The Lindon City Council held a regularly scheduled meeting beginning at 7:00 p.m. on Tuesday, September 18 2007, in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

Note: A Joint Work Session with Vineyard Town Council was held prior to this meeting, beginning at 6:00 p.m. Minutes of the Work Session were completed as a separate document to allow review and approval by the Vineyard Town Council.

Conducting: Jerald I. Hatch, Mayor Pro Tem

Pledge of Allegiance: Bruce Carpenter

Invocation: Lindsey Bayless

PRESENT
Eric Anthony, Councilmember
H. Toby Bath, Councilmember
Lindsey Bayless, Councilmember
Bruce Carpenter, Councilmember
Jerald I. Hatch, Mayor Pro Tem
Ott H. Dameron, City Administrator
Adam Cowie, Planning Director
Debra Cullimore, City Recorder

The meeting was called to order at 7:10 p.m.

MINUTES – The minutes of the regular meeting of September 4, 2007 were reviewed.

COUNCILMEMBER BATH MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 4, 2007 MEETING. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

OPEN SESSION –

Councilmember Hatch called for comments from any resident present who wished to address an issue not listed as an agenda item. Lindon resident, Doug Christensen, approached the Council and expressed concern as to whether the City has followed up on promises to investigate the possibility of a traffic light at 200 North State Street. The Council assured Mr. Christensen that arrangements are being made to meet with property owners, City staff, and UDOT official to discuss the possibility. The Council explained that it takes time to coordinate schedules with all parties who should be involved in the discussion, but that the option is being explored.

Mr. Christensen asked if any power lines are being underground as a result of construction of the Lindon Heritage Trail. Mr. Dameron explained that undergrounding of power lines on several properties was necessary to accommodate the trail, and that each property was considered and negotiated individually.
Mr. Christensen also reported a speeding in his neighborhood. Councilmember Carpenter encouraged Mr. Christensen to contact Captain Cullimore of the Police Department to file a complaint regarding the matter.

**MAYOR’S COMMENTS/REPORT –**

Mayor Dain was not present at the meeting.

**CONSENT AGENDA –**

No items.

**CURRENT BUSINESS –**

1. **Preliminary Plat – Pennant Hills Residential Subdivision, Plat “A”**. This is a request by Bryon and Darlene Davis for preliminary plat approval of Pennant Hills Residential Subdivision, Plat “A”, six lots, in the R1-20 zone at 290 North 400 East. The Planning Commission recommended approval with conditions. This item was continued from the meeting of September 4, 2007.

Mr. Cowie stated that the applicant for this item contacted him earlier in the day, and requested that this item be continued indefinitely. He explained that neighboring property owners will be re-noticed when the item is rescheduled for review by the City Council. Mr. Cowie noted that the City made an effort to contact all neighboring property owners who were noticed regarding this review and inform them that the application would not be considered at this meeting.

Vicky Armstrong, neighboring property owner to the north, was present at the meeting. Ms. Armstrong stated that she was not aware that the item would be continued, and wanted the Council to be aware that she was willing to work cooperatively regarding the trail if the trail is located on the north side of the development. She noted that specific details will need to be discussed, but that she is willing to discuss options and participate in trail installation. The Council thanked Ms. Armstrong for attendance and input.

COUNCILMEMBER BAYLESS MOVED TO CONTINUE THE PENNANT HILLS RESIDENTIAL SUBDIVISION, PLAT “A” PRELIMINARY PLAT APPLICATION. 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. **Public Hearing** – Zoning Map and General Plan Amendment. The City Council will hear public comment and will consider approval or denial of a request to amend the zoning map and the General Plan. This request made by Tim Clyde is for consideration of a change for the property located at approximately 240 West 400 North. The requested amendment is to change the zoning map and the General Plan for this property from residential to commercial. The Planning Commission denied the request.

COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER A ZONING MAP CHANGE AND GENERAL PLAN AMENDMENT. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Tim Clyde was present as the representative for this application. Mr. Cowie reviewed this item for the Council. He stated that this is a request for a zoning and General Plan map change from residential to commercial on the subject property. He stated that Mr. Clyde’s intent is to use the property as a component of the neighboring vinyl fence business to allow access to the rear of the existing site for semi truck deliveries. Mr. Cowie explained that this review is to consider the rezoning request only, and that any permitted use in the Commercial Zone could locate on the site in the future if the zoning is changed. Site plan approval will be required for use of the site to accommodate delivery trucks.

Mr. Cowie went on to review past General Plan and zoning maps. He noted that it appears that this property has been partially zoned commercial at times in the past, but that the current residential zoning has been in effect since 2000.

During Planning Commission review of this item, the Planning Commission did not reach a consensus to change the zoning or retain the current residential zoning. During discussion, some members of the Planning Commission expressed that they felt it may be reasonable to extend the commercial boundary east to Locust Avenue at some time in the future. The Planning Commission made one motion to continue the item for further review at the Planning Commission level, and one motion to deny the request and forward it to the City Council because of an inability of the Planning Commission to reach a majority vote. The Planning Commission ultimately voted to deny the request and forward it to the City Council with a vote of 4-3.

Mr. Cowie presented photographs of the site. He noted that the property to the west is under separate ownership, and that a small office building recently approved by the Planning Commission is currently under construction on that site. Mr. Cowie stated that staff is taking neutral position on this application. He explained that while rezoning the property for commercial use may be problematic in some respects, there may also be potential concerns if the property maintains residential zoning. He noted that this R2 district is not full, and that a potential R2 project on the site may create a traffic impact to surrounding residential properties. He noted that the property is approximately .59 acres.

Councilmember Anthony asked Mr. Cowie to review possible uses on the site if it is rezoned for commercial use. Mr. Cowie reiterated that any permitted commercial use shown in the Standard Land Use Table could legally locate on the site. Permitted uses
would include virtually any retail facility, many office type uses, medical facilities, or restaurants.

Councilmember Bayless noted that minutes from City Council and Planning Commission meetings from 2002 indicate that a rezoning request was considered at that time, but minutes do not show any action being taken to approve or deny the rezoning request. Mr. Cowie stated that the final disposition of that request is not documented, but that it is assumed that the application was withdrawn.

Mr. Cowie presented an overhead map which reviewed the zoning history of the site from 1968 until the present. He noted that the site was zoned almost entirely commercial on the 1995 General Plan maps. Councilmember Carpenter noted that the property to the south and the west of this site is currently zoned commercial. He inquired as to whether there are any plans for other neighboring residential properties to be zoned for commercial use. Mr. Cowie reviewed neighboring uses, including the Alpine School District property located to the north of this site, a riding arena, and several vacant lots. He stated that adjacent properties to the north and the east are generally residential uses.

Councilmember Hatch invited comments from residents present at the meeting to address the Council regarding this application. Mike Harper commented that he lives across 400 North to the north of this site. Mr. Harper stated that he has lived in that location for 28 years, and that his family has lived in Lindon for 100 years. Mr. Harper observed that when he built his home in that location, the residential zone extended to State Street, but that over time commercial properties have encroached into residential areas. He expressed concern regarding the impact of commercial development on residential properties in Lindon. He asserted that commercial development adjacent to residential properties may negatively impact the value of the residential property.

Mr. Harper stated that Mr. Clyde initially intended to purchase and develop the subject property as part of the vinyl fence business located on State Street, but decided not to include this parcel when it was determined at that time that the property was zoned for residential use. He asserted that Mr. Clyde bought the property for the existing vinyl fence business with the knowledge that access to the site would be difficult, and that Mr. Clyde later purchased the subject property with the knowledge that it was zoned for residential use.

Mr. Harper observed that the existing vinyl fence business was approved by the City with the stipulation that the use would not be a manufacturing use. He asserted that manufacturing is being done on the site. He also expressed concern regarding other apparent code violations, including stacking of stored materials above the fence line. Mr. Harper commented that violations have been reported to the City by neighboring property owners, and that it appears that no action has been taken by the City to bring the site into compliance with code requirements. Mr. Cowie explained that neighbors filed complaints with the City by e-mail on approximately September 5th, but that the e-mails were not received by the City due to a malfunction in the City e-mail service at that time.

Mr. Harper stated that he recognizes that the area will likely be rezoned for commercial use at some time in the future. He commented that ongoing zone changes have made him feel that he is “fighting to keep a place to live,” and that he can not replace his home anywhere else in Lindon. He felt that if the requested rezoning is allowed, the value and use of his property will be negatively impacted. Mr. Harper commented on fencing requirements between commercial and residential properties. He
asserted that Mr. Clyde indicated to him during initial development of the vinyl fence business that he would install some type of barrier fence, but that only minimal fencing was installed.

Neighboring property owner, Alejandro Gomez approached the Council. Mr. Gomez presented his comments using a Power Point presentation. He stated that he was present at the meeting to express his views on this request, and to persuade the Council to deny the request or to approve the request with specific conditions to protect neighboring property owners. He stated that it is not his intent to imply that Mr. Clyde is not a good person, nor is it his intent to fight against progress in the community or make the City unfriendly to businesses.

Mr. Gomez stated that he has lived in his current home on 400 North for approximately three months. He presented photographs of his previous home, which was located in a cul-de-sac in Orem. The photographs showed a commercial building which was constructed adjacent to the back yard of the Orem home. Mr. Gomez asserted that he has been unable to sell the property due to the location of the large commercial structure which is visible from the backyard.

Mr. Gomez explained that prior to purchasing his current home in Lindon, he inquired as to the zoning of the property across the street, and was informed that the property was zoned for residential use. He explained that he moved from his home in Orem to escape the situation of living next to commercial development, and that this requested zone change will open the door to other commercial uses.

Mr. Gomez went on to show photographs of views from residential properties in Lindon which are not located adjacent to commercial properties, as well as photographs of the view from his residential property. He suggested that Mr. Clyde should be required to install additional fencing as a barrier between the existing commercial use and neighboring residential properties.

Mr. Gomez observed that during Planning Commission review of this request, Mr. Clyde was made aware of code violations, such as stacking of materials above the fence line and noise related to manufacturing on the site, and that no action has been taken to address those violations or complaints.

Mr. Gomez reviewed his reasoning for requesting that the rezoning application be denied. He stated that Mr. Clyde has shown disregard for City Code requirements relative to storage and landscaping. He asserted that Mr. Clyde has not complied with promises documented in previous minutes regarding storage, noise and manufacturing on the site. He stated that he is concerned about future compliance with zoning requirements and conditions of approval based on Mr. Clyde’s past pattern of behavior. Mr. Gomez stated that he respectfully requests that the rezoning application be denied.

Betty Clark, owner of the neighboring residential property to the east, approached the Council. Ms. Clark read a letter which she submitted to the Council which expressed concerns regarding the negative impact of the requested zone change on surrounding residential properties. She requested that if the zone change is approved by the Council, that the approval be contingent upon installation of a sound barrier on the commercial property to protect residential neighbors. Ms. Clark also asserted that Mr. Clyde has not followed through on past promises.

The Council invited Mr. Clyde to address the Council regarding this application. Mr. Clyde observed that neighboring property have made allegations which are not
relevant to this request, but are instead related to the existing vinyl fence company. Mr. Clyde noted that approximately 90% of the subject property was zoned for commercial use at one time, and that when the zoning was changed to residential in 2000 the property owners were not aware that the property was no longer commercially zoned. Mr. Clyde noted that the property does not meet the requirements for a residential property. He explained that current City code requires a 100 foot depth for residential properties, and that the subject property is 87 feet deep.

Councilmember Hatch inquired as to whether manufacturing is being conducted on the site. Mr. Clyde stated that gates are assembled on site, but that the manufacturing component represents 10% or less of the total business. He explained that gates are assembled in the warehouse, and that doors have been left open for ventilation, but that doors can be closed if necessary.

Councilmember Anthony asked Mr. Clyde to explain his intent in rezoning the property for commercial use. Mr. Clyde stated that the purpose would be to allow access to the existing vinyl fence business site for delivery trucks. He noted that some delivery drivers will not drive to the rear of the site, and that access to State Street may cause safety concerns. He explained that there was a grade change at the rear of the site which would not allow access for some types of semi trucks. A portion of the site was excavated to level the grade, and a large amount of dirt was removed during the process. The dirt which was removed during the excavation process was used to construct the existing berms on the 400 North residential property frontage. Mr. Clyde explained that the berms and landscaping were installed in an effort to improve the appearance of the site. He noted that an old barn structure was also removed from the site.

Mr. Cowie clarified that this application does not address the proposed use, and is a request to rezone the property. He explained that any permitted use for the commercial zone could potentially locate on the site if the rezone request is approved. Councilmember Anthony inquired as to whether the proposed access use would be permitted if the zoning remains residential. Mr. Cowie stated that commercial access is not permitted through residential properties.

Councilmember Anthony inquired as to whether residential development would be allowed on this parcel based on current code requirements. Mr. Cowie stated that this lot existed prior to the 100 foot minimum depth requirement, and that residential development would be allowed. Councilmember Bath noted that an R2 project could be allowed on the site. Mr. Cowie explained that this R2 district is not full, and that the site could accommodate an R2 project.

The Council discussed possible reasoning for zoning the property for residential use in 2000. Mr. Dameron thought he could recall that the committee felt that residential zoning would be more appropriate due to the fact that it is located across from a residential zone with residential uses. Mr. Clyde asserted that the zone change was not initiated by the property owner at the time. Councilmember Bayless explained that the change was made based on the consensus of the General Plan Committee, the Planning Commission and the City Council.

Councilmember Carpenter inquired as to standard requirements for buffers between commercial properties and residential uses. Mr. Cowie stated that commercial structures must maintain a 40 foot setback from residential uses, and a seven foot masonry fence is required on the boundary between the two properties to be installed by
the commercial property owner. Mr. Cowie noted that the existing fence bordering the
commercial property is a six foot vinyl fence. Mr. Clyde stated that the six foot vinyl
fence was approved as part of his site plan.

Mr. Clyde commented that during Planning Commission discussion of this
application, two Commissioners felt that the property would likely be rezoned for
commercial use at some time in the future, but did not provide an explanation as to why it
could not be rezoned at this time. He noted that any use will be required to complete the
approval process and meet all zoning requirements. He stated that it is his intention to
maintain his existing business on State Street, and that he has no plans to relocate or sell
the property.

Councilmember Carpenter commented that interactions he has had with Mr.
Clyde have been positive, and that he appears to run a positive and productive business.
He asked Mr. Clyde if he had any sense of why neighboring property owners were so
negative towards Mr. Clyde. Mr. Clyde stated that it is his impression that the neighbors
do not want any type of development on the property. He also explained that initial
interactions with Ms. Clark and her daughter occurred as a result of his property being
flooded by irrigation water from the Clark property, and that their first contact was not
positive.

Mr. Gomez commented that he does not have any animosity toward Mr. Clyde,
and that he is unaware of the history of this property or Mr. Clyde’s relationship with his
neighbors. He stated that his arguments are based on his observations during the past
three months.

Councilmember Hatch called for further public comment. There was no
additional public comment. He called for a motion to close the Public Hearing.

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

Councilmember Bayless observed that fencing requirements would only be
applicable to the east boundary, and that property owners to the north may be negatively
impacted if the subject property is rezoned for commercial use. She felt that although
there may be only limited concerns with the present intended use for the property, she is
uncomfortable with other types of permitted commercial uses which could locate on the
site in the future. She observed that the lot is viable residential property with adjacent
residential properties to the north and the east. She felt that the decision should be based
on potential impact to the surrounding residential neighborhood.

Councilmember Carpenter noted that other residential properties, such as the
neighboring properties to the north, may want to rezone their property for commercial use
at some time in the future. He observed that there are concerns about protecting
residential properties, and that there may come a time when some but not all of the
neighboring property owners are prepared to request rezoning, which may create a more
difficult situation for the remaining residential properties. Councilmember Bayless noted
that this decision should not be based on possible future changes to zoning in the area.
She felt that a decision should be made on this application based on what would be most beneficial for the community.

Councilmember Anthony observed that future development in the area is an unknown factor. He noted that there may be additional residential development in the pasture area to the east of the subject property. He felt that the Council should establish a philosophy for future commercial development which may encroach into existing residential areas, not only on 400 North but in other areas of the City as well.

Councilmember Bath observed that rezoning some residential property for commercial use is workable. He felt that due to the potential negative impact on neighboring residential properties, this requested zone change may not be viable.

Mr. Cowie noted that there may be an option to enter into a development agreement with Mr. Clyde to rezone the property and allow his intended use for access to the neighboring vinyl fence business, but restrict other less compatible uses. He explained that there are three options before the Council. The Council could choose to leave the existing residential zoning in place, rezone only the subject property for commercial use, or extend the commercial zone from State Street up to Locust Avenue. Councilmember Carpenter noted that there may be a financial benefit to property owners if property is commercially zoned when sold, but that in the mean time there may be some risk to neighboring residents.

Councilmember Bayless noted that major commercial corridors, such as 700 North are currently under development in the City. She felt that commercial development should be encouraged to locate on established commercial corridors in order to minimize the risk to established residential areas.

Councilmember Hatch felt that the City should facilitate growth of established businesses. Councilmember Anthony agreed that thriving businesses should be allowed to grow. He noted that as State Street becomes busier, access to the existing site will become more difficult. Councilmember Carpenter noted that many businesses outgrow their site. He observed that this is a unique situation due to the fact that Mr. Clyde also owns the adjoining parcel. Councilmember Anthony observed the concern is not for the current proposed use of the subject property, but the long term use and possible impact on the residential neighborhood.

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

COUNCILMEMBER BAYLESS MOVED TO DENY THE APPLICATION FOR A ZONING MAP AMENDMENT AND GENERAL PLAN AMENDMENT FOR THE PROPERTY LOCATED AT 240 WEST 400 NORTH, FINDING THAT IT IS MORE APPROPRIATE FOR THE FORESEEABLE FUTURE TO MAINTAIN THE CURRENT RESIDENTIAL ZONING. COUNCILMEMBER CARPENTER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED (3-2).
Mr. Dameron noted that Judge Brent W. Bullock was present to address the Council regarding recertification of the Lindon City Municipal Justice Court. He suggested that agenda items be taken out of order to accommodate Judge Bullock. The Council inquired as to whether any audience members were present to address any other agenda items. Greg Slater stated that he was present to address the Deep Lot Ordinance. The Council asked Mr. Slater if he would have any objection to considering the court recertification request at this time. Mr. Slater had no objection.

COUNCILMEMBER CARPENTER MOVED TO CONSIDER
RECERTIFICATION OF THE LINDON CITY JUSTICE COURT AT THIS TIME.
COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

RECERTIFICATION OF LINDON CITY JUSTICE COURT –

Judge Brent W. Bullock was present to address the Council regarding this request. Judge Bullock explained that court recertification is required every four years. Judge Bullock noted that Utah has seen a dramatic increase in the number of Justice Courts in recent years. He noted that major metropolitan areas, such as Salt Lake City and Provo, have implemented Justice Court systems, which have historically been located in smaller jurisdictions. He explained that the increase in Justice Courts has resulted in a reduction in revenues to the State, which prompted the State to form a judicial committee made up of full time judges to review the Justice Court structure. He observed that there is a perception that Justice Court Judges are pressured to generate revenue for the municipalities where they are located.

The current plan, effective July of 2008 if proposed legislation is passed, calls for all existing judges to become full time and be under the jurisdiction of the State. A phased transition is planned through 2016, with a potential of eliminating half of the existing Justice Courts in the State. Judge Bullock explained that there are currently 118 Justice Courts in the State, and that the proposed plan would reduce that number to 52 to 58 active courts. Judges would become State employees who would be responsible for a “circuit” of courts. Court clerks would remain employees of the municipality. Under the proposed plan, Municipal Court Judges would also be subject to retention elections.

Councilmember Carpenter noted that the Utah League of Cities and Towns is aware of the proposed legislation, and has passed a Resolution in opposition, which is supported by Lindon City. Judge Bullock observed that the two driving forces behind the proposed legislation appear to be the Administrative Office of the Courts and members of the State Legislature. He commented that the motivation behind the legislation appears to be revenue. He stated that the Utah League of Cities and Towns has expressed that although they are opposed to proposed legislation, they have no political ability to prevent it from passing.

Judge Bullock went on to review the case load in the Lindon City Justice Court. He stated that the court currently averages 300 cases per month. When the court reaches 500 cases per month and maintains that level for twelve months, the court is required to become a full time court. He noted that the change to a full time court will not affect
support staff, but will affect the Judge position. He stated that in 2006, the court processed 4,240 traffic violations, and that so far in 2007, the court has processed 3,313 traffic cases. He also observed that the court is seeing an increase in other violations, such as domestic violence and drug cases, but that there has been a decrease in traffic cases.

Judge Bullock went on to discuss “video arraignment” capabilities in the court. He stated that the technology will allow in custody defendants to appear for arraignment by video from the County Jail rather than being transported to court. Video arraignment will allow a time savings in seeing defendants, as the technology will allow arraignments at any time during the week rather than only on court dates, and will theoretically allow the judge to hold arraignments from any location. He explained that there will be no cost to the City for video arraignment equipment and set up, which is provided by the State.

Councilmember Hatch called for further comments or questions from the Council. There was no additional discussion. The Council thanked Judge Bullock for his presentation. Councilmember Hatch called for a motion.

COUNCILMEMBER BATH MOVED TO APPROVE RESOLUTION #2007-12 REQUESTING RECERTIFICATION OF THE LINDON CITY MUNICIPAL JUSTICE COURT. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- COUNCILMEMBER ANTHONY AYE
- COUNCILMEMBER BATH AYE
- COUNCILMEMBER BAYLESS AYE
- COUNCILMEMBER CARPENTER AYE
- COUNCILMEMBER HATCH AYE

THE MOTION CARRIED UNANIMOUSLY.

3. Public Hearing – Amendments to the Deep Lot Ordinance – Chapter 17.32.320 (Ordinance #2007-10). The City Council will hear public comment and possibly act to approve amendments to ordinance Chapter 17.32.320 – Deep Lots – of the Lindon City Code. This is a City initiated review of the City’s Deep Lot Ordinance. The proposed amended ordinance has been reviewed by the City Council in several work sessions and has been approved by the Planning Commission.

COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER ORDINANCE #2007-10. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cowie explained that this is a City initiated review of proposed changes to the Deep Lot ordinance. He noted that revisions have been reviewed and discussed by the Council on several occasions, and that this draft has been reviewed and approved by the Planning Commission. He noted that there have been minor revisions to the ordinance since the City Council last reviewed changes. The latest revisions include minor changes suggested by the City Engineer regarding historic and finished grade.
The Council discussed potential approval of deep lots at the time of the initial subdivision application if specific criteria are met. Councilmember Anthony noted that there is a potential for approximately 50 deep lots in the City, which represents a minor impact to the community as a whole. Councilmember Bath observed that individual property rights must be protected. Councilmember Bayless clarified that while the City is obligated to protect property rights, there is no obligation to guarantee the highest and most profitable use of the property.

Mr. Cowie reviewed proposed changes to requirements for turn around areas. Language was added to require turn around areas to be constructed in conformance with Appendix D of the 2006 International Fire Code – or other acceptable designs as approved by the Fire Chief. Councilmember Anthony inquired as to whether new turn around restrictions would further reduce the number of potential deep lots. Mr. Cowie stated that the impact on the number of possible deep lots is not known. Councilmember Anthony felt that this additional requirement may be an unnecessary restriction which may further reduce individual property rights. Mr. Cowie clarified that standard requirements will not apply to every deep lot, and that specific circumstances will be evaluated by the Fire Chief to ensure that safety concerns are adequately addressed.

Councilmember Anthony stated that he does not support this additional restriction. Councilmember Carpenter suggested that if the Fire Chief will have approval authority for turn around designs not defined by the 2006 International Fire Code, perhaps that specific language should be removed. Following further discussion, the Council felt that the addition of wording which specified a turn around area “as approved by the fire chief” would provide the tools to address safety issues without negatively impacting property rights.

Mr. Cowie went on to discuss language which specifies a maximum building height of 25 feet from finished grade for residential structures and accessory buildings. He explained it may be difficult to enforce requirements based on historic grade of the property, noting that grading plans are expensive and may be overly burdensome to property owners. Mr. Dameron suggested additional language which could require submittal of a grading plan “if necessary.” Mr. Cowie explained that staff will verify starting elevation of the site when building permit applications are submitted, but that historic grade is very difficult to establish. He stated that he is comfortable with the recommendations of the engineer to allow no more than four feet of fill above the original grade of the lot at the time construction begins, and a maximum height of 25 feet above finished grade. The Council discussed the intent of the 25 foot height limit, which is to protect the privacy of neighboring residential properties. Councilmember Bayless commented that she felt it would be important to discuss building height and grading issues with Mayor Dain prior to making a final decision.

Mr. Cowie explained that during Planning Commission review of proposed revisions, the Planning Commission felt that accessory apartments on deep lots should not be prohibited. He noted that deep lots are required to have the same minimum square footage, and that all other accessory apartment requirements, such as adequate parking, must be met.

The Council held further discussion regarding maximum building height above finished grade, and regulation of historic and finished grade. They also discussed possible language which may clarify requirements.
Councilmember Hatch called for public comment. Greg Slater approached the Council. Mr. Slater stated that the Council recently approved a deep lot subdivision application he submitted. Mr. Slater asked the Council to consider wording in ordinance revisions which would allow use of the roof truss area to create a “bonus room” if the maximum building height remains within the 25 foot height limit.

Mr. Slater stated that he understands the intent of the height limit to protect neighboring properties. He outlined the location and orientation of the dwelling he would like to build in relation to neighboring properties. He stated that his lot is 16 feet lower in elevation than the nearest neighboring residential properties, and that other barriers, such as a church and a trail area, separate his property from neighboring properties. Mr. Slater proposed that he be allowed to use the attic area in his home for a living space if the structure complies with the 25 foot maximum height limit.

The Council discussed Mr. Slater’s proposal in relation to neighboring properties. Councilmember Carpenter observed that this particular deep lot is somewhat unique, and that the request to use the roof truss area as living space would be a reasonable request. The Council discussed the possibility removing the “single story” requirement from proposed revisions, and requiring only that the final height of the building be a maximum of 25 feet. The Council held extensive discussion regarding language which would limit the finished height of structure on deep lots to 25 feet while providing some flexibility in specific circumstances. Mr. Cowie will draft recommended revisions and bring the ordinance back to the City Council for further discussion. Councilmember Hatch called for further comments or discussion. Hearing none, he called for a motion to continue this item.

COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER ORDINANCE #2007-10. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER BAYLESS MOVED TO CONTINUE THE PUBLIC HEARING TO CONSIDER ORDINANCE #2007-10 TO THE MEETING OF OCTOBER 2, 2007 TO ALLOW FURTHER DISCUSSION WITH INPUT FROM MAYOR DAIN REGARDING CONCERNS RELATIVE TO HISTORIC GRADE AND BUILDING HEIGHT. COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED (4-10).

4. **Public Hearing** – Amendments to the Trailer Houses Ordinance – Chapter 17.64 (Ordinance #2007-12). The City Council will hear public comment and possibly act to approve amendments to Chapter 17.64 – Trailer Houses – of the Lindon
City Code. This is a City initiated review of this ordinance. The Planning Commission recommended approval with no conditions.

COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER ORDINANCE #2007-12. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cowie explained that this review was initiated as a result of a property owner allowing guests to stay on his property in an RV for an extended period of time and the City receiving complaints on the matter. The City Council reviewed the issue and directed the Planning Commission to consider possible ordinance changes to allow limited use of RVs on residential properties. Proposed revisions will allow use of RVs for up to two weeks in a six month period on residential properties with an existing dwelling. The Council requested a language change to include two “cumulative” weeks during a six month period.

Councilmember Hatch called for public comment. Doug Christensen inquired as to whether ordinance revision would allow his elderly neighbor to live in an RV on his private property periodically. The Council explained to Mr. Christensen that ordinance requirements will not allow any use of RVs for habitation on property without an existing dwelling. Councilmember Bayless noted that multiple complaints were received by the City regarding the situation Mr. Christensen was referring to, and that there is not a dwelling on the property. Due to a lack of sanitation and water hook-ups on the property in question, habitation of any kind would not be permitted.

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

COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER ORDINANCE #2007-12. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE #2007-12. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY

5. Review and Action – Recertification of the Lindon City Municipal Justice Court (Resolution #2007-12). The Lindon City Municipal Justice Court must be recertified by the Utah Judicial Council every four years in order to continue operations. Part of the process includes a resolution by the City Council that requests recertification and agrees to continue to comply with operational
standards for the term of the recertification. Judge W. Brent Bullock will be present to discuss this item with the City Council and give a report on issues relevant to the Court.

This item was addressed earlier in the meeting.

6. **Review and Action – Interlocal Agreement – Utah County and Lindon City.** This is a propose agreement between Lindon City and Utah County to allow Utah County to conduct 2007 General Municipal Election on November 6, 2007. The Utah County Commissioners have approved the agreement.

Mr. Dameron explained that this agreement is to allow the November 6, 2007 Municipal Election to be administered by the County. He explained that the County will run the election at the direction of Governor Huntsman due to the state wide school voucher referendum question which will be on the ballot.

COUNCILMEMBER ANTHONY MOVED TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN LINDON CITY AND UTAH COUNTY TO CONDUCT THE 2007 MUNICIPAL GENERAL ELECTION. 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.

**COUNCIL REPORTS**

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

Councilmember Hatch reported the Craig Hall, attorney for the landfill board, has requested to meet with the City Council to discuss the terms of an Interlocal Agreement which will require garbage to come to the landfill, and will give the landfill control of commercial waste. Mr. Dameron will contact Mr. Hall.

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

Councilmember Bayless reported on possible grant funding which may be available to create safe routes to school, and could be used to offset the cost of trails which provide pedestrian access to schools.

The Healthy Lindon Committee will hold a community education class on Thursday, September 20, 2007 at 7:00 p.m. Classes featuring speakers on various fitness and health topics will be held the third Thursday of each month.

**PUBLIC SAFETY, COURT, BUILDING INSPECTIONS** –
Councilmember Bath inquired as to the number of applications which have been received for the position of Police Chief. Mr. Dameron reported that two applications have been received to date, and that the application period closes October 2nd at 5:00 p.m.

Councilmember Bath reported that a Lindon resident contacted him regarding signs advertising yard sales which have been attached to a chain link fence along his street frontage. He suggested that some additional enforcement may be necessary to eliminate the sign problem. Mr. Dameron stated that the property owner could simply remove the signs, and that it does not appear to be a widespread problem which needs to be addressed by the City.

Councilmember Carpenter commented on a number of political signs for the upcoming election which do not appear to be properly placed. Mr. Dameron stated that political signs must be placed on private property with the permission of the property owner, and that placement of signs in any other location is not permitted.

PARKS, RECREATION, ENGINEERING, LINDON FAIR, NEWSLETTER –

Councilmember Anthony asked staff to investigate the possibility of planting trees in the trail area vacated by the City on 400 West. Councilmember Bayless noted that roots may cause problems with the storm drains located in the area.

Councilmember Anthony inquired as to the position of the City regarding the annual city-wide clean up day typically held in May. Mr. Dameron explained that initially, the City provided projects for residents to work together to complete. In recent years, the City has taken a supportive role in assisting residents and community groups in completing projects of their own choosing. Councilmember Anthony suggested more discussion in the future regarding the possibility of City sponsored events, and a possible committee to oversee the event.

Councilmember Anthony inquired as to whether the Code Enforcement Officer has imposed fines for non-compliance with the sign ordinance. Mr. Dameron stated that no fines have been imposed at this time, and that every effort will be made to bring businesses into compliance administratively before fines are imposed.

GENERAL PLAN, STREETS & SIDEWALKS, PUBLIC BUILDINGS –

Councilmember Carpenter reported that he has attended a number of meetings recently regarding the State Street widening project. Construction is expected to begin in the spring of 2008. Councilmember Carpenter will report details of the project to the Council as they become available.

ADMINISTRATOR’S REPORT –

Mr. Dameron reported on the following items:

1. Engineering Coordination Meeting will be held Sept 19th at noon at the Public Works Complex.
2. A coordination meeting regarding State Street widening will be held September 20th at 5:30 at Horrocks Engineers. City staff, Mayor Dain and UDOT officials will attend the meeting.

3. City staff will make presentations to candidates for the November election on Thursday, September 27th at 7:00 p.m. at the City Center.

4. The Council reviewed the Project Tracking List.

5. A public open house to discuss the new aquatics facility will be held on Tuesday, October 23rd at 7:00 p.m.

6. The easement for the Lindon Heritage Trail has been secured in front of the LDS Church meeting house on Main Street.

7. City staff will meet with representatives of the Fellowship Bible Church to discuss the agreement to purchase the 400 North right of way during DRC Thursday, September 20th at 2:00 p.m.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE PAY VOUCHERS. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOW:

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

THE MOTION CARRIED UNANIMOUSLY.

ADJOURN –

COUNCILMEMBER BATH MOVED TO ADJOURN THE MEETING AT 12:14 A.M. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

APPROVED – October 2, 2007

____________________________________
Debra Cullimore, City Recorder

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James A. Dain, Mayor