

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, November 15,**
3 **2011** beginning at 7:00 p.m. 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: Nathan Winters, Troop 160
7 Invocation: Jerald Hatch

8 **PRESENT**

ABSENT

9 James A. Dain, Mayor
10 Lindsey Bayless, Councilmember
11 Bruce Carpenter, Councilmember
12 Bret Frampton, Councilmember
13 Jerald I. Hatch, Councilmember
14 Mark L. Walker, 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 7:05 p.m.

20
21 **MINUTES** – The minutes of the regular meeting of October 18, 2011 were reviewed.

22
23 COUNCILMEMBER WALKER MOVED TO APPROVE THE MINUTES OF
24 THE MEETING OF OCTOBER 18, 2011 AS AMENDED. COUNCILMEMBER
25 FRAMPTON SECONDED THE MOTION. THE VOTE WAS RECORDED AS
26 FOLLOWS:

27 COUNCILMEMBER BAYLESS AYE
28 COUNCILMEMBER CARPENTER AYE
29 COUNCILMEMBER FRAMPTON AYE
30 COUNCILMEMBER HATCH AYE
31 COUNCILMEMBER WALKER AYE
32 THE MOTION CARRIED UNANIMOUSLY.
33

34 The minutes of the regular meeting of November 1, 2011 were reviewed.

35
36 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF
37 THE MEETING OF NOVEMBER 1, 2011 AS AMENDED. COUNCILMEMBER
38 HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

39 COUNCILMEMBER BAYLESS AYE
40 COUNCILMEMBER CARPENTER AYE
41 COUNCILMEMBER FRAMPTON AYE
42 COUNCILMEMBER HATCH AYE
43 COUNCILMEMBER WALKER AYE
44 THE MOTION CARRIED UNANIMOUSLY.
45
46

2 **PRESENTATION** – The Mayor and the City Council will recognize Kristen Colson,
4 Finance Director, with a plaque for her successful efforts in obtaining the Certificate of
Achievement for Excellence in Financial Reporting for the city’s third Comprehensive
Annual Financial Report (CAFR). This is an outstanding and notable achievement.

6 Kristen Colson, Lindon City Finance Director was in attendance and was
presented a plaque by Mayor Dain for her successful efforts in obtaining the Certificate
8 of Achievement for Excellence in Financial Reporting for the City’s third Comprehensive
Annual Financial Report (CAFR). Mayor Dain commented that this is an outstanding
10 and notable achievement and thanked Mrs. Colson for all of her excellent work and
dedication to the City. Councilmember Hatch added that not many cities achieve this
12 award.

14 **PRESENTATION** – Utah County Health Department will present the Council with “No
Smoking” signs to be placed in the City Parks.

16 The Utah County Health Department postponed the presentation for another
18 meeting.

20 **OPEN SESSION** – Mayor Dain called for comments from any audience member who
wished to address an issue not listed as an agenda item. Eric and Amy Barzeele
22 approached the council. They thanked the council for their input at the last meeting that
they were in attendance. They went on to say that there have been a couple of issues
24 recently that they would like to discuss or set a time to get on the agenda. The first issue
being the storm water on Main Street. The Barzeeles stated that they are in disagreement
26 with the City Engineer on how to deal with this issue, and they would like the City
Council to give their input on this development. The other item is parking issues.

28 Mayor Dain asked Mr. Dameron if he thought Mark Christensen, Lindon City
Engineer, should be in attendance to address these issues. Mr. Dameron suggested a
30 meeting with just a few council members and the City Engineer. He also stated that the
Barzeeles would not need to meet with the full Council unless the issues cannot be
32 worked out. The Barzeeles also inquired how the City has laid out the variance process.
Councilmember Bayless replied that it is state law how the variance process is handled
34 and the Council has no control over it. Mayor Dain stated that it would be beneficial to
have a small work group and work out these issues and bring some clear and concise
36 questions back to the Council. Councilmember Hatch and Councilmember Frampton, Ott
Dameron, Mark Christensen (City Engineer) and Adam Cowie (Planning Director) will
38 meet with the Barzeeles at a Development Review Committee meeting. Mr. Cowie will
coordinate a time for the meeting and notify the Barzeeles. The Barzeeles thanked the
40 council for their time. Mayor Dain asked if there were any other questions or comments
from any audience member. Being no other comments he moved on to the next agenda
42 item

44 **MAYOR'S COMMENTS/REPORT** – Mayor Dain commented that Lindon used to be
one Legislative and Senate District and is now divided. Mayor Dain stated that Val
46 Peterson is the Legislator for everything west of 4th East, and everything east of 4th east

is Steve Sandstrom. On the Senate side, Margaret Dayton will take over the west side and John Valentine will continue on the east side. Mayor Dain stated that he had copies of the redistricting maps for the Councilmember's to see how the districts are divided. Mayor Dain further stated that the new Legislator, Val Peterson, has invited Mr. Dameron and the Mayor to lunch. He also stated that they have developed a great relationship with new mayor of Orem, Jim Evans, and the City Manager, Bruce Chestnut. Mayor Dain expressed his appreciation to the new Mayor for the services they provide on sewer, fire and EMS. He also complimented Orem City for the response times for police, fire and EMS calls.

Mayor Dain also mentioned that Lindon resident, Mike Anderson, had a heart attack and the response time was approximately 2 minutes. He further noted that Mr. Anderson is doing better. Mayor Dain also extended his thanks and appreciation to Chief Cullimore. Mayor Dain also reported on the upcoming Thanksgiving Day dinner, where over 150 volunteers have signed up. He also noted that over 350 guests were in attendance last year, and they are expecting more this year.

CONSENT AGENDA –

No Items

CURRENT BUSINESS -

1. **Public Hearing** – *Lindon City General Plan Adoption*. The City Council will hear public comment and possibly act to approve the adoption of the city's General Plan as recommended by the Planning Commission and reviewed by the City Council over six different public hearings. The General Plan is normally updated every five years.

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

Mr. Cowie stated that there have been many discussions on the general plan and the plan will be adopted tonight. The Council reviewed the whole document at their last meeting and there have been one or two paragraphs added that discussed the survey in 2010 and the dates of the open houses. Mr. Cowie also stated that other than those two changes there were not any other changes since it was reviewed. He then asked if there were any specific questions. Councilmember Bayless commented that she had missed two meetings in October. She expressed her concerns regarding the limited number of duplexes and triplexes which appear as single family dwellings; she stated that she has concerns that the language may be too loose.

Mr. Cowie stated that the wording was in the previous document and carried over. He also suggested that the whole sentence could be stricken. Councilmember Carpenter suggested striking the clause. The Council agreed to strike the clause between the commas as follows: a limited number of duplexes or triplexes which appear as single family dwellings. Councilmember Carpenter thanked the Planning Commission and

Councilmember Bayless for all of their hard work on the General Plan this past year.
Mayor Dain asked if there were any public comment. Being none he called for a motion.

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

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE LINDON CITY GENERAL PLAN AS AMENDED. COUNCILMEMBER CARPENTER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

| | |
|-------------------------|-----|
| COUNCILMEMBER BAYLESS | AYE |
| COUNCILMEMBER CARPENTER | AYE |
| COUNCILMEMBER FRAMPTON | AYE |
| COUNCILMEMBER HATCH | AYE |
| COUNCILMEMBER WALKER | AYE |

THE MOTION CARRIED UNANIMOUSLY.

2. **Review and Action** – *Amended and Restated Pledge and Loan Agreement – UTOPIA (Resolution #2011-13-R)*. This is a request from UTOPIA for the City Council’s approval of the second amended and restated pledge and loan agreement. This is a result of extensive negotiations with Key Bank and Bank of America to purchase the existing debt of UTOPIA. The city’s obligation will not change. This refunding allows for a reduction of the debt service reserve fund and eliminates the need for a Letter of Credit and associated fees, and saves \$117 million over the life of the bonds.

Mr. Dameron introduced Dave Shaw, representing UTOPIA, who was in attendance to present this issue and answer any questions. Mr. Shaw stated that this is a request for the city to enter into a second amended and restated pledge and loan agreement relative to Utopia. He further stated that in 2008 Utopia refinanced the original debt; it did so because the federal government had approved a loan to Utopia and frankly did not fulfill all the terms of the loan. As a result, the cities of Utopia determined to increase the size and duration of their pledges, which allowed for the refinancing of the debt. This was prior to the collapse of the economy. He further discussed that Utopia refinanced their debt in June of 2008 with a new business plan to move forward. The plan involved a variable rate debt to be swapped to a synthetic fixed rate debt. The fixed rate was set at the parameter of the bond market based on historical data. The historical data that was used was reasonable and rational but the collapse of the bond market was not foreseeable. The spread between the variable rate index and the fixed rate index was planned to be five basis points, but due to the market commotion, that spread reached as far as 300 basis points, which is very extraordinary. The average since 2008 is 40 basis points.

Mr. Shaw further discussed that nobody anticipated that this would happen, and as a result something has occurred that was not anticipated, the cities, as they make their sales tax pledge payments, do not fully cover the bond payment of Utopia, which set ups a scenario that Utopia may default on their bonds. This has nothing to do with the

2 success or lack of success of Utopia, but everything to do with the market commotion and
4 what happened relative to the spread in the markets. Mr. Shaw went on to say that they
6 have been working the past 2 years, anticipating that there would be a future problem
8 with the lenders, to find a solution but not without turmoil. Mr. Shaw also stated that as
10 of the last 6 months their bankers have been working diligently to find a solution and
12 have turned into very good partners. Mr. Shaw then noted the solution is, that instead of
the variable fixed rate spread being tied to the markets, it will instead be tied to the
collateral. In other words, the spread will never exceed the sales tax payments made by
the cities. Under the new bond transaction, they will refinance Utopias debt and the
banks will agree to hold the bonds in house as part of their portfolio, which is not
historically done. He also mentioned that the banks have agreed to accept, as payment on
bonds, the full sales tax payments of the cities.

Mr. Shaw noted that what is needed is an amendment to the pledge agreement to
recognize that the mechanics of the deal change. He went on to say that currently what
happens is there is a shortfall on Utopia's debt service reserve fund, which there has been
for some time now, the cities are notified on a monthly basis as to the amount of the
shortfall, and they have 365 days to replenish their respective portion of that short fall.
Mr. Shaw noted that under the new scenario the cities will make their payment on a
regular monthly basis, which makes the predictability of the payment more routine. He
further noted under the new structure the total annual amount of the pledge will be
divided by 12 and that will be the monthly payment. Instead of it being a replenishment
mechanism it will be a payment obligation to the city to make the monthly payment for
the life of the bonds. Under the current scenario, as Utopia's net revenues increase, the
replenishment obligation goes away. Under the new structure, Utopia will have a
contractual obligation that as net revenues come in, those revenues will be returned to the
cities to offset the pledge payments, so from a financial perspective it is the same, from a
mechanics perspective it is not. Mr. Shaw further discussed on a typical bond transaction
the lender would require a debt service reserve fund, which is typically 10% of the
amount of the bond. The bond does not change; it is still 185 million dollars. Instead of
the 10% debt service reserve fund, which is customary, the lenders have asked for a
900,000 reserve fund to be funded out of net revenues before payments are returned to
the cities. This is a modest reserve fund, in the scope of things, and before the pledges
would be offset under this scenario, that reserve fund would need to be funded, but after
that occurs, any net revenues will be returned to the cities. Mr. Shaw stated that as long
as the cities make their sales tax payments, Utopia will never have a payment default on
the bond. So what is needed from the pledging member cities is to enter into an amended
and restated pledge and loan agreement that reflects the mechanics of the new
transaction. Some important points relative to the second amended and restated pledge
and loan agreement are as follows:

1. The amount of the pledge does not increase.
2. Duration of the pledge will not increase.
3. Payments of the sales tax pledges continue to constitute loans to Utopia.

Mr. Shaw continued to say the remaining material terms of the agreement do not
change, what changes under second amended and restated pledge and loan agreement, are

2 the mechanics of the financing and reflects the fact that the cities will make the payment
and there is a potential for an offset down the road.

4 Councilmember Walker asked Mr. Shaw what would happen if one of the
member cities does not make their payment. Mr. Shaw replied that under a default
6 scenario Utopia would be charged by the banks a 12% interest rate and also required by
the banks to pursue collection activity against the defaulting member. Mr. Shaw also
8 noted that there is a provision in the pledge agreement that allows Utopia to intercept the
sales tax from the tax commission and hopefully that never occurs. If a city were to fail
to pay, Utopia would have the obligation to pursue collections. Mr. Shaw further stated
10 that the Pledge and Loan agreement is required to change the mechanics to bring in line
with the re-financing structure, and this agreement does not change any of the material
12 terms. This is the best financing transaction he has had the privilege of bringing in front
of the cities and is very positive. Councilmember Bayless stated that this is a banner
14 scenario for Utopia and asked Mr. Dameron how he feels about the annual commitment.
Mr. Dameron stated this is so much better in its whole aspect. This is a positive move
16 forward rather than a defensive move which we have encountered in the past. This
actually gives the City certainty relative to the budget for each month's payment. There is
18 no letter of credit fee which would spike the payments, so overall this is a very positive
step forward for the city. Councilmember Frampton stated that regardless of feelings
20 towards Utopia in the past; this agreement is something that will just move the City
forward. Mr. Shaw agreed and also stated that whether you are for or against Utopia this
22 will solidify the rights of the cities.

24 Councilmember Walker stated that the problem is not the refinance, but added
that he has never felt comfortable with this and all of the changes, and is very frustrated.
Mr. Dameron commented that the front end of this occurred years ago, and he further
26 noted that we can make it better tonight and this is better scenario. Mr. Shaw commented
that if this agreement does not occur we are on extremely rocky ground. He further noted
28 that the take rate of success is one thing that is certain. He further noted that the more
who utilize Utopia the less tax money will be used. Councilmember Walker asked how
30 many years it will take until this will be in the black. Mr. Shaw stated that, assuming take
rates are achieved, within the next 5 years to see some offset, or possibly sooner. He also
32 noted that Lindon City has a take rate of 32%, which is one of the highest, and stated that
the new marketing efforts are well under way. Mr. Shaw thanked the Mayor and the
34 Council for their time and consideration. Mayor Dain asked if there were any further
questions. Being none, he called for a motion.

36
38 COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION
#2011-13-R, ADOPTING THE AMENDED AND RESTATED PLEDGE AND LOAN
AGREEMENT AND AUTHORIZE THE MAYOR TO SIGN ALL RELATED
40 DOCUMENTS TO THE TRANSACTION. COUNCILMEMBER HATCH
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

42
44 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
46 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER HATCH AYE

COUNCILMEMBER WALKER NAY
2 THE MOTION CARRIED WITH 4 AYE AND 1 NAY.

4 3. **Review and Action** – *Storm Drain Master Plan and Capital Facilities Plan*. This
6 is a request by staff for the City Council’s review and approval of the Lindon City
8 Storm Drain Master Plan and Capital Facilities Plan. This document has been
10 under development for a year and was completed by David Thurgood before his
12 retirement. The plans give staff guidance on the completion of the city’s storm
14 drainage system.

16 Mark Christensen, City Engineer, was in attendance to discuss this issue. Mr.
18 Christensen gave an update to a plan that was implemented in 1997 to identify
20 improvements to the storm drainage system between now and build out of the city. He
22 further noted that Lindon City is in exceptional shape thanks to the foresight of previous
24 councils and public works administration and David Thurgood. There are approximately
26 10 million dollars worth of projects needed between now and build out, and about half of
28 those costs will be shared with adjacent cities. Mr. Christensen asked if there were any
30 questions at this point. Councilmember Bayless asked if this is part of fulfilling the EPA
32 requirements. Mr. Christensen stated that it is not.

34 Mr. Christensen further reported that the new requirements deal with quantity and
36 quality of water (mainly quantity). He added that most of the water quality issues are on a
38 site by site basis and not on a regional basis, and he also noted that this plan deals with
40 regional type improvements. Councilmember Bayless commented that she appreciates
42 all of the work that Mr. Christensen and Dave Thurgood have done with stormwater.

44 Mr. Dameron stated that they have met with Don Peterson and Paul Miller and
46 they have gone over this plan very well. Mr. Dameron noted that this is a good plan to
move forward. Mr. Christensen further noted and that this will not affect impact fees,
however, when they do decide to reevaluate impact fees there will need to be a little more
work done. Mr. Christensen also stated that they do know what is needed between now
and build out. Mr. Christensen asked if there were any further comments or questions.
Mr. Dameron stated that this plan gives Mr. Christensen and Mr. Peterson a direction to
follow regarding which projects are more critical etc., and they will prioritize as they are
funded. Mayor Dain asked if there were any further questions. Being none he called for
a motion.

36 COUNCILMEMBER WALKER MOVED TO APPROVE THE STORM DRAIN
38 MASTER PLAN AND CAPITAL FACILITIES PLAN. COUNCILMEMBER HATCH
40 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

40 COUNCILMEMBER BAYLESS AYE
42 COUNCILMEMBER CARPENTER AYE
44 COUNCILMEMBER FRAMPTON AYE
46 COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY.

2 4. **Review and Action** – *Irrigation Shares Required at Time of Development*
3 (Resolution #2011-14-R). This is a request by staff for the City Council’s
4 approval of the formalization of the methodology used to determine the number of
5 North Union Irrigation Company shares (or equivalent) required per net acre of
6 land being developed.

7 Mark Christensen was in attendance to discuss this issue. Mr. Christensen stated
8 that when the pressurized irrigation system was built, water shares were required to be
9 turned in to the city. It was estimated at the time that the amount of water needed was
10 one (1) share of north union water per one (1) net acre of development. Now, almost 20
11 years later, there is data that shows water use and what the shares provide, and what they
12 deliver to the city. The obligation of the city is to provide pressurized irrigation when
13 needed and culinary water year round. All water shares that we take in when
14 development occurs are used in the pressurized irrigation system. There are primarily
15 two (2) sources, Provo Bench and North Union and the rights they have are proportional
16 to the natural flow of the Provo River. In years when there is a lot of flow, the
17 percentage (quantity) of water is larger, and less in less flow years, but we still need to
18 provide water in the dry times of the year.

19 Mr. Christensen noted that the amount of water during August is looked at, which
20 is the highest demand time, and which also coincides with the least amount of water that
21 can be provided to the residents. Mr. Christensen stated that when the reservoir was
22 built, the irrigation companies bought storage rights to supplement the percentage of the
23 natural river flow. He went on to say that the law recently gave people (developers) the
24 right to see the justification. Mr. Dameron pointed out this has been the method used for
25 justification in past years. Dave Thurgood, City Engineer, suggested formalizing this
26 policy simply because questions are asked and the policy can be presented. Mr.
27 Christensen added that there are not any changes just justification and formalization.

28 Mayor Dain asked if there were any further questions. Being none he called for a
29 motion.

30 COUNCILMEMBER HATCH MOVED TO APPROVE RESOLUTION #2011-
31 14-R IRRIGATION SHARES REQUIRED AT TIME OF DEVELOPMENT.

32 COUNCILMEMBER FRAMTPON SECONDED THE MOTION. THE VOTE WAS
33 RECORDED AS FOLLOWS:

34 COUNCILMEMBER BAYLESS AYE
35 COUNCILMEMBER CARPENTER AYE
36 COUNCILMEMBER FRAMPTON AYE
37 COUNCILMEMBER HATCH AYE
38 COUNCILMEMBER WALKER AYE

39 THE MOTION CARRIED UNANIMOUSLY.

40
41 5. **Report** – *Lindon Aquatics Center Operational Report 2011 Season*. This item is
42 the operational report for the Lindon Aquatics Center for the 2011 season. Heath
43 Bateman, Parks and Recreation Director, will present the report to the City
44 Council.
45
46

2 Heath Batemen, Parks and Recreation Director, was in attendance to report on the
aquatics center season. He thanked Brooke Jordan and Daniel Adair for doing a great
4 job, and noted that they will be back next year. Mr. Bateman reported that there were
63,470 people in attendance in 2011, which is down from previous years due to bad
6 weather days. Mr. Batemen also reported the flow rider admissions totaled \$31,140. Mr.
Batemen then reported on accidents and incidents from 2011; noting that there were no
8 life threatening emergencies and only 64 minor incidents. With regard to rescues and
assists, there were 20 documented rescue reports, but not any that were life threatening
and did not require EMS to be called.

10 Mr. Batemen stated there were 210 Lindon day's coupons issued, and 1,201
people were admitted from those coupons, which was good usage. There were also 552
12 swim diapers sold at \$2 a piece. Mr. Batemen also reported on the Rubber ducky derby
sponsored by the Make a Wish Foundation. Over 140 kids and families came to the
14 event and there were 10,000 ducks in the lazy river this year. Mr. Batemen noted that the
Flow Tour was a big success, and the costs were covered. He then covered the Aquatics
16 programs including Flow rider, swim lessons, and junior life guarding. Mr. Batemen
then gave the concessions report. He noted that Hogie Yogie transferred to Sopra brands,
18 which brought poor food quality. They have since gone out of business. Mr. Batemen
noted that people want less expensive items like snow cones etc. The City did make
20 \$10,000 plus last year from concessions. He also noted that Norton Industries provides
the cleaning at the aquatics center. Mr. Batemen added that the winterization has been
22 completed.

24 Mr. Batemen reported there were 26 private parties, and five special school
rentals. There was some discussion regarding night time parties and installing lights. It
was agreed to discuss this issue further. Mr. Batemen also noted that concessions owes
26 the city \$10,000 plus and the issue has gone to Brain Haws, City Attorney; he also noted
that we still have some of their equipment, and it may go to litigation. Mr. Batemen then
28 went over the financial summary sheet.

30 In conclusion, Mr. Batemen stated pools can be 100 % operationally self
sustaining if everything is done right. He also stated that most public pools need to be
32 subsidized. Mr. Batemen asked if there were any questions. He also thanked the Council
for their insight for putting in the flow rider. Mayor Dain extended compliments to Mr.
Batemen and his staff for all of their hard work.

34
36 **6. Review and Action** – *Supplemental Agreement with UDOT, UT0401,*
Amendment Number 1. This item is a request by staff for the City Council's review and
38 approval of Amendment Number 1 to the Supplement Agreement between the city and
UDOT dated September 28, 2010. This amendment to the agreement allows for the
40 water line to be placed inside the casing under I-15. The original agreement was for only
the casing to be installed. By adding the new water line, the city realizes an additional
benefit.

42
44 Mr. Dameron stated that Don Peterson, Public Works Director negotiated this
agreement. Mr. Peterson was in attendance to report on the agreement. He opened the
46 discussion by stating that 200 South had a 12" water line running under the freeway and
UDOT needed to add casing and widen the freeway throughout the corridor. Mr.

Peterson noted that initially UDOT indicated that Lindon City needed to pay for the casing to be extended in that area. Mr. Peterson noted that the line that was in at the time was good and there hadn't been any problems, so it was agreed to do that. Provo River Constructors approached the City and asked if the City would reconsider changing the agreement to amend it by allowing them to install the new casing with a new water line to extend the water line. PRC also stated that they would do this at their cost and our portion would be the pipe at a cost of \$25,000, which was a good deal and it turned out very good. Mr. Peterson noted that ICOR handled the project well. Mayor Dain asked if there were any further questions. Being none he called for a motion.

COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE SUPPLEMENTAL AGREEMENT WITH UDOT, UT0401, and AMENDMENT NUMBER 1. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

| | |
|-------------------------|-----|
| COUNCILMEMBER BAYLESS | AYE |
| COUNCILMEMBER CARPENTER | AYE |
| COUNCILMEMBER FRAMPTON | AYE |
| COUNCILMEMBER HATCH | AYE |
| COUNCILMEMBER WALKER | AYE |

THE MOTION CARRIED UNANIMOUSLY.

7. **Review and Action** – *Canvass and Certification of General Election Results.* The City Council will sit as a Board of Canvassers for the November 8, 2011 Municipal General Election and certify the results of that election. By state law the City Council, as the Board of Canvassers, must canvass the election no later than 14 days after the completion of the ballot. After canvassing has been completed, it will be necessary for the Council, by motion, to officially certify the results of the canvass.

Kathryn Moosman, City Recorder, presented the General Election Results to the Board of Canvassers for certification. The Board then canvassed and certified the materials. The final canvassed results of the General Election certified newly elected councilmembers as follows: Matthew Bean, Randi Powell and Jeff Acerson. Mayor Dain asked if there were any further questions. Being none he called for a motion.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE CANVASS AND CERTIFICATION OF THE GENERAL ELECTION RESULTS. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

| | |
|-------------------------|-----|
| COUNCILMEMBER BAYLESS | AYE |
| COUNCILMEMBER CARPENTER | AYE |
| COUNCILMEMBER FRAMPTON | AYE |
| COUNCILMEMBER HATCH | AYE |
| COUNCILMEMBER WALKER | AYE |

THE MOTION CARRIED UNANIMOUSLY

2 8. **Review and Action** – *Request/Petition for Water Services – Spring Ditch and*
4 *South Fields Irrigation Company.* This is a request by the shareholders of Spring
6 Ditch and South Fields Irrigation Company and Property Owners in the area for
the City Council’s review and approval of a request/petition asking the city to
accept these shares as satisfying the water requirements for development of their
properties.

8 Brian Haws was in attendance to discuss this issue along with property owner and
share holder Ron Anderson. Mr. Haws stated that statute requires that he come before
10 the Council to request of the City to provide services that are needed to establish a water
district, which is the acceptance of water shares from the Spring Ditch and South Fields
12 Irrigation Company. The reason that the city cannot accept those shares is because they
are well rights and it is too difficult to get them into our irrigation system. Mr. Haws
14 recommended to the City to deny this request which will allow him to file a petition to
create the water district. Mr. Haws went on to say the process will be to file the formal
16 petition to create the district, then will come back before the council for review and to
authorize the city recorder to verify that the petition meets the standards imposed by the
18 code. Mr. Anderson was also in agreement of the denial of the request. He also agreed
that this is a good compromise and the city will have their options. Mr. Anderson further
20 noted that the new district will be good for both sides. Mr. Haws then submitted a list of
shareholder signatures. Mayor Dain asked if there were any further questions. Being
22 none he called for a motion.

24 COUNCILMEMBER CARPENTER MOVED TO DENY THE
REQUEST/PETITION FOR WATER SERVICES – SPRING DITCH AND SOUTH
26 FIELDS IRRIGATION COMPANY. COUNCILMEMBER FRAMPTON SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
30 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER HATCH AYE
32 COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY

34 **COUNCIL REPORTS** – Mayor Dain reported that Priddus Music had contacted him
36 about some of their clients having a venue for their talents. He noted that this is a
wonderful recording studio here in Lindon and there may be a possibility to make a
38 connection with the community center with residents who are looking for somewhere to
perform. Mayor Dain suggested holding a Friday night concert at the Cultural Arts
40 Auditorium at the Community Center or perhaps a concert in the park or a Christmas
concert. This would require no money, just a free concert for residents to enjoy. Mayor
42 Dain also noted Mr. Batemen could be involved. Mayor Dain also reported on the
Fronrunner ride; things have developed on the planning end and it should be running by
44 fall of 2012.

46 **COUNCILMEMBER BAYLESS** – Councilmember Bayless suggested some possible
candidates to replace the vacancies on the Planning Commission. Mayor Dain suggested

2 Mike Marchbanks and Rob Kallas as potential commissioners. Mayor Dain stated Chris
4 Burton and Matt Bean are the outgoing commissioners being replaced. Councilmember
6 Carpenter suggested Kathy Shaw as a potential commissioner. Councilmember Bayless
8 received a phone call from Ladean Gillman, who has an elderly friend who wants to
donate an electronic organ to the community center; all he wants in return is a tax
donation write-off. Mayor Dain stated that a discussion with the Community Center
Board would be beneficial regarding the organ. Councilmember Bayless will email
Emilie Iliff to add it on the Community Center Board agenda.

10 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton reported that he is
hoping for a good turnout on the tree committee meeting, and will make an effort to get
12 everyone there. Mayor Dain stated that he had talked to Theresa Griffin about serving on
the board. Mr. Dameron will draft a letter to Mrs. Griffin. Councilmember Frampton
14 suggested talking to Mrs. Griffin about Priddis Music. Councilmember Frampton also
reported that the meeting on the trees in Canberra will be held on December 8th. He also
16 reported that they will have the tree for the Christmas Tree Lighting ceremony.

18 **COUNCILMEMBER HATCH** – Councilmember Hatch reported that the landfill has
re-contracted with Cedar Valley for another 5 years. Councilmember Hatch stated that he
20 has asked Mayor Dain to leave him on the committee until the new contract is resolved.
Councilmember Hatch also noted that there are some interesting things happening there
22 due to Utah Department of Environmental Quality. He further noted that the landfill was
properly closed in 1995, but the State forgot to pass on the information to the EPA. They
24 reopened it and responded and it did work out. Councilmember Hatch reported that the
landfill will no longer take friable asbestos waste, it has to go to Salt Lake City, but they
26 will take the non-friable item. Councilmember Hatch also reported the road around the
back of the landfill is finished and asphalted and will connect to the Vineyard Connector
28 when the road is completed.

30 **COUNCILMEMBER WALKER** – Councilmember Walker reported that he met with
the Historical Commission to discuss the tree lighting ceremony. He also noted that this
32 is the 18th year of the ceremony. Councilmember Walker further reported that the tree
should be in tomorrow. He also noted that they are following the same agenda as last
34 year and stated that he has contacted John Fugal to speak. Councilmember Walker asked
Mayor Dain if he will be in attendance to offer his comments. Mayor Dain confirmed he
36 will be in attendance and will speak. The ceremony is to be held on December 5, 2011 at
6:30 p.m. Councilmember Walker also reported that long time Lindon residents, the
38 Ercanbracks have moved to Salem. Councilmember Walker then mentioned several
names for their replacements on the Historical Commission: Mike and Connie
40 Marchbanks, Lyle and Connie Lamoreaux, Ben Nolte and his wife. He further noted that
there was discussion on moving the tithing office. Councilmember Walker also met with
42 Mr. Bateman, Kim Radmall and Tracy and Eric Whitehead about Lindon Days, which
was a very productive meeting. Tracy and Eric Whitehead will be the Chairpersons for
44 Lindon Days again this coming year.

2 **COUNCILMEMBER CARPENTER** – Councilmember Carpenter reported that the city
4 received a call from a reporter about a face book page that someone had posted about the
6 canal crossing on Center Street. The jest was a lot of misinformation being passed
8 around regarding this issue without checking with the city to verify the information.
10 Councilmember Carpenter stated he did talk with the reporter and thought this may be
12 something to do with the campaign; he also noted that it did not go in the paper. He
14 further discussed that the citizens were convinced the city was not planning to open this
crossing. Mr. Cowie posted a comment on the site advising citizens to check with the
city before stating things that were not accurate. Councilmember Carpenter noted that
there is a problem with the half street and the bottleneck, and the road will need to go
through eventually. He went on to say that this issue is on the radar from a lot of people
who are close to Center Street on the east side. Councilmember Carpenter noted that the
City actually has the money in our road fund for such a project and it will likely happen
and probably soon now that the canal is covered.

16 Councilmember Carpenter further reported that UTOPIA does not anticipate any
18 concerns with the bonding agreement that was just approved. He also noted that UIA is
20 soliciting new connects and contracting with UTOPIA, which is progressing rapidly.
22 Councilmember Carpenter added that sales are moving along, and are brisk in
24 Centerville, which is the next city to come online, and they may pass Lindon in the next
26 few weeks in terms of numbers. Councilmember Carpenter also reported that
proportionally Lindon is in second place, and have signed on about 1% of the population,
which is better than most cities. Councilmember Carpenter stated that he would like to
see a full campaign in Lindon and noted that it would be very beneficial. Councilmember
Carpenter noted that he has given dates to Senator John Valentine and needs to confirm
as to which day he would like to come to Council meeting.

28 **CHIEF CULLIMORE** – Chief Cullimore reported that he was contacted by the EPA
30 out of Denver and the State Department of Environmental Quality to work with them on
32 Parrish Chemical, a company located in Vineyard. He went on to say that there was an
34 explosion at Parrish chemical almost 20 years ago and there have been some problems
36 there with illegal dumping. The EPA has been made aware that since 2009, Parrish
Chemical has been storing chemicals here in Lindon without our knowledge. The EPA
did a site visit in April of this year, there were several State and Federal agencies
involved, they did not have any heavy equipment available to move a lot of the items but
they did move what they could. He further noted there are 175 drums with 15 different
chemicals identified, 9 of which are toxic or at least hazardous, which could potentially
be a real problem.

38 Chief Cullimore noted that some of barrels show signs of water damage, all of
40 which are inside the building. Chief Cullimore stated the plan is to go through and do an
42 extensive search with the police and the fire departments involved and inventory the
44 contents of the building. The building is currently owned by central bank. He further
noted the police department has been advised to not go in the building if there is a fire,
and residents will need to evacuate in an area approximately a mile surrounding the
building. Chief Cullimore stated that currently there are not any criminal charges
pending. He also noted he is working with Adam Cowie and Phil Brown on the zoning

