

2 The Lindon City Council held a regularly schedule meeting on **Tuesday, July 2, 2013 at**
3 **7:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street,
4 Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M. – Conducting: James A. Dain, Mayor

8 Pledge of Allegiance: Jeff Acerson, Councilmember

8 Invocation: Mark Walker, Councilmember

10 **PRESENT**

ABSENT

10 James A. Dain, Mayor

12 Mark L. Walker, Councilmember

Bret Frampton, Councilmember – arrived 7:30

14 Randi Powell, Councilmember

Matt Bean, Councilmember

16 Jeff Acerson, Councilmember

Adam Cowie, City Administrator

18 Cody Cullimore, Chief of Police

Hugh Van Wagenen, Planning Director

20 Kathryn Moosman, City Recorder

22 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.

24 2. **Presentations/Announcements** –

- 26 a) **Mayor/Council Comments** – Mayor Dain mentioned the recent boil
28 water order and expressed that it was a difficult situation but was handled
30 well by city staff and citizens. Mayor Dain reported that several water
32 samples have been taken and all are clean. He further noted that the city is
34 working hard and diligently to ensure that a clean water source is provided
36 to all Lindon citizens and steps have been taken to make sure the water
38 situation is good and safe and he is confident that the system is clean.
Councilmember Powell noted that the Lindon Days notification will be
40 coming out soon in the mail. Councilmember Powell also expressed her
42 appreciation to staff and the Council for having the fireworks restriction in
44 place early and for being proactive with this issue. Chief Cullimore
46 commented that they have gone through the media with their attempts to
publicize the fireworks restrictions. He noted with the fireworks
restrictions in place it states there are no fireworks or open fires allowed
west of I-15 or in an area which is designated on the map on the website,
but which is basically 500 ft. from the foothills from the US Forest Service
boundary. Chief Cullimore stated that signs are located along these
boundaries with the hope that people will respect the map boundaries for
the fireworks restrictions, as Utah is in an extreme fire danger situation
and it will get worse before it gets better. He noted that he would
encourage citizens to use common sense and voluntary compliance with

the restrictions and state they will take whatever precautionary steps necessary to protect the citizens of Lindon.

b) **Mayor Pro Tem Recognition** – *Mayor Pro Tem Recognition*. By direction of the Mayor and City Council, the appointment of a Mayor pro tem was designated for the quarterly rotation among the Council members. It was noted that Councilmember Mark Walker has been designated as the Mayor pro tem for July through September of 2013.

3. **Approval of Minutes** – The minutes of the regular meeting of the City Council of June 18, 2013 were reviewed.

COUNCILMEMBER ACERSON MOVED TO APPROVE THE MINUTES OF THE MEETING OF JUNE 18, 2013 AS AMENDED. COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

4. **Consent Agenda** – No items.

5. **Open Session for Public Comment** – Mayor Dain called for any public comment not listed as an agenda item.

Mr. Cowie gave a brief summary and update on the water situation as of today. He stated that they have been taking water samples monthly and some sample sets came in last Friday that tested positive for some bacteria in the culinary water line. At that time, within 60 minutes of receiving the information, the boil water order was implemented. Staff immediately communicated through various methods of direction, the city website and facebook, phone calls, media outlets, and also implemented reverse 911 calls. He noted there were a lot of comments from the public and staff is evaluating on how to improve the notification process. He further noted that there was a good response on reverse 911 calls.

Mr. Cowie further stated that the Public Works Department crews worked very hard in flushing all of the tanks and chlorinating the systems to disinfect the system and tanks. Since that time, there have been three (3) additional samples taken citywide and all have come back clean and staff feels confident that the water system is safe and clean. There was one other incident in the city, in the Canberra area, a number of years ago which only impacted 30-50 homes, other than the one incident this is the only citywide boil water order ever implemented in Lindon. Mr. Cowie then gave a summary of how often this happens in other cities, per Mayor Dain's request. He stated that Cedar Hills in 2012 had chloroform, American Fork had E-Coli in 2011, Mt. Pleasant, Elk Ridge, Saratoga Springs and Springville had E-Coli boil order in 2010, Lehi in 2002, Mapleton in 2005, so these things do happen to water systems and it is something that does occur.

Mr. Cowie commented that he appreciates the quick response from staff. Mr. Cowie also mentioned some positives that have come from this situation, as there are a lot of people that have signed up on the city's facebook account. There were 470 followers on Friday before the incident and it is up to 1,125 followers. The actual posting that stated there was an immediate boil order implemented, since then it has been viewed 38,000 times, so a lot of people are sharing information, which is a great method to get the word out. He added that there is also a fair amount of information on the website. Mr. Cowie stated the plan is to continue sampling and monitoring as they have not found the exact cause as of yet, and they are working through that; one cross connection was found and has been fixed. Citizen reports and addresses that have been submitted and are being checked out. They plan to take another sample late this week to make sure all samples are clean. The Utah County Health Department will also be taking their own samples.

Mr. Cowie stated that the state requirement is to take samples monthly, but after hearing public comment, they plan to take samples bi-monthly now to ensure that the system is safe. Mr. Cowie noted that Don Peterson, Public Works Director, and Chief of Police Cody Cullimore are in attendance to answer any questions.

Roy Shepherd: Roy Shepherd was in attendance to address the Council. Mr. Shepherd expressed his appreciation for how the city handled the water situation and how quickly they were able to get the message out. He also asked if the cause of the outbreak has been determined yet. Mayor Dain stated that the cause has not been determined yet but it could be from various reasons due to recent construction in the city, a water break or a possible cross connection, but crews are still investigating the cause. Mayor Dain also stated that it doesn't take much to contaminate the water and it could be from any number of issues. Mr. Shepherd commented that this is a wake up call to make us, as a city, more prepared.

Mr. Shepherd asked if the three separate funds that were considered overfunded go to the general fund. Mr. Cowie stated that a percentage of enterprise funds are transferred into the general fund for administration. Mayor Dain added they will remain as revenue funds. Mr. Shepherd inquired when the Utopia will be an agenda item. Mayor Dain replied the next time an invoice is received it will be on the agenda. Mr. Shepherd also mentioned that vehicles are speeding (60 mph) late at night on center street and if the speed recorder runs at night. Chief Cullimore confirmed that the recorder runs at night. Mayor Dain directed Chief Cullimore to check into the speeding issue.

Public Works Director, Don Peterson addressed the Council at this time. Mr. Peterson stated that he has been approached by several individuals who want to put cremated remains on top of their spouse's grave at the cemetery. He noted that City Ordinance states there can only be one grave per lot, and he is asking for the Council's consideration in allowing an urn to go on top of a grave. Mr. Peterson noted that if approved a price would need to be established. He added that he would recommend charging half of the normal rate. Mr. Peterson stated this would also save money and space at the cemetery. Mr. Cowie stated that an official recommendation for a fee schedule change will be brought back to the next meeting for review and final approval.

Mayor Dain called for any further public comment. Hearing none he moved on to the next agenda item.

CURRENT BUSINESS

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46

6. **Public Hearing** – *New Ordinance – LCC 17.75 - Senior Housing Facility Overlay.*
This item was continued from the June 18, 2013 City Council meeting. It is a request by Matt Gneiting for approval of a new city ordinance, Lindon City Code 17.75 ‘Senior Housing Facility Overlay’, creating development standards and approval criteria for high density senior housing complexes. The Planning Commission recommended approval of the ordinance after review in multiple public hearings.

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

Hugh Van Wagenen, Planning Director, led the discussion by stating this is a continued item for a request by Matt Gneiting for approval of a land use ordinance amendment to allow for a Senior Housing Facility Overlay Zone. He noted that the ordinance will govern high density, senior housing for individuals aged 55 and older. Mr. Van Wagenen noted that Mr. Gneiting presented a concept review for this type of facility on 65 South Main Street before the City Council at a meeting earlier this year. The applicant is now submitting applications to move from conceptual project to actual project, and reviewing and adopting an ordinance allowing this type of facility is the first step in this process.

Mr. Van Wagenen further noted that an ordinance allowing for this type of use is new to Lindon City. The ordinance will be discussed in depth during the meeting, however, some of the more notable sections of the ordinance are as follows:

- *27 units per acre (if certain conditions are met)*
- *1.1 parking stalls per unit*
- *residents aged 55 and older (with minimal exceptions)*
- *limited location of the overlay zone*
- *3,000 foot buffer between senior housing facilities*
- *senior housing facility is a conditional use*

Mr. Van Wagenen explained that specific examples of senior housing along the Wasatch Front were brought up during Planning Commission discussion. He went on to say the Thornberry facility in Pleasant Grove has approximately 43 units/acre, if you only count the senior housing, with approximately 1.3 parking stalls per unit. The whole complex is 24 units per acre. He further noted that the Rosegate facility in Sandy is approximately 48 units/acre with 1.25 stalls/unit and was recently finished. Mr. Van Wagenen added that in the Staff Report from the June 18 meeting, a matrix showing density and parking ratios for other cities was provided.

Mr. Van Wagenen further explained at the last Council meeting, a “buffer zone” was discussed that would rezone properties surrounding the overlay zone. The purpose of this was to encourage complimentary uses to accompany a senior housing facility. He stated that using the applicant’s proposed location for the zone, a map showing what properties would be affected by a possible 3000 foot “buffer” is attached. He also noted

that possible uses that could be permitted or conditionally permitted in this type of buffer include:

- Department Stores
- Travel Services
- Watch, Clock, & Jewelry Repair
- Hospital services
- Accounting, Auditing & Bookkeeping
- Civic, Social & Fraternal Associations
- Museums
- Groceries &/or Food
- Clothing, Apparel & Accessories
- Fast Food
- Books
- Cameras & Photographic Supplies
- Florists
- Nursery – Plants
- Optical Goods
- Laundering and Dry Cleaning Services
- Message Therapy
- Medical Dental, & Health Clinic Services/ small, outpatient type services
- Chartered Banks, Credit Unions and Other Similar Financial Institutions
- Insurance Agents, Brokers, and Related Services
- Arts, Crafts & Hobbies
- Private Postal Services
- Legal Services
- Veterinarian Services
- Art Galleries
- Libraries
- Motion Picture Theaters
- Musical Instruments
- Restaurants
- Pharmacy
- Newspapers/Magazines
- Gifts, Novelties, & Souvenirs
- Sporting Goods
- Computer Goods & Services
- Custom Tailoring
- Beauty & Barber Shops
- Funeral Homes

Mr. Van Wagenen pointed out that the site on which the applicant is proposing the senior housing facility is surrounded by commercial and residential uses, and most of the land is already developed; and if this type of buffer zone were placed on the surrounding properties, it may result in “down zoning” properties and making any current conforming use nonconforming.

Mr. Van Wagenen further noted that the Planning Commission worked on the ordinance language throughout three meetings and this draft was unanimously recommended for approval by the Commission. Additionally, the Planning Commission recommended approval of a zoning map amendment application to place the overlay zone on property located at approximately 65 South Main Street. He added that the zone map amendment is the next item on the agenda for discussion.

Mr. Van Wagenen then referenced the ordinance and stated that because it is so short he thought it would be beneficial to review the ordinance paragraph by paragraph followed by some general discussion on each item.

- Purpose – *No changes*
- Definitions – *No changes*
- Permitted Uses – *No changes*
- Location and Zoning of Senior Housing Facility – *No changes*
- Senior Housing Facility – Specific Requirements and Conditions of Approval.
 1. Except as otherwise listed in this chapter, Senior Housing Facilities shall comply with all applicable ordinances and policies required by Lindon

City Code for development in the underlying zone, as well as other state and federal laws, including laws related to access – *No changes*

2. *Conformity – No changes*
3. *Project acreage requirement – No changes*
4. *Lot Setbacks – Front setback (30-40 ft.) Side setbacks (20 ft.) street side yard based on the size of the road*
5. *Landscaping and Fencing – More green (Open) space to 30%*
6. *Parking – Would like more data and ratios from other similar areas.*
7. *Density – Following discussion it was agreed leave the density at 27 units per acre at this time until further discussion*
8. *Maximum Building Height – No changes*
9. *Occupancy Restrictions – No changes*
10. *Minimum Dwelling unit size – No changes*
11. *Lighting – No changes*
12. *RV Storage – No changes*
13. *Accessory Buildings and Facilities – No changes*
14. *Architectural Design – No changes*
15. *Facilities shall not knowingly accept any resident that would pose a direct threat to the health and safety of others in the facility or community.*
16. *Unified Ownership – No changes*
 - *Maintenance of premises – Exterior landscape maintenance must occur in a reasonable manner*
 - *Application and Submittal Requirements – No changes*

Mr. Van Wagenen then presented photos of the similar facility in Sandy that was just completed for reference.

The applicant, Matt Gneiting was in attendance to address the Council at this time. He expressed his appreciation to the City Council and the Planning Commission and commented that he values their time and he knows that they also want something good in this area; he also stated that the work done on this proposed facility has been done in good faith with city staff, the City Council and the Planning Commission to provide guidance and resources to help broaden the scope of understanding. He went on to say that this senior housing development is different than normal apartments; that is why the density issue, while it has relevance, it is not as impactful. Mr. Gneiting then discussed some of the zoning ordinance items and issues including the landscaping, fencing, density (prefer 30 units per acre) and parking study impacts. Mr. Gneiting concluded by stating as developers, their intent is to provide a quality product to the city of Lindon to be proud of, and something that the residents will utilize, and something that neighboring residents from other cities will use and be something that the city can embrace and enjoy.

Mayor Dain called for any public comments at this time. Several residents in attendance addressed the Council as follows:

Sandy Call: Ms. Call commented that this proposal is the best option for her property in all the years it has been for sale and it feels like a good fit and respectful to the neighbors. She further commented that it is frustrating to see the battle go on because, as property

owners, they need to see it go through as they will be retiring soon. She added that this is a beautiful building and she personally feels good about it.

Val Killian: Mr. Killian commented that he likes the ordinance and stated that the overlay code is good and is desperately needed. However, he does have concerns with 30 units per acre. He was also under the impression that the land was 2.5 acres not 3 acres. He suggested making the minimum from 2.5 acres up to 3 acres. He also pointed out that the relationship of heights of buildings is impactful (when you look at the Tri City Medical building, you are looking downhill). Mr. Killian also talked about setbacks that front at least one or two streets and also flag lots. He also stated that he likes the idea of 30% landscaping and stated that defining the open space is really important. He suggested putting direction in the code that describes what “open space” is and what can not be counted as open space. Mr. Killian expressed that he would like the project to be successful, but what happens if there are not enough seniors in the facility and there is not enough parking. He suggested looking at a 1.25 parking ratio. Mr. Killian noted that the Council needs to be careful in reference to occupancy restrictions and the height of building and there needs to be teeth in the ordinance. He also suggested including in the architectural design standards language that states the building will be approved if there is a variation in heights, roof lines, projections, etc. that lets the developer know that a tilt up building is not permitted.

Bill Lewis: Mr. Lewis stated that he does not prefer a 7 ft. high fence around his property as it would create the feeling of a compound. He has Ability to speak with other landowners, iron fence etc. as this is a worthwhile discussion.

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

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

Mayor Dain stated the options are to recommend approval or recommend continuing the item and ask for more research and information. Councilmember Powell expressed her concerns that this project will have impacts on the senior center and also the budgetary concerns in the future, and if implementing impact fees for the senior center (similar to park impact fees) would be an option. Mr. Cowie commented that a detailed impact fee study would have to be completed and evaluated to see if it is something that can be imposed, which could be months away if we choose to go down that path. Councilmember Powell commented in looking at the ordinance, the bases need to be covered and facilitate it so it is not absorbed into the general budget. Councilmember Frampton commented that he doesn't feel the impact on the senior center will be that bad, and he feels the center can handle the additional impact from the facility. Councilmember Walker stated that in some ways we need some of the impact.

Mayor Dain inquired if there is there enough discussion to warrant one more meeting. Councilmember Walker commented that he likes the direction we are going but

2 added the council needs to make certain we are not cutting corners, and he would like to
3 see a little more discussion on this issue. He also stated that he is concerned with the
4 safety of the residents and children in the area, and he also wants to see a beautiful
5 building architecturally. Mayor Dain commented that he hears there is enough change to
6 warrant one more discussion with a clean ordinance. Mr. Van Wagenen stated with the
7 changes recommended tonight he would also recommend continuing the item in order to
8 have a clean copy of the ordinance brought back for the Council's further review.

9 Mayor Dain called for any further comment or discussion from the Council.
10 Hearing none he called for a motion.

11 COUNCILMEMBER WALKER MOVED TO CONTINUE ORDINANCE
12 #2013-5-O, THE LAND USE ORDINANCE AMENDMENT TITLED LCC 17.75
13 SENIOR HOUSING FACILITY OVERLAY UNTIL THE CITY COUNCIL MEETING
14 TO BE HELD ON JULY 16, 2013 AND DIRECT STAFF TO BRING BACK A CLEAN
15 ORDINANCE WITH THE RECOMMENDED CHANGES FOR REVIEW.

16 COUNCILMEMBER ACERSON SECONDED THE MOTION. THE VOTE WAS
17 RECORDED AS FOLLOWS:

18 COUNCILMEMBER WALKER	AYE
19 COUNCILMEMBER FRAMPTON	AYE
20 COUNCILMEMBER POWELL	AYE
21 COUNCILMEMBER BEAN	AYE
22 COUNCILMEMBER ACERSON	AYE

23 THE MOTION CARRIED UNANIMOUSLY.

24
25 7. **Public Hearing** – *Zoning Map Amendment – Senior Housing Facility Overlay*. This
26 is a request by Matt Gneiting for a zoning map amendment for property generally
27 located at 65 South Main Street. The amendment would place a Senior Housing
28 Facility Overlay Zone over the subject property which is currently zoned General
29 Commercial (CG). The Planning Commission recommended approval of the zone
30 change after review in multiple public hearings.

31 COUNCILMEMBER FRAMPTON MOVED TO OPEN THE PUBLIC
32 HEARING. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
33 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34
35 Mr. Van Wagenen opened the discussion by explaining this is a request by Matt
36 Gneiting for a zoning map amendment for property generally located at 65 South Main
37 Street. Mr. Van Wagenen noted that the amendment would place a Senior Housing
38 Facility Overlay Zone on the subject property which is currently zoned General
39 Commercial (CG). He added that Mr. Gneiting presented a concept review for a senior
40 housing facility on 65 South Main Street before the City Council at a meeting earlier this
41 year, and now the applicant is now submitting applications to move from a conceptual
42 project to an actual project. He pointed out that a zone change will need to occur before a
43 project can move forward.

44 Mr. Van Wagenen further explained the property under consideration, along with
45 many surrounding properties, has been zoned commercial since the 1960's, at which
46

2 time, the commercial zone was placed 500 feet on either side of State Street through the
length of the city. Since then, there have been several changes to the commercial zone
4 boundaries along State Street, mostly to clean up zoning lines to match lot lines. Mr. Van
Wagenen noted there has not been any request in recent years for this property to be
6 rezoned to residential property, although there have been inquiries into the possibility of
multi-family housing projects.

8 Mr. Van Wagenen commented that the proposed zone is bordered to the south by
a strip mall and light industrial building, and to the east is a charter school while the
10 northern edge borders residential property, some of which is vacant. He went on to say
there are existing homes to the west that are zoned commercial, and across Main Street is
12 a car dealership and gas service station. He added although not directly bordering the
proposed zone, there is an elementary school on the north side of Center Street with the
Lindon City Community and Senior Center in close proximity. He pointed out that most
14 of the surrounding land is developed.

16 Mr. Van Wagenen mentioned that the Planning Commission unanimously
recommended approval of the zoning map amendment as described by the attached map.
The Commission continued this item until they had recommended ordinance language
18 governing the zone to the Council. Mr. Van Wagenen also stated at the time of this
report, Title 17.75 Senior Housing Facility Overlay, the ordinance language governing
20 the zone, has not been approved by the Council. Therefore, staff does not recommend
approving the zoning map amendment until the Senior Housing Facility Overlay
22 ordinance language has been approved and would recommend continuing the item.

24 Mayor Dain called for any further comments or discussion from the Council.
Hearing none he called for a motion to close the public hearing.

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

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

32 COUNCILMEMBER POWELL MOVED TO CONTINUE THE ZONING MAP
AMENDMENT REQUEST FOR THE SENIOR HOUSING FACILITY OVERLAY TO
34 BE APPLIED ON PROPERTY GENERALLY LOCATED AT 65 SOUTH MAIN
STREET ACCORDING TO THE MAP. COUNCILMEMBER BEAN SECONDED
36 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

38 COUNCILMEMBER WALKER AYE
COUNCILMEMBER FRAMPTON AYE
40 COUNCILMEMBER BEAN AYE
COUNCILMEMBER POWELL AYE
42 COUNCILMEMBER ACERSON AYE
THE MOTION CARRIED UNANIMOUSLY.

44
46 8. **Public Hearing** – *Ordinance Change: LCC 18.03.030 – “Monument Signs.”* This is
a request by Vivint and High Tech Signs for an amendment to LCC 18.03.030

2 'Monument Signs' regarding spacing and size of secondary monument signs on
single parcels and commercial properties.

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

8 Mr. Van Wagenen gave some background by explaining this item is a request by
10 Vivint and High Tech Signs for an amendment to LCC Title 18.03.030 Monument Signs
regarding spacing and size of additional monument signs on single parcels and
12 commercial properties. The applicants currently have a building permit application for a
monument sign that does not meet city sign regulations. Mr. Van Wagenen noted that
14 Vivint would like the sign code to allow a second monument sign to be 8 feet by 8 feet
(64 square feet) with a minimum separation distance of only 80 feet between signs.
Please see the attached sign ordinance for the requested language change.

16 Mr. Van Wagenen further noted that Vivint has recently moved one of their
operations into the Modus Media buildings located on 500 South 500 West. Staff
18 received a building permit application from Hightech Signs, on behalf of Vivint, for a
monument sign 8 feet tall by 8 feet wide (64 square feet) to be located on the west drive
20 entrance of the 600 South street frontage. However, there is an existing monument sign
on the other side of the drive entrance that is used by Aquatherm, another company
22 housed in the same complex. Mr. Van Wagenen added that the sign is located
approximately 80 to 85 feet from the proposed Vivint sign and is about 6 feet tall by 11
24 feet wide (66 square feet).

26 Mr. Van Wagenen explained that Lindon City Code 18.03.030 Monument Signs
(9) states: Each parcel or commercial complex may have one monument sign, however,
one additional monument six feet (6') in height and thirty six square feet (36') in area
28 may be approved where the parcel or commercial complex has more than two hundred
feet (200') of frontage on a dedicated street, or has frontage on two (2) or more dedicated
30 streets and the minimum distance between two (2) monument signs on the same parcel or
commercial complex shall be one hundred feet (100').

32 Mr. Van Wagenen indicated that although the parcel has over 200 feet of frontage
and frontage on two dedicated streets, Vivint's sign application does not meet the 100
34 feet of separation distance and is greater in size than what code currently allows. He
noted that after staff informed Hightech Signs that their sign application did not meet
36 current code, they consulted with Vivint and decided to apply for this ordinance
amendment. Mr. Van Wagenen added that the Planning Commission recommended
38 unanimously that the ordinance as it appears below be approved by the City Council.

40 The applicant, Pamela Clark, was in attendance to address the Council at this
time. Ms. Clark noted that she has been making signs for 23 years and stated that it is not
uncommon for a municipality to have to tweak sign ordinances as a city grows. Ms. Clark
42 added that the reason this issue came up is because there are buildings that come in and
think they will conform to them so they comply to an ordinance that has been written to
44 conform to that expectation that a particular business will stay in a building, and when
that business changes it is always left up in the air on how to accommodate different
46 tenants.

2 Ms. Clark stated when they designed this particular sign they were conscientious
4 of the need to create a presence that is appropriate for the square footage of the property
6 and the business without competing or overwhelming the other businesses in the same
8 complex. Ms. Clark stated that they don't take this issue lightly as they rarely ask for an
10 ordinance change. Ms. Clark stated this ordinance change will allow them to create more
12 square footage and it will visually balance the Aquatherm sign. Ms. Clark further noted
14 that the sign will provide direction for truck access and will give a better visual for the
16 drivers and deliveries into the facility. Mr. Van Wagenen then showed photos depicting
18 several monument signs for visual reference. Mayor Dain asked if approving this request
20 will open doors in other areas of the city that will cause problems. Mr. Van Wagenen
22 stated that he does not feel it will pose any problems in other areas of the city. There was
24 then some additional general discussion regarding this agenda item.

26 Mayor Dain called for any public comments or discussion. Hearing none he
28 called for a motion to close the public hearing.

30 COUNCILMEMBER FRAMPTON MOVED TO CLOSE THE PUBLIC
32 HEARING. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
34 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

36 Mayor Dain called for any further comments or discussion. Hearing none he
38 called for a motion.

40 COUNCILMEMBER FRAMPTON MOVED TO APPROVE ORDINANCE
42 #2013-6-O, ORDINANCE AMENDMENT TITLED LCC 18.03.030 MONUMENT
44 SIGNS. COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE
46 WAS RECORDED AS FOLLOWS:

48 COUNCILMEMBER WALKER	AYE
50 COUNCILMEMBER FRAMPTON	AYE
52 COUNCILMEMBER BEAN	AYE
54 COUNCILMEMBER POWELL	AYE
56 COUNCILMEMBER ACERSON	AYE

58 THE MOTION CARRIED UNANIMOUSLY.

60 9. **Review and Action** – *Federal Aid Agreement between UDOT and Lindon City*. This
62 is a request by Staff for approval of a federal aid agreement, Project #F-R399(165),
64 between UDOT and Lindon City in order to facilitate financing and project
66 management from federal-aid highway funds for the final phase of the Lindon
68 Heritage Trail. The City has worked with MAG and UDOT to secure \$268,154 in
70 funding for this last phase of the trail ending at Utah Lake. Any remaining funds left
72 over from the current phase of the Heritage Trail project will also be transferred to
74 this final phase. No additional out-of-pocket match is required by the City.

76 Mr. Cowie opened the discussion by stating this is a request for approval of a
78 Federal Aid Agreement between UDOT and Lindon City in order to facilitate the next
80 phase of the Heritage trail. He noted that the City has worked with MAG to secure some
82 contingency funds from the original trail and they have forwarded the money to a new

2 application to facilitate the next phase of the trail to Utah Lake. Mr. Cowie added that any
3 remaining funds left over from the current phase of the trail project will be transferred to
4 this final phase and no out of pocket match is required by the City.

5 Mayor Dain called for any further comments or questions from the Council.
6 Hearing none he called for a motion.

7 COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE FEDERAL
8 AID AGREEMENT BETWEEN UDOT AND LINDON CITY (PROJECT NO. F-R399
9 (165)) FOR FUNDING OF THE FINAL PHASE OF THE LINDON HERITAGE
10 TRAIL AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT.

11 COUNCILMEMBER WALKER SECONDED THE MOTION. THE VOTE WAS
12 RECORDED AS FOLLOWS:

13 COUNCILMEMBER WALKER AYE

14 COUNCILMEMBER FRAMPTON AYE

15 COUNCILMEMBER BEAN AYE

16 COUNCILMEMBER POWELL AYE

17 COUNCILMEMBER ACERSON AYE

18 THE MOTION CARRIED UNANIMOUSLY.

20 10. COUNCIL REPORTS

21 **Councilmember Powell** – Councilmember Powell mentioned that Lindon Days is
22 coming up and she has been meeting with Angie Hendrickson and Heath Bateman. She
23 noted that there will be some new fun events this year. She also reported that the
24 Historical Preservation Commission is still moving slowly. Councilmember Powell
25 reported that the Community Center Advisory Board meeting will be held this week.
26 Councilmember Powell expressed her appreciation to Mr. Cowie and staff for handling
27 things in such a professional manner during the recent boil water order.

28 **Councilmember Walker** – Councilmember Walker had nothing to report.

29 **Chief Cullimore** – Chief Cullimore had nothing to report.

30 **Councilmember Bean** – Councilmember Bean had nothing to report.

31 **Councilmember Acerson** – Councilmember Acerson reported thanked Mr. Cowie for
32 attending the UIA meeting in his absence.

33 **Councilmember Frampton** – Councilmember Frampton expressed his appreciation for
34 the work done on the ordinance tonight. He noted that he has concerns regarding this
35 overlay facility but he is in approval of it. He realizes that this is a big decision, but there
36 has to be a solution. Councilmember Frampton also mentioned that he had a call about a
37 bed and breakfast application recently submitted to the City. Mr. Van Wagenen stated
38 that the application will come to the Planning Commission at the July 9th Meeting.

39 **Mayor Dain** – Mayor Dain reported that there are weeds (in the cracks) that need to be
40 sprayed on State Street. He also reported that the grass north of Walmart is dead and

looks very bad; and if Walmart is aware that it is their responsibility. Mayor Dain commented that State Street businesses will appreciate it if the weeds are taken care of. Mayor Dain asked about the status on the issue of Parrish Chemical building on Geneva road. Chief Cullimore stated that he will check into the issue and report back. Mayor Dain also noted a discussion led by the Mayor of Cedar Hills regarding implementing a unified fire department. Mayor Dain stated that he confirmed that Lindon City is not interested in being a part of a unified fire department. Mayor Dain also mentioned that he will follow-up with the Department of Health and suggest providing a checklist for restaurants during boil water order alert. He noted that he will take the checklist back to the Board of Health to make sure the State has a concise and clear checklist.

12 **Administrator's Report**

14 Mr. Cowie reported on the following items:

16 Misc. Updates:

- 18 • Project Tracking List
- 20 • Planning Commission recommendations/minutes approvals. Discussion regarding process and timing of land use applications.
- 22 • Landfill – now requiring ID's to check for residency in member cities. Rates doubled for non-member residential rates. See attached letter and fee schedule. Thoughts on permitting off-site advertising on bud-stop benches.
- 24 • If an employee contacts you about Administrative issues (salary, insurance, etc.) Please direct employees back to Adam.
- 26 • Review of UIA bond paperwork. Any questions? *Orem Fire Restrictions Map. Council Pool pass policy ok or not?

28 Upcoming Meetings & Events:

- 30 • June 28th @ dusk – “Movies in the Park” – Meadow Park (1650 W 500 N)
- 32 • Newsletter Assignment: Councilmember Powell – July newsletter article. *Due by last week in June.*
- 34 • July 11th @ 6:30 p.m. – Mayor's Open House. Sue Easton res (1437 E. 80 S.) Mayor Dain, Councilmember Acerson, Councilmember Bean will attend.
- 36 • July 16th @ 6:00 p.m. Council work session tour of TSSD sewer plant.
- 38 • July 18th at 6:30pm – Candidates meeting w/City Staff.
- 40 • July 19th : Dusk: “Movies in the Park” - Pheasant Brook Park (400 N 800 W)
- 42 • July 25th – Flow Tour at Aquatics Center
- 44 • August 1st @6:30pm – Candidates Open House for Primary Election at the Community Center.
- August 2nd – 10th – Lindon Days. There will not be a City Council Meeting this week.
- August 13th – Primary elections. Planning Commission will be cancelled.
- August 16th : @ dusk – “Movies in the Park” – Hollow Park (300 E 400 N)
- October 24th @ 7pm – Meet the Candidates night at Community Center.
- November 5th – General Elections

2 Future items:

- 4 • Creekside Retirement Subdivision: development agreement updates to clarify and remove moderate income housing requirements.
- 6 • Bicycle Master Plan, spring 2013.
- 8 • Review of active service military utility waivers, utility bill formatting, and utility bill rates.
- 10 • Lindon Pumping Co. land–725 E. 200 S., potential land sale/use by neighbor.
- 12 • Discussion to defer additional land use decisions to Planning Commission.
- 14 • Discussion of economic development policies and programs.

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

14 Adjourn –

16 COUNCILMEMBER FRAMPTON MOVED TO ADJOURN THE MEETING
18 AT 11:15 P.M. COUNCILMEMBER ACERSON SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

20 Approved – July 16, 2013

22
24 _____
Kathryn A. Moosman, City Recorder

26
28 _____
James A. Dain, Mayor