

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

5 Conducting: Jim Dain, Mayor
6 Pledge of Allegiance: Lindsey Bayless
7 Invocation: Toby Bath

8 **PRESENT**

9 **ABSENT**

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

18 Eric Anthony, Councilmember

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

20 **MINUTES** – The minutes of the work session and the regular session of September 18,
21 2007 were reviewed.

22 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF
23 THE WORK SESSION OF SEPTEMBER 18, 2007. COUNCILMEMBER BATH
24 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
25 CARRIED.

26 COUNCILMEMBER BATH MOVED TO APPROVE THE MINUTES OF THE
27 REGULAR SESSION OF SEPTEMBER 18, 2007. COUNCILMEMBER HATCH
28 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
29 CARRIED.

30 **OPEN SESSION** –

31 Mayor Dain invited Fire Chief Marc Sanderson to report to the Council on a
32 structure fire which occurred in the City on Saturday, September 29, 2007. Chief
33 Sanderson reported that the fire occurred at a vacant residential structure. He reported
34 that the cause of the fire appears to be a malfunction in an oven which was set by the
35 owner to self clean, or in the wiring to the oven. Chief Sanderson explained that Captain
36 Cody Jolley was the incident commander on scene. He also reviewed response times for
37 fire and EMS personnel from Pleasant Grove/Lindon Fire Department, as well as from
38 Orem Department of Public Safety, who responded to assist on the fire. He stated that a
39 total of 25 personnel responded to the incident, which lasted for approximately three and
40 a half hours. Chief Sanderson also reported that it appeared that the fire had been
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burning for quite some time prior to neighbors reporting smoke to dispatch. He noted that response times were approximately the same for this incident as for the previous structure fire which occurred several weeks ago. He also reviewed the logistics of fighting the fire.

Chief Sanderson stated that four sleeping quarters have been added to the fire station in Pleasant Grove in an effort to reduce response times from the station to the scene of the fire. He stated that creating four additional part time positions would allow twenty four hour a day, seven days a week coverage from the station with only part time personnel at an annual cost of approximately \$524,000, which may be offset with grant funds the fire department has applied for.

Councilmember Bath requested that a copy of the final report on the cause of the fire be forwarded to the City Council when the investigation is complete. The Council thanked Chief Sanderson for his presentation.

Mayor Dain welcomed Boy Scout Troop 22 to the meeting. He then called for comments from any resident present who wished to address an issue not listed as an agenda item. Doug Christensen approached the Council. Mr. Christensen reported that he submitted a letter to the City several days ago regarding the Lindon Heritage Trail right of way associated with his property. Mr. Christensen stated that he has not received a response to the letter. Mr. Dameron explained to Mr. Christensen that the Council has a copy of the letter, and that the City will contact him in the near future to resolve the matter.

MAYOR'S COMMENTS/REPORT –

Mayor Dain gave no report at this meeting.

CONSENT AGENDA –

No items.

CURRENT BUSINESS –

1. **Public Hearing** – *Continued – 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 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 CARPENTER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2 Mr. Cowie reviewed this item for the Council. He noted that during previous
review of this Ordinance, the Council discussed possible revisions to language regarding
4 maximum height of homes on deep lots, as well as limits to the allowable amount of fill
on deep lots.

6 Mr. Cowie suggested that the limitation of four feet of fill on deep lots be
removed from the ordinance. He explained that fill limitations have been discussed with
8 the City Engineer and the Chief Building Official. He noted that there are no limitations
to the amount of fill allowed on other subdivision lots, and that there may be some
10 difficulty in establishing objective, enforceable standards relative to grading and
allowable fill on lots. He noted that fill can be brought on to lots long before a building
12 permit application is submitted, and that it is difficult to establish historic grade or
original grade of the property. Mr. Cowie stated that staff would recommend that the
14 City not impose fill restriction on flag lots, and that concerns regarding privacy of
neighboring property owners would be addressed using the proposed 25 foot height
restriction.

16 The Council went on to discuss various lot configurations which could require fill
in excess of four feet, such as lots which may be on a steeper sloped area. Mr. Cowie
18 noted that drafting regulations which will address every possible scenario is very
complicated and difficult.

20 Mayor Dain stated that he felt comfortable with the proposed height limitations,
and felt that height restrictions would effectively address privacy concerns. The Council
22 also discussed required 30 foot front, 20 foot side, and 50 foot rear yard setbacks for flag
lots. Mayor Dain noted that increased deep lot set backs, combined with standard
24 subdivision lot setbacks, would create adequate distance between dwellings to protect the
privacy of neighboring property owners if height restrictions are imposed. Following
26 further discussion, the majority of the Council agreed that eliminating the single story
restriction would be appropriate, and that only the height of the building above finished
28 grade would be regulated, with a maximum allowable height of 25 feet.

30 The Council then held further discussion regarding allowable fill on deep lots.
Following discussion there was general agreement among the Council that fill on deep
lots could be allowed up to four feet above street grade, and that the Planning Director
32 and City Engineer would have authority to waive this requirement in specific situations
where it is deemed to be overly burdensome to the property owner.

34 The Council then discussed accessory apartments on deep lots. Councilmember
Bayless expressed concern regarding parking on deep lots if accessory apartments are
36 allowed. She noted that access to the lot may be blocked if residents park on the drive
access. Mr. Dameron explained that parking on the drive access would be prohibited.
38 Councilmember Bayless asked Captain Cullimore of the Police Department if parking
restrictions could be enforced by the Police Department. Captain Cullimore stated that
40 the police could not enforce parking restrictions on private property, but that the police
department would attempt to help resolve the issue between the property owners. He
42 noted that the biggest concern would be emergency vehicle access if the drive access is
blocked. Councilmember Carpenter observed that the City has the authority to enforce
44 parking restrictions through the code enforcement officer.

46 Councilmember Bayless noted that the majority of families have two vehicles,
and that accessory apartment regulations require only one off street parking spot. She

2 noted that on traditional subdivision lots, another vehicle can legally park on the street,
but that on street parking would not be an option on a flag lot. Following further
discussion, the Council felt that accessory apartments could locate on flag lots, but that
4 two parking spaces must be provided for the accessory apartment.

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

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

14 COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE
#2007-10 AMENDING LCC 17.32.320, DEEP LOTS, WITH THE FOLLOWING
16 CHANGES:

- 18 1. #5(h) - REQUIRE TWO PARKING STALLS FOR AN ACCESSORY
APARTMENT ON A FLAG LOT.
- 20 2. #6 – REMOVE THE SINGLE STORY REQUIREMENT, AND
REGULATE MAXIMUM HEIGHT OF 25 FEET FROM FINISHED
GRADE.
- 22 3. #7 – ALLOW FILL ON FLAG LOTS AT A MAXIMUM OF FOUR
FEET ABOVE STREET GRADE, WITH THE CITY ENGINEER
24 AND PLANNING DIRECTOR HAVING AUTHORITY TO WAIVE
THIS REQUIREMENT IN SPECIFIC CIRCUMSTANCES IF IT IS
26 DEEMED TO BE OVERLY BURDENSOME TO THE PROPERTY
OWNER.

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

30 COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
32 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE

34 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 36 2. **Review and Action** – *Maintenance Agreement – UDOT and Lindon City.* This is
38 a proposed agreement between Lindon City and UDOT of the maintenance of the
State Street under crossing for the Lindon Heritage Trail. Staff has reviewed the
agreement and recommends approval.

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42 Mr. Dameron explained that this maintenance agreement is for the State Street
under crossing which will be built next spring in conjunction with the Lindon Heritage
Trail. Mayor Dain called for comments or discussion from the Council. Hearing none,
44 he called for a motion.

2 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE
3 MAINTENANCE AGREEMENT BETWEEN UTAH DEPARTMENT OF
4 TRANSPORTATION AND LINDON CITY FOR MAINTENANCE OF THE STATE
5 STREET UNDER CROSSING FOR THE LINDON HERITAGE TRAIL.
6 COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS
7 RECORDED AS FOLLOWS:

8 COUNCILMEMBER BATH AYE
9 COUNCILMEMBER BAYLESS AYE
10 COUNCILMEMBER CARPENTER AYE
11 COUNCILMEMBER HATCH AYE

12 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 13 3. **Review and Action** – *Amendment to the City’s Policies and Procedures – Meal*
14 *Allowance. (Resolution #2007-13).* The meal allowance for in-state travel is
15 outlined in the Lindon City Policies and Procedures Manual. This policy is based
16 on the State of Utah Administrative Code R25-7 and follows the allowances for
17 state employees. It has recently come to staff’s attention that these allowances
18 have changed. Staff recommends changing the Policies and Procedures Manual
19 to reflect the state meal allowance rates.

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21 Mr. Dameron explained that City policy states that meal reimbursement will be
22 paid based on State guidelines. The amount paid by the State has been increased. This
23 change will increase the City meal reimbursement amount up to the amount paid by the
24 State. Mayor Dain called for comments or discussion from the Council. Hearing none,
25 he called for a motion.

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27 COUNCILMEMBER BAYLESS MOVED TO APPROVE RESOLUTION
28 #2007-13 AMENDING THE MEAL ALLOWANCE FOR IN-STATE TRAVEL.
29 COUNCILMEMBER CARPENTER SECONDED THE MOTION. THE VOTE WAS
30 RECORDED AS FOLLOWS:
31 COUNCILMEMBER BATH AYE
32 COUNCILMEMBER BAYLESS AYE
33 COUNCILMEMBER CARPENTER AYE
34 COUNCILMEMBER HATCH AYE
35 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

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37 **COUNCIL REPORTS** –

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

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41 Councilmember Hatch reported that he has received comments from several
42 residents that Utah Auto Sales music system has been left on in the evenings and on
43 weekends when the business is closed. Mr. Dameron will follow up on the report.
44 Councilmember Hatch also reported on several possible GRAMA ordinance revisions
45 which were brought to his attention during the recent Utah League of Cities and Towns
46 Conference. Mr. Dameron explained that the existing GRAMA ordinance is under

2 review by the City Attorney, and that proposed revisions will be presented to the Council
3 at a future meeting.

4 Councilmember Hatch also inquired as to the City's current affordable housing
5 plan and Sexually Oriented Business ordinance. Mr. Dameron stated that both have been
6 updated to reflect current requirements and standards.

7 Councilmember Hatch also inquired as to what documentation is available
8 regarding services provided to businesses for the business license fee. Mr. Dameron
9 stated that services provided to businesses have been documented and are available upon
10 request.

11 **TRAILS, PLANNING, ZONING, BD OF ADJUSTMENTS, ADMINISTRATION –**

12 Councilmember Bayless reported that the Tree Advisory Board and the Healthy
13 Lindon Committee are moving forward with the first annual "Run For The Trees" event
14 which will be held in the Spring of 2008.

15 **PUBLIC SAFETY, COURT, BUILDING INSPECTION –**

16 Councilmember Bath reported that clean up of the Indian Oil site is underway,
17 and that a sale of the property is pending following completion of the clean up process.
18 Mr. Cowie noted that City staff met with the Department of Environmental Quality at the
19 site, and that final clean up is expected to be completed during the next few weeks.

20 Councilmember Bath also commented on completion of the 700 North corridor to
21 the I-15 Interchange.

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

23 Councilmember Anthony was not present at the meeting.

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

25 Councilmember Carpenter reported that in a recent meeting with Horrocks
26 Engineers regarding State Street widening, the City discussed proposed impacts to green
27 space along State Street in Lindon. Representatives of Lindon explained that the City has
28 gone to great lengths to create a unique look for commercial corridors, and that it would
29 not be acceptable to the City to remove landscaped areas during the widening project. He
30 stated that UDOT officials indicated that the project can be redesigned to reduce impacts
31 to existing landscaped areas in Lindon.

32 Councilmember Carpenter also reported on other Region 3 projects which were
33 discussed at a recent UDOT Board of Directors meeting. Specific projects which were
34 discussed included State Street widening, Geneva Road widening, and the East Lake
35 Highway/Vineyard Connector. He stated that the State Street widening project is
36 scheduled to begin in summer 2008 with removal of the railroad overpass structure in
37 Pleasant Grove, and that the project is scheduled for completion in 2010.

38 Councilmember Carpenter stated that the Board of Directors was also asked to
39 consider impacts to commercial properties in the area of 700 North when the proposed
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2 Vineyard Connector is constructed. Various alignments are still under consideration, and
the project is currently undergoing the Environment Impact Statement process to help
determine the final location of the future corridor.

4 Councilmember Carpenter also reported that current plans for the Mountain View
Corridor will not impact Lindon. He noted that the previously proposed alignment near
6 the Lindon I-15 Interchange impacted a large number of environmentally sensitive areas
and is not currently under consideration for the final design of the roadway. He stated
8 that the preferred option appears to be 2100 North through Lehi. He noted that Lehi is
objecting to the proposed 2100 North alignment, and that the final design is still under
10 consideration.

12 **ADMINISTRATOR'S REPORT** –

14 Mr. Dameron reported on the following items:

- 16 1. City officials and staff will meet with UDOT on Monday, October 8th at 2:00 p.m.
in the Lower Level Conference Room of the City Center to discuss the option of a
18 traffic light at 200 North. Councilmember Bayless and Councilmember Carpenter
will attend.
- 20 2. The last contract for the Heritage Trail right of way has been signed. Not all right
of way transactions have closed at this time.
- 22 3. Meet the Candidates Night will be held at the City Center on Tuesday, October 9th
at 7:00 p.m.
- 24 4. A public Open House will be held Tuesday, October 23rd and 7:00 p.m. at the City
Center. Results of the feasibility study will be presented, as well as concept
26 drawings for the facility. Based on the results of the feasibility study, the Council
may consider holding a Special Meeting in October to adopt the recommendations
of the feasibility study and begin the bid process for the facility.
- 28 5. A joint Work Session for the City Council and Planning Commission will be held
on Wednesday, October 24th to discuss zoning on the west side of the City in the
30 area of the R3-Overlay.

32 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PAY
VOUCHERS. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE
34 WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

40 **ADJOURN** –

42 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT
44 8:33 P.M. COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – October 16, 2007

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Debra Cullimore, City Recorder

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12 James A. Dain, Mayor