The Lindon City Council held a regularly scheduled meeting on **Tuesday, November 1, 2011** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, and 100 North State Street, Lindon, Utah.

Conducting: James A. Dain, Mayor
Pledge of Allegiance: Daniel Dell, Troop 165
Invocation: Ott Dameron

**PRESENT**
James A. Dain, Mayor
Lindsey Bayless, Councilmember
Bruce Carpenter, Councilmember
Bret Frampton, Councilmember
Jerald I. Hatch, Councilmember
Mark L. Walker, Councilmember
Ott H. Dameron, City Administrator
Adam Cowie, Planning Director
Cody Cullimore, Chief of Police
Kathryn Moosman, City Recorder

The meeting was called to order at 7:05 p.m.

**MINUTES** – The minutes of the regular meeting of October 18, 2011 were reviewed.

COUNCILMEMBER HATCH MOVED TO CONTINUE APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 18, 2011 TO THE NEXT MEETING. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS AYE
COUNCILMEMBER CARPENTER AYE
COUNCILEMMBER FRAMPTON AYE
COUNCILMEMBER HATCH AYE
COUNCILMEMBER WALKER AYE

THE MOTION CARRIED UNANIMOUSLY.

**OPEN SESSION** – There were no citizen comments.

**MAYOR'S COMMENTS/REPORT** – Mayor Dain reported on the 2nd Annual Thanksgiving Dinner and noted that it will be held on Thursday, November 24th from 11:00 am to 2:00 pm at the Community Center. He further noted that volunteers and donations are currently being accepted for this event. Mayor Dain also mentioned that over 350 people were in attendance last year and it was a very rewarding event. People from all over the County came out to enjoy a nice Thanksgiving dinner. The program is made possible from local sponsors and generous citizens. Mayor Dain added his hope is that this event will continue throughout the future.
CONSENT AGENDA –

No Items

CURRENT BUSINESS -

1. **Public Hearing** – *Ordinance Adoption – Commercial Farm Zone (Ordinance #2011-6-0)*. This is a city initiated action to add Section 17.51 “Commercial Farm Zone” to the Lindon City Code in response to a concept review seen by the Council on September 20, 2011. This proposed ordinance will support agriculture and open space by allowing additional sources of income for farmers by allowing other unique commercial activities associated with working farms. The Planning Commission recommended approval.

   Due to a potential conflict of interest, Mayor Dain excused himself from this agenda item; he then turned the time over to Mayor Protem Councilmember Carpenter.

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

   Mr. Cowie opened the discussion by stating this proposed ordinance is a city initiated change to add a commercial farm zone to the Lindon City ordinances. He further mentioned that Mr. Colledge with Wadley Farms came to the City Council last month and presented some information about his request on expanding his current reception center business as a means to facilitate the continued agricultural production on their property. As part of that discussion the Council felt they wanted to see this as a city initiated action item and directed staff to prepare the ordinance.

   Mr. Cowie stated that there was a public hearing with the planning commission and notices have been sent to multiple property owners surrounding the Colledge acreage. As this item is discussed tonight there may be additional questions associated with Mr. Colledge’s business. Mr. Cowie also noted that this ordinance would be intended for other people to use this in other areas of the city. He went on to say that this Commercial farm zone is being proposed with the intent and purpose of allowing commercial activities to supplement agricultural uses which are proposed or existing within the community. This would require a minimum 5 acre lot size with 40% of the 5 acres to be under agricultural production with a reasonable expectation of profit.

   Mr. Cowie noted some key items for discussion as follows:

   1. 40% agricultural required.
   2. 5 acre requirement.
   3. Lot width and depth and frontage are the same standards as residential zone.
   4. Number of dwellings per lot (not more that one single family dwelling).
   5. Setback requirements. Any potential commercial building should have same setbacks as residential units.
   6. Maximum building height of 35 ft. with an additional 10 ft. for other uses, i.e. cupalo, HVAC.
7. Distance of 10 ft. between buildings as required by building code.
8. Permissible lot coverage of 40% of the lot area.
9. 40% of front yard setback must be landscaped.
10. Screened fencing.

Mr. Cowie then went over permitted uses and conditional uses. He also noted that there are enough conditions in the Conditional Use Permit to set limits and make it compatible. Mr. Cowie also mentioned concerns regarding potential nuisances such as odors, flies, loose animals, etc. Mr. Cowie asked if there were any concerns with any of the listed uses. Councilmember Bayless noted that the Planning Commission discussed this issue thoroughly. There were no other concerns or comments.

Mr. Cowie then went over the parking section. He noted that one of the unique characteristics of Wadley Farms is that it does not have a commercial feel due to the lack of paved asphalt parking, streetlights etc. He further noted that they are exempt from surfacing and striping and the interior parking and landscaping ordinance, but they still have to provide a hard surface, concrete or asphalt, for ADA parking, which they have something similar to that currently in place.

Mr. Cowie then moved on to residential and agricultural accessory buildings. He noted that this section is similar to the residential section of the ordinance. He asked if there were any questions or comments on the ordinance. Mr. Colledge expressed his appreciation to the Council and to Mr. Cowie for their hard work and support making sure this will be compatible to the future growth of Lindon. He added that this has been a struggle with his family on how to preserve the land for future generations.

Mayor Protem Carpenter asked if there were any public comment. Audience member Bruce Armstrong inquired what the property is currently zoned and if this will change the tax rate. Mr. Cowie stated that this property already has green belt status and this ordinance will not change the tax status based on use and size of parcel. Mr. Cowie also noted the current zoning listed is approved for a reception center in a residential zone. He also mentioned that notices were sent to 50 surrounding properties and there was only one comment and one letter in reply. Lindon resident, Randi Powell, expressed her approval for this ordinance and extended her thanks to the Colledge's for their preservation efforts.

In conclusion, Mr. Cowie mentioned that there are not any commercial design guidelines referenced in this ordinance, and noted that this could be a concern with others who would potentially use this ordinance. He further noted that the intent is to be broad enough to maintain the agricultural aspect. Mayor Protem Carpenter asked if there were any other comments. Being none he called for a motion to close the public hearing.

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

Mayor Protem Carpenter asked if there were any further questions or discussion. Being none he called for a motion.
COUNCILMEMBER BAYLESS MOVED TO APPROVE THE ORDINANCE, COMMERCIAL FARM ZONE (ORDINANCE #2011-6-0) SECTION 17.51, AS DISCUSSED AND PREPARED BY STAFF. COUNCILMEMBER WALKER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS  AYE
COUNCILMEMBER CARPENTER  AYE
COUNCILMEMBER FRAMPTON  AYE
COUNCILMEMBER HATCH  AYE
COUNCILMEMBER WALKER  AYE

THE MOTION CARRIED UNANIMOUSLY.

2. **Public Hearing** – Zone Change – Wadley Farms, 35 East 400 North. This is a request by Allen Colledge with the Kristine Miller Colledge Trust for approval of a zone change from R1-20 (Residential Low) to CF (Commercial Farm) at 35 East 400 North. The applicant currently lives on the property and operates a historical farm and reception center at this location. The Planning Commission recommended approval.

Mayor Dain was excused for this agenda item. Mayor Protem Carpenter called for a motion to open the public hearing.

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

Mr. Cowie stated that this is a request by Alan Colledge of Wadley farms to rezone approximately 18 acres of R1-20 single family residential to the CF (commercial farm) zone, which applies to the ordinance that was just passed. He then showed a map of the property and the proposed zone.

Mr. Colledge then described his property and his agricultural production. He further noted that he has 8 cows, apple trees, peach trees, and a vineyard. He also stated that they had looked at other farms and how they are creative with commercial agriculture properties; which include boutiques, receptions, farmers markets, commercial grape juice operations, dinner theaters, restaurant on the farm, etc. Mr. Colledge stated some of these ideas are concepts they are looking into. He concluded by stating that their goal is to make Wadley Farms something that is unique and beneficial to the City.

Mayor Protem Carpenter asked if there were any further questions or public comment. Being none he called for a motion to close the public hearing. Mr. Cowie noted that the Planning Commission approved the conditional use for the expansion of the Wadley Farms reception facility based on the zone change approvals.

COUNCILMEMBER FRAMPTON MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.
COUNCILMEMBER FRAMPTON MOVED TO APPROVE THE ZONE
CHANGE FOR WADLEY FARMS AS DISCUSSED. COUNCILMEMBER HATCH
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER BAYLESS  AYE
COUNCILMEMBER CARPENTER  AYE
COUNCILMEMBER FRAMPTON  AYE
COUNCILMEMBER HATCH  AYE
COUNCILMEMBER WALKER  AYE
THE MOTION CARRIED UNANIMOUSLY.

Mayor Protem Carpenter then invited Mayor Dain back to the meeting.

3. Review and Action – Cooperative Agreement between Lindon City and UDOT
for 600 South Sewer Services. This is a request by staff for the City Council’s
review and approval of the 600 South Sewer System Installation and Maintenance
Cooperative Agreement. This became necessary when the alignment of the sewer
changed and deadlines dates with PRC became problematic. Staff recommends
approval.

Mark Christensen, City Engineer, was in attendance to discuss this sewer service
agreement. Mr. Christensen stated that the agreement’s purpose is to formalize
responsibility between Lindon City and UDOT. He also mentioned that UDOT has some
concerns about protecting their interests, primarily as their interests relate to their
contract with the Provo River Constructors and making sure they are not delayed. Mr.
Christensen stated the two parts they are concerned about as follows:
1. Run outside of roadway asphalt (not a big concern).
2. Turn north and tie in with existing 24 inch line.

Mr. Christensen also noted at that point a decision needs to be made, if the sewer
and pavement will be in according to UDOT specifications (all according to weather),
then we can proceed, if the sewer and pavement cannot get in under UDOT
specifications, because of the cold, temporary pavement will be put in, and in the spring
the pavement will be replaced. Mayor Dain stated this needs to be handled carefully with
the merchants in the area. Mr. Christensen noted that all were in agreement that sooner
would be better to get it done; but also the best interest would be to wait until all the soil
is remediated. Mr. Dameron stated that City Attorney, Brian Haws had reviewed this
agreement.

Councilmember Bayless inquired as to when the project will be completed. Mr.
Christensen replied the projected date is December 31, 2012. Mayor Dain asked if there
were any further questions or comments, being none he called for a motion.

COUNCILMEMBER HATCH MOVED TO APPROVE THE COOPERATIVE
AGREEMENT BETWEEN LINDON CITY AND UDOT FOR 600 SOUTH SEWER
SERVICES AS DISCUSSED. COUNCILMEMBER WALKER SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER BAYLESS  AYE
COUNCILMEMBER CARPENTER  AYE
2 COUNCILMEMBER FRAMPTON  AYE
COUNCILMEMBER HATCH  AYE
4 COUNCILMEMBER WALKER  AYE
THE MOTION CARRIED UNANIMOUSLY.

4. Discussion – Detached Accessory Apartments. This discussion item is brought forward again for consideration by the full Council. Information and options will be presented as an amendment to the R2 Overlay Zone.

Mr. Cowie opened this discussion by explaining that after discussion at City Council this issue went to the Planning Commission. The Planning Commission had a lot of questions and wanted to know more specifics on what could be written into an ordinance, but were overall unanimous and thought a detached accessory apartment was something to consider and was a possibility. Mr. Cowie noted that with the Planning Commission input a couple of more items were added with the intent of determining how to put restrictions on detached accessory apartments so it does not change the character of the neighborhood.

Mr. Cowie stated that the proposed size limit is 800 square feet, which, as far as visually, 800 square feet is probably smaller than most accessory buildings or barns approved in the city. Mr. Cowie went on to say that a big contributing factor is cost; the average cost of detached cottages are $65,000 on average; which is a substantial investment. Mr. Cowie stated that the cost issue alone is a big restrictive factor.

Mr. Cowie then went over some general conditions that could restrict detached accessory apartments as follows:

1. Only one accessory apartment per lot.
2. Single story height, no more than 20’ high.
3. Meet same setbacks as primary residence.
4. Must have similar architecture as primary residence.
5. Cannot exceed 800 square feet of living space.
6. All other accessory apartment standards apply.
7. Lots cannot be subdivided.
8. Restrict to one address.

Councilmember Walker suggested doing a test area or set a certain number of detached accessory apartments to be allowed and then do a review. Mayor Dain commented that the biggest concern is that it opens the door for ¼ acre lots. Mr. Cowie stated that because of setbacks, most of the lots in the city (with the exception of corner lots) would not meet the requirements. Mayor Dain stated that if this was crafted right, so the lot could not be subdivided, it may be a plausible idea. Mayor Dain asked Mr. Cowie if the planning commission wanted to pursue this concept. Mr. Cowie replied that they were willing to explore this issue and there was no opposition. The Council thanked Mr. Cowie. The Council was generally in favor, except Councilmember Bayless, of continuing to research this concept.
5. **Review and Action** – *Tree Board Report/Recommendations, 1200 East.* Heath Bateman, staff for the Tree Advisory Board, will present recommendations for the handling of existing trees along 1200 East.

Heath Bateman was in attendance and reported on the research that has been done with the Tree Board regarding options on the trees (London Plane Trees) on 1200 East in Canberra. Mr. Bateman stated that London Plane Trees can grow to over 70 feet tall, which has caused sidewalk heaving. These trees also can get anthracnose fungus disease (discoloration and branch dieback), which takes two (2) sprays a year over a three (3) year time frame to kill it. He also noted that this is a very common tree disease.

Mr. Bateman noted three options regarding the tree problem in the Canberra area as follows:

1. **Keep the trees** – Keep ownership and responsibility.
2. **50/50 cost share split to remove them; a new tree would be owner responsibility, with one time tree and stump removal cost split between owner and the city; perhaps require a tree for every one taken out (Tree board has a list of recommended trees).**
3. **Turn tree over to the homeowner.**

Councilmember Frampton commented, as a member of Tree Board, how much the Board appreciates Mr. Bateman and what a great job he has done. Chirley Rodriguez (homeowner) was in attendance. She completed a poll of the neighbors and they all felt that the city does not do enough to take care of the trees. She was asked what the owner’s would do if they had complete control of trees. She suggested they would take care of them unless they ran into trouble. Mr. Bateman concluded by stating that we know these are the wrong trees for the location and suggested investing in a spray program to maintain the trees or turn them over to the homeowner.

Mr. Bateman then summarized the proposed removal process as follows:

1. Interested Home owners will fill out an application for the City.
2. Application is reviewed by the Tree Board
3. Upon acceptance, resident is given notice to proceed with the tree removal using the City approved tree removal company.
4. Homeowner receives the invoice and forwards the invoice to the City with payment for ½ the cost of the invoice.

Mr. Bateman will contact the neighbors and arrange a meeting at the Community Center within the next couple of weeks to talk about this issue and see how the neighbors feel about it and report back to the Council. Mr. Dameron summarized the issue by stating the City does not want ownership, but will help with the costs of removal if the homeowner wants the tree removed; otherwise, the homeowner owns the tree. Mayor Dain added that the City will implement a program with a start and stop time frame. Mayor Dain then asked if there were any further questions or comments. Being none he called for a motion to continue.
COUNCILMEMBER WALKER MOVED TO CONTINUE THE TREE BOARD REPORT RECOMMENDATIONS ON 1200 EAST. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS  AYE 4
COUNCILMEMBER CARPENTER  AYE 6
COUNCILMEMBER FRAMPTON  AYE 8
COUNCILMEMBER HATCH  AYE
COUNCILMEMBER WALKER  AYE 10
THE MOTION CARRIED UNANIMOUSLY.


This is a request by the Chief Building Official for the Council’s consideration and approval of the reappointment of the members of the Building and Fire Code Appeals. Terms of office are for three years and all individuals consented to be reappointed.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE REAPPOINTMENT OF DENNIS CARTER, PAUL THORLEY, MATT BROWN, JULIAN CHISCHILLIE AND SCOTT GURNEY AS MEMBERS TO THE BUILDING AND FIRE CODE APPEALS. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS  AYE 22
COUNCILMEMBER CARPENTER  AYE 24
COUNCILMEMBER FRAMPTON  AYE
COUNCILMEMBER HATCH  AYE 26
COUNCILMEMBER WALKER  AYE
THE MOTION CARRIED UNANIMOUSLY.

7. **Review and Action – Policy Adoption – Education Related Participation.** This is a request by the Mayor and Staff for the Council’s consideration and approval of a policy dealing with the city’s long established elementary education grants and expanding to non-monetary participation with other schools where Lindon children attend.

Mr. Dameron presented a resolution for the Mayor’s signature. Mr. Dameron noted that he had input from some of the Councilmembers on this issue. Mayor Dain then read the policy to the audience members. Mr. Dameron also noted that the grant program has been in place for over 10 years, and $100 goes directly into the classroom.

Mayor Dain stated that there will not be cash for fund raiser activities only the mini-grants, but they may offer a pool pass for fundraising. Schools included would be the schools where Lindon children attend; Oak Canyon Jr. High will also be included in mini grants. Mayor Dain noted that this will not exceed $1500 annually.

COUNCILMEMBER HATCH MOVED TO APPROVE THE POLICY ADOPTION FOR EDUCATION RELATED PARTICIPATION. COUNCILMEMBER
WALKER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS  AYE
COUNCILMEMBER CARPENTER  AYE
COUNCILMEMBER FRAMPTON  AYE
COUNCILMEMBER HATCH  AYE
COUNCILMEMBER WALKER  AYE
THE MOTION CARRIED UNANIMOUSLY

8. **Review and Action** – Annual Meeting Schedule. The annual meeting schedule for calendar year 2012 will be reviewed and approved by the Mayor and Council.

The schedule includes meeting dates for the City Council, Planning Commission, Board of Adjustments, Redevelopment Agency, and the Municipal Building Authority.

Mr. Dameron pointed out one mistake on the schedule: July 10, 2011, instead of July 12, 2011, and noted the change will be made on the schedule.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE ANNUAL MEETING SCHEDULE FOR 2012 AS CORRECTED. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BAYLESS  AYE
COUNCILMEMBER CARPENTER  AYE
COUNCILMEMBER FRAMPTON  AYE
COUNCILMEMBER HATCH  AYE
COUNCILMEMBER WALKER  AYE
THE MOTION CARRIED UNANIMOUSLY

**COUNCIL REPORTS** –

**COUNCILMEMBER BAYLESS** – Councilmember Bayless had nothing to report.

**COUNCILMEMBER FRAMPTON** – Councilmember Frampton stated that he appreciates Mr. Bateman and his work with the Tree Board. He also reported that he feels that a meeting with the residents and the Tree Board will be beneficial regarding the tree issue at Canberra.

**COUNCILMEMBER HATCH** – Councilmember Hatch had nothing to report.

**COUNCILMEMBER WALKER** – Councilmember Walker reported that he spent time at the DUI traffic stop and appreciated the opportunity to watch the police work and enjoyed watching the police dogs work with the officers. He further noted that he appreciates all the work Chief Cullimore and the police department does. Councilmember Walker also shared an article from the Deseret News stating that Lindon is second to
Alpine in home values. He also shared an article about Utopia and fiber optics. The legislature has asked for an audit on utopia that will be out in December.

COUNCILMEMBER CARPENTER – Councilmember Carpenter reminded the Council about UIA and the approaching refinancing of the utopia bonds as required by Key Bank; they have agreed and the refinancing will not cost the City anything, which will give the city greater certainty with the financial picture. Councilmember Carpenter also stated that a lot of connections are going in and they are slowly going through the city. He further noted that there have been some discussions about things they can do to accelerate the process; one idea is whether or not we want to provide an additional alternative that would not require the long term commitment for people who are not interested in owning their connection. He also pointed out that if this were allowed, it would shift the risk to the city, but could potentially increase the revenue strength, and is something to think about. Councilmember Carpenter also stated that they are always nervous about meeting projections but sales seem to be going fine and financially they are ahead of the benchmarks.

Councilmember Carpenter invited Chief Cullimore to report on Police Department activities. Chief Cullimore reported that there were 10 separate agencies in attendance at the DUI traffic stop. Chief Cullimore also thanked the State Highway Safety Office and their great program for helping out. Chief Cullimore also reported they had 6-7 DUI’s and 12 other arrests with other drugs/ and or alcohol. There were also canine units there and 28 officers. Chief Cullimore also stated that there were 12-13 arrest on warrants and other offenses and one illegal possession of a dangerous weapon. Chief Cullimore further stated that they received all good feedback for the operation, and he then thanked the Council for their support.

ADMINISTRATOR’S REPORT –

Mr. Dameron reported on the following items:
1. Engineering coordination meeting will be on the 8th of November. Councilmember Frampton and Councilmember Walker will be attending.
2. Project tracking list: will check to see if the top three can be removed.
3. Contacted by the Pleasant Grove Chamber of Commerce – Councilmember Walker will contact the Utah Valley Chamber of Commerce. Mr. Dameron will contact Pleasant Grove to let them know Lindon is committed to UVCC now.
5. Response on the State Street Project; Project will take care of road and will make it a 3 lane road but is still in litigation.
6. Christmas tree location – Heath will have the Utopia line moved to have the tree in the center.
7. Business Shelf Reliance moved out of Lindon. Suggest sending a letter to top 20 businesses expressing appreciation and if any desire to move or relocated to contact us at the Economic Development department.
8. Street projects completed on 300 East and 400 North.
9. Center street striping has been given direction to do 200 East to Canal Drive.
10. General plan will come to Council on November 15th for final adoption.
11. The H.E.A.T. Program, a State funded program; we are allowing them to run the program in the Community Center for Summit, Wasatch and Utah counties. MAG was very appreciative for the use of the building.

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

COUNCILMEMBER BAYLESS  AYE
COUNCILMEMBER CARPENTER  AYE
COUNCILMEMBER FRAMPTON  AYE
COUNCILMEMBER HATCH  AYE
COUNCILMEMBER WALKER  AYE

THE MOTION CARRIED UNANIMOUSLY.

ADJOURN –

COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE MEETING AT 10:15 P.M. COUNCILMEMBER WALKER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – November 15, 2011

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Kathryn Moosman, City Recorder

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James A. Dain, Mayor