

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, November 20,**
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: James A. Dain, Mayor
6 Pledge of Allegiance: Bobby Daley, Boy Scout
7 Invocation: Lindsey Bayless

8 **PRESENT**

9 **ABSENT**

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

17 Eric Anthony, Councilmember
18 Bruce Carpenter, Councilmember

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

20 **RECOGNITION** – *The Mayor and City Council will recognize Kristen Colson, Finance*
21 *Director, for her achievement of the Distinguished Budget Presentation Award. This*
22 *Award has been presented to Lindon City for the past three years due to the efforts of Ms.*
23 *Colson, and reflects honor upon her and brings great credit to the City.*

24
25 Mr. Dameron explained that Ms. Colson was awarded this recognition from the
26 Government Finance Officers Association of the United States and Canada. He stated
27 that the award is a direct result of the efforts put forth by Ms. Colson in behalf of the
28 City. Members of the Council thanked Ms. Colson for her hard work and dedication.
29 The Council wished Ms. Colson well as she leaves employment with the City in
30 December. Mayor Dain presented Ms. Colson with a plaque in recognition of her
31 achievement.

32
33 **MINUTES** – The minutes of the Special Meetings of November 6, 2007 and November
34 12, 2007 were reviewed.

35
36 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF
37 THE SPECIAL MEETING OF NOVEMBER 6, 2007. COUNCILMEMBER BATH
38 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

39 COUNCILMEMBER BATH AYE
40 COUNCILMEMBER BAYLESS AYE
41 COUNCILMEMBER HATCH AYE

42 THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.
43
44

2 COUNCILMEMBER HATCH MOVED TO APPROVE THE MINUTES OF
THE SPECIAL MEETING OF NOVEMBER 12, 2007. COUNCILMEMBER BATH
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

4 COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
6 COUNCILMEMBER HATCH AYE

THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

8
10 **OPEN SESSION** –

12 Mayor Dain called for comments from any resident present who wished to
address an issue not listed as an agenda item. Lindon resident Doug Christensen
14 approached the Council and requested discussion regarding agenda item #8, a report on
the October 18, 2007 meeting with UDOT concerning a traffic signal light at 200 North
and State Street. Mr. Christensen stated that he would be unable to stay at the meeting
16 long enough to discuss the item at the appropriate time. Mayor Dain informed Mr.
Christensen that it would be necessary to address the issue in order, and that discussion
18 could not be held during the Open Session. Mr. Christensen submitted written comments
for review by the Council.

20
22 **MAYOR'S COMMENTS/REPORT** –

24 Mayor Dain reported that he attended a meeting of the Utah Lake Commission the
previous week. He noted that the Commission provides a valuable service and headed in
a positive direction. The bid will be awarded in the near future to a company to draft the
26 Master Plan of the Commission for use in future projects.

28 **CONSENT AGENDA** –

30 No items.

32 **CURRENT BUSINESS** –

- 34 1. **Public Hearing** – *General Plan Amendment – Nature's Way Products, Inc.* This
is a request by Lon Heiner of Nature's Way for approval of a General Plan Land
36 Use Map amendment to change the designation of land located at approximately
2300 West 400 North (in the southwest quadrant of the new Lindon I-15
38 Interchange) from Commercial to Mixed Commercial. The Planning Commission
recommended approval with conditions.

40
42 COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING
TO CONSIDER THE GENERAL PLAN AMENDMENT REQUEST.
COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED
44 IN FAVOR. THE MOTION CARRIED.

2 Lon Heiner, Project Manager, and Richard Jones, CFO of Nature's Way, were
present as the representatives for this application. Mr. Cowie explained that the first two
4 agenda items relate to the same property, owned by Nature's Way, at approximately 2300
West and 400 North. He noted that the City Council reviewed this issue during a
6 Concept Review discussion last month, and that based on the feedback from that
discussion the applicants have submitted a formal request for the General Plan Map and
8 Zoning Map change. The request is to rezone only the southern portion of the acreage
owned by Nature's Way for Mixed Commercial use. The northern parcel will remain
10 zoned for Commercial use at this time. However, the applicants may request rezoning of
the northern parcel at some point in the future when specific development plans for the
12 property are finalized. He noted that the Planning Commission approved the General
Plan Map change to rezone the subject property from General Commercial (CG) to
Mixed Commercial (MC).

14 Mr. Cowie went on to review permitted uses in the Mixed Commercial zone,
which will allow the indoor manufacturing and distribution use proposed by Nature's
16 Way. Mr. Cowie stated that the proposed use will not produce any odors or emissions,
and is a clean manufacturing process. He also explained that the company is working
18 with Utah Power to relocate the existing power lines to the edge of the property.
Nature's Way has also contacted UDOT and requested to enter into a maintenance
20 agreement to allow them to make improvements to the abandoned rest area on the I-15
freeway frontage, located adjacent to the subject property.

22 Mr. Cowie reviewed the recommendations of the Planning Commission for this
application. The first condition set forth by the Planning Commission required that the
24 Commercial Design Guidelines applicable to commercial development be applied to this
development project, and that the facility be designed with the same architectural
26 standards which would be required if the property were to be zoned for General
Commercial use. The second requirements stated that the rezoning request would be
28 permitted only for the Nature's Way facility as represented by the applicants. The zone
change is not transferable to future owners or uses if the facility proposed by Nature's
30 Way is not constructed on the site. If the property is sold or transferred prior to
completion of the facility, the zoning designation will revert back to the current CG
32 zoning.

34 Mayor Dain inquired as to what would trigger the zoning designation reverting
back to the current CG zoning. Mr. Cowie suggested that a note be included on the new
General Plan Map and Zoning Map which clarifies that the MC zoning is specific to this
36 proposed use. He stated that a note can also be recorded on the plat to clarify the
conditions of the zoning designation. The Council suggested a requirement that Nature's
38 Way notify the City if the subject property is sold or transferred to another owner. Mr.
Heiner and Mr. Jones agreed to this requirement.

40 Mr. Jones noted that the property is technically owned by a sister company, and
that Nature's Way is not listed as the property owner. Mr. Cowie stated that both
42 company names are included on the rezoning application, and that the rezoning can be
granted based on the current property ownership records.

44 Mr. Heiner stated that based on concerns expressed by the Council during the
Concept Review regarding possible loss of sales tax revenue, the company has agreed to

include a retail component on the site which will produce sales tax. The Council thanked Mr. Heiner for his willingness to address the concerns of the City in this regard.

Councilmember Bayless stated that she was present during Planning Commission review of this proposal, and that she has no further comments or concerns regarding the application. Councilmember Hatch stated that he felt comfortable with proposal as well. Councilmember Bath asked Chief Cullimore if he had any safety concerns regarding the proposed development. Chief Cullimore stated that he had no concerns.

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.

COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER THE GENERAL PLAN AMENDMENT REQUEST. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER BATH MOVED TO APPROVE THE PROPOSED CHANGES TO THE LINDON CITY GENERAL PLAN LAND USE MAP BY CHANGING THE SUBJECT PROPERTY FROM A 'COMMERCIAL' DESIGNATION TO A MIXED COMMERCIAL DESIGNATION WITH FOLLOWING CONDITIONS:

1. THAT GIVEN THE AREA SURROUNDING THIS DEVELOPMENT IS PRIMARILY DESIGNATED AS 'GENERAL COMMERCIAL', AND THAT THIS PROPERTY IS CURRENTLY IN A 'GENERAL COMMERCIAL' DESIGNATION, THE PROPOSED NATURE'S WAY FACILITIES CONSTRUCTED WITHIN THE SUBJECT LOCATION BEING CHANGED TO 'MIXED COMMERCIAL' SHALL BE REQUIRED TO ADHERE TO THE LINDON CITY COMMERCIAL DESIGN GUIDELINES THAT ARE IN EFFECT AT THE TIME A SITE PLAN FOR THE FACILITIES IS SUBMITTED.
2. THAT THE PROPOSED GENERAL PLAN MAP CHANGE FROM 'GENERAL COMMERCIAL' TO 'MIXED COMMERCIAL' IS PERMITTED ONLY FOR THE SPECIFIC PROPOSED NATURE'S WAY FACILITIES. THIS APPROVAL IS SPECIFIC ONLY TO THE PROPOSED USE AS GENERALLY REPRESENTED BY NATURE'S WAY, AND IS NOT TRANSFERABLE TO ANY OTHER MANUFACTURING AND/OR DISTRIBUTION FACILITIES OR USES THAT ARE NOT PERMITTED WITHIN THE CG ZONE. IF NATURE'S WAY DOES NOT CONSTRUCT THE PROPOSED FACILITIES ON THE SITE AND/OR TRANSFERS THE PROPERTY TO ANOTHER OWNER, THE GENERAL PLAN MAP SHALL REVERT BACK TO A 'GENERAL COMMERCIAL' DESIGNATION.
3. THAT THE PROPERTY OWNER NOTIFY THE CITY IN THE EVENT THE SUBJECT PROPERTY IS SOLD OR TRANSFERRED TO ANOTHER OWNER.

2 4. THAT A RETAIL COMPONENT BE INCLUDED IN THE FINAL SITE
PLAN.

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

6 COUNCILMEMBER BATH AYE

6 COUNCILMEMBER BAYLESS AYE

8 COUNCILMEMBER HATCH AYE

8 THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

10 2. **Public Hearing** – *Zone Change – Nature’s Way Products, Inc.* This is a request
12 by Lon Heiner of Nature’s Way for approval of a change to the Zoning Map of
the City for the same property location discussed in item #1 above. The request is
14 to change the zone from CG to MC. The Planning Commission recommended
approval with conditions.

16 COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO
CONSIDER THE ZONE CHANGE REQUEST. COUNCILMEMBER HATCH
18 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

20

Mr. Cowie explained that this request is for the corresponding zone change on the
22 Zoning Map associated with the Nature’s Way property. The zoning map will be
changed to reflect the Mixed Commercial Zone as approved by the Planning Commission
24 and City Council.

26 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.

28

30 COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC
HEARING TO CONSIDER THE ZONE CHANGE REQUEST. COUNCILMEMBER
HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
32 MOTION CARRIED.

34 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PROPOSED
CHANGES TO THE LINDON CITY ZONING MAP BY CHANGING THE SUBJECT
36 PROPERTY FROM A ‘GENERAL COMMERCIAL’ DESIGNATION TO A ‘MIXED
COMMERCIAL’ DESIGNATION WITH FOLLOWING CONDITIONS:

38 1. THAT GIVEN THE AREA SURROUNDING THIS DEVELOPMENT IS
40 PRIMARILY DESIGNATED AS ‘GENERAL COMMERCIAL’, AND
THAT THIS PROPERTY IS CURRENTLY IN A ‘GENERAL
42 COMMERCIAL’ DESIGNATION, THE PROPOSED NATURE’S WAY
FACILITIES CONSTRUCTED WITHIN THE SUBJECT LOCATION
44 BEING CHANGED TO ‘MIXED COMMERCIAL’ SHALL BE REQUIRED
TO ADHERE TO THE LINDON CITY COMMERCIAL DESIGN
46 GUIDELINES THAT ARE IN EFFECT AT THE TIME A SITE PLAN FOR
THE FACILITIES IS SUBMITTED.

2. THAT THE PROPOSED ZONING MAP CHANGE FROM 'GENERAL COMMERCIAL' TO 'MIXED COMMERCIAL' IS PERMITTED ONLY FOR THE SPECIFIC PROPOSED NATURE'S WAY FACILITIES. THIS APPROVAL IS SPECIFIC ONLY TO THE PROPOSED USE AS GENERALLY REPRESENTED BY NATURE'S WAY, AND IS NOT TRANSFERABLE TO ANY OTHER MANUFACTURING AND/OR DISTRIBUTION FACILITIES OR USES THAT ARE NOT PERMITTED WITHIN THE CG ZONE. IF NATURE'S WAY DOES NOT CONSTRUCT THE PROPOSED FACILITIES ON THE SITE AND/OR TRANSFERS THE PROPERTY TO ANOTHER OWNER, THE ZONING MAP SHALL REVERT BACK TO A 'GENERAL COMMERCIAL' DESIGNATION.
3. THAT THE PROPERTY OWNER NOTIFY THE CITY IN THE EVENT THE SUBJECT PROPERTY IS SOLD OR TRANSFERRED TO ANOTHER OWNER.
4. THAT A RETAIL COMPONENT BE INCLUDED IN THE FINAL SITE PLAN.

COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
COUNCILMEMBER HATCH	AYE

THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

3. **Preliminary Plat** – *Lakeside Business Park, Industrial Subdivision, Plat "A"*. This is a request by Sunquest Development for preliminary plat approval of Lakeside Business Park, Industrial Subdivision, Plat "A", 8 lots, in the LI zone at 1380 West 250 South. The Planning Commission recommended approval with conditions.

Gordon Jacobson of Sunquest Development was present as the representative for this application. Mr. Cowie explained that his is a request for a major industrial subdivision in the LI zone. The applicant is proposing installation of a new roadway as part of this development which will cross the property and connect 200 South and 300 South. The proposed roadway will also cross property owned by Mike Dunn and Scott Mitchell. The proposed roadway differs from the Master Planned roadway shown on existing maps, but appears to meet the intent of Master Planned roads to provide adequate access to surrounding properties. Comments from the City Engineer and Mr. Dunn indicate that the roadway will provide adequate access, and will not affect the City or property owners in a negative manner.

Mr. Cowie also noted that a small area of dedication will be necessary on the east and west corner on the south border of the subdivision for the Lindon Heritage Trail. The applicant has agreed to provide the trail right-of-way area, but the exact square footage has not yet been calculated. The property owner will not be required to install any trail improvements, but will only provide the necessary property. The Planning Commission recommended approval with a condition that the property owner work with City staff to finalize the location of the trail right-of-way dedication.

2 Mr. Cowie explained that the applicant met with him this afternoon to discuss a
possible alternate design for the property which would require a different access plan
4 and will return for approval of any revised plans if necessary.

6 Mayor Dain asked Mr. Jacobson if he had any further information he would like
to present to the Council. Mr. Jacobson stated that he has no further information, but that
8 he has made every effort to comply with applicable ordinances. Mayor Dain called for
further comments or discussion from the Council. Hearing none, he called for a motion.

10 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE LAKESIDE
BUSINESS PARK, PLAT A, SUBDIVISION PRELIMINARY PLAT WITH
12 FOLLOWING CONDITION:

- 14 1. THAT THE APPLICANT WORK WITH CITY STAFF TO FINALIZE THE
NEEDED TRAIL RIGHT-OF-WAY DEDICATION LOCATIONS IN THE
16 WEST AND EAST CORNERS ALONG THE SOUTHERN BORDER OF THE
SUBDIVISION.

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

20 COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER HATCH AYE

22 THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

- 24 4. **Preliminary Plat** – *Lakeview Industrial Park, Industrial Subdivision, Plat “C”*.
This is a request by Martin Snow of MS Properties for preliminary plat approval
26 of Lakeview Business Park, Industrial Subdivision, Plat “C”, 1 lot, in the LI and
HI zones, at 400 North and 1200 West. The Planning Commission recommended
28 approval with conditions.

30 Martin Snow of MS Properties was present as the representative for this
application. Mr. Cowie stated that this is a request for approval of a 1-lot industrial
32 subdivision which crosses the Light Industrial and Heavy Industrial Boundary. The
proposed lot will combine new acreage with the existing Lot 25 of the Lakeview
34 Industrial Business Park, Plat B. The combined parcels will be platted as one lot
identified as Plat “C”. The plat includes an existing building on the north half of the
36 parcel.

38 Mr. Cowie explained that the proposed subdivision fronts onto 1200 West, and
that the developer is responsible for installation of road improvements. However, the
applicant is requesting to not dedicate or improve the roadway at this time. Mr. Cowie
40 explained that if improved, the roadway would not connect to surrounding Master
Planned roads which are not yet developed, and would be a dead end road into an active
42 industrial site. He observed that the nature of the existing business requires crossing the
street area multiple times a day with heavy equipment and materials, which may result in
44 excessive deterioration of the roadway. He noted that the City would be responsible for
maintenance of the roadway once it is dedicated.

2 Mr. Cowie went on to review conditions of approval as set forth by the Planning
Commission. The first condition would require the developer to enter into a development
4 agreement with the City which would require installation of road improvements at such a
time as surrounding property and Master Planned roads develop. The second condition
6 would be that the agreement require delineated crossing areas to be identified with stripes
or signs to minimize safety hazards associated with vehicles and equipment crossing the
roadway area. The Planning Commission also recommended that the agreement specify
8 that the required landscaping will be installed on the east side of the roadway adjacent to
the existing building when the roadway is completed.

10 Mr. Cowie noted that City staff does not want to eliminate the roadway from the
Master Plan. He explained that there is very limited access to the area, and that the
12 roadway will provide necessary access as surrounding property develops. He explained
that the development agreement would be recorded on the title, and would run with the
14 property. He explained that a development agreement would require the full cost of the
roadway to be paid by the property owner at the time of development. He noted that if a
16 bond is paid to the City now for future roadway improvements, the bond amount would
likely not cover the full cost of roadway improvements in the future, and the City would
18 be responsible to pay the remaining cost. Mr. Cowie suggested that the agreement be
drafted by the applicant's attorney, and that it be reviewed and approved by the City
20 Attorney prior to final approval by the City Council.

22 Mr. Snow agreed that this is the appropriate location for a future roadway, but that
it will likely be ten to fifteen years before surrounding property and connecting roadways
develop. He stated that all underground utilities in the roadway will be installed, and that
24 the buildings will be laid out to accommodate the roadway in the future. He felt that a
development agreement which requires installation of roadway improvements in the
26 future would be the proper course of action. Mr. Cowie reiterated that this is a unique
situation, and that installation of the roadway under the current conditions may create a
28 maintenance liability for the City.

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

32 COUNCILMEMBER BATH MOVED TO APPROVE THE LAKEVIEW
INDUSTRIAL PARK, PLAT "C" SUBDIVISION PRELIMINARY PLAT WITH THE
34 FOLLOWING CONDITIONS:

- 36 1. THAT A DEVELOPMENT AGREEMENT BE ESTABLISHED BETWEEN
THE CITY AND THE APPLICANT REQUIRING THAT THE APPLICANT IS
38 RESPONSIBLE FOR ALL ROADWAY DEDICATION, IMPROVEMENTS,
AND ASSOCIATED PUBLIC INFRASTRUCTURE COSTS ADJACENT TO
40 THE PROPOSED LOT ON 1200 WEST. THE ROADWAY SHALL BE
INSTALLED WHEN THE ROAD CONNECTION OR EXTENSION IS
NEEDED.
- 42 2. THAT THE DEVELOPMENT AGREEMENT CLARIFY STREET CROSSING
LOCATION WITH ADEQUATE SIGNAGE AND MARKINGS TO WARN
44 TRAFFIC OF THE CROSSING AREAS, AND SPECIFY THAT WHEN THE
ROADWAY IS INSTALLED THE APPLICANT IS REQUIRED TO INSTALL

2 THE 20 FOOT LANDSCAPE STRIP ALONG THE EAST SIDE OF THE
ROADWAY ADJACENT TO THE EXISTING GALVANIZING BUILDING.

3. THAT THE APPLICANT’S ATTORNEY DRAW UP THE AGREEMENT AND
4 FORWARD IT TO THE CITY ATTORNEY FOR REVIEW AND APPROVAL.

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

COUNCILMEMBER BATH AYE

8 COUNCILMEMBER BAYLESS AYE

COUNCILMEMBER HATCH AYE

10 THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

12 5. **Review and Action** – *Site Plan for UIS Shipping (MS Properties)*. This is a
request from Martin Snow of MS Properties for site plan approval of UIS
14 Shipping located on the lot reviewed for approval in the previous agenda item.
The Planning Commission recommended approval with conditions.

16
18 Martin Snow was present as the representative for this application. Mr. Cowie
explained that this is a request for approval of a site plan to construct a new shipping and
20 manufacturing facility in the HI zone. The proposed 69,000 square foot facility will be
constructed on the south portion of lot #25 across from the existing galvanizing building.
Steel fabrication will be done in the north portion of the facility, and shipping and
22 transport will occupy the south portion.

24 Mr. Cowie noted that as approved by the Planning Commission and City Council,
the roadway will not be installed at this time. The applicants have also requested to not
install curb and gutter or landscaping improvements until roadway improvement are
26 installed in the future. Mayor Dain inquired as to whether the proposed building meets
required setbacks from the roadway. Mr. Cowie stated that the building will meet
28 required setbacks. He also reviewed the location of additional fire hydrants, striped fire
lanes, the dumpster enclosure, and storm water detention. Mr. Cowie noted that the
30 maximum height limit in this zone is 50 feet. The proposed structure is 41 feet high. He
stated that the elevations will be galvanized steel, and that there are no specific
32 architectural standards in the HI zone. Mr. Cowie noted that there will be outdoor
storage on the site, but that storage materials can not be placed in striped fire lanes.
34 Storage will also be prohibited on the future roadway area. The Council discussed
installation of asphalt on the future roadway, and felt that asphalt on the roadway would
36 be beneficial and would help control dust on the site. Mayor Dain called for further
comments or discussion. Hearing none, he called for a motion.

38
40 COUNCILMEMBER HATCH MOVED TO APPROVE THE UIS SHIPPING
BUILDING FOR MS PROPERTIES WITH THE FOLLOWING CONDITIONS:

42 1. THAT A DEVELOPMENT AGREEMENT BE ESTABLISHED BETWEEN
THE CITY AND THE APPLICANT REQUIRING THAT THE APPLICANT IS
RESPONSIBLE FOR ALL ROADWAY DEDICATION, IMPROVEMENTS,
44 AND ASSOCIATED PUBLIC INFRASTRUCTURE COSTS ADJACENT TO
THE PROPOSED LOT ON 1200 WEST. THE ROADWAY SHALL BE

- 2 INSTALLED WHEN THE ROAD CONNECTION OR EXTENSION IS
NEEDED.
- 4 2. THAT THE DEVELOPMENT AGREEMENT CLARIFY STREET CROSSING
LOCATION WITH ADEQUATE SIGNAGE AND MARKINGS TO WARN
6 TRAFFIC OF THE CROSSING AREAS, AND SPECIFY THAT THAT WHEN
THE ROADWAY IS INSTALLED THE APPLICANT IS REQUIRED TO
8 INSTALL THE 20 FOOT LANDSCAPE STRIP ALONG THE EAST SIDE OF
THE ROADWAY ADJACENT TO THE EXISTING GALVANIZING
BUILDING.
- 10 3. THAT THE APPLICANT’S ATTORNEY DRAW UP THE AGREEMENT AND
FORWARD IT TO THE CITY ATTORNEY FOR REVIEW AND APPROVAL.
- 12 4. THAT ASPHALT BE INSTALLED ON THE FUTURE ROADWAY.
- 14 COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:
COUNCILMEMBER BATH AYE
16 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER HATCH AYE
18 THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

- 20 6. **Concept Review** – *Hydro Dynamic Technology, Inc.* This is a request by John
22 Taylor of Hydro Dynamic Technology, Inc. for concept review of a new company
to utilize the site of the Indian Oil facility for bio-diesel production and used oil
24 recycling.

26 John Taylor of Indian Oil Company was present as the representative for this
application. Mr. Cowie explained that this is a concept review, and that no motion is
28 necessary. He stated that the current owner of the Indian Oil site has a potential buyer for
the facility, and is requesting feedback regarding potential use of the site for bio-diesel
production and/or used oil storage and recycling.

30 Mr. Cowie stated that the Indian Oil facility is currently closed, with no business
license or operating permits issued. He explained that following violations of City
32 ordinance for discharge of oil and chemicals into the sewer system, the Planning
Commission recommended revocation of the Conditional Use Permit issued to Indian
34 Oil. The City Council subsequently upheld the recommendation of the Planning
Commission and revoked the Conditional Use Permit and Business License for Indian
36 Oil. He noted that the Conditional Use Permit to allow bio-diesel production was issued
by the City in 2006.

38 Mr. Cowie stated that owners of Indian Oil were noticed during the revocation
process, but that there had been no representation from the company during public
40 hearings. The owners of the facility are currently in foreclosure, but have a buyer who
has expressed interest in using the “tank farm” area of the site to start a new bio-diesel
42 production operation.

44 Mayor Dain asked Mr. Taylor if he was associated with the original owners of the
facility. Mr. Taylor stated that he is an owner, and that he is now aware that it was a
mistake to not attend meetings during the revocation process. He explained that the

2 financial situation associated with the operation made it necessary for him take an outside
3 job, and that his work schedule prevented his attendance at the meetings.

4 Mr. Taylor explained that he has two separate companies interested in purchasing
5 the site. He stated that one company is interested in using the site for used oil storage and
6 recycling. The technology used by the company disassembles and re-binds used oil at
7 ambient temperatures. He stated that the company intends to market the technology
8 across the Unites States, and that the majority of the necessary equipment is already on
9 the site. He noted that the company has gone through the permit process with the
10 Department of Environmental Quality.

11 Mr. Taylor stated that the other interested buyer is a company currently located in
12 Oregon. He stated that this company is interested in using the Indian Oil site as a
13 collection and transport staging facility for used oil which will be shipped to the Oregon
14 facility for processing. He stated that the company may consider installation of
15 processing equipment at a later time, but are currently interested only in storage space.

16 Mayor Dain asked if the bio-diesel production company uses only used oil. Mr.
17 Taylor stated that there are two separate processes. One process produces bio-diesel from
18 vegetable oil, the other process is completed with used petroleum oil. Mayor Dain asked
19 what level of emissions can be expected in the process. Mr. Taylor stated that it is a
20 closed system, and that there are little or no emissions associated with the process.
21 Mayor Dain asked if used oil from grease traps is used. Mr. Taylor stated that a portion
22 of the vegetable oil is used, but that the business model is based on virgin vegetable oil,
23 which will be supplied by Con-Agra.

24 Councilmember Bayless expressed concern regarding the proposed use in the
25 Light Industrial zone. She felt that petroleum manufacturing would be a Heavy Industrial
26 use, and would not be an appropriate use on this site. Mr. Taylor clarified that the
27 propose use would include a request for a zone change. Mr. Cowie explained that
28 petroleum manufacturing is not a permitted use in any zone, but that an applicant can
29 request approval of a site specific conditional use.

30 Councilmember Bayless went on to express additional concerns regarding Lindon
31 as a storage site for used oil. She felt that there may be excessive environmental
32 concerns associated with this use. She also noted that virgin vegetable oil is very
33 expensive, and that it may be cost prohibitive to use this raw material in the bio-diesel
34 production process. She suggested that Mr. Taylor return for further discussion with the
35 full Council prior to moving forward with sale of the property.

36 Mr. Taylor introduced Mark Ellis of Ellis Environmental Systems. Mr. Ellis
37 installed an environmental monitoring system around the perimeter of Indian Oil site.
38 Mr. Ellis explained that prior to opening the Indian Oil operation, the monitoring system
39 was installed, and an area of previous contamination was identified and cleaned up. He
40 stated that the monitoring system has been turned off at this time, but can be re-activated
41 when necessary.

42 Mr. Taylor discussed the previous discharge violations. He stated that he was told
43 by Mr. Kessler that the hose which drained into the sewer system would discharge only
44 water, which proved to be incorrect information. He stated that the company does take
45 responsibility for the illegal discharge. He stated that Indian Oil ceased operations
46 voluntarily when the problem was identified.

Mr. Ellis noted that from a regulatory standpoint, bio-diesel production has very low emissions, and that any leakage which could cause contamination will be monitored and mitigated by the monitoring system. He noted that water discharge is not a necessary component of the manufacturing process, and that water can be re-circulated through the system. He asserted that oil recycling is a valuable service, and that it would be a credit to the community to have the facility in Lindon.

Councilmember Bath expressed concern regarding the proposed storage use. He felt that the potential for leakage and environmental contamination would not be an acceptable risk. He felt that the manufacturing use may be a viable operation. He noted that the site is located across the street from the Heavy Industrial zone, and that rezoning may be an option if other concerns are adequately addressed. He inquired as to the potential of explosions on the site. Mr. Ellis stated that the product is not a volatile fuel, and that there is virtually no risk of explosion. Mr. Taylor noted that heat is not used in the manufacturing process.

Councilmember Hatch felt that bio-diesel manufacturing may provide a valuable service. He felt that it may be possible to issue a Conditional Use Permit for this site specific use in the Light Industrial zone without requiring a zone change. He also expressed concern regarding potential safety and environmental hazards with the proposed storage use on the site, but felt that there may be a possibility of allowing the bio-diesel manufacturing use. He inquired as to whether the product would be sold locally or shipped to other areas. Mr. Taylor stated that it is the intent of the company to sell the product locally.

Mayor Dain inquired as to how the bio-diesel product would be dispensed at gas stations. Mr. Taylor stated that the bio-diesel product is typically blended with diesel fuel. He stated that if proposed legislation is passed, blenders will receive up to a one dollar tax rebate per gallon of bio-diesel produced.

Mr. Taylor stated that he will discuss feedback from the Council with potential buyers and determine whether to proceed further with the approval process.

7. **Review and Action** – *Canvass and Certification of Election Results.* The City Council will site as a Board of Canvassers for the November 6, 2007 Municipal General Election and certify the results of the election. By state law the City Council, as the Board of Canvassers, must canvass the election no later than fourteen days after the completion of the ballot, in this case November 20, 2007.

The City Council, acting as the Board of Canvassers, reviewed election results as provided by the Utah County Elections Office. This election was conducted by the County due to the state-wide school voucher referendum which was on the ballot. The following information was reviewed by the Board of Canvassers:

Candidate	Polling	Absentee	Provisional	Early	In Office	Total	%
*Jim Dain	1463	27	52	41	1	*1584	64.26
Ben Nolte	810	15	34	16	0	875	35.50
*Lindsey Bayless	1401	24	54	33	1	*1513	21.97
*Bruce Carpenter	1591	26	55	42	1	*1715	24.91
*Jerald Hatch	1516	25	62	38	1	*1642	23.85
Ronald Hatfield	867	17	41	27	0	952	13.83
Robert L. Mount	971	17	30	25	0	1043	15.15

2 Following review of the election information, the Board of Canvassers certified
the election results.

4
6 COUNCILMEMBER HATCH MOVED TO CERTIFY THE ELECTION
RESULTS OF THE NOVEMBER 6, 2007 GENERAL MUNICIPAL ELECTION AS
PRESENTED BY THE UTAH COUNTY ELECTIONS OFFICE WITH THE
8 WINNERS OF THE ELECTION AS FOLLOWS:

JIM DAIN, MAYOR, TWO YEAR TERM

10 LINDSEY BAYLESS, COUNCILMEMBER, FOUR YEAR TERM

BRUCE CARPENTER, COUNCILMEMBER, FOUR YEAR TERM

12 JERALD HATCH, COUNCILMEMBER, FOUR YEAR TERM

COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS
14 RECORDED AS FOLLOWS:

COUNCILMEMBER BATH AYE

16 COUNCILMEMBER BAYLESS AYE

COUNCILMEMBER HATCH AYE

18 THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

20 Councilmember Hatch noted that the school voucher referendum question on the
ballot, which was defeated by a large margin statewide, was passed by voters in Lindon.

- 22
24 8. **Report** – *Meeting with UDOT on Signal Light at 200 North State Street.* This is a
follow up report to the meeting held on October 18, 2007 with Doug Bassett,
UDOT Region 3 Traffic Engineer, to discuss the possibility of a signal light
26 located at 200 North State Street.

28 Mr. Dameron explained that the Mayor requested that this official report be given
to the Council as a follow up to the October 18th meeting held with UDOT to discuss the
30 possibility of a traffic light at 200 North State Street. Mr. Cowie stated that during the
meeting, Mr. Basset expressed that the City can request a warrant study at any time for
32 the intersection. He recommended that a study not be conducted until development in
Old Station Square is complete. Mr. Basset felt that a traffic control light at that location
34 would likely never warrant, noting that several criteria in addition to traffic flow must be
met before a traffic light could be approved by UDOT.

36 Mayor Dain read the written comments submitted earlier in the evening by
resident Doug Christensen. Mr. Christensen felt that a traffic light at 200 North may
38 occur prior to completion of the Master Planned 400 North roadway extension and
associated traffic light, and that the City should continue to consider 200 North as an
40 alternative. Mayor Dain noted that 200 North on the east of State Street is not a
designated collector street, and that there would be significant issues associated with a
42 traffic light at that location.

Mr. Dameron observed that the City has done an appropriate amount of research
44 into the possibility of a traffic light at 200 North, and has involved the appropriate
agencies in the investigative process.

46 **COUNCIL REPORTS** –

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

4 Councilmember Hatch stated the Landfill Board is in the budget process for 2008.
6 He noted that the Landfill operates on a calendar year rather than a fiscal year schedule in
6 order to have necessary information available in time for cities to complete the fiscal year
6 budget process.

8 Councilmember Hatch also reported that the Landfill attorney is preparing a letter
10 which will be forwarded to cities explaining the Landfill position on use of private
10 transfer stations. Proposed legislation will eliminate control of cities in determining
12 where solid waste is taken. Mayor Dain thanked Councilmember Hatch for his many
12 years of service on the Landfill Board.

14 Councilmember Hatch noted that the Housing Consortium is also in the process of
14 allocating funding for 2008.

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

18 Councilmember Bayless invited Councilmembers to attend the annual Christmas
20 Tree Lighting Ceremony on Monday, December 3rd at 6:30 p.m. She also passed along
20 appreciation from poll workers for the lunch provided by the City during the General
22 Election. Councilmember Bayless reported that Gary Hoglund has been a valuable asset
22 serving on the Healthy Lindon Committee.

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

26 Councilmember Bath asked Chief Cullimore for an update in preparations for the
28 police department. Chief Cullimore stated that preparations are well underway, and that
28 the first police department vehicle has been leased and is fully equipped with lights and
30 siren. Mr. Dameron stated that the police department steering committee will begin
30 meeting next week.

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

34 Councilmember Anthony was not present at the meeting.

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

38 Councilmember Carpenter was not present at the meeting.

40 **ADMINISTRATOR'S REPORT –**

42 Mr. Dameron reported on the following items:

- 44 1. The City Council will approve the 2008 public meeting schedule during the next
44 regular City Council meeting. The Western States Primary Election is scheduled
44 for February 5, 2008, and the General Election will be held the first Tuesday in

- 2 November. City Council meetings on these two nights will not be included on the
2008 Public Meeting Schedule.
- 4 2. Engineering coordination meeting will be held Wednesday, November 28th at
noon at the Public Works Complex. Councilmember Bayless, Councilmember
Carpenter, and Mayor Dain will attend.
 - 6 3. The Healthy Lindon Committee will host a seminar on healthy holiday eating on
Thursday, November 29, 2007.
 - 8 4. The annual Christmas tree lighting ceremony will be held at the City Center on
Monday, December 3, 2007 at 6:30 p.m.
 - 10 5. The staff Christmas party will be held Friday, December 7, 2007 at 6:30 p.m. at
Northampton House.
 - 12 6. The Council reviewed the Project Tracking List.
 - 14 7. City offices will be closed December 24th and 25th for the holiday.
 - 16 8. The Lindon City Justice Court held their first video arraignments, which were
very successful. Chief Cullimore noted that the City will realize a significant cost
savings in transportation time and manpower. He also noted that video
arraignment also reduces safety risks for all those involved in the process.
 - 18 9. The Council will review the Interlocal Tax Sharing Agreement with Vineyard at
the December 4, 2007 City Council meeting.

20 COUNCILMEMBER BATH MOVED TO APPROVE THE PAY VOUCHERS.
22 COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

24 COUNCILMEMBER BATH AYE
COUNCILMEMBER BAYLESS AYE
26 COUNCILMEMBER HATCH AYE

THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

28 **ADJOURN** –

30 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT
32 9:17 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34 Approved – December 4, 2007

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38
40 _____
Debra Cullimore, City Recorder

42
44 _____
James A. Dain, Mayor