

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

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

9 Conducting: Jerald I. Hatch, Mayor Pro Tem  
10 Pledge of Allegiance: Bruce Carpenter  
11 Invocation: Lindsey Bayless

12 **PRESENT**

13 **ABSENT**

14 Eric Anthony, Councilmember  
15 H. Toby Bath, Councilmember  
16 Lindsey Bayless, Councilmember  
17 Bruce Carpenter, Councilmember  
18 Jerald I. Hatch, Mayor Pro Tem  
19 Ott H. Dameron, City Administrator  
20 Adam Cowie, Planning Director  
21 Debra Cullimore, City Recorder

13 James A. Dain, Mayor

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

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

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

32 **OPEN SESSION** –

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

42 Mr. Christensen asked if any power lines are being under grounded as a result of  
43 construction of the Lindon Heritage Trail. Mr. Dameron explained that under grounding  
44 of power lines on several properties was necessary to accommodate the trail, and that  
each property was considered and negotiated individually.

2 Mr. Christensen also reported a speeding in his neighborhood. Councilmember  
3 Carpenter encouraged Mr. Christensen to contact Captain Cullimore of the Police  
4 Department to file a complaint regarding the matter.

6 **MAYOR'S COMMENTS/REPORT** –

8 Mayor Dain was not present at the meeting.

10 **CONSENT AGENDA** –

12 No items.

14 **CURRENT BUSINESS** –

- 16 1. **Preliminary Plat** – *Pennant Hills Residential Subdivision, Plat "A"*. This is a  
18 request by Bryon and Darlene Davis for preliminary plat approval of Pennant  
20 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.

22 Mr. Cowie stated that the applicant for this item contacted him earlier in the day,  
24 and requested that this item be continued indefinitely. He explained that neighboring  
26 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.

28 Vicky Armstrong, neighboring property owner to the north, was present at the  
30 meeting. Ms. Armstrong stated that she was not aware that the item would be continued,  
32 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.

34  
36 COUNCILMEMBER BAYLESS MOVED TO CONTINUE THE PENNANT  
HILLS RESIDENTIAL SUBDIVISION, PLAT "A" PRELIMINARY PLAT  
APPLICATION. COUNCILMEMBER BATH SECONDED THE MOTION. THE  
38 VOTE WAS RECORDED AS FOLLOWS:

40 COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
42 COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	AYE
44 THE MOTION CARRIED UNANIMOUSLY.	

2           2. **Public Hearing** – *Zoning Map and General Plan Amendment*. The City Council  
3 will hear public comment and will consider approval or denial of a request to  
4 amend the zoning map and the General Plan. This request made by Tim Clyde is  
5 for consideration of a change for the property located at approximately 240 West  
6 400 North. The requested amendment is to change the zoning map and the  
7 General Plan for this property from residential to commercial. The Planning  
8 Commission denied the request.

9  
10           COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO  
11 CONSIDER A ZONING MAP CHANGE AND GENERAL PLAN AMENDMENT.  
12 COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT  
13 VOTED IN FAVOR. THE MOTION CARRIED.

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

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

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

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

43           Councilmember Anthony asked Mr. Cowie to review possible uses on the site if it  
44 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

2 would include virtually any retail facility, many office type uses, medical facilities, or  
3 restaurants.

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

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

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

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

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

42 Mr. Harper stated that he recognizes that the area will likely be rezoned for  
43 commercial use at some time in the future. He commented that ongoing zone changes  
44 have made him feel that he is “fighting to keep a place to live,” and that he can not  
45 replace his home anywhere else in Lindon. He felt that if the requested rezoning is  
46 allowed, the value and use of his property will be negatively impacted. Mr. Harper  
commented on fencing requirements between commercial and residential properties. He

2 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.

4 Neighboring property owner, Alejandro Gomez approached the Council. Mr.  
Gomez presented his comments using a Power Point presentation. He stated that he was  
6 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  
8 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  
10 unfriendly to businesses.

12 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  
14 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  
16 which is visible from the backyard.

18 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  
20 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.

22 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  
24 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  
26 neighboring residential properties.

28 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  
30 taken to address those violations or complaints.

32 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  
34 promises documented in previous minutes regarding storage, noise and manufacturing on  
the site. He stated that he is concerned about future compliance with zoning  
36 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.

38 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  
40 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,  
42 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  
44 followed through on past promises.

46 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

2 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.

4 Mr. Clyde commented that during Planning Commission discussion of this  
application, two Commissioners felt that the property would likely be rezoned for  
6 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  
8 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  
10 the property.

12 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  
14 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  
16 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  
18 positive.

20 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  
22 three months.

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

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

30 Councilmember Bayless observed that fencing requirements would only be  
32 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  
34 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  
36 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  
38 on potential impact to the surrounding residential neighborhood.

40 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  
42 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  
44 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.

2 She felt that a decision should be made on this application based on what would be most  
beneficial for the community.

4 Councilmember Anthony observed that future development in the area is an  
unknown factor. He noted that there may be additional residential development in the  
6 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.

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

12 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  
14 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  
16 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  
18 if property is commercially zoned when sold, but that in the mean time there may be  
some risk to neighboring residents.

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

24 Councilmember Hatch felt that the City should facilitate growth of established  
businesses. Councilmember Anthony agreed that thriving businesses should be allowed  
26 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  
28 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  
30 current proposed use of the subject property, but the long term use and possible impact on  
the residential neighborhood.

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

34  
36 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  
38 MORE APPROPRIATE FOR THE FORESEEABLE FUTURE TO MAINTAIN THE  
CURRENT RESIDENTIAL ZONING. COUNCILMEMBER CARPENTER  
40 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

42 COUNCILMEMBER ANTHONY AYE

COUNCILMEMBER BATH NAY

COUNCILMEMBER BAYLESS AYE

44 COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER HATCH NAY

46 THE MOTION CARRIED (3-2).

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  
4 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  
6 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  
8 recertification request at this time. Mr. Slater had no objection.

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

14 **RECERTIFICATION OF LINDON CITY JUSTICE COURT –**

16 Judge Brent W. Bullock was present to address the Council regarding this request.  
18 Judge Bullock explained that court recertification is required every four years.

20 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  
22 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  
24 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  
26 observed that there is a perception that Justice Court Judges are pressured to generate  
revenue for the municipalities where they are located.

28 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  
30 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  
32 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  
34 proposed plan, Municipal Court Judges would also be subject to retention elections.

36 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  
38 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  
40 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  
42 prevent it from passing.

44 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  
46 become a full time court. He noted that the change to a full time court will not affect

2 support staff, but will affect the Judge position. He stated that in 2006, the court  
3 processed 4,240 traffic violations, and that so far in 2007, the court has processed 3,313  
4 traffic cases. He also observed that the court is seeing an increase in other violations,  
5 such as domestic violence and drug cases, but that there has been a decrease in traffic  
6 cases.

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

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

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

21 COUNCILMEMBER ANTHONY	AYE
22 COUNCILMEMBER BATH	AYE
23 COUNCILMEMBER BAYLESS	AYE
24 COUNCILMEMBER CARPENTER	AYE
25 COUNCILMEMBER HATCH	AYE

26 THE MOTION CARRIED UNANIMOUSLY.

- 27 3. **Public Hearing** – *Amendments to the Deep Lot Ordinance – Chapter 17.32.320*  
28 (*Ordinance #2007-10*). The City Council will hear public comment and possibly  
29 act to approve amendments to ordinance Chapter 17.32.320 – Deep Lots – of the  
30 Lindon City Code. This s a City initiated review of the City’s Deep Lot  
31 Ordinance. The proposed amended ordinance has been reviewed by the City  
32 Council in several work sessions and as been approved by the Planning  
33 Commission.  
34

35 COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING  
36 TO CONSIDER ORDINANCE #2007-10. COUNCILMEMBER ANTHONY  
37 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
38 CARRIED.  
39

40 Mr. Cowie explained that this is a City initiated review of proposed changes to the  
41 Deep Lot ordinance. He noted that revisions have been reviewed and discussed by the  
42 Council on several occasions, and that this draft has been reviewed and approved by the  
43 Planning Commission. He noted that there have been minor revisions to the ordinance  
44 since the City Council last reviewed changes. The latest revisions include minor changes  
45 suggested by the City Engineer regarding historic and finished grade.  
46

2 The Council discussed potential approval of deep lots at the time of the initial  
3 subdivision application if specific criteria are met. Councilmember Anthony noted that  
4 there is a potential for approximately 50 deep lots in the City, which represents a minor  
5 impact to the community as a whole. Councilmember Bath observed that individual  
6 property rights must be protected. Councilmember Bayless clarified that while the City is  
7 obligated to protect property rights, there is no obligation to guarantee the highest and  
8 most profitable use of the property.

9 Mr. Cowie reviewed proposed changes to requirements for turn around areas.  
10 Language was added to require turn around areas to be constructed in conformance with  
11 Appendix D of the 2006 International Fire Code – or other acceptable designs as  
12 approved by the Fire Chief. Councilmember Anthony inquired as to whether new turn  
13 around restrictions would further reduce the number of potential deep lots. Mr. Cowie  
14 stated that the impact on the number of possible deep lots is not known. Councilmember  
15 Anthony felt that this additional requirement may be an unnecessary restriction which  
16 may further reduce individual property rights. Mr. Cowie clarified that standard  
17 requirements will not apply to every deep lot, and that specific circumstances will be  
18 evaluated by the Fire Chief to ensure that safety concerns are adequately addressed.  
19 Councilmember Anthony stated that he does not support this additional restriction.  
20 Councilmember Carpenter suggested that if the Fire Chief will have approval authority  
21 for turn around designs not defined by the 2006 International Fire Code, perhaps that  
22 specific language should be removed. Following further discussion, the Council felt that  
23 the addition of wording which specified a turn around area “as approved by the fire  
24 chief” would provide the tools to address safety issues without negatively impacting  
25 property rights.

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

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

45 The Council held further discussion regarding maximum building height above  
46 finished grade, and regulation of historic and finished grade. They also discussed  
possible language which may clarify requirements.

2 Councilmember Hatch called for public comment. Greg Slater approached the  
Council. Mr. Slater stated that the Council recently approved a deep lot subdivision  
4 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.

6 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  
8 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  
10 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  
12 structure complies with the 25 foot maximum height limit.

The Council discussed Mr. Slater’s proposal in relation to neighboring properties.  
14 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.  
16 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  
18 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  
20 specific circumstances. Mr. Cowie will draft recommended revisions and bring the  
ordinance back to the City Council for further discussion. Councilmember Hatch called  
22 for further comments or discussion. Hearing none, he called for a motion to continue this  
item.

24  
26 COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC  
HEARING TO CONSIDER ORDINANCE #2007-10. COUNCILMEMBER BATH  
28 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
CARRIED.

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

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

THE MOTION CARRIED (4-10).

- 42  
44 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

2 City Code. This is a City initiated review of this ordinance. The Planning  
Commission recommended approval with no conditions.

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

8 Mr. Cowie explained that this review was initiated as a result of a property owner  
10 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  
12 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  
14 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.

16 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  
18 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  
20 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  
22 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.

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

26

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

32 COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE  
#2207-12. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE  
34 WAS RECORDED AS FOLLOWS:

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

40 THE MOTION CARRIED UNANIMOUSLY

42 5. **Review and Action** – *Recertification of the Lindon City Municipal Justice Court*  
44 *(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  
46 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 –**

2 Councilmember Bath inquired as to the number of applications which have been  
4 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 2<sup>nd</sup> at 5:00 p.m.

6 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  
8 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  
10 be addressed by the City.

12 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  
14 owner, and that placement of signs in any other location is not permitted.

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

18 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  
20 roots may cause problems with the storm drains located in the area.

22 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  
24 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  
26 discussion in the future regarding the possibility of City sponsored events, and a possible  
committee to oversee the event.

28 Councilmember Anthony inquired as to whether the Code Enforcement Officer  
has imposed fines for non-compliance with the sign ordinance. Mr. Dameron stated that  
30 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.

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

34 Councilmember Carpenter reported that he has attended a number of meetings  
36 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  
38 Council as they become available.

40 **ADMINISTRATOR'S REPORT –**

- 42 Mr. Dameron reported on the following items:  
44 1. Engineering Coordination Meeting will be held Sept 19<sup>th</sup> at noon at the Public  
Works Complex.

- 2 2. A coordination meeting regarding State Street widening will be held September  
20<sup>th</sup> at 5:30 at Horrocks Engineers. City staff, Mayor Dain and UDOT officials  
will attend the meeting.
- 4 3. City staff will make presentations to candidates for the November election on  
Thursday, September 27<sup>th</sup> at 7:00 p.m. at the City Center.
- 6 4. The Council reviewed the Project Tracking List.
- 8 5. A public open house to discuss the new aquatics facility will be held on Tuesday,  
October 23<sup>rd</sup> at 7:00p.m.
- 10 6. The easement for the Lindon Heritage Trail has been secured in front of the LDS  
Church meeting house on Main Street.
- 12 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 20<sup>th</sup> at 2:00 p.m.

14 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE PAY  
16 VOUCHERS. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOW:  
18 COUNCILMEMBER ANTHONY AYE  
COUNCILMEMBER BATH AYE  
20 COUNCILMEMBER BAYLESS AYE  
COUNCILMEMBER CARPENTER AYE  
22 COUNCILMEMBER HATCH AYE  
THE MOTION CARRIED UNANIMOUSLY.

24 **ADJOURN** –

26 COUNCILMEMBER BATH MOVED TO ADJOURN THE MEETING AT  
28 12:14 A.M. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 APPROVED – October 2, 2007

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38 \_\_\_\_\_  
Debra Cullimore, City Recorder

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42 \_\_\_\_\_  
James A. Dain, Mayor