

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 17,**
3 **2009**, 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: Ian Woodward – Boy Scout Troop 160
7 Invocation: Toby Bath

8 **PRESENT**

9 **ABSENT**

10 James A. Dain, Mayor
11 Eric Anthony, Councilmember
12 H. Toby Bath, Councilmember
13 Lindsey Bayless, Councilmember
14 Bruce Carpenter, Councilmember
15 Jerald I. Hatch, Councilmember
16 Ott H. Dameron, City Administrator
17 Adam Cowie, Planning Director
18 Cody Cullimore, Chief of Police
19 Debra Cullimore, City Recorder

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

22
23 **MINUTES** – The minutes of the meeting of February 3, 2009 and the Annual Retreat of
24 February 7, 2009 were reviewed.

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26 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF
27 THE MEETING OF FEBRUARY 3, 2009. COUNCILMEMBER HATCH SECONDED
28 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

29 COUNCILMEMBER ANTHONY AYE
30 COUNCILMEMBER BATH AYE
31 COUNCILMEMBER BAYLESS AYE
32 COUNCILMEMBER CARPENTER AYE
33 COUNCILMEMBER HATCH AYE
34 THE MOTION CARRIED UNANIMOUSLY.

35
36 COUNCILMEMBER HATCH MOVED TO APPROVE THE MINUTES OF
37 THE MEETING OF FEBRUARY 7, 2009. COUNCILMEMBER BATH SECONDED
38 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

39 COUNCILMEMBER ANTHONY AYE
40 COUNCILMEMBER BATH AYE
41 COUNCILMEMBER BAYLESS AYE
42 COUNCILMEMBER CARPENTER AYE
43 COUNCILMEMBER HATCH AYE
44 THE MOTION CARRIED UNANIMOUSLY.

2
3 **OPEN SESSION** –

4 Mayor Dain called for comments from any resident present who wished to
5 address an issue not listed as an agenda item. Frank Johnson approached the Council.
6 Mr. Johnson stated that he recently purchased property on Lindon which was he was
7 under the impression was previously approved for the use he was planning to open on the
8 site. He stated that after reviewing the minutes of the approval, it is apparent that he will
9 not be able to meet the conditions of approval for the Terry Larsen “U-Cart” concrete and
10 landscaping business which was approved. Mr. Johnson stated that the amount of
11 material on the site will exceed the amount that was approved. He noted that the
12 previous applicant had indicated that there would not be any dust produced during the
13 operation, but that he anticipates a significant amount of dust from his operation.

14 The Council discussed the concrete operation Mr. Johnson planned at the site.
15 Mr. Johnson was directed to meet with Mr. Cowie to determine if the proposed operation
16 would be a permitted or conditional use on this site. Mr. Johnson will meet with staff and
17 proceed with the application process for a new land use if appropriate.

18 **MAYOR’S COMMENTS/REPORT** –

19
20 Mayor Dain reported that the Council met on February 7, 2009 to discuss City
21 business for the coming year. He noted that sales tax revenues have fallen significantly
22 this year, and that the City budget will reflect changes in the economy.

23 Mayor Dain encouraged residents to visit the City website to purchase an
24 engraved paver for the aquatics center entry.

25 Mayor Dain also noted that Chris Burton has agreed to serve a three year term on
26 the Planning Commission. Mr. Burton will be officially appointed as a Consent Agenda
27 item at the next Regular City Council meeting.

28 **CONSENT AGENDA** –

29
30 No items.

31
32 **CURRENT BUSINESS** –

- 33
34
35 1. **Discussion** – *Beekeeping in Lindon*. This is a request by staff for the City
36 Council’s discussion of potential regulations regarding beekeeping in Lindon
37 City. Staff has been contacted by several residents concerning a neighbor’s plan
38 to begin keeping bees on their residential lot. The former president of the Utah
39 County Bee Keepers Association was present, along with several concerned
40 citizens.

41
42 Mr. Cowie explained that this discussion is in response to calls from several
43 concerned residents who live in a neighborhood in the R1-12 zone east of the canal. The
44 residents have expressed concern regarding a neighbor’s plan to begin a beekeeping
45 operation on their residential lot. Mr. Cowie noted that there are several beehives

2 currently located in the City, and that the City is unaware of any complaints or problems
associated with the hives.

4 Mr. Cowie stated that research conducted by the Planning Department indicates
that no municipalities within Utah County regulate bee keeping. The Planning
6 Department also investigated areas outside of Utah, and found that many higher density
areas, such as San Diego, Sacramento and Seattle, permit beehives on lots as small as
8 8,000 square feet. He noted that regulations imposed by cities with beekeeping
ordinances include fencing and providing a water supply in or near the hive. In addition,
10 the Utah Department of Agriculture requires annual licensure of any beehives in the State
of Utah.

12 Mr. Cowie stated that the purpose of this discussion is to direct staff as to whether
the Mayor and Council feel beekeeping should be regulated within the City. He reviewed
a list of proposed regulations should the Council determine an ordinance would be the
14 appropriate course of action. Proposed regulations include the following:

- 16 • Beekeepers must be licensed by the Utah Department of Agriculture;
- Beehives do not have to be located on property owned by the bee keeper;
- 18 • Beehives shall have a minimum 25' setback to all property lines;
- Beehives on residential lots must be surrounded by a 6' high solid security
20 fence;
- Fencing is not required for beehives place in orchards, farms, or pastures
22 as long as the hives are at least 100' from any habitable structure or street
right-of-way line, and are not generally accessible to the public;
- Beekeepers must provide an adequate supply of water located close to the
24 hive.

26 Mr. Cowie explained that if the Council feels an ordinance should be drafted, a public
hearing will be held with the Planning Commission to receive public input, and a
recommendation will be forwarded to the City Council for final action.

28 Mr. Cowie introduced Neil Shelley of the Utah County Beekeepers Association.
Mr. Shelley addressed the Council and a number of residents present at the meeting. He
30 stated that beekeepers who are members of the Beekeepers Association are trained to
educate their neighbors about potential risks associated with beekeeping. The
32 organization also trains beekeepers in best management practices to minimize any
potential risks, and encourages beekeepers to voluntarily comply with the regulations
34 presented by Mr. Cowie.

36 Mr. Shelley went on to explain that beekeeping is very popular in Utah County,
with approximately 90 member households currently registered with the Beekeepers
Association. He stated that he is aware of approximately ten beekeepers in Lindon with a
38 total of 30 hives. Mr. Shelley estimated that approximately 50% of beekeepers currently
registered with the state are members of the association, and that the actual number of
40 hives in the City likely exceeds the number of association members.

42 Councilmember Carpenter asked if the Department of Agriculture inspects hives
registered with the state. Mr. Shelley stated that the state does inspect for safety, as well
as for disease which can harm the bee population. Mayor Dain noted that Africanized
44 "killer" bees have been identified in the southern part of the state. He inquired as to
whether the presence of killer bees in hives would require the hive to be destroyed. Mr.

Shelley stated that the Africanized bees are not capable of surviving northern Utah winters, and that a problem with killer bees is not anticipated in the State.

Councilmember Anthony stated that if bees are permitted in the City, every action should be taken to make sure the chance of injury is minimal. Mr. Shelley noted that the best way to minimize risk is to provide a water source near the hive. He explained that bees gathering pollen from flowering plants are not a safety threat, but that a water source is necessary to the survival of the hive. Councilmember Bayless inquired as to the range bees may travel from the hive. Mr. Shelley stated that bees typically travel from one to four miles from the hive.

Councilmember Anthony inquired as to any increased risk associated with beekeeping in higher density areas. Mr. Shelley stated that honey bees are not aggressive, and that there is essentially no increased risk in populated areas. He noted that beekeeping is permitted in densely populated areas, such as New York and Chicago. Councilmember Anthony asked if there would be any possible increased risk to neighbors with severe allergies to bee stings. Mr. Shelley stated that an adjacent neighbor to one of his hives located in Orem is severely allergic, and that there has not been a stinging incident since the hive was placed at that location. He stated that once the bees from a hive are disbursed in the one to four mile range, neighboring residents will not see a noticeable difference in the number of bees in any given area. Councilmember Carpenter noted that persons who are highly allergic to bee stings should have an epi-pen available regardless of the location of any beehives. Mr. Shelley stated that as a beekeeper, he also keeps an epi-pen on hand to use in the event of an emergency. Mr. Shelley stated that stinging incidents are very rare. He noted that he has multiple hives on multiple properties, and that he has not experienced a single incident.

Mr. Dameron asked how many bees typically live in a single hive. Mr. Shelley stated that at peak season, approximately 60,000 to 65,000 bees live in a hive. Approximately 15,000 of the bees typically survive the winter months. Councilmember Carpenter asked Mr. Shelley to address the possibility of swarming. Mr. Shelley stated that swarming is a natural function of a hive if the bees perceive there is not adequate space in the existing hive and a portion of the hive breaks off to start a new hive. He stated that if hives are properly maintained, there will continue to be adequate space to prevent swarming. Councilmember Anthony asked if there would be a danger to children who may see a hive and throw rocks at the bees. Mr. Shelley stated that swarms do not present an extreme danger, and that if bees are knocked off the swarm they will typically fly back up to the swarm. He noted that while swarms may be alarming to see, they are relatively simple to manage.

Mayor Dain called for public comment from audience members. Kevin Cook stated that he keeps bees in Lindon, and has not had any dangerous incidents with his hives.

Doug Christiansen asked the best method to control yellow jacket and wasp populations. Mr. Shelley stated that yellow jackets are aggressive, and should be controlled using wasp traps in the spring.

Rachel Stembridge stated that she and her husband began researching beekeeping approximately one year ago, and that they now keep an active beehive on their residential lot. She stated that they have not had any kind of problem with the hives. She noted that the risk of stinging incidents can be reduced for those with allergies by not planting

flowers or other flowering plants on their property that will attract bees. She stated that the only complaint they have had from their neighbors is that they have so much fruit and produce that they don't know what to do with it all.

Shirley Matthews expressed support for increasing the number of bees in the City. She stated that she has a large garden and fruit trees, and that the increased pollination would be beneficial.

Dan Stewart introduced his son, Ryan, who recently became a registered beekeeper. Mr. Stewart stated that his wife is actually allergic to bee stings, and that they have not had any kind of problem with their hive.

Bill Henninger stated that he is a beekeeper as well. He noted that the honey bees are not aggressive, and that if you are standing in their path they will fly past you and into the hive. He noted that bees are a critical component of the economy and the ecosystem. Mr. Cook noted that if the bee population is lost, 80% of all pollination would be lost as well. He observed that the presence of beehives is beneficial to neighbor's fruit and vegetable crops.

John Wade stated that he could not conceptualize the idea that if there are 65,000 bees in a hive on a neighboring property it would not be noticeable. Mr. Wade explained that his son is highly allergic to bee stings, and has been hospitalized as result of stings in the past. Mr. Shelley stated that there is no guarantee that there will not be a stinging incident regardless of the location of hives. He noted that bees will always come into any neighborhood, and that they are a necessary component of the ecosystem.

Sharon Call asked if the beekeeper has any liability associated with the hives. Mr. Shelley stated that all of his hives are surrounded by fencing to prevent excessive contact. He noted that homeowners insurance policies will not typically cover beehives, but that separate liability insurance can be obtained.

Mr. Cook stated that honey bees are territorial and that the presence of a beehive will typically reduce or eliminate the presence of wasps and hornets in the area. Dave Johnson noted that he has not had wasps or hornets in his yard since his neighbors placed beehives on their property.

Dana Facemyer expressed concern regarding the possible impact of bees on the neighborhood. He noted that conflicting comments have been made indicating that residents would not notice the bees, and other statements have been made that the bees are fascinating to watch. Mr. Shelley clarified that the bees can be watched from close proximity to the hive, but will not be noticeable from the surrounding neighborhood.

Mr. Facemyer inquired as to what action could be taken if there is a water source that might attract bees found on a City property, such as detention basin parks. Mr. Shelley stated that he was unsure of how any flying insect could be kept away from any water source. He reiterated that if a water source is provided in or near the hive, bees from managed hives would not have to look for water and would not be attracted to inappropriate water sources.

Mr. Facemyer asked if the primary motivation in keeping bees is to produce honey. Mr. Shelley stated that honey production is one benefit of beekeeping, but that commercial beekeepers make money placing hives in orchards for pollination. Mr. Facemyer asked if there is a pollination issue in Utah County. Mr. Shelley stated that there is a lack of bees statewide, and that in rural areas, beekeepers run large operations to meet the pollination needs of farmers.

2 Mr. Wade asked Mr. Shelley how he would recommend handling a situation in
4 which neighbors are not in favor of hives being placed on a neighboring property. Mr.
6 Shelley stated that he has had concerned neighbors in some locations when hives were
8 initially placed. He stated that he made arrangements with the concerned neighbors to
10 allow him one month with the bees to determine if there would be any negative impacts
12 to neighbors. He stated that he provided with the neighbors with his contact information
14 so they would be able to reach him at any time if a problem arose. At the end of the
16 month test period, the neighbors reported no problems from the hives, and the hives
18 remained in place with the consent of the neighbors.

20 Mayor Dain observed that a cooperative and sensitive effort among neighbors
22 may be the appropriate course of action in this situation. He stated that government
24 regulations may not be appropriate for this circumstance. Mr. Cook stated that the
26 Beekeepers Association is willing to meet with neighbors to discuss concerns at any time.

28 Mayor Dain requested direction from the Council as to any action staff should
30 take at this time. Councilmember Bath and Councilmember Hatch felt that the
32 regulations imposed by the Department of Agriculture were adequate, and that further
34 regulation would probably not be necessary at this time. Councilmember Anthony felt
36 that if any restrictions are imposed, those restrictions should be minimal, such as
38 providing a water supply and fencing. He stated that if beekeeping becomes problematic
40 in the future, some type of regulation may be beneficial, but that it does not appear to be
42 necessary at this time.

44 Councilmember Carpenter observed that while concerns expressed by residents
46 seem to be legitimate, exposure to beekeeping may change their perception of the process
over time. He agreed that regulation of beekeeping does not appear to be necessary at
this time, but encouraged residents to notify the City with any concerns regarding
beehives in the future. He noted that it seems that there is more of an anticipation of a
problem rather than an actual problem. The Council thanked representatives of the
Beekeepers Association for their time.

- 30 2. **Public Hearing** – *Ordinance Amendments – Clear Vision and Fencing*
32 *(Ordinance #2009-2-O)*. This is a request by staff for the City Council’s
34 consideration of ordinance amendments relating to Lindon City Code Sections
36 17.04.290 – 17.04.310 “Clear Vision and Fencing”. These amendments would
clarify the clear vision distance required when fencing is constructed, set
conditions, such as height and setback requirements of fencing, etc. The Planning
Commission recommended approval.

38 COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC
40 HEARING TO CONSIDER ORDINANCE #2009-2-O. COUNCILMEMBER
42 BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
MOTION CARRIED.

44 Mr. Cowie stated that this is a City initiated ordinance change. He stated that the
46 intent of revisions is better define the clear vision area associated with fencing and
signage, as well as permit, setback and height regulations for fencing and signage. He
explained that the regulations are not new, but that revisions more clearly define current

2 requirements. Mr. Cowie noted that there are fences in various locations which do not
3 comply with current standards, but that unless a significant safety issue exists or there is a
4 specific complaint, removal of fences is not being required.

5 Mr. Cowie explained that fence permits are required before installing fencing on
6 corner lots. He reviewed the process used to identify the clear vision area on corner lots.
7 No fencing within the clear vision area is permitted to exceed three feet in height unless
8 the site is inspected and approved for a higher fence. Provisions are included in the
9 ordinance to allow reasonable vegetation or trees in the clear vision area provided they do
10 not present a visibility hazard. Monument signs located in the clear vision area are not
11 permitted to exceed the three foot height limit. Mr. Cowie stated that sign permit
12 applications are reviewed carefully to make sure the requirements associated with the
13 clear vision area are met.

14 Mr. Cowie went on to review revisions to regulations regarding fences, walls and
15 hedges. Language clarifications were added regarding primary building setbacks. A
16 fence permit application is required for fences which encroach into the 20 foot side yard
17 on a corner lot. The permit and associated inspection is required to make sure no
18 visibility issues will be created by the fence. Applicants submit an application along with
19 the \$25.00 fee, after which the City Engineer and/or Mr. Cowie visit and inspect the site
20 to identify any significant safety concerns. He noted that adjacent driveways can present
21 clear vision issues.

22 Councilmember Anthony asked how far back a fence must be installed from the
23 curb on a corner lot based on current ordinance requirements. Mr. Cowie noted that
24 property lines are typically two feet behind sidewalk. Three foot fences may be installed
25 up to the property line. If a taller fence is desired, a fence permit application must be
26 submitted to determine whether a taller fence would be permitted. Mr. Cowie stated that
27 specific standards have been established to determine whether a fence exceeding three
28 feet can be permitted based on visibility concerns. He noted that each application is
29 considered individually based on specific circumstances found at the site.

30 Councilmember Carpenter inquired as to whether hedges may present similar
31 concerns. Mr. Cowie stated that there are a few problematic situations related to
32 vegetation, but that the majority of visibility issues are related to fencing.

33 Mr. Cowie went on to discuss proposed revisions to concrete pre-cast fencing
34 panels. He stated that panels are manufactured in eight foot heights. Current ordinance
35 requirements permit fences up to seven feet high. Amendments to the ordinance would
36 allow fences up to eight feet in height to accommodate the manufactured panels.
37 Proposed revisions would also permit Mr. Cowie or the City Engineer to allow higher
38 fences in specific situations without Planning Commission or City Council approval. The
39 Planning Commission would serve as the appeal authority for staff decisions regarding
40 fencing. Mr. Cowie noted that if a fence is located on top of a retaining wall, the wall
41 and the fence would be considered separate structures and measured individually, so long
42 as the retaining wall was used to retain soil.

43 Councilmember Carpenter inquired as to how much of a problem is created by
44 fencing inappropriately located in front setbacks. Mr. Cowie stated that there has not
45 been a significant problem, and that illegal fencing is addressed by the City based on
46 complaint.

2 Mr. Cowie stated that the Planning Commission requested that the City Council
3 consider a provision to allow fencing to be installed immediately at the back of the
4 sidewalk. He explained that property lines are typically located two feet behind the
5 sidewalk. The two foot strip behind the walk is technically located in the street right-of-
6 way. This two foot area is also typically where underground utilities are located. Mayor
7 Dain observed that fences installed immediately adjacent to the sidewalk may be
8 problematic for bicycles or pedestrians using the sidewalk. Mr. Cowie observed that
9 many fences are installed at the back of the sidewalk since a permit or inspections are not
10 required in most cases. Councilmember Bayless observed that if fences are installed
11 without permission at the back of sidewalk, and removal is necessary to accommodate
12 repairs or safety concerns, it is the property owner's responsibility. She noted that if
13 fencing is permitted in this area, it may be the City's responsibility if fencing must be
14 removed or relocated for any reason. Following further discussion, it was the general
15 feeling of the Council that fences should be located at the property line two feet behind
16 the sidewalk.

17 Mr. Cowie went on to discuss the use of chain link fencing in front yard setbacks.
18 He explained that chain link fencing is manufactured in four foot high sections, and the
19 maximum permitted height is three feet. He asked the Council to consider whether it
20 would be appropriate to allow chain link fencing up to four feet high in front yards, due
21 to the fact that chain link does not create the same visibility concern as other types of
22 fencing. Following discussion, the Council felt that fencing in front yards should be
23 limited to three feet in height to avoid potential visibility problems.

24 Mayor Dain called for public comment. Doug Christiansen observed that
25 allowing four foot high chain link fencing would address availability of the product, and
26 may also better contain animals. Sandra Christensen observed that even a three foot high
27 sight obscuring fence located in a front yard may not allow a driver to see a child on the
28 sidewalk. Councilmember Anthony noted that the required two foot setback creates
29 additional visibility of pedestrians.

30 Mayor Dain called for additional public comment. Hearing none, he called for a
31 motion to close the Public Hearing.

32 COUNCILMEMBER BATH MOVED TO CLOSE THE PUBLIC HEARING.
33 COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL PRESENT
34 VOTED IN FAVOR. THE MOTION CARRIED.

35 Mayor Dain called for further comments or discussion from the Council.
36 Councilmember Carpenter noted that a language clarification should be made in Section
37 17.04.310 (3) to remove the word "view-obscuring." Councilmember Anthony requested
38 clarification regarding exceptions for fencing in clear vision areas on corner lots. Mr.
39 Cowie reviewed where exceptions are outlined in the ordinance, as well as authority for
40 staff to approve exceptions. Councilmember Anthony requested some reformatting of the
41 section outlining exceptions for clarification purposes. Mr. Cowie will complete the
42 requested reformatting. Mayor Dain called for a motion.

43 COUNCILMEMBER BATH MOVED TO APPROVE ORDINANCE #2009-2-R
44 AMENDING CHAPTER 17.04 OF THE LINDON CITY CODE, MODIFYING,
45
46

2 AMENDING AND REVISING THE PROVISIONS OF THE SECTIONS WITH THE
3 REMOVAL OF ‘VIEW OBSCURING’ AND REFORMATTING OF SECTION
4 17.040.310 (6) AS DISCUSSED. COUNCILMEMBER HATCH SECONDED THE
5 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

6 COUNCILMEMBER ANTHONY AYE
7 COUNCILMEMBER BATH AYE
8 COUNCILMEMBER BAYLESS AYE
9 COUNCILMEMBER CARPENTER AYE
10 COUNCILMEMBER HATCH AYE

11 THE MOTION CARRIED UNANIMOUSLY.

- 12 3. **Public Hearing** – *Ordinance Amendments – Single Family Residential*
13 (*Ordinance #2009-3-O*). This is a request by staff for the City Council’s
14 consideration of ordinance amendments relating to Lindon City Code Section
15 17.44 “Single Family Residential”. These amendments would clarify several
16 aspects of the ordinance including, set-back requirements, front yard coverage
17 with materials other than landscaping, private recreation grounds and facilities,
18 etc. The Planning Commission recommended approval.

19 COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING
20 TO CONSIDER ORDINANCE #2009-3-O. COUNCILMEMBER ANTHONY
21 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
22 CARRIED.

23 Mr. Cowie explained that this City initiated ordinance change clarifies the
24 purpose and objectives of the R1 Zone. Proposed language specifies that no inconsistent
25 uses are permitted on residential properties. Repetitive language which was found in
26 other code sections was also removed from this section.

27 Proposed revisions clarify that the number of dwellings permitted per lot as one
28 single-family dwelling and one accessory apartment unless a greater number are
29 approved as part of an R2-Overlay project. Mr. Cowie explained that accessory
30 apartments must be attached to the single family dwelling, and can not be detached.
31 Clarifications were also made regarding setback measurements. Two off street parking
32 spaces must be provided behind the front 30 foot setback.

33 Mr. Cowie went on to review setbacks on corner lots, which require three 30 foot
34 setbacks and one ten foot setback. Language referring to landscaping as structures was
35 struck from the ordinance. Previous language stated that a ‘patio’ could extend up to 12
36 feet into the rear yard. Proposed revisions specify structures which may extend into the
37 rear yard as shade structures or uncovered decks if they extend from the main-floor level
38 and/or ground level of the building. He noted that the size of patios is not regulated.
39 Councilmember Anthony inquired as to regulations regarding free standing structures
40 which extend above the main level, such as walls around swimming pools. Mr. Cowie
41 stated that free standing structures can be built to the maximum height permitted in the
42 zone if they are within the buildable area of the lot. He noted that free standing accessory
43 buildings can be built to within five feet of the property line if they are under 20 feet in
44 height. A ten foot minimum setback is required between structures on any lot, such as a
45

residential dwelling and an accessory building. Mr. Cowie clarified that this ordinance regulates only structures which are projections from the main structure, and does not include free standing structures.

Mr. Cowie went to review additional structures which may be attached to dwellings extending into front or rear yard setbacks up to four feet. Permitted structures include unenclosed stairways, balconies, landings and fire escapes.

Mr. Cowie noted that agricultural buildings are currently exempted from any height requirements. He explained that there have been incidents where residents have submitted plans for an agricultural building to circumvent the height requirements for garages and other structures. Proposed revisions make no distinction between agricultural buildings and other accessory buildings. Language prohibiting an accessory structure from exceeding the height of the main structure will be removed, and accessory building can be built to the permitted height in the zone provided all other requirements are met.

Mr. Cowie reviewed language relative to landscaping requirements. He noted that the City does not currently regulate landscaping on residential property. The Planning Commission suggested that references to 'landscaping' be changed to 'landscape area' to more accurately reflect current policy. He reviewed additional lot coverage requirements, accessory building requirements, and architectural requirements for accessory buildings.

Mr. Cowie went on to review proposed revisions which remove language referring to 'private recreational grounds' to make the ordinance more consistent with the Standard Land Use Table. The Council discussed specific situations which may be construed as private recreation facilities. Mayor Dain noted that there may be specific situations which warrant special consideration which the Council could evaluate on a case by case basis.

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

COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER ORDINANCE #2009-3-O. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER HATCH MOVED TO APPROVE ORDINANCE #2009-3-0 AMENDING CHAPTER 17.44 OF THE LINDON CITY CODE, MODIFYING, AMENDING AND REVISING THE PROVISIONS OF THE SECTION AND PROVIDING FOR AN EFFECTIVE DATE. COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

2 COUNCILMEMBER CARPENTER MOVED TO CONSIDER THE ALLIED
WASTE AGREEMENT AT THIS TIME. COUNCILMEMBER BAYLESS
4 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

6 **Allied Waste Fuel Surcharge** –

8 Gordon Raymond of Allied Waste was present to discuss this agreement with the
Council. Mr. Dameron explained that Mr. Raymond was present at the request of the
10 Council to discuss terms of a possible agreement regarding a fuel surcharge structure for
garbage collection services. Allied Waste has proposed an agreement which would
12 reduce rates by 2%, and implement a standard fuel surcharge effective January 2009, or
reduce the rate increase to 3.9%, implement the fuel surcharge and extend the current
14 contract period for three additional years.

16 Councilmember Carpenter noted that fuel costs have rolled back almost
completely in recent months, although there is still some fluctuation. He asked why Mr.
Raymond was not proposing going back to the original contract price without any
18 surcharge or fee increase. Mr. Raymond responded that while fuel costs are currently
low, a surcharge structure allows the company to respond appropriately to significant
20 fluctuations in fuel costs.

22 Mr. Raymond stated that the City suggested that the CPI increase agreed to in
July should be rolled back to July. He noted that after evaluating charges from January to
July over the past 3 years, it seems apparent that rolling back the fee increase to July
24 would not be equitable to the company. He explained that the CPI increase the City has
paid over that period of time is approximately equivalent to the amount which would
26 have been charged through a fuel surcharge. He noted that fee increases granted by the
City over the past three years have essentially been equal to what would have been paid
28 through a fuel surcharge.

30 Councilmember Carpenter asserted that the only unknown expenses for the
company should be directly related to fuel costs, as other operating expenses such as
personnel are closely tied to the CPI. He felt that if the fuel surcharge structure were to
32 be implemented, other fees should revert to the original contract price. Mr. Raymond
noted that the cost of oil impacts other operating expenses, such as hydraulics and
34 purchase of steel containers. Councilmember Carpenter inquired as to what percentage
of operating expenses is actually tied to fuel costs. Mr. Raymond stated that he is unsure
36 of the actual percentage of costs represented by fuel. He asserted that fees paid by the
City through the end of December 2008 have been equitable to the City and company.
38 He proposed rolling back fees to 3.9%, and implementing a fuel surcharge structure
which would be effective as of January 1, 2009. Councilmember Carpenter noted that
40 when the contract is renegotiated, it would be important to include provisions for
fluctuations in fuel costs and other expenses in the future.

42 Councilmember Anthony noted that based on the current contract between the
City and Allied Waste, the fee increases agreed to the by the City are a consideration, but
44 that the City is not obligated under the agreement to provide any fee increase, nor is there
any obligation for the company to provide any consideration for fee adjustments to the
46 City. He observed that the goal of negotiations is to maintain a long term positive

working relationship between the City and the company. Councilmember Anthony
2 asserted that based on the due consideration given to the company by the City to adjust
4 fees appropriately, the company should be willing to roll back the current CPI increase
6 appropriately with no condition that the contract be extended. Councilmember Anthony
8 felt that Mr. Raymond was somewhat unprepared for this presentation, and that accurate
10 information regarding the impact of fuel costs on operating expenses should be available
12 to the City Council before making a decision regarding adjusting the fee structure.

Mr. Raymond reviewed cost increases and fee increases since July 2008. He
stated that vehicle expenses represent approximately 28% of total operating expenses.
10 Mr. Raymond noted that detailed and accurate information regarding operating expenses
12 was provided to the Council prior to approving the CPI increase in July. Councilmember
14 Anthony felt that the same level of due diligence and consideration should be provided to
the City when fees are appropriately reduced as when the company is asking for a fee
increase.

Councilmember Carpenter noted that waste collection is a competitive market.
16 Mr. Raymond noted there are approximately 100 competitors along the Wasatch Front,
with Waste Management being the only major competitor for residential waste collection.
18 Councilmember Carpenter noted that the Waste Management will likely bid very
20 competitively if the garbage collection contract for the City is opened for bid when the
current contract expires. He noted that the state of the working relationship and the City
22 may determine whether the contract is opened for bid rather than being renewed. He
noted that as representatives of the community the Council is obligated to consider other
bids if the current contract is not in the best interest of the community.

Councilmember Anthony noted that lower contract pricing is currently available
24 in a number of areas due to the current state of the economy and lower operating
26 expenses, which typically result in lower bids. Councilmember Carpenter noted that bids
from any company may include a surcharge structure. Mayor Dain observed that the
28 surcharge structure allows both the company and the City to respond appropriately to
extreme unforeseen cost fluctuations without repeatedly negotiating adjustments.
30 Councilmember Bayless agreed that the Council has a responsibility to consider the best
interest of the community when negotiating contracts. Mr. Dameron noted that if another
32 company were to be awarded the contract, some transition time would be necessary to
allow cans and other equipment to be rotated.

Mr. Raymond explained that if an RFP is issued for the contract, Allied Waste
34 would bid on the contract based on current rates and policies. He explained that pricing
36 under the current agreement is calculated locally, and that any new bid would be
calculated based on corporate policy. He stated that while the Allied bid would likely be
38 the low bid, it would probably be an increase over what the cost would be if the current
contract were renewed. He asserted that it may be a financial benefit to the City to renew
40 the existing contract rather than accepting new bids. Mr. Dameron suggested that it may
be appropriate to issue an RFP prior to next budget year rather than renewing the current
42 contract without investigating other options. He stated that the City will investigate fees
currently paid by other cities to determine whether it would be appropriate to accept bids
44 or renew the current contract.

Mayor Dain noted that the question before the Council at this time is the current
46 contract and the proposed fuel surcharge structure. Following further discussion, the

2 Council was in agreement that it would be equitable to roll back current fee increases to
3 3.9% and implement the fuel surcharge structure effective January 1, 2009. The Council
4 will discuss appropriate action regarding future services at upcoming City Council
5 meeting. The Council thanked Mr. Raymond for his time and willingness to maintain the
6 working relationship with the City.

- 7
8 4. **Review and Action** – *Volunteer List Approval*. This is a request by staff for
9 review and approval of a list of volunteers who wish to donate their time to the
10 Literacy Program in Lindon City. By this approval, the individuals will be
11 covered by the City’s liability insurance through the URMMA program.

12 Mr. Dameron explained that the Alpine School District requires that the City
13 Council approve this list of volunteers to be covered by the City’s liability insurance.
14 Councilmember Carpenter asked if there is any liability risk associated with this program
15 that the City may not be aware of. Mr. Dameron stated that any liability risks are
16 minimal, and that approving the list is a technical requirement of the school district to
17 allow the volunteers to participate in the program.

18 Councilmember Carpenter inquired as to the physical location of the literacy
19 program activities. Mr. Dameron stated that all activities take place at school facilities.
20 Mayor Dain called for a motion.

21
22 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE VOLUNTEER
23 LIST FOR PARTICIPANTS IN THE ALPINE SCHOOL DISTRICT LITERACY
24 PROGRAM. COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE
25 VOTE WAS RECORDED AS FOLLOWS:

26 COUNCILMEMBER ANTHONY AYE
27 COUNCILMEMBER BATH AYE
28 COUNCILMEMBER BAYLESS AYE
29 COUNCILMEMBER CARPENTER AYE
30 COUNCILMEMBER HATCH AYE
31 THE MOTION CARRIED UNANIMOUSLY.

- 32
33 5. **Review and Action** – *“HOME” and “CHDO” Funding Resolution (Resolution*
34 *#2009-4-R)*. This is a request from Councilmember Hatch for the Council’s
35 consideration of approval for Lindon City’s allocation of HOME and CHDO
36 monies to be used for the funding of affordable housing and other worthy projects
37 in Utah County.

38 Councilmember Hatch reported that the demand for the program has doubled
39 since last year. He stated that some funds associated with the Federal Government
40 economic stimulus package may be allocated to this organization. Mayor Dain called for
41 further comments or discussion. Hearing none, he called for a motion.

42
43 COUNCILMEMBER HATCH MOVED TO APPROVE RESOLUTION #2009-
44 4-R AUTHORIZING THE USE OF LINDON CITY’S 2009 ALLOCATION OF HOME
45 FUNDS AND COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FUNDS
46

2 TO ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING PROJECT
AND SERVICE CENTERS LOCATED IN UTAH COUNTY AND SETTING AN
EFFECTIVE DATE. COUNCILMEMBER BATH SECONDED THE MOTION. THE
4 VOTE WAS RECORDED AS FOLLOWS:

6 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
8 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE

10 THE MOTION CARRIED UNANIMOUSLY.

12 6. **Discussion** – *Allied (Republic) Waste Fuel Charge – Solid Waste Collection.* The
City Council will meet with Gordon Raymond of Allied Waste to discuss the
14 monthly charge to Lindon residents for waste collection services.

16 This item was addressed earlier in the meeting.

18 **COUNCIL REPORTS** –

20 **COUNCILMEMBER ANTHONY** – *Parks, Recreation, Engineering, Lindon Fair,*
Newsletter –

22 Councilmember Anthony had no items to report.

24 **COUNCILMEMBER BAYLESS** – *Trails, Planning, Zoning, Board of Adjustments,*
26 *Administration* –

28 Councilmember Bayless presented information regarding the “Healthier You”
Legacy Award Plan administered through the Utah League of Cities and Town. The
30 program evaluates efforts in the City with address the health, safety and recreational
needs of the community, and presents the award based on the efforts of the City. She
32 presented a list of action already taken by the City, such new and planned recreation
facilities, Healthy Lindon activities, Police Department activities, and the trails system in
34 the City. The Council provided input on additional items which could be added to the
list. Councilmember Bayless noted that it would be beneficial for the Council to consider
36 action taken by other communities to ban smoking in public parks as part of achieving
the Healthier You award.

38 Councilmember Bayless extended her compliments to Department Heads and
other City staff for their fiscal responsibility during this time of financial stress. She
40 asked Chief Cullimore if emergency handbooks which have discussed on previous
occasions would be available for public distribution in the near future. Chief Cullimore
42 stated that printing the books will represent a significant expense, and that the project
may be delayed until funds are available. Councilmember Bayless requested that a one
44 page emergency contact sheet be created and distributed to residents until the booklets
can be completed.

2 **COUNCILMEMBER CARPENTER** – *General Plan, Streets & Sidewalks, Public*
3 *Buildings.*

4 Councilmember Carpenter reported that the State Legislature is well underway,
5 and that the main consideration this session is budget issues. He also reported that Mr.
6 Marriott of UTOPIA is willing to meet with Councilmembers individually outside of a
7 public meeting setting to discuss business details which are not public information at this
8 time. Councilmember Carpenter reported that UTOPIA is progressing well, and is
9 making headway in offering additional providers and improved service.

10 **COUNCILMEMBER HATCH** – *Water, Sewer, Solid Waste, Housing Consortium.*

11 Councilmember Hatch had no items to report.

12 **COUNCILMEMBER BATH** – *Public Safety, Court, Building Inspections.*

13 Councilmember Bath read a note of appreciation he received by email from
14 Lindon resident Kurt Stembridge. Mr. Stembridge is a beekeeper in Lindon, and thanked
15 the Council for their willingness to listen to the presentation made by beekeepers earlier
16 in the meeting.

17 Councilmember Bath invited Chief Cullimore to present a report from the Police
18 Department. Chief Cullimore reported that the department conducted a drill at Oak
19 Canyon Junior High School simulating an active shooter incident. He reported that the
20 exercise was very successful, with every student enrolled at the school being accounted
21 for in 16 minutes. He noted that teachers and administrators were aware that this drill
22 would be taking place. An unannounced drill will be conducted in approximately ten
23 days to assess the response of the department and the school in an unanticipated exercise.

24 Chief Cullimore also reported that a Family Safety Fair will be held March 18th at
25 6:30 p.m. at Oak Canyon Junior High. The event will include a keynote speaker followed
26 by break-out classes. The department is coordinating with Wasatch Mental Health to
27 organize and promote the event.

28 Chief Cullimore stated that he recently met with the US Marshall's office to
29 discuss a Memorandum of Understanding regarding the department's participation in the
30 Joint Criminal Apprehension Team (JCAT). The team works cooperatively nationwide
31 to apprehend wanted criminals. The program also provides a variety of federal resources,
32 including help with far ranging investigations, and reimbursement for overtime expenses
33 in certain situations. Sergeant Josh Edwards and Officer Matt Barlow will be assigned to
34 JCAT. The Council will approve the Memorandum of Understanding at the next City
35 Council meeting.

36 Mayor Dain asked Chief Cullimore to comment on a recent news report regarding
37 consolidation of some public safety services in Salt Lake County. Chief Cullimore stated
38 that the Salt Lake County Sheriff is pushing for consolidated services, and that it appears
39 that some agencies are making concessions regarding some services while still
40 maintaining autonomy. Chief Cullimore stated that claims have been made that
41 consolidation of services will reduce costs for taxpayers. He explained that equipment
42
43
44

and supplies are purchased at state bid rates, and that the action appears to be mainly political in nature with little effect on actual costs.

ADMINISTRATOR’S REPORT –

Mr. Dameron reported on the following items:

1. Engineering Coordination Meeting will be held Wednesday, February 18th at noon at the Public Works Complex. Councilmember Bayless and Councilmember Carpenter will attend.
2. City staff and officials will meet with Orem officials on February 25th to review the current fire and EMS agreement.
3. The Council reviewed the Project Tracking List.
4. Twelve applicants for the Parks and Recreation Director position were interviewed. The top two applicants will meet with Department Heads tomorrow, and a final decision will be made based on the recommendation of the interview committee and the Department Heads.
5. The aquatics center is still generally on schedule for the Memorial Day opening date.
6. The ‘paver project’ is underway, with information being distributed on the City website and in the newsletter. Initial sales are slow, but an increase is anticipated as additional information is distributed to the community.
7. URMMA training manuals were distributed to the Council.
8. The Council will consider beginning direct payments to the transfer station for tipping fees prior to the upcoming budget year.
9. Bids for the 700 North widening project were opened today. Engineering estimates for the project were \$1,500,000.00. The low bid was \$635,000. Utah County will pay the City approximately \$250,000 to purchase the right-of-way at the end of the project.
10. Work Sessions will be scheduled to discuss budgets with Department Heads beginning March 17, 2009. The Work Sessions will be held at 6:00 p.m. prior to regular City Council meetings.

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

COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	AYE

THE MOTION CARRIED UNANIMOUSLY.

ADJOURN –

2 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT
11:02 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4
6 Approved – March 3, 2009

8
10 _____
Debra Cullimore, City Recorder

12
14 _____
James A. Dain, Mayor