

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, June 6, 2006**,
beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100 North State
Street, Lindon, Utah.

4
6 Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: Toby Bath, Councilmember
Invocation: Jerald Hatch, Councilmember

8
10 **PRESENT**

ABSENT

10 Jeff Acerson, Mayor
12 Eric Anthony, Councilmember
H. Toby Bath, Councilmember
14 Lindsey Bayless, Councilmember
Jerald I. Hatch, Councilmember
16 Ott H. Dameron, City Administrator/Recorder
Adam Cowie, Planning Director
18 Debra Cullimore, Deputy Recorder

Bruce Carpenter, Councilmember

20 The meeting was called to order at 7:04 p.m.

22 **MINUTES** – The minutes of the regular meeting of May 16, 2006 were reviewed. No
corrections were made.

24
26 COUNCILMEMBER BATH MOVED TO APPROVE THE MINUTES OF THE
REGULAR MEETING OF MAY 16, 2006. COUNCILMEMBER BAYLESS SECONDED
THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28
30 The minutes of the Executive Session of May 16, 2006 were reviewed. No corrections
were made.

32 COUNCILMEMBER HATCH MOVED TO APPROVE THE MINUTES OF THE OF
THE EXECUTIVE SESSION OF MAY 16, 2006. COUNCILMEMBER BATH SECONDED
34 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

36 The minutes of the Work Session of May 30, 2006 were reviewed. No corrections were
made.

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40 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF THE
WORK SESSION OF MAY 30, 2006. COUNCILMEMBER HATCH SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

42 **OPEN SESSION** –

44
46 Mayor Acerson called for comments from any resident present who wished to address an
issue not listed as an agenda item. There was no comment.

2 **MAYOR’S COMMENTS/REPORT** –

4 Mayor Acerson commented on an Alpine School District Board Meeting he attended on
6 June 5, 2006. He noted that officials from several cities were invited to participate in the
8 meeting to discuss the possibility that some communities may pursue creation of a new school
10 district. At the meeting, Alpine School District officials discussed results of a survey the district
12 commissioned relative to the new school district, as well as bonding issues. Mayor Acerson
14 commented that he felt that several questions on the survey were somewhat vague, and that the
16 survey may not accurately convey the intentions of the school district regarding upcoming
18 projects funded by proposed bonds. He felt that accurate information should be conveyed to
20 residents to allow them to make an informed decision regarding proposed bonds. Mr. Dameron
22 noted that the City Councils in the neighboring cities of Pleasant Grove and Cedar Hills will
24 consider whether or not to participate with Orem City in conducting a feasibility study regarding
26 the creation of a new school district.

18 **CONSENT AGENDA** –

18 No items.

20 **CURRENT BUSINESS** –

- 22
1. **Preliminary Plat** – *Jeff Anderson, Residential Subdivision, Plat “A”*. This is a request
24 by Jeff Anderson for preliminary subdivision approval of Jeff Anderson Residential
26 Subdivision, Plat “A”, 1 lot, in the R1-12 zone at 60 South Denali Circle. The Planning
Commission recommended approval with no conditions.

28 Keith Leavitt of Castle Builders was present as the representative for this application.
Mr. Cowie reviewed this item for the Council. He stated that the applicant is requesting approval
30 of a 1-lot preliminary subdivision plat which will be a re-plat of Canberra Heights Plat C, Lot 10.
A note on the previous plat stated that “on all building lots the finished floor elevation shall be
32 established to provide a driveway that slopes up from the back of sidewalk at an average of at
least three percent for the first thirty two feet.” Mr. Cowie noted that this slope was required to
34 address potential flooding concerns associated with possible run-off and debris flows from Dry
Canyon. Mr. Cowie noted that since the original plat was recorded, a flow route has been
36 established down Dry Canyon Drive, and that this particular lot is uphill from any potential
flooding or debris flow. He asserted that the note on the plat is not applicable to this lot. Mr.
38 Cowie stated that the request has been reviewed by the City engineer, and that there are no
engineering concerns related to this request, due to the fact that storm water now has a defined
40 route that will carry any overflow water out of Dry Canyon down Dry Canyon Drive.

42 Mayor Acerson invited Mr. Leavitt to comment. Mr. Leavitt commented that the
requirement currently listed on the plat creates some contradictory issues regarding slope up
44 from the driveway and grading issues. He stated that City Cody does not allow cuts or fills in
excess of ten feet, and that if the slope requirements currently listed on the plat were to be met,
fills in excess of ten feet would be necessary.

2 Mr. Cowie observed that a note on the previous plat addresses sewer access for this lot
4 from McKinley Drive. He noted that sewer access from McKinley Drive may still be necessary.
Mr. Leavitt reviewed several options for sewer access. He stated that appropriate sewer
connections will be established at the direction of City staff.

6 Councilmember Bayless commented that the Planning Commission reviewed this
8 application thoroughly, and that all significant issues appeared to have been addressed at that
10 time. Councilmember Anthony inquired as to any possible liability on the part of the City if the
12 note is removed. Mr. Cowie explained that any flooding on this particular lot is highly unlikely
unless there a catastrophic event. Councilmember Bayless observed that the note was included
on the plat prior to establishment of a storm water channel down Dry Canyon Drive. Mr. Leavitt
observed that building code requirements specify a slope away from the house to direct drainage
away from the structure.

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

16 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PRELIMINARY
18 SUBDIVISION PLAT TITLED JEFF ANDERSON PLAT "A" AT 60 SOUTH DENALI
CIRCLE. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

- 20
- 22 2. **Preliminary Plat, continued** – *Lindon Business Park Industrial Subdivision, "Phase*
24 *III."* This is a request by Larry McColm and Russ Naylor for preliminary subdivision
26 approval of Lindon Business Park Industrial Subdivision, Phase III, 1 lot, in the LI zone
at 88 North 1550 West. The Planning Commission recommended approval with
conditions. This item was continued from the meeting of May 16, 2006 to allow more
discussions to take place concerning the extension of the street adjacent to the
development.

28

30 Larry McColm and Russ Naylor were present as representatives for this application. Mr.
32 Cowie noted that this application was continued from the last City Council meeting due to
unresolved issues with the neighboring property owner, Mike Jarrett, regarding road
34 improvements on the street adjacent to the development. Mr. Cowie explained that 1550 West is
a Master Planned road, and there was a question as to whether the section of roadway adjacent to
36 this proposed development should be dedicated and improved as a condition of approval for this
application. Mr. Cowie noted that the entire roadway area is owned by Mr. Jarrett. During
38 previous discussion of this item, the City Council requested that the City attorney, Brian Haws,
review legal issues related to completion of the roadway. Mr. Haws rendered a legal opinion that
the applicant can not be required to complete road improvements, due to the fact that the
property is not a part of this development, and is owned by another party.

40 Mr. Cowie reviewed the recommendations for approval listed by the Planning
Commission as follows:

- 42 1. That curb, gutter and half street width plus ten feet of asphalt be installed adjacent to the
44 subject property.
2. That the ditch on the southwest property line be piped continuously from the freeway to
1550 West and that the area be used for additional parking.
46 3. That storm water detention be approved by the City Engineer.

2 Mr. Cowie noted that condition #1 recommended by the Planning Commission can not be
4 required for approval of this application. Mr. McColm commented that he has also consulted his
6 own legal counsel regarding road improvements, and that his attorney agreed with the findings
8 expressed by Mr. Haws that road improvements can not be required as a condition of approval
10 for this development. Mr. McColm asserted that it would be the responsibility of Mr. Jarrett to
complete road improvements at the time his property develops. Councilmember Bayless
inquired as to whether the offer previously made by Mr. McColm to escrow funds for completion
of half street improvements was still on the table. Mr. McColm stated that he had agreed to pay
half street improvements prior to discussion with his attorney, and that he is not willing to install
any of the road improvements at this time.

12 Mayor Acerson invited Mr. Jarrett to comment. Mr. Jarrett suggested that Mr. McColm
14 should be responsible for half of the cost of road improvements at the time the road develops if
16 he uses the road to create additional access to his property. Mayor Acerson noted that a
18 reimbursement agreement could be entered into which would require Mr. McColm to pay a
20 proportionate share of road improvements if he receives benefit from the completed roadway.
22 Mr. McColm stated that he does not anticipate any use of the roadway for access to his property.
24 Mayor Acerson clarified that the reimbursement agreement would entitle Mr. Jarrett to a
26 reimbursement of a portion of the cost of roadway improvements if Mr. McColm were to create
28 additional access from the new roadway section. Mayor Acerson went on to explain that the
30 agreement allows discussion of reimbursement of the cost of roadway improvements at some
32 time in the future. He noted that it is not possible to determine what benefit, if any, Mr. McColm
34 may receive from road improvements at this time. Mayor Acerson stated that the intent of the
36 agreement is to be fair to both parties, and is not intended to commit Mr. McColm to any
38 payment at this time, but will allow some discussion and review in the future. Mr. McColm
40 expressed concern that the agreement may unduly encumber his property, and that it may be seen
42 as a liability in the future. He felt that unless access to his property is altered to include the new
44 road section, he should not be required to pay any portion of road improvements. Mr. Haws was
46 present at the meeting. He clarified that roadway access is not the only situation which may
trigger a required reimbursement, and that historically payment of roadway improvements has
been based on frontage. Mr. Naylor observed that other properties in the area would receive the
same benefit as the Lindon Business Park properties if the roadway is completed. Mr. McColm
commented on the land swap which was previously completed without City approval. He
suggested that the land swap was an illegal transaction, and that if it is reversed the Lindon
Business Park property would not have frontage on the section of future roadway, and there
would not be a possibility that he may be required to pay for a portion of future improvements.
Mayor Acerson again clarified that the intent of a reimbursement agreement is to ensure that the
legal rights of all parties are protected, and that the responsibility for road improvements is not
determined by the agreement, but allows discussion at a later date. Mr. Haws observed that this
discussion is based on hypothetical situations, and that facts at the time road improvements are
completed will be necessary to determine if there is any benefit to Mr. McColm as a result of
completion of the roadway. Mr. McColm asserted that the only potential benefit he may see is if
rents were higher for the associated properties. He stated that the property has adequate access
from existing roadways, and that he does not anticipate any increase in rents at the time the
roadway improvements are completed. Mr. McColm asserted that all properties along the
roadway would receive equal benefit from completion of road improvements, and that he does
not need or want the additional roadway. Mr. Haws explained that reimbursement agreements

2 are commonly used in development, and that an appropriate benefit analysis will be conducted at
3 the time improvements are completed. Mr. McColm again commented that the land swap which
4 was recorded without City approval had unduly encumbered his property. Mr. Haws noted that
5 the applicant has the option to investigate reversal of the land swap, but that this subdivision
6 approval would rectify any discrepancies with the recorded plat.

7 Mayor Acerson called for further comments or discussion. Hearing none, he called for a
8 motion.

9
10 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE LINDON BUSINESS
11 PARK PHASE III PRELIMINARY PLAT WITH THE FOLLOWING CONDITIONS:

- 12 1. THAT THE DITCH ON THE SOUTHWEST PROPERTY LINE BE PIPED
13 CONTINUOUSLY FROM THE FREEWAY TO 1550 WEST, THUS PROVIDING
14 ADDITIONAL AREA FOR PARKING AND ELIMINATING POTENTIAL WEED
15 AREAS.
- 16 2. THAT THE CITY ENGINEER APPROVE AN ON-SITE STORM WATER
17 DETENTION AREA AND SYSTEM.

18 THE MOTION FAILED DUE TO LACK OF A SECOND.

19
20 Councilmember Bayless inquired as to whether Mr. McColm would be more comfortable
21 withdrawing the current application to allow him to address the triangular pieces of property
22 traded in the land swap. Mr. McColm again expressed concern regarding the need for a “trigger
23 mechanism,” such as additional access, to determine if he receives any benefit from future road
24 improvements. Mr. Haws observed that access is a typical mechanism, but that there is no clear
25 “trigger” associated with this property, due to the fact that adequate access already exists. Mr.
26 Dameron clarified that a reimbursement agreement is not being considered for this meeting, and
27 that only the subdivision application is before the Council at this time. He stated that any
28 reimbursement agreement will be considered at a future date. Councilmember Bayless noted that
29 she had not included road improvements or a possible reimbursement agreement in her motion,
30 as those issues will be addressed at a later date.

31 Councilmember Bath commented that to the best of his recollection, road improvements
32 have historically been required as a part of subdivision approvals. He felt that road
33 improvements should be required to the property line of this development. Mr. McColm
34 observed that roadway improvements are completed on all property he owns. Mayor Acerson
35 observed that legal counsel has indicated that roadway improvements can not be required for
36 property not owned by the applicant. Mayor Acerson called for further comments or discussion.
37 Hearing none, he again called for a motion.

38
39 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE LINDON BUSINESS
40 PARK PHASE III PRELIMINARY PLAT WITH THE FOLLOWING CONDITIONS:

- 41 1. THAT THE DITCH ON THE SOUTHWEST PROPERTY LINE BE PIPED
42 CONTINUOUSLY FROM THE FREEWAY TO 1550 WEST, THUS PROVIDING
43 ADDITIONAL AREA FOR PARKING AND ELIMINATING POTENTIAL WEED
44 AREAS.
- 45 2. THAT THE CITY ENGINEER APPROVE AN ON-SITE STORM WATER
46 DETENTION AREA AND SYSTEM.

COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH NAY
COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER HATCH NAY

THE VOTE WAS TIED (2-2). MAYOR ACERSON WAS CALLED UPON TO CAST THE DECIDING VOTE.

MAYOR ACERSON AYE

THE MOTION CARRIED (3-2) WITH ONE ABSENT.

Mayor Acerson requested the courtesy to make a brief announcement. He stated that recently Pleasant Grove City and Lindon City collectively conducted interviews to fill the vacant Fire Chief position for the two cities. He introduced Mark Sanderson, who was appointed to the position. Mr. Sanderson introduced his wife, Jessica, and thanked the fire fighters also present with him for their support. Mr. Sanderson stated that he is pleased to be appointed Fire Chief, and that it is his intention to work closely with both cities. He stated that he is hopeful that the fire department will be able to make use of the Lindon facility in the near future. Mayor Acerson thanked Mr. Sanderson for his desire to serve the community and commented on Mr. Sanderson's qualifications for the job.

3. **Review and Action** – *Conditional Use Permit – DCD Recycle (Dunn Construction Company, LC)*. This is a re-hearing of Mike Dunn's request for approval of a conditional use permit for a concrete/asphalt crushing operation at 1470 West 300 South. The City Council first heard this item on February 7, 2006, then again on May 16, 2006. The applicant was given more time to address the Council's concerns with the operation and development of the site.

Mike Dunn and Pat Dunn were present as representatives for this item. Mr. Dunn (Pat) stated that it was his impression during the previous discussion that if the specific concerns expressed by the Council could be met, the application could be approved. He stated that Mr. Dameron had given him a list of eleven specific concerns which the Council enumerated during the previous discussion. Mr. Dunn stated that they are in agreement with each of the eleven concerns, but requested a three year time line for completion of the requirements. He reviewed the time line for completion of improvements as proposed by the applicant as follows:

1. **IN THE FIRST YEAR**, Mr. Dunn will extend the sewer, water, telephone and gas to the site.
2. The roadway will be improved with recycled asphalt material to reduce dust. When future development occurs, the recycled asphalt roadway will be removed and permanent roadway improvements will be installed as specified by the City.
3. ADA approved restroom and parking facilities will be installed on the site.
4. The wall and associated landscaping improvements will be installed on the north side of the recycling operation site.
5. **IN THE SECOND YEAR**, Mr. Dunn will work with the neighboring property owners to establish the location of the roadway and complete the engineering and city approval to meet the requirements of all parties.

6. **IN THE THIRD YEAR**, Mr. Dunn will develop and improve the access roads to connect the property to the roadway on the east side.

Mr. Dunn (Pat) noted that it may be possible to complete all requirements within a two year time frame, but that, if necessary, the additional year will allow adequate time to determine future development on neighboring properties, and appropriate placement of the permanent road.

Councilmember Bath noted that the requirements previously specified that sewer connections be installed if feasible. He inquired as to the specific proposal for sewer service to the site. Mr. Dunn (Pat) stated that they are proposing the initial use of a sewer lateral, with the installation of a sewer main at a later date when the placement of the permanent road and development on neighboring parcels is determined.

Councilmember Bayless inquired as to the turnaround area for trucks associated with the recycling operation. Mr. Dunn (Pat) stated that there is adequate turnaround access for trucks on the site.

Mr. Dameron reviewed the eleven items of concern specified by the Council in previous discussion as follows:

1. That the access roadway be constructed to a full width. He noted that exceptions can be made for half street improvements if special conditions exist.
2. That landscaping be installed according to typical requirements.
3. That required water shares are turned in, and a water connection be established.
4. That a sewer connection be established if feasible.
5. That the restrooms be constructed as directed by staff.
6. That a subdivision be recorded to address the area of road dedication.
7. That a sight obscuring fence be installed, and that the fence also act as a sound barrier.
8. That required building permits be obtained to ensure all structures are built in compliance with existing safety standards.
9. That operations and storage on the site be limited to materials necessary for the approved use.
10. That ADA parking requirements are met.
11. That a time frame be specified for installation of required improvements.

Mr. Dameron noted that each of these concerns appear to be addressed in the proposal presented by the applicant. He also noted that a subdivision will be required to address the area of road dedication. Mr. Dunn stated that the permanent roadway would be dedicated during the second or third year of development. Mr. Dameron clarified that roadway dedication for the existing roadway would be required for approval of the Conditional Use Permit application. Mayor Acerson clarified that the existing roadway can be dedicated at this time, and that the location of the permanent roadway can be relocated in the future if necessary.

Mr. Dunn (Mike) displayed a photograph of ADA approved restrooms located at Lindon Boat Harbor. He stated that it is his intention for build a similar restroom on this site. Mr. Dameron observed that the restroom facility will be built according to current safety standards, and that a building permit will be necessary for construction.

Mr. Dunn (Pat) clarified that temporary sewer laterals are proposed at this time, as the appropriate location for manholes is unclear until the location of the permanent roadway is determined.

Mayor Acerson inquired as to whether landscaping improvements will be installed on 200 South. He observed that this application may provide an opportunity to improve the area of 200 South. Mr. Cowie clarified that 20 feet of landscaping along public roadway frontage is a

2 typical requirement of development. Mr. Dunn (Pat) stated that the installation of grass and trees
3 along 200 South should not be problematic. Mayor Acerson requested clarification as to
4 landscaping requirements. He asked Mr. Dunn to clarify that he is willing to install landscaping
5 in compliance with City standards on 200 South. Mr. Dunn confirmed that he is willing to install
6 landscaping improvements on 200 South in addition to landscaping on the recycling operation
7 site.

8 Mayor Acerson inquired as to the timing of the three year development period, and when
9 the time period begins. Mr. Dunn (Pat) stated that it is his impression that the time period begins
10 at the time the City Council approves the application. Mr. Dameron asked Mr. Cowie if further
11 Planning Commission review of this development is necessary. Mr. Cowie stated that it will be
12 necessary for the Planning Commission to review and approve the subdivision to address the
13 area of road dedication.

14 Mayor Acerson called for further comments or discussion. Hearing none, he called for a
15 motion.

16 COUNCILMEMBER BATH MOVED TO APPROVE THE REQUEST FOR A
17 CONDITIONAL USE PERMIT FOR D&D RECYCLING FOR AN ASPHALT AND
18 CONCRETE CRUSHING AND RECYCLING FACILITY WITH THE FOLLOWING
19 CONDITIONS:

- 20 1. THAT A THREE YEAR TIME PERIOD BE ALLOWED FOR COMPLETION OF
21 REQUIRED IMPROVEMENTS AS DISCUSSED.
- 22 2. THAT THE ACCESS ROADWAY BE CONSTRUCTED TO A FULL 50 FOOT
23 WIDTH. A CRUSHED ASPHALT SURFACE WILL BE ALLOWED FOR THE
24 ACCESS ROADWAY UNTIL PLACEMENT OF THE PERMANENT ROADWAY IS
25 ESTABLISHED.
- 26 3. THAT LANDSCAPING BE INSTALLED ON 200 SOUTH ACCORDING TO
27 TYPICAL REQUIREMENTS.
- 28 4. THAT REQUIRED WATER SHARES BE TURNED IN.
- 29 5. THAT A SEWER CONNECTION BE ESTABLISHED. TEMPORARY SEWER
30 LATERALS MAY BE INSTALLED FROM THE END OF THE ASPHALT ON LOT 2
31 OF THE PREVIOUSLY APPROVED SUBDIVISION UNTIL COMPLETION OF THE
32 PERMANENT ROADWAY.
- 33 6. THAT A WATER CONNECTION BE ESTABLISHED IN ACCORDANCE WITH
34 ITEM #5.
- 35 7. THAT RESTROOMS BE CONSTRUCTED AT THE DIRECTION OF CITY STAFF,
36 AND THAT THE RESTROOMS BE IN COMPLIANCE WITH ADA STANDARDS.
- 37 8. THAT A SUBDIVISION BE RECORDED TO ADDRESS THE AREA OF ROAD
38 DEDICATION.
- 39 9. THAT A SIGHT OBSCURING FENCE BE INSTALLED ON THE RAISED BERM
40 NORTH OF THE CRUSHING OPERATION, AND THAT THE FENCE ALSO ACT
41 AS A SOUND BARRIER.
- 42 10. THAT REQUIRED BUILDING PERMITS BE OBTAINED TO ENSURE THAT ALL
43 STRUCTURES ARE BUILT IN COMPLINACE WITH EXISTING SAFETY
44 STANDARDS.
- 45 11. THAT OPERATION AND STORAGE ON THE SITE BE LIMITED TO MATERIALS
46 NECESSARY FOR THE APPROVED USE.

12. THAT ADA PARKING REQUIREMENTS ARE MET.

13. THAT THE THREE YEAR TIME PERIOD WILL COMMENCE ON JUNE 6, 2006.
COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED
AS FOLLOWS:

COUNCILMEMBER ANTHONY	NAY
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
COUNCILMEMBER HATCH	AYE

THE MOTION CARRIED (3-1) WITH ONE ABSENT.

4. **Public Hearing** – *Proposed budget for Fiscal Year 2006-2007.* The City Council will hear public comment concerning the proposed city budget for fiscal year 2006-2007, including the allocation of revenue from the water, sewer, and other enterprise funds to the general fund. One public work session and one Budget Committee meeting have been held where the budget issues were discussed. Tonight, staff will present the issues associated with the proposed budget, including changes to the city-wide fee schedule and the Council will direct staff on each issue. The public hearing for budget adoption is scheduled for June 20, 2006.

COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER THE PROPOSED 2006-2007 FISCAL YEAR BUDGET. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

City Finance Director/Treasurer, Kristen Colson, was present to address the Council regarding the proposed budget. Ms. Colson requested a few minutes to prepare materials for her presentation. Councilmember Anthony took the opportunity to introduce Ernest Silva to the Council and residents present at the meeting. Mr. Silva will chair the annual Lindon Days event this year. Mr. Silva commented that a mission statement relative to the celebration may give some direction as to what level of importance the Council places on the event. Councilmember Bayless invited Mr. Silva to formulate and present a mission statement. Mr. Silva commented that the existing organization is somewhat fragmented, and that there are some changes that he would like to implement over time.

The Council went on to discuss the budget for the celebration. Mr. Silva noted that the time period available for obtaining sponsorships and selling advertising space is somewhat limited this year. He requested a type of “open ended” funding for the event that may allow funds to be available as needed, and be reimbursed to the City at a later date as revenues are received from other sources. Mr. Silva noted that he has discussed the brochure for the celebration with Robert Evelyn, who printed the brochure last year. Mr. Evelyn suggested contacting advertisers from last year, and using the same ads in order to expedite printing of the brochures. Mr. Silva asserted that the proposed budget for the celebration is inadequate, and that it would be appropriate to designate additional funds in the budget. Mayor Acerson thanked Mr. Silva for his insight. He stated that the Council is supportive of the celebration, and would discuss appropriate funding later in the meeting.

Mayor Acerson noted that there were several residents present at the meeting to address The Council on a particular issue which could affect the budget. He suggested residents give

2 comments at this time to allow the Council to be aware of potential concerns as budget issues are
discussed. It was determined that the majority of residents were present to address street
improvements on 200 East. Mayor Acerson invited Mr. Dameron to review proposed road
4 projects this budget year. Mr. Dameron reviewed roads scheduled for resurfacing as follows:

- 6 1. 400 North from 2000 West to 2800 West
2. 2800 West from 400 North to 600 North
- 8 3. 2000 West from 200 North to 400 North
4. 200 East from 400 North to 800 North
5. 400 North from Canal Drive to 200 East

10 Mr. Dameron noted that these roads are scheduled for overlays, and that it appears at this time
that 200 East is the highest priority for funding.

12 Councilmember Anthony explained that there has been some discussion over the past
year regarding the desire of the residents along 200 East to widen the paved roadway and install
14 curb, gutter, and sidewalk improvements in order to enhance pedestrian safety. He noted that a
capital expenditure increase for 200 East is reflected in the proposed budget. He inquired as to
16 whether this budget increase is indicative of widening and installation of curb, gutter, and
sidewalk improvements. Mr. Dameron stated that the budgeted expenditures for roads is
18 reflective of an increase in the cost of materials for scheduled maintenance projects and are only
for overlays.

20 Mayor Acerson invited comment from residents present at the meeting. Ralph Nelson
noted that he has watched 400 East go from a cul-de-sac to a main thoroughfare. He suggested
22 the City investigate the possibility of a Special Improvement District which would allow
residents to pay for widening of roads, as well as curb, gutter, and sidewalk improvements over a
24 specified period of time. Mayor Acerson commented that the Council has discussed the
possibility of Special Improvement Districts, but that no action has been taken at this time. Mr.
26 Nelson expressed his support of the use of Special Improvement Districts for installation of
improvements. Mr. Nelson observed that improvements are installed by developers as outlying
28 areas of the City develop, but that there seems to be some deterioration of roads in the center of
the City where there has been no new development.

30 Susan Heninger noted that 200 East is the location of the City cemetery. She suggested
that this road should receive some special "respect" due to the location of the cemetery. Ms.
32 Heninger also commented on possible pedestrian safety issues. She felt that widening of the
road and installation of curb, gutter, and sidewalk improvements should be a high priority for the
34 City. Councilmember Bath stated that the Council is in agreement, but that the Council is also
aware of the budget constraints of the City, as well as other possible priority projects. Mr.
36 Nelson again commented that if budgeted funds are not available, it is likely that more than 50%
of affected residents would vote for a Special Improvement District which would allow
38 installation of the improvements, and repayment by residents over a period of time.

40 Leanne Thronton asserted that many citizens feel that the City does not provide a library,
a swimming pool, or a recreation center, and that streets are in need of improvement. She stated
that some residents wonder where tax revenues paid by citizens are spent.

42 Bill Heninger commented that he frequently runs on 200 East, and that it is necessary to
exercise caution to avoid injury. He observed that there are other pedestrians using the road, and
44 that it is necessary to walk in the travel lane. Mr. Heninger commented on the proposed Lindon
Heritage Trail. He questioned the claim of the Council that funds are not available for road
46 improvements when funds are being spent to construct the trail. Councilmember Bayless

2 explained that federal grant funds are being used to construct the trail, and that the trail will
3 address the concern expressed by residents for a safe area for pedestrian travel.

4 Mayor Acerson thanked residents for their comments and ideas. He stated that the City
5 Council wants to do what is right for the community. He stated that the use of a Special
6 Improvement District is a possibility, but observed that it may unduly burden some property
7 owners who are not in favor of the improvements. Mayor Acerson explained that it would be
8 necessary to implement any type of improvement plan across the City, and not just on 200 East
9 or 400 East. He stated that the City Engineer is currently developing criteria for prioritization of
10 improvement projects to allow the City to measure and prioritize various needs relating to road
11 improvements in the City.

12 Shirley Matthews suggested the possibility of eliminating sidewalks, and creating safety
13 walkways at the edge of the asphalt portion of roadway. She noted that this may be a more
14 economical approach to addressing the problem of pedestrian safety.

15 Ernest Silva commented that he has researched this issue, and found that a portion of the
16 pedestrian safety issue around schools may be a result of placement of schools by Alpine School
17 District without consulting the City. He noted that increased cost makes it difficult for the City
18 to complete improvements with available funds. He suggested that citizens involve themselves
19 in a positive manner and find a way to address the problems. He observed that funding of road
20 improvements as well as other expenditures in the City is a complex issue.

21 Gloria Barnes inquired as to the possibility that a potential Special Improvement District
22 could be placed on the ballot for the upcoming election. Mayor Acerson stated that the Council
23 will investigate the possibility of moving the issue forward, and allowing residents to voice their
24 opinion regarding funding for installation of improvements. Mayor Acerson observed that there
25 will be residents with opposing views regarding funding and installation of improvements, and
26 that the process can potentially become confrontational.

27 Gloria Barnes commented on the section of the North Union Canal which crosses 200
28 East. Several residents expressed concern regarding possible safety concerns associated with the
29 canal. Mr. Dameron explained that the canal is owned by the North Union Canal Company, and
30 that the City is not responsible for maintenance of the canal. Mayor Acerson stated that the City
31 will forward the safety concerns to the appropriate parties.

32 Mayor Acerson called for further comments from those present. There were no further
33 comments. Mayor Acerson observed that members of the Council are residents of the
34 community as well. He encouraged residents to communicate concerns to the Council, noting
35 that it is difficult to address concerns if the Council is not aware of them. He asserted that there
36 is always a solution to problems, and that if residents work cooperatively with the City, a lot can
37 be accomplished.

38 Residents left the meeting at this time. Councilmember Anthony commented that it is
39 important to the community that the City focus on corridors around schools. Councilmember
40 Bayless observed that residents present at the meeting were not all in agreement regarding what
41 improvements they would like to see. Councilmember Anthony expressed confidence that a
42 minimum of 51% of residents would agree to participate financially in installation of
43 improvements through a Special Improvement District. Mayor Acerson observed that the
44 challenge for the Council is to be consistent in implementation of road widening projects
45 throughout the City. He stated that it is necessary to establish an appropriate mechanism to
46 implement programs with available funds. Councilmember Bath observed that there may be an
equal number of residents opposed to the installation of wider roads and curb, gutter, and

sidewalk improvements. Councilmember Bayless observed that wider streets create an additional safety issue associated with higher vehicle speeds.

Mayor Acerson invited Ms. Colson to present preliminary budget figures at this time. Ms. Colson began with review of proposed fee schedule changes. She noted that the majority of fee changes are due to increased noticing requirements associated with LUDMA regulations. The proposed fee increases are intended to offset the increased cost incurred by the City to comply with various LUDMA regulations. Ms. Colson mentioned the 8% annual interest fee charged for weed abatements and other assessments on property. Mr. Dameron noted that rather than adjusting the interest rate annually, the City has designated a moderate interest rate that remains consistent from year to year.

Ms. Colson discussed plans to provide internet and credit card payments for utility bills and other payments to the City. She requested direction from the Council regarding charging a convenience fee on electronic transactions to cover the fee charged to the City. She noted that the proposed \$1.50 convenience fee would offset the expense incurred by the City to provide this service to residents. Ms. Colson noted that the City currently allows payments with a debit card, and the City covers the cost of the fees associated with these transactions. She noted that the fee associated with a debit card transaction is lower due to the fact that a PIN number is required, and the transaction is more secure. The Council will discuss credit card fees further at the next regular meeting.

Ms. Colson went on to review General Fund revenues and expenditures. She observed that the city wide budget is approximately 17.3 million dollars, with the General Fund accounting for approximately one third of the total budget. Councilmember Anthony noted that the funds designated for 700 North construction make up a significant amount of the revenues shown in the budget this year, and that the total budget reflects revenue sources such as loan funds. Councilmember Anthony noted that it would be beneficial for residents to understand various funding sources, and the methods used to disperse funds to meet the needs of the City. Mr. Dameron noted that property tax revenues, mentioned by residents present during the discussion this evening, account for only approximately one million dollars of the budget. He observed that property tax revenues are nearly equal to the cost to provide public safety services to residents.

Ms. Colson went on to review proposed capital expenditure projects, including construction of a small pavilion in the City Center Park, as well as maintenance and remodeling for the City Center building, and park projects in Hollow Park, Squaw Hollow Park, Pioneer Park, and Pheasant Brook Park, as well as the property purchase for Keenland Park.

Councilmember Anthony requested some discussion regarding a specific increase to the budget for Lindon Days. Councilmember Bayless inquired as to the number of years the Lindon Days budget has been at the current level. Ms. Colson stated that the current budget amount was established in 1999. Councilmember Bath felt that due to the number of years since any budget increase, a \$10,000 increase would be appropriate. He noted that participation of residents has grown over the years, and that costs have increased. Councilmember Anthony noted that he observed a lot of pressure last year to provide outside funding sources for the celebration. He noted that over time, the event may become totally self funded as the quality of the celebration increases and additional sponsorships are established. Mr. Silva noted that accounting procedures of various events has been inadequate, and that additional accountability should be phased in over time to establish accurate revenues and expenditures for various events. The Council discussed whether it would be appropriate to increase the budget by \$10,000 or

2 \$15,000. Ms. Colson noted that some additional expenditures, such as postage for mailing the
brochures, which have been paid by the City in addition to the established budget, could be
included in an increased budget for the event.

4 Councilmember Bayless noted that the budget for the Historic Preservation Commission
should be considered for an increase as well. She noted that members of the Commission are a
6 dynamic group, and have several projects they would like to complete. The Council will discuss
a specific increase amount during final review of the budget during the public hearing at the next
8 regular meeting.

10 Ms. Colson went on to review various budget issues for consideration by the
Council. The first issue discussed was a rate increase requested by Allied Waste. The requested
rate increase includes a 1.5% cost of living increase and 3.5% increase due to rising fuel prices.
12 Larry Gibbons of Allied Waste was present to address the Council regarding this request. Mr.
Gibbons presented various figures to justify the requested increase. Mr. Gibbons noted that
14 various services, such as Christmas tree pick-up, have been added to the contract at no additional
charge. He also commented that fuel costs have increased 38%. Mr. Gibbons observed that the
16 requested 5% total rate increase would be approximately forty cents per household less than the
rate charged prior to entering into the current five year contract. Mayor Acerson commented that
18 a “cushion” was likely included in the bid for the current contract. Mr. Gibbons stated that some
amount of cushion was built into the bid, but that actual costs have exceeded the built in amount
20 in the current fees. It was the general feeling of the Council that a 3.5% increase to cover fuel
costs would be reasonable, but that the additional 1.5% could not be justified.

22 The second issue discussed by Ms. Colson was a proposed 3.5% increase in water and
sewer rates. Mr. Dameron noted that an annual CPI rate increase eliminates the need for larger
24 rate increases. Councilmember Anthony noted that an annual CPI increase is consistent and
predictable for residents. Councilmember Anthony expressed concern regarding the use of a
26 national index to determine appropriate rate increases. He suggested the use of a local or
regional index, which he felt would more accurately reflect the actual increase in the local cost of
28 living.

30 Ms. Colson went on to discuss proposed personnel increases. Proposed changes include
increasing the time for the Assistant Public Works Secretary from 7.5 to 20 hours per week and
the Assistant Development Secretary from 20 to 30 hours per week. Councilmembers expressed
32 support of these proposed increases. Councilmember Anthony noted that increasing the Assistant
Public Works Secretary position to 20 hours per week would provide a significant benefit to the
34 City without a significant increase in cost. Mr. Cowie commented that the proposed increase in
Community Development will address the increase in workload due to LUDMA requirements.

36 The next issue discussed by the Council was proposed COLA and merit pay increases for
City employees. Ms. Colson proposed a 3.5% COLA increase in July, with merit increases
38 available to employees who meet predetermined criteria in January. Councilmember Bayless
stated that the proposed increase is consistent with past pay increases.

40 The Council went on to discuss an increase in health insurance rates. Ms. Colson
explained that rates are expected to increase by 17.3% this year. She requested direction from
42 the Council as to whether the City should cover the increased cost, or if the cost or a portion of
the cost should be passed on to employees. Mr. Dameron observed that last year, employees
44 opted to take health coverage with lower benefits and increased out of pocket expense in order to
lower premiums as much as possible. Councilmember Bath felt that employees have already
46 absorbed a significant cost increase, and that the City should pay the increase this year with no

2 additional expense to employees. Councilmember Anthony agreed that the City should absorb
the cost this year, but suggested that some criteria be established to increase the amount paid by
employees in a predictable manner over the long term.

4 The final budget issue discussed by the Council is the proposed purchase of a TV van for
the Sewer Division at an estimated cost of \$100,000. Public Works Director, Don Peterson,
6 addressed the Council by speaker phone regarding this request. Mr. Dameron explained that the
van currently being used for this operation is approximately 30 years old, and has been upgraded
8 several times. If a new van is not purchased, additional upgrades to the existing equipment will
be necessary in order to make the equipment compatible with current GIS and digital technology.
10 Mr. Peterson stated that necessary upgrades would cost approximately \$52,000. Mayor Acerson
observed that the cost difference between retrofitting the existing van and purchasing a new van
12 and new equipment is approximately \$48,000. Councilmember Bath observed that the existing
van is thirty years old, and has been used by the City for approximately 21 years. He felt that the
14 actual cost of retrofitting and maintenance on the existing van may in fact be higher than
purchasing the new van and associated equipment. Councilmember Hatch expressed that he felt
16 purchase of the new equipment would be appropriate. Councilmember Anthony felt that
adequate infrastructure maintenance is important, and that the new equipment would provide the
18 best maintenance program possible.

Mayor Acerson thanked Ms. Colson for her time in presenting the preliminary budget.
20 The final public hearing for the 2006-2007 fiscal year budget will be held during the next regular
City Council meeting on June 20, 2006.

22
COUNCILMEMBER BATH MOVED TO CLOSE THE PUBLIC HEARING TO
24 CONSIDER THE PROPOSED 2006-2007 FISCAL YEAR BUDGET. COUNCILMEMBER
ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
26 MOTION CARRIED.

28 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE REGULAR CITY
COUNCIL MEETING AND CONVENE THE REDEVELOPMENT AGENCY MEETING AT
30 11:02 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

32
COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MUNICIPAL
34 BUILDING AUTHORITY AND RECONVENE THE REGULAR CITY COUNCIL MEETING
AT 11:10 P.M. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT
36 VOTED IN FAVOR. THE MOTION CARRIED.

- 38 5. **Public Hearing** – *Ordinance Amending Chapter 13.23 of the Lindon City Code – Storm*
40 *Drainage (#2006-9)*. The City Council will hear public comment and possibly act to
approve an ordinance which will amend Chapter 13.23 relating to Storm Drainage
requirements within the city.

42
COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO
44 CONSIDER ORDINANCE #2006-9 AMENDING LCC CHAPTER 13.23 – STORM
DRAINAGE. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT
46 VOTED IN FAVOR. THE MOTION CARRIED.

2 Mr. Dameron explained that this proposed Ordinance addresses the current storm water
3 management plan. He stated that the proposed changes have been reviewed by the City
4 Engineer, City Attorney, and Storm Water Superintendent. Mr. Dameron noted that adequate
5 review of the proposed changes may take some time. He suggested that due to the late hour, this
6 item be continued for review at a future meeting.

8 COUNCILMEMBER BAYLESS MOVED TO CONTINUE THE PUBLIC HEARING
9 TO CONSIDER ORDINANCE #2006-9 AMENDING LCC CHAPTER 13.23 – STORM
10 DRAINAGE. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT
11 VOTED IN FAVOR. THE MOTION CARRIED.

- 12
13 6. **Review and Action** – *Agreement with UTOPIA for Locating a Fiber Optic Cabinet.*
14 This is a request by staff for the Council’s consideration for approval of an agreement
15 with UTOPIA for location of a fiber optic cabinet on City property.

16
17 Mr. Dameron explained that the terms of this agreement are the same as agreements
18 previously approved for locations of other fiber optic cabinets associated with the UTOPIA
19 project. He stated that the location of this proposed cabinet is on the detention basin at Dry
20 Canyon Drive. Councilmember Bayless inquired as to the total number of cabinets associated
21 with the project. Mr. Dameron stated that he anticipates the location of at least two, and possibly
22 three, additional cabinets.

24 COUNCILMEMBER BATH MOVED TO APPROVE THE AGREEMENT WITH
25 UTOPIA FOR LOCATION OF A FIBER OPTIC CABINET ON CITY PROPERTY.
26 COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED
27 AS FOLLOWS:

28 COUNCILMEMBER ANTHONY AYE
29 COUNCILMEMBER BATH AYE
30 COUNCILMEMBER BAYLESS NAY
31 COUNCILMEMBER HATCH AYE
32 THE MOTION CARRIED (3-1) WITH ONE ABSENT.

34 **COUNCIL REPORTS** –

36 **WATER, SEWER, SOLID WASTE, HOUSING CONSORTIUM** –

38 Councilmember Hatch had no items to report.

40 **TRAILS, PLANNING, ZONING, BOARD OF ADJUSTMENTS, ADMINISTRATION** –

42 Councilmember Bayless stated that she would like to express to the City Council how
43 impressed she is with the Planning Commission. She noted that they “work hard, and do a good
44 job” in reviewing applications before them.

46 **PUBLIC SAFETY, COURT, BUILDING INSPECTIONS** –

2 Councilmember Bath suggested that Councilmember Anthony contact those who flew
balloons during the Lindon Days celebration as soon as possible regarding the event this year.
4 Councilmember Anthony will forward the information to Mr. Silva as soon as possible.

6 **PARKS, RECREATION, ENGINEERING, LINDON FAIR, NEWSLETTER** –

8 Councilmember Anthony inquired as to whether any other councilmembers had received
an e-mail regarding a possible increase in rates for Pleasant Grove swimming pool. Mayor
10 Acerson stated that he will discuss the matter further with Mayor Daniels. Councilmember
Bayless suggested that Councilmember Anthony contact residents regarding purchase of
12 property for Hollow Park. She noted that it will likely be more expensive to acquire the property
from a developer than from the family, and that the family is aggressively marketing the
14 property.

16 **GENERAL PLAN, STREETS & SIDEWALKS, PUBLIC BUILDINGS** –

18 Councilmember Carpenter was not present at the meeting.

20 **ADMINISTRATOR'S REPORT** –

22 Mr. Dameron reported to the Council on a petition the City has received regarding the
sale of property to Phil Windley. Mr. Dameron stated that he has made some effort to explain
24 the City's position regarding the property sale to Scott Schwert and Paul Newton. Mr. Dameron
stated that one complaint expressed by residents is that no public hearing was held regarding the
26 property purchase. He noted that City ordinance does not require a public hearing for the sale of
a small parcel. Mayor Acerson suggested that the minutes of approval of the property sale be
28 forwarded to Mr. Newton. He noted that there may be a conflict of interest if Mr. Newton were
to represent the citizens if they elect to move forward with the process. Mr. Dameron inquired as
30 to whether the Council felt it would be appropriate to request that Mr. Windley stop work on the
property until legal issues are resolved. Councilmember Anthony felt it would be appropriate to
32 make the request out of consideration for residents who have expressed concerns. Mayor
Acerson felt that Mr. Windley would be amenable to the request to stop work until relevant
34 issues are resolved. He noted that the City can not require that work be stopped, but that the
request can be made.

36 Councilmember Anthony commented on a package given to him by a Lindon resident
regarding implementation of child appropriate standards in the community. The package
38 included sample resolutions from other cities. Mayor Acerson suggested that Councilmember
Anthony invite the resident to attend a City Council meeting and present the request to the
40 Council for consideration. Councilmember Anthony inquired as to whether it would be
appropriate to list the request as an agenda item, or whether it would be appropriate to address it
42 during the open session segment of the meeting. Mr. Dameron noted that no action can be taken
if issues are not listed as agenda items, but that initial review during the open session would be
44 appropriate.

46 Mr. Dameron presented a first draft of the Development Agreement with David Fryer
regarding the boundary line adjustment. Mr. Dameron requested that the Council review the

2 draft. He noted that he hoped he could schedule this as an agenda item at the June 20, 2006
meeting.

4 Mr. Dameron stated that RB Construction was awarded the bid for construction of Squaw
Hollow Park, but has asked to be released from the contract. He stated that Chad Broderick
6 Construction was the second low bidder. Mr. Dameron observed that the bid submitted by Chad
Broderick Construction is approximately 6.2% higher than the low bid, but that it is not
8 substantially higher than the engineering estimate for the project. He informed the Council that
this issue will be addressed as an agenda item at the June 20, 2006 meeting.

10 The Council reviewed the project tracking list. Mr. Dameron noted that the list has
increased in size recently. He stated that the City will meet with Rene Brereton to discuss
12 purchase of the historic Bishop's Tithing Office. Ms. Brereton has expressed initial interest in
selling a portion of the property to the City and applying for a preliminary deep lot development
on the remaining property.

14 Mr. Dameron presented results of a traffic study on 800 West. He inquired as to whether
the Council felt further study should be conducted regarding traffic speed in the area. The
16 general feeling of the Council was that it would be appropriate to conduct further studies to
determine if traffic calming measures would be appropriate in the area.

18 Mr. Dameron reviewed the dates and times of various meetings, including the Lindon
Heritage Trail open house on June 15th from 6:00 p.m. to 8:00 p.m.

20 Mr. Dameron reported that there are currently 360 recycling accounts.

22 Mr. Dameron stated that Don Peterson has commented that residents are not willingly
adhering to the "no watering hours" between 10:00 a.m. and 6:00 p.m. Mr. Peterson explained
24 that widespread enforcement is not feasible, and suggested a mailing to residents reminding them
of the no watering hours. Mayor Acerson suggested that information also be dispersed through
LDS Wards reminding residents of water restrictions.

26 Mr. Dameron commented on the 200 South widening project. He noted that there are
still unresolved issues with one homeowner which need to be addressed prior to bidding out the
28 project.

30 COUNCILMEMBER BATH MOVED TO APPROVE THE PAY VOUCHERS.
COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN
32 FAVOR. THE MOTION CARRIED.

34 **ADJOURN** –

36 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT 11:50
P.M. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN
38 FAVOR. THE MOTION CARRIED.

40 APPROVED – June 20, 2006

42
44 _____
Ott H. Dameron, City Administrator/Recorder

