

2 The Lindon City Council held a regularly scheduled meeting beginning with a Work  
3 Session at 6:00 p.m. on **Tuesday, March 4, 2008**, in the Lindon City Center, City  
4 Council Chambers, 100 North State Street, Lindon, Utah.

6 Conducting: H. Toby Bath, Mayor Pro-Tem

8 **PRESENT**

**ABSENT**

10 Eric Anthony, Councilmember  
11 H. Toby Bath, Councilmember/Mayor Pro-Tem  
12 Lindsey Bayless, Councilmember  
13 Jerald I Hatch, Councilmember  
14 Ott H. Dameron, City Administrator  
15 Phil Brown, Chief Building Official  
16 Adam Cowie, Planning Director  
17 Debra Cullimore, City Recorder

James A. Dain, Mayor  
Bruce Carpenter, Councilmember

18 The meeting began at 6:05 p.m.

20 **WORK SESSION** – 6:00 P.M.

- 22 1. **Department Budget Report** – *Community Development Department. The*  
23 *Mayor and City Council will meet in a Work Session with Phil Brown, Chief*  
24 *Building Official, and Adam Cowie, Planning Director, to hear a report on*  
25 *current year data as well as issues and concerns for fiscal year 2008/2009.*

26  
27 Mr. Brown presented an overview of the 2007-2008 year to date for the Building  
28 Department. He noted that there was a significant increase in single family dwelling  
29 building permits issued during the previous year, from 204 in 2006 to 320 in 2007. He  
30 noted that the increase is due in part to development of the Creekside Meadows  
31 Subdivision.

32 Mr. Brown stated that 119 new single family homes were completed in 2007 with  
33 a total valuation of \$29,978,042. In addition, 52 permits were issued for, remodels,  
34 additions and basement finishes for a total valuation of \$1,406,604. There were also 12  
35 new commercial or industrial projects started in 2007, with a total valuation of  
36 \$19,243,586.

37 Mr. Brown presented a spread sheet showing building permit totals and total  
38 valuation since 2001. He noted that total valuation has doubled since 2001. Mr. Brown  
39 reviewed annual revenues and expenditures since 2002. He noted that typically, it is the  
40 intent for the department to “break even” each year, with fees charged covering the  
41 expense of services. The 2007 year showed a revenue surplus of \$73,111.05.

42 Mr. Cowie then presented activities of the Community Development and Planning  
43 Department for the previous year. He noted that the number of development applications  
44 decreased from 93 to 77 total applications. He explained that revisions to the Standard  
45 Land Use Table changed the designation of various uses from “conditional” to  
46 “permitted.” He stated that permitted uses occupying an existing building are required

only to obtain a business license, and that no other development applications are necessary. Councilmember Bayless observed that the number of applications will not necessarily increase each year, and that these services are provided as needed. Mr. Cowie noted that there are currently approximately 600 licensed businesses in Lindon, with approximately 100 of those being home based businesses.

Mr. Cowie reviewed revenues and expenditures for the previous year. He explained that the Planning Department is not intended to be a profit making department, and that there will typically be a fiscal deficit in the department.

Mr. Cowie presented a list of development applications approved in 2007, including Conditional Use Permits, Site Plans, and Subdivisions. Mr. Cowie also gave a summary of ordinances approved during 2007, and significant projects during the previous year, including the Lindon Heritage Trail, Water Use Development Agreement with Anderson/Geneva, and a Development Agreement with Ken Gordon.

Mr. Cowie then presented the 2007 Code Enforcement report. Statistics were presented according to specific areas of the City. Mr. Cowie noted that a small percentage of code enforcement issues are addressed based on complaint, but that the majority are the result of the pro-active efforts of the Code Enforcement Officer, Gary Hoglund.

Mr. Cowie presented an overview of application fees charged by Lindon City as compared to other cities for various Planning and Zoning services. He noted that the current fee structure does not typically cover the cost of most services, and that a recommendation may be made to increase some fees during the next fiscal year. A public safety impact fee is also under consideration.

Mr. Brown commented on a recent article in the Salt Lake Tribune which ranked Lindon City as the number one city to work with as chosen by the Utah Homebuilders Association. He observed that the Planning and Community Development Department have an excellent staff which provides exceptional customer service. The Council congratulated Mr. Brown and Mr. Cowie on the recognition.

The Work Session ended at 6:50 p.m.

**REGULAR SESSION** –

Conducting: H. Toby Bath, Mayor Pro-Tem  
Pledge of Allegiance: Jaren King, Boy Scout Troop 160  
Invocation: Lindsey Bayless

**PRESENT**

Eric Anthony, Councilmember  
H. Toby Bath, Councilmember/Mayor Pro-Tem  
Lindsey Bayless, Councilmember  
Jerald I. Hatch, Councilmember  
Ott H. Dameron, City Administrator  
Adam Cowie, Planning Director  
Cody Cullimore, Chief of Police

**ABSENT**

James A. Dain, Councilmember  
Bruce Carpenter, Councilmember

Debra Cullimore, City Recorder

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

**MINUTES** – The minutes of the regular meeting of February 19, 2008 and the Special Training Meeting of February 27, 2008 were reviewed.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 19, 2008 MEETING. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

COUNCILMEMBER ANTHONY MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 27, 2008 MEETING. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

**OPEN SESSION** –

Councilmember Bath called for comments from any resident present who wished to address an issue not listed as an agenda item. There was no public comment.

**MAYOR’S COMMENTS/REPORT** –

Mayor Dain was not present at the meeting.

**CONSENT AGENDA** –

No items.

**CURRENT BUSINESS** –

1. **Preliminary Plat** – *Sweeten Residential Subdivision, Plat “A”*. This is a request by Dustin Sweeten for preliminary plat approval of Sweeten Residential Subdivision, Plat “A”, a revised layout for the previously approved design. This request creates 3 lots, one being a flag lot, in the R1-20 zone at approximately 40 South 450 West. The Planning Commission recommended approval with conditions.

2 Dustin Sweeten was present as the representative for this application. Mr. Cowie  
explained that Mr. Sweeten has applied for a revised plat for a subdivision which was  
4 previously approved in 2006. The original subdivision included 5 lots and an extension  
of the 450 West cul-de-sac. The revised layout currently includes 3 lots, and eliminates  
6 the 450 West extension. Lots 1 and 2 will front 450 West, and lot 3 will be a deep lot  
accessed from an existing driveway. During Planning Commission review of this  
8 application, neighboring property owners requested that the drive access width be  
narrowed from the proposed 50 feet, which would allow completion of a road at some  
10 future date, to 25 feet. The Planning Commission recommended that the driveway width  
be a maximum of 30 feet. Mr. Sweeten has agreed to this condition.

12 Mr. Cowie reviewed requirements found in LCC 17.32.320, which outline  
specific criteria which must be met to allow a flag lot. Criteria include a finding that a  
14 full width public street is not possible, or a public street is possible, but is not in the best  
interest of the community. The flag lot must also be found to be harmonious and  
16 compatible with surrounding properties, and must decrease public infrastructure while  
still providing infill development. The Planning Commission felt that the flag lot  
18 configuration was the most harmonious and compatible, and created less impact on the  
surrounding neighborhood.

20 Mr. Cowie noted that the original subdivision approval did not include the  
property on 400 West, or associated curb, gutter and sidewalk improvements. He  
22 explained that the Development Review Committee felt that the property should be  
included in the plat, and that associated improvements be required as well. He noted that  
24 LCC 17.32.020 indicates that all improvements associated with a subdivision are the  
responsibility of the developer. Mr. Cowie stated that existing sidewalk currently ends at  
26 the south corner of the Sweeten property. Mr. Cowie reviewed similar subdivision  
applications which required installation of associated improvements. The Planning  
28 Commission recommended that the 400 West property, as well as the remnant parcel, be  
included in the plat, and that associated improvements be required as well.

30 Mr. Cowie reviewed recommended conditions of approval set forth by the  
Planning Commission. The Planning Commission found that the deep lot meets the  
32 requirements of the deep lot ordinance, and would be allowable. They also  
recommended that the driveway width to the deep lot be a maximum of 30 feet rather  
34 than the proposed 50 feet. The Planning Commission recommended that the Sweeten  
property located on 400 West be included in the subdivision plat, and that associated  
36 improvements be installed if possible, or that a cash bond be paid by the developer for  
future installation of improvements. The Planning Commission felt that the City Council  
38 should consider participating in engineering costs to complete the design and survey  
work on the 400 West property, due to the failure of the City to require the 400 West  
40 property to be included in the original submittal, and the potential cost increase for re-  
mobilization of engineering and survey work.

42 The Planning Commission recommended that the City Engineer establish an  
appropriate limit for the amount of cost sharing the City would participate in based on  
44 engineering estimates. The City Engineer felt that engineering estimates he provided  
would likely be higher than the private engineering firm that completed the previous

work. Mr. Cowie contacted Mr. Sweeten's engineer, David Peterson, who estimated additional costs to be between \$1,000 and \$2,000.

Mr. Sweeten stated that he would be happy to participate in installation of improvements at the appropriate time. He noted that storm drainage concerns on 400 West have prevented earlier installation of curb, gutter and sidewalk improvements.

Councilmember Anthony felt that there was some rationale to City participation in additional engineering costs. Councilmember Bayless agreed that it appears that the issues should have been addressed with the initial subdivision application, and that there may be an increase in costs to complete necessary engineering at this time.

Councilmember Bayless expressed concern regarding the width of the deep lot drive access. Mr. Sweeten stated that he was not opposed to the reduction in the driveway width, and that he was willing to comply with the request.

Councilmember Bayless noted that requiring installation of improvements at this time may not be practical given the existing storm drainage concerns. Mr. Cowie explained that it is up to the Council to determine whether improvements should be required as a condition of approval for this subdivision application. If the Council finds that improvements are necessary, City staff will work with the engineers to determine if installation is feasible. If installation can not be completed at this time, Mr. Sweeten could be required to pay a cash bond amount to the City for future installation of improvements.

Mr. Dameron suggested that the Council discuss whether this deep lot meets the criteria found in the ordinance. Councilmember Anthony observed that this deep lot appears to meet the intent of the flag lot ordinance. He felt that the drive width should be a maximum of 30 feet to address the concerns of neighbors. He also felt that the 400 West property and the remnant parcel should be included in the plat, and that associated improvements should be required. There was general agreement among the Council that the conditions expressed by Councilmember Anthony would be appropriate.

Mr. Sweeten inquired as to how the amount of a cash bond for future installation of improvements would be established. Mr. Cowie explained that a cost per linear foot is established annually, and that the amount of the cash bond would be established based on the linear feet and the currently established cost per linear foot.

Councilmember Anthony suggested that participation of the City in additional engineering and survey costs be 50% of the actual cost up to a maximum of \$1,000.

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

COUNCILMEMBER ANTHONY MOVED TO APPROVE THE SWEETEN SUBDIVISION PRELIMINARY PLAT WITH THE FOLLOWING CONDITIONS:

1. FINDING THAT THE CRITERIA FOUND IN LCC SECTION 17.32.320(2)(B)(a,b,c) ARE MET AND THAT THE PROPOSED FLAG LOT IS HARMONIOUS AND COMPATIBLE WITH THE NEIGHBORING PROPERTIES.
2. THAT THE FLAG LOT FRONTAGE ON 450 WEST BE REDUCED TO 30 FEET MAXIMUM WIDTH INSTEAD OF THE PROPOSED 50 FEET WIDTH.

- 2 3. THAT THE 400 WEST PROPERTY AND THE REMNANT PARCEL  
BE INCLUDED IN THE PLAT.
- 4 4. THAT THE CITY PARTICIPATE IN THE ADDITIONAL  
ENGINEERING AND SURVEY COSTS FOR IMPROVEMENTS  
6 ASSOCIATED WITH THE 400 WEST PROPERTY AT 50% OF THE  
ACTUAL COST UP TO A MAXIMUM OF \$1,000.
- 8 5. THAT THE APPLICANT IS RESPONSIBLE TO INSTALL CURB,  
GUTTER AND SIDEWALK IMPROVEMENTS. IF  
10 INSTALLATION IS NOT FEASIBLE AT THIS TIME, THAT THE  
APPLICANT PAY A CASH AMOUNT TO THE CITY FOR  
INSTALLATION OF IMPROVEMENTS IN THE FUTURE.

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

- 14 COUNCILMEMBER ANTHONY AYE
- COUNCILMEMBER BATH AYE
- 16 COUNCILMEMBER BAYLESS AYE
- COUNCILMEMBER HATCH AYE

18 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

20 2. **Review and Action** – *Planning Commission Appointments*. This is a request by  
22 Mayor Dain for the City Council’s consent and approval of the appointment of  
Sharon Call to the Lindon City Planning Commission. In addition, Mayor Dain  
24 requests the reappointment of Ron Anderson and Gary Godfrey to the Lindon  
City Planning Commission.

26 Councilmember Bath introduced Sharon Call, who has agreed to serve on the  
Planning Commission for a three year term. He noted that Commissioner Ron Anderson  
28 and Commissioner Gary Godfrey have agreed to serve for an additional term of three  
years as well. He called for a motion.

30 COUNCILMEMBER BAYLESS TO APPROVE THE APPOINTMENT OF  
32 SHARON CALL AND THE RE-APPOINTMENT OF RON ANDERSON AND GARY  
GODFREY TO SERVE AS PLANNING COMMISSIONERS FOR A TERM OF  
34 THREE YEARS. COUNCILMEMBER HATCH SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:

- 36 COUNCILMEMBER ANTHONY AYE
- COUNCILMEMBER BATH AYE
- 38 COUNCILMEMBER BAYLESS AYE
- COUNCILMEMBER HATCH AYE

40 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

42 Commissioner Call commented that she is excited for the opportunity to serve on  
the Planning Commission. Councilmember Bath thanked Commissioner Call for  
44 accepting the appointment.

2 3. **Review and Action** – *Board of Adjustments Appointment*. This is a request by  
3 mayor Dain for the City Council’s consent and approval of the appointment of  
4 Greg Slater to the Lindon City Board of Adjustments.

5 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE  
6 APPOINTMENT OF GREG SLATER TO SERVE AS A BOARD OF ADJUSTMENTS  
7 MEMBER FOR A TERM OF FIVE YEARS. COUNCILMEMBER ANTHONY  
8 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:  
9 COUNCILMEMBER ANTHONY AYE  
10 COUNCILMEMBER BATH AYE  
11 COUNCILMEMBER BAYLESS AYE  
12 COUNCILMEMBER HATCH AYE  
13 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

14 **COUNCIL REPORTS** –

15 **WATER, SEWER, SOLID WASTE, HOUSING CONSORTIUM** –

16  
17 Councilmember Hatch reported that he is aware of several North Union water  
18 shares available for sale. Mr. Dameron stated that the City could direct any developers in  
19 the market for shares to contact the current owner.

20  
21 Councilmember Hatch also reported that a household hazardous waste collection  
22 will be conducted March 15, 2008 at the UVSC campus.

23 **TRAILS, PLANNING, ZONING, BD OF ADJ., ADMINISTRATION** –

24  
25 Councilmember Bayless reported that the Commercial Design Guidelines  
26 Committee has begun review of the Guidelines, and anticipates making recommendations  
27 to the Planning Commission and the City Council in the next couple of months.

28  
29 Greg Witt will be the featured speaker at the Healthy Lindon Class on March 20,  
30 2008. Mr. Witt is a hiking expert who has authored several books on hiking. He will  
31 discuss hiking trails in the Lindon area.

32  
33 Councilmember Bayless encouraged those present to participate in the “Run For  
34 The Trees” event on April 19, 2008. The run will raise funds for tree planting in Lindon.

35 **PUBLIC SAFETY, COURT, BUILDING INSPECTIONS** –

36  
37 Councilmember Bath reported that the road in the area of 150 south 525 East is in  
38 need of repair. Mr. Dameron will contact the Public Works Department for follow up.

39  
40 The agreement between the City and All Pro Security to provide courtroom bailiff  
41 and security services will be presented for approval at the next City Council meeting.

42  
43 Councilmember Bath invited Chief Cullimore to report on progress with the  
44 Police Department. Chief Cullimore reported that construction of the Police Department  
45 facilities is progressing rapidly, and that equipment and supplies are being delivered  
46 daily. The City is in discussion with several entities at this time to secure dispatch, fire  
and EMS services. Interviews for the two Sergeant positions will be conducted in April,

2 and for patrol and civilian positions in May. Chief Cullimore plans to have patrol  
4 officers working by the second week of June in order to complete required certifications  
6 and administrative processes prior to the July 1 start date. He noted that the first phase of  
8 the testing process will consist of a physical fitness test, and that applicants who are  
10 unsuccessful in the physical fitness phase will not have the opportunity to proceed. An  
12 open house will be held for the public when the Police Department facilities are  
14 complete, and a “Meet the Department Night” is scheduled for June 24<sup>th</sup> at Oak Canyon  
16 Junior High. Officers will be present to meet with the community before the department  
18 becomes operational. Department vehicles and equipment will also be on display.

20 **PARKS, RECREATION, ENGINEERING, LINDON FAIR, NEWSLETTER –**

22 Councilmember Anthony reported that the annual Easter Egg Hunt will be held at  
24 the City Center Park on Saturday, March 22<sup>nd</sup> at 9:00 a.m.

26 **GENERAL PLAN, STREETS & SIDEWALKS, PUBLIC BUILDINGS –**

28 Councilmember Carpenter was not present at the meeting.

30 **ADMINISTRATOR’S REPORT –**

32 Mr. Dameron reported on the following items:

- 34 1. A field trip to the Lakeside Power Plant is scheduled for Thursday, March 6<sup>th</sup> at  
36 5:00 p.m. Several Councilmembers expressed an interest in attending. The  
38 meeting will be posted to allow a quorum of the Council to attend the field trip.
- 40 2. The Council reviewed the Project Tracking List.
- 42 3. The Planning Commission approved an application submitted by Wells Fargo  
44 Bank for a new facility located in the area of Wal-Mart. The existing Wells Fargo  
46 Facility will likely be sold.
- 48 4. The Utah League of Cities and Towns Conference will be held in St. George  
50 April 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup>.
- 52 5. The pre-construction meeting for the Lindon Heritage Trail will be held March  
54 18<sup>th</sup> at 10:00 a.m. The City Engineer, City staff and the contractor will meet to  
56 discuss details of the project.
- 58 6. The Selection Committee for the aquatics center contractor is in the process of  
60 reviewing proposals. Construction of the facility is expected to begin in May  
62 2008 and be completed by May 2009.
- 64 7. Budget work sessions will be held beginning at 6:00 p.m. on March 18<sup>th</sup> and April  
66 1<sup>st</sup> to meet with department heads to discuss the previous and upcoming fiscal  
68 year.
- 70 8. An evergreen tree north of the City Center was blown over during a recent wind  
72 storm. The tree was not salvageable, and was removed.

74 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE PAY  
76 VOUCHERS. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE  
78 VOTE WAS RECORDED AS FOLLOWS:

2 COUNCILMEMBER ANTHONY AYE  
3 COUNCILMEMBER BATH AYE  
4 COUNCILMEMBER BAYLESS AYE  
5 COUNCILMEMBER HATCH AYE  
6 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

7 **ADJOURN** –

8  
9 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT  
10 8:02 P.M. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL  
11 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

12  
13 Approved – March 18, 2008

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18 \_\_\_\_\_  
19 Debra Cullimore, City Recorder

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22 \_\_\_\_\_  
23 James A. Dain, Mayor