

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

4 **WORK SESSION** – 6:00 p.m.

6 Conducting: Eric Anthony, Mayor ProTem

8 **PRESENT**

ABSENT

10 Eric Anthony, Councilmember
12 H. Toby Bath, Councilmember
Lindsey Bayless, Councilmember
14 Bruce Carpenter, Councilmember – *arrived 6:12 p.m.*
Jerald I. Hatch, Councilmember
16 Ott H. Dameron, City Administrator/Recorder
Adam Cowie, Planning Director
18 Phil Brown, Chief Building Official
Gary Hoglund, Code Enforcement Officer
20 Debra Cullimore, Deputy Recorder

Jeff Acerson, Mayor

22 The meeting began at 6:07 p.m.

24 **Discussion** – *The Mayor and City Council will meet in a Work Session with Phil Brown,*
Chief Building Official, Adam Cowie, Planning Director, and Gary Hoglund, Code
26 *Enforcement Officer, to hear a report on the current year’s data as well as issues and*
concerns for fiscal year 2007/2008.

28
30 Mr. Brown, Mr. Cowie and Mr. Hoglund presented the 2006 year end report for
the Building, Planning, and Code Enforcement Departments. Mr. Cowie reviewed
permits issued by the Planning Department during 2006, including residential and
32 commercial applications. Mr. Cowie noted that 30 permits were issued for single family
residential dwellings, but that the City anticipates a significant increase in single family
34 residential dwellings in 2007 due to the Creekside Meadows subdivision. He also
explained the commercial property valuation has doubled since last year. Mr. Brown
36 explained that industrial property valuation per square foot is fairly low, but that
construction of fairly large industrial buildings resulted in the valuation increase.

38 Mr. Cowie reviewed the breakdown of revenues vs. expenditures. He noted that
both the Planning and Building departments experienced an increase in expenditures
40 during the previous year, in large part due to an increase in benefits for employees and
purchase of furniture and office equipment for the new offices. He also noted that other
42 expenses incurred during 2006, such as the geo-hazard study and development of the
Commercial Design Guidelines, would not be recurring expenses.

44 Councilmember Anthony inquired as to whether it is the intent to balance
revenues and expenditures for these particular functions. Mr. Brown stated that ideally,
46 the building department will “break even” financially. Mr. Cowie explained that

2 typically, the Planning Department is intended to be a service to the community, and that
a balanced budget would require unreasonably high fees. He stated that expenditures are
4 expected to exceed revenues in the Planning Department. Mr. Cowie commented that
the City has compared fees with neighboring communities, and that the fees charged by
Lindon City are average as compared to other cities.

6 Mr. Cowie then reviewed ordinances which were updated in 2006, and noted that
the General Plan was revised and adopted in 2006.

8 Mr. Hogle then presented the year end Code Enforcement Report. He noted
that some code enforcement issues are addressed proactively by the City, but that the
10 majority of enforcement is complaint based.

Councilmember Bayless noted that three residential dwellings were condemned
12 during 2006. Mr. Hogle confirmed that three older residential dwellings which were
not repairable or habitable were condemned. Mr. Cowie noted that 2006 was the first full
14 year that code enforcement has been actively pursued in the City, and that some
longstanding problems have been addressed as a result of the new position.

16 The Council went on to discuss complaints which have been resolved. Members
of the Council requested an accounting of the number of complaints which have been
18 resolved. Councilmember Bath noted that such information may be valuable as questions
are raised in the future. Councilmember Anthony agreed that tracking resolution of
20 complaints would provide a mechanism to measure code enforcement progress over time.

Mr. Brown then addressed an ongoing issue related to a particular business on
22 Geneva Road which has been out of compliance with standards for some time. He stated
that the condemnation process may begin on the facility if issues are not addressed in the
24 near future. Councilmember Bayless observed that the facility presents significant health
and safety issues. Mr. Hogle explained that there are approximately 30 code violations
26 at the facility, and that the owner appears to be unwilling to resolve the issues. Mr.
Dameron observed that the City is compelled to move ahead based on the existing
28 conditions at the business. Mr. Hogle noted that condemnation is a slow deliberate
process which will take some time to complete.

30 Mr. Cowie then reviewed proposed administrative changes in the Planning and
Building Department for 2007. He noted that minor changes to building permit fees are
32 proposed. He also suggested that "Design Reviews" be changed to "Concept Reviews"
to more accurately reflect the design review process.

34 Mr. Cowie then went on to discuss the proposed full time Assistant Planner
position. He noted that there is a need for this position in order to maintain the current
36 level of service for residents. Mr. Cowie noted that he currently serves on multiple
committees which are not directly related to his planning responsibilities within the City.
38 He noted that a significant portion of his time is absorbed by committee responsibilities,
which provides a benefit to the City, but that the Assistant Planner position will provide a
40 high level of service, and allow the department to function more efficiently. Mr. Cowie
noted that the Planning Intern program is somewhat beneficial, and that the City intends
42 to maintain the intern position as well, but that high turnover in that particular position
does not allow the necessary level of support to the department.

44 Mayor Acerson thanked Mr. Cowie, Mr. Brown, and Mr. Hogle for their
efforts.

46

2 The Work Session ended at 6:58 p.m.

4 **REGULAR SESSION** – 7:00 p.m.

6 Conducting: Jeff Acerson, Mayor

Pledge of Allegiance: Bruce Carpenter

8 Invocation: Ott Dameron

10 **PRESENT**

ABSENT

12 Jeff Acerson, Mayor

Eric Anthony, Councilmember

H. Toby Bath, Councilmember

14 Lindsey Bayless, Councilmember

Bruce Carpenter, Councilmember

16 Jerald I. Hatch, Councilmember

Ott H. Dameron, City Administrator/Recorder

18 Adam Cowie, Planning Director

Debra Cullimore, Deputy Recorder

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

22 **MINUTES** – The minutes of the regular meeting of March 20, 2007 were reviewed.

24 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES
26 OF THE MARCH 20, 2007 MEETING. COUNCILMEMBER BATH SECONDED
THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 **OPEN SESSION** –

30 Mayor Acerson called for comments from any resident present who wished to
32 address an issue not listed as an agenda item. Lindon resident Doug Christensen
approached the Council, and submitted written concerns related to the Lindon Heritage
34 Trail near his property. Mayor Acerson accepted the written comments from Mr.
Christensen, and informed him that the Council would review the comments following
36 the regular meeting. Sandra Christensen pointed out that the written comments were
related to a potential land deal with neighboring property owner, Brigham Ashton, and
38 that there is a fairly short time frame in which to resolve the issues.

40 Captain Cody Cullimore of the Pleasant Grove/Lindon Police Department
approached the Council. He explained that community involvement is an important
component of the police department in maintaining the safety and security of residents.
42 Captain Cullimore presented members of the Lindon City office staff with a
Distinguished Community Service Award for their efforts in keeping the park located
44 adjacent to the City Center safe. Captain Cullimore explained that the staff has reported
several suspicious incidents to the police department, which resulted in the arrest of
46 several individuals for drug and alcohol related offenses. Captain Cullimore presented

2 the staff members with a certificate of recognition, as well as movie tickets in
3 appreciation of their efforts. Staff members present to accept the recognition were Kathy
4 Bird, Debbie Cullimore, Maurina Jolley, and Sherrie Laidler.

6 **MAYOR'S COMMENTS/REPORT** –

8 Mayor Acerson gave no report at this meeting.

10 **CONSENT AGENDA** –

12 No items.

14 **CURRENT BUSINESS** –

- 16 1. **Public Hearing** – *General Plan Amendment and Zone Change*. The City Council
18 will hear public comment and possibly act to approve a General Plan Amendment
20 and Zone Change for the northwest and southwest areas of the 800 West 200
South intersection. This is a staff initiated request to change the areas from R1-20
to Light Industrial. The Planning Commission has recommended approval with
some changes from the staff request.

22 COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING
24 TO CONSIDER THE PROPOSED GENERAL PLAN AMENDMENT AND ZONE
CHANGE. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26 Mr. Cowie explained that this is a City initiated zone change request. This issue
28 came to the attention of the City at the time a business license application was submitted
for Chateau Cabinets, located on the north section of property related to this item. Mr.
30 Cowie noted that the property in question is currently zoned for residential use, but that
the use has historically been light industrial. He noted that the current residential zoning
32 of the property allows only very limited uses. He noted that due to the nature of
surrounding uses and the historical use of the properties, it is unlikely that the use would
34 ever again be residential.

36 Mr. Cowie went on to explain that staff found an old zone change request which
included a 1998 map of the zoning which identified the north 'cabinet shop' parcel as
industrial zoning. He suggested that the property may have already been rezoned, and
38 that there may have been a mapping error when zoning maps were transferred to the GIS
system.

40 Mr. Cowie stated that the existing Mitchell X office facility has been in operation
on the south site for some time. He noted that an existing accessory apartment in the
42 basement of the office is still occupied. The Mitchell X operation also includes a shop
structure with several bays on the south end of the site.

44 Mr. Cowie reviewed photographs and overhead maps of the subject properties,
and outlined existing structures and property owners on each site. He explained that
46 following Planning Commission review of this proposed zone change, the Planning

Commission felt that a zoning designation of Mixed Commercial may be more
2 appropriate for the south parcel, due to the location of residential properties on the other
3 three corners of the intersection. Mr. Cowie noted that Mixed Commercial zoning would
4 allow a wide variety of retail uses on the property which could be equally as disruptive to
5 neighboring residential uses as the proposed Light Industrial zoning. The Planning
6 Commission felt that the proposed Light Industrial zoning would be appropriate for the
7 north parcel, given the existing use, structures, and surrounding uses.

8 Councilmember Anthony inquired as to whether the existing use on the Mitchell
9 X site would be a permitted use under residential zoning requirements. Mr. Cowie stated
10 that the Standard Land Use Table lists the current use as not permitted in the residential
11 zone. He clarified that the existing uses can continue to operate as existing non-
12 conforming uses unless they are unoccupied for 180 days. He noted that the current
13 residential zoning limits permitted uses of the property, and may have a negative impact
14 on property values if the property is sold.

15 Mayor Acerson called for public comment. Allan Miller and Rick Miller, current
16 owners of the existing cabinet shop, introduced themselves to the Council. Allan stated
17 that they purchased the property from Paul Liston under the assumption that the property
18 was zoned for the existing use.

19 The Council discussed an e-mail which was received from neighboring property
20 owner, Krista Bradford, who is currently serving an LDS mission outside the country.
21 Ms. Bradford expressed concern about potential negative impacts to her existing
22 residential use if the zoning is changed to Light Industrial. She commented that the
23 current use is not problematic, but that future uses may produce fumes, odors, or noise
24 which may be unacceptable.

25 The Council went on to discuss specific parking and landscaping requirements for
26 the Light Industrial Zone and the Mixed Commercial Zone. Councilmember Anthony
27 inquired as to whether the Planning Commission considered a Mixed Commercial zoning
28 designation for the cabinet shop property. Mr. Cowie stated that the Planning
29 Commission did discuss the possibility, but felt that due to the historic use of the property
30 and surrounding properties, a Light Industrial zone would be appropriate for that area.
31 Councilmember Carpenter noted that a potential mapping mistake on the cabinet shop
32 property should be a consideration as well.

33 Councilmember Bayless asked for clarification as to the reasoning for this zone
34 change request. Mr. Cowie explained that the proposed zone change would make the
35 existing uses compatible with the zoning. Councilmember Bayless stated that she
36 understands the concerns expressed by the Bradford's. Mr. Cowie noted that the
37 Bradford's purchased the home next to the existing cabinet shop, and the use is not being
38 changed.

39 Councilmember Anthony felt that a Mixed Commercial zone may provide an
40 appropriate buffer between residential properties and neighboring industrial uses. Mr.
41 Cowie explained that a broader range of uses is allowed in the Mixed Commercial zone
42 than in the Light Industrial zone, and that many permitted Mixed Commercial uses could
43 have potential negative impacts on neighboring residential properties.

44 Councilmember Bayless inquired as to why the request is to rezone the area for
45 Light Industrial uses if the General Plan designates Commercial zoning for the area. Mr.
46 Cowie explained that the General Plan in a long range planning document, but that the

2 proposed Light Industrial zoning would move the zoning designation towards the General Plan.

4 Councilmember Carpenter inquired as to whether there had been any further contact with the Bradford's regarding this issue. Mr. Cowie stated that he informed the Bradford's that the City Council would be reviewing this issue, and that he would inform them of the outcome of this discussion.

8 Scott Mitchell, current owner of Mitchell X, expressed concern regarding the possible Mixed Commercial zoning for his property if he were to sell the property. Councilmember Carpenter asked if Mr. Mitchell would be able to sell the property to new owners and maintain the same use. Mr. Cowie explained that the current use would be allowed as an existing non-conforming use as long as there is not a period which exceeds 180 days in which the business is not in operation. If the business is vacant for a period in excess of 180 days, only permitted uses for the zone would be allowed to operate on the site. Councilmember Anthony observed that the proposed Mixed Commercial designation would allow a broad range of uses, and may create an appropriate buffer between existing industrial and residential uses. He felt that Mixed Commercial zoning may be appropriate to give consideration to both existing businesses and adjacent residential property owners.

20 Councilmember Carpenter requested clarification regarding the location of neighboring residential uses. Mr. Cowie outlined the location of residential properties in the area. He explained that neighboring property owners within 300 feet of the proposed zone change were notified of this public hearing.

24 Councilmember Bayless stated that while she has great concern for neighboring residential property owners, the current use of the subject properties is Light Industrial in nature. Councilmember Anthony noted that equal consideration should be given to the business owners, but that the Council should carefully consider zoning to ensure that compatible uses will locate in the area in the future.

28 Mr. Cowie reviewed permitted and conditional uses for the Mixed Commercial and Light Industrial zones for comparison. Councilmember Anthony inquired as to the possibility of a future Light Industrial creating excessive odor or fumes in the area. Mr. Cowie stated that most uses that involve chemicals are not permitted in either zone. He noted that the MC zone allows a variety of retail uses which are not allowed in the LI zone, and that traffic generated by retail uses may have a negative impact on neighboring residential uses.

36 Mayor Acerson called for further public comment. There was no additional public comment. He called for a motion to close the public hearing.

38 COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER THE PROPOSED GENERAL PLAN AMENDMENT AND ZONE CHANGE. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

44 Councilmember Bayless noted that following discussion, she felt comfortable with the regulations which are in place to protect neighboring uses from chemical fumes or other harmful effects produced by industrial type uses. The Council discussed further whether Light Industrial or Mixed Commercial zoning would be most appropriate on the

subject properties. Mayor Acerson called for further comments or discussion from the Council. Hearing none, he called for a motion.

COUNCILMEMBER ANTHONY MOVED TO APPROVE THE ZONE CHANGE FROM R1-20 TO LIGHT INDUSTRIAL FOR THE PROPOERTY LOCATED ON THE NORTH OF 200 SOUTH AND MIXED COMMERCIAL FOR THE PROPERTY LOCATED ON THE SOUTH OF 200 SOUTH WITH THE MIXED COMMERCIAL ZONE LINE BEING ALIGNED WITH THE PROPERTY LINE OF THE PARCEL. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION FAILED (2-3).

Councilmember Bayless noted that the existing use to the west of the Mitchell X site is currently Heavy Industrial. Councilmember Bath felt that the Mixed Commercial zone would offer a better chance of an office type facility, which would be more compatible with surrounding residential uses. The Council discussed potential uses which may locate on the property under Mixed Commercial and Light Industrial zoning. Mayor Acerson called for an alternate motion.

COUNCILMEMBER HATCH MOVED TO APPROVE THE PROPOSED CHANGES TO THE GENERAL PLAN LAND USE MAP AND THE ZONING BOUNDARY CHANGE FROM R1-20 TO LIGHT INDUSTRIAL FOR ALL SUBJECT PROPERTIES. ON THE SOUTH SIDE OF 200 SOUTH, THE ZONING WILL BE CHANGED BUT THE GENERAL PLAN WILL NOT BE AFFECTED. COUNCILMEMBER CARPENTER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED (4-1).

- Preliminary Plat** – *Lindon Pointe Estates, Plat "A"*. This is a request by Ernest Silva for preliminary plat approval of Lindon Pointe Estates, Plat "A", 5 lots, in the R1-20 zone at approximately 350 West 200 South. The Planning Commission recommended approval with one condition.

Tim Metlor and Don Greer were present as representatives for this application. Ernest Silva was also present in the audience. Mr. Cowie reviewed this subdivision application for the Council. He stated that this is a request for a five lot major

2 subdivision in the R1-20 zone. One existing home which faces 200 south will remain in
place on lot #5. The other four lots will access off of a new cul-de-sac at 350 West. The
4 new cul-de-sac is proposed as a full width road. Mr. Cowie also noted that the existing
home meets all setback requirements. Several older accessory structures on the site will
6 be removed as part of this project. The Planning Commission recommended approval
with the condition that lot #1 access from 350 West rather than 200 South to eliminate
backing into traffic on 200 South.

8 Mr. Cowie reviewed photographs of the site, including the existing dwelling and
the location of the proposed 350 West cul-de-sac which will be located west of the
10 existing home. He noted the grade change on the east side of the site. Mr. Cowie stated
that the developer will removed the existing concrete slabs located adjacent to the slope,
12 and that fill and grading will be used to stabilize the slope.

14 Councilmember Carpenter inquired as to whether there are any concerns
regarding the slope of the property. Mr. Cowie stated that the site does not meet Hillside
Overlay Ordinance criteria. He stated that the proposal has been reviewed by the City
16 engineer, and that no concerns were noted. Mr. Cowie explained that rock or block
retaining walls will be addressed during the building permit application process for each
18 lot, but that retaining walls are not included in this subdivision application.

20 Councilmember Hatch expressed concern regarding the existing fences on adjacent lots
located at the top of the slope. He inquired as to what precautions will be taken to
stabilize existing fences during the fill and grading process of the slope. Mr. Metlor
22 stated that he is unsure of the construction method used for the fence, but that some
slippage occurred prior to this project. Mr. Metlor explained that excavating into the
24 hillside will not take place, and that all areas where concrete is removed will be filled and
graded to stabilize the slope. Pasture grass will also be planted on the slope to minimize
26 erosion potential.

28 Mr. Cowie noted that the Planning Commission discussed the slope issue at
length. He stated that the applicants have indicated that each individual lot will be filled,
graded, and retained appropriately as it is sold to individual property owners

30 Neighboring property owner Lester Hellewell expressed concern regarding the
proposed fill and grading plan for the hillside. He felt that the stability of the hillside and
32 adjacent fences may be compromised with the proposed fill and grading plan. He
suggested that the City require some type of retaining wall in conjunction with the
34 subdivision approval to protect neighboring property owners. Mayor Acerson inquired as
to whether the Council has the authority to require installation of a retaining wall. Mr.
36 Cowie stated that it would be necessary to determine whether the proposed subdivision is
negatively impacting neighboring properties. Mr. Metlor clarified that he is aware of the
38 responsibility to appropriately retain the hillside, and that retaining walls will be installed
during construction of individual homes.

40 Councilmember Bayless observed that there seem to be divergent opinions
regarding retention of the hillside. She felt that it would be appropriate to consult with
42 the City engineer to determine what type of retention would be appropriate. Following
further discussion, it was the consensus of the Council that no decision could be made
44 regarding this application until an engineering recommendation is rendered regarding
hillside retention.

46

2 COUNCILMEMBER BATH MOVED TO CONTINUE THE LINDON POINTE
ESTATES PLAT "A" PRELIMINARY PLAT TO THE REGULAR CITY COUNCIL
MEETING OF APRIL 17, 2007 PENDING A PROFESSIONAL RECOMMENDATION
4 FROM THE CITY ENGINEER REGARDING RETENTION AND STABILIZATION
OF THE HILL ON THE EAST SIDE OF THE PROPOSED DEVELOPMENT.
6 COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

- 8
- 10 3. **Review and Action** – *Resolution Establishing Guidelines, Policies, and Criteria*
12 *Related to Consideration of Conduit Issuance for Industrial Development bonds*
14 *(Resolution #2007-3)* This is a request by staff for the Council's review and
approval of certain guidelines, policies, and criteria related to the issuance of
Industrial Development Bonds for qualified not-for-profit 501 C-3 corporations
and other applicants. These guidelines will create a process for any applicant for
conduit issuance of IDB's to follow.

16

18 Chris Olsen of Mountain States Steel was present as the representative for this
application. Mr. Dameron explained that this request was brought about due to an
inquiry made by Mr. Olsen and Kevin Corllis of GE Capital, regarding the possibility of
20 issuance of Industrial Development Bonds to aid Mountain State Steel in the growth of
the business. Mr. Cowie stated that Jason Burningham previously discussed issuance of
22 conduit bonds with the Council, and recommended that the City set in place a method to
determine appropriate circumstances for issuance of conduit bonds.

24 Mr. Dameron explained that this proposed Resolution defines guidelines and the
application process for issuance of the bonds, as well as required steps for qualification of
26 any application, either from 501C-3 organizations, or for private industrial development.
He also explained that Industrial Development Bond Act allows local government entities
28 to issue bonds for an applicant and run no financial risk. Equipment purchased with bond
revenues will serve as collateral for the bond.

30 Mr. Dameron commented that there was some initial concern that using the
conduit of the City to obtain tax exempt bonding for private industry may cause the City
32 to exceed the established bond cap for City projects. Blake Carlton from the bond
attorney's office gave a professional opinion that issuance of conduit bonds through the
34 City would have no effect on the City's ability to obtain future bonding for City projects.
Councilmember Anthony asked for clarification regarding the benefit of using the City as
36 a conduit for bond issuance. Mr. Dameron explained that bond revenues issued using the
City as a conduit would be tax exempt.

38 Mayor Acerson stated that Jason Burningham felt that this particular bond request
would be a good example to use to write the criteria for future applications. He noted
40 that this request will have a benefit to the community due to creation of more jobs, and an
increase in productivity at the business, which will result in more tax revenue generated
42 for the City. Councilmember Carpenter noted that a benefit to the community is shown
as a requirement in the criteria for 501C-3 application, but that it is not reflected in the
44 Industrial Bonding criteria. He felt that a benefit to the community beyond economic
gain for the applicant would be an important criteria, which should be required for all
46 applications.

2 Mr. Olsen then explained the automated equipment which will be purchased with
the bond revenues. He explained that approximately 30 additional jobs will be created,
and that productivity of the business will increase significantly.

4 Lindon resident, Ron Hatfield, commented that he has some experience
with Industrial Development Bonds. He stated that the bonding process can serve as a
6 tool to attract quality industry to locate in the City.

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

10 COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION
#2007-3 ESTABLISHING CERTAIN GUIDELINES AND POLICIES RELATED TO
12 THE CONSIDERATION OF CONDUIT ISSUANCE FOR AND ON BEHALF OF
QUALIFIED NOT-FOR-PROFIT 501c-3 CORPORATIONS AND OTHER
14 INDUSTRIAL REVENUE BOND APPLICANTS; ESTABLISHING A SET OF
CRITERIA, PROCESS AND INFORMATION NEEDED TO MAKE A
16 DETERMINATION, AND RELATED MATTERS WITH EXHIBIT A AND WITH
THE ADDITION OF CRITERIA #3; THAT THE APPLICANT DEMONSTRATE A
18 BENEFIT TO THE COMMUNITY OTHER THAN ECONOMIC GAIN TO THE
APPLICANT. COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE
20 VOTE WAS RECORDED AS FOLLOWS:

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

26 THE MOTION CARRIED UNANIMOUSLY.

- 28 4. **Review and Action** – *Resolution of Inducement to Issue Industrial Development*
30 *Bonds (Resolution #2007-4)*. This is a request by Chris Olsen of Mountain States
Steel for the Council’s consideration of a resolution declaring the intention of
Lindon City, Utah to issue industrial development revenue bonds to be used to
32 purchase manufacturing equipment and related facilities for Mountain States
Steel, Inc., or any related company (The “Project”); authorizing the issuance and
34 sale of such bonds in the principal amount of not to exceed \$1,400,000;
establishing conditions which must be met at or prior to the issuance of the
36 revenue bonds; providing for the reimbursement from the proceeds of such bonds
of expenditures for the project; providing for a public hearing and for publication
38 of a notice of the public hearing; and related matters.

40 Mayor Acerson observed that Resolution #2007-3 sets in place the process to
allow the Council to act upon the application before them. Mr. Dameron explained this
42 Resolution is a statement that the City is contemplating issuing Industrial Development
Bonds. The application will be discussed in a Public Hearing prior to actual issuance of
44 the bonds. Mayor Acerson called for further comments or discussion. Hearing none, he
called for a motion.

2 COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION
 4 #2007-4 DECLARING THE INTENTIONS OF LINDON CITY TO ISSUE
 6 INDUSTRIAL DEVELOPMENT REVENUE BONDS TO BE USED TO PURCHASE
 8 MANUFACTURING EQUIPMENT AND RELATED FACILITIES FOR MOUNTAIN
 10 STATES STEEL, INC., OR ANY RELATED COMPANY (THE "PROJECT");
 12 AUTHORIZING THE ISSUANCE AND SALE OF SUCH BONDS IN THE
 14 PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,400,000; ESTABLISHING
 16 CONDITIONS WHICH MUST BE MET AT OR PRIOR TO THE ISSUANCE OF THE
 18 REVENUE BONDS; PROVIDING FOR THE REIMBURSEMENT FROM THE
 20 PROCEEDS OF SUCH BONDS OF EXPENDITURES FOR THE PROJECT;
 22 PROVIDING FOR A PUBLIC HEARING AND FOR PUBLICATION OF A NOTICE
 OF THE PUBLIC HEARING; AND RELATED MATTERS; BASED ON THE
 FINDING THAT THE INFORMATION PROVIDED BY MOUNTAIN STATES
 STEEL DOES MEET THE ESTABLISHED CRITERIA FOR BOND ISSUANCE.
 COUNCILMEMBER HATCH 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.

24 5. **Design Review** – *Hatfieldadelphia (Reception Center) and Vacation of Main*
 26 *Street at 130 South.* This is a continued request by Ron Hatfield for the Mayor
 28 and City Councils review/feedback relative to his request to use his existing home
 30 and grounds in the CG zone as a commercial reception center. He would also like
 feedback on the possibility of vacating a portion of Main Street south of State
 Street. This item was continued from the February 20, 2007 meeting to allow all
 Council Members to be present.

32 Ron Hatfield was present as the representative for this Design Review. Mr.
 34 Cowie explained that this is a request for discussion regarding the possibility of vacating
 a section of Main Street adjacent to the property owned by Mr. Hatfield. Mr. Hatfield is
 36 also proposing use of his existing home on the site as a commercial reception center. Mr.
 Cowie explained that the property is located in the CG zone, and that reception centers
 38 are a permitted use in the zone. Mr. Hatfield will be required to submit a site plan for the
 propose project and bring the site into full compliance with existing requirements for the
 CG zone.

40 Mr. Cowie reviewed photographs of the site. He noted that Mr. Hatfield owns the
 property located on both the east and west side of Main Street. Councilmember
 42 Carpenter inquired as to the approximate value of the section of Main Street Mr. Hatfield
 is proposing for vacation. Mr. Cowie stated that Mr. Hatfield has expressed a willingness
 44 to discuss some compensation to the City for the value of the land.

46 Councilmember Anthony requested clarification regarding the proposed layout of
 the site. Mr. Hatfield reviewed the proposed layout, including the existing State Street

access located on the north end of the west parcel of property owned by Mr. Hatfield. Mr. Hatfield stated that this access would not be used as an active access, but that he would like to maintain the legal access for use by possible future commercial development of the property. He explained that if the access is abandoned, UDOT is not likely to approve another State Street access to the property in the future.

Councilmember Bath inquired as to whether any traffic studies have been complete on this particular section of Main Street. Mr. Cowie explained that Mr. Hatfield has hired a traffic engineer to conduct the study, but that the actual study is not yet complete. Mr. Cowie also noted that current traffic flow on the street may be somewhat affected by the closure of 1600 North in Orem due to street construction. Councilmember Anthony observed that traffic flow on Main Street may be one of the concerns related to this request, but that State Street access from Main Street may also create additional safety concerns. Mrs. Hatfield was also present at the meeting. She commented that they have 34 grandchildren, and that the section of Main Street in question creates significant safety concerns for the children. She noted that the speed of traffic coming off of State Street, as well as the dip at the intersection of Main Street and State Street, creates unsafe conditions for area residents.

Councilmember Bayless observed that safety concerns existing on all public streets, and that adults must be responsible to keep children away from streets to avoid safety hazards. She also noted that access to State Street is problematic at all uncontrolled intersections. She felt that the inconvenience the closure of the road may create for residents should receive equal consideration to safety concerns associated with the roadway. She asserted that vacation of the section of Main Street would likely represent an advantage for Mr. Hatfield, but would not be an advantage to the community.

Mr. Hatfield responded to the concerns expressed by Councilmember Bayless. He explained that he has discussed this proposal with UDOT and that UDOT has expressed a preference for use of the controlled intersection as a safer alternative for State Street access. He asserted that closure of the road would address safety concerns associated with the intersection. He also observed that closure of the road may represent an economic benefit to the City. Mr. Hatfield noted that the small triangular piece of property located adjacent to State Street is not developable for any future use if it is not joined with the property to the west of Main Street. He explained that if required setbacks are applied to any future structure on the property, there is not adequate buildable area for any use other than possible parking. Mr. Hatfield noted that typically, if a road is vacated, the roadway area is deeded to neighboring property owners without compensation to the City. He stated that in exchange for the vacated roadway property, he is willing to make a \$100,000 donation towards the aquatics facility planned for the City.

Mr. Hatfield also discussed storm drainage in the area. He stated that storm drainage from Main Street, as well as neighboring residential development, currently flows onto his property. He suggested that vacation of the roadway and reconfiguration of development in the area would allow the City to more adequately address storm drainage, and channel runoff to appropriate storm drains and detention basins in the area. Mr. Hatfield noted that he is currently under grounding all power lines on the property at his own expense. He stated that in his opinion, the aesthetic improvement to the area

2 would result in an economic benefit to the community as new businesses may be attracted
3 to the area in the future.

4 Councilmember Carpenter inquired as to the potential impact of traffic generated
5 by a commercial reception center. Mr. Hatfield stated that it is not his intention to
6 operate the reception center as a commercial business on a regular basis. He explained
7 that currently, receptions and other gatherings are held at the site free of charge, but that
8 commercial licensing would allow him to charge a fee for occasional use of the site by
9 non family members or friends. He noted that approximately 6000 people visited the site
10 last year, and that he expects an increase in visitors this year. He stated that the traffic
11 impact is not expected to increase due to the commercial aspect of the facility, but that it
12 will provide a mechanism which will allow fees to be charged to offset costs associated
13 with use of the facility.

14 Councilmember Bayless commented on an e-mail received by the City which
15 expressed concerns of several residents currently living on 40 South. The e-mail
16 mentioned the inconvenience that closure of the road may create for residents who
17 currently use the road. Mr. Hatfield explained that the layout of Lindon Treasury was
18 reconfigured in an effort to alleviate concerns expressed by residents on 40 South. He
19 stated that he has given consideration to concerns of neighbors, and that he is hopeful that
20 his neighbors will return the consideration he has shown to them. Councilmember
21 Carpenter noted that use of the section of Main Street may create some convenience, and
22 may shorten vehicle trips by a few seconds, but that closure of the road would not
23 necessarily create a high level of inconvenience for area residents. Lindon resident Doug
24 Christensen noted that area residents expressed concern regarding potential
25 inconvenience if the vacated section of Lakeview Road were to be closed. He asserted
26 that a concern of potential inconvenience is not necessarily a reason to not close the road.

27 Councilmember Bath observed that there is currently an effort in the county to
28 construct new roads, and that it seems somewhat counterproductive to close an existing
29 road. Councilmember Anthony stated that he does not see a significant value in this
30 particular section of roadway to move traffic, but that if vacation is approved, it should be
31 based on safety issues rather than convenience issues. He stated that he would prefer to
32 see the existing State Street access to the reception center site vacated if Main Street is
33 vacated. Mayor Acerson explained that practical access to the property can be reviewed
34 if future development occurs which may include using the State Street access. He
35 clarified that if the State Street access is vacated at this time, it is vacated permanently,
36 and that UDOT will not approve future access points on State Street. He felt that it
37 would be appropriate to maintain the legal State Street access as long as it is not used for
38 practical access for the reception center.

39 Following further discussion, it was the general feeling of the Council that Mr.
40 Hatfield should return for further discussion when the traffic engineering study is
41 complete.

- 42 6. **Public Hearing** – *Ordinance Amendment to the Standard Land Use Table, LCC*
43 *Appendix A (Ordinance #2007-6)*. The City Council will hear public comment
44 and possibly act to approve amendments to the Standard Land Use Table in the
Lindon City Code Appendix A. These amendments are proposed in the

2 manufacturing section of the Table. This is a staff initiated request and the
Planning Commission has recommended approval.

4 COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING
TO CONSIDER PROPOSED AMENDMENTS TO THE STANDARD LAND USE
6 TABLE, LCC APPENDIX A. COUNCILMEMBER BATH SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

8
10 Mr. Cowie explained that this is a City initiated review of the Manufacturing
Section of the Standard Land Use Table. He noted that the Planning Commission held a
Public Hearing regarding this item during their last regular meeting. He explained that
12 no additional changes have been made since the Council last reviewed proposed
amendments. Mayor Acerson called for public comment. There was no public comment.
14 He called for further comments or discussion from the Council. Hearing none, he called
for a motion.

16
18 COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC
HEARING TO CONSIDER PROPOSED AMENDMENTS OT THE STANDARD
LAND USE TABLE, LCC APPENDIX A. COUNCILMEMBER ANTHONY
20 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

22
24 COUNCILMEMBER BATH MOVED TO APPROVE ORDINANCE #2007-6
AMENDING ‘APPENDIX A’ OF THE LINDON CITY CODE TITLED “STANDARD
LAND USE TABLE”, MODIFYING, AMENDING AND REVISING THE
26 PROVISIONS OF THE SECTION AND PROVIDING FOR AN EFFECTIVE DATE.
COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS
28 RECORDED AS FOLLOWS:

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

36 7. **Discussion** – *Lot Grading and Measurement of Building Heights.* The City
Council requested staff to provide information on how lots are measured to
38 conform to the building heights required in the Lindon City Code. Some
confusion has occurred when some homes are built higher than other homes in the
40 same area.

42 Mr. Dameron explained that this discussion was initiated due to concerns
expressed by Councilmember Hatch regarding lot grading and final height measurement
44 of residential dwellings. Mr. Cowie reviewed the method currently used to establish
finished height of residential dwellings. He explained that finished height of residential

2 dwellings is allowed at 35 feet from finished grade measured from the four main corners
3 of the dwelling.

4 The Council reviewed photographs of various homes in the City with a variety of
5 grades. They discussed the compatibility of homes built on a large amount of fill in
6 relation to neighboring residential properties. There was extensive discussion regarding
7 various methods which may be employed to calculate finished building height. Mr.
8 Cowie will continue to investigate possible methods which may be used to determine
9 original grade as opposed to finished grade, and possible changes to the method used to
10 calculate finished building height in the residential zone.

- 11 8. **Discussion** – *Deep (Flag) Lots*. The Council requested staff to return with
12 options concerning amendments to the Deep Lot Ordinance.

13 Mr. Cowie explained that this discussion is the result of a subdivision application
14 submitted by Scott Mitchell. Mr. Mitchell submitted two possible layouts for the
15 subdivision. One layout included a cul-de-sac street with six new lots. The other
16 possible layout consisted of three new lots, one of which would be a deep lot. Current
17 ordinance does not allow the use of deep lots as part of initial subdivision development.
18 Mr. Cowie presented possible language changes to the current ordinance which would
19 allow use of deep lots as part of initial subdivision development if the purpose of the deep
20 lot is not to maximize lots.

21 Mr. Cowie presented photographs of a variety of deep lots currently located in the
22 City. The Council discussed advantages and disadvantage of the use of deep lots. They
23 also discussed language which may be used to allow exceptions to current deep lot
24 requirements, while maintaining an appropriate amount of control over deep lot
25 development. Councilmember Anthony stated that he felt that the number of possible
26 deep lots in the City did not represent a significant concern, and that deep lot
27 development should be allowed if all safety concerns are addressed.

28 Following further discussion, the Council directed Mr. Cowie to continue working
29 on possible revisions to the existing ordinance which may allow limited use of deep lots
30 in appropriate situations.

- 31 9. **Review and Action** – *Resolution to Amend the Stipend Paid to Members of the*
32 *Planning Commission (Resolution #2007-5)* – The City Council requested a
33 change be made to the stipend paid to members of the Planning Commission from
34 \$50 per month to \$100 per month.

35 The Council noted that the Planning Commission is very hard working, and
36 serves an important purpose in the orderly development of the community.

37 COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION
38 #2007-5 AUTHORIZING AN INCREASE IN THE STIPEND PAID TO MEMBERS OF
39 THE PLANNING COMMISSION FROM \$50 PER MONTH TO \$100 PER MONTH.
40 COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS
41 RECORDED AS FOLLOWS:

42 COUNCILMEMBER ANTHONY AYE

COUNCILMEMBER BATH AYE
2 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
4 COUNCILMEMBER HATCH AYE
THE MOTION CARRIED UNANIMOUSLY.

6
10 10. **Review and Action** – *Resolution for HOME and CHODO Funding (Resolution #2007-6)*. This is a request from Councilmember Hatch for the Council’s consideration of approval of Lindon City’s allocation of HOME and CHODO funds for funding of affordable housing projects in Utah County.

12 Councilmember Hatch explained that a variety of projects will be considered for use of 2007 HOME and CHODO funds. He stated that more requests are typically received than can be met. Mayor Acerson called for further comments or discussion. Hearing none, he called for a motion.

16
18 COUNCILMEMBER BATH MOVED TO APPROVE RESOLUTION #2007-6
AUTHORIZING THE USE OF LINDON CITY’S 2007 ALLOCATION OF HOME
20 FUNDS AND COMMUNITY HOUSING DEVELOPMENT ORGINAZATION FUNDS
TO ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING PROJECTS
AND SERVICE CENTERS LOCATED IN UTAH COUNTY AND SETTING AN
22 EFFECTIVE DATE. COUNCILMEMBER HATCH SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

24 COUNCILMEMBER ANTHONY AYE
COUNCILMEMBER BATH AYE
26 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
28 COUNCILMEMBER HATCH AYE
THE MOTION CARRIED UNANIMOUSLY.

30 **COUNCIL REPORTS** –

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

34
36 Councilmember Hatch inquired as to the results of the recent test of the secondary water system. Mr. Dameron stated that multiple leaks in the system were identified. The damage was sustained during installation of UTOPIA lines. The City met with UTOPIA representatives to coordinate repair efforts. Completion of repairs may delay charging of the system until the end of April.

40 Councilmember Hatch also reported that the Murdock Canal covering project has been delayed and will begin in approximately four years. Mayor Acerson noted that use of federal funding requires that the project begin by 2011. He explained that original estimates for completion of the project were approximately \$90 million dollars.
44 Estimates for completion of the project are now approximately \$140 million dollars.

46 Councilmember Hatch reported that he has been approached by several owners of North Union water shares requesting that the City provide some sort of documentation

2 that the water shares have had beneficial use in the City water system even though the
3 shares have not been used specifically by the owners. Mr. Dameron will investigate the
4 possibility of this request.

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

8 Councilmember Bayless expressed concerns regarding a section of trail in the
9 area of Gillman Lane which needs to be paved to control weed growth. The Council
10 agreed that the section of trail should be paved.

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

14 Councilmember Bath had no items to report.

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

18 Councilmember Anthony reported that the Tree Advisory Board had voted to
19 extend the term for Jeaneane Cartwright as Chairperson of the Board until January of
20 2008. Three members of the Board will be recommended for additional four year terms.
21 Two members of the Board have resigned. Recommendations will be forwarded to the
22 City Council for approval. Councilmember Bayless inquired as to whether
23 recommendations will be presented to fill the positions of board members who have
24 resigned. Councilmember Anthony stated that recommendations will not be made at this
25 time regarding vacant positions. He noted that the Board is a four year commitments,
26 and that current members want interested and skilled individuals to fill the vacancies.

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

30 Councilmember Carpenter reported on a meeting he attended recently with Doug
31 and Sandra Christensen, City staff, and the State ombudsman regarding the section of the
32 Lindon Heritage Trail adjacent to the Christensen residence. The meeting was to address
33 concerns expressed by the Christensen's regarding the two foot setback of their home
34 from the trail section. Councilmember Carpenter stated that the City Engineer
35 recommended that the trail be realigned by a few feet to avoid the Christensen property
36 and alleviate setback concern. He commented that the realignment would represent little
37 or no expense to the City. Mr. and Mrs. Christensen were present at the meeting. They
38 noted that the written comments which they submitted earlier in the evening outline the
39 details of a possible arrangement with neighboring property owner, Brigham Ashton, to
40 purchase a section of property which would resolve trail placement and setback issues.
41 Mr. Dameron stated that he would contact the City engineer regarding the proposal to
42 determine whether the environmental impact statement associated with the trail would be
43 altered as a result of the land deal. The City will follow up with Mr. Ashton and the
44 Christensen's to resolve the issue.

46 **ADMINISTRATOR'S REPORT** –

Mr. Dameron reported on the following items:

1. A special Heritage Trail meeting will be held April 5th at 3:00 p.m. with property owners regarding acquisition of property for the trail. Rocky Mountain Power representatives will be present to discuss concerns with property owners.
2. The Quarterly Coordination meeting with Pleasant Grove City will be held Monday, April 9th at 5:30 p.m. at the Public Works Complex. Councilmember Anthony and Councilmember Bath will attend.
3. The regular Lindon Heritage Trail meeting will be held Tuesday, April 10th.
4. The Utah League of Cities and Towns Spring Conference will be held April 11 – 13 in St. George.
5. The regular City Council meeting of Tuesday, April 17th will begin with a Work Session at 6: 00 p.m. with Public Works Director, Don Peterson.
6. The Council reviewed the Project Tracking List.
7. The annual Easter Egg Hunt will be held April 7th at 9:00 a.m. at the City Center Park.
8. The annual Arbor Day Celebration will be held Saturday, May 5th at 8:00 a.m. at Pheasant Brook Park.
9. Repairs to secondary water lines for damage sustained during installation of UTOPIA lines is currently underway. The contractor and the City are working cooperatively to complete the repairs, and payment of the cost of repairs will be calculated after repairs are completed. At this time, the contractor is opening the ground for repairs and the City is completing the repairs. When repairs are complete, responsibility for payment will be determined based on the nature of the damage. The secondary irrigation system is expected to be fully charged by the end of April.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PAY VOUCHERS. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

EXECUTIVE SESSION – *The City will meet privately to discuss personnel, including the character, professional competence, or physical or mental health of an individual. (UT Code 52-4-5(1)).*

COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE REGULAR SESSION AND MOVE INTO EXECUTIVE SESSION AT 11:20 P.M. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER BATH MOVED TO ADJOURN THE EXECUTIVE SESSION AND RECONVENE THE REGULAR SESSION AT 11:40 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

ADJOURN –

2 COUNCILMEMBER HATCH MOVED TO ADJOURN THE MEETING AT
11:41 P.M. COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4
6 APPROVED – April 17, 2007

8
10 _____
Ott H. Dameron, City Administrator/Recorder

12
14
16 _____
Jeff Acerson, Mayor