

2 The Lindon City Council held a regularly scheduled meeting beginning at 7:00 p.m. on  
4 **Tuesday, June 19, 2007** in the Lindon City Center, City Council Chambers, 100 North  
State Street, Lindon, Utah.

6 Conducting: Jeff Acerson, Mayor  
Pledge of Allegiance: Ott Dameron  
8 Invocation: Bruce Carpenter

10 **PRESENT**

**ABSENT**

12 Jeff Acerson, Mayor  
Eric Anthony, Councilmember  
14 H. Toby Bath, Councilmember  
Lindsey Bayless, Councilmember  
16 Bruce Carpenter, Councilmember  
Jerald I. Hatch, Councilmember  
18 Ott H. Dameron, City Administrator/Recorder  
Adam Cowie, Planning Director  
20 Debra Cullimore, Deputy Recorder

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

24 **MINUTES** – The minutes of the regular meeting of June 5, 2007 were reviewed.

26 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES  
OF THE MEETING OF JUNE 5, 2007. COUNCILMEMBER ANTHONY SECONDED  
28 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 The minutes of the Special Meeting of June 12, 2007 were reviewed.

32 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF  
THE JUNE 12, 2007 MEETING. COUNCILMEMBER BATH SECONDED THE  
34 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

36 **OPEN SESSION** –

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

40 Councilmember Anthony requested to take a few moments. He explained that  
Mayor Acerson has been called by the Church of Jesus Christ of Latter Day Saints to  
42 serve as the Mission President in the Italy, Rome mission. Councilmember Anthony  
presented Mayor Acerson with a “Key to the City,” and thanked him for his service in the  
44 community. He noted that Mayor Acerson will always be a part of the history of Lindon.  
He requested that the Acerson family contact the City when they return in 2010, and  
46 attend a City Council meeting to report on their experience.

2 Mayor Acerson commented that the transition to a new kind of service has been  
challenging, but that any kind of service should be undertaken in effort to make the lives  
of those we serve better. Mayor Acerson thanked the Council for the recognition.

4 **MAYOR'S COMMENTS/REPORT** –

6 Mayor Acerson gave no further comments.

8 **CONSENT AGENDA** –

10 No items.

12 **CURRENT BUSINESS** –

- 14
1. **Continued Public Hearing** – *Ordinance Amending Various Sections of the  
16 Lindon City Code Pertaining to Water Requirements for Development.* This item  
was continued from the June 5, 2007 meeting to allow time for city officials to  
18 meet with the stockholders of the Spring Ditch/Southfield Irrigation Company.  
The meeting was held and the stockholders requested a delay of up to nine months  
20 before action is taken to amend the ordinance which could affect the value of their  
water stock. Other provisions of the ordinance which do not affect the  
22 stockholders value can still be reviewed at the discretion of the Council. The  
Council will act upon the request of the stockholders, take public comment, and  
24 possibly act to approve the ordinance as outlined above.

26 COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO  
CONSIDER WATER ORDINANCE AMENDMENTS. COUNCILMEMBER  
28 BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE  
MOTION CARRIED.

30

32 Mr. Cowie explained that during the last City Council meeting, staff was  
instructed to meet with owners of the Southfield/Spring Ditch Irrigation Company to  
34 discuss the impact proposed ordinance and fee schedule changes may have on the value  
of water shares in the company. He stated that following the meeting with water owners,  
staff is recommending that the proposed fee schedule changes related to cash payment in  
36 lieu of water shares not be implemented at this time. Mr. Cowie noted that the President  
of the irrigation company, Dean Blackhurst, and the Secretary, Ron Anderson, felt that  
38 other proposed ordinance changes would not have a detrimental effect on the value of  
water shares if proposed language relating to cash payment in lieu of shares is removed  
40 from the ordinance until the consequences can be thoroughly evaluated.

42 Mr. Cowie explained that applicants for development projects will be required to  
demonstrate an inability to obtain water shares before cash payment will be accepted. He  
noted that it will be necessary to establish a policy to administer cash payment  
44 transactions. He stated that cash payments have been handled through a relief petition  
process for recent applications, but that the ordinance regarding the relief petition process

refers to relief from connecting to the secondary water system, rather than relief from turning in required water shares.

Councilmember Bayless stated that she attended the meeting with water owners, and that it was a positive meeting. She noted that water owners had expressed genuine concerns, but were willing to work cooperatively with the City to resolve the issue. Mr. Cowie explained that the concern with allowing use of Southfield/Spring Ditch shares is that there is currently no means to transfer the shares into the City water system. The Council discussed proposed language changes to the current ordinance. Mr. Cowie noted that all language which referred to the payment in lieu option have been eliminated from the ordinance at this time, but may be reconsidered when the Southfield Spring Ditch issues are resolved.

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

COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER WATER ORDINANCE AMENDMENTS. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE #2007- 8 WITH CHANGES AS DISCUSSED. COUNCILMEMBER BATH 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.

- 2. Review and Action – *Public Safety Option.*** The Mayor and City Council met in special session on June 12, 2007 to receive citizen input into various options for public safety services. The Mayor and Council will direct staff relative to the future provisions of these vital services.

Mayor Acerson opened the discussion for comments from the Council. Councilmember Carpenter stated that it was heartening to see the commitment of public service employees and administration to the residents of Lindon. He felt that this sentiment came out clearly in the meeting held on June 12, 2007 to discuss public safety issues. He also observed that making a final decision regarding police services would be premature at this time. He stated that there appears to be a shift in perception which may allow discussion between the cities to resolve relevant issues and continue with police services through Pleasant Grove. He felt that it would be appropriate to take more time to review details and discuss options before making a final decision.

2 Councilmember Hatch agreed that it would be appropriate to make an effort to  
3 resolve issues with Pleasant Grove before making a final decision. He observed that  
4 there appears to have been some level of miscommunication in the past.

5 Councilmember Bath observed that it appears that Pleasant Grove City  
6 Administration appears to be willing to discuss concerns with Lindon City and try to  
7 reach a reasonable conclusion. He felt that it would be appropriate to make an effort to  
8 resolve misunderstandings before making a final decision regarding police services.

9 Councilmember Bayless noted that the high level of public service provided by  
10 Pleasant Grove Police Department allows an opportunity to resolve other issues before a  
11 decision is made regarding alternatives for police service. She observed that there are  
12 significant concerns which need to be resolved, and questions that need to be answered.  
13 She also suggested that the Council begin long range planning regarding future police  
14 services. Councilmember Carpenter agreed that fundamental long range planning would  
15 be appropriate. He observed that it is not a question of “if”, but “when” Lindon will be  
16 prepared to create a police department. He noted that statements made by Pleasant Grove  
17 officials earlier in the year indicated that the creation of a Lindon Police Department had  
18 been accelerated, but that recent discussion have provided an opportunity for the City to  
19 take a more thoughtful approach, and that the decision does not have to be made  
20 immediately.

21 Councilmember Anthony apologized for his absence at the meeting of June 12,  
22 2007. He stated that he has read the minutes of the meeting, and interpreted them to  
23 mean that there is a desire on the part of Pleasant Grove to work cooperatively with  
24 Lindon to resolve issues and concerns. He noted that public safety is the number one  
25 concern for the Council, and the community, and that the decision deserves an  
26 appropriate amount of time and consideration before a final decision is made. He  
27 expressed appreciation to public safety personnel for the quality service they currently  
28 provide, and noted that concerns of Lindon City are not related to the service provided.  
29 He agreed that it would be appropriate for the Council to take the time to investigate  
30 options further before making a final decision.

31 Councilmember Bayless observed that it is important that the Pleasant Grove and  
32 Lindon work together and resolve issues. She also noted that it is important for Lindon  
33 officials to gather enough information to make an educated decision based on facts. She  
34 observed that the apparent willingness of Pleasant Grove to work together to resolve  
35 issues allows Lindon adequate time to take appropriate steps toward future police  
36 services.

37 Mayor Acerson asked Mr. Dameron if he had any comments or concerns. Mr.  
38 Dameron stated that staff is supportive of the direction the Council is taking.

39 Mayor Acerson called for public comment. Tad Rabin, an employee of Pleasant  
40 Grove Fire Department commented that it appears that there has not been adequate “face  
41 to face” discussion regarding concerns. He encouraged discussion between the Council’s  
42 of the two cities. Andrew Ingeman, also employed by Pleasant Grove Fire Department  
43 stated that he feels the system which is currently in place is working well for residents of  
44 Lindon. He noted that he is a resident of Lindon, and that he is pleased that the two cities  
45 seem willing to work through the issues and continue with the current services provided  
46 through Pleasant Grove.

2 Councilmember Carpenter suggested that the Council consider a time frame to  
3 come to a final decision. Councilmember Anthony suggested that the Council establish  
4 deadlines for meetings and discussion, but leave the time of a final decision open. Mayor  
5 Acerson suggested that the Council direct Mr. Dameron to facilitate meetings between  
6 the Councils of the two cities. He encouraged the Council to make sure discussion is  
7 held in open meetings and between both Councils. The Council agreed with Mayor  
8 Acerson's recommendation.

9  
10 COUNCILMEMBER CARPENTER MOVED TO DISCUSS PUBLIC SAFETY  
11 OPTIONS FURTHER AND ATTEMPT TO ESTABLISH A TIME FRAME FOR  
12 MAKING A FINAL DECISION REGARDING PUBLIC SAFETY SERVICES AT THE  
13 REGULAR CITY COUNCIL MEETING OF JULY 3, 2007. COUNCILMEMBER  
14 BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE  
15 MOTION CARRIED.

16 3. **Public Hearing** – *Alteration of Non-Conforming Use – Skip Dunn Investments.*

17 This is a request by Skip Dunn for approval of a permanent building for use by  
18 the "Cars R Us" auto sales business in the CG zone at 565 North State Street. The  
19 existing auto sales site is a legal non-conforming use. The Planning Commission  
20 recommended approval with conditions.

21  
22 COUNCILMEMBER HATCH MOVED TO OPEN THE PUBLIC HEARING  
23 TO CONSIDER THE APPLICATION FOR ALTERATION OF A NON-  
24 CONFORMING USE FOR SKIP DUNN INVESTMENTS. COUNCILMEMBER  
25 BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE  
26 MOTION CARRIED.

27  
28 Skip Dunn was present as the representative for this application. Mr. Cowie  
29 stated that this is a request for approval of a site plan and alteration of a non-conforming  
30 use for the used auto sales business located on State Street. Mr. Dunn is requesting to  
31 construct a small office/showroom building with a one bay garage area. Mr. Cowie  
32 explained that used car sales are no longer a permitted use on State Street, and that this  
33 business is currently a non-conforming use.

34 Mr. Cowie reviewed specific criteria which must be met to allow an alteration to a  
35 non-conforming use. Lindon City Code Section 17.16.030 states that "The Planning  
36 Commission may authorize the expansion, alteration, or enlargement of a nonconforming  
37 use, structure, building, parcel, or lot, or movement of parcel lines, only after holding a  
38 public hearing and finding that:

- 39 a. the expansion, alteration or enlargement of the nonconforming building,  
40 structure, parcel, lot or use will to a reasonable extent bring the  
41 property, building, structure, parcel, lot of use as close as reasonably  
42 possible to conformance with requirements or regulations of the zone in  
43 which the nonconformity is located; and
- 44 b. the proposed change does not impose any unreasonable burden upon the  
45 lands located in the vicinity of the nonconforming use of structure or

violate the development policies adopted in the Lindon City Master Plan; and

- c. the use, building, or structure, existing or proposed, will be brought into compliance, where possible, with design and architectural standards of the zone where proposed.

Mr. Cowie went on to review the proposed landscaped areas. He stated that current standards require 20% of commercial sites to be landscaped. The plan submitted by Mr. Dunn includes approximately 17% landscaping. Mr. Cowie stated that during Planning Commission review of this application, Mr. Dunn expressed a willingness to work with Wal-Mart to landscape the vacant area to the west of the site, which is currently owned by Wal-Mart. Mr. Cowie stated that the City has spoken with Dave Webb of Wal-Mart regarding the vacant parcel. Mr. Webb indicated that Wal-Mart would allow the vacant property to be landscaped and maintained by Mr. Dunn. A letter will be sent to the City to confirm the arrangement. Mr. Dunn stated that watering and mowing of sod in the vacant area would be problematic due to the adjacent retaining wall. He suggested that he be allowed to use xeriscape elements and trees rather than sod.

Councilmember Bath expressed concern that allowing construction of the building may set a precedent to allow expansion of other non-conforming uses. Councilmember Carpenter observed that if Mr. Dunn were to apply for a Conditional Use Permit for the business at this time, the City would require construction of a building. He felt that the building would bring the site more closely into conformance with current standards.

Mr. Cowie reviewed specific elements of the site plan. He noted that the size of the building requires minimal parking stalls, which are shown on the site plan. He also pointed out a cross easement and shared dumpster easement with the neighboring parcel.

Councilmember Anthony inquired as to signage for the business. Mr. Dunn stated that he submitted an application for a monument sign on the State Street frontage, which was approved by the Planning Department.

Councilmember Bayless commented that a resident reported to her that one of the overhead lights on the lot appears to be shining to the west rather than at the ground. Mr. Dunn stated that the problem can be easily addressed, and that he would make the adjustment.

Mr. Cowie stated that the Planning Commission found that the building brought the site more into conformance with current standards, and recommended approval with the following conditions:

1. That the wainscot base be continued with the stacked stone on all sides, the smooth face block area be replaced with stucco to match the Check City building, and that architectural asphalt shingles be used for the roofing material.
2. That no sales vehicles be parked in the landscaped area, on the adjacent lot to the north, or on the street.
3. That the applicant work with Wal-Mart to see if installation and maintenance of new trees and xeriscape is feasible on the mow strip to the west of the site.

2 Councilmember Bayless expressed concern regarding allowing xeriscape. She  
stated that it looks good initially, but tends to deteriorate quickly. Mr. Dunn stated that  
4 he would install an appropriate weed barrier, and make sure the area is well maintained.  
He noted that trees will be installed every 30 feet on center in the area as well.  
6 Councilmember Anthony expressed that he would like to see green landscaping installed  
in compliance with current standards. Councilmember Anthony also noted that  
8 landscaping and maintaining the area to the west of the site is the responsibility of Wal-  
Mart, and that it may be unfair to require Mr. Dunn to be responsible for the area.

10 Mr. Cowie noted that landscaping the west area will create well over the required  
20% landscaped area on the site. He stated that this business was approved before the  
12 Commercial Design Guidelines standards were adopted. Councilmember Carpenter  
agreed that green landscaping elements would be appropriate for the site, and would  
bring it into substantial compliance with current standards.

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

18 COUNCILMEMBER BATH MOVED TO CLOSE THE PUBLIC HEARING TO  
CONSIDER THE APPLICATION FOR ALTERATION OF A NON-CONFORMING  
20 USE FOR SKIP DUNN INVESTMENTS. COUNCILMEMBER BAYLESS  
SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
22 CARRIED.

24 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE  
APPLICATION FOR ALTERATION OF A NON-CONFORMING USE FOR SKIP  
26 DUNN INVESTMENTS WITH THE FINDING THAT THE NEW BUILDING AND  
LANDSCAPING BRINGS THE NON-CONFORMING USE CLOSER INTO  
28 CONFORMANCE WITH CURRENT CODES AND WOULD NOT IMPOSE ANY  
UNREASONABLE BURDENS ON ADJACENT PROPERTIES, WITH THE  
30 FOLLOWING CONDITIONS:

- 32 1. THAT THE WAINSCOT BASE BE CONTINUED WITH THE STACKED  
STONE AROUND THE PERIMETER OF THE BUILDING, AND THAT  
34 THAT THE SMOOTH-FACED BLOCK BE REPLACED WITH STUCCO TO  
MATCH THE CHECK CITY BUILDING, AND THAT ARCHITECTURAL  
ASPHLAT SHINGLES BE USED AS ROOFING MATERIAL.
- 36 2. THAT NO VEHICLES FOR SALE BE PARKED IN THE LANDSCAPED  
AREA, ON THE ADJACENT LOT TO THE NORTH, OR ON THE STREET.
- 38 3. THAT THE APPLICANT WORK WITH WAL-MART TO INSTALL AND  
40 MAINTAIN LANDSCAPING ON THE VACANT PROPERTY TO THE WEST  
OF THE SITE IN COMPLIANCE WITH CITY CODE.

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

44 COUNCILMEMBER ANTHONY	NAY
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
46 COUNCILMEMBER CARPENTER	AYE

COUNCILMEMBER HATCH                                    AYE  
2 THE MOTION CARRIED (4-1).

4            Mr. Cowie explained that the DRC has approved a temporary site plan to allow  
6 use of a trailer on the site during construction of the building. Mr. Dunn has made a  
8 request that he be allowed to use the vacant unit in the adjacent strip mall rather than the  
10 temporary trailer. The Planning Commission felt that use of the vacant unit would be  
preferable to bringing a temporary trailer onto the site. Mr. Cowie noted that use of the  
vacant unit would be allowed only for a six month period. The Council expressed a  
preference for using the vacant unit rather than the trailer.

12            4. **Preliminary Plat** – *Double A Estates, Plat “A”*. This is a request by W. Carl  
14 Anderson for preliminary plat approval of Double A Estates, Plat “A”, 3 lots, in  
the R1-20 zone at 319 North 135 West. The Planning Commission recommended  
approval with conditions.

16            Carl Anderson, the representative for this application, was not present at the  
18 meeting. Mr. Cowie stated that the City Council can move forward with the discussion  
20 regarding this application if they choose, or the item can be held until later in the  
meeting. The Council felt that it would be appropriate to hold this item until later in the  
meeting.

22            COUNCILMEMBER BAYLESS MOVED TO HOLD THE DOUBLE A  
24 ESTATES PRELIMINARY PLAT APPLICATION UNTIL LATER IN THE  
MEETING. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL  
26 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28            5. **Preliminary Plat** – *Five Bars Ranch, Plat “A” – Deep Lot*. This is a request by  
30 Greg Slater for preliminary plat approval of Five Bars Ranch, Plat “A”, 2 lots,  
with a deep lot, in the R1-20 zone at 54 North Canal Drive. The Planning  
Commission recommended approval with no conditions.

32            Carl Slater was present as the representative for this application. Mr. Slater was  
34 accompanied by his son, Zach. Mr. Cowie explained that this is a request for approval of  
a 2-lot deep lot subdivision in the R1-20 zone. Mr. Cowie noted that the deep lot  
36 ordinance is currently under review, but that approval of this application will be based on  
the existing ordinance.

38            Mr. Cowie explained that the proposed subdivision is comprised of approximately  
1.6 acres with one existing home, and is located off of Canal Drive north of Center Street.  
40 He noted that the Lindon Heritage Trail borders the property to the north. The existing  
home and a 20,000 square foot lot will be created in the front of the subdivision, and 25  
42 foot drive will be constructed to access the deep lot.

44            Mr. Cowie explained that properties with 150 feet of frontage are required to  
install full width City streets to develop. This property has approximately 149 feet of  
frontage, which will not allow installation of a full width street.



2 Mr. Cowie stated that the subdivision meets all required set backs, and that the  
application appears to meet the requirements set forth in the deep lot ordinance. He noted  
4 that the City Council must find that the deep lot proposal is the most efficient method for  
development of the property in question with the least impact on surrounding property  
owners.

6 Councilmember Bath inquired as to what consideration has been given to  
cooperation with neighboring property owners to accommodate construction of a full  
8 width street. Mr. Cowie stated that there has been some discussion with neighboring  
property owners, but that a street is not planned in the foreseeable future. He noted that  
10 construction of a street would allow an additional lot in the subdivision. Mr. Cowie  
explained that construction of a road would require cooperation from five property  
12 owners, and that not all property owners are prepared to develop at this time.

14 Councilmember Anthony inquired as to whether it would be possible to develop  
the property further if a road is completed in the future. Mr. Cowie stated that it would  
be theoretically possible to create an additional lot in the future if a roadway is  
16 completed.

18 Mr. Slater stated that he has discussed several scenarios with neighboring  
property owners, but that it is not possible to construct a roadway at this time. He  
explained that he and his family of six are currently living in the small existing residential  
20 structure, and that they are anxious to move forward with construction of a new home on  
the proposed deep lot. Councilmember Bayless inquired as to whether Mr. Slater would  
22 prefer construction of a street rather than the deep lot. Mr. Slater stated that from an  
economic standpoint, the additional building lot which could be created with a street  
24 would be preferable. He noted that the deep lot allows him to maintain space for his  
animals. Mr. Slater stated that it would be his preference to proceed with development of  
26 the deep lot, with a potential of further development at some point in the future.

28 Mr. Cowie stated that neighboring property owners within 300 feet were noticed  
regarding this development, and that no response was received by the City. Mr. Slater  
stated that he received one letter earlier in the day from a neighbor which expressed  
30 support for the deep lot. Mr. Slater will forward the letter to Mr. Cowie for  
documentation.

32 Councilmember Hatch noted that two story structures are not allowed on deep lots  
to protect the privacy of neighboring property owners. Mr. Slater inquired as to the  
34 possibility of a variance from the 25 foot height requirement for homes on deep lots.  
Councilmember Hatch stated that an ordinance revision would be required to allow a two  
36 story home. Mr. Cowie clarified that the ordinance allows structures at a maximum of 25  
feet high, but that the number of stories is not specifically addressed. He noted that a  
38 walkout basement would be allowed if the structure does not exceed the 25 foot height  
limit.

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

42  
44 **COUNCILMEMBER HATCH MOVED TO APPROVE THE FIVE BARS  
RANCH PLAT A PRELIMINARY PLAT, FINDING THAT THE DEEP LOT IS THE  
MOST EFFICIENT PROPOSAL WITH THE LEAST IMPACT ON SURROUNDING**

2 PROPERTIES. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4 6. **Preliminary Plat** – *Bishop’s Corner, Plat “A” – Deep Lot*. This is a request by  
6 Renae Brereton of R&R Land & Properties for preliminary plat approval of  
Bishop Corner, Plat “A”, 1 deep lot, in the R1-20 zone at 319 North 135 West.  
8 The Planning Commission recommended approval with conditions.

10 Renae Brereton, the representative for this application, was not present at the  
meeting. Mr. Cowie stated that the Council can proceed with discussion of this item if  
12 they choose. The Council felt that this application is not exceptionally complicated, and  
could be reviewed without the applicant present.

14 Mr. Cowie explained that this is a request for approval of a 2-lot deep lot  
subdivision. He noted that the site includes the historic Lindon Tithing office, which will  
16 remain on the front parcel facing 135 East. The City has entered into an agreement with  
Ms. Brereton to purchase the front piece of property including the Tithing Office. The  
18 property backs up to the Commercial Zone. The deep lot drive access is proposed on the  
north side of the existing structure and trees. Mr. Cowie noted that the existing out  
20 building on the site will be removed. Mr. Cowie explained that the front parcel,  
including the tithing office, will be labeled as public area on the plat, and that it does not  
22 have adequate space to accommodate a future building lot. He explained that the  
Planning Commission reviewed this proposal, and found that it meets the requirements of  
the deep lot ordinance, and is the most efficient proposal for development of the property.

24 Mr. Cowie stated that as part of the purchase agreement, the City is responsible  
for installation of curb, gutter, sidewalk, and road improvements on the site. He stated  
26 that due to the historical nature of the site, staff is recommending that improvements not  
be installed at this time. Installation of improvements would require removal of several  
28 trees on the site. Installation of improvements in the future will be the burden of the City.

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

32 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE BISHOP’S  
CORNER PLAT A PRELIMINARY PLAT FINDING THAT THE DEEP LOT IS THE  
34 MOST EFFICIENT PROPOSAL WITH THE LEAST IMPACT ON SURROUNDING  
PROPERTIES. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL  
36 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38 **Double A Estates** –

40 The representative for the Double A Estates application, Carl Anderson, had not  
arrived at the meeting. Following brief discussion regarding complex issues associated  
42 with this application, the Council felt it would be appropriate to continue this item until  
concerns could be discussed with the applicant.

44 COUNCILMEMBER ANTHONY MOVED TO CONTINUE THE DOUBLE A  
46 ESTATES SUBDIVISION PRELIMINARY PLAT APPLICATION UNTIL A FUTURE

MEETING WHEN THE APPLICANT IS PRESENT. COUNCILMEMBER  
2 CARPENTER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.  
THE MOTION CARRIED.

4  
6 Councilmember Anthony noted for the record that he has known Carl Anderson  
for 12 years, and lives on the same street, but that he has no personal or financial  
involvement with the development project.

8  
10 7. **Public Hearing** – *Final Budget for Fiscal Year 2007-2008. (Resolution #2007-9)*

The City Council will hear public comment concerning the final City budget for  
fiscal year 2007-2008, including the allocation of revenue from water, sewer, and  
12 other enterprise funds to the General Fund. One public hearing, a public works  
session, and a Budget Committee meeting have been held where the budget issues  
14 were discussed. Tonight, the Council will act to approve the budget for fiscal  
year 2007-2008, approve an agreement for services between the RDA and the  
16 City, and adopt the City-Wide Fee Schedule.

18 COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC  
HEARING TO CONSIDER THE FINAL BUDGET FOR FISCAL YEAR 2007-2008.  
20 COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN  
FAVOR. THE MOTION CARRIED.

22  
24 Finance Director/Treasurer Kristen Colson, was present to address the Council  
regarding the final 2007-2008 fiscal year budget. Ms. Colson began with review of  
budget figures. She stated that the total Citywide budget is \$18,359,131, and the total  
26 General Fund budget is \$7,434,595. She highlighted General Fund expenditures by  
department, noting that public safety accounts for a large percentage of expenditures.  
28 Capital expenditures are proposed at \$5,595,600, which represents approximately one  
third of total expenditures. Ms. Colson noted that additional Public Works vehicles have  
30 been added to the list of expenditures. She noted that the vehicles were previously  
included in budget figures, but were omitted from the list of expenditures.

32 Councilmember Bayless noted that the extension of 400 North is shown in the  
budget. She stated that a number of residents have expressed concern regarding the  
34 extension. She felt that some residents feel that the extension will have a negative impact  
on their property, and that further discussion should take place before the project is  
36 completed. Councilmember Carpenter suggested that a clarification be made in the  
record that revenues are set aside to complete the project if the Council determines that  
38 the road is in the best interest of the City, but that no action will be taken until the matter  
is addressed in a public meeting to take input from residents to determine whether the  
40 project should be completed. Councilmember Bayless agreed that the clarification would  
address her concerns.

42 Ms. Colson went on to review planned parks projects. She noted that projects  
planned for Squaw Hollow Park last year were not completed, and that funds were  
44 carried over to the complete sod installation, a playground, a gazebo, and lighting this  
year.

2 Councilmember Bath noted that tennis courts at Pioneer Park are listed in the  
budget. He expressed concern that tennis courts may not be the best use of available  
4 space and revenue. Mr. Dameron suggested that funding for the tennis courts be kept in  
the budget, and that the Council determine whether funds should be expended after  
further review and discussion about the tennis courts.

6 Ms. Colson noted that replacement vehicles for the Water Department and the  
Sewer and Storm Water Department are also highlighted in the final budget. She  
8 explained that the vehicles were included in previous budget figures, but that the  
expenditures were not highlighted.

10 Mr. Dameron observed that scheduled Capital Projects are ambitious, and also  
include grant funding for completion of trails.

12 Ms. Colson went on to review proposed Fee Schedule changes. She noted that the  
Plan Check Fee will be changed to the Plan Review Fee, and that the fee will change for  
14 \$50 to 25% of the permit fee. Proposed fees are comparable to fees charged in other  
cities.

16 Recreation fees have not increased in six year, and will be increased by \$5 for  
each sport. Wording related to fees for sports has been condensed, and will no longer  
18 refer to gender, but will list a single fee for each sport.

The Franchise Tax Fee will change from 4.0% to 3.5% or the maximum allowed  
20 by the State. This change brings the City fees into compliance with State requirements.  
Ms. Colson also reviewed wording changes in the fee schedule, including changing a  
22 Design Review to a Concept Review, and a Relief Petition to Payment in Lieu of Water  
Shares.

24 Ms. Colson went on to review specific budget issues as follows:

26 **Budget Issue #1** – Should Lindon City approve rate increases requested by Allied Waste  
Services?  
28

Gordon Raymond of Allied Waste was present to discuss this issue with the  
30 Council. Ms. Colson noted that Mr. Raymond met with the Council at the last City  
Council meeting to request that a fuel surcharge be added to fees for garbage and  
32 recycling services. Ms. Colson proposed a change to the surcharge structure which  
would increase fees by 2.6% based on the Consumer Price Index. The increase would be  
34 applied only to the first can, rates for the second can would not increase. A 3.2%  
increase for recycling services was also proposed. Ms. Colson explained that the  
36 proposed percentage increases would address rising fuel costs and the cost of operations  
for Allied Waste, but would keep rates consistent throughout the year. Mr. Raymond  
38 stated that while the company would prefer a surcharge structure, the proposed  
percentage increases are acceptable and would address cost increases at this time. He  
40 noted that if there is a dramatic increase in fuel costs, it may be necessary for him to  
address the issue further and request additional increases.  
42

44 **COUNCILMEMBER CARPENTER MOVED TO APPROVE BUDGET ISSUE  
#1, A 2.6% CONSUMER PRICE INDEX INCREASE FOR THE FIRST CAN FOR  
GARBAGE SERVICES AND A 3.2% INCREASE FOR RECYCLING SERVICES.**

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

4 **Budget Issue #2** – Should Lindon City increase culinary water and sewer utility rates  
based on the Consumer Price Index increase of 2.6%?

6

8 Ms. Colson noted that this increase is in keeping with the policy recommended by  
the City Engineer that water rates be adjusted annually based on the Consumer Price  
Index. The Council reviewed current and proposed rates for all zones in the City.

10

12 COUNCILMEMBER BATH MOVED TO APPROVE A 2.6% INCREASE IN  
CULINARY WATER AND SEWER UTILITY RATES BASED ON THE CONSUMER  
PRICE INDEX INCREASE. COUNCILMEMBER HATCH SECONDED THE  
14 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

16 Mr. Dameron noted that each of the budget issues has been addressed at length  
during previous discussion. He suggested that unless there are specific questions  
18 regarding any issue, the Council move ahead with a decision on each issue without  
extensive discussion.

20

22 **Budget Issue #3** – Should Lindon City fund the increase in insurance benefits for City  
employees?

24 COUNCILMEMBER ANTHONY MOVED THAT THE CITY SHOULD FUND  
THE INCREASE IN INSURANCE BENEFITS FOR CITY EMPLOYEES.

26 COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

28

30 **Budget Issue #4** – Should Lindon City provide employees with a 2.6% Cost Of Living  
Allowance increase in July, and provide for a merit increase in January 2008?

32 COUNCILMEMBER BAYLESS MOVED TO APPROVE A 2.6% COST OF  
LIVING ALLOWANCE PAY INCREASE IN JULY 2007 AND A MERIT INCREASE  
34 IN JANUARY 2008 FOR CITY EMPLOYEES. COUNCILMEMBER BATH  
SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
36 CARRIED.

38 **Budget Issue #5** – Should Lindon City fill the Parks Maintenance Technician position,  
add an Assistant Planner and a Management Intern position, and change the Deputy  
40 Recorder to the Recorder?

42 Mr. Dameron noted that the Assistant Planner position was previously presented  
at Range 15, and that the pay range has been changed to Range 16 in order to offer a  
44 competitive salary for the position.

2 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE PERSONNEL  
CHANGES IN BUDGET ISSUE #5. COUNCILMEMBER CARPENTER SECONDED  
THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4  
6 **Budget Issue #6** – Should Lindon City implement a Differential Pay for Professional  
Certification Program?

8 COUNCILMEMBER ANTHONY MOVED TO APPROVE A DIFFERENTIAL  
PAY FOR PROFESSIONAL CERTIFICATION PROGRAM. COUNCILMEMBER  
10 BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE  
MOTION CARRIED.

12  
14 Mayor Acerson called for further comments or discussion. Hearing none, he  
called for a motion to close the public hearing and approve the Final Budget.

16 COUNCILMEMBER ANTHONY MOVED TO CLOSE THE PUBLIC  
HEARING TO CONSIDER THE FINAL FISCAL YEAR 2007-2008 BUDGET.  
18 COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

20  
22 COUNCILMEMBER ANTHONY MOVED TO APPROVE RESOLUTION  
#2007-9 APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR  
2007-2008, AMENDING THE BUDGET FOR THE 2006-2007 FISCAL YEAR,  
24 SETTING THE CERTIFIED TAX RATE, ADOPTING THE COMPENSATION  
PROGRAMS, AND ENTERING INTO THE AGREEMENT WITH THE LINDON  
26 CITY REDEVELOPMENT AGENCY, AND AUTHORIZE THE MAYOR TO SIGN  
THE ASSOCIATED DOCUMENTS. COUNCILMEMBER CARPENTER  
28 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

36 Mr. Dameron expressed appreciation to Ms. Colson for the many hours spent  
preparing the Budget Document.

38  
40 **ADJOURN CITY COUNCIL MEETING -**

42 COUNCILMEMBER BATH MOVED TO ADJOURN THE REGULAR CITY  
COUNCIL MEETING AND CONVENE THE MEETING OF THE  
REDEVELOPMENT AGENCY AT 10:00 P.M. COUNCILMEMBER BAYLESS  
44 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
CARRIED.

2 BOARDMEMBER BATH MOVED TO ADJOURN THE MEETING OF THE  
MUNICIPAL BUILDING AUTHORITY AND RECONVENE THE REGULAR CITY  
4 COUNCIL MEETING AT 10:09 P.M. BOARDMEMBER HATCH SECONDED THE  
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6 8. **Review and Action** – *Change Order #2 – Street Improvement Projects*. This is a  
request by staff for the Council’s ratification of a change order amount which  
8 exceeds the parameters of staff authority. The change order addresses problems  
that were not completely known at the time of bidding.

10 Mr. Dameron explained that this change order is the result of sinking problems  
12 associated with the 200 East street improvement project. He stated that the engineer and  
the contractor determined that sinking could be addressed by installation of geo-grid  
14 fabric under the asphalt after compaction. He noted that funds for the project have  
already been expended, and that this action will be a ratification of the expenditure.

16 COUNCILMEMBER CARPENTER MOVED TO APPROVE CHANGE  
18 ORDER #2–STREET IMPROVEMENT PROJECTS IN THE AMOUNT OF  
\$10,882.80. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE  
20 WAS RECORDED AS FOLLOWS:

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

26 THE MOTION CARRIED UNANIMOUSLY.

28 9. **Review and Action** – *Change Orders #2 and #3 – Piping Projects*. This is a  
request by staff for the Council’s ratification of change order amounts which  
30 exceed the parameters of staff authority. These change orders address the  
addition of projects to an existing contract.

32 Mr. Dameron explained that this change order is to cover the cost of the extension  
34 to the culvert on Center Street associated with the Lindon Heritage Trail, and the  
extension of piping of the North Union Canal.

36 COUNCILMEMBER HATCH MOVED TO APPROVE CHANGE ORDER #2  
38 AND #3 – PIPING PROJECTS IN THE AMOUNT OF \$65,085.53.  
COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS  
40 RECORDED AS FOLLOWS:

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

46 THE MOTION CARRIED UNANIMOUSLY.

2 **COUNCIL REPORTS –**

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

6 Councilmember Hatch reported that the City is being encouraged to use it's full  
allotment of 2007 water from Deer Creek Dam to lower the level of the reservoir to a  
8 level which will accommodate planned repairs.

10 Councilmember Hatch also reported that trucking of solid waste is working well,  
and seems to be more efficient than the rail transport system which was previously used.  
The Transfer Station is planning an expansion of the drive approach to the third door of  
12 the facility. The matter will be coming to the City Council for consideration.

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

16 Councilmember Bayless noted that the Utah Auto Sales site on the east side of  
State Street has been vacated. She clarified that the site can not be used by another used  
18 car dealership, and that it was approved only as an extension of the site on the west side  
of State Street.

20

**PUBLIC SAFETY, COURT, BUILDING INSPECTIONS -**

22

24 Councilmember Bath expressed an interest in being actively involved in  
communications between Lindon City and Pleasant Grove City regarding police, fire, and  
EMS services.

26

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

28

30 Councilmember Anthony requested input from the Council regarding a Grand  
Marshall for the Lindon Days Celebration. Councilmember Hatch suggested Harold and  
Elvie Erickson. He noted that they have been involved in the community for many years,  
32 and that City Hall was once located in their home. Councilmember Anthony will contact  
the Erickson's to see if they are interested and available to participate in the celebration.

34

36 Councilmember Anthony reported that several residents have contacted him to  
express concern regarding contact with UTOPIA. He stated that residents have reported  
that UTOPIA is not responding in a timely manner to complaints and concerns. Mr.  
Dameron suggested that residents be referred to the City Center to report problems. He  
38 noted that the City Center has e-mail contact with UTOPIA, which will facilitate timely  
communication.

40

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

42

44 Councilmember Carpenter reported that the State Engineer has interpreted laws  
relating to water use to mean that rotation of available water does not show beneficial use  
of all water, and that lobbying efforts and the State Legislature may be appropriate to  
46 protect the interest of the City.



Councilmember Carpenter also reported that the Supreme Court is expected to make a recommendation to the State Legislature that the authority to appoint Justice Court judges be taken away from municipalities and be put under State control. He explained that the perception is that since Justice Court judges are associated with the City, judges are fining defendants in a way that increases revenues to the City. He noted that that in most cases the perceived problem is not occurring, and that the proposed change may not change public perception. He noted that the Utah League of Cities and Towns is not taking an official position on the matter at this time.

**ADMINISTRATOR’S REPORT –**

Mr. Dameron reported on the following items:

1. The Council reviewed the project tracking list.
2. The proposed vacation of a section of Main Street will be reviewed at the next regular City Council meeting.
3. Engineering coordination meeting will be held Wednesday, June 20, 2007 at noon at the Public Works complex.
4. The Lindon City Employees Summer Party will be held Thursday, June 21, 2007. Employees and their families have been invited to attend an Orem Owlz baseball game and barbeque.
5. Mayor Acerson will host a going away “ice cream bash” at his home on Friday, June 22, 2007 at 6:30 p.m.
6. If a Primary Election is necessary for the 2007 Municipal Election, it will be held on Tuesday, September 11, 2007, and will be administered by the City. The General Election will be held on Tuesday, November 6, 2007, and will be administered by the County due to the state wide school voucher referendum vote. City budgeted funds for the General Election will be forwarded to the County to offset the cost of the General Election.

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

**ADJOURN –**

COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT 10:35 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

APPROVED – July 3, 2007

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Debra Cullimore, City Recorder

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Jerald I. Hatch, Mayor Pro-Tem