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

Conducting: H. Toby Bath, Mayor Pro-Tem

PRESENT

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

ABSENT

James A. Dain, Mayor
Bruce Carpenter, Councilmember

The meeting began at 6:05 p.m.

WORK SESSION – 6:00 P.M.

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

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

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

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

Mr. Cowie then presented activities of the Community Development and Planning
Department for the previous year. He noted that the number of development applications
decreased from 93 to 77 total applications. He explained that revisions to the Standard
Land Use Table changed the designation of various uses from “conditional” to
“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, Councilmemb er
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.
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 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 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 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 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.

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 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 compatible with surrounding properties, and must decrease public infrastructure while still providing infill development. The Planning Commission felt that the flag lot configuration was the most harmonious and compatible, and created less impact on the surrounding neighborhood.

Mr. Cowie noted that the original subdivision approval did not include the property on 400 West, or associated curb, gutter and sidewalk improvements. He 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 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 the south corner of the Sweeten property. Mr. Cowie reviewed similar subdivision applications which required installation of associated improvements. The Planning 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.

Mr. Cowie reviewed recommended conditions of approval set forth by the Planning Commission. The Planning Commission found that the deep lot meets the 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 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 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 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 property to be included in the original submittal, and the potential cost increase for re-mobilization of engineering and survey work.

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 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.
3. THAT THE 400 WEST PROPERTY AND THE REMNANT PARCEL BE INCLUDED IN THE PLAT.

4. THAT THE CITY PARTICIPATE IN THE ADDITIONAL ENGINEERING AND SURVEY COSTS FOR IMPROVEMENTS ASSOCIATED WITH THE 400 WEST PROPERTY AT 50% OF THE ACTUAL COST UP TO A MAXIMUM OF $1,000.

5. THAT THE APPLICANT IS RESPONSIBLE TO INSTALL CURB, GUTTER AND SIDEWALK IMPROVEMENTS. IF INSTALLATION IS NOT FEASIBLE AT THIS TIME, THAT THE APPLICANT PAY A CASH AMOUNT TO THE CITY FOR INSTALLATION OF IMPROVEMENTS IN THE FUTURE.

COUNCILMEMBER BAYLESS 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.

2. **Review and Action** – Planning Commission Appointments. This is a request by 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 requests the reappointment of Ron Anderson and Gary Godfrey to the Lindon City Planning Commission.

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 and Commissioner Gary Godfrey have agreed to serve for an additional term of three years as well. He called for a motion.

COUNCILMEMBER BAYLESS TO APPROVE THE APPOINTMENT OF SHARON CALL AND THE RE-APPOINTMENT OF RON ANDERSON AND GARY GODFREY TO SERVE AS PLANNING COMMISSIONERS FOR A TERM OF THREE YEARS. 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.

Commissioner Call commented that she is excited for the opportunity to serve on the Planning Commission. Councilmember Bath thanked Commissioner Call for accepting the appointment.
3. **Review and Action – Board of Adjustments Appointment.** This is a request by mayor Dain for the City Council’s consent and approval of the appointment of Greg Slater to the Lindon City Board of Adjustments.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE APPOINTMENT OF GREG SLATER TO SERVE AS A BOARD OF ADJUSTMENTS MEMBER FOR A TERM OF FIVE YEARS. COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WASRecorded AS FOLLOWS:

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**COUNCIL REPORTS –**

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

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

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

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

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

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

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

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

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

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

Councilmember Bath invited Chief Cullimore to report on progress with the Police Department. Chief Cullimore reported that construction of the Police Department facilities is progressing rapidly, and that equipment and supplies are being delivered 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,
and for patrol and civilian positions in May. Chief Cullimore plans to have patrol
officers working by the second week of June in order to complete required certifications
and administrative processes prior to the July 1 start date. He noted that the first phase of
the testing process will consist of a physical fitness test, and that applicants who are
unsuccessful in the physical fitness phase will not have the opportunity to proceed. An
open house will be held for the public when the Police Department facilities are
complete, and a “Meet the Department Night” is scheduled for June 24th at Oak Canyon
Junior High. Officers will be present to meet with the community before the department
becomes operational. Department vehicles and equipment will also be on display.

PARKS, RECREATION, ENGINEERING, LINDON FAIR, NEWSLETTER –

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

GENERAL PLAN, STREETS & SIDEWALKS, PUBLIC BUILDINGS –

Councilmember Carpenter was not present at the meeting.

ADMINISTRATOR’S REPORT –

Mr. Dameron reported on the following items:
1. A field trip to the Lakeside Power Plant is scheduled for Thursday, March 6th at
5:00 p.m. Several Councilmembers expressed an interest in attending. The
meeting will be posted to allow a quorum of the Council to attend the field trip.

2. The Council reviewed the Project Tracking List.

3. The Planning Commission approved an application submitted by Wells Fargo
Bank for a new facility located in the area of Wal-Mart. The existing Wells Fargo
Facility will likely be sold.

4. The Utah League of Cities and Towns Conference will be held in St. George
April 9th, 10th, and 11th.

5. The pre-construction meeting for the Lindon Heritage Trail will be held March
18th at 10:00 a.m. The City Engineer, City staff and the contractor will meet to
discuss details of the project.

6. The Selection Committee for the aquatics center contractor is in the process of
reviewing proposals. Construction of the facility is expected to begin in May
2008 and be completed by May 2009.

7. Budget work sessions will be held beginning at 6:00 p.m. on March 18th and April
1st to meet with department heads to discuss the previous and upcoming fiscal
year.

8. An evergreen tree north of the City Center was blown over during a recent wind
storm. The tree was not salvageable, and was removed.

COUNCILMEMBER ANTHONY MOVED TO APPROVE THE PAY
VOUCHERS. COUNCILMEMBER BAYLESS 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.

ADJOURN –

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

Approved – March 18, 2008

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Debra Cullimore, City Recorder

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James A. Dain, Mayor