

2 The Lindon City Council held a regularly scheduled meeting beginning at 7:00 p.m. on  
3 **Tuesday, February 6, 2007**, in the Lindon City Center, City Council Chambers, 100  
4 North State Street, Lindon, Utah.

5 Conducting: Jeff Acerson, Mayor  
6 Pledge of Allegiance: William McMillan, Boy Scout  
7 Invocation: Lindsey Bayless

8 **PRESENT**

9 **ABSENT**

10 Jeff Acerson, Mayor – *arrived 8:02 p.m.*  
11 Eric Anthony, Councilmember  
12 H. Toby Bath, Councilmember  
13 Lindsey Bayless, Councilmember  
14 Bruce Carpenter, Councilmember  
15 Jerald I. Hatch, Councilmember – *arrived 7:10 p.m.*  
16 Ott H. Dameron, City Administrator/Recorder  
17 Adam Cowie, Planning Director  
18 Debra Cullimore, Deputy Recorder

19 The meeting was called to order at 7:03 p.m.

20  
21 Councilmember Carpenter explained that Mayor Acerson was not present at the  
22 meeting at this time, but would be arriving later in the meeting. As Mayor Pro-Tem,  
23 Councilmember Carpenter will conduct the meeting until the arrival of Mayor Acerson.

24  
25 **MINUTES** – The minutes of the regular meeting of January 17, 2007 were reviewed.

26  
27 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF  
28 THE JANUARY 17, 2007 MEETING. COUNCILMEMBER ANTHONY SECONDED  
29 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30  
31 **OPEN SESSION** –

32  
33 Councilmember Carpenter called for public comment from any resident present  
34 who wished to address an issue not listed as an agenda item. Lindon resident Ernesto  
35 LaRusso approached the Council. Mr. LaRusso expressed concern regarding the utility  
36 billing policy of the City relative to shut off of utility service on delinquent accounts. Mr.  
37 LaRusso alleged that his water service was terminated when his account was 25 days past  
38 due. The Council explained to Mr. LaRusso that the utility billing and shut off policy is  
39 intended to protect the City from excessive loss of revenue, and ensure that adequate  
40 funds are available to maintain the water system.

41 Mr. LaRusso also explained that his residence includes a second kitchen, but that  
42 he does not rent an accessory apartment. He stated that he is being billed for two water  
43 accounts for his single residence. The Council explained that if proper procedure is  
44 followed for homes with second kitchens which are not used as accessory apartments,  
45

2 confusion over utility billing can be eliminated. Mr. Dameron stated that he will  
investigate the details of this particular situation and contact Mr. LaRusso for further  
discussion.

4  
6 **MAYOR'S COMMENTS/REPORT** –

8 Councilmember Carpenter invited residents to attend a Public Meeting which will  
be held on February 20, 2007 at 6:00 p.m. at the City Center to discuss the results of the  
10 Citizen Survey regarding potential recreation and aquatics facilities in the City.

12 **CONSENT AGENDA** –

14 No items.

16 **CURRENT BUSINESS** –

- 18 1. **Preliminary Plat** – *Lindon Harbor Industrial Condominiums*. This is a request  
by Dennis Franco for preliminary plat approval of Lindon Harbor Industrial  
20 Condominiums, 9 units, vacating Lot 1 of Plat “A” of the Lindon Harbor  
Industrial Park, in the LI zone at approximately 220 South 1250 West. The  
22 Planning Commission recommended approval with one condition.

24 Mr. Cowie reviewed this request for the Council. He stated that this request is for  
a nine unit condominium plat in two existing buildings. He noted that the site plan was  
26 approved when the building was constructed. This request is to convert individual units  
into condominium units which will be sold rather than rented. All parking and  
28 landscaped areas will be shown on the plat as common area maintained by a  
condominium association.

30 Mr. Cowie explained that notices were sent to neighboring property owners in a  
300 foot radius of this project. One written protest was received from Lester Barber of  
32 Lehi. Mr. Barber’s concern was not with this particular application, but centered around  
an application he submitted to the City which was not approved. Mr. Cowie noted that  
34 the written protest was not received until the day after Planning Commission review of  
this application.

36 Councilmember Anthony inquired as to whether the site meets current standards.  
Mr. Cowie stated that the site is in compliance with current ordinance requirements.  
38 Councilmember Bath asked if parking is sufficient for the current use. Mr. Cowie stated  
that parking was reviewed at the request of the Planning Commission. He explained that  
40 based on square footage of the building, 45 parking spaces are required, and 50 are  
provided.

42 Councilmember Carpenter asked if the applicant was present at the meeting. Mr.  
Cowie stated that the Mr. Franco was not present, but that he was aware of the meeting.  
44 Councilmember Carpenter called for further comments or discussion. Hearing none, he  
called for a motion.

2 COUNCILMEMBER BATH MOVED TO APPROVE THE LINDON HARBOR  
INDUSTRIAL CONDOMINIUMS MAJOR SUBDIVISION PRELIMINARY PLAT AT  
4 1250 WEST 220 SOUTH. COUNCILMEMBER ANTHONY SECONDED THE  
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 6 2. **Public Hearing** – *Ordinance to amend LCC 17.32.100 and 17.04.180 – Lot*  
7 *Width to Depth Ratio, (#2007-2).* The City Council will hear public comment and  
8 possibly act to approve this request by Tom Maxfield for approval proposed  
9 changes to LCC 17.32.100 and 17.04.180 pertaining to lot width to depth ratios.  
10 The Planning Commission recommended approval with conditions.

12 COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO  
CONSIDER PROPOSED AMENDMENTS TO LCC 17.32.100 AND 17.04.180.  
14 COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

16 Tom Maxfield was present as the representative for this application. Mr. Cowie  
18 stated that this request and the next agenda item for approval of Maxfield Meadows  
Subdivision are inter-related. He explained that Mr. Maxfield is proposing to subdivide  
20 one lot from property he owns. The dimensions of the lot as submitted are 100 feet wide  
by 300 feet deep in compliance with current ordinance requirements which allow a width  
22 to depth ratio of 3 to 1. However, the property has an actual depth of 327 feet. Mr.  
Maxfield is requesting that the depth of the lot be allowed at 327 feet in order to avoid a  
24 27 foot remnant parcel at the rear of the property.

26 Mr. Cowie explained that the initial request reviewed by the Planning  
Commission was to increase the width to depth ratio to 3.5 to 1. The Planning  
28 Commission felt that a “blanket” change to ordinance requirements would not be in the  
best interest of the City. The Planning Commission recommended that applications may  
30 be approved by the Planning Commission and the City Council with up to a 20% increase  
in the depth of lots if it is determined that doing so would be the best use of the property  
and in the best interest of the community and surrounding property owners. Mr. Cowie  
32 explained that the Planning Commission vote on this item was 4-2, and that those in  
opposition expressed concern that the proposed language was too general and that more  
34 specific standards for allowing an increase should be included in any revisions.

36 Councilmember Anthony inquired as to any safety concerns related to deep  
narrow lots. Mr. Cowie stated that the only significant safety concern would be the  
38 location of fire hydrants in relation to dwellings on the property. He noted that fire  
hydrant location is specified in code requirements. Councilmember Anthony felt that  
adequate ordinances are in place to regulate property development. He felt that if  
40 allowing this request does not present any significant safety concerns, the City should  
allow use of the property as requested by the property owner.

42 Councilmember Carpenter called for public comment. Lindon resident Blaine  
Hamilton lives in the area of 800 West. Mr. Hamilton stated that he is in favor of  
44 allowing the requested lot dimensions. He observed that allowing the deeper lot does not  
change the aesthetics from the street, but allows neighbors to enjoy “a little bit of  
46 country” in the rear of the lots. He felt that other means of development of the rear

2 portion of the property is not likely in the foreseeable future, and that a remnant parcel  
would be less desirable in this particular situation. Councilmember Carpenter called for  
further public comment. There was no additional public comment.

4 Councilmember Carpenter observed that it seems that there are two questions  
before the Council. One question is whether the Council is interested in making a change  
6 to width to depth ratio requirements, and the second question is if a change is made, what  
wording should be used to clarify standards. He suggested that language be added to  
8 clarify that a specific percentage increase could be allowed if recommended by the  
Planning Commission and approved by the City Council.

10 Councilmember Carpenter also commented on the minority vote of the Planning  
Commission. Councilmember Bayless observed that the approval process can be  
12 somewhat complicated if parameters are too specific. Councilmember Bath agreed that it  
is difficult to anticipate variables which may be associated with specific applications, and  
14 that general language may allow the City to consider specific applications on a case by  
case basis.

16 The Council went on to discuss specific language which should be included in  
ordinance revisions which clarifies requirements while still allowing some flexibility in  
18 approval of specific applications. Councilmember Carpenter called for further comments  
or discussion. Hearing none, the Public Hearing was closed and a motion was made.

20  
22 COUNCILMEMBER HATCH MOVED TO CLOSE THE PUBLIC HEARING  
TO CONSIDER PROPOSED AMENDMENTS TO LCC 17.32.100 AND 17.04.180.  
COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT  
24 VOTED IN FAVOR. THE MOTION CARRIED.

26 COUNCILMEMBER BAYLESS MOVED TO APPROVE ORDINANCE  
#2007-2 REVISING LCC 17.32.100 AND 17.04.180 WITH THE FOLLOWING  
28 LANGUAGE CHANGES:

- 30 1. THAT THE PLANNING COMMISSION AND CITY COUNCIL  
MAY APPROVE UP TO A 20% INCREASE IN THE DEPTH OF A  
32 LOT IF IT IS DETERMINED THAT THE PROPOSED  
DEVELOPMENT IS THE BEST USE OF THE PROPERTY AND IN  
34 THE BEST INTEREST OF THE CITY AND SURROUNDING  
PROPERTIES.

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

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

42 THE MOTION CARRIED UNANIMOUSLY.

- 44 3. **Preliminary Plat** – *Maxfield Meadows, Residential Subdivision, Plat "A"*. This  
is a request by Tom Maxfield for preliminary plat approval of Maxfield

2 Meadows, Plat "A", 1 lot, in the R1-20 zone, at approximately 247 North 800  
West. The Planning Commission recommended approval with conditions.

4 Tom Maxfield was present as the representative for this application. Mr. Cowie  
explained that this is a request for a one lot subdivision adjacent to Pheasant Brook Park.  
6 The Planning Commission recommended that, if approved, ordinance changes relative to  
lot width to depth ratios apply to this subdivision application.

8 Mr. Cowie pointed out that the City Trails Master Plan includes a ten foot asphalt  
trail section adjacent to this proposed subdivision lot. He noted that curb, gutter and  
10 sidewalk structure were installed as part of previous development of this property. He  
suggested that the Council discuss whether the trail section should be required as part of  
12 this application, or if the existing sidewalk structure is adequate at this time.  
Councilmember Carpenter inquired as to whether existing structures were installed by  
14 Salisbury Homes, or whether they were installed by Mr. Maxfield. Mr. Maxfield  
explained that Salisbury Homes was responsible for the actual installation of the  
16 structures, but that the cost of curb, gutter and sidewalk were included in the property  
purchase agreement.

18 Councilmember Bayless inquired as to what procedure will be followed in other  
areas of the City regarding trail installation in relation to existing sidewalk structures.  
20 Mr. Dameron explained that trail installation will be required as part of initial  
development applications, but that removal of existing sidewalk and installation of the  
22 trail will be a City project in areas which are already developed. Councilmember  
Carpenter noted that a decision regarding trail installation on this property may have far  
24 reaching consequences. He inquired as to whether it may be possible for the property  
owner and the City to share in the cost of trail installation. Councilmember Anthony felt  
26 that previously installed improvements were completed to City standards, and that the  
property owner should not be responsible for installation of additional improvements.  
28 Mr. Cowie noted that this trail section was added to the Master Plan in 2006.  
Councilmember Carpenter observed that installation of the trail section as a City project  
30 may represent a significant cost increase to the City. Mr. Cowie observed that  
installation of a 10 foot asphalt trail may be less costly than installation of a four foot  
32 concrete sidewalk.

Following further discussion, it was the general feeling of the Council that Mr.  
34 Maxfield should not be responsible for installation of the trail section, due to the fact that  
he participated in installation of curb, gutter and sidewalk structures which were installed  
36 to City standards at the time of construction. Councilmember Carpenter called for further  
comments or discussion. Hearing none, he called for a motion.

38

**COUNCILMEMBER BATH MOVED TO APPROVE THE MAXFIELD  
40 MEADOWS PLAT "A" MINOR SUBDIVISION AT APROXIMATELY 247 NORTH  
800 WEST WITH THE FOLLOWING CONDITIONS:**

- 42 1. THAT THE DEPTH OF THE LOT BE ALLOWED AT 327 FEET.
- 44 2. THAT THE APPLICANT IS NOT RESPONSIBLE FOR INSTALLATION  
OF THE MASTER PLANNED TRAIL SECTION ADJACENT TO THE  
SITE, DUE TO THE FACT THAT HE PARTICIPATED IN  
46 INSTALLATION OF EXISTING CURB, GUTTER, AND SIDEWALK

2 STRUCTURES WHICH WERE INSTALLED TO CITY STANDARDS AT  
3 THE TIME OF CONSTRUCTION.  
4 COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT  
5 VOTED IN FAVOR. THE MOTION CARRIED.

6 Mayor Acerson had arrived at the meeting at this time. Councilmember  
7 Carpenter turned the meeting over to Mayor Acerson.

- 8  
9  
10 4. **Design Review** – *Timbercreek Farms, Residential Subdivision, Plat "D"*. This is  
11 a request by Scott Mitchell for the Mayor and City Council's review and feedback  
12 relative to the design of a proposed residential subdivision. The Planning  
13 Commission also reviewed this proposal and provided feedback.

14 Scott Mitchell was present as the representative for this item. Mr. Cowie  
15 explained that this proposed development will be located at the end of 10<sup>th</sup> North on 600  
16 West. Mr. Mitchell has submitted two possible configurations for the development. One  
17 configuration includes installation of a cul-de-sac street and six total lots. The other  
18 configuration submitted by Mr. Mitchell includes one deep lot with a total of three lots.  
19 Mr. Mitchell has expressed a preference for the deep lot configuration which would  
20 include three lots rather than installation of the cul-de-sac and six lots. Mr. Cowie noted  
21 that current ordinance requires installation of a roadway if possible. Existing ordinance  
22 requirements do not allow deep lots as part of an initial subdivision application. Mr.  
23 Cowie noted that the Planning Commission discussed the possibility of adding language  
24 to the Deep Lot ordinance which would allow deep lots as part of initial subdivision  
25 applications if the intent of the deep lot is not to maximize lots in the development.

26 Councilmember Bayless commented that while this configuration may technically  
27 be a deep lot, it does not appear that this proposed configuration would present the same  
28 negative characteristics associated with typical deep lot configurations. She agreed that  
29 use of a deep lot in this particular situation may be the best alternative.

30 Councilmember Anthony asked Mr. Mitchell why he preferred the deep lot  
31 configuration with only three lots as opposed to maximizing lots by installing a roadway.  
32 Mr. Mitchell stated that installation of the cul-de-sac would have a significant impact on  
33 the adjacent Brown property. He felt that the deep lot configuration would provide  
34 adequate use of the property while minimizing the effect on neighboring properties.

35 Councilmember Hatch stated that according to his interpretation of the existing  
36 ordinance, this particular deep lot would be allowable. Mr. Cowie noted that the intent of  
37 the deep lot ordinance is to allow development of properties with no other feasible means  
38 of development. He stated that some wording changes to the ordinance would be  
39 required in order to allow deep lots as part of initial subdivision development.

40 Mr. Cowie also pointed out that current ordinance requires a 500 foot separation  
41 distance between deep lots accessed from the same street. According to current  
42 standards, approval of this deep lot would preclude development of a future deep lot on  
43 the Brown property. Councilmember Bayless suggested that any proposed revisions deal  
44 with the situation at hand, and that access of deep lots be addressed at a later date. She  
45 observed that revision of deep lot access standards may require extensive discussion.

2 Councilmember Anthony commented that during previous review of the deep lot  
3 ordinance, Mr. Cowie estimated the number of future deep lots in the City to be  
4 approximately 50 if all potential deep lots are developed. Councilmember Anthony felt  
5 that this number represented a minimal impact on the community, and that use of deep  
6 lots as a means of development is reasonable in most circumstances if safety and privacy  
7 issues are addressed.

8 Following further discussion, it was the general feeling of the Council that the  
9 deep lot configuration would be the preferred option in this particular situation. Mr.  
10 Mitchell expressed that he is not under specific time constraints, and is willing to delay  
11 development until deep lot ordinance requirements are reviewed. Mr. Cowie suggested  
12 that a work session be held to consider potential changes prior to official review as an  
13 agenda item. Mr. Mitchell thanked the Council for their time and consideration.

- 14 5. **Presentation** – *Lindon City Tree Advisory Board Recommendations for 700*  
15 *North Street*. The Lindon City Tree Advisory Board will present  
16 recommendations to the City Council for tree plantings along the 700 North Street  
17 corridor leading to the freeway.

18 Marilyn Simister, Jeneal Kallus, Jeannine Cartwright, and Kevin Cartwright,  
19 members of the Tree Advisory Board, were present to address the Council regarding  
20 recommendations for treeing of the 700 North corridor. Mr. Cowie presented  
21 photographs of various trees, as well as the location and frequency of specific trees along  
22 the corridor. He noted that current recommendations include the area of 700 North from  
23 the City boundary to Geneva Road. Recommendations for the area between Geneva  
24 Road and State Street will be made at a later date following consideration of specific  
25 characteristics in that area. Mr. Cowie noted that the area between the boundary and  
26 Geneva Road includes a 13 foot planter strip, and the area from Geneva Road to State  
27 Street includes only a seven foot planter strip, which will not accommodate the same tree  
28 species as recommended for the 13 foot planter strip.

29 Recommended trees for the area from the City boundary to Geneva Road include  
30 Emerald Queen Maple, London Plane Sycamore, Shademaster Honey Locust, and Green  
31 Vase Zelkova. Mr. Cowie noted that safety and maintenance issues were considered in  
32 the recommendations, including clear vision areas at intersections. He explained that the  
33 intent of the proposed trees is to create a canopy with a skirt which will be high enough  
34 that vision will not be obscured in the roadway area. He noted that the canopy effect  
35 would not occur for a period of 20 to 30 years as trees mature. Ms. Cartwright noted that  
36 the soil in the area is high salinity, and that the specific trees species recommended would  
37 thrive in the existing soil conditions. She also noted that the proposed trees will thrive in  
38 the 13 foot planter strips, and that high traffic flow and emissions on the adjacent street  
39 will have a minimal effect on the proposed trees.

40 Mr. Cowie noted that trees will be installed by developers as development occurs.  
41 He explained that this may result in some “piecing” of trees. Councilmember Anthony  
42 stated that installation of trees all at once would be preferable in order to establish  
43 uniform growth. Mayor Acerson suggested the possibility of some participation on the  
44 part of the community in tree installation as a community project. Ms. Cartwright stated  
45 that two inch caliper trees are recommended for initial planting, and that the cost of each  
46

tree would be approximately \$200. Mayor Acerson felt that there may be some interest in the community to complete the treeing project on the entire corridor. The possibility may be discussed further at a future date.

The Council complimented the Tree Advisory Board on their diligent efforts in making recommendations to the Council. Mayor Acerson called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER ANTHONY MOVED TO APPROVE THE LAYOUT AND SPECIES RECOMMENDATIONS PRESENTED BY THE TREE ADVISORY BOARD FOR TREEING OF 700 NORTH FROM THE CITY BOUNDARY TO GENEVA ROAD. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6. **Review and Action** – *Request for Water Bond Release*. This is a request by Armand D. Johansen, Johansen/Thackeray, for the release of the balance of a bond for water the City has been holding in the amount of \$55,000, to ensure the water shares/rights would be transferred to the City on the Lindon Gateway project. Mr. Johansen has made several valiant attempts to account for the water rights and have them transferred to the City, but has been unsuccessful. This item was previously heard on January 16, 2007.

City Attorney, Brian Haws, was present to address the Council regarding this item. Mr. Dameron noted that Mr. Johansen was not present at the meeting, but that he had called him earlier in the day to remind him that the Council would be discussing this item.

Mr. Haws explained that he has some reservations regarding release of the bond funds. He noted that release of the bond leaves no provision for the City to recoup costs associated with water shares which were not turned in at the time of development. Mr. Haws stated that the City has the ability to require full cash payment in lieu of water shares based on current rates, but that this process may require litigation and would best be discussed during an executive session. Mr. Haws noted that the City Council would be required to find a compelling reason to release the bond funds, and that it may be contrary to the public trust to do so. He noted that the efforts of the developer are not a sufficient basis to take action contrary to code requirement for water shares or cash payment in lieu of shares. Mr. Haws recommended that bond funds not be released as requested, but that the bond amount be applied to the value of water shares that should have been turned in as a requirement of development. Mayor Acerson called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER CAPRENTER MOVED TO DENY THE REQUEST FOR RELEASE OF BOND FUNDS TO ARMAND D. JOHANSEN, JOHANSEN/THACKERAY BASED ON THE FOLLOWING FINDINGS:

1. THAT THE INTENT OF THE BOND IS FOR SUCCESSFUL TRANSFER OF SHARES, NOT FOR EFFORTS TO TRANSFER SHARES. THE APPLICANT HAS DEFAULTED ON THE TRANSFER OF REQUIRED SHARES IN SPITE OF THEIR BEST

EFFORTS, AND THE BOND AMOUNT IS TO BE RETAINED BY THE CITY.

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

2. IN LIGHT OF THE COST OF POSSIBLE LITIGATION TO OBTAIN FULL CASH PAYMENT IN LIEU OF SHARES, AND THE BOND AMOUNT IN RELATION TO THE COST OF SHARES AT THE TIME OF THE DEVELOPMENT, THE CITY SHALL RETAIN THE BOND AMOUNT AND CONSIDER THE MATTER CLOSED. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

7. **Public Hearing** – *Boundary Adjustment Ordinance between Lindon City and Pleasant Grove City (Ordinance #2007-1)*. The City Council will hear public comment and possibly act to approve this request by staff for approval of an ordinance adjusting the common boundary in several locations between Lindon City and Pleasant Grove City. This ordinance is the final step in the process of adjusting the boundary. A resolution of intent to adjust the boundary was adopted by the Lindon City Council on November 14, 2006. If this ordinance is approved by both cities, the cities “Articles of Incorporation” will also be amended and sent to the Lt. Governor’s Office to reflect the new boundaries.

COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER ORDINANCE #2007-1, BOUNDARY ADJUSTMENT BETWEEN LINDON CITY AND PLEASANT GROVE CITY. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Dameron explained that City Engineer, Mark Christensen was scheduled to attend the meeting to answer questions or address concerns the Council may have regarding this item. Mr. Christensen had not yet arrived at the meeting. The Council felt that due to the fact that this issue has been discussed extensively during previous meetings, review of the ordinance could be completed without Mr. Christensen.

Mr. Cowie reviewed specific areas of the common boundary which will be adjusted as specified in the ordinance. He specifically noted an adjustment on the former Blackhurst property where the existing boundary does not follow the property lines. The adjustment will bring the boundary lines in conformity with the property lines. He also noted that in the area adjacent to the Fryer property, the proposed boundary line will follow the south boundary of the road and will be in conformance with the canal. Mr. Cowie explained that due to objections of the property owner, the Millet property is not included in this proposed boundary adjustment.

Mayor Acerson called for public comment. There was no public comment. He called for further discussion from the Council. Hearing none, he called for a motion.

COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER ORDINANCE #2007-1, BOUNDARY ADJUSTMENT BETWEEN LINDON CITY AND PLEASANT GROVE CITY. COUNCILMEMBER

2 BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE  
MOTION CARRIED.

4 COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE  
#2007-1 ADJUSTING THE COMMON BOUNDARIES BETWEEN LINDON CITY  
6 AND PLEASANT GROVE CITY AND PROVIDING FOR AN EFFECTIVE DATE.  
COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS  
8 RECORDED AS FOLLOWS:

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

16 8. **Public Hearing** – *Sign Ordinance Amendments (Ordinance #2007-3)*. The City  
Council will hear public comment and possibly act to approve this request for an  
18 ordinance which will amend Title 18 of LCC. The Planning Commission  
recommended approval with suggestions.

20  
COUNCILMEMBER ANTHONY MOVED TO OPEN THE PUBLIC  
22 HEARING TO CONSIDER PROPOSED AMENDMENTS TO LCC TITLE 18; SIGN  
ORDINANCE. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL  
24 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26 Mr. Cowie noted that potential changes to the sign ordinance were discussed  
several times last fall, and that business owners were invited to participate in those  
28 discussions.

Mr. Cowie reviewed proposed changes, which address temporary signage usage  
30 and time limits. He explained the specific type, number, and time limits of various types  
of temporary signage. Total display time for all types and combinations of temporary  
32 signage will be limited to fifty days per calendar year. Mr. Cowie noted that this time  
limit will be applied per businesses, and that in strip mall type development, each  
34 business would be allowed the fifty day maximum per calendar year. Mr. Cowie noted  
that there was some discussion in the Planning Commission review of this item as to  
36 small party type balloons. The Planning Commission felt that it would not be necessary  
to address small party type balloons in the ordinance, and that use of small balloons could  
38 be enforced on a “common sense” basis if small balloons are used to create arches or  
other such structures. Mr. Cowie also noted that the PC-1 and PC-2 zones are now  
40 specifically addressed in the ordinance. Mr. Cowie explained that no more than five  
banner signs and two balloon signs could be used on any one business at a time.

42 The Council reviewed several language changes and typographical errors which  
would clarify requirements of the ordinance. Mr. Cowie will include these changes in the  
44 final document.

46 Mr. Cowie observed that flag requirements were not originally considered for  
revisions. However, Curtis Sampson, manager of Mercedes Benz of Lindon, attended the

2 Planning Commission review of this item. Mr. Sampson was also present at this meeting.  
3 Mr. Sampson requested that the City consider a revision which would allow larger flag  
4 poles in the T-zone. Following discussion, the Planning Commission came to a  
5 consensus that flags at a maximum height of 100 feet with a ¾ mile radius separation  
6 distance would be acceptable in the T-zone. He noted that the ¾ mile separation distance  
7 would allow up to four flags along the freeway corridor. Mr. Cowie commented that Mr.  
8 Sampson had expressed to the Planning Commission that the requested pole would  
9 provide a patriotic display, but that the main intent of the flag would be to draw attention  
10 to the site. The Planning Commission expressed appreciation to Mr. Sampson for his  
11 honesty regarding the intent of the flag. Mr. Cowie noted that current restrictions on  
12 flags were imposed following installation of the flag at Low Book Sales. Mr. Cowie  
13 stated that the flag at Low Book Sales was installed without the Conditional Use Permit  
14 required by existing ordinance at the time, and that current requirements were drafted to  
15 address concerns of the City Council that there may be a proliferation of excessively tall  
16 flags on State Street.

17 Mr. Cowie went on to review proposed changes to monument sign requirements.  
18 Proposed revisions would allow calculation of monument sign size based on street  
19 frontage or lot size. Monument signs must be set back at least two feet behind the  
20 sidewalk, or eight feet behind the curb if there is no existing sidewalk to allow adequate  
21 space for installation of the sidewalk at a later date. Monument signs must be placed so  
22 as to not affect the 40 foot clear vision area for driveways.

23 The Council went on to discuss the definition of specific signs. Mr. Cowie noted  
24 that any sign not listed in the ordinance would not be permitted. Councilmember  
25 Anthony inquired as to whether it may be appropriate to impose a penalty for non-  
26 compliance. Mr. Cowie stated that the existing ordinance provides for a \$750 fine for  
27 non-compliance. He stated that use of the fine is not current policy, and that fines would  
28 be imposed only after all other avenues to bring the business into compliance are  
29 exhausted. The City Council would also review any violations prior to imposition of a  
30 monetary fine.

31 The Council then discussed the use of upright banner type signs currently being  
32 used at various businesses along the State Street corridor. Councilmember Bayless noted  
33 that she has received several complaints from residents regarding the aesthetic  
34 appearance of this type of sign. She suggested that some provision be included that such  
35 signs must be maintained in a neat and attractive manner. Mr. Cowie stated that  
36 maintenance requirements will be enforced by the Code Enforcement Officer.

37 The Council invited comments from Mr. Sampson regarding proposed  
38 amendments to the Sign Ordinance. Mr. Sampson stated that it is his opinion that 50  
39 days per calendar year does not allow sufficient opportunity for promotional events at  
40 businesses. He observed that there are 52 weeks per year, and that promotional events  
41 are usually held on weekends, which would require a minimum of 104 days per year for  
42 businesses to maximize weekend promotion opportunities. Councilmember Bath agreed  
43 that the proposed 50 day time limit may be too restrictive for some types of businesses.  
44 Councilmember Bayless observed that standards must be applied equally to all  
45 businesses, and that specific uses could not receive special consideration. She noted that  
46 proposed time limits represent a significant increase in the time limits for temporary  
signage from the current 30 day limit to the proposed 50 day limit. Councilmember Bath

2 suggested the possibility of disallowing the use of upright banner type signs and  
increasing the number of days for other types of temporary signage.

4 Councilmember Anthony inquired as to whether a decorative flag with no  
wording would be considered a sign. Mr. Cowie stated that based on current ordinance,  
decorative flags with no wording would not be considered a sign.

6 Mr. Sampson expressed concern that no permit would be required for flag poles in  
the T-zone at the proposed height and spacing. He noted that one business may order and  
8 pay for a flag pole without being aware that a neighboring business has also ordered a  
flag pole, and that conflicts with spacing of the poles may result. Mr. Cowie suggested  
10 the use of a \$25 administrative permit in order for the City to track and enforce use of  
flag poles in the T-zone. Councilmember Bayless agreed that this approach would  
12 provide protection for business owners and for the City.

14 Mayor Acerson called for further public comment. There was no additional  
public comment. He called for further comments or discussion from the Council.  
Hearing none, he called for a motion.

16  
18 COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC  
HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE SIGN  
ORDINANCE. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL  
20 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

22 COUNCILMEMBER BATH MOVED TO APPROVED ORDINANCE #2007-3  
AMENDING SECTION 18.03 OF TITLE 18 (SIGN ORDINANCE) OF THE LINDON  
24 CITY CODE, MODIFYING, AMENDING AND REVISING THE SECTION WITH  
THE FOLLOWING CHANGES:

- 26 1. THAT FLAG POLES BE PERMITTED IN THE T-ZONE AT A  
MAXIMUM HEIGHT OF 100 FEET WITH A ¾ MILE RADIUS  
28 SEPARATION DISTANCE.  
30 2. THAT TIME LIMITS FOR TEMPORARY SIGNAGE BE  
INCREASED FROM 50 DAYS TO 125 DAYS

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

34 COUNCILMEMBER ANTHONY	NAY
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	NAY
36 COUNCILMEMBER CARPENTER	NAY
COUNCILMEMBER HATCH	AYE

38 THE MOTION FAILED (3-2).

40 COUNCILMEMBER BAYLESS MOVED TO APPROVE ORDINANCE  
#2007-3 AMENDING SECTION 18.03 OF TITLE 18 (SIGN ORDINANCE) OF THE  
42 LINDON CITY CODE, MODIFYING, AMENDING AND REVISING THE SECTION  
WITH THE FOLLOWING CHANGES:

- 44 1. THAT FLAG POLES BE PERMITTED IN THE T-ZONE AT A MAXIMUM  
HEIGHT OF 100 FEET WITH A ¾ MILE RADIUS SEPARATION  
46 DISTANCE.

2. THAT MINOR LANGUAGE CHANGES AS DISCUSSED BE INCLUDED.  
3. THAT TEMPORARY SIGNAGE BE ALLOWED FOR A MAXIMUM OF 50 DAYS PER CALENDAR YEAR.

The Council discussed a possible compromise in allowing a greater number of days for temporary signs in exchange for elimination of the upright banner signs. Mr. Cowie expressed concern regarding establishing a unique definition of upright banner signs. The Council discussed various types of signage which may be considered upright banner signs, and how to address the concerns of the Council. Councilmember Carpenter noted that it is difficult to craft a reaction to businesses who “push the limit” of existing ordinances that does not undermine the reasonable efforts of businesses acting in good faith. Following further discussion, Councilmember Bayless amended the motion as follows:

COUNCILMEMBER BAYLESS MOVED TO APPROVE ORDINANCE #2007-3 AMENDING SECTION 18.03 OF TITLE 18 (SIGN ORDINANCE) OF THE LINDON CITY CODE, MODIFYING, AMENDING AND REVISING THE SECTION WITH THE FOLLOWING CHANGES:

1. THAT MINOR LANGUAGE CHANGES AND CORRECTIONS AS DISCUSSED BE INCLUDED.
2. THAT FLAG POLES BE PERMITTED IN THE T-ZONE AT A MAXIMUM HEIGHT OF 100 FEET WITH A ¾ MILE RADIUS SEPARATION DISTANCE.
3. THAT UPRIGHT BANNER SIGNS ON POLES INCLUDING PERMANENTLY ESTABLISHED LIGHT POLES ARE NOT PERMITTED.
4. THAT TIME LIMITS FOR TEMPORARY SIGNAGE BE INCREASED TO 75 DAYS PER CALENDAR YEAR.

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

COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	NAY
COUNCILMEMBER BAYLESS	AYE
COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	NAY

THE MOTION CARRIED (3-2).

The Council discussed the potential impact of the recommended changes on businesses in the community. Councilmember Anthony observed that it is the intent of the sign ordinance regulations to create a pleasing aesthetic appearance while allowing adequate advertising and promotional opportunities for businesses. He noted that there are businesses that would prefer to locate in such an environment. The Council also discussed potential grandfathering issues related to existing signs in the City. City Attorney, Brian Haws, stated that he does not anticipate that grandfathering would be applicable to any temporary signage currently in use in the City, due to the temporary nature of the signage.

2 Mr. Sampson noted that the Larry H. Miller Lexus dealership currently has Lexus  
banners affixed to light poles on the site. He inquired as to whether new regulations  
4 would require removal of the banners. Mr. Cowie stated that according to ordinance  
requirements, the banners would not be allowed.

6 Mayor Acerson suggested that standards defined in the ordinance revisions not be  
immediately enforced, but that affected businesses be noticed and invited to participate in  
8 a discussion regarding the changes.

10 COUNCILMEMBER CARPENTER MOVED TO RESCIND THE PREVIOUS  
VOTE AND STUDY PROPOSED CHANGES FURTHER PRIOR TO COMING TO A  
DECISION. COUNCILMEMBER BAYLESS SECONDED THE MOTION.

12  
14 Councilmember Bath agreed that it would be appropriate to provide an  
opportunity for affected businesses to respond to possible requirements. Mr. Dameron  
16 noted that the Ordinance can be passed and approved, but that enforcement of new  
standards can be delayed for a period of time to allow sufficient noticing and response  
18 time for business owners. Following further discussion, it was the feeling of the Council  
that a motion should be made which specifies that enforcement of the standards outlined  
20 in the ordinance will not be enforced until business owners have received adequate notice  
and been given an opportunity to provide input to the City. No vote was taken on the  
22 motion to rescind.

24 COUNCILMEMBER CARPENTER AND COUNCILMEMBER BAYLESS  
WITHDREW THE MOTION TO RESCIND.

26 COUNCILMEMBER CARPENTER MOVED TO MAKE APPROVED  
CHANGES EFFECTIVE IMMEDIATELY, BUT TO BEGIN ENFORCEMENT OF  
28 NEW STANDARDS FOLLOWING NOTIFICATION OF BUSINESS OWNERS AND  
REVIEW BY THE CITY COUNCIL OF INPUT FROM AFFECTED BUSINESS  
30 OWNERS.

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

34 COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	NAY
COUNCILMEMBER BAYLESS	AYE
36 COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	NAY

38 THE MOTION CARRIED (3-2).

- 40 9. **Discussion** – *Care Facilities and Group Homes*. This is a request by staff for the  
42 Mayor and City Council’s review of proposed changes to the Lindon City Code  
affecting care facilities and Group Homes within various zones of the City.

44 Mr. Haws addressed the Council regarding possible revisions to the existing Care  
Facilities and Group Homes ordinance. Mr. Haws noted that proposed revisions bring  
46 the City Code into compliance with State statutes. He reviewed specific requirements for

2 various facilities, and what facilities must be allowed in residential zones, including  
elderly group homes and group homes for adults with disabilities.

4 The Council discussed the number of residents at facilities allowed in group  
homes in residential areas. Proposed ordinance requirements list the number of residents  
6 at four per facility. Councilmember Bath inquired as to whether this number included  
direct care staff, or was limited to persons receiving services. Mr. Haws will investigate  
8 what constitutes the number of residents and clarify language to more clearly reflect the  
number of allowable residents.

10 Mr. Haws discussed the not-for-profit status of facilities located in residential  
areas. He noted that paid staff can be employed by the facility, but that the amount  
charged for services can not exceed the actual cost of providing services.

12 Mr. Haws also noted that current definitions of people with disabilities includes  
persons addicted to drugs or alcohol, and that the same standards apply to these  
14 conditions as to other disabilities. He noted that treatment facilities for those currently  
using drugs or alcohol can be restricted based on health, safety, and welfare of the  
16 community.

18 The Council went on to discuss safety measures which must be taken at care  
facilities, including fire suppression systems. Captain Cody Cullimore of the Police  
Department was present at the meeting. He suggested required door alarms to alert direct  
20 care staff in the event that a resident may leave the facility unattended. He noted that this  
provision would protect residents of the facility as well as the surrounding community.  
22 He commented on cases where elderly individuals or persons with disabilities have left  
facilities without staff being aware that the resident has left, which may present  
24 significant safety concerns. Mr. Haws will include door alarms in the draft document  
which will be considered by the Council.

26 Mr. Haws also recommended that shelter homes for victims of domestic violence  
be included in the ordinance. The Council discussed the nature of such facilities in  
28 relation to appropriate locations in residential zones, as well as potential safety issues  
associated with shelter facilities. Councilmember Anthony suggested that the size, rather  
30 than the location, of shelter facilities be regulated. Captain Cullimore explained that the  
size of shelter facilities is regulated by the State, as well as the population eligible for  
32 services from such facilities. He specifically noted that adolescent boys ages 13 and up  
are not allowed at shelter facilities, and that adolescent boys are provided shelter services  
34 through foster care or family members.

36 Mr. Haws will draft additional changes based on recommendations of the Council  
for review at a future date.

38 10. **Discussion** – *Zone Change on the NW and SW Corners of 800 West and 200*  
*South.* This is a request by staff for the Mayor and City Council’s review of the  
40 possibility of a zone change on the above referenced corners. The current zoning  
is R1-20, but the use has been Light Industrial for a number of years.  
42

44 Mr. Cowie reviewed this item for the Council. He stated the cabinet shop on the  
northwest corner, as well as the excavation business on the southwest corner are both  
existing non-conforming uses in a residential zone, and that the existing uses do not

2 match the current zoning. He noted that new business licenses for light industrial uses  
could not be issued based on current zoning.

4 Councilmember Carpenter inquired as to what input has been provided by  
surrounding residential property owners. Mr. Cowie stated that neighboring property  
6 owners have not been noticed, but that if the Council felt a zone change would be  
appropriate, property owners would be noticed and given an opportunity to respond.  
8 Councilmember Bath felt that if a zone change is approved, the existing uses would not  
change and neighboring property owners would not realize any negative effect.

10 Following further discussion, it was the general feeling of the Council that  
neighboring property owners should be noticed regarding a potential zone change, and  
that the City should review any feedback from area residents.

12  
14 **11. Review and Action** – *Resolution Approving Lindon City's Participation in an*  
*Interlocal Agreement Establishing the Utah Lake Commission (Resolution #2007-*  
16 *2).* This is a request by the Mayor for the Council's review and approval of the  
above referenced agreement. The Council discussed this item during the meeting  
of January 16, 2007, and it now appears ready for approval.

18  
20 Mr. Dameron noted that the Resolution requires a minimum of 85% of affected  
cities to participate in the agreement in order to make the resolution and Lindon City's  
22 participation effective. Mayor Acerson commented that there appears to be broad  
support for the Commission among affected cities, and that he does not anticipate any  
24 problem with the agreement. Following discussion, Mayor Acerson was appointed to  
serve on the Utah Lake Commission Board, and Adam Cowie was designated to  
represent Lindon City on the Technical Committee. Mayor Acerson called for further  
26 comments or discussion. Hearing none, he called for a motion.

28 COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION  
#2007-2 APPROVING LINDON CITY'S PARTICIPATION IN AN INTERLOCAL  
30 AGREEMENT ESTABLISHING THE UTAH LAKE COMMISSION.

COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS  
32 RECORDED AS FOLLOWS:

34 COUNCILMEMBER ANTHONY            AYE  
COUNCILMEMBER BATH                AYE  
COUNCILMEMBER BAYLESS            AYE  
36 COUNCILMEMBER CARPENTER        AYE  
COUNCILMEMBER HATCH               AYE

38 THE MOTION CARRIED UNANIMOUSLY.

40 COUNCILMEMBER CARPENTER MOVED TO APPOINT MAYOR  
ACERSON TO SERVE ON THE UTAH LAKE COMMISSION BOARD WITH THE  
42 OPTION OF DELEGATING THE RESPONSIBILITY TO A CITY COUNCIL  
MEMBER, AND TO APPOINT ADAM COWIE TO REPRESENT LINDON CITY ON  
44 THE TECHNICAL COMMITTEE. COUNCILMEMBER HATCH SECONDED THE  
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

12. **Review and Action** – *Memorandum of Understanding and Participation*

2 *Agreement – USDA Forest Service and Lindon City.* This is a request by staff for  
4 the Council’s review and approval of the above referenced agreements. The  
6 Council discussed this item during the meeting of January 16, 2007, and they now  
appear ready for approval.

8 Due to the fact that this item was discussed in some detail during previous  
10 meetings, the Council felt that further discussion was not necessary. Mayor Acerson  
called for a motion.

12 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE  
14 MEMORANDUM OF UNDERSTANDING AND PARTICIPATION AGREEMENT  
BETWEEN THE USDA FOREST SERVICE AND LINDON CITY.  
16 COUNCILMEMBER CARPENTER SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

18 COUNCILMEMBER ANTHONY            AYE  
20 COUNCILMEMBER BATH            AYE  
COUNCILMEMBER BAYELSS            AYE  
COUNCILMEMBER CARPENTER            AYE  
COUNCILMEMBER HATCH            AYE  
22 THE MOTION CARRIED UNANIMOUSLY.

24 13. **Review and Action** – *Agreement with UTOPIA for Locating a Fiber Optic*  
26 *Cabinet.* This is a request by staff for the Council’s review and approval of the  
above referenced agreement. This cabinet location had previously received  
approval but now needs to move 50’ to the north.

28 Due to the fact that this agreement is to relocate a previously approved cabinet,  
30 the Council felt that further discussion was not necessary. Mayor Acerson called for a  
motion.

32 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE  
34 AGREEMENT WITH UTOPIA FOR LOCATING A FIBER OPTIC CABINET.  
COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN  
FAVOR. THE MOTION CARRIED.

36 **COUNCIL REPORTS** –

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

40 Councilmember Hatch reported that work is moving forward on the ditch piping  
42 project adjacent to his property.

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

2 Councilmember Bayless suggested that addresses be included for development  
shown on the project tracking list to allow Councilmembers to visit the site and review  
specifics if they desire.

4 **PUBLIC SAFETY, COURTS, BUILDING INSPECTIONS** –

6  
8 Councilmember Bath inquired as to whether there had been any resolution to  
issues with property owners regarding the road widening project on 200 South. Mr.  
Dameron stated that negotiations with all property owners are complete for this phase of  
10 the project, and that work will now proceed adjacent to all properties associated with this  
phase of the project.

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

14  
16 Councilmember Anthony stated that the Tree Advisory Board is considering a  
project to revitalize the State Street corridor with trees and landscaping. Potential plans,  
which may include community participation and sponsorship, will be presented to the  
18 Council this summer.

20 Councilmember Anthony inquired as to the status of bids for the 200 East project.  
Mr. Dameron stated that six bids were received, and that the Council will review the bids  
and recommendations for the bid award on February 20<sup>th</sup>.

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

24  
26 Councilmember Carpenter reported that a section of pavement on 200 North has  
failed. Mr. Dameron noted that there are several areas in need of repair, and that the  
contractor is responsible for the repairs. Mr. Dameron will follow to make sure needed  
28 repairs are completed.

30 Mayor Acerson reported that partial funding has been awarded for the CDBG  
which the City applied for to assist with the cost of curb ramp installation. Mayor  
32 Acerson also reviewed bills under consideration at the current legislative session which  
may have an impact on municipalities. He specifically addressed bills dealing with  
34 development of sensitive lands, and bills related to food sales tax which could have a  
potentially large impact on revenues received by the City.

36 **ADMINISTRATOR'S REPORT** –

38 Mr. Dameron reported on the following items:

- 40 1. The annual City Council retreat will be held Wednesday, February 7<sup>th</sup> from 6:00  
p.m. to 10:00 p.m.
- 42 2. City representatives will meet with property owners affected by the next phase of  
the 200 South road widening project Thursday, February 8<sup>th</sup> at 7:00 p.m.
- 44 3. The Heritage Trail Committee meeting will be held Monday, February 12, 2007 at  
3:00 p.m. in the lower conference room of the City Center.

- 2 4. The employee appreciation Jazz game family night will be Monday, February 12,  
2007.
- 4 5. The sewer update meeting will be held Thursday, February 15 at 3:30 p.m. in the  
lower conference room of the City Center.
- 6 6. A Public Hearing will be held on February 20<sup>th</sup> to consider revisions to  
construction codes, including storm water amendments.
- 8 7. The Council reviewed the Project Tracking List.
- 10 8. Mr. Dameron reviewed the on-line traffic school option currently used by the  
City. He noted that approximately 40% of those eligible for traffic school are  
12 currently using the on-line option. He referred to a letter from Police Chief, Tom  
Paul, concerning use of funds generated by traffic school. Mayor Acerson  
14 commented that Pleasant Grove has clarified that funds generated by Traffic  
School are used to staff additional traffic enforcement shifts which are not  
possible based on regularly budgeted funds.

16 Mr. Dameron invited Captain Cullimore to present any additional information  
regarding the use of traffic school funds. Councilmember Carpenter commented  
18 that the letter submitted by Chief Paul estimates that 95% of traffic citations are  
written during shifts funded by traffic school revenues. He asked Captain  
20 Cullimore if this figure seemed accurate. Captain Cullimore stated that the  
estimate of 95% seems somewhat higher than actual citations would reflect. He  
22 explained that the majority of specific traffic enforcement is completed on shifts  
funded by traffic school revenues, but that one officer is assigned full time to  
24 traffic enforcement, and that this position is not funded by traffic school revenues.  
Captain Cullimore explained that in the course of a regular shift, officers typically  
26 spend the majority of time responding to calls, and that very little time is available  
during patrol shifts to dedicate to traffic enforcement.

28 Councilmember Carpenter asked for clarification as to use of funds paid to  
Pleasant Grove City by Lindon City for police services. He asked if those funds  
30 were primarily used in responding to calls and other non-traffic related  
enforcement. Captain Cullimore confirmed this, and stated that a traffic school  
32 program was implemented in part to provide a means for additional traffic  
enforcement above that which is possible during regular patrol shifts.  
34 Councilmember Carpenter expressed concern that this information had not been  
adequately relayed to Lindon City prior to this time. Captain Cullimore agreed  
36 that there appears to have been some miscommunication.

38 Mr. Dameron explained that the issue which the Council must address is  
whether funds should be paid to Pleasant Grove City for traffic school which is  
40 completed on line. Councilmember Carpenter noted that the decision may have  
far reaching effects, and that further discussion will be necessary in order to  
resolve the issue.

42 Discussion continued regarding the perceived lack of communication between  
Lindon and Pleasant Grove on various police related issues, and what might be  
44 done to resolve those issues. Captain Cullimore noted that the Police Department  
makes every effort to provide the best service possible based on current man  
power and funding. The Council will continue discussion of this item at a later

2 date. Mayor Acerson will also communicate with Mayor Daniels regarding  
possible resolutions to current issues relative to police services.

4 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE PAY  
VOUCHERS. COUNCILMEMBER BATH SECONDED THE MOTION. ALL  
6 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

8 **ADJOURN** –

10 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT  
12:06 A.M. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL  
12 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14 APPROVED – February 20, 2007

16

18

20 \_\_\_\_\_  
Ott H. Dameron, City Administrator/Recorder

22

24

26 \_\_\_\_\_  
Jeff Acerson, Mayor