

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

5 Conducting: Jerald I. Hatch, Mayor Pro Tem
6 Pledge of Allegiance: Krysten Millett, Little Miss Lindon
7 Invocation: Jerald Hatch

8 **PRESENT**

9 **ABSENT**

10 Jerald I. Hatch, Mayor Pro Tem
11 H. Toby Bath, Councilmember
12 Lindsey Bayless, Councilmember
13 Bruce Carpenter, Councilmember
14 Ott H. Dameron, City Administrator
15 Adam Cowie, Planning Director
16 Debra Cullimore, City Recorder

17 Eric Anthony, Councilmember

18 The meeting was called to order at 7:02 p.m.

19 **MINUTES** – The minutes of the regular meeting of June 19, 2007 were reviewed.

20
21 COUNCILMEMBER BATH MOVED TO APPROVE THE MINUTES OF THE
22 JUNE 19, 2007 MEETING. COUNCILMEMBER CARPENTER SECONDED THE
23 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24 **OPEN SESSION** –

25
26 Councilmember Hatch called for public comment from any resident present who
27 wished to address an issue not listed as an agenda item. The Little Miss Lindon Royalty
28 approached the Council, and presented awards they have received for the Little Miss
29 Lindon parade float at celebrations around the County. The float has received “Most
30 Original”, “Third Place,” and “Queens Choice” awards. The float was completed by the
31 Little Miss Lindon Royalty and their parents. The Council congratulated the girls on
32 their achievement.

33 Councilmember Hatch called for further comments. There were no additional
34 comments.

35 **MAYOR’S COMMENTS/REPORT** –

36
37 Councilmember Hatch presented information he obtained recently at a
38 Mountainland Association of Governments meeting. The information related to
39 education costs, growth rate, and unemployment rates in Utah. He noted that Utah is
40 experiencing the fifth highest growth rate in the nation. He also commented on raises and
41 bonuses for Utah teachers, and plans for additional increase wages for teachers in the

future. He noted that the school voucher program which will be voted on by citizens this fall allocates only a small portion of education funds.

CONSENT AGENDA –

No items.

CURRENT BUSINESS –

1. **Review and Action** – *Public Safety Options Time Frame*. At the meeting of June 19, 2007, the City Council approved a motion to establish a time frame toward making a final decision regarding public safety services, including further discussion with Pleasant Grove City. The motion stated that his time frame would be set at the meeting of July 3, 2007.

Mr. Dameron explained that a motion was made at the last City Council meeting to bring this item forward to this meeting. Mr. Dameron made the recommendation that the Council delay meeting with Pleasant Grove, or making a final decision regarding police services, until an Interim Mayor is appointed. The Council agreed that delaying any decision until a Mayor is appointed would be beneficial. Councilmember Carpenter felt that there is a need to not just simply review a list of concerns with Pleasant Grove, but to establish a mechanism to work towards where Lindon would like to be in the future.

COUNCILMEMBER CARPENTER MOVED TO SCHEDULE A MEETING WITH PLEASANT GROVE OFFICIALS TO DISCUSS PUBLIC SAFETY ISSUES WITHIN TWO WEEKS OF THE APPOINTMENT OF THE INTERIM MAYOR. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2. **Public Hearing** – *General Plan Amendment (Street Master Plan Map) – Request to vacate a portion of Main Street – 200 South and State Street*. The City Council will hear public comment and possibly act on a request by Ron Hatfield to consider vacating and permanently closing a portion of Main Street between 125 South and State Street. The Planning Commission recommended approval with conditions.

COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER THE STREET MASTER PLAN GENERAL PLAN AMENDMENT. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Ron Hatfield was present as the representative for this item. Mr. Cowie reviewed this application for the Council. He stated that this is a request to vacate and permanently close the southern portion of Main Street. This would be a change in the Lindon City Street Master Plan as found in the 2006 General Plan. Main Street is currently shown on Streets Master Plan Map as a Minor Collector Road, with a 66 foot right-of-way.

Property adjacent to the roadway is zoned CG and R1-20. This proposal to close the roadway will allow use of the surrounding property as one use.

Mr. Cowie explained that any request to vacate a roadway requires the application to be advertised once a week for four weeks in the newspaper. Required advertising was completed prior to Planning Commission review of this item. In addition, flyers with information regarding the proposed closure have been available at the City Center, and on signs located on the section of Main Street proposed for closure. Surrounding property owners within 500 feet of the proposed closure were noticed by mail, including several addresses in Orem.

Mr. Cowie noted that staff sent out requests for agency comments from the City Engineer; fire, police and EMS services; UDOT Region 3 officials; and the Orem City Traffic Engineer. Mr. Cowie reviewed responses from Fire and EMS services, which indicate that the only concern would be to assure that proper emergency vehicle turn around is provided.

The Police Department indicated that they are not opposed to the road closure, but felt that the claims made by Mr. Hatfield regarding traffic speed on Main Street are not valid. Captain Cody Cullimore of the Police Department noted in written comments that the dip at the intersection of Main Street and State Street would not be conducive to the speeds represented by Mr. Hatfield. The Police Department agreed that closure of the roadway, and rerouting of traffic to the controlled intersection at 200 South would effectively address traffic safety issues.

Doug Basset, UDOT Region 3 Director, reported to staff that the main concern of UDOT is to limit access points on State Street. UDOT has expressed that they are strongly in favor of closing any intersection with the configuration seen at the intersection of Main Street and State Street. UDOT will not allow an additional access to be established, but Mr. Hatfield will be able to maintain the existing State Street access, which will be used to access the property adjacent to the proposed cul-de-sac area.

Orem City Traffic Engineer, Paul Goodrich, did not express concerns regarding the road closure, and left the decision in the hands of Lindon City officials. Engineering comments from the Lindon City Engineer, Mark Christensen, indicate that he is not opposed to the closure, and that closure of the road will not have an adverse effect on traffic volume at other intersections in the area. Mr. Christensen's comments indicate that it will be necessary to maintain existing utility easements in the roadway if the vacation is approved. The road closure would also include the installation of curb, gutter, and sidewalk in the new cul-de-sac area, as well as dedication of easements as needed.

The cul-de-sac would include a reconstructed rear drive entrance for Wells Fargo Bank. Representatives of the bank have expressed a neutral opinion regarding the road closure, but are concerned that traffic may use the parking lot as a short cut. The Planning Commission recommended that the City Engineer evaluate traffic patterns in relation to the Wells Fargo Bank parking lot, and make recommendations to mitigate any adverse impact on the Wells Fargo parking area.

Mr. Cowie went on to present photographs of the area, as well as a sketch submitted by Mr. Hatfield during Design Review of this proposal. He noted that the small triangular piece of property which fronts onto State Street is not commercially viable without the road closure, with a developable area of approximately 8000 square feet. The proposed vacation would create an additional area which could be used to

2 provide parking for adjacent uses. No permanent structures can be built in the existing
roadway area, due to the location of utility easements. Mr. Cowie explained that if the
4 roadway is vacated and parcels are joined, it would be similar in size to the South Towne
Mall development located on the east side of State Street.

6 Mr. Cowie noted that during Planning Commission review of this item, there was
some discussion regarding realignment of the intersection if the roadway remains open.
8 The City Engineer felt that it may be possible to reduce the road right-of-way to 50 feet
from the current 66 foot right-of-way.

10 Mr. Cowie noted that discussion regarding this request lasted for approximately
three hours during the Planning Commission meeting. He stated that approximately 45
12 residents attended the meeting to discuss this request, and that it appeared that opinions
were divided equally in favor of the closure and against the closure. No additional
written comments have been received since the Planning Commission review of this
14 request. Mr. Cowie directed the attention of the Council to comments made by Planning
Commission members which were prepared for review by the Council. Four of the seven
16 Planning Commission members were present at the meeting, and the vote was unanimous
for approval of the request. Conditions of approval as set forth by the Planning
18 Commission were reviewed as follows:

- 20 1. THAT THE APPLICANT INSTALL ALL CURB, GUTTER AND
22 SIDEWALK IMPROVEMENTS ALONG THE STATE STREET
FRONTAGE WHERE MAIN STREET WILL BE CLOSED.
- 24 2. THAT THE APPLICANT PROVIDE A UTILITY EASEMENT, PER
CITY STANDARDS, FOR CITY AND PUBLIC UTILITIES IN THE
STREET.
- 26 3. THAT THE APPLICANT OBTAIN AND DEDICATE ALL RIGHT-OF-
28 WAY FOR THE CUL-DE-SAC AREA WHICH WILL BE
CONSTRUCTED.
- 30 4. THAT THE APPLICANT DOCUMENT THAT THE PLEASANT
GROVE/LINDON FIRE DEPARTMENT HAS VERIFIED THAT THE
32 FIRE HYDRANTS ON THE ROADWAY ARE OPERATIONAL PRIOR
TO THE ROAD CLOSURE.
- 34 5. THAT THE APPLICANT OBTAIN AND FINALIZE ANY REQUIRED
PERMITS WITH UDOT FOR ACCESS TO STATE STREET FROM
36 THE PARCELS ADJACENT TO THE VACATED ROADWAY.
- 38 6. GIVEN THAT THE APPLICANT MAY FINANCIALLY BENEFIT
FROM UTILIZATION OF THE VACATED ROAD AREA, THE
40 APPLICANT SHALL COMPENSATE THE CITY FOR THE AREA OF
THE ROADWAY IN AN AMOUNT TO BE DETERMINED BY THE
CITY COUNCIL FOLLOWING COMPLETION OF AN APPRAISAL
OF THE VACATED PROPERTY.
- 42 7. THAT THE CITY FORWARD RESULTS OF THE TRAFFIC STUDY
44 TO UDOT REGARDING THE FUNCTIONALITY OF THE TRAFFIC
SIGNAL AT 200 SOUTH STATE STREET, AND REQUEST THAT
46 UDOT CONSIDER ADJUSTMENTS TO THE SIGNAL TO PROVIDE
MORE EFFICIENT SERVICE TO THE ADJACENT SIDE STREETS.

2 8. THAT THE CITY ENGINEER EVALUATE AND MAKE
3 RECOMMENDATIONS REGARDING TRAFFIC PATTERNS AND
4 THE IMPACT OF THE CLOSURE ON THE WELLS FARGO
5 PARKING LOT.

6 Mr. Cowie noted that Mr. Hatfield has expressed a willingness to donate
7 \$100,000 toward a recreation facility if the road closure is approved. The Planning
8 Commission felt that the value of the road area may be greater than \$100,000, due to the
9 increase in commercial value of adjacent parcels, and felt that an appraisal would better
10 determine actual compensation which should be paid to the City.

11 Councilmember Carpenter inquired as to Mr. Hatfield's feelings regarding the
12 conditions set by the Planning Commission. Mr. Hatfield expressed concern regarding
13 compensation to the City based on appraised value, but stated that he felt all other
14 conditions were acceptable.

15 Councilmember Carpenter commented that from a traffic flow perspective,
16 closure of the roadway makes sense. He observed that some negative feelings from
17 residents may be a result of perception that Mr. Hatfield is "getting something" from the
18 City, and that the offer to donate \$100,000 toward a recreation facility may be seen by
19 some as a bribe rather than a form of compensation. Councilmember Carpenter felt that
20 it would be important to address the road closure and the monetary donation as separate
21 matters to assure residents that the donation does not have any influence on the decision
22 made regarding the road vacation.

23 Mr. Hatfield introduced Cordel Braley of Hales Engineering, and invited him to
24 present findings of a traffic study completed by the engineering firm. Mr. Braley
25 reviewed finding of the study, noting that the study area included three intersection; 200
26 South and State Street, 200 South and Main Street, and State Street and Main Street. He
27 explained that intersections used in the study were chosen based on recommendations of
28 the City Engineer and UDOT officials. The study was completed Thursday, April 5,
29 2007, between the hours of 4:00 p.m. and 6:00 p.m., with peak traffic flowing being
30 identified between 5:00 p.m. to 6:00 p.m.

31 Mr. Braley explained the methodology used to assign letter grades, A – F, to
32 intersections based on the average time a vehicle spends waiting at an intersection. He
33 stated that the intersection of 200 South State Street is failing under existing conditions.
34 Northbound traffic entering State Street from Main Street also receives a failing grade,
35 but the overall intersection has an acceptable level of service. The intersection of Main
36 Street and 200 South currently has acceptable delays as well. The study determined that
37 the proposed road closure would not have a significant impact on levels of service at
38 surrounding intersections.

39 The study also addressed safety of the intersection based on data from UDOT,
40 which showed nine crashes occurred at the intersection of Main Street and State Street
41 from 2003 to 2005. AASHTO standards, which are the governing source on roadway
42 design in the United States, indicate that intersections should ideally be configured at a
43 90 degree angle, but not less than 60 degrees. The intersection is currently configured at
44 30 degrees. Councilmember Hatch inquired as to when AASHTO standards were
45 established. Mr. Christensen stated that he is not sure of the exact time frame, but that
46 standards were established in the early to mid 1900's.

2 Mr. Braley reviewed the number of vehicles counted during the study period. He
3 stated that 1800 vehicles per hour traveled north bound on State Street during the study
4 period, with 1400 vehicles traveling south bound. During the same time period, 40
5 vehicles per hour traveled north bound on Main Street, and 100 traveled south bound on
6 Main Street. Traffic counts on 200 South during the study period were approximately
7 400 – 450 vehicles per hour both east and west bound.

8 Mr. Hatfield presented six reasons he felt the road closure should be approved as
9 follows:

- 10 1. The street does not conform with current UDOT intersection requirements.
11 According to the City Engineer, neither the City or UDOT would approve this
12 intersection in the current configuration.
- 13 2. The intersection is approximately 600 feet from a traffic light controlled
14 intersection. Delays resulting from rerouting traffic to the 200 South
15 intersection will be minimal. Individuals testing the delay have indicated that
16 motorists arrive at the intersection of Main Street and 200 South within
17 seconds of someone simultaneously using the 25 mile per hour route on Main
18 to 200 South.
- 19 3. State Street is scheduled for an expansion from five lanes to seven lanes from
20 100 East in American Fork to 200 South in Lindon. The proposed expansion
21 of I-15 in Utah County will force much of the freeway traffic onto State Street
22 during the multiple year construction period. Traffic will be very heavy
23 during peak times, and all safety concerns will be multiplied.
- 24 4. These properties are at the Southern gateway to the City. By joining the
25 former Atwood parcel to the remainder of the Hatfield commercial property, it
26 will be improved and maintained professionally. If UDOT takes 10-20 feet of
27 frontage for a new lane, the Atwood parcel will shrink further making the two
28 existing structures virtually unusable. What does the City want this location
29 to look like, and who will pay for it?
- 30 5. The combining of the two areas provides important commercial frontage for
31 the combined parcels. Without this combination, the most viable land portion
32 to the west has no State Street frontage. The commercial development
33 potential is significantly greater when combined with the frontage from the
34 Atwood parcel.
- 35 6. 90% of all surface water on this entire length of Main Street flows down the
36 street and onto the Hatfield property. Formerly the water was allowed to flow
37 into the fields. These fields no longer exist, and the water must be collected
38 and handled.

39 Mr. Hatfield stated that the last item he would like to address is compensation to
40 the City for the vacated roadway. He noted that there seems to be some inequity in
41 relation to dedication for roadways when developing property, when cities compensate
42 other individuals to obtain necessary property for road construction. He noted that the
43 property for Main Street was originally donated to the City by the Smith family. He
44 expressed concern regarding the concept of requiring compensation for property which
45 was donated to the City. He noted that in addition to any monetary compensation, the
46 City will benefit from curb, gutter, sidewalk, and storm drain improvements which will
be installed at his expense.

2 Councilmember Hatch again opened the meeting for public comment. Resident
3 Chloe Smith expressed concern regarding safe and convenient access to the LDS Church
4 in the area, as well as Aspen Elementary School. She felt that claims of safety issues
5 were being inaccurately portrayed for personal gain. Ms. Smith commented on the
6 history of the area of Main Street, which was originally owned and farmed by her family.
7 Ms. Smith noted that while claims of unsafe conditions and storm water drainage may be
8 valid on Main Street, the same arguments could be made on numerous streets in Lindon
9 which would not be considered for closure.

10 Morgan Hatfield asserted that a significant amount of property was lost in the
11 Lindon Treasury Subdivision due to the required road alignment. He observed that
12 development in Lindon will occur, and that safety issues need to be addressed.

13 Resident Crystal Miller commented that it seems that the safety of the children
14 who walk on Main Street is not as important as the safety of children whose parents use
15 the road to access the church and the school. Ms. Miller stated that she has lived on Main
16 Street, and that there are significant traffic safety concerns which need to be addressed.

17 Shauna Teasdale agreed that significant safety concerns related to traffic speed on
18 Main Street do exist. She asserted that it is difficult to understand the extent of the
19 problem without living on the street and observing traffic patterns. Ms. Teasdale
20 encouraged the Council to consider closure of the road before a tragic accident occurs.

21 Councilmember Bayless requested clarification of accident rates at the
22 intersection. Mr. Braley stated that the crash rate is lower than would be expected with a
23 total of nine crashes in a three year period. He stated that accident severity is what would
24 be expected at an intersection with this configuration.

25 Councilmember Bayless asked Captain Cody Cullimore of the Police Department
26 how he felt safety issues at this intersection compare with safety at other uncontrolled
27 intersections on State Street, such as 40 South and Gillman Lane. Captain Cullimore
28 stated that safety issues at the three intersections are similar. He noted that the biggest
29 concern related to the Main Street is the angle of the intersection. Mr. Hatfield noted that
30 current statistics are based on lower traffic volumes, and that the number of vehicles on
31 State Street will increase significantly over time.

32 A resident requested clarification on zoning in the area of Main Street.

33 Councilmember Hatch explained that the CG zone was originally established 500 feet on
34 either side of State Street, but that revisions to zone lines have taken place over time to
35 accommodate specific development plans. Councilmember Bayless noted that the Bahr
36 property is currently zoned CG based on the 500 foot zone line, but that the property
37 owner can request to have the property rezoned.

38 Lindon resident Brian Farris stated that he is not opposed to the cul-de-sac or the
39 vacation, and felt that it makes sense from a safety standpoint. He suggested that the City
40 maintain ownership of the area and create a pedestrian walkway or parkway in the area.
41 He observed that Mr. Hatfield purchased the Atwood property knowing that the size of
42 the parcel would make development difficult. He felt that if the roadway area is
43 conveyed to Mr. Hatfield, that proper compensation should be paid to the City.

44 Mr. Hatfield stated that from his point of view, the City has someone who is
45 willing to spend the time and money to address issues now. He observed that problems
46 related to the intersection will increase over time, and that there may not be a developer
willing to address issues in the future.

2 Councilmember Hatch called for further public comment. There was no further
comment. He called for a motion to close the public hearing.

4 COUNCILMEMBER BATH MOVED TO CLOSE THE PUBLIC HEARING TO
CONSIDER THE STREET MASTER PLAN GENERAL PLAN AMENDMENT.
6 COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

8
10 Councilmember Hatch agreed that there will be significant growth in the City. He
felt that it would be beneficial to prepare for traffic flow which will be directed through
12 the City in the future. He observed that residents may experience some inconvenience
initially, but that residents would quickly become accustomed to using the intersection at
200 South.

14 Councilmember Bayless stated that she sees some similarities between this
particular intersection and the intersections of 40 South or Gillman Lane. She observed
16 that UDOT is very quick to encourage closure of roads, such as 600 North and Lakeview
Road, without creating alternatives to move traffic through the City from east to west.
18 She noted that there has been an increase in traffic on 40 South since the vacation and
realignment of Lakeview Road. Councilmember Bayless also felt that the \$100,000
20 compensation offer made by Mr. Hatfield should be considered separately from the
vacation request, and that the decision should not be made based on the donation offer.
22 She suggested that if the vacation request is approved, that it be based on an appraisal of
the property. Councilmember Hatch noted that the cost of improvements installed by the
24 developer should be taken into consideration as well.

26 Councilmember Carpenter observed that there is a common misconception that
the City has “made up its mind” regarding issues prior to Public Hearing meetings. He
commented that while officials have researched and discussed this issue prior to the
28 Public Hearings, officials are very interested in information presented by both the
developer and affected residents. He explained that it is difficult to decide how best to
30 address this issue, noting that many arguments that compete with one another are valid
and accurate. He observed that the configuration of the intersection does not meet
32 current standards, and would not be approved today.

34 Councilmember Bath clarified that safety issues are an important consideration in
relation to any development in the City. He noted that the safety issues related to the
section of Main Street are similar to safety issues seen in other areas of the City, and do
36 not justify closure of the road. He suggested that specific safety issues could be
addressed by prohibiting left hand turns onto State Street from Main Street.
38 Councilmember Bath felt that closure of the roadway may increase congestion at the
controlled 200 South intersection, particularly as traffic flow increases in the future. He
40 felt that it would not be appropriate to close the road at this time.

42 Councilmember Bayless stated that she does not feel the closure would be feasible
without an appraisal to determine appropriate compensation. She noted that the value of
surrounding properties would likely increase if the roadway is vacated. She observed that
44 results of the traffic study show approximately 400 vehicles per hour on 200 South, and
100 cars per hour southbound on Main Street. She observed that while the number of
46 cars may not seem significant, the percentage increase of traffic on 200 South would be a

2 significant impact to the area. She also observed that if UDOT takes property from Mr.
3 Hatfield to accommodate the future widening of State Street, Mr. Hatfield would be
4 compensated for the property. She agreed with a comment made earlier that Mr. Hatfield
5 was aware of the size of the former Atwood parcel when he purchased the property.
6 Councilmember Bayless felt that if a specific development application were presented
7 which showed specific benefits of the road vacation, it may be feasible, but that closure
8 of the roadway based on speculation and future commercial viability would be a
premature decision.

10 Councilmember Hatch observed that the Hatfield property is currently used by
11 many local residents for church and family functions. He noted that the reception center
12 will be used commercially only on occasion, and that Mr. Hatfield has expressed that he
13 is obtaining a business license to allow him to charge for use of the facility to offset
14 associated costs. Councilmember Hatch noted that he uses the roadway on occasion, but
that closure of the road seems to be the appropriate action.

16 Councilmember Carpenter observed that it appears that if the issue is brought to a
17 vote at this time, it may be a tie vote. Mr. Dameron suggested the possibility of
18 continuing the application until a full Council is present for the vote.

19 The Council discussed use of the road, and the potential impact of closure.
20 Councilmember Bayless observed that the road is a City street that is used by residents.
21 Councilmember Carpenter observed that if this section of Main Street is closed, the
22 traffic would be relocated to another street, and may create additional concerns for
23 residents in other areas. He noted that addressing safety concerns related to this
intersection could potentially create safety concerns in another area.

24 Councilmember Bath noted that this is a difficult decision. He assured Mr.
25 Hatfield that the decision is not based on personal feelings, but that the decision that
26 benefits the residents of Lindon is the appropriate decision. Councilmember Bath made
the following motion:

28
29 COUNCILMEMBER BATH MOVED TO DENY THE GENERAL PLAN
30 AMENDMENT TO THE LINDON CITY STREET MASTER PLAN MAP, WHICH
31 WOULD VACATE A PORTION OF MAIN STREET AT APPROXIMATELY 125
32 SOUTH. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

34 COUNCILMEMBER BATH AYE
35 COUNCILMEMBER BAYLESS AYE
36 COUNCILMEMBER CARPENTER AYE
37 COUNCILMEMBER HATCH NAY

38 THE MOTION CARRIED (3-1) WITH ONE ABSENT.

- 40 **3. Preliminary Plat** – *Double ‘A’ Estates, Residential Subdivision, Plat “A”*. This
41 is a request by W. Carl Anderson for preliminary plat approval of Double ‘A’
42 Estates, Plat “A”, 3 lots, in the R1-20 zone at 500 North 150 East. The Planning
43 Commission recommended approval with conditions. This item was continued
44 from the meeting of June 19, 2007.

2 Carl Anderson was present as the representative for this application. Mr. Cowie
3 explained that this request for approval of a 3-lot minor subdivision in the R1-20 zone
4 was continued from the last meeting to allow discussion of specific issues with the
5 applicant. One lot will consist of the existing home that fronts onto 200 East. The other
6 two lots are proposed at the end of the 150 East roadway. Mr. Anderson previously
7 submitted a request for a deep lot which was discussed during a design review. The City
8 did not feel that the deep lot met the requirements of the Deep Lot Ordinance.

9 Mr. Cowie explained that there are currently no storm drainage, curb, gutter, or
10 sidewalk improvements on 150 East. The Planning Commission recommended that the
11 applicant pay a cash amount to the City for future installation of improvements on 150
12 East, but that the improvements not be installed at this time. The City Engineer has
13 commented that installation of the improvements may create storm drainage issues due to
14 the fact that there would be no place for storm drainage to go. The Engineer
15 recommended that the applicant install a swale or similar structure at the edge of the
16 asphalt to allow storm water run off, and that the applicant demonstrate that the soil will
17 allow storm water to percolate adequately. The Planning Commission recommended
18 approval with the following conditions:

- 19 1. Given that no storm drainage system and curb, gutter, and sidewalk
20 exist on 150 East, the curb, gutter, and sidewalk along the new cul-de-
21 sac should not be installed at this time, but the applicant shall pay the
22 City a cash amount of the value of the improvements.
- 23 2. The applicant shall install flush-mounted curbing along the edge of
24 asphalt as directed by the Public Works Director and City Engineer
25 specifications to preserve the edge of the asphalt.
- 26 3. The applicant shall be required to demonstrate to the satisfaction of the
27 City Engineer that the storm water from the proposed 150 East cul-de-
28 sac can be handled in an appropriate manner without the standard curb
29 or gutter being installed.
- 30 4. That curb, gutter, sidewalk, street and storm drainage improvements on
31 200 East in front of the existing dwelling on the proposed lot #1 be
32 installed in compliance with City standards.
- 33 5. That fire and emergency service evaluate the proposal to ensure safety
34 items are addressed regarding the roadway exceeding the current 650
35 foot length that is applied to new roads.

36 Mr. Cowie explained that 150 East exceeds the 650 foot length specified in City
37 standards for cul-de-sac streets. He noted that there is no potential that the road will
38 become a through street at this time. Fire Captain, Steve Brandt, informed the City that
39 safety issues would not be a concern provided that there is an adequate turn around
40 radius, and a fire hydrant is located within 600 feet of any structure. Mr. Cowie stated
41 that the location of fire hydrants will be confirmed prior to final plat approval. Mr.
42 Cowie noted that this extension of 150 East is shown on the City Master Plan.
43 Councilmember Bayless noted that the location of the City cemetery eliminates the
44 possibility of through street configuration. Councilmember Carpenter asked if access
45 from the west would be possible. Mr. Cowie stated that access from the west would be
46 theoretically possible, but that the property owner to the west does not have plans to
develop at this time.

2 Mr. Cowie noted that there is an issue with required improvements on 200 East.
3 He explained that the Trails Master Plan shows a 10 foot asphalt trail in the area, and that
4 if required, it would be installed only in front of the existing residence on 200 East. He
5 recommended that the trail section not be installed at this time, but that the applicant pay
6 a cash amount to the City to install the trail section as part of a City project at some point
7 in the future.

8 Councilmember Hatch called for further comments or discussion. Hearing none,
9 he called for a motion.

10 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE DOUBLE
11 'A' ESTATES SUBDIVISION PRELIMINARY PLAT WITH THE FOLLOWING
12 CONDITIONS:

- 13 1. GIVEN THAT NO STORM DRAINAGE SYSTEM AND CURB, GUTTER,
14 AND SIDEWALK EXIST ON THE CURRENT 150 EAST ROADWAY, THE
15 CURB, GUTTER AND SIDEWALK ALONG THE NEW CUL-DE-SAC
16 SHOULD NOT BE INSTALLED AT THIS TIME, BUT THE APPLICANT
17 SHALL PAY THE CITY A CASH AMOUNT FOR THE VALUE OF THE
18 IMPROVEMENTS, WHICH WILL BE INSTALLED AT SOME FUTURE
19 TIME.
- 20 2. THAT THE APPLICANT INSTALL FLUSH-MOUNTED CURBING ALONG
21 THE EDGE OF ASPHALT PER THE PUBLIC WORKS DIRECTOR AND
22 CITY ENGINEERS SPECIFICATION TO PRESERVE THE EDGE OF THE
23 ASPHALT.
- 24 3. THAT THE APPLICANT BE REQUIRED TO DEMONSTRATE TO THE
25 SATISFACTION OF THE CITY ENGINEER THAT THE STORM WATER
26 FROM THE PROPOSED 150 EAST CUL-DE-SAC CAN BE HANDLED IN
27 AN APPROPRIATE MANNER WITHOUT THE STANDARD CURB OR
28 GUTTER BEING INSTALLED.
- 29 4. THAT THE APPLICANT PAY A CASH AMOUNT FOR ALL
30 IMPROVEMENTS ON 200 EAST IN FRONT OF THE EXISTING
31 DWELLING ON LOT #1, BUT THAT THE IMPROVEMENTS BE
32 INSTALLED AT A LATER DATE.
- 33 5. THAT FIRE AND EMERGENCY SERVICES EVALUATE THE PROPOSAL
34 TO ENSURE SAFETY ITEMS ARE ADDRESSED REGARDING THE
35 ROADWAY EXCEEDING THE CURRENT 650 FOOT LENGTH THAT IS
36 APPLIED TO NEW ROADS.

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

- 39 4. **Preliminary Plat** – *Old Station Square, Commercial Subdivision, Plat "E."* This
40 is a City initiated request for preliminary plat approval of Old Station Square, Plat
41 "E", which is a re-plat of lots 1, 2, and 3 of Old Station Square, Plat "A" in order
42 to accommodate a shift in the Lindon Heritage Trail alignment through these lots.
43 The new lots will be numbered 15, 16, and 17 of Plat "E". The Planning
44 Commission recommended approval with no conditions.
45
46

2 Brigham Ashton was present as the representative for this application. Mr. Cowie
4 explained that this is a City initiated request for approval of a re-plat of lots 1, 2 and 3 of
6 Old Station Square, Plat "A" in order to accommodate a shift in the Lindon Heritage Trail
8 alignment through these lots. The trail will be shifted approximately 10 feet to the east
and the lots will become Old Station Square, Plat E, Lots 15, 16 and 17. Lot 18 will be
conveyed to adjacent property owners to the west as a remnant parcel. The Planning
Commission recommended approval with no conditions. Councilmember Hatch called
for further comments or discussion. Hearing none, he called for a motion.

10 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE OLD STATION
12 SQUARE PLAT "E" SUBDIVISION PRELIMINARY PLAT. COUNCILMEMBER
14 BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
MOTION CARRIED.

16 Councilmember Bayless commented to Mr. Ashton that he has been a gentleman
18 during the development process. She expressed appreciation for his willingness to
20 cooperate with the City on various aspects of the development, and stated that he has
been delightful to work with, and that the Council is happy he is doing business in
Lindon.

- 22 **5. Preliminary Plat** – *Joyner Business Park, Industrial Subdivision, Plat "F"*. This
24 is a request by Knight West Construction, Inc. for preliminary plat approval of
Joyner Business Park, Plat "F", 2 lots, in the LI zone at 460 North Geneva Road.
The Planning Commission recommended approval with no conditions.

26 Bill West was present as the representative for this application. Mr. Cowie
28 explained that this is a request to re-plat two existing lots in the Joyner Business Park.
The original plat showed building pad sites which are not consistent with existing and
30 proposed buildings. Mr. Cowie noted that the re-plat is intended to amend the building
footprint for the new building, as well as the location of the existing Les Olsen building.
32 However, if for some reason Les Olsen is not willing to sign the plat to correct the
footprint, staff would ask that the applicant be allowed to move forward with the request
34 for the new building. Two options were included for review by the City Council which
showed the re-plat of both lots, or the re-plat of only the lot associated with this
36 development application. The Planning Commission recommended approval with no
conditions.

38 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE JOYNER
40 BUSINESS PARK PLAT "F" SUBDIVISION PRELIMINARY PLAT AS OUTLINED
IN OPTION #1, WITH APPROVAL OF OPTION #2 IF LES OLSEN COMPANY
42 REFUSES TO SIGN THE DOCUMENTS. COUNCILMEMBER BAYLESS
SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

- 44 **6. Preliminary Plat** – *Newberry Business Park Industrial Subdivision, Plat "A"*.
46 This is a request by Dyreng West, LLC for preliminary plat approval of Newberry

2 Business Park, Plat "A", 1 lot with 13 individual units, in the LI zone at 1500
West 500 North. The Planning Commission recommended approval with no
4 conditions.

6 Jeff West and David Dyreng were present as representatives for this application.
Mr. Cowie explained that the City Council requested review of the site plan for this
development, due to the location adjacent to the R3-Overlay residential zone.

8 Mr. Cowie stated that this subdivision request is for approval of a Planned Unit
Development in the LI zone which consists of one primary lot with 13 individual units
10 that are part of the office/warehouse building proposed on the site. Recording this plat
will allow sale of individual units within the project. The plat will include the street
12 dedication area. Street improvements were previously installed as part of the Creekside
Meadows development.

14 Councilmember Carpenter expressed concern regarding the narrow asphalt width
on 1700 West. Mr. Cowie noted that full width access is available from 500 North, and
16 that two access routes serve the property. He stated that staff has no concerns with traffic
issues or access to the site.

18 Councilmember Hatch called for further comments or discussion. Hearing none,
he called for a motion.

20

COUNCILMEMBER BATH MOVED TO APPROVE THE NEWBERRY
22 BUSINESS PARK PLAT "A" SUBDIVISION PRELIMINARY PLAT.
COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED
24 IN FAVOR. THE MOTION CARRIED.

26 **7. Review and Action** – *Site Plan – Newberry Business Park*. This is a request by
Dyreng West, LLC for approval of a 13 unit officer/warehouse facility in the LI
28 zone at 1500 West 500 North. The Planning Commission recommended approval
with conditions.

30

32 Jeff West and David Dyreng were present as representatives for this application.
Mr. Cowie reviewed landscaping elements proposed by the developer, including the
required 20 foot landscaping strip, as well as a five foot planter strip on the west side of
34 the site.

36 Mr. Cowie went on to discuss fencing requirements. He noted that as part of the
Development Agreement with Fieldstone Homes for the Creekside Meadows
Subdivision, the City required six foot vinyl fencing to be installed by Fieldstone Homes
38 around the perimeter of the residential development. The developers of the retirement
community located adjacent to the proposed Newberry Business Park have indicated that
40 they intend to install stamped concrete fencing on the common boundary. Commercial
developers are also required to install a seven foot masonry fence on any common
42 boundary with a residential zone or a residential use. The Planning Commission
recommended that the residential and commercial developer cooperate regarding
44 installation of fencing, rather than installing two adjacent fences. Mr. West discussed
with the Planning Commission the possibility of using a Mity-Lite fencing material rather
46 than stamped concrete. The Planning Commission felt that either a stamped concrete

2 fence, or the Mighty-Lite material would be acceptable, as either option is an upgrade to
the vinyl fence required in the development agreement.

4 The Council discussed options for fencing materials. Councilmember Bayless
noted that the development agreement does require installation of fencing by the
residential development, but that it does not remove fencing requirements for commercial
6 development adjacent to the residential zone. Councilmember Carpenter noted that the
drive access to the commercial use is located along the common boundary. He expressed
8 concern regarding sound mitigation of the Mighty-Lite fencing material as opposed to a
masonry fence.

10 Mr. West explained that he is aware that they have some responsibility regarding
fencing, and that the residential developer has expressed a willingness to work
12 cooperatively to install fencing. He stated that once acceptable materials are established,
a written agreement with the neighboring developer can be finalized.

14 Councilmember Carpenter commented that City code requires a seven foot
masonry fence. Mr. Cowie explained that the City does have the authority to approve
16 other fencing materials if approved materials are found to provide an adequate buffer, and
specific criteria are met. Councilmember Bayless felt that a masonry fence would be
18 necessary in this location due to the proximity of the proposed commercial use to the R3-
Overlay residential zone. Councilmember Carpenter agreed that this particular situation
20 warrants the highest fencing standard. Councilmember Bayless observed that it would be
in the best interest of both developers to share the cost of a masonry fence.

22 Councilmember Hatch called for further comments or discussion. Hearing none,
he called for a motion.

24
26 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE NEWBERRY
BUSINESS PARK SITE PLAN WITH THE FOLLOWING CONDITION:

- 28 1. THAT THE DEVELOPER COOPERATE WITH THE ADJACENT
DEVELOPER REGARDING INSTALLATION OF FENCING ON THE
COMMON BOUNDARY LINE, ADHERING TO STANDARDS FOR
30 THE BOUNDARY BETWEEN THE LI ZONE AND THE
RESIDENTIAL ZONE. THE FENCE MAY BE ANY SEVEN FOOT
32 MASONRY FENCE, BUT THE COUNCIL ENCOURAGES A
STAMPED CONCRETE FENCE.

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

36
38 **8. Review and Action – *Holiday Fireworks Restriction (Resolution #2007-10).***

This is a request by members of the City Council to establish certain holiday
fireworks restriction in Lindon City.

40
42 Mr. Dameron explained that this Resolution establishes fireworks restrictions for
the upcoming holiday season. The Resolution specifies that fireworks are prohibited in
all areas west of I-15, and in or near any undeveloped areas of the City.

44
46 COUNCILMEMBER HATCH MOVED TO APPROVE RESOLUTION #2007-
10, INCLUDING THE ADDITIONAL RESTRICTION THAT NO FIREWORKS BE

ALLOWED WEST OF I-15. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH. AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

9. Review and Action – *Change Order #3 – Street Improvement Projects.* This is a request by staff for the Council’s approval of a change order amount which exceeds the parameters of staff authority. This change order addresses storm drainage issues on 400 North.

Mr. Dameron explained that this change order is related to installation of 165 feet of storm drain near the entrance of Hollow Park to direct storm water to drain box.

COUNCILMEMBER CARPENTER MOVED TO APPROVE CHANGE ORDER #3 – STREET IMPROVEMENT PROJECTS IN THE AMOUNT OF \$6,875.00. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE

THE MOTION CARRIED UNANIMOUSLY.

10. Review and Action – *Planning Commission Appointment.* This is a request by Mayor Acerson for approval of the appointment of Mark Johnson as a member of the Lindon City Planning Commission.

Mr. Dameron stated that the last official act of Mayor Acerson was to invite Mark Johnson to serve as a member of the Planning Commission. This appointment will complete the term for the seat formerly held by Marilyn Simister, who resigned from the Planning Commission due to the demands of other obligations.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE APPOINTMENT OF MARK JOHNSON TO SERVE AS A MEMBER OF THE LINDON CITY PLANNING COMMISSION FOR A THREE YEAR TERM. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED

11. Review and Action – *Agreement with Utah County Commission for Recreation Grant.* This is a request by staff for approval of an agreement with Utah County for a recreation grant in the amount of \$6,128.14. Staff applied for the grant and the funding was awarded to help off-set expenses in Squaw Hollow Detention Basin Park.

2 Mr. Dameron explained that this is an Agreement with the Utah County
4 Commission for Recreation Grant funds, which will be used to off set the cost of
playground equipment at Hollow Park.

6 COUNCILMEMBER HATCH MOVED TO APPROVE THE AGREEMENT
8 WITH THE UTAH COUNTY COMMISSION FOR RECREATION GRANT FUNDS.
COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

10 **COUNCIL REPORTS –**

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

14 Councilmember Hatch reported that he met recently with Harold and Elvie
16 Erickson and invited them to participate as the Grand Marshals of the upcoming Lindon
Days Celebration. Mr. and Mrs. Erickson were pleased and honored by the invitation.

18 Councilmember Hatch reported that he has experienced some problems with low
pressure in his secondary water system lines. Mr. Dameron will alert the Public Works
20 Department and have them investigate the report.

22 Councilmember Hatch also reported that at a recent MAG meeting, he reviewed
Corridor Preservation Maps. He noted that 1200 East in Lindon is no longer shown on
the maps, but that 700 North is prioritized.

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

26 Councilmember Bayless noted that City landscaping on Geneva Road is in need
28 of maintenance. Mr. Dameron will follow up on the report.

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

32 Councilmember Bath inquired as to the status of Utah Power projects in the City,
such as installation of street lights. Mr. Dameron stated that he is unsure of the status of
34 projects, but that the City has little influence over the time frame for completion of
projects.

36 Councilmember Bath asked if complaints were still being received from residents
regarding installation of UTOPIA lines. Mr. Dameron stated that he is unaware of
38 complaints, as they are not typically directed to the City. The Council discussed a
number of problems they are aware of in relation to installation of lines. Mr. Dameron
40 will follow up with UTOPIA and service providers to make sure concerns are adequately
addressed.

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

44 Councilmember Anthony was not present at the meeting.
46

2
3 **GENERAL PLAN, STREETS & SIDEWALKS, PUBLIC BUILDINGS –**

4 Councilmember Carpenter commented that a problem he previously reported
5 regarding maintenance in detention basins is being addressed. He expressed appreciation
6 to City staff for their efforts.

7 Councilmember Bayless suggested that the Council consider walking in the
8 Lindon Days parade to promote the new “Healthy Lindon” program. The Council agreed
9 that it would be appropriate to walk the parade route, and distribute information regarding
10 the new health awareness program.

11 **ADMINISTRATOR’S REPORT –**

12 Mr. Dameron reported on the following items:

- 13 1. The Council reviewed the project tracking list.
- 14 2. The City offices will be closed July 4, 2007.
- 15 3. A Lindon Heritage Trail Committee meeting will be held Monday, July 9, 2007 at
16 3:00 p.m.
- 17 4. A neighborhood meeting to discuss increasing problems at the water tank park
18 located on 835 East has been scheduled for Thursday, July 12th at 7:00 p.m. Area
19 residents have been invited to attend.
- 20 5. The City Council will meet in Special Session on Friday, July 13th to appoint an
21 Interim Mayor. There are currently two applicants for the position.
- 22 6. The Council made recommendations to the City Recorder for residents who may
23 be willing to serve as poll workers for the upcoming municipal election.

24
25 COUNCILMEMBER BATH MOVED TO APPROVE THE PAY VOUCHERS.
26 COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT
27 VOTED IN FAVOR. THE MOTION CARRIED.

28 **ADJOURN –**

29 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT
30 11:06 P.M. COUNCILMEMBER BATH SECONDED THE MOTION. ALL
31 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32
33 APPROVED – July 17, 2007

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42 _____
43 Jerald I. Hatch, Mayor Pro-Tem

44
45 _____
46 Debra Cullimore, City Recorder