

2 The Lindon City Council held a regularly schedule meeting on **Tuesday, October 16,**
3 **2012 beginning with a field trip at 5:30 followed by a work session at 6:00 and the**
4 **regular session at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100
North State Street, Lindon, Utah.

6 **FIELD TRIP** – 5:30 p.m.

8 Conducting: James A. Dain, Mayor

10 **PRESENT**

James A. Dain, Mayor
12 Mark L. Walker, Councilmember
Matt Bean, Councilmember
14 Randi Powell, Councilmember
Jeff Acerson, Councilmember
16 Ott H. Dameron, City Administrator
Adam Cowie, Planning Director
18 Mark Christensen, City Engineer
Todd Trane, JUB Engineers
20 Kathryn Moosman, City Recorder

ABSENT

Bret Frampton, Councilmember

Residents in Attendance:

Roy Shepherd
Dennis and Valerie Wilson
Marilyn Holbert
Nyal Richins
Bill and Marsha Keach
Dan Bentley

22 The Field Trip session began at 5:30 p.m.

24 The Mayor and Council met at 725 East Center Street to review the effects of a
proposal to change a portion of Center Street from a Major to a Minor Collector.
26 Measurements of the street width were taken at different points on the subject area of
Center Street.

28 **Discussion:** *Left Turn Lane at 725 East Center Street Intersection.*

30
32 Mark Christensen, City Engineer was in attendance to discuss the issue of a left
turn lane at the intersection of 725 East Center Street. Mr. Christensen explained that he
34 recognizes the value of turn lanes on busy streets to allow through traffic to continue
unimpeded by turning vehicles, and noted that it generally provides a safety benefit on
36 such streets and preserves the street's ability to carry large volumes of traffic. However,
he does not recommend installing a left turn lane on Center Street at the 725 East
38 Intersection because it would be more of a detriment than a benefit. He further explained
that a center left turn lane would create a hazard for pedestrians crossing Center Street in
the crosswalk.

40 Mr. Christensen stated that vehicles stopped in the left turn lane could be stopped
for one of two reasons: 1) waiting for a gap in right turning or through traffic so they can
42 make the left turn, or 2) yielding to a pedestrian in the school crosswalk. He went on to
say, if the reason for the left turning vehicles being stopped in their lane is related to
44 traffic gaps, then through westbound drivers are free to proceed. Mr. Christensen noted if
it is because of pedestrians, then westbound drivers must also stop. He explained that the
46 problem is that westbound vehicles don't know why the left turning vehicles are stopped.

2 He stated this is a problem specific to a particular intersection configuration
(uncontrolled, high volume of pedestrians, left turn lane).

4 Mr. Christensen re-iterated that they do not recommend creating a center turn lane
on Center Street at 725 East. He noted that they will perform a traffic study after the
6 Center Street improvements are constructed and will also evaluate the need for changes
to the school crossing. Mayor Dain stated that there will be a public hearing at the City
Building Council Chambers at 7:00 p.m. following a work session with the City Council.

8 Adjourn: 5:50 p.m.

10 **WORK SESSION** – 6:00 p.m.

12 Conducting: James A. Dain, Mayor

14 **PRESENT**

16 James A. Dain, Mayor
18 Mark L. Walker, Councilmember
Matt Bean, Councilmember
20 Randi Powell, Councilmember
Jeff Acerson, Councilmember
22 Ott H. Dameron, City Administrator
Adam Cowie, Planning Director
Kathryn Moosman, City Recorder

ABSENT

Bret Frampton, Councilmember

24 The work session began at 6:00 p.m.

26 **DISCUSSION** – *The Mayor, City Council and staff met in a Work Session to discuss the
28 proposed changes to the City’s Animal Ordinance.*

30 Adam Cowie, Planning Director, opened the discussion by stating since the last
32 council meeting only 2 written comments have been received from residents; the Fisher
and Stembridge property owners. Mrs. Fisher commented that she would like to see
34 more roosters be considered in the ordinance and also a potential change on the defined
ages for chickens. Mayor Dain commented that he had also spoken with Mr. Fisher, and
36 noted that she seemed to be knowledgeable and have insight on this issue. Mr. Cowie
noted that Mr. Stembridge was interested in the “nuc” hives for beekeeping and he also
38 requested increasing the number of hives allowed. Mr. Cowie stated that other than the
two submitted comments there has not been any additional public comment. Mr. Cowie
40 noted of the complaints the department receives for animals, the number one complaint is
for barking dogs and noise issues i.e., roosters, smells, flies and odors. He added that this
is still a small percentage in the scope of complaints the city receives.

42 Mr. Cowie further discussed that so far, from what the Planning Commission has
recommended, there have not been any substantial changes in the numbers of animals
44 except for roosters being limited; there is actually an increase in the numbers of animals
allowed on a lot based on the current interpretation of the current ordinance and the
46 Planning Commission stayed with those same numbers.

2 Mr. Cowie then referenced the tables and charts in the ordinance draft that lists
the amounts of animals and animal types and species allowed which was followed by
4 some discussion from the Council. Mr. Cowie noted that the Planning Commission felt
that there was not a lot of concern with the current numbers. Mr. Cowie pointed out that
6 there are actually more animals allowed than what the current ordinance allows. There
was then some general discussion regarding the terms “wildcat” and “venomous”
between Mr. Cowie and the Council.

8 Mr. Cowie then referenced the definitions and setbacks of corral, pastures and
animal enclosures followed by discussion. Mr. Cowie then presented photos of several
10 corrals and pastures throughout the city. There was then some general discussion on the
issue of pre-existing uses. Mr. Cowie added that “grandfathering in” is permitted in the
12 current ordinance. Mr. Cowie stated that until someone complains or it is a violation issue
for the city they will not be aware of the pre-existing use.

14 Mayor Dain called for the work session to adjourn at this time to move on to the
regular session.

16 Adjourn: 6:55 p.m.

18 **REGULAR SESSION** – 7:00 P.M.

20
22 Conducting: James Dain, Mayor
Invocation: Landon Burnham, PG High School Student
Pledge of Allegiance: Randi Powell, Councilmember

24 **PRESENT**

26 James A. Dain, Mayor
Mark L. Walker, Councilmember
28 Matt Bean, Councilmember
Randi Powell, Councilmember
30 Jeff Acerson, Councilmember
Ott H. Dameron, City Administrator
32 Adam Cowie, Planning Director
Doug Eastman, Lindon City Police Sargeant
34 Kathryn Moosman, City Recorder

ABSENT

Bret Frampton, Councilmember

36 The meeting was called to order at 7:02 p.m.

38 **REPORT** – *Heath Bateman, Parks and Recreation Director, will present the Lindon
Aquatics Center Operational Report for the 2012 Season.*

40
42 Heath Bateman, Parks and Recreation Director, was in attendance to present the
Lindon Aquatics Center Operations Report for the 2012 Season. Mr. Bateman then
discussed his presentation as follows:

- 44 1. 2011 Attendance: 55,957 people attend this summer, which is down about
46 10,000 people, but there were a lot of warm days and more punch pass
holders.

- 2. Flow Rider Daily Admission: 2,813 admissions at \$10 per person equals \$28,130.
- 3. Accidents and Incidents: Safe season. 72 accident/incident reports were completed but no life threatening. 32 saves by lifeguards and 40 responses to minor injuries. Only 1 accident required EMS to be called.
- 4. 333 waterproof pants and 517 swim diapers were sold: They are mandatory from the Health Department and helps with the crypto.
- 5. Rubber Ducky Derby: Lindon Aquatics Center was selected by the Make a Wish Foundation again to host this event. The event was attended by over 400 people.
- 6. Flow Tour 2012: The prize money was cut down to half from last year. Should be the same next year. Good event held on the 4th of July weekend.
- 7. Dime Dive: \$600 in dimes was donated and held during Lindon Days. Great event and will do it again next year.
- 8. Aquatics Programs: Swim lessons, 868 participants. Flow Rider Lessons, 32 participants. Jr. Lifeguarding, 4 participants. Swim Team, 173 participants.
- 9. Concessions Report: Provided by WPG Catering and Concessions. City gets 17% of all revenue from concessions. Total revenue for 2012 - \$12,230.86.
- 10. Cleaning Contract: Provided by Norton Industries for 4th season. Overall good job provided.
- 11. Facility Rentals: The facility had 33 private parties and 4 special school rentals. The party room was rented 38 times this year compared to 20 last year. Flow rider was rented 10 times compared to 2 last year.
- 12. Financial Data: 2012 Season totals: Revenue: \$382,027.89 Expenditures: \$397,326.98 with a difference of \$(15,299.59).
- 13. Large Expenses Future Cast: Boiler Repair (years 5 & 6) Filters Sand (years 6 & 7) Pumps Replaced (years 5 & 10) Flow Rider Pump Repairs (every 3-5 years).
- 14. Small Equipment Replacement: Chaise lounges (70), Brown chairs (116), Umbrellas (11), Computer (1), Fanny packs (30) replaced with equipment, Flow boards (4), Lifeguard tubes (3).

In conclusion, Mr. Bateman stated that in general, the aquatics center is in great shape and had a successful season in 2012. Mayor Dain thanked Mr. Bateman for his good work and commended him and his staff for the great job they do for the City.

MINUTES – The minutes of the regular meeting of the City Council of October 2, 2012, were reviewed.

COUNCILMEMBER ACERSON MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF OCTOBER 2, 2012 AS AMENDED OR CORRECTED. COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- COUNCILMEMBER WALKER AYE
- COUNCILMEMBER ACERSON AYE
- COUNCILMEMBER BEAN AYE

2 COUNCILMEMBER POWELL AYE
THE MOTION CARRIED WITH ONE ABSENT.

4 **OPEN SESSION** – Citizen Comments.

6 Mayor Dain called for any public comment. There were no public comments.

8 **MAYOR’S COMMENTS/REPORT** – Mayor Dain had nothing to report.

10 **CONSENT AGENDA** –

12 No items.

14 **CURRENT BUSINESS** –

- 16 1. **Public Hearing Continued** – *General Plan Amendment – Street Master Plan*
18 *Map – Ordinance #2012-13-O*. The City Council will hear public comment and
20 possibly act to approve an amendment to the Lindon City General Plan,
22 specifically the Street Master Plan Map. The proposal is to designate a portion of
Center Street between 725 East and 900 East as a minor collector (50’wide)
24 instead of a major collector (66’ wide). The intent of the change is to present less
of an impact to properties on the south side of Center Street along this section of
the street when it is built in the future. This item was continued from the meeting
October 2, 2012. The Planning Commission recommended denial of this change.

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

30 Adam Cowie, Planning Director, opened the discussion by stating at the direction
of the City Council, this public hearing is to review a city initiated change to amend the
32 General Plan, specifically the Lindon City Street Master Plan, to designate a portion of
Center Street between 725 East and 900 East as a minor collector (50’wide) instead of a
34 major collector (66’ wide). He noted that the intent of the change in width was to have
less of an impact to properties on the south side of Center Street along this section of
36 roadway (when it is built in the future). Mr. Cowie went on to say it will also cost the
City less to install and maintain, while still providing adequate width for estimated traffic
38 volumes. Mr. Cowie noted that the Planning Commission unanimously recommended
that the designation NOT be changed and that the proposed section of roadway remain as
40 a major collector (66’wide) on the General Plan in order to accommodate unforeseen
increases in traffic or other vehicular needs that may occur in the future.

42 Mark Christensen, City Engineer, introduced Todd Trane, Engineer with JUB
Engineers, who is the design engineer on the center street improvements. Mr.
44 Christensen noted that there have been some considerations regarding a center left lane
turn at 725 East. Mr. Christensen further noted that in general he is an advocate of turn
46 lanes, but in this case he believes that it is best not to have a turn lane on Center Street

2 because it could create additional hazards for pedestrians that are in the crosswalk. Mr.
Christensen stated rather than have the center left turn lane it would be better in this case
4 to not have a left turn lane that may cause a back up in traffic on Center Street especially
during the time school starts at the Jr. High, that may be prudent to block vehicle access
6 in the shoulder so cars can't drive around a line of stopped cars. Mr. Christensen also
suggested there be no action on a barrier right now. Mr. Christensen stated the question
8 for the Council to consider is if there is a need to preserve the right a way for a center left
turn lane.

10 Mr. Christensen noted after the traffic study is completed they will look into this
issue and evaluate if a reduced speed school zone or perhaps an island etc. are needed.
Mr. Christensen added that the need to maximize safety in the intersection is the
12 important issue to consider. Mr. Christensen also mentioned the possibility of moving the
crosswalk to the west side of the intersection or somewhere else, but the students would
14 still have to cross 725 East to get to the school. Therefore, Mr. Christensen feels that the
crosswalk is in the best possible location, and would recommend against a center left turn
16 lane. Mr. Christensen mentioned the issue of going to 52 ft. from 800 East will maintain
34 feet of continuous asphalt through that area.

18 Mayor Dain called for any public comment at this time. Following are comments
from residents in attendance.

20
Dennis and Valerie Wilson: Mr. & Mrs. Wilson commented on the expense of
22 widening the street to 66 ft. width and the costs of everything involved to move water
meters, etc. They added that car would be turning at their front door. Mrs. Wilson added
24 that lower speeds will help. Mr. Wilson pointed out what this would do to the property
values at the 66 ft. width. Mrs. Wilson pointed out that the main priority is to protect the
26 kids, as they don't stop to look for traffic now.

28 **Bill Keach:** Mr. Keach stated that the 52 ft. width may affect the Harwood home, but not
his home too much. Mr. Keach noted that the 66 ft. width would put the sidewalk 18 ft.
30 from his front door and 10 ft. from the Harwood home. He noted that at some point in the
future those homes may not be there. Mr. Keach pointed out that a lot of parents park at
32 the church to let their kids off for school. He suggested another option would be to open
up the fence to the trail which would be great for the congestion. Mayor Dain stated that
34 he has talked to the principal at the Jr. High School regarding this issue, and noted that
the decision is up to the school district.

36
Marilyn Holbert: Ms. Holbert noted that it is difficult with the volume of traffic for her
38 to back out of her driveway during school hours. Mrs. Holbert approved of the suggestion
made by Mr. Christensen to lower the stop sign and to also install a sign indicating that
40 through traffic is not stopping.

42 **Kerry Fisher:** Ms. Fisher inquired if the sidewalk will be wider than what is proposed.
Mr. Trane replied that it will not be wider than what is proposed. He confirmed the
44 sidewalk will be 4 ft. in front of Ms. Fishers home and Mr. Richins home. Ms. Fisher
commented that half of the Rocky Mountain Elementary school kids start school at the

2 same time as the Jr. High kids, so there are twice as many kids, and they do not use the sidewalk, they walk up the middle of Center Street.

4 **Krishelle Travis:** Ms. Travis commented that the Jr. High School is currently working
6 on opening up the trail. She made a suggestion to the Mayor to meet with the new
8 principle at the Jr. High School. Ms. Travis will send Mayor Dain an email with the
10 name of the new principle. She asked the Council to think about this issue of the center
12 turn lane carefully, and to not jump into a hasty decision. She also asked the Council to
14 consider waiting until the traffic study is done as to know what will happen with a center
left turn lane, and to also gather more information. She went on to say that she recognizes
that this is a delicate subject, but as someone who will be making the turn to the school,
she would like to see the Council wait and continue this issue until the traffic study is
complete to avoid a future situation and avoid problems that may arise.

16 **Dan Bentley:** Mr. Bentley stated that he understands the concerns for those residents
18 below the canal who want to keep the road narrower and asked what the concerns are for
20 those above the canal. Mayor Dain stated that he feels they want to maintain the option of
22 a possible left turn lane to move traffic a little better. Mr. Christensen stated that there
24 will be back ups and congestion at certain times of the day, which may prompt people to
26 use a different route, which is a positive thing. Mr. Bentley pointed out at the open house
concerns were brought up about the issues above the canal with a major disaster plan on
how to evacuate, and now it seems the priority is for the road to be a high speed exit to
get out of town. Mr. Bentley suggested waiting until things open up with the property
owners above the canal to make the width of the road appropriate. He noted that his main
concern is for the safety issues. Mr. Bentley asked what the real objective and reason for
opening the road is. Mayor Dain stated the main objective to open the road is for future
development.

28 **Roy Shepherd:** Mr. Shepherd commented about the issue of the road being lowered a
30 little bit so the road levels will match. Mr. Trane responded by stating that currently
32 there is a fairly high point in the road depending on which side of the road you are on.
34 Mr. Trane noted when the curb and gutter was put in it was much too low. They have
36 removed some of curb and gutter to the first drive approach to the church and will start
38 raising it up as quickly as they can. He noted that they came up with a design that shared
the impact for residents on both sides of the street. He added that it was a very difficult
design. Mr. Shepherd inquired why the Planning Commission recommended denying the
66 ft. down to the 50 ft. width. Mayor Dain replied that they had concerns about the
potential future traffic. Mr. Shepherd noted that pedestrian traffic has tripled.

40 Mayor Dain commented that the Council recognizes that this is a life changing
42 issue for residents on Center Street and he thanked all who are affected for the pleasant
way they have voiced their concerns to the Council. Mayor Dain called for any further
public comments. Hearing none he called for a motion to close the public hearing.

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

2 Mayor Dain called for further discussion or questions from the Council. Hearing
none he called for a motion.

4 COUNCILMEMBER WALKER MOVED TO APPROVE THE GENERAL
PLAN AMENDMENT, STREET MASTER PLAN MAP, ORDINANCE #2012-13-O
6 FROM A MAJOR TO A MINOR COLLECTOR STREET FROM 725 EAST TO 800
EAST AT THE 52 FT. WIDTH AND THEN 50 FT FROM 800 EAST TO 900 EAST .
8 COUNCILMEMBER ACERSON SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

10 COUNCILMEMBER WALKER AYE
COUNCILMEMBER ACERSON AYE
12 COUNCILMEMBER BEAN AYE
COUNCILMEMBER POWELL AYE
14 THE MOTION CARRIED WITH ONE ABSENT.

- 16 2. **Public Hearing Continued** – *Ordinance Amendment – Lindon City Code,*
18 *Chapters 18.03 (Definitions & Regulations) and Lindon City Code, Chapter 18.04*
(Billboard Advertising) ORDINANCE #2012-14-O. The City Council will hear
20 public comment and possibly act to approve an amendment to the above listed
chapters of the LCC, Chapter 18.03 and Chapter 18.04 dealing with digital
22 billboard advertising. This item was continued from the meeting of September
18, 2012. The Planning Commission recommended approval.

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

28 Adam Cowie, Planning Director, opened the discussion by explaining that this is a
continued public hearing and is a request for approval by Terry Reid for an ordinance
30 amendment to allow digital face changes on off-premise signs, specifically billboards. He
noted that staff has added to the recommended language to include Mechanically
32 Changeable signs and amend the code sections as otherwise necessary. Mr. Cowie
further explained that at the last Council meeting there was some discussion of adding a
34 requirement for illumination devices on the electronic display signs. He noted that this
has been done. Mr. Cowie noted another change was recommended to limit ALL
36 electronic display signs (both on and off-premise) to static messages only. He added that
YESCO signs have expressed concern regarding the limitation of on-premise displays
38 being static only. Mr. Cowie further noted that additional discussion of adopting
“community standard” language will be discussed tonight. Mr. Cowie also referenced the
40 correspondence from the City Attorney regarding these issues.

Mr. Cowie then referenced some minor wording changes in the ordinance draft
42 and made his recommendations. Councilmember Walker noted that he had talked to
several people including Mia Whittaker with Allied Signs, and Mike Freeburg, Yesco
44 Manager in Logan, UT., and DeAnn Leatherman, Permit and Government Relations
Specialist regarding this issue. He noted that all mentioned that auto dimming
46 technology should be included in the ordinance. They also feel that there should be a

standard of what exceeds light pollution standards included in the ordinance also. He feels it would be prudent to be sure there is a defined definition and that the above referenced standards should be included in the ordinance.

Brian Haws, City Attorney, wanted the Council to understand and to recognize that under state code if the standards are applied to billboards they have to apply to every sign in the city. He noted that would apply to every future sign and added that existing signs do not have to be retrofitted. Mr. Haws noted that the Council does have some options. He also pointed out that legally the standards have to apply to every new sign or modified sign in the city, and he noted that there are industry standards that can be applied also. Mr. Haws further explained if the illumination standard is used it should be put it in the ordinance.

Jared Johnson, with Yesco Signs was in attendance. Mr. Johnson stated that the brightness standard is a .3 foot candle measurement standard that has also been adopted by the United States International Sign Association. He noted it is the exact same lighting standard when applied to electronic message centers. He went on to say that the approach in the standard is that the electronic changeable signs should not increase the ambient light in the surrounding area by more than a foot candle. Mr. Johnson added that he has the language available if the Council would like to review it.

There was then some general discussion regarding this issue by the Council. Councilmember Walker stated that the question is if the signs can be divided or not. Mr. Haws stated that you cannot divide them and the standard would have to apply to all signs; the language is very clear in the code. Councilmember Acerson noted that he would like to see more clarity regarding this issue and have further discussion with the city attorney. Councilmember Walker agreed that he also has some confusion and suggested continuing the item for more clarification from the city attorney. Councilmember Bean agreed he would like more clarification also and perhaps hold a meeting with Jody Hoffman and Mr. Haws. Mayor Dain agreed a meeting would be beneficial.

Mayor Dain called for any public comment. Hearing none he called for a motion to close the public hearing.

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

Mayor Dain called for any discussion with the Council. Councilmember Walker commented that he likes the suggestions discussed regarding this issue, and would like to see a standard in place and the national illumination standard to apply. Councilmember Bean commented that he would like to see the adopted language in the ordinance as a standard before making a motion. He also questioned a section of the code regarding changing from all electronic changeable copy signs to just off premise signs. Mr. Cowie stated that it is unregulated so they have not been prohibited and there is not a standard stating that they have to be stationery. Councilmember Bean questioned if electronic changeable copy signs will be allowed on 700 north and State Street showing videos etc., and is that what we want to continue to permit. He also questioned if electronic signs on the freeway are limited, do we want to limit them on 700 north and state street also. He

2 feels this issue is worthy of discussion. Mayor Dain called for further discussion from
the Council. Hearing no further comments he called for a motion.

4 COUNCILMEMBER WALKER MOVED TO CONTINUE LINDON CITY
CODE CHAPTER 18.03 DEFINITIONS AND REGULATIONS AND LINDON CITY
6 CODE CHAPTER 18.04 BILLBOARD ADVERTISING (ORDINANCE #2012-14-O)
TO THE NOVEMBER 20, 2012 MEETING. COUNCILMEMBER BEAN SECONDED
8 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER AYE

10 COUNCILMEMBER ACERSON AYE

COUNCILMEMBER BEAN AYE

12 COUNCILMEMBER POWELL NAY

THE MOTION CARRIED THREE TO ONE WITH ONE ABSENT.

- 14
3. **Public Hearing Continued** – *Ordinance Amendment – Lindon City Code, Title 6*
16 *(Animal Ordinance)*. The City Council will hear public comment and possibly act
to approve an amendment to LCC, Title 6 (Animal Ordinance). The Planning
18 Commission has met several times over the past few months and made extensive
updates to help clarify the current language in the ordinance. This item was
20 continued from the meeting of September 18, 2012. The Planning Commission
recommended approval with several changes.

22

COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
24 COUNCILMEMBER ACERSON SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

26

Adam Cowie, Planning Director, opened the discussion by explaining this is a
28 public hearing to review an ordinance amendment to LCC Chapter 6 – Animal
Ordinance. Mr. Cowie further explained the proposed changes will help to clarify the
30 current language within this ordinance. He noted that a review of the current allotted
amounts of animals permitted within the specific lots sizes in Lindon will also occur.
32 Mr. Cowie further discussed that the Planning Commission reviewed the ordinance over
multiple public hearings. He added that over the course of those meetings there were
34 only two citizens who attended to make comments on the proposed changes. He added
that since that time he has only received 2 written comments, one from Mrs. Fisher for a
36 request of additional roosters and the weaned ages of chickens. The Council was in
agreement that more than one rooster seems reasonable. Mr. Cowie noted the other
38 comment was from Mr. Stembridge requesting the allowance of “nuc” hives be permitted
in addition to full hives. Mr. Cowie noted that the draft before the Council tonight has
40 been on the city website for the past month. Mayor Dain noted that this item will
probably be continued for at least one to two more public meetings. He then called for
42 any public comment.

44 **Kurt Stembridge** – Mr. Stembridge stated that he would like the council to consider
allowing more “nuc” hives in the ordinance, and he also suggested to exempt the “nuc” as

2 defined as a hive. He also presented a “nuc” hive for the Council to review. Mayor Dain
stated that the Council will take these suggestions into consideration.

4 **LoriKae Banks:** Ms. Banks stated that she is in support of the reasons suggested to have
more roosters. Ms. Banks suggested 6-10 hens per rooster should be allowed. She also
6 brought up setbacks from a personal home as addressed on page 11 line 74. She noted
that she understands the purpose is to protect the neighbors, but feels the homeowner
8 should have the same protection and rights also. Ms. Banks also referenced page 17 line
24 of the draft, the issue of “continuous use”. She suggested that it be 72 hours in a 30
10 day period. Mr. Cowie noted this issue will be added as discussion item.

12 **Daniel Webster:** Mr. Webster commented that he hears roosters crowing all night at
times and something needs to be included that allows residents to complain about these
14 issues. He further noted that a ratio for hens to roosters is fine, but if a complaint comes
forward there has to be a provision to handle the complaint. Mr. Cowie noted that these
16 types of complaint issues are handled through the nuisance ordinance. Mr. Cowie then
referenced the section of the draft the covers the nuisance ordinance and disturbing the
18 peace issues.

20 **Makenzie Hess.** Ms. Hess asked for clarification if the 20 ft setback is from your house
will be stricken from the code. She brought the issue up because she has rabbits close to
22 her home. Mayor Dain stated that the Council is reviewing this issue to ensure that
property owners can keep their small animals close to their home.

24 **Patti Meeks:** Ms. Meeks inquired if a she has someone come to her home to visit for a
week with their horses would she be out of compliance. Mayor Dain stated that she
26 would be out of compliance based on the 72 hour provision. Mayor Dain further stated
that the Council will be discussing this issue.

30 **Roger Jackson:** Mr. Jackson inquired when the next meeting will be held on the animal
ordinance discussion. Mayor Dain stated that this item will be continued to the next
32 meeting on November 20th. Mr. Jackson suggested adding meeting agendas in the utility
bill.

34 Mayor Dain called for any further public comment. Hearing none he called for a
motion to close the public hearing.

36
38 COUNCILMEMBER POWELL MOVED TO CLOSE THE PUBLIC HEARING.
COUNCILMEMBER ACERSON SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

40
42 Mayor Dain called for further discussion or questions from the Council. Hearing
none he called for a motion.

44 COUNCILMEMBER ACERSON MOVED TO CONTINUE THE ORDINANCE
AMENDMENT TO LINDON CITY CODE TITLE 6 - ANIMAL ORDINANCE.

COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS
2 RECORDED AS FOLLOWS:

COUNCILMEMBER WALKER AYE

4 COUNCILMEMBER ACERSON AYE

COUNCILMEMBER BEAN AYE

6 COUNCILMEMBER POWELL AYE

THE MOTION CARRIED WITH ONE ABSENT.

8

4. **Public Hearing** – *Surplus Property (Resolution #2012-14-R)*. The City Council will hear public comment and possibly act to approve a resolution declaring certain property of the city as surplus and approving the disposition of the listed property. This declaration does not include real property.

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12

14

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

16

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Mr. Dameron opened the discussion by stating this is a resolution to declare certain property of the city as surplus and to approve the disposition of the listed property as surplus. He added that this declaration does not include real property.

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Mayor Dain called for any discussion from the Council. Hearing none he called for a motion.

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

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COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION #2012-
14-R SURPLUS PROPERTY. COUNCILMEMBER BEAN SECONDED THE
30 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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COUNCILMEMBER WALKER AYE

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COUNCILMEMBER ACERSON AYE

COUNCILMEMBER BEAN AYE

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COUNCILMEMBER POWELL AYE

THE MOTION CARRIED WITH ONE ABSENT.

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5. **Review and Action** – *Boundary Line Agreement between Lindon City and Chatterton*. This is a request by staff and John and Marilyn Chatterton for the Council's review and approval of an agreement for an adjustment to the boundary line between the Chatterton's and Lindon City at the Water Tank Park (226 North 835 East). Mr. Chatterton had a wall constructed which encroached in the city's property approximately 1-2 feet. After discussing options with the Chattertons, staff recommends adjusting the boundary between the two properties and requiring a fence to build on top of the wall to avoid the potential risks involved in falling.

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2 Ott Dameron, City Administrator, opened the discussion by explaining this
4 agreement is for a boundary line adjustment between the Chatterton's and Lindon City at
6 the Water Tank Park located at 226 North 835 East where they built a wall and
8 encroached on the city's property by approximately 1-2 ft. Mr. Dameron noted that a
peaceful resolution has been reached to adjust the boundary line between the two
properties. Mr. Dameron added that staff has worked with Mr. Chatterton and he has
agreed to build a fence on top of the wall to avoid potential risks with falling etc.

Mayor Dain called for any discussion from the Council. Hearing none he called
for a motion.

COUNCILMEMBER ACERSON MOVED TO APPROVE THE BOUNDARY
LINE AGREEMENT BETWEEN LINDON CITY AND JOHN AND MARILYN
CHATTERON. COUNCILMEMBER POWELL SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED WITH ONE ABSENT.

6. **Discussion** – *Proposal by the CCAB for Benches/Pew in the Cultural Arts Auditorium of the Community Center.* This item is a request by the Community Center Advisory Board for the Council's consideration of the CCAB's recommendation as to the disposition of the benches/pews in the Community Center.

Mayor Dain pointed out the church benches do not pose well for the atmosphere of a multi-use facility at the Community Center. Councilmember Powell suggested holding a fundraiser or silent auction etc. to dispose of the pews/benches and also the dishes at the Community Center. Mr. Dameron noted that he will bring a resolution to the November 20th meeting to declare the items as surplus property. Councilmember Powell will submit the number and sizes of the pews/benches and amounts of dishes etc. for the disposal of the items to Mr. Dameron. Councilmember Powell stated that the funds received will be used for beautification of the Community Center.

COUNCIL REPORTS –

COUNCILMEMBER POWELL – Councilmember Powell reported that she received the teaching grants, and she would recommend funding all 10 grants. Councilmember Powell also noted a letter she received from Ben Nolte stating that he is on sabbatical. The name of Jared Schauers has been suggested as a candidate to serve on the Community Center Advisory Board. The Council was in agreement to invite Mr. Schauers to the next Council meeting, and Mr. Dameron will draft a letter to approve at the next meeting.

2 **COUNCILMEMBER WALKER** – Councilmember Walker thanked Councilmember
4 Bean for suggesting the field trip to Center Street to take measurements. He noted that it
did not alter his decision, but he felt it was a good from a public relations standpoint and
was the right thing to do on behalf of the residents.

6 **CHIEF CULLIMORE** – Chief Cullimore was absent.

8 **COUNCILMEMBER BEAN** – Councilmember Bean had nothing to report.

10 **COUNCILMEMBER ACERSON** – Councilmember Acerson reported that he attended
12 the North Union Water meeting and rates (assessments) have been increased \$4.00 for a
fractional share and up \$2.00 for a full share. He further reported that there has been a
14 breach or water leak in north Orem and they do not know where it is coming from and a
claim has been filed, but it should not increase our rates.

16 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton was absent.

18 **MAYOR DAIN** – Mayor Dain asked if there had been a recommendation from the
20 Historical Preservation Commission on the Tithing House. Councilmember Powell stated
that the Historic Preservation Commission recommended to put the Tithing House up for
22 sale in 60 days. Mayor Dain also mentioned the senior dinner offer from Mountainland
Association of Governments and called for any recommendations. Mayor Dain
24 suggested Dean Adams as a recipient. There were several other names suggested by the
Council. After some deliberation the Council was in agreement to recommend Dean
Adams as the recipient.

26 **ADMINISTRATOR’S REPORT** –

28 Mr. Dameron reported on the following items.

1. The Council reviewed the Project Tracking List.
- 30 2. The Patriotic Program will be held on October 20th at the Community Center.
- 32 3. The Police Department will hold the fire arms training. Let Chief Cullimore know
if you will be attending.
- 34 4. Election Day is November 6, 2012. The next City Council meeting will be held on
November 20, 2012.
- 36 5. Mr. Dameron reported that the Center Street project is progressing.
6. Mr. Dameron asked the Council if they would like to hold a work session with
URMA. The Council was in agreement to hold the work session.
- 38 7. Mr. Dameron mentioned a local app on Smartphone’s called “You go to
meeting.com”. He asked the Council if they would be interested in a presentation.
- 40 8. The Health Department will be re-inspecting the kitchen at the Community Center
now that the sink has been re-plumbed.
- 42 9. Mr. Dameron reported that Don Peterson had his knee replaced last Thursday, and
will be out several months to recover.
- 44 10. Mr. Dameron mentioned some complaints received on the Fryer property. He
noted that the next step will be to take it to court. Mayor Dain and
46 Councilmember Walker will try to contact the Fryer’s.

- 2 11. CDA Agreement for review will be coming to the next meeting.
3 12. UDOT wants to purchase a right of way by the Animal Shelter. The agreements
4 will be at the next meeting.
5 13. The City Administrator screening input is needed back by Friday.
6 14. Applying for a Utah Heritage award for the Community Center because the
7 building has been changed for a new use.

8 COUNCILMEMBER POWELL MOVED TO APPROVE THE PAY
9 VOUCHERS. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE
10 WAS RECORDED AS FOLLOWS:

11 COUNCILMEMBER WALKER AYE
12 COUNCILMEMBER FRAMPTON AYE
13 COUNCILMEMBER BEAN AYE
14 COUNCILMEMBER ACERSON AYE
15 THE MOTION CARRIED WITH ONE ABSENT.

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ADJOURN –

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19 COUNCILMEMBER WALKER MOVED TO ADJOURN THE MEETING AT
20 11:15 P.M. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
21 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – November 20, 2012

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Kathryn A. Moosman, City Recorder

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James A. Dain, Mayor