas on how to make it work for both parties. Ms. Rolf stated they would just need to  
use the gymnasium, kitchen and relief society room, not the whole building (change from  
26 before). Councilmember Hoyt commented that they would like to find a way to make this  
work and to perhaps “think out of the box.” Mr. Cowie pointed out that because they  
28 don’t need the entire building now it may be something that is doable. He will get with  
Mr. Bateman and provide this new information and have more discussion on the rates.  
30 Ms. Rolf concluded by thanking the Mayor and Council, adding that she feels this would  
be a perfect fit for the Boutique and it would also be great for Lindon City; the first show  
32 in Lindon would be in September.

### 34 **CURRENT BUSINESS**

- 36 6. **Review & Action — 2017 Street Maintenance Projects - Bid Award.** The City  
advertised for competitive bidding on multiple street improvement projects. After  
38 receiving bids and evaluating both base-bid and additive project costs it is  
recommended that the City Council award the bid to Staker & Parson Companies  
40 at \$770,337.14, with the plan that additional work will be added to the project per  
available funding. The City has budgeted \$880,000 in combined funding for street  
42 maintenance projects. The City Engineer, Mark Christensen, will be available to  
answer questions.

44  
Mr. Cowie explained that Lindon City has been working with JUB Engineers and  
46 UDOT to design a new traffic signal at the intersection of Geneva Road and 500 North.  
He noted as part of this potential signal the City wants to adjust the 500 North legs of the

2 intersection and eliminate a potential skew. This signal and the alignment change will  
4 also impact a railroad crossing immediately west of the intersection. As the impact to the  
6 railroad crossing is partially due to the future traffic signal (which is not within UDOT  
8 right-of-way) UDOT has agreed to pay half (50%) of the preliminary design fee that is  
10 required by the Union Pacific Railroad to accommodate the future signal and road  
alignment. Mr. Cowie explained this agreement will formalize a reimbursement by  
UDOT to Lindon City once the design costs are completed and finalized. Repayment of  
UDOT's portion is estimated at \$7,500. He then referenced the attached agreement and  
location map followed by discussion.

12 Mr. Mark Christensen, Lindon City Engineer, addressed the Council at this time.  
14 Mr. Christensen explained they have tabulated the bids (opened on Tuesday, March 14,  
16 2017 at 9:00 a.m.) for the project and five bidders submitted bids, with one bidder  
18 withdrawing their bid because of a substantial error in the bid (the bid tabulation is  
20 included in the staff packet). He further explained the bids on this project include certain  
work in the State Street RDA on 400 North, 200 North, and in the City Center parking  
lot. The base bid also includes a waterline replacement on 140 North and crack sealing  
and seal coats in other locations in the City. He noted they also provided the bidders a  
map as part of the plans locating additional areas in which they planned to perform work  
and the type of work they intend to perform at each location.

22 Mr. Christensen went on to say this additional work was dependent upon the bids  
24 received and available remaining City funds. Mr. Christensen noted the bid form contains  
26 the following statement in bold typeface: "It is the City's intent to perform additional  
28 pavement maintenance work to the extent that funding allows under this contract. Bidder  
agrees to honor the unit prices for additional work that may be added by Change Order or  
overrunning items." He explained by adding this statement to the contract documents  
they were stating their intent to use as much funding as was available to perform  
additional work under this contract, either by overrunning items or by change order.

30 Mr. Christensen pointed out by signing the bid form the bidders agreed to hold the  
32 prices they bid for the additional work. The bids that were received were low enough that  
34 there is the opportunity to do some of the additional work that they hoped to be able to  
36 do. The funding available for construction is about \$880,000 plus the cost of the water  
line work on 140 North. He noted traditionally they award to the low bidder, but knowing  
38 what they knew and put forth with the additional streets they were able to apply the bid  
40 prices and see which would be in the best interest of the project and it was not the low  
bidder. Geneva Rock is the low bidder and Staker & Parsons was the next lower bidder,  
however when looking at bids they could get significantly more work with the Staker &  
Parsons bid. Mr. Christensen then referenced the different types of road maintenance,  
including overlays, crack sealing, micro surfacing, and reconstruction followed by  
discussion.

42 Mr. Christensen pointed out by applying the unit prices and the quantities of work  
44 on the additional areas of work, they can see how much they can get done with the  
available funding, and also see how much it would cost using each bidder's unit prices.  
46 As noted from the attached bid tabulation with the additional notation, "With Additional  
Work Included" in the title, spending the available funding with Staker & Parson  
Companies bid prices would result in more completed roadway maintenance and they  
could get significantly more work even though they were not the low bidder.

2 Mr. Christensen stated because of that they would consider awarding the contract  
4 to Staker & Parson Companies as it would be in the best interests of the project. He  
6 explained because this is an unusual situation and an outlier, as they are not the low  
8 bidder, they contacted the City Attorney who indicated the code specifically allows the  
10 city to award the bid that is the lowest or provides the best interests to the project or all  
12 bids can be rejected. There was then some general discussion by the Council including  
14 splitting the bids, unit costs, alternates, and how to avoid this unusual circumstance in the  
16 future. They also suggested putting the maps and costs on the city website when  
18 complete so residents can see where the funds are going and what roads are scheduled for  
20 repair.

22 Mr. Cowie pointed out the downsides of rejecting all bids and starting over  
24 including the factors of time, staff and re-advertising costs etc.; it is not sustainable or  
26 good for the city. Brian Haws, City Attorney, stated he feels this approach (the way it is  
28 awardable) is defensible because all bidders were put on notice and everyone had the  
30 same information and knew there was potential additional work to be done; awarding this  
32 bid is recommended. Mr. Christensen stated we know we are getting a good contractor at  
34 a good price. He also pointed out they are doing what was intended to do but it has taken  
36 a different form than what is traditionally done because of the unique nature of this bid,  
38 but it is being awarded to the contractor with the bid that is in the best interest of the city  
40 (which all contracts define per quantity and the bid schedule). Mr. Christensen mentioned  
42 that Geneva Rock protested the bid and he believes the representatives from both Geneva  
44 Rock and Staker & Parson are present tonight. Mayor Acerson invited both  
46 representatives to comment at this time.

Boyd Packer with Staker & Parson Company addressed the Council at this time.  
Mr. Packer mentioned an issue on the bid with the mobilization and traffic control item  
and how they got this point. He also mentioned his major subcontractors are Geneva  
Rock, his crack seal is Superior out of Grantsville, the mastic seal is done by Eccles  
Paving out of Springville, and the pipe subcontractor is Johnson and Phillips. He noted  
they have done a lot of work in Lindon over the years.

Nathan Shellenburg, Geneva Rock Products, stated typically what has been done  
is the job would be awarded to the low bidder based on the quantity presented in the bids.  
He noted the quantity of crack seal almost doubled in the contract documents and  
addresses a large change in quantities. He feels they should have the documents address  
exactly what the city needs to do to accomplish the same result. He understands there is a  
quandary with this situation but there are two good options here but they would like to be  
awarded the bid based on solid ground. He would suggest in the future before making an  
award to change the quantities on the award based on the low bid as has always been  
done in the past as to not put the city in this precarious position and difficult situation.

Mr. Christensen apologized to the Council at this time for putting the city in this  
situation and they have learned from this and will adjust procedures in the future  
accordingly. Mayor Acerson stated this is a unique situation and the intent was to benefit  
the city. Councilmember Broderick commented as a contractor he understands the bid  
process noting it is their livelihood, but the city has to consider what is in the best interest  
of the project and the city.

Mr. Christensen noted that both companies have successfully completed projects  
for Lindon in the past. Mr. Christensen concluded by stating they recommend awarding

2 the project to Staker & Parson Companies at \$770,337.14, with the plan that work will be  
4 added to the project per available funding. Mr. Christensen stated their opinion of  
probable construction cost for the bid portion of the project was \$817,780.49 with their  
bid coming in at \$47,443.35 (5.8%) which was lower than the opinion.

6 Mayor Acerson then called for any further comments or discussion from the  
Council. Hearing none he called for a motion.

8  
COUNCILMEMBER BRODERICK MOVED TO APPROVE THE 2017  
10 STREET MAINTENANCE PROJECTS AND AWARD THE BID TO STAKER AND  
PARSON COMPANIES AT \$770,337.14 WITH THE APPROVAL THAT  
12 ADDITIONAL WORK WILL BE ADDED TO THE PROJECT PER AVAILABLE  
FUNDING. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE  
14 VOTE WAS RECORDED AS FOLLOWS:

16 COUNCILMEMBER BEAN	NAY
16 COUNCILMEMBER LUNDBERG	AYE
16 COUNCILMEMBER BRODERICK	AYE
18 COUNCILMEMBER HOYT	AYE
18 COUNCILMEMBER SWEETEN	AYE

20 THE MOTION CARRIED FOUR TO ONE.

- 22 7. **Review & Action — UDOT / Lindon Reimbursement Agreement. Geneva Rd**  
24 **& 500 N.** Lindon City has been working with JUB Engineers and UDOT to  
design a new traffic signal at the intersection of Geneva Road and 500 North. As  
26 part of this potential signal the City is desirous to adjust the 500 North legs of the  
intersection and eliminate a potential skew. This signal and the alignment change  
will also impact a railroad crossing immediately west of the intersection. As the  
28 impact to the railroad crossing is partially due to the future traffic signal, which is  
not within UDOT right-of-way, UDOT has agreed to pay half (50%) of the  
30 preliminary design fee that is required by Union Pacific Railroad to accommodate  
the future signal and road alignment. This agreement formalizes a reimbursement  
32 by UDOT to Lindon City once the design costs are completed and finalized.  
Repayment of UDOT's portion is estimated at \$7,500.

34  
Mr. Cowie explained that the City has been working with JUB Engineers and  
36 UDOT to design a new traffic signal at the intersection of Geneva Road and 500 North.  
As part of this potential signal the City would like to adjust the 500 North legs of the  
38 intersection and eliminate a potential skew. This signal and the alignment change will  
also impact a railroad crossing immediately west of the intersection. As the impact to the  
40 railroad crossing is partially due to the future traffic signal (which is not within UDOT  
right-of-way), UDOT has agreed to pay half (50%) of the preliminary design fee that is  
42 required by the Union Pacific Railroad to accommodate the future signal and road  
alignment. This agreement will formalize a reimbursement by UDOT to Lindon City  
44 once the design costs are completed and finalized. Repayment of UDOT's portion is  
estimated at \$7,500.

46 Mr. Cowie further explained that the City is preparing the plans and specifications  
for the redesign and construction of the intersection. The proposed work includes the

2 engineering plans and specifications for the widening and realignment of the intersection.  
UDOT is preparing the plans and specifications for the installation of a new traffic signal  
4 at the intersection, which require prior approval of the City’s “Work” by the Railroad,  
and UDOT agrees to pay half of Railroad’s fee for reviewing the plans associated with  
6 the work.

Mr. Cowie noted this agreement is needed to set out the terms for UDOT to  
8 reimburse the City and states the authorization and estimate of the cost UDOT authorizes  
and agrees to reimburse the City for half of its expenses and actual costs for the  
10 Railroad’s review of the Project’s preliminary engineering services. He noted the City  
estimates these preliminary engineering and other preliminary costs to be \$15,000.00 of  
12 which the total estimated cost to UDOT is \$7,500.00. Following some general discussion  
the Council was in agreement to approve the reimbursement agreement for preliminary  
14 engineering services. Mr. Christensen pointed out that he is quite certain UDOT will not  
build a signal until the other half of 500 North exists as the road needs to be aligned  
16 before they will signalize it. Mr. Cowie pointed out this could be years away.

Mayor Acerson called for any further comments or discussion from the Council.  
18 Hearing none he called for a motion.

20 COUNCILMEMBER HOYT MOVED TO APPROVE THE  
REIMBURSEMENT AGREEMENT FOR PRELIMINARY ENGINEERING  
22 SERVICES BETWEEN LINDON CITY AND UDOT ON GENEVA ROAD AND 500  
NORTH. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE VOTE  
24 WAS RECORDED AS FOLLOWS:

26 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
28 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER SWEETEN	AYE

30 THE MOTION CARRIED UNANIMOUSLY.

32 8. **Review & Action — Vote By Mail, Resolution #2017-8-R.** The City Council  
will consider Resolution #2017-8-R which, if approved, indicates the City’s desire  
34 to proceed to the next step with vote by mail and to review the contract with Utah  
County for election services for the 2017 primary and general elections. City  
36 Recorder, Kathy Moosman, will review options available to the City for 2017  
voting.

38 Mr. Cowie stated this resolution, if approved will indicate the City’s desire and  
40 intent to proceed to the next step to review and possibly approve the interlocal agreement  
with Utah County to contract for election services. Mr. Cowie pointed out that Lindon  
42 budgeted \$8,350 for 2016 election expenses (election judges, printing ballots, etc.). This  
budget number does not include regular employee time to administer the elections (City  
44 Recorder, Administration, etc.) or expenses for opening and operating public buildings  
during the elections. When factoring employee costs and overhead total expenses for  
46 administering the elections is most likely around \$11,000 to \$12,000. Mr. Cowie then  
turned the time over to the City Recorder to present the options.

2 Ms. Moosman then presented a PowerPoint presentation to the Council. She  
discussed other cities that have opted to proceed with vote by mail through the  
4 County this election year. She explained if the Council chooses to go with this option the  
City will need to pass this resolution before April 3<sup>rd</sup> and they will then adopt the formal  
6 agreement with the County to contract for their election services. She noted that the cities  
that did vote by mail in previous years had substantially higher voter turn-out rates. The  
8 County anticipates an overall increase of 10% in voter turnout.

10 Ms. Moosman stated the County estimates that vote by mail costs to Lindon City  
(based on registered voters) for the Primary Election would be approximately \$7,229 and  
costs for the General Election at approximately \$7,681. If no primary election is needed  
12 total vote by mail costs may be less than anticipated for traditional election voting. If a  
primary election is necessary then the cost will be more than budgeted in prior election  
14 years. Mr. Cowie pointed out the budget for most of the expenses for the 2017 election  
won't be approved until the FY2018 budget is finalized in June. Following some general  
16 discussion regarding this issue the Council agreed to approve the resolution indicating the  
intent and desire to review of the interlocal agreement from Utah County.

18 Mayor Acerson called for any further comments or discussion from the Council.  
Hearing none he called for a motion.

20  
22 COUNCILMEMBER LUNDBERG MOVED TO APPROVE RESOLUTION  
#2017-8-R INDICATING TO UTAH COUNTY LINDON CITY'S INTENT AND  
DESIRE TO REVIEW THE INTERLOCAL AGREEMENT TO CONTRACT WITH  
24 UTAH COUNTY FOR VOTE BY MAIL SERVICES DURING THE 2017  
ELECTIONS. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE  
26 VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER LUNDBERG AYE  
COUNCILMEMBER BRODERICK AYE  
30 COUNCILMEMBER HOYT AYE  
COUNCILMEMBER SWEETEN AYE  
32 THE MOTION CARRIED UNANIMOUSLY.

- 34 9. **Closed Session to Discuss the Character or Mental Health of an Individual**  
per UCA 52-4-205. The City Council will enter into a closed executive session  
36 to discuss pending or reasonably imminent litigation per UCA 52-4-205. This  
session is closed to the general public.

38  
40 COUNCILMEMBER HOYT MADE A MOTION TO MOVE INTO A CLOSED  
SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR  
PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL PER UCA 52-4-205.  
42 COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

44 COUNCILMEMBER BEAN AYE  
COUNCILMEMBER LUNDBERG AYE  
46 COUNCILMEMBER BRODERICK AYE  
COUNCILMEMBER HOYT AYE

2 COUNCILMEMBER SWEETEN AYE  
THE MOTION CARRIED UNANIMOUSLY.

4

6 COUNCILMEMBER SWEETEN MADE A MOTION TO CLOSE THE  
CLOSED EXECUTIVE SESSION AND MOVE INTO A REGULAR SESSION.  
8 COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

10 **COUNCIL REPORTS:**

12 **Councilmember Hoyt** – Councilmember Hoyt commented that he appreciated being  
able to participate via conference call at the last meeting. He also reported that the  
14 CCAB held the “Princess Party” that was very well attended and a big success. He noted  
LaDawn Edwards was over the party and did a great job; he is very proud of the CCAB  
16 Board as they all do a good job in their capacity. He noted they are looking for new  
members for the Board and to let him know of any suggestions of anyone who would like  
18 to fill the vacancies. Councilmember Hoyt also reported the PG/Lindon Chamber of  
Commerce hosted the networking lunch at Los Hermanos in Lindon noting it was the first  
20 time being hosted in the PG/Lindon area with Lehi and American Fork cities Chambers  
in attendance. He added it was a great event and well attended.

22

24 **Councilmember Broderick** – Councilmember Broderick reported that the pickle ball  
courts are operating well with a lot of people utilizing the courts. The residents are very  
appreciative of the courts and impressed that Lindon has them.

26

28 **Councilmember Bean** – Councilmember Bean reported that he attended the Chamber of  
Commerce luncheon and it appeared to achieve its purpose. He noted it was great to get  
to know everyone.

30

32 **Councilmember Lundberg** – Councilmember Lundberg reported that she attended the  
Lindon Chamber Music Society Concert last Thursday and the kids did a great job. The  
Chamber is always good to recognize the Parc Tax and Lindon City for their funding. It  
34 also helps to make the cultural art service affordable for kids. They also have very good  
mentors and coaches associated with this good quality group. She also reported that the  
36 Tree Board will be holding their Arbor Day event at the Lindon View Park on May 20<sup>th</sup>.  
They would like to have an event in which trees are planted and to get the community  
38 involved. She noted there are some really good volunteers on the Board. She also  
mentioned it was recently brought up that the Reflections Recovery Facility has been a  
40 great blessing to the neighborhood with a lot of outreach and service and it has been a  
positive thing.

42

44 **Councilmember Sweeten**– Councilmember Sweeten reported he attended the recent  
Board meeting with the North Pointe Solid Waste District noting Wasatch Regional is  
closing the incinerator. He pointed out that this is a good thing is it could mean more will  
46 be coming to the new landfill and the payoff on investment will come quicker. He also

2 reported the Squire and Company audit passed and everything seems to be going well and  
they also received an award.

4  
6 **Mayor Acerson** – Mayor Acerson reported on the upcoming league meetings in St.  
George. Mr. Cowie noted that Mayor Acerson, Councilmember Lundberg,  
8 Councilmember Broderick and himself will be attending. Mr. Cowie also reminded them  
to save their receipts for reimbursement. Mayor Acerson reported he will be attending  
10 the Utah Lake Commission meeting on Thursday. He also mentioned the Utah County  
Mayors have been invited to attend the Utah Metropolitan Ballet (name changed) and a  
12 dinner with Provo’s Mayor Curtis. He noted they are using their park tax funds for the  
ballet. Mayor Acerson also reported he got the outdoor movie setup for the Community  
Center.

14  
16 **Administrator’s Report:**

Mr. Cowie reported on the following items followed by discussion.

18 **Misc. Updates:**

- March newsletter
- 20 • May Newsletter: Dustin Sweeten. Article due to Kathy Moosman by last week of  
April
- 22 • Budget Committee meeting: March 28th at Noon at City Center conference room.  
Lunch provided
- 24 • Police Chief Update
- Water tank interiors being cleaned and videotaped to document conditions.
- 26 • North Union canal work to begin week of March 20th
- Misc. Items

28  
30 **Upcoming Meetings & Events:**

- ULCT Spring Conference in St. George. April 5th-7th

32 Mayor Acerson called for any further comments or discussion from the Council.  
Hearing none he called for a motion to adjourn.

34  
36 **Adjourn** –

COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
38 AT 10:30 PM. COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

40  
42 Approved – April 18, 2017

44  
46 \_\_\_\_\_  
Kathryn Moosman, City Recorder

