

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, July 1, 2008,**  
3 beginning at 6:00 p.m. in the Lindon City Center, City Council Chambers, 100 North  
4 State Street, Lindon, Utah.

5 **TOUR OF LINDON CITY FIRE STATION AND LIVING QUARTERS** – 6:00  
6 P.M. *The Mayor and City Council will tour the newly remodeled Lindon City Fire*  
7 *Station and Living Quarters located at 35 West 60 North, Lindon, Utah and participate in*  
8 *the Open House Activities.*

9  
10 Mayor Dain and members of the City Council attended a public tour of the  
11 Lindon fire station, which became operational at midnight, Tuesday, July 1, 2008. The  
12 station is staffed on a 24 hour basis by emergency crews from the Orem Department of  
13 Public Safety. The Mayor, members of the City Council, City staff and residents visited  
14 with fire fighters assigned to the Lindon station. Food was served, and tours of facilities  
15 and demonstrations of equipment were provided.

16 **REGULAR SESSION** – 7:00 P.M.

17  
18 Conducting: James A. Dain, Mayor  
19 Pledge of Allegiance: James A. Dain  
20 Invocation: Ott H. Dameron

21  
22 **PRESENT**

**ABSENT**

23  
24 James A. Dain, Mayor  
25 Eric Anthony, Councilmember – *arrived 7:36 p.m.*  
26 H. Toby Bath, Councilmember  
27 Lindsey Bayless, Councilmember  
28 Bruce Carpenter, Councilmember  
29 Jerald I. Hatch, Councilmember  
30 Ott H. Dameron, City Administrator  
31 Adam Cowie, Planning Director  
32 Cody B. Cullimore, Chief of Police  
33 Debra Cullimore, City Recorder

34  
35 The meeting was called to order at 7:05 p.m.

36  
37 **MINUTES** –

38  
39 The minutes of the Regular Meeting of June 17, 2008 and the Special Meeting of  
40 June 25, 2008 were reviewed.

41  
42 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES  
43 OF THE REGULAR MEETING OF JUNE 17, 2008. COUNCILMEMBER HATCH  
44 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

45 COUNCILMEMBER BATH AYE

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

6 COUNCILMEMBER HATCH MOVED TO APPROVE THE MINUTES OF  
7 THE SPECIAL MEETING OF JUNE 25, 2008. COUNCILMEMBER BATH  
8 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

9 COUNCILMEMBER BATH AYE  
10 COUNCILMEMBER BAYLESS AYE  
11 COUNCILMEMBER CARPENTER AYE  
12 COUNCILMEMBER HATCH AYE  
13 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

14

**OPEN SESSION** –

16

17 Mayor Dain called for comments from any resident present who wished to  
18 address an issue not listed as an agenda item. Roy and Rita Swenson approached the  
19 Council. Mr. and Mrs. Swenson explained that they are residents of Lindon, residing at  
20 529 West 200 South. They expressed concern regarding the volume and type of traffic  
21 on 200 South, including large commercial vehicles. Mr. Swenson stated that the  
22 condition of roadway in front of their home causes excessive vibration when large  
23 commercial vehicles travel over areas of the road which are not smooth. He asserted that  
24 the resulting vibration is causing structural damage to homes in the immediate area. He  
25 noted that Public Works has made an effort to patch the damaged areas of the roadway,  
26 but that the situation has not been resolved.

27 Mrs. Swenson explained that she and other neighbors recently initiated a traffic  
28 calming study process on 200 South. She noted that traffic calming measures on 200  
29 South are still under consideration pending the outcome of studies on 800 West regarding  
30 the effectiveness of chokers which were installed near Pheasant Brook Park. Mrs.  
31 Swenson stated that the volume and speed of traffic on 200 South, along with the areas of  
32 road damage, are causing damage to her home and emotional distress.

33 Councilmember Carpenter suggested that this issue be discussed further in  
34 Engineering Coordination Meeting to determine what action, if any, should be taken  
35 regarding the condition of the roadway. Ms. Swenson requested that the speed trailer be  
36 parked on 200 South in an effort to control speeds in the area. Chief Cullimore will  
37 follow up on the request.

38 Chief Cullimore approached the Council to report on the “Meet the Department”  
39 event which was held the previous week. He reported that the event was well attended.  
40 Chief Cullimore also reported that the Police Department became operational at  
41 midnight, July 1, 2008. He stated that the start-up was relatively uneventful, and that the  
42 department is working through minor logistical challenges as officers begin taking calls.

43 Chief Cullimore thanked the Mayor and City Council for their support during the  
44 past eight months as he has made preparations for the Police Department. He also  
45 thanked Mr. Dameron for his support and hard work during the process. Chief Cullimore  
46 noted that during the Meet the Department event, Mayor Dain and members of the City

2 Council present at the event were presented with commemorative badges in recognition  
of this historic event. Mr. Dameron and Councilmember Carpenter were not present that  
4 evening to receive badges. Chief Cullimore invited Mr. Dameron and Councilmember  
Carpenter to front of the room, and presented them with badges.

6 Mayor Dain observed that 2008 is a historic year for Lindon. He stated that he  
has been honored to be involved in the process, and that he is excited to have the Police  
Department responding to calls.

8  
10 **MAYOR'S COMMENTS/REPORT** –

12 Mayor Dain reported that he and Mr. Dameron recently traveled to San Francisco  
to meet with bond rating agencies regarding the bond for the aquatics facility. He noted  
that he was proud and honored to represent the city of Lindon to the bonding officials.

14 Mayor Dain asked members of the Council for suggestions regarding three points  
of interest in the City. The Utah County Fair Community Outreach Committee has  
16 requested that each City submit points of interest which will be included in fair publicity  
and activities.

18  
20 **CONSENT AGENDA** –

No items.

22  
24 **CURRENT BUSINESS** –

- 26 1. **Preliminary Plat** – *Keetch Estates, Residential Subdivision, Plat "A"*. This is a  
request by Bruce Keetch for preliminary plat approval of Keetch Estates,  
28 Residential Subdivision, Plat "A", 3 lots, in the R1-20 zone at 251 North 135  
West. The Planning Commission recommended approval with conditions.

30 Mr. Cowie noted that the applicant for this item was not present at the meeting.  
He explained that the subdivision request is a standard request without any significant  
32 staff concerns. He inquired as to whether the Council would like to proceed without the  
applicant present. Given the nature of this request, the Council felt that it would be  
34 appropriate to proceed.

36 Mr. Cowie explained that this is a request for a three lot minor subdivision in the  
R1-20 zone. All lots will meet the minimum the 20,000 square foot requirement. The  
application proposes reconfiguring the current property lines to accommodate possible  
38 commercial development in the future. Mr. Cowie noted that the applicant requested a  
zone change from R1-20 to CG on Lot #3. That request was continued by the Planning  
40 Commission pending additional information to be submitted by the applicant regarding  
future development of the property.

42 Mr. Cowie reviewed the proposed lot line configuration. He noted that the City  
Council is considering only the subdivision application at this time. He explained that  
44 there is some concern regarding the visibility form the drive access to Lot #2 due to the  
slope of the street adjacent to that lot. As a result, the Planning Commission  
46 recommended that the drive approach be reviewed and approved by the City Engineer.

2 The Planning Commission also recommended that setbacks be verified on the existing  
4 structure located on Lot #1, and that the property line be adjusted if necessary to  
6 accommodate required setbacks on the existing building. He clarified that the  
8 subdivision request will accommodate a new residential structure planned on Lot #2  
10 regardless of the outcome of the zone change request.

12 Mayor Dain called for further comments or discussion from the Council. Hearing  
14 none, he called for a motion.

16 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE KEETCH  
18 ESTATES MINOR SUBDIVISION PRELIMINARY PLAT WITH THE FOLLOWING  
20 CONDITIONS:

- 22 1. THAT DUE TO VISIBILITY CONCERN ON THE HILL AT 135 WEST, THE  
24 APPLICANT SHALL ESTABLISH A DRIVEWAY APPROACH TO LOT #2  
26 THAT IS ACCEPTABLE TO THE CITY ENGINEER.
- 28 2. THAT THE REAR PROPERTY LINE ON LOT #1 BE ADJUSTED TO MEET  
30 REQUIRED BUILDING SETBACKS FOR THE EXISTING GARAGE  
32 STRUCTURE IF NECESSARY.

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

38 COUNCILMEMBER BATH	AYE
40 COUNCILMEMBER BAYLESS	AYE
42 COUNCILMEMBER CARPENTER	AYE
44 COUNCILMEMBER HATCH	AYE

46 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

2. **Preliminary Plat** – *Joyner Business Park, Industrial Subdivision, Plat “G”*. This  
is a request by Bill West, Knight West Construction, Inc. for preliminary plat  
approval of Joyner Business Park, Industrial Subdivision, Plat “G”, 2 lots, in the  
LI zone at 500 North 900 West. This action also contemplates vacation of Plat  
“B” and “D” of the same park. The Planning Commission recommended  
approval with no conditions.

Mr. Cowie noted that the representative for this application was not present at the  
meeting. He suggested that the Council proceed with review of this request. The  
Council agreed that it would be reasonable to consider this request without the presence  
of the applicant.

Mr. Cowie explained that this is a request by Bill West of Knight West  
Construction for approval of a 2-lot minor subdivision in the LI zone. Plat “B” and Plat  
“D” of the Joyner Business Park will be vacated, and Plat “G” will be created. He  
explained that the original plat was recorded with identified building pads for structures.  
Due to previous development which did not comply with platted building pad sites, it is  
necessary to re-plate the subdivision to accommodate the building pad for a new structure.  
The site plan meets parking requirements, and cross access and parking easements are in  
place throughout the development.

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

2 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE JOYNER  
BUSINESS PARK PLAT "G" MINOR SUBDIVISION PRELIMINARY PLAT.

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

6 COUNCILMEMBER BATH AYE

COUNCILMEMBER BAYLESS AYE

8 COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER HATCH AYE

10 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

12 Councilmember Anthony arrived at the meeting at this time, 7:36 p.m.

- 14 3. **Continued Public Hearing** – *General Plan Land Use Map Amendment – 101*  
16 *West 600 South – East Lake At Geneva Industrial Business Park, Phase 3, Plat*  
18 *"A"*. The City Council will hear public comment and possibly act to approve an  
20 amendment to the City's General Plan Land Use Map. The City Council  
22 continued this item from May 6, 2008. The applicant has now requested the  
hearing be held. This is a request by Anderson Geneva Development, Inc. to  
change the designation of this area from Light Industrial to Commercial. The  
Planning Commission recommended approval with one condition.

24 Jerry Grover, Site Engineer for Anderson Geneva Development, was present as  
the representative for this application. Mr. Cowie explained that this is a request for  
approval a General plan Land Use Map amendment to the East Lake at Geneva Industrial  
26 Business Park Phase 3, Plat A located at 1010 West 600 South. The property is currently  
mapped for Light Industrial use. The requested amendment would change the property to  
28 commercial zoning.

30 Mr. Cowie stated that this request received preliminary approval from the  
Planning Commission several months ago. During Planning Commission review, there  
was still some question as to the status of the existing rail spur. The request was  
32 approved with the condition that if the rail spur remained in place, that parcel would  
remain zoned for Light Industrial Use, as rail roads are not a permitted use in the  
34 Commercial Zone. If the railroad spur were to be vacated, the Commercial Zone would  
include the area of the railroad spur, which would be removed. Since preliminary  
36 approval by the Planning Commission, the applicant has negotiated with UTA to create a  
smaller right of way for the railroad spur, which will remain in place with Light Industrial  
38 zoning. Mr. Grover clarified that UTA has expressed an interest in maintaining the spur  
for use in future expansion of the light rail system, which requires only a 35 foot right of  
40 way rather than the 100 foot right of way required by Union Pacific.

42 Mr. Cowie noted that as a commercially zoned property, any future development  
would be subject to the requirements of the Commercial Design Guidelines. Mr. Cowie  
explained that the Planning Commission also recommended that if ownership of the rail  
44 spur is transferred to Union Pacific or UTA, that documentation of ownership be  
forwarded to the City. Mr. Grover stated that no transfer of ownership is anticipated at

2 this time. He stated that an application for re-zoning of the railroad spur will be made in  
the future if the spur is vacated.

4 Councilmember Bayless requested verification that the zone change or subsequent  
development will not impact the trail corridor located in the area. Mr. Grover confirmed  
6 that the trail easement is in the same location on the plat, and that the rezoning will have  
no effect on the trail location.

8 Noting that this item is a Public Hearing, Mayor Dain called for a motion to open  
the Public Hearing.

10 COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING.  
12 COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

14 Mayor Dain called for public comment regarding this application. There was no  
public comment. He called for a motion to close the Public Hearing.

16 COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC  
18 HEARING. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

20 Following further discussion, there was general agreement among the Council  
22 that this zoning request is reasonable and creates a viable commercial area contiguous  
with other commercial lots. Mayor Dain called for a motion.

24 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE GENERAL  
26 PLAN LAND USE MAP AMENDMENT TO THE PROPERTY IDENTIFIED AS  
EAST LAKE AT GENEVA INDUSTRIAL BUSINESS PARK, PHASE 3, PLAT "A",  
28 LOT #1 AND #2 TO GENERAL COMMERCIAL (CG) USE WITH THE  
FOLLOWING CONDITION:

- 30 1. THAT THE ZONING OF THE RAIL SPUR PARCEL REMAIN LIGHT  
32 INDUSTRIAL DUE TO THE FACT THAT THE RAILROAD SPUR IS NOT A  
PERMITTED USE IN THE CG ZONE, AND THAT IF DEVELOPMENT  
34 PLANS REGARDING THE EXISTING RAILROAD SPUR CHANGE OR IF  
THE RAILROAD SPUR IS VACATED, APPLICATION WILL BE MADE TO  
36 ZONE THE RAILROAD SPUR PARCEL FROM THE CURRENT LI ZONING  
TO CG ZONING.

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

40 COUNCILMEMBER ANTHONY            AYE  
COUNCILMEMBER BATH                AYE  
42 COUNCILMEMBER BAYLESS            AYE  
COUNCILMEMBER CARPENTER        AYE  
COUNCILMEMBER HATCH               AYE

44 THE MOTION CARRIED UNANIMOUSLY.

2 4. **Continued Public Hearing** – *Zoning Map Amendment – 1010 West 600 South –*  
3 *Eastlake at Geneva Industrial Business Park, Phase 3, Plat “A”*. The City  
4 Council will hear public comment and possibly act to approve an amendment to  
5 the City’s Zoning Map. The City Council continued this item from May 6, 2008.  
6 The applicant has now requested the hearing be held. This is a request by  
7 Anderson Geneva Development, Inc. to change the zoning of this area from LI  
8 (Light Industrial) to CG (General Commercial). The Planning Commission  
recommended approval with one condition.

10 COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING.  
11 COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT  
12 VOTED IN FAVOR. THE MOTION CARRIED.

14 Mr. Cowie explained that this Zoning Map amendment request is associated with  
15 the General Plan Land Use Map Amendment. Mayor Dain called for public comment.  
16 There was no public comment. He called for further comments or discussion from the  
17 Council. Hearing none, he called for a motion.

18 COUNCILMEMBER BATH MOVED TO CLOSE THE PUBLIC HEARING.  
19 COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED  
20 IN FAVOR. THE MOTION CARRIED.

22 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE ZONING MAP  
23 AMENDMENT TO THE PROPERTY IDENTIFIED AS EAST LAKE AT GENEVA  
24 INDUSTRIAL BUSINESS PARK, PHASE 3, PLAT “A”, LOT #1 AND #2.  
25 COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS  
26 RECORDED AS FOLLOWS:

27 COUNCILMEMBER ANTHONY AYE  
28 COUNCILMEMBER BATH AYE  
29 COUNCILMEMBER BAYLESS AYE  
30 COUNCILMEMBER CARPENTER AYE  
31 COUNCILMEMBER HATCH AYE  
32 THE MOTION CARRIED UNANIMOUSLY.

34 5. **Review and Action** – *Ratification of Property Lines*. This is a request by staff for  
35 the Mayor and City Council’s review and ratification of property lines for the  
36 Williamson and Maxfield properties in the vicinity of 920 West 200 South. This  
37 action was recommended by the Board of Adjustments after a request for variance  
38 was heard by the Board of Adjustments.

40 Paul Washburn was present as the representative for this application. Mr. Cowie  
41 explained that this issue came to the attention of the City as a result of a recent Board of  
42 Adjustments meeting. The Board of Adjustments was considering a request for a  
43 variance on the Williamson property, which is essentially landlocked other than the  
44 access easement. The variance request was to allow use of an existing 60 foot access  
45 easement through the Maxfield property as street frontage for the Williamson property.  
46

Street frontage requirements in the LI zone are typically 100 feet. The Board of  
2 Adjustments approved the variance request pending ratification by the City Council of lot  
lines as currently shown on County records.

4 Mr. Cowie explained that there is some question as to whether the current lot  
configuration was legally created. He observed that over the course of 20 years, multiple  
6 lot line adjustments, property owners and subdivision have been recorded at the County,  
but there is no record that changes in property line configurations received required City  
8 approval. He noted that the current property owners purchased the property in good faith  
based on the configuration currently shown on County records. Mr. Cowie stated that the  
10 current configuration was established in 1998. The subject property was previously  
owned by Paul Liston, and it appears that Mr. Liston subdivided the property and sold  
12 parcels to several owners. Since the property subdivisions did not receive required City  
approval, some lots do not meet minimum frontage requirements, and others do not meet  
14 minimum square footage requirements.

16 Councilmember Carpenter inquired as to what reaction the City would have if a  
request were made for this configuration based on current standards. Mr. Cowie stated  
that the current configuration would not be allowed based on ordinance requirements. He  
18 explained that a ratification of existing lot lines may be appropriate in this situation due  
to the fact that current property owners purchased the property without being aware that  
20 the lots may not have been legally created, and that the City has issued building permits  
on some of the subject parcels.

22 Councilmember Bath observed that access may be possible to the rear Williamson  
lot through the adjacent residential lot which is owned by the Williamsons as well. Mr.  
24 Cowie explained that current ordinance requirements prohibit access through a residential  
property to and industrial property, and that access through the residential lot is not  
26 feasible.

28 Mr. Cowie went on to explain that a site plan was approved by the City in 1999  
for an expansion of the Whitewater business located on an adjacent parcel. The site plan  
presented at that time clearly showed the access easement through the Maxfield property.  
30 The approved site plan was never finalized and the new development did not occur. He  
observed that the current owners purchased the property based on the assumption that the  
32 access easement was valid.

34 Mr. Cowie invited Mr. Washburn to present relevant information to the Council.  
Mr. Washburn presented maps showing the history of lot configurations and ownership in  
the area since 1975.

36 Councilmember Bayless asked Mr. Washburn if there has been any  
communication between himself and Mr. Maxfield since the Board of Adjustments  
38 meeting. Mr. Washburn stated that he has attempted to contact Mr. Maxfield, but has not  
received any response. Mayor Dain noted that Mr. Maxfield was not aware of the  
40 existence of the easement at the time he purchased the property. Mr. Cowie confirmed  
that there was a typographical error in the legal description for the easement area, and  
42 that the title company responsible for the title search at the time Mr. Maxfield purchased  
the property failed to identify the easement. He noted that any liability or legal action in  
44 this matter would be directed to the title company.

2 Mr. Cowie noted that Mr. Washburn has expressed a desire to adjust the zone line  
to be consistent with a steep slope area on the property. Mr. Washburn outlined the  
location of the proposed zone line on an overhead map.

4 Councilmember Anthony asked if there would be any emergency access concerns  
related to the easement access. Mr. Cowie stated that the issue has been discussed with  
6 the Fire Marshall, and that it appears the emergency access requirements could be met  
using the access easement. He noted that details of emergency access and turnarounds  
8 would be addressed during site plan approval.

10 Councilmember Anthony inquired as to anticipated effect of the access easement  
on the business which currently occupies the Maxfield property. Mr. Cowie stated that  
no significant effect is expected on the parking area. He explained that while the  
12 easement is 60 feet wide, Mr. Washburn has indicated that only 24 feet would be used to  
provide access, which would preserve existing parking areas. Councilmember Anthony  
14 asked if it may be possible to specify use of certain areas of the easement in order to  
protect the Maxfield property. Mr. Washburn stated that he would be willing to discuss  
16 reducing the width of the easement, or providing an additional easement which would  
allow parking on the access easement. He stated that it is not his intent to harm Mr.  
18 Maxfield in any way, but that access to the rear lot is critical to future development.

20 Mr. Cowie clarified that the matter before the Council at this time is ratification of  
the lot lines, and that this action does not address the existence or use of the access  
easement. Councilmember Carpenter inquired as to whether it would be appropriate for  
22 the Planning Commission to review and approve the lot line configuration. Mr. Cowie  
explained that there has been no subdivision application submitted to the City. He  
24 explained that the parcels in question are owned by multiple property owners, and that  
the variance granted by the Board of Adjustment is null if the lot lines are not ratified by  
26 the City Council.

28 Mr. Washburn observed that while there is no evidence indicating that the subject  
property was subdivided legally, other properties have been allowed to develop under  
similar circumstances. He clarified that the approved Whitewater site plan application  
30 showed the lots in the current configuration, and also showed the location of the access  
easement. Mr. Cowie noted that the County does not notify the City when a parcel is  
32 recorded, and that there may be other situations in the City where property was not  
legally subdivided. Councilmember Carpenter observed that while this may be a  
34 widespread concern, there may be a question as to whether surrounding property owners  
may claim they have been harmed by this action. Mr. Cowie explained that the City  
36 Council is not changing property lines, but simply ratifying existing property lines as  
currently recorded with the County. He stated that the City would not be responsible for  
38 any liability or damage in this matter, and that any damage would be a result of the title  
company's failure to identify the easement when the Maxfield property was purchased.

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

42  
44 **COUNCILMEMBER HATCH MOVED TO RATIFY THE CURRENT  
PROPERTY LINES AND PARCEL CONFIGURATIONS ON THE WILLIAMSON  
AND MAXFIELD PROPERTY AS SHOWN ON COUNTY RECORDS AND AS**

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

COUNCILMEMBER ANTHONY AYE  
4 COUNCILMEMBER BATH AYE  
COUNCILMEMBER BAYLESS AYE  
6 COUNCILMEMBER CARPENTER AYE  
COUNCILMEMBER HATCH AYE

8 THE MOTION CARRIED UNANIMOUSLY.

- 10 6. **Review and Action** – *Emergency Turn-Around Options*. This is a request by  
12 staff for the Mayor and City Council’s review and approval of an emergency turn-  
around option for the north end of 300 East at approximately 30 South, assuming  
14 the street does not continue to Center Street.

Mr. Cowie explained that this item is a matter that has been an issue between  
16 property owners at the north end of 300 East, just north of 70 South. He stated that the  
Street Master Plan shows a master planned roadway connecting 300 East to Center Street.  
18 It does not appear that the master planned roadway will be needed in the foreseeable  
future. Affected property owners have requested that the Master Planned roadway be  
20 removed from the Master Plan Map.

Several options for emergency turnarounds have been discussed with affected  
22 property owners if the through street is removed from the Streets Master Plan Map. A  
typical cul-de-sac street was considered, but there was some concern that the full cul-de-  
24 sac may negatively impact the Eggett property by eliminating the possibility of a second  
lot on the property. A hammerhead turnaround as defined in the Fire Code Appendix A  
26 was also discussed, and seems to be a feasible option. A third configuration creating a  
“Y” turnaround was also considered, but does not appear to be an effective solution.

Mr. Cowie noted that only the full cul-de-sac is an approved street cross section.  
28 He stated that the City Engineer has expressed concern regarding approving an  
30 alternative to the full cul-de-sac as an approved cross section, and the precedent which  
may be set for similar circumstances in the future. The Council discussed various road  
32 configurations in relation to property lines and existing structures on the affected  
properties. Several property owners were present at the meeting and participated in the  
34 discussion.

Mayor Dain inquired as to who would be financially responsible to complete the  
36 roadway, regardless of the configuration. The Council discussed the existing half street  
configuration, and who should have legal access to that roadway at this time. It appeared  
38 that there was some misunderstanding among property owners as to what properties  
could be accessed from the existing half street. Mr. Cowie explained that required street  
40 improvements would include a 50 foot right-of-way and 34 feet of asphalt, and that the  
property owner initiating development in the area would be responsible to complete road  
42 improvements. He explained that a development agreement could be established with  
other property owners which would require financial participation if and when their  
44 property developed.

Mayor Dain observed that it appears that the hammerhead turnaround may be the  
46 best option in this particular situation. He explained that the roadway is a subdivision

2 ordinance rather than an emergency access issue, and that any variation to approved cross  
sections would require approval by ordinance. He suggested that any ordinance language  
4 list specific conditions which would allow the use of a hammerhead turnaround rather  
than a full width cul-de-sac in order to limit widespread use of this option.

6 Following further discussion, it was determined that affected property owners are  
amenable to removing the through street from the Master Plan. Mr. Cowie suggested that  
8 it may be appropriate to allow the hammerhead turnaround in the specific situation  
without ordinance revisions based on approved emergency access turnarounds as found  
in the Fire Code Appendix A. Councilmember Bath made the following motion:

10  
12 COUNCILMEMBER BATH MOVED TO APPROVE THE HAMMERHEAD  
TURNAROUND OPTION FOR THIS PARTICULAR SITUATION BASED ON  
14 APPROVED EMERGENCY TURNAROUND OPTIONS LISTED IN THE FIRE  
CODE APPENDIX A, AND TO HOLD A PUBLIC HEARING TO CONSIDER  
16 REMOVING THE 300 EAST TO CENTER STREET THROUGH STREET FROM  
THE MASTER PLAN. COMPLETION OF THE HAMMERHEAD TURNAROUND  
WILL BE REQUIRED WHEN ADJACENT PROPERTY DEVELOPS.

18  
20 Councilmember Bath observed that this is a unique situation which warrants  
special consideration. Mayor Dain suggested that it would be important to articulate  
22 conditions which make this situation unique. Councilmember Bath asserted that  
completion of a through street does not seem reasonable given the number of properties  
the street would serve. He also observed that installation of a standard cul-de-sac may  
24 require an excessive amount of property which could negatively impact property owners,  
and that the amount of property required for a standard cul-de-sac would not be  
26 proportional to the number of properties the street would serve. He felt that a street width  
with 34 feet of asphalt and a 50 foot right-of-way and a hammerhead turnaround in lieu  
28 of a cul-de-sac would be a reasonable solution which would provide necessary access  
while minimizing negative impacts on surrounding properties.

30 Councilmember Anthony expressed concern regarding the precedent which could  
be set by allowing a hammerhead turnaround rather than a standard cul-de-sac, and  
32 subsequent requests which may be made for similar concessions based on economic  
factors. Councilmember Bayless agreed that allowing the hammerhead turnaround in  
34 this situation may be perceived as being a subjective decision unless unique  
circumstances could be identified.

36 Councilmember Bayless also expressed concern regarding the requirement to  
install the turnaround as property develops. She noted that three property owners would  
38 be affected by the roadway, and that it would not be likely that all three properties would  
develop at the same time. Mr. Cowie explained that the first property to develop would  
40 be responsible for completion of the roadway, and that a development agreement with  
other property owners could be established which would require financial participation  
42 when their property develops.

44 Mr. Dameron observed that a trail section is shown on the Master Plan in the area  
of the properties affected by this roadway. He suggested the possibility that an  
agreement be reached with property owners that in exchange for preserving the trail  
46 right-of-way on the properties that the through street would be removed from the Master

2 Plan. Mayor Dain suggested that staff meet with affected property owners for further  
3 discussion regarding conditions which would be unique to this situation which would  
4 warrant allowing the hammerhead in this specific situation. Mr. Dameron suggested that  
5 staff also work with affected property owners to establish an agreement regarding  
6 financial responsibility of the roadway.

7 As a result of ongoing discussion and concerns regarding this issue,  
8 Councilmember Bath withdrew his motion.

9 Discussion continued regarding the history of the existing half-road  
10 improvements and various options for future development of lots and associated road  
11 improvements, as well as financial responsibility for development of the roadway in the  
12 future. Mayor Dain observed that the location of the power transformer and the City  
13 pump house are conditions unique to this situation. Nathan Walker, one of the residents  
14 present at the meeting, expressed a willingness to adjust his property line as necessary to  
15 accommodate the minimum square footage on the Eggett property to allow a second lot.  
16 Mr. Walker also agreed to preserve the trail right-of-way through his property.

17 Mr. Cowie suggested that this item be continued to allow staff to meet with  
18 property owners to discuss details of an agreement between property owners. Mayor  
19 Dain called for further comments or discussion. Hearing none, he called for a motion.  
20

21 COUNCILMEMBER CARPENTER MOVED TO CONTINUE THE  
22 DISCUSSION REGARDING EMERGENCY TURN-AROUND OPTIONS FOR THE  
23 AREA OF 300 EAST AND 30 SOUTH PENDING AN AGREEMENT AMONG  
24 AFFECTED PROPERTY OWNERS AND IDENTIFICATION OF UNIQUE  
25 CONDITIONS WHICH WOULD ALLOW AN ALTERNATIVE TO A TYPICAL  
26 CUL-DE-SAC STREET. COUNCILMEMBER BAYLESS SECONDED THE  
27 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER ANTHONY            AYE  
29 COUNCILMEMBER BATH                AYE  
30 COUNCILMEMBER BAYLESS            AYE  
31 COUNCILMEMBER CARPENTER        AYE  
32 COUNCILMEMBER HATCH              AYE

33 THE MOTION CARRIED UNANIMOUSLY.

- 34  
35  
36 7. **Review and Action** – *Interlocal Cooperation Agreement between Utah County*  
37 *and Cities – Phase II Storm Water Discharge Permit.* This is a request by staff  
38 for the Mayor and City Council’s review and approval of an Interlocal Agreement  
39 between several Utah County cities, including Utah County. Lindon City is a  
40 member of the Utah County Storm Water Coalition with these other entities. The  
41 Storm Water Discharge Permit – Phase II requires this effort be undertaken. This  
42 agreement appoints Utah County as the central administrator of the agreement to  
43 provide educational materials and information concerning storm water handling in  
44 Utah County. Lindon’s contribution to this effort is \$1,499 for 2008/2009.

2 Mr. Dameron explained that this is an agreement between Utah County and  
3 member cities of the Storm Water Coalition. He stated that the focus of the group is  
4 community education, and that funds are used to purchase and distribute educational  
5 materials to citizens. Each city's assessment is based on population and the number of  
6 schools in the municipality. He further explained that programs in the schools are used to  
7 present educational materials. Councilmember Carpenter inquired as to whether the  
8 agreement had been reviewed by the City Attorney. Mr. Dameron stated that the City  
9 Attorney has not yet reviewed the agreement, but that his signature is required before the  
10 agreement is final. Any concerns would be brought to the attention of the Council.  
11 Mayor Dain called for further comments or discussion. Hearing none, he called for a  
12 motion.

13 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE INTERLOCAL  
14 COOPERATION AGREEMENT BETWEEN LINDON CITY AND UTAH COUNTY –  
15 PHASE II STORM WATER DISCHARGE PERMITS – FOR NPDES PHASE II  
16 STORM WATER PUBLIC EDUCATION AND OUTREACH BEST MANAGEMENT  
17 PRACTICE COMPLIANCE WITH THE APPROVAL OF THE CITY ATTORNEY,  
18 AND AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED DOCUMENTS.  
19 COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS  
20 RECORDED AS FOLLOWS:

21 COUNCILMEMBER ANTHONY AYE  
22 COUNCILMEMBER BATH AYE  
23 COUNCILMEMBER BAYLESS AYE  
24 COUNCILMEMBER CARPENTER AYE  
25 COUNCILMEMBER HATCH AYE  
26 THE MOTION CARRIED UNANIMOUSLY.

- 27 8. **Review and Action** – *Request for Donation of Sick Leave.* The  
28 Secretary/Receptionist in the Administration Department has resigned. She has  
29 asked to be allowed to donate the balance of hours remaining in her sick leave  
30 account to two employees facing health challenges. Donation of sick leave  
31 requires approval of the City Council.  
32

33 COUNCILMEMBER HATCH MOVED TO APPROVE THE REQUESTED  
34 DONATION OF SICK LEAVE. COUNCILMEMBER ANTHONY SECONDED THE  
35 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

36 COUNCILMEMBER ANTHONY AYE  
37 COUNCILMEMBER BATH AYE  
38 COUNCILMEMBER BAYLESS AYE  
39 COUNCILMEMBER CARPENTER AYE  
40 COUNCILMEMBER HATCH AYE  
41 THE MOTION CARRIED UNANIMOUSLY.  
42

- 43 9. **Discussion** – *Overlay Zone for area of 600 South Geneva Road and 600 South*  
44 *1000 West.* This is a request by staff for the Mayor and City Council's direction  
45 concerning the possibility of exempting areas along 600 South in the vicinity of  
46

2 Geneva Road and 1000 West from certain commercial standards required along  
State Street and 700 North.

4 Mr. Cowie presented this discussion item for the Council. He stated that the  
proposed overlay consists of two areas on 600 South from some of the design standards  
6 required for commercial development along 700 North and State Street. He presented an  
aerial map of the proposed overlay area which outlined the affected commercial  
8 properties, including the new commercial lot approved earlier in this meeting. The  
specific requirements under consideration for this overlay are the white vinyl two rail  
10 fence and the Washington Post street lights. He explained that this issue came to light as  
the Timpanogos Harley Davidson site was nearing completion, and the business owner  
12 requested that he not be required to install the typical fence or lighting because he felt the  
design of the fence and the lights was not compatible with the architecture of his  
14 building.

16 Mr. Cowie explained that the Planning Commission had a mixed reaction to this  
discussion. Five of the seven Commissioners felt that the proposed overlay areas should  
be exempted from fencing and lighting requirements, due to the fact that they did not feel  
18 that repeating elements in this area would tie into other commercial areas of the City.

20 The Council discussed specific element in relation to the proposed overlay  
properties. Mayor Dain and Councilmember Hatch expressed that they felt that the intent  
of the repeating elements was to create a uniform look along the commercial corridors of  
22 700 North and State Street, and were not necessarily applicable to this area. Mayor Dain  
suggested that lighting be required at the appropriate spacing, but that some flexibility be  
24 allowed in the design of lighting in this area. He noted that additional lighting will likely  
be installed by UDOT during the Geneva Road expansion project.

26 Mr. Cowie asserted that this particular area on Geneva Road could create the  
same aesthetic effect as on 700 North and State Street, and could serve as a gateway area  
28 to the City. He explained that the issues before the Council at this time are if an overlay  
area should be created, how big that overlay should be, and what flexibility should be  
30 allowed in the overlay.

32 Councilmember Anthony stated that he likes the look of the fence and the uniform  
lighting and would like to see both elements included in this area if possible. He stated  
that he likes the look of the Harley Davidson dealership, but that the creative design of  
34 the building is in contrast to some elements the City has required on other commercial  
development. Mayor Dain observed that the Harley Davidson dealership is expected to  
36 be a significant benefit to the City, and that redevelopment of surrounding properties may  
be accelerated based on the location and success of this business.

38 The Council went on to discuss specific properties which may or may not be  
included in an overlay, as well as specific elements for properties on each side of the  
40 freeway. Following further discussion, the Council had mixed opinions on this issue. In  
an effort to clarify the effect of proposed requirements in the overlay as opposed to  
42 typical requirements on subject parcels, Mr. Cowie will generate Photoshop images with  
and without typically required fencing for review by the Council during discussion at a  
44 later date.

2       10. **Discussion** – *Commercial Design Guidelines*. This is a request by staff for the  
Mayor and City Council’s direction and feedback concerning proposed revisions  
4       to the Commercial Design Guidelines.

6       Mr. Cowie explained that a committee was recently formed to review the  
requirements of the current Commercial Design Guidelines. Serving on the review  
8       committee were Councilmember Bayless, Councilmember Carpenter, Commissioner  
Bean, Commissioner Godfrey, Mr. Cowie, and Mr. Mataele. A local developer, Brigham  
10       Ashton, was also invited to serve on the committee to represent the interests of  
developers and builders.

12       Mr. Cowie went on to review recommendations of the committee, which he  
asserted represent a shift in emphasis from the current guidelines. He stated that rather  
14       than define a particular architectural style, the committee chose a variety of features from  
a number of architectural styles which could be used as repeating elements. Specific  
16       recommendations for repeating elements included a white vinyl two rail fence, windows  
with significant detailing in the panes and perimeter, covered entry ways, 30% of the  
18       exterior to be completed in brick or brick-like materials, landscaping with street trees,  
and the potential for monument sign base designs on 700 North.

20       Mr. Cowie noted that the committee also discussed adding a section to the Design  
Guidelines which shows prohibited styles. He presented photographs of several  
22       architectural styles which the committee recommended for this section. Mayor Dain  
expressed concern regarding prohibition of specific architectural styles. He observed that  
24       there is a need in the City to increase sales tax revenues, and cautioned that overly  
restrictive standards may drive businesses away.

26       Mr. Cowie stated that during discussion in the committee regarding use of  
repeating elements, Mr. Ashton suggested the use of a percentage of brick on all new  
28       commercial buildings. Mr. Ashton observed that brick buildings retain a higher value,  
and that brick buildings are not specific to a particular time period as with some  
30       architectural styles which may become dated after a period of time. Mr. Cowie stated  
that various percentages for brick requirements were discussed, with the final  
32       recommendations of the committee being that 30% of each visible elevation to include  
brick or brick-like treatments. He stated that the thought was to allow block with light  
34       grout on larger buildings to replicate a brick like look due to the massing of larger  
structures. He noted that rock or timber elements which have been used as architectural  
36       treatments in the past could be used in addition to brick elements, but not in lieu of brick.

38       Mr. Cowie presented Photoshop images which depicted existing buildings with  
various percentages of brick on elevations. Mr. Cowie stated that the intent of the  
40       repeating brick element is to create consistency in the look of commercial corridors  
without placing heavy restrictions on specific architectural styles. Councilmember  
42       Bayless asserted that use of brick as a repeating element would allow buildings to have  
individual character and style while allowing cohesiveness in the look of commercial  
corridors.

44       Mayor Dain suggested that the Council consider using streetscapes to create a  
cohesive look while allowing broader discretion in architecture of buildings. He felt that  
requiring brick on all buildings would be overly restrictive. Mr. Cowie observed that

2 during discussion of committee recommendations, the majority of Planning Commission  
members agreed that the proposed brick requirement may be excessively restrictive.

4 Councilmember Hatch noted that this has been an ongoing discussion over many  
years. He observed that professional recommendations some years ago called for use of  
6 several repeating elements along commercial corridors, including the white vinyl two rail  
fence, sod, and street trees to create a consistent look rather than defining specific  
architectural elements in buildings. Mr. Cowie noted that the City has made requests of  
8 developers to include specific architectural details in new development. He explained  
that while developers have agreed to comply with requests, the City had no legal  
10 authority to require some of the architectural treatments, and that defining and codifying  
architectural requirements gives the City the legal ability to make specific requirements.

12 Councilmember Anthony stated that he is in favor of finding a way to broaden  
requirements and manage costs for developers while creating a consistent look. He  
14 agreed that it may also be beneficial to establish repeating elements which are not  
common to a specific time period.

16 Councilmember Carpenter stated that in a recent visit to a small city area, he  
observed that all commercial buildings in that city included specific architectural  
18 treatment, as well as specific streetscape design. He observed that the strict requirements  
create an attractive appearance which draws people to the area, and that he city is  
20 flourishing in terms of business.

The Council went on to discuss specific architectural styles and elements, as well  
22 as specific streetscape elements. Mr. Cowie noted that during discussion of design  
guidelines with the Planning Commission and architect Curtis Miner, Mr. Miner  
24 explained that the current trend in Lindon to require elements such as timbers, stone and  
stucco did not create a timeless look, and was not a look unique to Lindon.

26 Councilmember Hatch stated that he felt the existing Commercial Design  
Guidelines adequately addressed the concerns of the City in establishing orderly  
28 development. He felt that the color palette and repeating elements included in the current  
guidelines would effectively create a cohesive look on commercial corridors.

30 Councilmember Anthony stated that he is favor of establishing traditional  
common elements that avoid extreme designs and encourage a more traditional look with  
32 historical elements. He felt that the 30% brick requirement may be excessive, and that  
various stone or brick elements would be acceptable.

34 Councilmember Bayless asserted that by allowing a wide range of architectural  
styles, commercial corridors would be relegated to mediocrity, and that the only unique  
36 element defining Lindon would be the white vinyl fence. She stated that members of the  
review committee felt strongly that styles which would not be appropriate to the look of  
38 Lindon should be defined in the guidelines.

Councilmember Carpenter observed that guidelines can not be based on personal  
40 opinions of what individuals like or don't like, and that the principle of creating a  
cohesive look should be the driving factor in establishing guidelines. He stated that he  
42 prefers using a list of repeating elements which developers can choose elements from as a  
way to create the desired effect.

44 Following further discussion, the Council felt that it would be appropriate to  
continue this discussion at a later date after further consideration of possible changes to  
46 the existing guidelines. Mr. Cowie will revise language in the guidelines to clarify

specific requirements and remove some ambiguity. Revisions in the current guidelines will be presented to the Council for approval prior to implementation.

11. **Discussion** – *Interlocal Agreement – I-15 Interchange*. This is a request by the Mayor for the City Council’s direction and feedback concerning proposed revision to the Interlocal Agreement between Lindon City and Pleasant Grove City.

Mayor Dain explained that Pleasant Grove officials have requested that Lindon take action on the issue prior to July 30<sup>th</sup>. He explained that proposed revisions to the agreement drafted by the City’s financial advisor, Jason Burningham, generally define the triggering mechanisms for payments from participating cities to begin.

Councilmember Carpenter observed that it appears that a shift in priorities on the part of Pleasant Grove has occurred since the agreement was established, and that the original reasons for entering into the agreement may no longer be valid. Councilmember Anthony observed that the decision to maintain the agreement should be based on current and future benefits to the City.

Following further discussion, the Council agreed that a decision could not be made at this time, and that further review of proposed revisions would be necessary to determine the benefits of the agreement to the City. Mayor Dain suggested that the issue be continued to the next regular meeting on July 15, and that action be taken at that time. He called for a motion.

COUNCILMEMBER BATH MOVED TO CONTINUE DISCUSSION AND ACTION REGARDING THE INTERLOCAL AGREEMENT RELATIVE TO THE I-15 INTERCHANGE TAXING AREA TO THE REGULAR MEETING OF JULY 15, 2008. 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.

**COUNCIL REPORTS** –

Mayor Dain suggested that a plaque be presented to Pleasant Grove City emergency personnel in appreciation of their years of service the Lindon residents. He also suggested the possibility of making Lindon flags available for purchase by Lindon residents. Mr. Dameron will follow up on the suggestions.

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

2 Councilmember Carpenter reported that the UTOPIA budget was approved the  
previous day, and that there are several additional service providers considering joining  
4 the network. He stated that UTOPIA is in sound financial condition at this time due to  
bond proceeds, and will begin construction in new areas soon.

6 Mayor Dain thanked Councilmember Carpenter for his input in the Vineyard  
Connector discussion. Mayor Dain stated that it appears that the final alignment will be  
8 more favorable to Lindon than the previously presented preferred alternative which may  
have had a significant impact on commercial properties in Lindon.

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

12  
14 Councilmember Bayless reported that the Lindon Days banners which are  
traditionally displayed on light poles on State Street during the celebration are missing.  
16 Mr. Dameron will follow up and attempt to locate the banners. Councilmember Bayless  
asked that Mr. Dameron follow up with the Heritage Trail contractor to make sure Center  
18 Street is ready for the parade on August 9<sup>th</sup>.

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

22 Councilmember Bath reported that the car dealership located at the intersection of  
200 South and State Street has been parking cars for sale on the side of road. He invited  
24 Chief Cullimore to report on the start-up of the Police Department and scheduling of  
officers. Chief Cullimore distributed a copy of the Police Department schedule. He  
26 explained that five officers including himself, a detective and a sergeant are on duty  
during the day. Up to 6 patrol officers are scheduled during typically busy hours, with a  
28 minimum of two officers on duty at all times. Officer John Lloyd will serve as the school  
resource officer in the fall.

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

32 Councilmember Hatch had no items to report.

34 **COUNCILMEMBER ANTHONY** – *Parks, Recreation, Engineering, Lindon Fair,*  
*Newsletter.*

36  
38 Councilmember Anthony reported that John Fugal has reluctantly accepted the  
honor of being the Grand Marshall of the Lindon Days events.

40 **ADMINISTRATOR'S REPORT** –

42 Mr. Dameron reported on the following items:

- 44 1. City offices will be closed Friday, July 4 for the Independence Day holiday.
2. Construction of the State Street under crossing has been shifted to the west side of  
State Street.

