

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, March 3,**
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: Jaden Storrer, Boy Scout Troop 1215
7 Invocation: Bruce Carpenter

8 **PRESENT**

ABSENT

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

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

20 **INTRODUCTION** – *The City Council met Daniel E. Seder, newly hired Parks and
21 Recreation Director.*

22 Mr. Dameron introduced Dan Seder who was recently appointed Parks and
23 Recreation Director. Mr. Seder will operate the new aquatics center facility, as well as
24 direct other parks and recreation programs. Mayor Dain welcomed Mr. Seder and invited
25 him to participate in upcoming Mayor’s Open House events around the community. Mr.
26 Dameron noted that Mr. Seder was selected from a field of 36 qualified applicants.

27 **MINUTES** – The minutes of the meeting of February 17, 2009 were reviewed.

28 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE MINUTES OF
29 THE MEETING OF FEBRUARY 17, 2009. COUNCILMEMBER CARPENTER
30 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

37 **OPEN SESSION** – Citizen Comments

2 Mayor Dain called for comments from any resident present who wished to
address an issue not listed as an agenda item. Cindy Hardy introduced herself to the
Council Ms. Hardy explained that she will be working as the Lindon correspondent for
4 the Daily Herald newspaper. The Council welcomed Ms. Hardy.

6 Councilmember Anthony commented that he began serving on the Council four
years ago today. He stated that his service has been a great experience, and expressed
appreciation to Mayor Dain, the City Council and City staff for the opportunity to work
8 together.

10 **MAYOR'S COMMENTS/REPORT** –

12 Mayor Dain commented on the new “Welcome to Lindon” signs designed by the
Historic Preservation Commission. He expressed appreciation to all those involved in the
14 project.

16 Mayor Dain informed residents that preliminary work for the 2010 Census is
underway, and that residents will begin to see census workers in the community.

18 Mayor Dain commented on the recent passing of Larry H. Miller. He recognized
Mr. Miller’s contributions to the community, and noted that the City made a \$100
donation to the Larry H. Miller charities as a token of appreciation. Chief Cullimore
20 reported that the Lindon City Police Department Honor Guard participated at Mr.
Miller’s viewing, along with other police agencies in the state.

22 **CONSENT AGENDA** –

- 24
- 26 *1. Ratification of the appointment of Christian L. Burton to a three year term on the
Lindon City Planning Commission.*

28 COUNCILMEMBER BAYLESS MOVED TO RATIFY THE APPOINTMENT
OF CHRISTIAN L. BURTON TO A THREE YEAR TERM ON THE LINDON CITY
30 PLANNING COMMISSION. COUNCILMEMBER BATH SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

32 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
34 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
36 COUNCILMEMBER HATCH AYE
THE MOTION CARRIED UNANIMOUSLY.

38 **CURRENT BUSINESS** –

- 40
- 42 **Preliminary Plat** – *Old Station Square, Plat “F”, Lot 19.* This is a request by
Gregory and Elisa Brough of Candlelight Media for preliminary approval of Old
44 Station Square, Plat “F”, 1 lot in the CG zone at 272 West 200 North. The
Planning Commission recommended approval with one condition.

Gregory and Alisa Brough of Candlelight Media were present as representatives for this application. Mr. Cowie explained that this is a request for a one lot subdivision which will divide the existing Lot 8 in the Old Station Square Subdivision. The new lot will be Plat F, Lot 19, and will meet the minimum square footage requirements for the zone. Mr. Cowie explained that the Planning Commission reviewed the Site Plan application and the Subdivision application last week. The Site Plan was continued pending clarification of some details. The Commission recommended approval of the subdivision application with the condition that the remainder of the existing Lot 8 be reconfigured, and the plat be recorded showing cross access easements and storm water easements related to this lot.

Councilmember Bayless asked if the new configuration would include a cul-de-sac. Mr. Cowie stated there will not be a cul-de-sac, but that the lot lines will be reconfigured to provide shared access between Evan's Beauty College and Candlelight Media.

Councilmember Carpenter asked Mr. Cowie if he anticipates any concerns regarding cross easements and the possibility that the parking areas will be used as a cut-through for traffic from State Street to Lakeview Drive. Mr. Cowie stated that the developer is aware that the final configuration of the parking area will be required to discourage cut-through traffic.

Councilmember Anthony inquired as to whether State Street access points were determined by UDOT. Mr. Cowie stated that the single State Street access was approved by UDOT, and will serve Evan's Beauty College and Candlelight Media.

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE OLD STATION SQUARE, PLAT "F", LOT 19 PRELIMINARY SUBDIVISION PLAT. COUNCILMEMBER BAYLESS 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.

- 2. Public Hearing** – *General Plan Land Use Map Amendment and Ordinance Change.* This is a request by Ray Taylor and surrounding property owners for approval of an amendment to the Lindon City General Plan Land Use Map in the area of the southeast corner of Lakeview Drive and 400 West. The applicants are requesting a change from Residential Low to Commercial. The Planning Commission recommended denial of the proposal.

COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER THE GENERAL PLAN LAND USE MAP AMENDMENT AND

2 ORDINANCE CHANGE REQUEST. COUNCILMEMBER HATCH SECONDED
THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4 Ray Taylor was present as the representative for this application. Mr. Cowie
noted that Mr. Taylor is the principle applicant, but that written comments in support of
6 the request have submitted by the other three affected property owners. Mr. Cowie stated
that the subject properties include Mr. Taylor's property, the old City Hall building, the
8 old Public Works facility, and the Christiansen property. Mr. Cowie observed that the
General Plan change and the Zone change are interrelated and could be discussed
10 simultaneously, but that two separate motions would be necessary.

12 Mr. Cowie stated that the current General Plan zoning of the subject properties in
Residential Low. He reviewed uses on adjacent properties, including the Lee Triplexes
and the Beesmark dental office. He noted that a future extension of 400 North to connect
14 to 400 West is shown on the Master Plan.

16 Mr. Cowie explained that consideration of possible impacts to the surrounding
neighborhood if the zoning on these properties were changed to a commercial use
prompted creation of a new zoning designation, Limited Commercial (CL), which would
18 allow a limited number of lower impact commercial uses.

20 Mr. Cowie reviewed a previously approved General Plan change to the Thornton
property. He stated that currently, the General Plan Land Use Map shows the Thornton
property as commercial, but that the zoning map shows the property split between
22 commercial and residential. The City Council approved the General Plan Map change at
the request of Mr. Thornton, but the zoning was not changed at that time.

24 Mr. Cowie presented photographs of the subject properties. He noted that the
owner of the old City Hall building has maintained a valid business license, and that the
26 City would be required to allow an office type use in that facility if an application were
submitted.

28 Mr. Cowie explained that if the zone is approved, significant setbacks from
existing residential zones or uses would be imposed. He stated that a 40 foot setback
30 from any residential use would be required for any commercial or industrial use. He
presented a graphic of the buildable area on the lots when required setbacks are applied to
32 the property. He explained that if the Christiansen property were redeveloped as a
commercial use, buildable area on the lots would be increased.

34 Mr. Cowie noted that the maximum height in the CL zone would be 35 feet, the
same height limit as in the residential zone. He reviewed a list of proposed and permitted
36 and conditional uses for the CL zone as follows:

- 38 • Assisted Living Facilities – small – conditional use
- Caretaker Facilities – accessory to main use only – conditional use
- Professional Office
- 40 • Photographic Services – including commercial
- Beauty & Barber Shops
- 42 • Child Day Care – 5-12 children
- Commercial Preschool – conditional use
- 44 • Catering Services
- Medical, Dental, and Health Clinic Services – small outpatient services
- 46 • Medical and Dental Laboratories

- Private Primary and Secondary Schools – conditional use
- Art Galleries

Councilmember Anthony inquired as to possible extremes in the proposed uses which may adversely impact the surrounding neighborhood. Mr. Cowie noted that the size of the properties and limited areas for parking would significantly restrict possible uses. He noted that higher impact service type uses are listed elsewhere in the Standard Land Use Table, and would not be permitted in this zone.

Mr. Cowie stated that the Planning Commission recommended denial of this application. The Commission felt that specific development plans for the property should be part of a decision to rezone the area. Mr. Cowie noted that the Commission discussed development of all four properties to accommodate one project. He stated that there is no indication at this time that the four property owners have any intention of developing a project together.

Councilmember Anthony asked if the elderly group home project previously proposed by Mr. Taylor would fit on the property given the required setbacks. Mr. Cowie stated that the project would require significant modification to fit on the property. Mr. Taylor stated that he would be willing to modify the plans as necessary to meet required setbacks.

Mayor Dain asked if the current business license for the old City Hall building is considered an existing non-conforming use. Mr. Cowie explained that the current owner of the building is US Traffic. He explained that a use can continue as long as the business is active, or a valid business license is maintained. He stated that the use is discontinued if a valid business license is not maintained for a period of six months.

Councilmember Carpenter asked Mr. Cowie to characterize the comments of residents who spoke in opposition to this request during the Planning Commission meeting. Mr. Cowie stated that three residents spoke at the Planning Commission meeting. He explained that approximately 30 neighboring property owners within 300 feet received notices. One resident responded to the notice with a letter of support. No specific responses were received from any other property owners.

Mr. Taylor noted that he approached the City several months ago with a proposal to develop an elderly group home on this site. He commented that the Planning Commission recommended approval of the project, and that the City Council denied the application. Mr. Taylor appealed the denial to the Board of Adjustments, who upheld the City Council decision. Mr. Taylor stated that he understands some of the concerns expressed by the City Council, but is still unsure what specific revisions would be required to meet the Council's interpretation of a family type living arrangement. Mr. Taylor stated that he feels strongly that he would like to complete the facility on this site, but understands that it may not be feasible when commercial setbacks are applied.

Councilmember Carpenter inquired as to what action would change the use on the Christiansen property from residential to commercial if the zone were changed. Mr. Cowie stated that if the residential use is discontinued after the zone change, the use would then become commercial. Mr. Cowie stated that a change in use would require a complete application for commercial development to be submitted showing a clear intent to develop the property commercially. Councilmember Bayless asked what the status of the property would be if it were purchased by a developer for commercial use but the

property was still used for a residential use. Mr. Cowie stated that as long as the use remained residential, residential requirements would be applicable.

Mayor Dain called for public comment. Doug Christiansen stated that he has had several discussions with Mr. Taylor over the past couple of years. He noted that he has learned through those conversations that Mr. Taylor redeveloped the Utah Idaho Map Supply building on State Street. Mr. Christiansen asserted that the work completed on that project is an indication of Mr. Taylor's intention to do quality work in the community. Mr. Christiansen stated that he felt that allowing commercial development on the subject properties would be an improvement to the neighborhood.

Mr. Christiansen stated that he has no plans to develop his property commercially at this time, and expects to continue his residential use and associated home occupation business. He noted that the Planning Commission asked if he would consider any negotiation regarding setbacks from his residential property if the zoning map were changed. Mr. Christiansen stated that in his opinion, the four subject properties could be configured as two separate zone changes, with the Taylor property and the old Public Works building being zoned with the new CL designation, and his property and the old City hall being zoned for General Commercial use. He noted that permitted uses in the CL zone may limit his ability to market his property for commercial development due to the number of similar uses located in the adjacent Old Station Square development. He noted that the area will likely redevelop commercially in the future when the 400 North extension is completed.

Councilmember Anthony inquired as to whether there is any flexibility to allow negotiations on setbacks from the Christiansen property. Mr. Cowie stated that specific setbacks for the CL zone could be reduced from the typical commercial setbacks.

Former Mayor, Scott Cullimore, observed that he is aware that it is the responsibility of the Council to provide orderly development in the community. He stated that when he served on the City Council and as Mayor in Lindon, he made an effort to respect and preserve residential areas and the associated quality of life enjoyed by residents. Mr. Cullimore asserted that it appears that Mr. Taylor is attempting to develop a piece of residential property in a way that would be most beneficial to him personally. Mr. Cullimore stated that neighboring resident, Steve Smith, was unable to attend this meeting, but asked that Mr. Cullimore convey to the Council that Mr. Smith feels that it is not the City's responsibility to provide a profitable use for this residential property. Mr. Cullimore observed that the subject property is surrounded by residential properties. He felt that if a proposal for orderly development of all four affected lots were under review, it would be possible to measure impacts to the surrounding residential neighborhood more accurately. Mr. Cullimore asked that the residential neighborhood be preserved. Mr. Cullimore also noted that there is ample undeveloped commercial property in the City to meet development needs.

Matt Longson suggested that the commercial zoning may be a benefit not only to Mr. Taylor, but could bring additional jobs and revenue to the City. Councilmember Anthony asked Mr. Longson where he lives. Mr. Longson stated that he does not live in Lindon.

Richard Griffith expressed concern regarding potential increases in traffic in the surrounding residential neighborhood. He asserted that if the commercial zone request is approved on these properties, it may make selling surrounding residential properties more

difficult, and may impact property values. Mr. Griffith felt that the Taylor property would not be the appropriate location for the retirement home proposed by Mr. Taylor. Mr. Griffith also expressed concern that the commercial area may continue to extend further west into existing residential neighborhoods if this zone change is approved. Mr. Griffith agreed with statements made by Mr. Cullimore that it is not the City's responsibility to provide Mr. Taylor with a profitable use for this property. Mr. Cullimore noted that the City should use its influence to have the subject properties cleaned up.

Mr. Christiansen asserted that it is a misrepresentation that the proposed CL uses would negatively affect property values. He noted that the existing residential structure on the Taylor property is not habitable, and may present safety concerns.

Lori Esteban stated that she lives close to the area of the subject property. Ms. Esteban stated that in her opinion, the proposed Elderly group home would be an appropriate use of the property, and would be an asset to the community and the surrounding neighborhood.

Mr. Taylor stated that he is somewhat offended by statements indicating that he is asking the City to provide a profitable use. He stated that he is willing to develop the property as directed by the Council, narrowing down permitted uses to minimize impact to the surrounding neighborhood as much as possible. He asserted that some type of limited commercial development in this area will provide an appropriate buffer between the existing residential neighborhoods and other commercial uses. Mr. Taylor acknowledged that he is asking the City to help find an appropriate solution, but that he does not want the property to be a detriment to the neighborhood. Mr. Taylor stated that the proposed Elderly group home was a residential development, and that after that application was denied, the City Council suggested that Mr. Taylor pursue a zone change.

Mr. Christiansen stated that he has discussed possible purchase of the Taylor property with Mr. Taylor. He noted that Mr. Taylor offered very reasonable terms for purchase of the property.

Mayor Dain called for additional public comment. There were no more comments from residents. He called for a motion to close the public hearing.

COUNCILMEMBER ANTHONY MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER THE GENERAL PLAN LAND USE MAP AMENDMENT REQUEST. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Councilmember Bayless recalled that the Council did not approve a previous application for a zone change on the Hatfield property, including the vacation of a section of Main Street, due to concerns regarding possible impacts from unknown future development. She expressed concern regarding possible future uses and impacts to the surrounding residential neighborhood if the zone change is approved. She noted that the Council had several concerns regarding the Elderly group home which was proposed by Mr. Taylor, including the design of the structure and the business model of the facility. She noted that the project may not be feasible on this property if the required commercial setbacks are imposed. She stated that she did not feel a zone change would be appropriate at this time due to concern about impacts to the surrounding residential

neighborhood and the precedent which has been set to not alter zoning until specific development plans are presented. She agreed with the recommendation of the Planning Commission that the timing for a zone change is not right at this time.

Councilmember Anthony asked Mr. Taylor if he may have specific plans to develop if all four properties were combined. Mr. Taylor stated that he would like to leave development options up to the City Council. He stated that he does not want his development to be a detriment to the community. He noted that development plans are not determined on other commercial properties, and that if commercial development is permitted on the subject property, he would expect to develop professional office space or another low impact use for the site.

Councilmember Bayless asked if Mr. Taylor had any intention of pursuing the Elderly group home. Mr. Taylor stated that he would prefer to develop the Elderly group home, but felt that there was a great deal of opposition to that proposal from the City Council. He asserted that the development potential for the property under the current residential zoning is very limited, and that the proposed CL zone would allow appropriate improvement and development for the area.

Councilmember Bayless clarified that the Council was not opposed to the Elderly group home facility specifically, but rather felt that it did not meet the criteria specific to residential uses. Councilmember Anthony agreed that the Council felt that the proposal appeared to be an apartment building, and that the residential neighborhood would not be an appropriate location for the care facility. He agreed with the observation of Councilmember Bayless that the details of future development are not known at this time, and that making the zone changes based on unknown future development would not be appropriate. He felt that the zone change should be made in concert with plans for a viable development rather than a list of possibilities.

Councilmember Bath asked if Mr. Taylor may still consider developing the residential facility for the elderly. Mr. Taylor stated that he would love to develop that project, but that his "hands seem to be tied." Councilmember Bath asked if the facility would be feasible on the property with the commercial setbacks. Mr. Taylor stated that the setbacks would require the facility to be redesigned.

Councilmember Anthony stated that he is supportive of the concept of an elderly group home, but noted that it should be done under proper zoning. He stated that if he saw a proposal which met the requirements of a CL zone and the details of the proposal could be reviewed before approving the zone, the project may be feasible. He explained that he is open to finding an appropriate use for the site.

Councilmember Carpenter stated that it is his inclination to give deference to current zoning, although the current residential uses do not seem to be beneficial to the neighborhood. He agreed that it would be appropriate to work together to find a solution to the issues associated with these residential properties. He agreed that with the uncertainties associated with a zone change without any specific development, maintaining the current residential zoning would be the appropriate course of action at this time.

Mr. Taylor stated that he is passionate about developing the elderly facility. Councilmember Carpenter stated that if a proposal were submitted which met ordinance requirements, the facility would likely be approved. Councilmember Anthony noted that the Council indicated during previous review of the elderly facility that the individual

2 kitchens were problematic. Mr. Taylor asserted that there seems to be some disconnect
4 between the Planning Commission and City Council. Councilmember Bayless explained
6 that the Planning Commission is appointed by the City Council, and that they are a
8 recommending body. She noted that each body has a different level of responsibility, but
10 that their decisions were typically in harmony. Councilmember Anthony noted that final
12 decisions are left to the discretion of the City Council regardless of the recommendation
14 of the Planning Commission.

8 Councilmember Bath noted that he supports the concept of the Elderly group
10 home. He noted that he was not present at the City Council meeting when the Council
12 voted to deny the application, but that he would have voted against the Council. He felt
14 that the facility is needed in the community. He felt that if specific development plans
16 were submitted, this area may provide an adequate buffer between residential and
18 commercial uses. He felt that the proposed CL zone may be appropriate, but that it
20 would be necessary to make the zone change to coincide with appropriate development
22 plans.

16 Mr. Taylor requested that the application be continued rather than denied to allow
18 time to discuss specific options further. Councilmember Bayless felt that a continuation
20 would not be appropriate, as only the Taylor property is currently being considered for
22 development. She felt that it would be necessary to address development in some detail
24 on all the subject properties prior to considering a zone change.

22 Mayor Dain agreed that it would be appropriate to consider an overall
24 development plan and associated traffic patterns and other concerns. He called for
26 further comments or discussion. Hearing none, he called for a motion.

26 COUNCILMEMBER BAYLESS MOVED TO DENY THE GENERAL PLAN
28 LAND USE MAP CHANGE REQUEST WITH THE FOLLOWING FINDINGS:

- 28 1. THE COUNCIL HAS SIGNIFICANT CONCERNS REGARDING THE
30 RADICAL CHANGE IN ZONING THAT COULD IMPACT THE
32 SURROUNDING RESIDENTIAL NEIGHBORHOOD WITH NO COHESIVE
34 DEVELOPMENT FOR THE SUBJECT PROPERTIES.
- 32 2. THE TIMING IS NOT APPROPRIATE TO APPROVE THE REQUEST AS
34 THERE IS NO CLEAR OVERALL PLAN TO JUSTIFY THE ZONE CHANGE
- 34 3. THE ZONE CHANGE DOES NOT APPEAR TO BE BENEFICIAL TO THE
36 NEIGHBORHOOD AT THIS TIME.
- 36 4. A PRECEDENT HAS BEEN ESTABLISHED FOR NOT CHANGING ZONING
38 WITHOUT A CLEAR PLAN FOR DEVELOPMENT.
- 38 5. THAT COMMERCIAL DEVELOPMENT SHOULD NOT ENCROACH
40 FURTHER INTO RESIDENTIAL NEIGHBORHOODS AT THIS TIME.
- 40 6. THAT THE POTENTIAL TRAFFIC VOLUME INCREASE ON 400 WEST
42 MAY BE DETRIMENTAL TO THE SURROUNDING RESIDENTIAL
44 NEIGHBORHOOD.

42 Councilmember Hatch observed that the requested zoning might leave a residential island
44 in the middle of a commercial zone on the Thornton property. Further discussion of this
46 concern clarified that the General Plan reflects commercial zoning on the Thornton
property. Councilmember Carpenter asked if the Council felt there would be any benefit

2 to continuing this application as requested by Mr. Taylor. Following further discussion,
it was the general feeling of the Council that indefinite continuation would not be
beneficial.

4
6 COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

8 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
10 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
12 COUNCILMEMBER HATCH AYE

THE MOTION CARRIED UNANIMOUSLY.

14 Councilmember Bath noted that he voted AYE on this motion, but had some
reservations about doing so.

- 16
18 3. **Public Hearing** – *Zoning Map Amendment and Ordinance Change*. This is a
request by Ray Taylor and surrounding property owners for approval of an
20 amendment to the Lindon City Zoning Map and creating of a new zone (C-
Limited Commercial) in the area of the southeast corner of Lakeview Drive and
22 400 West. This action is requested coincidental to Item #2 above. The Planning
Commission recommended denial of the proposal.

24 COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO
CONSIDER THE ZONING MAP AMENDMENT AND ORDINANCE CHANGE
26 REQUEST. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28
30 Mayor Dain called for public comment. Doug Christiansen stated that there
would not be a residential island created, and that the Thornton property is zoned CG on
the General Plan Land Use Map. Mr. Cowie confirmed that the General Plan was
32 amended on the Thornton property, but the zoning was not changed. Mr. Christiansen
felt that as a compromise, the General Plan amendment could be approved at this time
34 without the zone change. Mayor Dain stated that the Council has taken final action on
the General Plan Land Use Map amendment request.

36 Mr. Taylor stated that his vision for this property was to develop the Elderly
group home facility. Councilmember Bayless stated that the plan as previously presented
38 appeared to be eight apartments, which was not an appropriate use in the residential zone.
She stated that if the timing is right and a cohesive development plan for the subject
40 properties is submitted, it may be appropriate to rezone the area. She stated that if
appropriate changes were made to the elderly facility to make it compatible in the
42 residential zone, the Council could consider that project on the property. She noted that
Mr. Taylor had been unwilling to make the necessary changes at the time the Council
44 reviewed the application.

46 Mr. Taylor stated that it is his intention to make sense of development in this area.
He expressed frustration that the elderly facility was denied by the Council based on their

2 interpretation of the regulations Mayor Dain stated that he understands Mr. Taylor's
frustration. Mayor Dain called for further comments or discussion. Hearing none, he
called for a motion.

4
6 COUNCILMEMBER HATCH MOVED TO CLOSE THE PUBLIC HEARING
TO CONSIDER THE ZONING MAP AMENDMENT AND ORDINANCE CHANGE
REQUEST. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL
8 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

10 COUNCILMEMBER ANTHONY MOVED TO DENY THE ZONING MAP
AMENDMENT AND ORDINANCE CHANGE REQUEST WITH THE FOLLOWING
12 FINDINGS:

- 14 1. THE COUNCIL HAS SIGNIFICANT CONCERNS REGARDING THE
RADICAL CHANGE IN ZONING THAT COULD IMPACT THE
16 SURROUNDING RESIDENTIAL NEIGHBORHOOD WITH NO COHESIVE
DEVELOPMENT FOR THE SUBJECT PROPERTIES.
- 18 2. THE TIMING IS NOT APPROPRIATE TO APPROVE THE REQUEST AS
THERE IS NO CLEAR OVERALL PLAN TO JUSTIFY THE ZONE CHANGE
- 20 3. THE ZONE CHANGE DOES NOT APPEAR TO BE BENEFICIAL TO THE
NEIGHBORHOOD AT THIS TIME.
- 22 4. A PRECEDENT HAS BEEN ESTABLISHED FOR NOT CHANGING ZONING
WITHOUT A CLEAR PLAN FOR DEVELOPMENT.
- 24 5. THAT COMMERCIAL DEVELOPMENT SHOULD NOT ENCROACH
FURTHER INTO RESIDENTIAL NEIGHBORHOODS AT THIS TIME.
- 26 6. THAT THE POTENTIAL TRAFFIC VOLUME INCREASE ON 400 WEST
MAY BE DETRIMENTAL TO THE SURROUNDING RESIDENTIAL
NEIGHBORHOOD.

28 COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

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

36
38 Councilmember Bath again noted his reservations regarding the AYE vote he cast for
denial of this application.

- 40 7. **Public Hearing** – *Sign Ordinance Amendments – Lindon City Code, Title 18*
(Ordinance #2009-4-0). This is a request by staff for approval of changes to the
42 sign ordinance referenced in Lindon City Code, Title 18. Specifically, changes
are requested to the pole sign and monument sign regulations, primarily within
44 the PC-1 and PC-2 zones. The Planning Commission recommended approval.

2 COUNCILMEMBER HATCH MOVED TO OPEN THE PUBLIC HEARING
3 TO CONSIDER ORDINANCE #2009-4-0. COUNCILMEMBER BAYLESS
4 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
5 CARRIED.

6 Mr. Cowie explained that this is a City initiated change to the sign ordinance.
7 Proposed revisions affect pole sign and monument sign requirements. He stated that the
8 changes are being considered at the request of a car dealership business considering
9 purchasing the Larry H. Miller used car dealership site.

10 Mr. Cowie explained that the property is currently zoned PC-2 and is located in
11 the T-zone adjacent to I-15. The company has requested installation of a second pole
12 sign on the site. Proposed revisions will allow a second pole sign on lots within the PC-1
13 and PC-2 zone which are also located within the T-zone. A minimum 100 foot setback
14 from any other pole signs will be required. Mr. Cowie noted that revisions affect three to
15 four properties. He explained that current ordinance standards require a separation
16 distance of 500 feet between pole signs.

17 The second item addressed in proposed revisions is the location of monument
18 signs. The subject property's main access is through an easement across the adjacent car
19 dealership. The current ordinance prohibits offsite signage. The dealership is requesting
20 an ordinance revision which will permit installation of a monument sign on the landscape
21 strip at the edge of the easement. This revision will be applied to any commercial
22 property accessed through an easement.

23 Councilmember Bayless noted that the nature of this transaction is still somewhat
24 confidential. She inquired as to whether negotiations were at a point where it would be
25 beneficial to make changes in an effort to move the project along. Mayor Dain observed
26 that the same principles would apply to the site regardless of the specific dealership, and
27 that proposed changes would be appropriate whether or not this particular dealership
28 proceeds with their application.

29 Mayor Dain called for public comments. There were no comments. He called for
30 further comments or discussion from the Council. Hearing one, he called for a motion.

31 COUNCILMEMBER BATH MOVED TO CLOSE THE PUBLIC HEARING TO
32 CONSIDER ORDINANCE #2009-4-0. COUNCILMEMBER BAYLESS SECONDED
33 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34 COUNCILMEMBER HATCH MOVED TO APPROVE ORDINANCE #2009-4-
35 0 AMENDING SECTION 18.03.030 OF THE LINDON CITY CODE TITLED
36 "SPECIFIC REGULATIONS BY SIGN TYPE", SPECIFICALLY AMENDING THE
37 'POLE SIGN' AND 'MONUMENT SIGN' SECTIONS, THEREBY MODIFYING,
38 AMENDING AND REVISING THE PROVISIONS OF THE SECTION AND
39 PROVIDING FOR AN EFFECTIVE DATE. COUNCILMEMBER CARPENTER
40 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

41 COUNCILMEMBER ANTHONY	NAY
42 COUNCILMEMBER BATH	AYE
43 COUNCILMEMBER BAYLESS	AYE
44 COUNCILMEMBER CARPENTER	AYE

COUNCILMEMBER HATCH AYE

2 THE MOTION CARRIED (4-1).

4 Councilmember Anthony explained that he voted against this approval based on concern
6 regarding a proliferation of pole signs along the freeway.

- 8 8. **Review and Action** – *Agreement for Trail and Utility Easement – 270 East*
10 *Center Street*. This is a request by staff and Nathan Walker for abolishment of an
12 original agreement between Larry Walker and Lindon City to be replaced by this
14 agreement providing for a trail and utility easement across Nathan Walker’s
16 property.

18 Mayor Dain noted that this item has been discussed at length on previous
20 occasions. He called for discussion from the Council. Hearing none, he called for a
22 motion.

24 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE AGREEMENT
26 FOR TRAIL AND UTILITY EASEMENTS BETWEEN LARRY WALKER, NATHAN
28 WALKER AND LINDON CITY. COUNCILMEMBER BATH SECONDED THE
30 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

32 COUNCILMEMBER ANTHONY AYE
34 COUNCILMEMBER BATH AYE
36 COUNCILMEMBER BAYLESS AYE
38 COUNCILMEMBER CARPENTER AYE
40 COUNCILMEMBER HATCH AYE

42 THE MOTION CARRIED UNANIMOUSLY.

- 44 9. **Review and Action** – *Agreement for Cooperative Services between Lindon City*
46 *Police Department and the United States Marshal’s Service*. This is a request by
48 Police Chief Cody Cullimore for approval of an agreement between the Lindon
50 City Police Department and the Unites States Marshal’s Service for the purpose of
52 locating and apprehending fugitives.

54 Chief Cullimore noted a typographical error which will be corrected before the
56 final agreement is signed. He noted that the agreement will call for overtime
58 reimbursement to the City of up to \$15,500 per officer annually. He explained that the
60 City does not have adequate manpower to participate in operations at a level that would
62 ever exceed that amount.

64 Chief Cullimore explained that there is some liability exposure associated with
66 officer participation in operations outside the City. He explained that the reciprocal
68 agreement will also have officers from other agencies working on operations within
70 Lindon as well. He clarified that Lindon officers are under his command at all times,
72 regardless of the location of the operation, and that officers are required to proceed
74 according to Lindon Police Department policies at all times.

2 Councilmember Anthony inquired as to the City's ability to terminate the
agreement. Chief Cullimore explained that the agreement can be cancelled at any time
simply by non-participation in operations.

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

6
8 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE AGREEMENT
FOR COOPERATIVE SERVICES BETWEEN LINDON CITY POLICE
DEPARTMENT AND THE UNITED STATES MARSHAL'S SERVICE.
10 COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

12 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
14 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
16 COUNCILMEMBER HATCH AYE
THE MOTION CARRIED UNANIMOUSLY.

18
20 10. **Review and Action** – *Healthier You Legacy Awards Program (Resolution #2009-6-R)*. Healthier You Legacy Awards Program (Resolution #2009-6-R). This is a
request by Councilmember Lindsey Bayless for approval of a City Council
22 Resolution approving participation in the Healthier You legacy Awards Program.
This program is sponsored by the Utah League of Cities and Towns.

24
26 COUNCILMEMBER BAYLESS MOVED TO APPROVER RESOLUTION
#2009-6-R AUTHORIZING PARTICIPATION IN THE HEALTHIER YOU LEGACY
AWARDS PROGRAM SPONSORED BY THE UTAH LEAGUE OF CITIES AND
28 TOWN AND PROVIDING FOR AN EFFECTIVE DATE. COUNCILMEMBER
ANTHONY SECONDED THE MOTION. THE VOTE WAS RECORDED AS
30 FOLLOWS:

32 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
34 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE
36 THE MOTION CARRIED UNANIMOUSLY.

38 **COUNCIL REPORTS** –

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

42 Councilmember Hatch reported on water issues which were discussed at recent
meetings with Provo River Water Users Association. He noted that some details
44 regarding the Murdock Canal enclosure project are being finalized. Funding is currently
not in place, but some federal stimulus funds may be available for the project.

2 Councilmember Hatch also reported that snow pack is slightly below last year's
levels. The State hydrologist anticipates final snow pack to be approximately the same as
4 a year ago.

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

8 Councilmember Bath asked Chief Cullimore to report on Police Department
activities. Chief Cullimore reported on an incident which was reported to police as an
10 attempted abduction of a teenaged girl. The report turned out to be false, but rumors
generated a great deal of fear and anxiety in the community. A mass email was sent out
12 to residents explaining the situation. Councilmember Carpenter noted that several
residents talked with him to express concerns. He suggested that residents coordinate
14 with the police department in the future prior to taking any action or sending out
erroneous information.

16 Chief Cullimore also reported that Lindon officers responded to assist Pleasant
Grove Police following the recent homicide. Lindon officers responded to other calls in
the community and helped create a secure perimeter following the event.

18 **COUNCILMEMBER BAYLESS** – *Trails, Planning, Zoning, Board of Adjustments,*
20 *Administration.*

22 Councilmember Bayless had no items to report.

24 **COUNCILMEMBER ANTHONY** - *Parks, Recreation, Engineering, Lindon Fair,*
26 *Newsletter.*

28 Councilmember Anthony reported that the Tree Advisory Board is considering
holding the annual Arbor Day Celebration on April 25th or May 2nd. He stated that the
Board would like to hold the event at the aquatics center. Mr. Dameron stated that other
30 landscaping projects with the community are currently scheduled for May 2nd. The
Council discussed a donation made to the City of 60 trees. Mayor Dain noted that all 60
32 trees will not be needed at the pool. Some of the trees will be planted in other areas
around the City.

34 **COUNCILMEMBER CARPENTER** – *General Plan, Streets & Sidewalks, Public*
36 *Buildings.*

38 Councilmember Carpenter reported that he met with Mr. Dameron, Mayor Dain,
and Councilmember Hatch prior to the meeting to discuss UTOPIA matters. He invited
40 other Councilmembers to schedule meetings to discuss UTOPIA questions or concerns
which would not be appropriate to discuss in a public meeting.

42 Councilmember Carpenter also reported that the State Legislature is winding
down. He noted that the State is considering increasing the gasoline tax as a revenue
44 source. He noted that gas tax revenue has historically been shared with municipalities to
fund Class B and Class C road projects. Current proposals do not share the tax increases
46 with municipalities. The Utah League of Cities and Towns has asked cities to pass a

2 Resolution expressing to the State that the established practice relative to gas tax
revenues should continue to be followed. Mr. Dameron will put this item on the agenda
for the March 17th meeting for action.

4 **ADMINISTRATOR'S REPORT** –

6 Mr. Dameron reported on the following items:

- 8 1. Work Sessions with Department Heads to discuss the upcoming budget process
will begin March 17th at 6:00 p.m.
- 10 2. Engineering Coordination Meeting will be held Wednesday, March 18th at noon.
- 12 3. The Council reviewed the Project Tracking List.
- 14 4. Work on the Aquatics Center is proceeding on schedule. Paver sales are slow at
this point, but additional advertising will be conducted, and sales are expected to
increase as the opening date nears.
- 16 5. The 700 North widening project will begin on March 23rd. The bid was 65%
lower than engineering estimates.

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

22 COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
24 COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	AYE

26 THE MOTION CARRIED UNANIMOUSLY.

28 **ADJOURN** –

30 COUNCILMEMBER BATH MOVED TO ADJOURN THE MEETING AT
32 P.M. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

34 Approved – March 17, 2009

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38
40 _____
Debra Cullimore, City Recorder

42
44
46 _____
James A. Dain, Mayor