

2 The Lindon City Council held a regularly scheduled meeting beginning with a Work  
Session at 6:30 p.m. on **Tuesday, December 4, 2007**, in the Lindon City Center, City  
Council Chambers, 100 North State Street, Lindon, Utah.

4  
6 Conducting: James A. Dain, Mayor

8 **WORK SESSION** – 6:30 P.M.

10 **PRESENT**

**ABSENT**

12 James A. Dain, Mayor  
13 Eric Anthony, Councilmember  
14 H. Toby Bath, Councilmember  
15 Lindsey Bayless, Councilmember  
16 Bruce Carpenter, Councilmember  
17 Jerald I. Hatch, Councilmember  
18 Ott H. Dameron, City Administrator  
19 Debra Cullimore, City Recorder

20 **Discussion** – *The Mayor and City Council will hear a report on the Senior Programs,*  
21 *particularly “Meals on Wheels” by Scott McBeth of Mountainland Association of*  
22 *Governments (MAG).*

24 Scott McBeth of Mountainland Association of Governments was present to  
address the Council regarding Senior Citizen programs and services in the county. Mr.  
26 McBeth explained that discussion is being held with governments of participating MAG  
cities to receive input regarding funding options for senior programs. He noted that there  
28 is no eminent decision at this time, and that this meeting is being held for discussion  
purposes only.

30 Mr. McBeth explained that current funding for senior programs comes from state  
and federal revenue sources. Matching funds requirements are provided through “in  
32 kind” donations which result from services and programs within respective cities. Mr.  
McBeth also explained that funding is allocated based on need rather senior population in  
34 any given area.

36 Mr. McBeth reviewed a report which was given to the MAG Executive Council in  
January 2007 which studied available programs and eligibility, as well as funding and  
service gaps in programs and services. He noted that a significant increase is expected in  
38 the senior population in the next ten years, and that it may be difficult to keep pace with  
funding and services.

40 Mr. McBeth stated that the operating principal of MAG senior programs is to  
serve those most in need. He noted that services are targeted at a specific demographic,  
42 and are intended to keep seniors in their home where they are most comfortable.  
Programs provided through MAG include Meals on Wheels, as well as in home nursing  
44 and support services. He explained that providing in-home services is significantly less  
expensive than institutional services. Senior programs provided through MAG are  
46 intended to supplement rather than replace family care-givers.

2 Mr. McBeth explained that available federal and state funds are very limited, and  
that the increasing need for services makes it necessary for MAG to investigate  
4 alternative funding sources. He stated that CDBG funds, as well as private donation are  
being investigated. In addition, the possibility of local government funding participation  
6 is being considered. Mr. McBeth explained several methods of local participation which  
are under consideration. One method being considered would be a flat rate assessment to  
8 cities for services provided in the community. Another method would be “recapture” of  
funding which is currently reimbursed to cities for lunch programs staged at city senior  
10 facilities. He noted that the methods currently under consideration will provide short  
term funding for programs, but that at some time in the future a dedicated tax at the state  
12 level will likely be necessary. He noted that the intent of increased funding is to not only  
maintain the current level of service, but to decrease the waiting list for in home services.

14 Mayor Dain observed that some smaller municipalities do not have senior centers  
within the city, and that seniors utilize programs and services in larger neighboring  
16 communities. He noted that participation in funding may be inequitable if cities without  
local senior programs are not assessed in some way. Councilmember Carpenter noted  
that funding participation from cities may be challenging, as participation in senior  
18 programs which have historically been administered at a county level represent a new  
financial responsibility without an associated source of revenue.

20 The Council went on to discuss program eligibility, which is based on several  
components, including income and assets. Eligibility for the Meals on Wheels program  
22 requires that participants be homebound, meaning that they are unable to leave their  
residence without assistance. Councilmember Anthony observed that participation in  
24 senior programs such as Meals on Wheels provides some sense of independence for  
seniors, as family members are not responsible to meet that specific need on a daily basis.  
26 He stated that he strongly supports the programs and services.

28 Mr. McBeth thanked the Council for their time and input. Discussion regarding  
city participation in senior programs will continue at future meetings. Mr. McBeth  
distributed copies of the task force report which as presented to the MAG Executive  
30 Committee.

32 **REGULAR SESSION** –

34 Conducting: James A. Dain, Mayor  
Pledge of Allegiance: Nicole Thorley  
36 Invocation: Eric Anthony

38 **PRESENT**

**ABSENT**

40 James A. Dain, Mayor  
Eric Anthony, Councilmember  
42 H. Toby Bath, Councilmember  
Lindsey Bayless, Councilmember  
44 Bruce Carpenter, Councilmember  
Jerald I. Hatch, Councilmember  
46 Ott H. Dameron, City Administrator

Adam Cowie, Planning Director  
2 Cody Cullimore, Chief of Police  
Debra Cullimore, City Recorder

4  
6 **PRESENTATION** – *The Mayor and City Council will be presented with the Character Connection Poster Calendar by the students who created the original artwork.*

8 Kathy Allred of Lindon Character Connection was present at the meeting to  
introduce the artists chosen to participate in the 2008 Character Connection calendar and  
10 poster project. Artists participate in a contest to create artwork for each monthly “value”  
depicted in the annual calendar. Values represented on the calendar included integrity,  
12 honesty, respect, etc. Ms. Allred presented the winners as follows:  
Cassidy Wood, Marlee Johnson, Madison McBride, Nicole Thorley, Alyssa Reese,  
14 Nicole Nordin, Kaitlin Beelek, Mickayla Ressler, Jenny Haskell, Abby Mitton, Hayden  
Dobyns, and Chandler Eady. Each of the winners was presented with a Certificate of  
16 Artistic Excellence by Mayor Dain.

Ms. Allred noted that her husband recently returned to the United States from  
18 service in the war in Iraq. Ms. Allred explained to those present at the meeting that they  
are very fortunate to live in a country where citizens have the opportunity to participate in  
20 government processes. She observed that there are many good things happening in Iraq  
which are not routinely reported in the news. She stated that the military has been  
22 successful in assisting Iraq in getting schools, hospitals, roads and other infrastructure  
operational in the country. She noted that many Iraqi people have expressed appreciation  
24 for the invaluable services provided by the United States military in Iraq, and that they  
are very thankful to have us there. Mayor Dain asked Ms. Allred to convey appreciation  
26 to her husband for his service to the country. He then thanked the students for their  
exceptional art work and contribution to the Character Connection.

28 At this time, Mayor Dain recognized members of the Little Miss Lindon Royalty  
present at the meeting. He invited the young ladies to address the Council. The Royalty  
30 presented Mayor Dain with various awards which were received by the Little Miss  
Lindon Royalty at various parade events during the summer. Awards received include  
32 the Grand Marshall’s Award, Queen’s Choice Award, Sunshine Award, and 3<sup>rd</sup> Place  
Award. The Royalty also presented the Mayor with gingerbread houses to display at the  
34 City Center during the holiday season. Mayor Dain thanked the Royalty and their parents  
for their hard work, and for being exceptional representatives of Lindon. The 2008  
36 Royalty will be selected at the annual Little Miss Lindon Pageant held in April.

38 **MINUTES** – The minutes of the regular meeting of November 20, 2007 were reviewed.

40 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES  
OF THE NOVEMBER 20, 2007 MEETING. COUNCILMEMBER BATH SECONDED  
42 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

44 COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE
COUNCILMEMBER BAYLESS	AYE
46 COUNCILMEMBER CARPENTER	AYE

COUNCILMEMBER HATCH                      AYE  
2 THE MOTION CARRIED UNANIMOUSLY.

4 **OPEN SESSION** –

6            Mayor Dain called for comments from any resident present who wished to  
8 address an issue not listed as an agenda item. Brigham Ashton approached the Council  
10 and inquired as to the possibility of an alteration in ordinance requirements relative to  
12 required 40 foot setbacks for commercial development adjacent to residential uses in the  
14 Old Station Square subdivision. Mr. Cowie explained that any variation would require an  
ordinance change, and that current requirements are not subject to any variance unless  
specific criteria established by the state are met. He noted that this particular  
development would not meet the required criteria to allow a variance. Mr. Ashton stated  
that he would work within ordinance requirements.

16            Lindon resident, Doug Christensen then approached the Council. He expressed  
18 concern regarding not being allowed to comment during review of a development  
20 application at the November 28<sup>th</sup> Planning Commission meeting. He also noted that he  
22 was not allowed to comment on an agenda item at the previous City Council meeting  
24 during the Public Comment period.

26            Councilmember Bayless explained that comments on items which are on the  
28 agenda at a meeting must be addressed during review of the item, and not during the  
30 public comment period. She noted that this allows orderly review of items, and allows  
32 applicants to respond if appropriate. She explained that the written comments submitted  
34 by Mr. Christensen were read during review of the agenda item and entered into the  
minutes of the meeting.

36            Mr. Christensen commented on Special Meetings which were held during  
38 November which he was unable to attend because he was unaware of the meetings.  
40 Mayor Dain explained that all meetings are properly and legally noticed, and that Special  
42 Meetings are typically held to accommodate specific needs of developers or the public.  
44 He stated that Special Meetings are not intended to “hide” actions of the City, and that  
46 the minutes of both Special Meetings are available on the City web site. Mr. Christensen  
expressed a desire to remain involved with discussions between the Fellowship Bible  
Church and the City regarding the 400 North right-of-way. Mayor Dain thanked Mr.  
Christensen for his comments.

36 **MAYOR’S COMMENTS/REPORT** –

38            Mayor Dain commented on the Annual Christmas Tree Lighting Ceremony which  
40 was held the previous evening. He expressed appreciation for the efforts of those who  
42 planned and presented the event.

44            Mayor Dain also commented on a recent meeting he attended with representatives  
46 of Habitat for Humanity. He explained that the organization is very interested in  
acquiring property to be used in housing construction projects. He presented information  
on a retail facility operated by Habitat for Humanity, which sells used construction  
materials and equipment, as well as other household items. Profits from the store help  
fund construction of homes.

2 Mayor Dain noted that organizers of the annual Marriage Week event are in  
search of couples who have been married for 70 or more years. He asked that if anyone  
is aware of such a couple that they forward contact information to him.

4 Mayor Dain reported that creation of the Lindon City Police Department has  
made significant progress. He thanked Chief Cullimore for his efforts.

6 Mayor Dain noted that the December City newsletter includes a message from  
him asking for residents who would be willing to host an open house event in their home.  
8 He stated that it is his intention to hold open houses on a monthly basis throughout the  
City to meet with residents and find out what their concerns are. He invited interested  
10 residents to contact him to schedule dates and times for meetings.

12 **CONSENT AGENDA** –

- 14 1. **Zoning Map and General Plan Land Use Map Amendments (Ordinance**  
16 **#2007-13).** *This item was approved with corrections during the meeting*  
*November 20, 2007. The action was taken on behalf of Nature's Way. The*  
18 *corrected Ordinance is now presented for final approval.*

20 COUNCILMEMBER BATH MOVED TO APPROVE ORDINANCE #2007-13  
AMENDING PORTIONS OF THE LINDON CITY ZONING MAP AND PORTIONS  
OF THE LINDON CITY GENERAL PLAN LAND USE MAP AND PROVIDING FOR  
22 AN EFFECTIVE DATE. COUNCILMEMBER BAYLESS SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

24 COUNCILMEMBER ANTHONY            AYE  
COUNCILMEMBER BATH                AYE  
26 COUNCILMEMBER BAYLESS            AYE  
COUNCILMEMBER CARPENTER        AYE  
28 COUNCILMEMBER HATCH              AYE  
THE MOTION CARRIED UNANIMOUSLY.

30 **CURRENT BUSINESS** –

- 32 1. **Public Hearing** – *Alteration of Non-Conforming Use.* This is a request by  
34 Michael and Dorothy Carter and Keith Wilkinson for approval of a property line  
adjustment between two non-conforming lots at 295 East and 307 East Center  
36 Street. The City Council reviewed this request as a Concept Review item on  
August 21, 2007. The Planning Commission recommended approval with no  
38 conditions.

40 COUNCILMEMBER BATH MOVED TO OPEN THE PUBLIC HEARING TO  
CONSIDER THE ALTERATION OF NON-CONFORMING USE REQUEST.  
42 COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

44 Mike and Dorothy Carter were present as representatives for this application. Mr.  
46 Cowie explained that the City Council discussed this proposal as a Concept Review item

2 during a previous City Council meeting. Based on feedback from the Council during the  
3 Concept Review, the Carters have submitted an Alteration of Non-Conforming Use  
4 application. Mr. Cowie explained that the property line will be shifted approximately  
5 two feet to the east of the current location. The proposed alignment would bring the side  
6 yard setback on the Carter property into conformance with current standards. The  
7 Wilkinson property would maintain the required ten foot setback.

8 Mr. Cowie showed several photographs of the site. He noted that the lot line  
9 adjustment is intended to provide vehicular access to the rear of the Carter property. Mr.  
10 Cowie noted that the only potential negative effect of the proposed alteration is the 280  
11 square foot reduction in the size of the Wilkinson property. However, the Carter property  
12 would be brought more into conformance due to the increased side yard setback.

13 The Planning Commission recommended approval of this request with the finding  
14 that the proposed alteration brings the property more into conformance with current  
15 standards. Mr. Cowie also explained that this alteration will be completed using a fence  
16 line agreement recorded at the County. The subject property is not part of a subdivision,  
17 so a re-plat will not be required to adjust the property line. The agreement will be signed  
18 by both property owners prior to recording with the County.

19 Councilmember Carpenter observed that it is not possible to bring the existing lots  
20 into full compliance, and that the proposed adjustment will not be detrimental to the  
21 community.

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

25 COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC  
26 HEARING TO CONSIDER THE ALTERATION OF NON-CONFORMING USE  
27 REQUEST. COUNCILMEMBER BATH SECONDED THE MOTION. ALL  
28 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

29 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE PROPOSED  
30 LOT-LINE ADJUSTMENT ON THE NON-CONFORMING LOTS OWNED BY THE  
31 CARTERS AND THE WILKINSONS. COUNCILMEMBER BATH SECONDED THE  
32 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

33 COUNCILMEMBER ANTHONY AYE  
34 COUNCILMEMBER BATH AYE  
35 COUNCILMEMBER BAYLESS AYE  
36 COUNCILMEMBER CARPENTER AYE  
37 COUNCILMEMBER HATCH AYE  
38 THE MOTION CARRIED UNANIMOUSLY.

- 39
- 40
- 41
- 42 2. **Review and Action** – *Site Plan – Architectural Review*. This is a request by  
43 BMA Construction for site plan/architectural review and approval for Phase 2 of  
44 the Experience Dental Lab Office within the Old Station Square Commercial  
45 Subdivision at 239 North 290 West. The Planning Commission recommended  
46 approval with no conditions.

2 Brigham Ashton was present as the representative for this application. Mr. Cowie  
explained that the site plan for this development, as well as the elevations for the dental  
4 lab on the site, was previously approved by the Planning Commission. The Planning  
Commission approved this building as Phase 2 of the original site plan. The development  
6 will include a plaza area with trees between the two buildings. The site plan also  
includes shared accesses between lots.

8 Mr. Cowie went on to review the elevations of the new building. He stated that  
they are similar in character to the previously approved dental lab. The building is  
proposed as an all brick single part block structure. Architectural details include vertical  
10 soldier course brick layers, pre-cast concrete sills on the windows, as well as pre cast  
lenticular feature which will extend around the perimeter of the building. Mr. Cowie noted  
12 that the Planning Commission recommended approval of this application with no  
conditions.

14 Councilmember Anthony expressed concern regarding possible maintenance  
issues associated with the proposed low-pitch roof. Mayor Dain noted that low-pitch  
16 membrane roofs are used quite extensively at the BYU campus without significant  
maintenance issues. He observed that if the roof is constructed correctly there should not  
18 be excessive maintenance problems.

The Council reviewed other specific architectural details proposed on the  
20 building. Mr. Cowie noted that this application is being reviewed by the City Council at  
the request of a Councilmember. He stated that the application appears to be in  
22 compliance with the Commercial Design Guidelines. Mayor Dain called for further  
comments or discussion. Hearing none, he called for a motion.

24  
26 COUNCILMEMBER HATCH MOVED TO APPROVE THE EXPERIENCE  
DENTAL OFFICE PHASE 2 SITE PLAN. COUNCILMEMBER ANTHONY  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:  
28 COUNCILMEMBER ANTHONY AYE  
COUNCILMEMBER BATH AYE  
30 COUNCILMEMBER BAYLESS AYE  
COUNCILMEMBER CARPENTER AYE  
32 COUNCILMEMBER HATCH AYE  
THE MOTION CARRIED UNANIMOUSLY.

34  
36 3. **Preliminary Plat** – *Mickelson Industrial Subdivision, Plat “A”*. This is a request  
by Jeff Mickelson for preliminary plat approval of Mickelson Industrial  
38 Subdivision, Plat “A”, 2 lots in the LI zone at 190 South 1800 West. The  
Planning Commission recommended approval with explanation of code  
interpretations.

40  
42 Andy Spencer and Jeff Mickelson were present as representatives for this  
application. Mr. Cowie explained that this is a request for approval of a two-lot industrial  
44 subdivision in the LI zone. The applicant previously received site plan approval for a  
diesel repair facility, which will be located on the front lot, #101, of this proposed  
subdivision. This proposed subdivision will create lot #201 at the rear of the property.

2 Mr. Cowie explained that the primary issue relative to this proposed subdivision  
is the maximum allowable 3-1 width-to-depth ratio. He clarified that while the current  
4 ordinance does not generally allow a width-to-depth ratio in excess of 3-1, there is a  
provision which allows the Planning Commission and City Council to grant up to a 20%  
6 increase in the allowable width-to-depth ratio if it is determined to be the best use of the  
property.

8 Mr. Cowie noted that there is some ambiguity in the ordinance, and that it does  
not clearly define whether measurements used to determine the allowable width-to-depth  
10 ratio are based on an average of lot dimensions, the widest point, or the narrowest point  
of the property. He explained that if the widest point of this particular lot is used to  
calculate the ratio, a 12.6% increase would be required. Following review and discussion  
12 of this request, the Planning Commission felt that because of the ambiguity of ordinance  
requirements, it would be appropriate to rule in favor of the applicant, and to grant the  
14 requested 12.6% increase to the width-to-depth ratio. The Planning Commission also  
recommended that the applicable ordinance be reviewed for possible revisions to clarify  
16 requirements.

18 Mr. Cowie presented the proposed site plan for the development, including cross  
easements and shared access for both lots. He noted that the applicant is not planning to  
develop the rear lot at this time. The area proposed as lot #201 was shown as an area for  
20 future development on the approved Mickelson Diesel site plan. The specific future use  
of the lot is not clear at this time.

22 Councilmember Carpenter observed that it does not appear that the applicant is  
attempting to circumvent other requirements with this request. Councilmember Bayless  
24 stated that it does not appear that there is any other feasible method to subdivide the  
property. She stated that she does not have concerns with this request, but felt that it may  
26 be advisable to revisit the existing ordinance in order to clarify requirements.  
Councilmember Hatch agreed that the shape of this particular parcel of land is unusual,  
28 and that the request is reasonable. Mayor Dain observed that if the property is not  
subdivided, the owner will still develop the rear portion at some point, and that the  
30 appearance of the property will not be affected by this requested subdivision.  
Councilmember Bayless felt that based on the recommendations of the Planning  
32 Commission and the suggested interpretation of the existing ordinance, it would be  
reasonable to grant this subdivision request. Mayor Dain called for further comments or  
34 discussion. Hearing none, he called for a motion.

36 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE PROPOSED  
MICKELSON SUBDIVISION PLAT "A" PRELIMINARY PLAT.

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

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



2 4. **Concept Review** – *Request for R2-Overlay Amendment*. This is a request from  
Marion Johnson to discuss with the Mayor and City Council the feasibility of an  
ordinance amendment to the R2 Overlay section of the Lindon City Code(LCC  
17.46) to allow access from other lots to a private driveway that is part of an R2  
Overlay project.

6  
8 Marion Johnson was present as the representative for this application. Mr. Cowie  
explained that Mr. Johnson submitted an ordinance change application requesting that  
wording be added to the R2 Overlay Ordinance which would allow some leeway in  
10 access requirements in specific circumstances if there were no significant safety or other  
concerns related to the proposed access are identified.

12 Mr. Cowie noted that this request is scheduled as a Public Hearing during the  
December 12, 2007 Planning Commission meeting. It is Mr. Johnson's desire to receive  
14 general feedback from the City Council regarding the feasibility of this request prior to  
the Planning Commission meeting.

16 Mr. Cowie went on to review specific circumstances related to this project. He  
stated that Mr. Johnson previously had an R2 Overlay project approved on his property  
18 on 200 South. The project was subsequently sold to another owner, Westview Cottages.  
The existing R2 project consists of two duplexes which are currently under construction.  
20 The property includes adequate frontage to create an additional lot to the west of the  
duplex structures. Mr. Johnson is proposing access to the future lot from the private turn  
22 around road that is included in the Westview Cottages site. The current ordinance will  
not allow access to additional lots through R2 project accesses unless there is no other  
24 feasible option to create access.

26 Mayor Dain inquired as to installation of utilities to the rear lot. Mr. Johnson  
stated that all underground utilities are already installed. Councilmember Carpenter  
asked Mr. Johnson if he understood that the City would not be responsible for  
28 maintenance of the private access drive associated with this project. Mr. Johnson stated  
that he is aware that the owners will be responsible for maintenance of the street. He  
30 stated that he has discussed maintenance with the current owners of the R2 project, and  
that creation of a homeowners association to address maintenance is being considered.

32 The Council discussed the location of the proposed access in relation to 200 South  
and the school crossing in the area. Councilmember Bath and Councilmember Anthony  
34 commented that it may be safer to access an additional lot from the private drive rather  
than creating an additional access on 200 South. Councilmember Bayless expressed  
36 concern that a previous request to create access through an R2 project was denied on the  
Lee property. Mr. Cowie explained that the Lee property did not have the required street  
38 frontage to create a legal lot, and that this proposed lot meets street frontage  
requirements.

40 The Council discussed specific language which should be included in ordinance  
revisions which would clarify that allowing access to additional lots from private R2  
42 drive accesses is not intended to circumvent typical development requirements, and will  
only be allowed in specific situations if certain criteria are met. Councilmember  
44 Carpenter suggested that the ordinance specify that typical street frontage requirements  
must be met. Councilmember Bayless felt that additional language should be added to  
46 specify that the proposed access must show a direct safety or other benefit to the

community as well. Mayor Dain suggested that language be included to clarify that utilities can not be located in the private drive area. Following further discussion, there was general agreement among the Council that proposed ordinance amendments would allow some leeway in access requirements while protecting the health, safety and welfare of the community.

Councilmember Carpenter noted that the guest parking area shown on the site plan for the existing R2 project may interfere with access to the single-family lot. He suggested that agreements with all property owners be established to maintain access. Mayor Dain clarified that the City will not enforce any agreement between the property owners to maintain access, and that any agreement will be handled exclusively between the property owners.

Mayor Dain asked how the lot would be addressed. Mr. Cowie stated that addresses for the R2 project and the single family lot will be established from the private cul-de-sac, 120 West.

The Planning Commission will consider proposed ordinance amendments on December 12, 2007 and will forward recommendations to the City Council for action.

5. **Review and Action** – *Interlocal Agreement between Lindon City and Vineyard Town*. This is a proposed agreement between Lindon City and Vineyard Town concerning development at the common boundary in the southwest area of Lindon City.

City Attorney, Brian Haws, was present to discuss this agreement with the Council. Mr. Haws noted that references to a potential boundary adjustment have been removed from the agreement. Allocation of tax revenues is specified in the agreement, as well as a 50 year term for the agreement. Vineyard Town Council has reviewed the agreement, and indicated that they have no concerns and expect to approve the final agreement following review and approval by the Lindon City Council.

Councilmember Carpenter inquired as to where the property boundaries included in agreement are referenced. Mr. Haws stated that Exhibit “A” will define the property boundaries, and will be attached to the agreement. Mr. Cowie observed that a map will need to be finalized which outlines the boundaries of property included in the agreement. Mr. Haws suggested that the agreement be approved contingent upon approval of the Exhibit.

Mr. Haws noted that tax revenues will be divided with Lindon receiving 60% of revenues and Vineyard receiving 40% of revenues. Mr. Dameron explained that development applications will be processed by Lindon, and that Lindon will provide necessary services. He noted that during previous discussion, both Councils seemed to be in agreement with the proposed allocation of sales tax revenues.

Mr. Dameron inquired as to whether property taxes will be shared. Mr. Haws stated that this agreement addresses only sales tax revenues. The Council discussed allocation of property tax revenue if the property is platted as one lot which crosses the boundary line. Mr. Haws stated that he will contact the county to verify the method for property tax assessment. He will also discuss property tax revenues with Vineyard.

Chief Cullimore inquired as to which municipality will have legal jurisdiction over the property. Mr. Haws stated that Lindon will have jurisdiction, but that it is not

specifically addressed in this agreement. Chief Cullimore suggested that jurisdiction be addressed in the agreement. The Council felt that emergency services could be left out of the agreement at this time, and that the issue could be addressed later if complications arise.

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE AGREEMENT BETWEEN LINDON CITY AND VINEYARD TOWN CONCERNING DEVELOPMENT ON THE COMMON BOUNDARY BETWEEN THE TWO CITIES WITH THE FOLLOWING CONDITION:

1. THAT ATTACHMENT "A" BE REVIEWED BY MAYOR DAIN, AND THAT SO LONG AS THERE IS REASONABLE PROPORTIONALITY IN THE AGREEMENT, THAT THE MAYOR BE AUTHORIZED TO SIGN THE AGREEMENT.

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.

6. **Review and Action** – *Resolution (#2007-19), Staffing Plan for the Lindon City Police Department.* This is a request by Chief Cody Cullimore, Lindon City Police Chief, for the City Council's consideration of approval for the staffing plan of the Lindon City Police Department.

Chief Cullimore addressed the Council regarding this Resolution. He stated that the staffing proposal in the Resolution differs somewhat from preliminary plans. The proposed staffing plan increase police department personnel by three sworn officers, as well as two part time civilian personnel.

Chief Cullimore explained that the proposed staffing increase will allow the department to provide a wide variety of high quality community services, and will allow adequate staffing to meet patrol and investigative needs. The proposed civilian positions will be six hour positions, which will allow the police department offices to remain open from 8:00 a.m. to 8:00 p.m. Monday through Friday. The staffing plan provides 16 full time positions, including one civilian administrative assistant and 15 sworn officers, and two part time civilian positions. The staffing plan provides a minimum of two officers on duty at all times in the City, with as many as six officers during historically busier times.

Councilmember Anthony inquired as to whether there would be any times when the part time civilian employees may be alone in the police station. Chief Cullimore stated that the part time employees would be at the office alone for approximately three hours each evening. He noted that the City is investigating the possibility of installing a security camera system to monitor the building and parking area. He also noted that the

2 police station will be a secure locked facility, and that the public will not have direct  
3 access to the facility unless an employee allows them through the locked entrance.  
4 Employees will be trained to not allow access into the facility without the presence of an  
5 officer at the station. Residents will speak with the employee through a glass partition,  
6 and an officer will be called to respond to the facility when necessary.

7 Councilmember Anthony requested that Chief Cullimore outline specific changes  
8 to the staffing plan from the original staffing plan considered by the City. Chief  
9 Cullimore stated that the plan provides two supervisory Sergeant positions rather than  
10 one. Patrol officer positions will increase by two, and two part time civilian positions  
11 will be added. Chief Cullimore explained that Sergeants will work patrol shifts, and will  
12 supervise and conduct investigations. Chief Cullimore stated that he will also conduct  
13 investigations when necessary. Chief Cullimore also noted that existing crossing guard  
14 positions which are currently administered under the Public Works Department will be  
15 administered through the Police Department.

16 Mayor Dain inquired as to whether officers would be willing to report problems  
17 which they observe when patrolling the City which do not require police action, such as  
18 needed road or sign repairs. Chief Cullimore stated that officers will be obligated to  
19 report any needed maintenance, repairs or other problems they observe while on duty.

20 Mr. Dameron explained that passage of this Resolution will allow the Chief to  
21 order necessary equipment for delivery in the spring in anticipation of the July 1, 2008  
22 start date. A budget for January through July of 2008 will be presented to the Council in  
23 January. Mayor Dain asked Chief Cullimore if he felt confident that the Police  
24 Department will be prepared to be operational by July 1, 2008. Chief Cullimore stated  
25 that he had no concerns, and that he is confident that the anticipated start date will be  
26 met.

27 Councilmember Anthony asked if the City has any sense of the financial impact  
28 of the proposed staffing changes. Mr. Dameron stated that the total year projected budget  
29 for fiscal year 2008/2009 was approximately \$1,600,000. The proposed staffing plan  
30 increases the projected budget to approximately \$1,750,000. Councilmember Bayless  
31 noted that the financial impact must be balanced with the benefit. She noted that  
32 residents will be provided a higher level of service with the proposed staffing plan.  
33 Councilmember Carpenter noted that the cost for contract services through Pleasant  
34 Grove would have likely increased next budget year as well, resulting in a similar fiscal  
35 impact.

36 Mr. Dameron observed that the cost increase for the approved staffing plan will  
37 be approximately 10% more than contract services through Pleasant Grove, with a  
38 significantly higher level of service. Chief Cullimore explained that national averages for  
39 law enforcement are typically one officer per 1,000 residents. In Utah County the  
40 average is less than one officer per 1,000 residents, and contract services through  
41 Pleasant Grove provided approximately .8 officers per 1,000 residents. The proposed  
42 staffing plan will provide 1.2 officers per 1,000 residents in Lindon, which exceeds  
43 national averages and will allow the City to provide high quality public safety services.

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

COUNCILMEMBER BATH MOVED TO APPROVE RESOLUTION #2007-19  
2 APPROVING THE STAFFING PLAN FOR THE LINDON CITY POLICE  
DEPARTMENT AND SETTING AN EFFECTIVE DATE. COUNCILMEMBER  
4 HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:  
COUNCILMEMBER ANTHONY AYE  
6 COUNCILMEMBER BATH AYE  
COUNCILMEMBER BAYLESS AYE  
8 COUNCILMEMBER CARPENTER AYE  
COUNCILMEMBER HATCH AYE  
10 THE MOTION CARRIED UNANIMOUSLY.

12 7. **Review and Action** – *Trail Cross Section – 400 East 250 North*. This is a request  
by staff for the direction of the City Council as to whether or not the trail cross  
14 section should be required to be built as development occurs in the area of 250  
North 400 East. The trails master plan map shows this area as a 10’ wide asphalt  
16 trail that will eventually connect into Hollow Park.

18 Mr. Cowie explained that the current General Plan Parks and Trails Map calls for  
a 10 foot asphalt trail section in the area of pending development on 400 East north of the  
20 Williams property near the Pennant Hills Subdivision. He noted that installation of the  
trail section associated with new development in the area may require participation of the  
22 City on certain sections where existing curb, gutter and sidewalk are located. Completion  
of the trail would require the City to remove the existing sidewalk adjacent to the Aston  
24 property and rebuild the area using the 10 foot asphalt trail to maintain a consistent cross  
section through the area. Mr. Cowie explained that at this time, the Aston property is not  
26 included in the area of pending development, and that the property owner or the  
developer can not be required to install the trail in that area. He noted that there is a  
28 potential that lot lines may be adjusted, and that the Aston property may become part of  
the current development project. However, if lot lines are not adjusted, it would be the  
30 responsibility of the City to complete the trail section in that area.

32 Mayor Dain inquired as to how costs compare for installation of a ten foot asphalt  
trail as compared to curb, gutter, and sidewalk. Mr. Cowie stated that costs are  
comparable.

34 Following further discussion, there was general agreement among the Council  
that the City should proceed with installation of trails sections in compliance with the  
36 current General Plan Parks and Trails Map, with participation from the City where  
necessary to work cooperatively with pending and future development. Mr. Cowie noted  
38 that the location of the trail section associated with the Pennant Hills development is not  
finalized at this time, but that regardless of the final location the developer will be  
40 required to participate financially in installation of the trail.

42 The Council held general discussion regarding maintenance of gravel trail  
sections throughout the City. Mayor Dain suggested that funding be allocated to provide  
additional trail maintenance as revenue becomes available.

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

COUNCILMEMBER BAYLESS MOVED TO IMPLEMENT USE OF THE TRAILS CROSS SECTION AS ADOPTED IN 2006 MASTER PLAN.

COUNCILMEMBER HATCH 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.

8. **Review and Action** – *Annual Meeting Schedule*. The annual meeting schedule for calendar year 2008 will be reviewed and approved by the Mayor and City Council. The schedule includes meeting dates for the City Council, Planning Commission, Board of Adjustments, Redevelopment Agency, and Municipal Building Authority.

The Council suggested that a statement be added to the Annual Meeting Schedule which clarifies that Special Meetings may be called as necessary with a minimum of 24 hours notice.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE 2008 ANNUAL MEETING SCHEDULE. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

9. **Review and Action** – *Bid Award – Traffic Calming Project – 800 West*. This is a request by staff for the Council’s review and approval of the bid award for the 800 West Traffic Calming Project adjacent to Pheasant Brook Park. Request for bids were solicited and received from three contractors.

COUNCILMEMBER HATCH MOVED TO AWARD THE BID FOR THE 800 WEST TRAFFIC CALMING PROJECT TO FARNWORTH CONCRETE IN THE AMOUNT OF \$35,036.00. COUNCILMEMBER CARPENTER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

2        10. **Review and Action** – *Historic Preservation Commission Appointment*. This is a  
4        request by Mayor Dain for the City Council’s consent and approval for the  
      appointment of Lynn Lemone to the Lindon City Historical Preservation  
      Commission.

6  
8        Mayor Dain stated that he approached Mr. Lemone and his wife to request that he  
10       serve as the Chair of the Historic Preservation Commission. Both Mr. Lemone and his  
12       wife were excited about the opportunity. Mayor Dain clarified that Mr. Lemone has not  
      been appointed to the Tree Advisory Board, although he was approached by the Chair of  
      the committee to serve. The Council discussed pending appointments to other boards and  
      committees. Mayor Dain called for a motion.

14       COUNCILMEMBER BAYLESS MOVED TO APPROVE THE  
16       APPOINTMENT OF LYNN LEMONE TO THE LINDON CITY HISTORICAL  
      PRESERVATION COMMISSION. COUNCILMEMBER CARPENTER SECONDED  
      THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

18       COUNCILMEMBER ANTHONY            AYE  
      COUNCILMEMBER BATH              AYE  
20       COUNCILMEMBER BAYLESS            AYE  
      COUNCILMEMBER CARPENTER        AYE  
22       COUNCILMEMBER HATCH              AYE  
      THE MOTION CARRIED UNANIMOUSLY.

24       **COUNCIL REPORTS** –

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

28       Councilmember Hatch reported on his ride on the Front Runner commuter rail  
30       line in Salt Lake County. He stated that he was very impressed with the facility, and that  
      it will provide a valuable service.

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

34       Councilmember Bayless had no items to report.

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

38       Councilmember Bath had no items to report.

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

42       Councilmember Anthony reported that the frequency of meetings of the Tree  
44       Advisory Board is being evaluated, and that procedures and practices of the committee  
      are also being evaluated.

46

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

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Councilmember Carpenter reported that he recently attended a Legislative Policy Committee meeting. He encouraged Councilmembers to contact legislators now in anticipation of the January legislative session. The Council discussed issues before the legislature which will impact municipalities, including proposed changes to the justice court system.

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Mayor Dain noted that he will attend an open house with residents in the area of 140 North to discuss the recent auto/pedestrian accident which occurred on that road. The discussion will be held at the Anderson home.

**ADMINISTRATOR’S REPORT –**

14

Mr. Dameron reported on the following items:

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1. The annual Lindon City staff Christmas party will be held Friday, December 7, 2007 at 6:30 p.m.
2. Quarterly Coordination Meeting with Pleasant Grove is scheduled for Tuesday, December 11, 2007 at 5:30 at Pleasant Grove.
3. The Council reviewed the Project Tracking List. Councilmember Carpenter inquired as to the status of the indoor soccer facility Concept Review application. Mr. Cowie stated that the applicant was not present for two meeting where the Concept Review was an agenda item.

24

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

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30  
32

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

THE MOTION CARRIED UNANIMOUSLY.

34

**ADJOURN –**

36

COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT 10:20 P.M. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – December 18, 2007

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Debra Cullimore, City Recorder

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James A. Dain, Mayor