

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, August 17,**
3 **2010** 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: James A. Dain
7 Invocation: Mark Walker

8 **PRESENT**

9 **ABSENT**

10 James A. Dain, Mayor
11 Lindsey Bayless, Councilmember
12 Bruce Carpenter, Councilmember
13 Bret Frampton, Councilmember
14 Mark L. Walker, Councilmember
15 Ott H. Dameron, City Administrator
16 Adam Cowie, Planning Director
17 Cody Cullimore, Chief of Police
18 Debra Cullimore, City Recorder

19 Jerald I. Hatch, Councilmember

20 The meeting was called to order at 7:04 p.m.

21 **MINUTES** – The minutes of the regular meeting of July 20, 2010 were reviewed.

22
23 COUNCILMEMBER WALKER MOVED TO APPROVE THE MINUTES OF
24 THE MEETING OF JULY 20, 2010. COUNCILMEMBER CARPENTER SECONDED
25 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

26
27 COUNCILMEMBER BAYLESS AYE
28 COUNCILMEMBER CARPENTER AYE
29 COUNCILMEMBER FRAMPTON AYE
30 COUNCILMEMBER WALKER AYE

31 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

32
33 **OPEN SESSION** – Citizen Comments

34
35 Mayor Dain called for comments from any audience member who wished to
36 address an issue not listed as an agenda item. There was no public comment.

37
38 **MAYOR'S COMMENTS/REPORT** –

39
40 Mayor Dain thanked all involved in Lindon Days for their participation. He noted
41 that the celebration was a great success. He also invited all present to attend the Make A
42 Wish Foundation Rubber Ducky Derby on Saturday, August 21st at 11:00 a.m. at the
43 Aquatics Center.

2 **CONSENT AGENDA** –

4 No items.

6 **CURRENT BUSINESS** –

- 8 1. **Review and Action** – *Traffic Calming Evaluation Report – 400 West (600 North to 800 North)*. The City received a petition with the required signatures requesting a traffic calming study be conducted to address speeds of vehicles traveling on 400 West between 600 North and 800 North. The results of the study will be presented to the City Council by Mark Christensen, City Engineer.

12 Mayor Dain invited City Engineer, Mark Christensen, to present this report to the Council. Mr. Christensen explained that the evaluation was completed in response to a signed petition submitted by the neighborhood in the area of 400 West between 600 North and 800 North. Mr. Christensen explained that after a valid written request is received from a neighborhood, traffic speed and volume on the street is evaluated and assigned a score. A study area must score 40 out of 100 points for the City to proceed with further investigation, or implementation of traffic control measures.

20 Mr. Christensen went on to explain that at the recommendation of area resident, Daniel Webster, the study was conducted during a peak traffic time between 4:45 and 5:45 p.m. on Thursday, July 29, 2010. During the one hour study period a total of 40 cars traveled through the study area, 18 southbound and 22 northbound. The average speed of vehicles traveling north was 24 miles per hour, with average speed of southbound traffic measured at 26 miles per hour. The 85th percentile speed of vehicles during the study period was 29 miles per hour in this 25 mile per hour zone. Mr. Christensen acknowledged that the study period of one hour does not produce statistically accurate results, but is an indicator of average speed. He noted that if a study period of 3 days were implemented, he anticipates an average of 500 vehicles in the study area on a daily basis, with an 85th percentile speed of approximately 34 miles per hour. He stated that based on these projections, the study area would receive a score of 25 points out of 100 points, with a minimum score of 40 being required to proceed with a full traffic study in the area.

34 Mr. Christensen stated that based on the results of this study, his engineering recommendation is that no further investigation be conducted on this street, and that traffic calming measures would not be appropriate in this location. Mr. Christensen noted that the petition submitted by the neighborhood indicates that several residents have stopped vehicles they felt were traveling at high rates of speed to confront the driver. He observed that this type of interaction could be dangerous to both parties, and suggested that the Police Department meet with the neighborhood to discuss alternatives to this approach.

42 Councilmember Frampton inquired as to what steps would be taken in the event that the study area reached the required 40 point level. Mr. Christensen stated that he and a representative of the Police Department would meet with neighborhood residents to discuss traffic calming alternatives, such as speed humps or lane striping. He clarified

2 that the goal of traffic calming measures would be to reduce traffic speed and volume to
the level currently found on this particular street.

4 Councilmember Bayless suggested that rather than stopping vehicles on their
own, that area residents take down license plate numbers and contact the Police
6 Department for follow up. Chief Cullimore indicated that officers would be happy to
follow up on such reports. Chief Cullimore also reported that officers have been assigned
8 to traffic enforcement in this study area on August 3, 2010 from 5:00 p.m. to 6:00 p.m.
and August 12, 2010 from 4:00 p.m. to 5:00 p.m. No speeding violations were observed
10 during either enforcement period. Police Department records indicate that no citations or
accidents have occurred in the study area. Mayor Dain observed that indications are that
from a police perspective the study area is reasonably safe.

12 Mr. Webster noted that the majority of drivers violating posted speed limits
appear to be 25 years of age and younger, and either residents of the neighborhood or
14 visitors to the neighborhood. He noted that speeds have decreased since this study was
conducted and police presence in the area has increased. He expressed concern that
16 traffic speed in the area will eventually result in someone being injured. Chief Cullimore
expressed that the Police Department would be happy to conduct an educational meeting
18 with neighborhood residents to discuss the issue and inform drivers of the dangers of
speeding. Councilmember Carpenter observed that the most frequent complaint the City
20 receives from residents relates to traffic issues. He noted that in the majority of cases,
local residents are the offenders. He felt that a neighborhood meeting may be beneficial
22 in addressing concerns.

24 Mayor Dain observed that study results indicate that a full study or traffic calming
measures are not warranted in this area. He suggested that education and enforcement
efforts continue in the neighborhood. He called for a motion regarding the engineering
26 recommendation for this item.

28 COUNCILMEMBER BAYLESS MOVED TO CONCUR WITH FINDINGS
AND RECOMMENDATIONS REGARDING THE TRAFFIC STUDY IN THE AREA
30 OF 400 WEST FROM 600 NORTH TO 800 NORTH, AND ENCOURAGE THE
POLICE DEPARTMENT TO FACILITATE A NEIGHBORHOOD MEETING TO
32 DISCUSS SPECIFIC ISSUES WITH NEIGHBORHOOD RESIDENTS.

COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE VOTE WAS
34 RECORDED AS FOLLOWS:

36 COUNCILMEMBER BAYLESS	AYE
COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER FRAMPTON	AYE
38 COUNCILMEMBER WALKER	AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 40
- 42 2. **Public Hearing** – *Ordinance Adoption - Wind Energy Conversion Systems*
(*Windmills*) – *Ordinance #2010-2-O*. The City Council will hear public comment
44 and possibly act to approve an ordinance which will create Chapter 17.74 of the
Lindon City Code, “Wind Energy Conversion Systems”, to regulate WECS and
46 provide opportunities for citizens to participate in alternative energy generating
methods.

2 COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL
4 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6 Mr. Cowie explained that recommendations from the Planning Commission
regarding this ordinance have been included for review by the City Council. This
8 ordinance creates LCC Chapter 17.74 of the Lindon City Code. Elements of several
existing ordinances found in other municipalities were used in drafting an ordinance
10 which is compatible to the community of Lindon. The Planning Commission
recommended that the City Council consider an increase in the number of WECS
12 permitted on large parcels if required setbacks were met. The ordinance currently
permits no more than two units per parcel regardless of setbacks or lot size. Mayor Dain
14 suggested that ordinance amendments be considered in the future if a specific situation
needs to be addressed. The Council agreed that the ordinance addresses most potential
16 situations.

Mr. Cowie went on to review specific elements of the ordinance, including
18 exemptions for smaller units, required setbacks, and submittal and notification
requirements. The maximum height in any zone is 55 feet. For every foot over the zone
20 height limit, the setback must also increase by one foot. Units are prohibited in the front
setback. Safety issues, such as decibel level and non-climbing pole structures are also
22 addressed in the ordinance. Permitted colors include galvanized metal, white or gray.
No artificial lighting, advertising or displays are permitted on the units to protect the
24 residential character of neighborhoods.

Mayor Dain inquired as to whether any negative aspects of this use came to light
26 during research to write the ordinance. Mr. Cowie stated that he is not aware of any
negative consequences related to similar ordinances or WECS in other communities. He
28 noted that Mr. Mataele spoke with residents neighboring WECS in several communities
while taking photographs of similar units, and that none expressed any concerns. He
30 noted that the ordinance requirements will give the City the necessary tools to address
problematic situations.

32 Mayor Dain called for public comment. There was no public comment. He
called for a motion to close the public hearing.
34

36 COUNCILMEMBR CARPENTER MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.
38

Mayor Dain called for further comments or discussion from the Council. Hearing
40 none, he called for a motion.

42 COUNCILMEMBR FRAMPTON MOVED TO APPROVE #2010-2-O, WIND
ENERGY CONVERSION SYSTEMS. COUNCILMEMBER WALKER SECONDED
44 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

46 COUNCILMEMBER BAYLESS NAY
COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER FRAMPTON AYE
2 COUNCILMEMBER WALKER AYE
THE MOTION CARRIED (3-1) WITH ONE ABSENT.

4
6 Councilmember Bayless explained that her nay vote was based purely on
aesthetics, and possible detrimental effects to the look of the community.

- 8 3. **Public Hearing** – *Ordinance Amendment – Definition of “Family” – Ordinance*
#2010-3-O. The City Council will hear public comment and possibly act to
10 approve an ordinance amendment to Chapter 17.02, Section 17.02.010(59)
“Definitions-Family” of the Lindon City Code. This action is necessary due to
12 the change in the State Code as enacted by the 2010 Legislature.

14 COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING.
COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL PRESENT
16 VOTED IN FAVOR. THE MOTION CARRIED.

18 Mr. Cowie explained that this ordinance amendment is necessary to bring City
Code into compliance with State statute. The new state law specifies that municipalities
20 with a university population of at least 20,000 may not limit the number of unrelated
persons living in a single household to less than three. Other municipalities may not set
22 the limit at less than four. The proposed ordinance amendments state that not more than
four unrelated individuals may occupy a single dwelling.

24 Mayor Dain called for public comment. Hearing none, he called for a motion to
close the public hearing.

26
28 COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

34 COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE
#2010-3-1, DEFINITIONS – FAMILY. COUNCILMEMBER FRAMPTON
36 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS

COUNCILMEMBER BAYLESS AYE
38 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER FRAMPTON AYE
40 COUNCILMEMBER WALKER AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 42
44 4. **Public Hearing** - *Ordinance Amendment – Height Limitations, Exceptions –*
Ordinance #2010-4-O. The City Council will hear public comment and possibly
act to approve an ordinance amendment to Chapter 17.04, Section 17.04.230

2 “Height Limitations, Exceptions” of the Lindon City Code. This action will bring
the city code into conformance with current practices.

4 COUNCILMEMBER WALKER MOVED TO OPEN THE PUBLIC HEARING.
6 COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

8 Mr. Cowie explained that this proposed ordinance amendment allows some
10 exceptions to height requirements for specific structures. Flag poles are addressed in a
separate ordinance, and were removed from this section.

12 Mayor Dain called for public comment. Hearing none, he called for a motion to
close the public hearing.

14 COUNCILMEMBER WALKER MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL
16 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

18 Mayor Dain called for further comments or discussion from the Council. Hearing
none, he called for a motion.

20 COUNCILMEMBER FRAMPTON MOVED TO APPROVE ORDINANCE
22 #2010-4-O – HIEGHT LIMITATIONS, EXCEPTIONS. COUNCILMEMBER
WALKER SECONDED THE MOTION. THE VOTE WAS RECORDED AS
24 FOLLOWS:

26 COUNCILMEMBER BAYLESS AYE
26 COUNCILMEMBER CARPENTER AYE
26 COUNCILMEMBER FRAMPTON AYE
28 COUNCILMEMBER WALKER AYE
THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

30
32 5. **Public Hearing** – *Ordinance Amendment – Holiday Funeral Schedule –*
Ordinance #2010-5-O. The City Council will hear public comment and possibly
34 act to approve an ordinance amendment to Chapter 8.32, Section 8.32.250
“Cemeteries and Funerals, Holiday Funerals” of the Lindon City Code. This is
36 the amendment which disallows interments or exhumations on the Saturday
preceding Memorial Day. The City Council acted to change the policy during the
meeting of June 15, 2010. This item brings the city code into conformance with
38 that action.

40 COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING.
42 COUNCILMEMBER FRAMPTON SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

44 Mayor Dain explained that this ordinance codifies changes which were recently
46 made to cemetery policy. The changes prohibit burials on the Saturday prior to the
Memorial Day holiday. He noted that this policy and ordinance address safety concerns

2 related to conducting a burial at a time when a large volume of people are present at the
cemetery. He called for public comment. Hearing none, he called for a motion to close
the Public Hearing.

4
6 COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER BAYELSS SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

8
10 Mayor Dain called for further comments or discussion from the Council. Hearing
none, he called for a motion.

12 COUNCILMEMBRE BAYLESS MOVED TO APPROVE ORDINANCE
#2010-5-O – HOLIDAY FUNERAL SCHEDULE. COUNCILMEMBER WALKER
14 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

16 COUNCILMEMBER BAYLESS AYE
16 COUNCILMEMBER CARPENTER AYE
18 COUNCILMEMBER FRAMPTON AYE
18 COUNCILMEMBER WALKER AYE

20 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

22 6. **Appeal Hearing** – *Wolf Mountain Products*. This item is an appeal by Wolf
Mountain Products of an administrative decision by staff to declare Wolf
24 Mountain Products site a nuisance under Chapter 8.20 of the Lindon City Code.
The appeal letter requesting a hearing before the City Council was dated March
26 15, 2010. In an attempt to help Wolf Mountain Products comply, staff held a
meeting to discuss the issues. After a period of time, it was difficult to see any
28 progress from Wolf Mountain, and the appeal hearing was then scheduled for the
City Council meeting of June 20, 2010. A request for an extension of time was
30 granted by staff. With very little progress toward compliance, staff has
determined the appeal hearing needs to proceed.

32 Councilmember Carpenter declared a conflict of interest on this agenda item due
to a personal relationship with the owner of Wolf Mountain Products. He recused
34 himself from the discussion and action and left the Council Chambers.

36 Brian Sparks and Bryce Burns, owners of the business, were present as
representatives for this item. They were accompanied by their attorney, Steve
Christensen. City Attorney, Brian Haws, and Code Enforcement Officer, Gary Hoglund,
38 were also present for this discussion.

40 Mr. Cowie stated that this is a review of a Conditional Use Permit issued in 2005
for a bark mulching business located on Geneva Road adjacent to I-15. The City
boundary with Vineyard is adjacent to the site.

42 Mr. Haws reviewed the process which has been followed on this matter to this
point. He stated that the Planning Department and Code Enforcement have met with the
44 business owners on multiple occasions since 2007 in response to complaints from
neighboring property and business owners. Due to the fact that issues which caused the
46 complaints have not been adequately addressed, the City issued a Declaration of

2 Nuisance, as the complaints constitute a nuisance under Lindon City Code. The City
Code also allows the business owner to appeal that decision to the Planning Commission.
4 Following discussion between City staff members, it was agreed with the business
owners that the appeal process would be stayed pending discussion with the Council
regarding the recommended course of action.

6 Mr. Cowie presented a series of photographs which illustrate the nature of the
complaints received by the City. He noted that the complaints are generally related to
8 large volumes of dust produced at the site which impacts neighboring properties,
particularly during wind events. Mr. Hoglund reported that the business owners have
10 made efforts to control the dust, but that the measures which have been implemented are
not adequate to address the issue. He noted that dust six to eight inches deep has been
12 deposited on neighboring sites at times. He reviewed actions which the business owners
have taken in an effort to address the problem, including purchasing a street sweeper,
14 installation of vinyl shields, installation of a sprinkling system.

Councilmember Walker suggested the possibility of building roof structures over
16 the stock piles on the site to minimize blowing materials. Mr. Cowie expressed concern
regarding the City proposing mitigation measures which would cost the business owners
18 time and money, and may not adequately address the problem. Mr. Cowie felt that the
burden of finding a solution for the problem falls to the property owner.

20 Mr. Haws explained that this hearing is informal, and that under City Code, the
Council can make any recommendation to staff regarding this issue. If the Council
22 upholds staff decision that the situation constitutes a nuisance, the business must cease
production until an adequate solution to the complaints is implemented. He clarified that
24 in addition to ceasing operation based on the nuisance abatement, the Conditional Use
Permit issued for this business would be reviewed by the Planning Commission for
26 possible revocation to prevent a similar operation from locating on the site, which may
result in the same problems. Mayor Dain inquired as to whether the City Council has the
28 authority to allow the business to continue to operate for a period of time while as
mitigation measures are implemented. Mr. Haws stated that the City Council can allow
30 the business to continue to operate.

Mr. Christensen reviewed mitigation measures which have been implemented,
32 including sweeping and vacuuming of neighboring property, sweeping and vacuuming of
the Wolf Mountain site, implementation of dust abatement engineering
34 recommendations, instruction to front end loaders operators as to proper loading
techniques, continued use of sprinklers attached to the block wall to reduce dust. Mr.
36 Sparks stated that the water flow in the water suppression system has been substantially
increased. The possibility of increasing the height of the north wall is being investigated.
38 The suppression system on the north wall will be lowered 18 inches to maintain the flow
of water inside the vinyl tarps. The block wall may be extended to twelve feet on the
40 north side, and along all property lines. Engineering recommendations include
construction of a feature which would direct wind up and over the site, rather than
42 through the site.

Mr. Christensen and Mr. Sparks noted that the wind shown in a number of the
44 photos, as well as the dust generated by the wind is not typical, and that those photos
happened to be taken on high wind days. They acknowledged that there have been
46 impacts to neighboring property over the past two years, but that mitigation measures

2 have improved the situation. Implementation of further measures will address the issues
3 further. Mr. Sparks stated that the height of stock piles has been reduced, and that a
4 separate site in Panguitch is now in operation to reduce use at the Lindon location. Mr.
5 Sparks noted that the business produces a large volume of product, approximate 1500 to
6 2000 truckloads annually. He stated that business models which would help reduce
7 impacts from the site are being considered. He also noted that the plant manager was let
8 go in June, and that a new manager who is very proactive in addressing these issues has
9 been hired. Mr. Christensen stated that they anticipate implementing a number of
10 additional mitigation measures, but that it will take some time to complete the process.
11 He stated that he recognizes the frustration of City staff and neighbors. He stated that
12 they would like an opportunity to test mitigation measures during a high wind day to
determine if the issues have been successful addressed.

13 Mayor Dain called for comments from representatives of neighboring businesses
14 who were present at the meeting. Mike Devris, Yard Manager for IMS, stated that some
15 improvements have been made during the past two months. He expressed concern that
16 the dust may constitute a health hazard. He stated that IMS has millions of dollars of
17 equipment at their site which is being impacted. He felt that actions which have been
18 taken are not sufficient, and that his business is being negatively impacted. He noted that
19 large volumes of dust collect inside storage units on his site.

20 Susan Carter, also representing IMS, stated that a letter was submitted to the City
21 when Wolf Mountain applied for a Conditional Use Permit which expressed concern
22 regarding possible impacts. She acknowledged that the owners of Wolf Mountain have
23 made an effort to address the concerns of neighboring businesses, but that the problems
24 have persisted.

25 Conrad Kettler stated that he is the President of the Parcel Warehouse
26 Condominium Association. He stated that he uses a shop vac to try and keep the dust of
27 cars at his site. He noted that dust is also collecting in gutters and storm drains. He
28 observed that there has been slight improvement in recent months, but felt that the issue
29 had not been adequately addressed.

30 Councilmember Walker asked neighboring businesses if they had any suggestions
31 of mitigation measures which could be implemented. Ms. Carter stated that she does not
32 want to suggest any measures which would cost money and may not work. Mr. Devris
33 stated that he was under the impression that when the Conditional Use Permit was issued,
34 the use was approved as an indoor operation. Mr. Cowie reviewed the approved site
35 plan, which showed outdoor storage and processing. Mr. Burns stated that while
36 neighboring business owners are not engineers, he feels there is value in discussion with
37 neighbors. Mr. Kettler stated that he is not particularly concerned about a few high wind
38 days each year, but rather about the ongoing day to day problems.

39 Mayor Dain observed that it appears that Mr. Sparks and Mr. Burns are aware of
40 and acknowledge the problem. He noted that staff has been working to resolve this issue
41 for sometime, and that neighbors feel that the issue can not be adequately addressed. Mr.
42 Haws explained that the purpose of the nuisance is to protect the community from health
43 hazards, and allow enjoyment and use of property. He stated that this situation clearly
44 falls within the requirements of the nuisance ordinance, and that if problems can not be
45 addressed then it would be appropriate to terminate the use. He explained that the
46 question before the Council at this time is whether the use should be terminated until the

2 nuisance is resolved, or if the business should be allowed to continue to operate for a
period of time to allow implementation of additional mitigation measures.

4 Councilmember Bayless stated that she has visited the area of the business on
several occasions in the past month, and that none of those days was considered a high
6 wind day, and there was visible debris in the air. She expressed concern regarding visual
impact of the high walls and the used vinyl tarps, which appear to be left over from
8 various events, in this high visibility area adjacent to I-15. She felt that the ability of
neighboring property owners to use and enjoy their property has been severely impacted,
and that there is a potential health risk to neighbors in the area.

10 Councilmember Frampton stated that his question would be whether there is a
working relationship with neighboring property owners and whether active efforts to
12 address the complaints are being taken, and it appears that they are. He questioned what
the economic impact to the business would be if they were ordered to terminate
14 operations, and felt that it would be difficult to make that requirement after only one
review by the Council. He suggested the possibility of allowing operations to continue
16 until a specific deadline.

18 Councilmember Walker agreed that it would be difficult at this point to order the
business to cease operation. He observed that neighboring property owners acknowledge
that efforts have been made to resolve the issues. He stated that he felt the problems
20 could not likely be resolved without making this an indoor operation.

22 Mr. Cowie explained that the City has imposed a number of deadlines which have
not been met. Mr. Sparks stated that they are currently working with an engineering firm
that addresses similar issues nationwide. Councilmember Bayless inquired as to what
24 amount of time Mr. Sparks felt would be necessary to be able to say they had done all
they could do. Mr. Sparks stated that he could not anticipate a time when he would be
26 willing to say he had done everything possible, that he would always be willing to keep
trying until the issue is resolved. Councilmember Bayless suggested a 3 month extension
28 to implement engineering recommendations. She reiterated concerns expressed earlier
regarding further expenditures of time and money which may not resolve concerns.

30 Mr. Sparks stated that an order to cease operations would be financially
catastrophic to his business. He felt that a number of measures could be taken during a
32 three month extension which may resolve the issues. Councilmember Bayless observed
that a list of action which has been taken would not suffice, and that it would be
34 necessary to see results that indicate the issues have been resolved to allow the business
to continue to operate after the extension. Mayor Dain noted that the used vinyl may be
36 acceptable as a temporary screen, but that there are wind screen products available which
are much more aesthetically acceptable.

38 Mayor Dain called for further comments or discussion from the Council. Hearing
none, he called for a motion.

40
42 COUNCILMEMBER WALKER MOVED TO ALLOW A 90 DAY PERIOD
DURING WHICH WOLF MOUNTAIN WILL BE PERMITTED TO CONTINUE TO
OPERATE WHILE COMPLETING IMPLEMENTATION OF ENGINEERING
44 RECOMMENDATIONS. AT THE END OF 90 DAYS, THE CITY COUNCIL WILL
REVIEW THIS APPEAL AND MAKE A FINAL DECISION. COUNCILMEMBER

FRAMPTON SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

COUNCILMEMBER BAYLESS AYE

COUNCILMEMBER FRAMPTON AYE

COUNCILMEMBER WALKER AYE

THE MOTION CARRIED UNANIMLOUSLY WITH TWO ABSENT.

Councilmember Carpenter joined the meeting at this time.

7. **Review and Action** – *Engineering Services Agreement*. This is a request by staff for the Council’s review and approval of an agreement between the city and J-U-B Engineers, Inc. for engineering services. The city and J-U- B Engineers, Inc. have had an excellent working relationship over the years without benefit of a written agreement. This action will set a general agreement in place for future services.

Mr. Dameron explained that this agreement formalizes engineering services to the City through JUB Engineers. He noted that the agreement can be cancelled by either party with 30 days notice. Mayor Dain called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER BAYLESS MOVED TO APPROVE THE ENGINEERING SERVICES AGREEMENT BETWEEN LINDON CITY AND JUB ENGINEERS. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS AYE

COUNCILMEMBER CARPENTER AYE

COUNCILMEMBER FRAMPTON AYE

COUNCILMEMBER WALKER AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

8. **Review and Action** – *Charitable Grant Agreement*. This is request by staff for the Council’s review and approval of an agreement between the city and the Afton Fryer Huggard Foundation for the Foundation’s participation in the creation of Fryer Park, formerly Orchard Park.

Mayor Dain explained that this agreement formalizes plans between the City and the Afton Fryer-Huggard foundation relative to the charitable donation made for development of Orchard Park, including naming rights and markers at the park. Mayor Dain called for comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE CHARITABLE GRANT AGREEMENT BETWEEN LINDON CITY AND THE AFTON FRYER HUGGARD FOUNDATION. COUNCILMEMBER FRAMPTON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS AYE

2 COUNCILMEMBER CARPENTER AYE
3 COUNCILMEMBER FRAMPTON AYE
4 COUNCILMEMBER WALKER AYE
5 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 6 9. **Review and Action** – *Lease of Police Vehicles – Resolution #2010-17-R*. This is
7 a request by Chief Cullimore for approval of resolution approving the lease
8 agreement with Zions First National Bank for the next round of leasing for our
9 police vehicle fleet for the next two years.

10 Mayor Dain asked Chief Cullimore if he had received any negative comments
11 from residents regarding the new police vehicles. Chief Cullimore stated that he has not
12 heard any negative feedback, but that he will explain the benefits of the lease program in
13 the September newsletter. Councilmember Walker suggested that the City consider
14 splitting the lease, acquiring half of the fleet in alternating years. Chief Cullimore
15 explained that this process could result in a mixed fleet of a particular style of vehicle is
16 not available in a given year. Mr. Dameron noted that vehicles are leased through the
17 state bid process, and that it is not necessary for the City to shop for favorable terms.
18 Mayor Dain called for comments or questions from the Council. Hearing none, he called
19 for a motion.
20

21 COUNCILMEMBER BAYLESS MOVED TO APPROVE RESOLUTION
22 #2010-17-R – LEASE OF POLICE VEHICLES. COUNCILMEMBER FRAMPTON
23 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
24 COUNCILMEMBER BAYLESS AYE
25 COUNCILMEMBER CARPENTER AYE
26 COUNCILMEMBER FRAMPTON AYE
27 COUNCILMEMBER WALKER AYE
28 THE MOTION CARRIED UNANIMLOUSLY WITH ONE ABSENT.

29
30 **COUNCIL REPORTS** –

31
32 **COUNCILMEMBER FRAMPTON** – Councilmember Frampton reported on Lindon
33 Days events, including the Tree Advisory Board booth at the fair. He thanked
34 Councilmember Walker for his work on the event.

35 Councilmember Frampton also inquired as to whether tables and chairs from the
36 new Community Center would be available for rental. Following discussion, the Council
37 felt that the facility could be rented and tables and chairs used on site, but would not be
38 available for off-site rental.

39
40 **COUNCILMEMBER BAYLESS** – Councilmember Bayless reported that the Utah
41 County Trails Committee will visit the Lindon Heritage Trail as part of a county-wide
42 trail tour on Thursday, August 19th.

43 Councilmember Bayless also reported that weekly Healthy Lindon community
44 education classes will be held starting September 13, 2010. She noted that proposed

revisions to the General Plan will be reviewed by the Planning Commission on
2 September 7, 2010

4 **MAYOR DAIN** – Mayor Dain reported that work is underway at Orchard Park. He also
discussed a request from a resident that a toddler story time be included in programs at
6 the new Community Center.

Mayor Dain reported that the owner of Bella Gallery, currently located in Old
8 Station Square, has contacted him inquiring as to the possibility of an art display in the
Community Center. The Council discussed the risk of displaying the art while Maeser
10 Academy is occupying the school. The Council felt that art could be displayed at the
facility, but not advertised for sale. Mayor Dain noted that an agreement should be in
12 place to allow the City to remove any piece which is deemed inappropriate or
controversial. He also felt that the opportunity to display art at the facility should be
14 open to others as well.

Mayor Dain presented the idea of hosting an annual Thanksgiving Dinner at the
16 Community Center for the needy. The Council will discuss this idea further in the
coming weeks.

18 **COUNCILMEMBER WALKER** – Councilmember Walker reported on a ride-along
with the Police Department. He stated that while he was riding with officers, they
20 covered the entire community. He complimented the department on their efforts in the
community.
22

Councilmember Walker also reported on the recent North Utah Valley Animal
24 Shelter Board meeting, which was attended by several representatives of PETA. He
noted that the PETA members were very passionate and very well organized.

26 Councilmember Walker also reported on the success of Lindon Days events, the
City receiving the CAFR award, and sales tax trends.
28

COUNCILMEMBER CARPENTER – Councilmember Carpenter reported that the
30 Utah Infrastructure Agency is actively moving forward. The City will review a bond
resolution and documents in the near future. UTOPIA anticipates some revenue through
32 stimulus funds, which will be awarded in the coming days.

Councilmember Carpenter noted that he is serving concurrently in the UTOPIA
34 and the UIA Board. He stated that at this time, it would be appropriate to appoint another
representative to serve on the UTOPIA Board. Following discussion, Mayor Dain
36 accepted Councilmember Carpenter's resignation as the City representative on the
UTOPIA Board. Mr. Dameron was appointed by the Mayor, with the consent of the
38 Council, to represent the City on the UTOPIA Board.

Councilmember Carpenter invited Chief Cullimore to report on Police
40 Department activities. Chief Cullimore reported on planning for the upcoming 2010 Drill
Down for Safety community preparedness drill. The event has been moved to Monday,
42 September 13, 2010, due to scheduling conflicts with other events on September 10th and
11th. Chief Cullimore also reported on the status of the Veteran's Memorial monument,
44 noting that a \$1,000 check was received from Lindon business All American Gymnastics
as a donation toward the monument. Additional donations will be solicited in the coming
46 months.

2 Chief Cullimore stated that he will forward a copy of the Legal Immigration
Enforcement Act to the Council for their review. This proposed state legislation could
4 impact the City. Chief Cullimore felt that the requirements of the bill as written would
not be enforceable as written. Councilmember Carpenter noted that the Utah League of
6 Cities and Towns will also address this legislation, and that it is not likely to pass as
presently written.

8 The annual Harley Davidson Ride For Fallen Officers will take place on Sunday,
August 22nd. The ride takes place on Sunday due to the number of bikes expected to
10 participate. Organizers expect 2000 riders to leave Timpanogos Harley Davidson at
11:00 a.m., with the ride ending at the Fallen Officers Memorial at the State Capital in
Salt Lake City.

12 **COUNCILMEMBER HATCH** – Councilmember Hatch was not present at this
14 meeting.

16 **ADMINISTRATOR’S REPORT** –

18 Mr. Dameron reported on the following items:

- 20 1. He will be on vacation Monday, August 23rd through Friday September 3rd.
- 22 2. The Council reviewed the Project Tracking List.
- 24 3. The Utah League of Cities and Towns Conference will be held September 15th
to the 17th in Salt Lake City. Councilmember Carpenter will attend.
- 26 4. The Aquatics Center will operate on a post season schedule after August 24th.
- 28 5. Several City employees will participate in the United Way Day of Caring on
September 8th.
- 30 6. An application submitted by YESCO for a billboard relocation has been
denied.
- 32 7. The City, along with Finance Director Jamie Bennee, has received the CAFR
award. The Mayor will present the plaque to Ms. Bennee at a future meeting.
- 34 8. The Council will review and take action at the next regular City Council
meeting regarding a request from Public Works Director, Don Peterson, to
36 approve a permanent pay increase for Jason Parker. Mr. Parker has assumed
extra duties in the Water Department as a result of the absence of the Water
38 Superintendent due to medical issues, as well as the Water Department being
understaffed. The City Council approved a temporary pay increase. This
40 action would make the pay increase permanent.
- 42 9. Maeser Academy will be provided with a copy of the inventory for the
Community Center. If any items are missing at the end of the lease, Maeser
will be required to reimburse the City.
- 44 10. The City will issue an RFP for banking services.
11. A City employee reported that an offensive email had been sent during work.
The employee asked Mr. Dameron to review email policies with other
employees and the Council.

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

4 COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
6 COUNCILMEMBER FRAMPTON AYE
COUNCILMEMBER WALKER AYE

8 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

10 **ADJOURN** -

12 COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT
10:48 P.M. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL
14 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

16 Approved – September 7, 2010

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Debra Cullimore, City Recorder

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28 James A. Dain, Mayor