

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, January 17, 2006**,
beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100 North State
Street, Lindon, Utah.

4 Conducting: Jeff Acerson, Mayor
6 Pledge of Allegiance: Adam Cowie, Planning Director
Invocation: Bruce Carpenter, Councilmember

8 **PRESENT**

ABSENT

10 Jeff Acerson, Mayor
12 Eric Anthony, Councilmember
Bruce Carpenter, Councilmember
14 Jerald I. Hatch, Councilmember
Ott H. Dameron, City Administrator/Recorder
16 Adam Cowie, Planning Director
Debra Cullimore, Deputy Recorder

H. Toby Bath, Councilmember
Lindsey Bayless, Councilmember

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

20 **SWEARING IN CEREMONY** – The City Recorder will take the oath of office given by
22 Judge W. Brent Bullock. The Utah State Code requires the appointed positions of Recorder and
Treasurer to be reappointed after each municipal election. The elected officials and the
24 Treasurer previously took the oath of office.

26 City Recorder Ott H. Dameron came forward and took the oath of office, which was
administered by Municipal Court Judge W. Brent Bullock.

28 **MINUTES** – The minutes of the regular meeting of January 3, 2006 were reviewed. The
30 following corrections were made:

32 Page 6, Line 41: insert the words “ALIGNS WELL WITH A VARIETY OF
PERMITTED USES AND” following the word “USE.”
34 Page 7, Line 21: delete the sentence “Councilmember Carpenter noted that this use
is compatible in the HI zone, and that it aligns well with a large
36 variety of permitted uses in the HI zone.”
Page 8, Line 26: insert the words “which reflects a decrease in the fee charged per
38 pick up truck load.”

40 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES OF THE
JANUARY 3, 2006 MEETING AS CORRECTED. COUNCILMEMBER HATCH
42 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

44 **OPEN SESSION** –

2 Mayor Acerson invited comments from those present regarding items which were not on
the agenda for this meeting. Lindon resident Kristi Schultz approached the Council. Ms. Schultz
4 commented on the amount of child abuse which is reported on the news. She stated that child
abuse is a prevalent problem in the United States, as well as in the state of Utah and the City of
6 Lindon. Ms. Schultz commented on the recognition of Picabo Street as National Spokesperson
for child abuse victims. According to Ms. Schultz, the focus of the National Spokesperson will
8 be to raise awareness of the challenges that face victims of abuse. Ms. Schultz stated that she is
now divorced, but that abuse was present during her marriage to her ex-husband. She stated that
10 programs to assist victims of abuse are limited in our area, and suggested that she be a
spokesperson for victims of abuse in Lindon.

12 Captain Cody Cullimore of the police department was present at the meeting. Mayor
Acerson inquired as to victim assistance programs available in the Utah County area. Captain
Cullimore stated that the Children's Justice Center located in Provo serves the Utah County area,
14 and is an award winning facility with many programs available for victims of abuse.

16 Councilmember Carpenter noted that Ms. Schultz had raised some important points
regarding the increase in reports of abuse. He stated that in the state of Utah, services for victims
of abuse are not typically provided by cities, but through state and county services.

18 Councilmember Carpenter noted that Lindon City expends significant funds each year in support
of the Children's Justice Center, and that many residents in the community are supportive of the
20 programs available through the facility.

22 Councilmember Anthony commented on progress he has seen in situations of abuse of
which he is aware. He felt that support systems for families have improved in recent years, and
that channels are available to help children recover from the effects of abuse.

24 Ms. Schultz commented on her involvement with the use of equine therapy, in which
victims of abuse use horseback riding to overcome the emotional trauma they have experienced.
26 Councilmember Anthony noted that Courage Reins is one such organization in Utah Valley. He
asked Ms. Schultz if she had contacted any established equine therapy programs. Ms. Schultz
28 stated that she is hopeful that she can start her own program, and write a book about the positive
effects such programs can have on children.

30 Mayor Acerson thanked Ms. Schultz for her interest and her insights. He noted that
abuse is a critical issue in society, and that there is a need for everyone who is willing to help.

32 **MAYOR'S COMMENTS/REPORT** –

34
36 Mayor Acerson commented on the State legislative session which is currently under way.
He encouraged citizens to become informed and involved in the legislative process. He
commented on various proposed uses for the projected revenue surplus in the State budget. He
38 encouraged citizens to communicate with elected officials at the State level regarding what they
feel is the best use of the budget surplus funds.

40 **CONSENT AGENDA** –

42 No items.

44 **CURRENT BUSINESS** –

1. **Review and Action** – *Financial Audit Report for Fiscal Year 2004-2005*. Michael R. Stoddard of CPA Network, LLC and Kristen Colson, the City’s Finance Director, will present the city’s annual audit report.

City Finance Director/Treasurer, Kristen Colson, and Michael Stoddard of CPA Networks LLC were present at the meeting to deliver results of the recently completed 2004-2005 fiscal year audit report. Mr. Stoddard pointed out that a large portion of the audit is completed by the City. Mr. Stoddard drew the attention of the Mayor and Council to the Management Discussion and Analysis portion of the report. He stated that this section provides an overview of the financial status of the City.

Ms. Colson then addressed the Council. She reported on net assets of the City, which exceeded it’s liabilities as of June 30, 2005 by \$36,289,987.00. Of this amount, \$5,668,445 (unrestricted net assets) may be used to meet the government’s ongoing obligations to citizens and creditors. Ms. Colson noted that the majority of City assets are tied up in infrastructure, and that net assets increased due to bond funds which are not yet fully expended.

Councilmember Anthony observed that the report shows a significant increase in net sales tax. Ms. Colson confirmed a 40% increase in net sales tax during the 2004-2005 fiscal year. Councilmember Carpenter noted that this is the first instance in which sales tax figures have exceeded property tax figures, which may not be a beneficial long term trend. Ms. Colson explained that the City makes an effort to use sales tax revenues for improvement projects which will not create significant long term expenses for the City. She also stated that it is the practice of the City to be cautious about capital improvement to ensure that long term maintenance of such improvements can be sustained.

Mr. Stoddard again commented on the substantial input from the City, and Ms. Colson in particular, in preparation of this financial audit report. Mr. Stoddard reported on discussion which has been held with the Audit Committee regarding implementation of additional internal controls within the City. He stated that current internal controls are based on the strong culture of ethics and responsibility that exists within the City, but that additional internal controls which involve multiple people monitoring the collection of assets should be considered at such time as it becomes financially viable to include additional positions.

Mayor Acerson thanked Mr. Stoddard and Ms. Colson for their time in preparation and presentation of the audit report.

COUNCILMEMBER CARPENTER MOVED TO ACCEPT THE 2004-2005 FISCAL YEAR AUDIT REPORT AS PRESENTED. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2. **Preliminary Plat** – *Dirker Farms Residential Subdivision, Plat “E”*. This is a request by Rick Murano for preliminary subdivision approval of Dirker Farms Residential Subdivision, Plat “E” 2 lots, in the R1-20 zone at 231 East 70 South. The Planning Commission recommended approval with conditions.

Mr. Cowie reviewed this application for the Council. He stated that the applicant is requesting approval of a two-lot subdivision. Mr. Cowie noted that the exterior boundaries of the subdivision will remain the same, but that the interior line separating the two lots will be relocated between the existing structures on the site. Mr. Cowie stated that sewer and water

improvements are stubbed to the proposed lots. The Planning Commission recommended approval of this application with two conditions.

Mr. Murano was required to bond for improvements on the previous Dirker Farms development. The bond expired for the required improvements. The Planning Commission recommended that the final plat not be recorded until a new bond is submitted for the required improvements. Mr. Murano agreed to this condition during Planning Commission review of this item. Mr. Murano commented that curb, gutter, water, and sewer, are currently installed, and that sidewalk improvements will be bonded for prior to the plat being recorded.

Mr. Cowie then commented on a trail section listed on the current General Plan map on the north side of the north side of 70 South. Mr. Cowie stated that proposed changes to the General Plan do not list this area as a trail section. The trail area is located within the City right-of-way. The City Council previously directed Mr. Murano to install the trail on lots previously developed in Dirker Farms. The Planning Commission recommended that the trail section not be installed, but that the trail area for this proposed development be installed as a planter strip maintained by individual property owners.

Councilmember Carpenter asked if the asphalt roadway was narrower than typical road cross sections. Mr. Cowie stated that the roadway is 28ft asphalt width. Councilmember Anthony stated that he has received some feedback from area residents that the roadway is too narrow. Mr. Murano observed that CCR's associated with this development disallow on street parking by residents due to the narrow road width.

Councilmember Carpenter commented on discussion regarding the trail section three years ago. He noted that it did not seem likely that the trail section would ever connect to the trail system. Councilmember Carpenter discussed the opinion of Commissioner Godfrey that there is a benefit to trail segments, regardless of whether they connect to the trail system. Councilmember Anthony asked Mr. Cowie if the City had abandoned any plan to connect this trail section to the trail system. Mr. Cowie stated that trail system plans are not yet approved. Mr. Dameron commented that the General Plan Committee had leaned toward a trail system on primary corridors of the City which would connect City parks and other amenities, and elimination of designated trail sections in other areas. Councilmember Carpenter observed that the trail area would remain in the City right-of-way, and could be converted to a trail section in the future if the City determined that it would be a benefit to do so. Mr. Dameron observed that the City had not yet determined a surface material for trails at the time Mr. Murano originally developed Dirker Farms. He stated that the Lindon Heritage Trail will consist of a ten foot asphalt width. Mayor Acerson suggested that it would be necessary to communicate with property owners regarding the trail area, and that it may be installed as a trail section at some time in the future.

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

COUNCILMEMBER CAPRENTER MOVED TO APPROVE THE REQUEST BY RICK MURANO FOR A MINOR SUBIDVISION TITLED DIRKER FARMS PLAT E, WITH THE FOLLOWING CONDITIONS:

- 1. THAT THE PLAT NOT BE RECORDED UNTIL A NEW BOND IS SUBMITTED FOR INSTALLATION OF PUBLIC INFRASTRUCTURE ON PREVIOUS DIRKER FARMS PLATS THAT HAS NOT BEEN COMPLETED.**

2. THAT THE TRAIL SHOWN ON THE CURRENT GENERAL PLAN TRAILS MAP ON THE NORTH SIDE OF 70 SOUTH SHOULD NOT BE INSTALLED, BUT A PLANTER STRIP SHOULD BE INSTALLED BY THE DEVELOPER WITH SPRINKLING SYSTEMS, AND THIS STRIP WILL BE MAINTAINED BY INDIVIDUAL PROPERTY OWNERS. THE CITY RESERVES THE RIGHT TO CONVERT THE AREA INTO A TRAIL SECTION IN THE FUTURE. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

3. **Preliminary Plat** – *SJSC, LLC Commercial Subdivision, Plat “A”*. This is a request by Steve Miner for preliminary subdivision approval of SJSC, LLC Commercial Subdivision, Plat “A”, one lot, in the CG zone at 2995 West 600 North (recently annexed parcel). The Planning Commission recommended approval with no conditions.

Mr. Cowie noted that Mr. Miner was not present at the meeting. He suggested the Council proceed with review of this item in Mr. Miner’s absence due to the fact that a recorded subdivision plat is required by the City for the area of road dedication. Mr. Dameron clarified that this subdivision is in the recently annexed area on the west side of the City. Mr. Cowie stated that the area of dedication is a twenty foot strip, and will be a part of the 600 North roadway dedication. Mr. Cowie also noted that the subdivision plat is a State requirement for road dedication. Mayor Acerson called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER ANTHONY MOVED TO APPROVE THE REQUEST BY STEVE MINER FOR A MINOR SUBIDIVISION TITLE SJSC PLAT A. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4. **Preliminary Plat** – *Southcreek Industrial Subdivision, Plat “A”*. This is a request by Scott Mitchell and Mike Dunn for preliminary subdivision approval of Southcreek Industrial Subdivision, Plat “A”, 2, lots, in the LI zone at 1470 West 200 South. The Planning Commission recommended approval with no conditions.

The representatives for this application were not present at the meeting. Mr. Cowie noted that there are several outstanding concerns associated with this application that need to be addressed with the applicants. He recommended continuing this item until Mr. Mitchell and Mr. Dunn are available to address the Council.

COUNCILMEMBER CARPENTER MOVED TO CONTINUE CONSIDERATION OF THE SOUTHCREEK INDUSTRIAL SUBDIVISION APPLICATION TO THE NEXT MEETING OF THE CITY COUNCIL. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

5. **Preliminary Plat** – *Carter Residential Subdivision, Plat “A”*. This is a request by Leo Carter for preliminary subdivision approval of Carter Residential Subdivision, Plat “A”, 2

lots, in the R1-20 zone at 111 South 500 East. The Planning Commission recommended approval with no conditions.

Francis Eickbush of Oak Hills Surveyors was present as the representative for this item. Mr. Cowie informed the Council that the applicant submitted a revised application which was not included in the packets for this meeting. The revised plan shifts the center boundary line between the two parcels further to the west to align with the existing fence line. The west parcel will be approximately .66 acres, and the east parcel will be approximately .83 acres. Some area of road dedication will be necessary on 400 East. The lots will front onto 500 East. Mr. Cowie noted that road improvements will be completed as a part of this development. Councilmember Carpenter inquired as to improvements which may have been required for other development on 400 East. Mr. Cowie stated that he is unsure of bonding requirements for improvements for previously approved subdivisions on 400 East, but will review records to determine what improvements were required, and if those improvements have been completed. Mayor Acerson called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE REQUEST BY LEO CARTER FOR A MINOR SUBDIVISION TITLED CARTER SUBDIVISION, PLAT "A". COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6. **Preliminary Plat** – *Lindon Warehouse Condominiums – Industrial Subdivision Condominium Plat* This is a request by Professional Office Rentals, LLC for preliminary subdivision approval of Lindon Warehouse Condominiums Industrial Subdivision, Condominium Plat, in the LI zone at 321 South 1250 West. The Planning Commission recommended approval with no conditions.

Allen Hollingshead and Casey Nelson were present as the representatives for this application. Mr. Cowie reviewed this item for the Council. He stated that the site plan for this development was previously approved as the Parcell Warehouse. The development is a multi-unit industrial warehouse which fronts onto 1250 West. Mr. Cowie noted that no change is proposed in the site plan or the foot print of the building, but that office units will be sold individually as condominium units. Mr. Hollingshead noted that the concept of condominiums gives small business owners control and ownership of their respective businesses.

Councilmember Carpenter asked if other similar projects have presented any significant problems. Mr. Cowie stated that the only concern would be a contact person in the event the City finds it necessary to communicate concerning code enforcement or other issues. Mr. Hollingshead stated that a condominium association will be formed, with a President and Vice President available for communications with the City.

Councilmember Anthony inquired as to whether CC&R requirements set by the condominium association are enforced by the City. Mr. Cowie responded that CC&R's may be changed or revised at the discretion of the condominium association, and that the City does not participate in enforcement of the CC&R requirements. Councilmember Carpenter asked how CC&R's are recorded. Mr. Cowie stated that they are referenced on the plat recorded with the county.

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

4 COUNCILMEMBER HATCH MOVED TO APPROVE THE REQUEST BY
6 PROFESSIONAL OFFICE RENTALS LLC FOR A MAJOR SUBDIVISION TITLED LINDON
WAREHOUSE CONDOMINIUMS. COUNCILMEMBER ANTHONY SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

8
10 7. **Review and Action** – *Resolution of Intent to Review the Deep Lot Ordinance (#2006-1).*

12 This is a request by staff for the Council’s consideration of a resolution which would declare the city’s intent to review Section 17.32.320 of the Lindon City Code relating to deep lots in accordance with the new LUDMA requirements of the State of Utah.

14 Mr. Dameron invited Mr. Cowie to explain the Resolutions which would be presented for approval. Mr. Cowie explained that Resolutions #2006-1, #2006-2, and #2006-3 are procedural in nature, and provide required notice to the community regarding pending land use ordinance changes. Mr. Cowie stated that applications may be submitted during the review process, but that applicants would receive a copy of the associated resolution. Applications received during the review process would not be finalized or approved until revisions to the associated ordinance are completed. Councilmember Carpenter noted that these resolutions are in compliance with recently approved Land Use Development Management Act (LUDMA) requirements. Mayor Acerson called for further comments or discussion. Hearing none, he called for a motion.

24 COUNCILMEMBER HATCH MOVED TO APPROVE RESOLUTION #2006-1
26 INDICATING THE INTENT OF LINDON CITY TO REVIEW, ADOPT, AMEND OR
REVISE THE DEEP LOT SECTION OF THE SUBDIVISION ORDINANCE (LCC SECTION
17.32.320) WITHIN LINDON CITY AS NECESSARY AND AUTHORIZED THE MAYOR
28 TO SIGN THE ASSOCIATED DOCUMENTS. COUNCILMEMBER CARPENTER
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

30 COUNCILMEMBER ANTHONY AYE
32 COUNCILMEMBER CARPENTER AYE
COUNCILMEMBER HATCH AYE
THE MOTION CARRIED WITH TWO ABSENT.

34
36 8. **Review and Action** – *Resolution of Intent to Review the Travel Influence Zone (#2006-2).* This is a request by staff for Council’s consideration of a resolution which would declare the city’s intent to review Chapter 17.52 of the Lindon City Code relating to the travel influence zone (T-Zone) in accordance with the new LUDMA requirements of the State of Utah.

40
42 Mr. Cowie noted that the T-Zone Ordinance is written to indicate a 1000 foot area on either side of I-15, as well as 2000 feet off of any off-ramp to be included in the T-Zone area. He stated that the maps associated with the T-zone indicate a 500 foot strip. Implementation of the ordinance appears to be consistent with the 500 foot strip specified on the maps, and maintains a reasonable area as the T-Zone.

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

4 COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION #2006-2
6 INDICIATING THE INTENT OF LINDON CITY TO REVIEW, ADOPT, AMEND OR
8 REVISE THE TRAVEL INFLUENCED DISTRICT (T-ZONE) ORDINANCE (LCC
CHAPTER 17.52) WITHIN LINDON CITY AS NECESSARY AND AUTHORIZED THE
MAYOR TO SIGN THE ASSOCIATED DOCUMENTS. COUNCILMEMBER ANTHONY
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

10 COUNCILMEMBER ANTHONY AYE

COUNCILMEMBER CARPENTER AYE

12 COUNCILMEMBER HATCH AYE

THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

- 14
16 9. **Review and Action** – *Resolution of Intent to Review the Sexually Oriented Businesses Ordinance (#2006-3)*. This is a request by staff for the Council’s consideration of a resolution which would declare the city’s intent to review Chapter 8.30 of the Lindon City Code relating to sexually oriented businesses in accordance with the new LUDMA requirements of the State of Utah.

20
22 Mr. Cowie stated that this ordinance was reviewed at the request of Planning
Commissioner Jim Peters. Mr. Cowie stated that the ordinance was written to allow a small area
24 for location of sexually oriented businesses. Because of required setbacks from schools,
residential areas, and arterials, there is currently no area where such a business could legally
locate. Mr. Cowie recommended designation of a specific area in the HI zone. Revisions to the
26 ordinance will be reviewed by the Planning Commission and forwarded to the City Council.

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

30 COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION #2006-3
32 INDICATING THE INTENT OF LINDON CITY TO REVIEW, ADOPT, AMEND OR
34 REVISE THE SEXUALLY ORIENTED BUSINESSES ORDINANCE (LCC CHAPTER 8.30)
WITHIN LINDON CITY AS NECESSARY AND AUTHORIZE THE MAYOR TO SIGN THE
ASSOCIATED DOCUMENTS. COUNCILMEMBER ANTHONY SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

36 COUNCILMEMBER ANTHONY AYE

COUNCILMEMBER CARPENTER AYE

38 COUNCILMEMBER HATCH AYE

THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

- 40
42 10. **Public Hearing** – *Ordinance – Revision of Sign Ordinance (#2006-1)*. This is a request
by staff for the Council’s consideration of an ordinance revising and amending section
44 18.03.030 of the Lindon City Code relation to flags, pole signs, and banner signs. The
Planning Commission made several recommendations which have been incorporated into
46 this version of the ordinance.

2 COUNCILMEMBER CARPENTER MOVED TO OPEN THE THREE PUBLIC
HEARINGS LISTED ON THE AGNEDA. COUNCILMEMBER HATCH SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4
6 Mr. Cowie reminded the Council that this ordinance is being reviewed at the request of
the Planning Commission and City Council in response to the Low Book Sales Conditional Use
Permit approved for the 110 foot flagpole. Mr. Cowie reviewed the recommendations of the
8 Planning Commission for approval of flag pole applications as follows:

- 10 1. No sign permit is required for flags.
- 12 2. All flag poles must be set back at least half the distance in feet of the flag pole height
from any property.
- 14 3. A maximum of three permanent flag poles may be permitted per lot.
- 16 4. A single flag pole, or primary flag pole if more than one, shall only display national,
state, municipal, or other governmental flags. Secondary poles may fly flags that have
business logos or names (not advertisements), but such flags shall not exceed 3'x5' in
size.
- 18 5. Flags and flag poles are permitted in all zones and shall not exceed the maximum
building height of the specific zone in which they are located.
- 20 6. In non-residential zones, one flag pole may be permitted to exceed the maximum building
height of the zone if the following criteria are met:
 - 22 a. The flag pole will only be used to display the U.S. flag.
 - 24 b. A structure must be existing or approved on the lot.
 - 26 c. The flag pole will not exceed the structures height by more than ten feet.

28 Councilmember Carpenter suggested the wording be changed to reflect a maximum
height which is not based on the allowable building height. Councilmember Anthony agreed that
26 this requirement would allow the ordinance to “stand on its’ own” and not be dependent on
specifications of another ordinance should maximum allowable building height be revised in the
future. Mr. Cowie stated that Code Enforcement Officer, Gary Hoglund, had requested feedback
30 regarding allowable materials for flag poles. He noted that a building permit is not currently
required for flag poles. Councilmember Carpenter felt that it would not be necessary to regulate
flag pole materials. He suggested a provision which stipulates that flags must be kept in good
32 repair. Mayor Acerson commented that pole materials could be reviewed at a later date if
problems arise.

34 The Council went on to discuss the use of banner signs as primary signage for businesses.
Mr. Cowie noted that current code does not differentiate between anchored banner signs used as
36 primary signage and temporary banner signs which are allowed for thirty calendar days per year.
Mr. Cowie stated that the code specifies banner signs as “made of fabric or other non-rigid
38 material with no enclosing framework.”

40 Councilmember Hatch commented that the majority of banner signs currently being used
as primary signage are located in the HI or LI zones where there is relatively little traffic. He felt
42 that the current sign ordinance was drafted to address signage primarily in the CG zone, and that
some provisions for banner signs would be appropriate in other zones. Mr. Cowie stated that it
was the opinion of the majority of Planning Commission members that requirements should be
44 consistent throughout the City. The Planning Commission recommended allowing use of banner
signs as primary signage for a twelve month period if securely anchored. This would allow

business owners time to determine if the business will be successful before investing in permanent signage.

Mr. Cowie presented photographs of anchored banner signs which are currently being used as primary signage within the City. Councilmember Anthony inquired as to any specifications for real estate signs used for advertising buildings for rent or lease. Mr. Cowie stated that such signs are regulated as real estate signs, and have different requirements than banner signs used as primary signage for a business. Councilmember Carpenter suggested that real estate signs be defined in this section, and cross referenced to the real estate section. Following further consideration, Mr. Cowie observed that it may not be appropriate to differentiate between signs based on content, and that the requirements should be "content neutral." He suggested banner sign requirements should be consistently enforced.

Mr. Cowie suggested the Conditional Use Permit requirement be removed for sign poles. He stated that requirements for sign poles are specific, and that no CUP is required to determine if the application meets the requirements. Councilmember Carpenter suggested review of all uses which require a CUP listed in the Standard Land Use Table. Mr. Dameron agreed that a review of uses which require a CUP would be appropriate to protect the health, safety and welfare of the community in light of recent court decisions relating to CUP approval.

Mr. Dameron suggested that it may be appropriate to give the Councilmembers not present at this meeting an opportunity to review and discuss proposed changes to the sign ordinance prior to City Council approval.

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

COUNCILMEMBER CARPENTER MOVED TO CONTINUE ORDINANCE #2006-1, REVISIONS OF THE SIGN ORDINANCE, TO THE NEXT MEETING OF THE CITY COUNCIL. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

11. **Public Hearing** – *Resolution to Declare Surplus Property (#2006-4)*. This is a request by staff for the Council's consideration of a resolution declaring some city property as surplus.

Mr. Dameron reviewed the items declared as surplus as follows:

1. 1997 Ford F-150
2. 1992 Ford F-150
3. Calf Chutes
4. Walker Lawn Mower

Mr. Dameron noted that an appropriate minimum bid amount had been set on the vehicles based on values listed in the Kelly Blue Book. Councilmember Carpenter asked what procedure would be followed if no bids are submitted which are at or above the minimum bid amount, and whether the City is obligated to sell the item to the high bidder. Mr. Dameron clarified that the ordinance stipulates that staff has authority to sell the item or not, but that typically City staff will negotiate with the high bidder to reach a mutually acceptable purchase price.

2 Councilmember Anthony inquired as to advertising procedures. Mr. Dameron stated that
3 surplus items are advertised in the newspaper, and sealed bids are submitted at a specified time
4 and place. Councilmember Anthony expressed concern regarding the language in the resolution
5 which allows staff to dispose of surplus items at their discretion. He felt some additional internal
6 control should be in place for disposal of items which do not meet the minimum bid
7 requirements. Mayor Acerson suggested that if the minimum bid is not achieved, that the City
8 Council set a new minimum bid. The Council went on to discuss various control measures
9 which could be used in the event the minimum bid is not achieved. Following discussion,
10 consensus was reached that it would be appropriate for the City Council to review any bid
11 submitted by a City employee which did not meet the minimum bid, but was the highest
12 submitted bid, to be reviewed by the City Council prior to awarding the bid. Councilmember
13 Anthony observed that this requirement provides a check and balance system which should
14 remove questions regarding employees having an unfair advantage in the bidding process.

15 Mayor Acerson called for public comment. There was no public comment. Mayor
16 Acerson then called for further comments or discussion from the Council. Hearing none, he
17 called for a motion.

18 COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC HEARING
19 FOR RESOLUTION #2006-4 TO DECLARE SURPLUS PROPERTY. COUNCILMEMBER
20 ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
21 MOTION CARRIED.

22
23 COUNCILMEMBER ANTHONY MOVED TO APPROVE RESOLUTION #2006-4
24 DECLARING CERTAIN PROPERTY OWNED BY THE CITY AS SURPLUS PROPERTY
25 AND AUTHORIZING THE DISPOSAL OF THE LISTED PROPERTY AND SET AN
26 EFFECTIVE DATE, AND AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED
27 DOCUMENTS WITH THE FOLLOWING REVISION:

- 28 1. THAT IF A CITY EMPLOYEE SUBMITS A BID WHICH DOES NOT MEET THE
29 MINIMUM BID BUT IS THE HIGHEST SUBMITTED BID, THE PURCHASE MUST
30 BE APPROVED BY THE CITY COUNCIL.

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

33 COUNCILMEMBER ANTHONY AYE

34 COUNCILMEMBER CARPENTER AYE

35 COUNCILMEMBER HATCH AYE

36 THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

37 12. **Public Hearing** – *Resolution for UDOT Enhancement Funding Application (#2006-5).*

38 This is a request by staff for the Council’s consideration of an application to UDOT for
39 “enhancement funding” to help defray the cost of the State Street Lighting Project.

40
41 Mark Christensen of JUB Engineers was present to answer any questions the Council
42 might have regarding this application. Mr. Dameron noted that costs associated with the State
43 Street Lighting Project have increase dramatically since the start of the project. This application
44 will be for \$500,000, and is intended to offset the cost of the lighting project which is expected to

2 be approximately \$1,000,000. Original estimates for the cost of the project were approximately
3 \$300,000.

4 Mayor Acerson called for public comment. Lindon resident Nancy Zundel asked if
5 federal funds are available for such projects. Councilmember Carpenter clarified that the funds
6 being applied for are federal transportation funds which are administered at the state level by
7 UDOT. Ms. Zundel asked if the design of the lights would be regulated as a part of this
8 application. Mr. Christensen stated that the type of pole is not specified as a part of the
9 application for enhancement funds.

10 Mayor Acerson called for further comments or discussion. Hearing none, the public
11 hearing was closed and a motion was made.

12 COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC HEARING
13 TO CONSIDER THE UDOT ENHANCEMENT FUNDING APPLICATION.
14 COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN
15 FAVOR. THE MOTION CARRIED.

16
17 COUNCILMEMBER HATCH MOVED TO APPROVE RESOLUTION #2006-5 FOR
18 THE APPLICATION FOR FEDERAL ENHANCEMENT FUNDING THROUGH THE UTAH
19 DEPARTMENT OF TRANSPORTATION AND SET AN EFFECTIVE DATE AND
20 AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED DOCUMENTS.
21 COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS
22 RECORDED AS FOLLOWS:

23 COUNCILMEMBER ANTHONY AYE
24 COUNCILMEMBER CARPENTER AYE
25 COUNCILMEMBER HATCH AYE

26 THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

27 Councilmember Anthony suggested that light pollution issues be considered in the
28 implementation of the project and use of the funds.

- 29
30
31 13. **Review and Action** – *Resolution to Update the Land Development Policies, Standard*
32 *Specifications and Drawings Manual (Development Policy Manual) (#2006-6)*. This is a
33 request by staff for the Council’s consideration and possible approval of the annual
34 updates to the above referenced manual. The annual meeting with contractors and
35 developers is scheduled for January 27, 2006 at 9:00 a.m.

36
37 Mr. Christensen addressed the Council regarding proposed changes to the Land
38 Development Policies, Standard Specifications, and Drawings Manual. He stated that no new
39 drawings are proposed, but only modifications to existing drawings. Mr. Christensen stated that
40 the most substantial changes are street light and postal easement specifications, and ADA ramp
41 materials specified as a polymer composite panel. Councilmember Hatch inquired as to previous
42 ramp construction which consisted of other materials. Mr. Christensen stated that other materials
43 have not proven to be as durable as necessary. He stated that contractors have expressed that the
44 polymer composite panels are the preferred method of installation of the required ramps. Mr.
45 Cowie noted that the option for a chain link trash enclosure has been eliminated, and that all
46 trash enclosures will be constructed of masonry materials, such as concrete block

2 Mayor Acerson called for further discussion or public comment. Hearing none, he called for a motion.

4 COUNCILMEMBER ANTHONY MOVED TO APPROVE RESOLUTION #2006-6,
6 CHANGES TO THE LAND DEVELOPMENT POLICIES, STANDARD SPECIFICATIONS
8 AND DRAWINGS MANUAL AND SET AN EFFECTIVE DATE, AND AUTHORIZED THE
MAYOR TO SIGN THE ASSOCIATED DOCUMENTS. COUNCILMEMBER HATCH
SECONDED THE MOTION.

THE VOTE WAS RECORDED AS FOLLOWS:

10 COUNCILMEMBER ANTHONY AYE

COUNCILMEMBER CARPENTER AYE

12 COUNCILMEMBER HATCH AYE

THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

14 **14. Review and Action** – *Agreements with UTOPIA for locations of Fiber Optic Cabinets.*

16 This is a request by staff for the Council’s consideration and possible approval of two
18 more agreements with UTOPIA for the location of two fiber optic cabinets on City
property.

20 Mr. Dameron stated that ~~the proposed cabinets~~ **one cabinet will be located at the sewer
lift station at 1800 West and 200 South, and the other at the Public Works complex. Both
22 cabinets will be located on city property.** ~~are in addition to the locations previously approved by
the Council.~~ He stated that the expectation is to have UTOPIA available throughout the City by
24 the end of this year. Mr. Dameron noted that the boxes located within the City are intended to
serve Lindon residents.

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

28 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE AGREEMENTS
30 WITH UTOPIA FOR THE LOCATION OF TWO FIBER OPTIC CABINET SITES ON CITY
PROPERTY AND AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED
32 DOCUMENTS. COUNCILMEMBER CARPENTER SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

34 COUNCILMEMBER ANTHONY AYE

COUNCILMEMBER CARPENTER AYE

36 COUNCILMEMBER HATCH AYE

THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

38 **15. Review and Action** – *Resolution for agreement with Union Pacific Railroad for 700
40 North Rail Crossing (#2006-7).* This is a request by staff for the Council’s consideration
and possible approval of a resolution approving the agreement with UPRR for the
42 construction of the 700 North crossing and authorizing the Mayor to sign the agreement.

44 Mr. Dameron explained that this resolution would approve a reimbursement agreement
with Union Pacific Railroad for the rail crossing associated with the construction of 700 North.
46 Mr. Dameron noted that the estimated amount of the reimbursement submitted by Union Pacific

2 Railroad exceeds the amount estimated by the City, and that the City will be required to pay the
3 actual cost of the project. Mr. Christensen explained that costs have been lower than anticipated
4 in installation of utilities, which should off-set the cost of this reimbursement agreement. Mr.
5 Christensen also reminded the Council of the change order request for fuel costs of \$85,000,
6 reviewable when the project is completed. He noted that fuel costs have gone down since
7 approval of that change order, and that it is unlikely that the full amount of the change order will
8 be necessary for fuel costs submitted by the contractor.

9 Mayor Acerson called for further comments or discussion. Hearing none, he called for a
10 motion.

11 COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION #2006-7,
12 AGREEMENT WITH UPRR FOR 700 NORTH RAIL CROSSING AND AUTHORIZE THE
13 MAYOR TO SIGN THE ASSOCIATED DOCUMENTS. COUNCILMEMBER HATCH
14 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

15 COUNCILMEMBER ANTHONY AYE

16 COUNCILMEMBER CARPENTER AYE

17 COUNCILMEMBER HATCH AYE

18 THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

19 16. **Review and Action** – *Appointment of Planning Commission Member.* This is a request
20 by the Mayor for the Council's consent to the appointment of a new member of the
21 Lindon City Planning Commission.

22 Mayor Acerson presented the name of Kenneth John Miller for appointment to the vacant
23 seat on the Planning Commission. He noted that the seat previously held by Dustin Sweeten was
24 filled by Matt Bean. Mr. Cowie mentioned that the alternate seat is currently held by Evan
25 Nixon. Commissioner Nixon has informed Mr. Cowie that he does not intend to continue his
26 term, which expires in February 2006. An appointment to fill the alternate seat would be
27 appropriate at that time. Mr. Cowie reviewed the location of the residences of Commissioners in
28 relation to various areas of the City. Mayor Acerson called for further comments or discussion.
29 Hearing none, he called for a motion.

30 COUNCILMEMBER HATCH MOVED TO APPROVE THE APPOINTMENT OF
31 KENNETH JOHN MILLER TO FILL THE VACANT SEAT ON THE PLANNING
32 COMMISSION FOR A THREE YEAR TERM. COUNCILMEMBER ANTHONY
33 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
34 CARRIED.

35 17. **Review and Action** – *Appointments to Common Taxing District Committee.* This is a
36 request by the Mayor for the Council's consent to the appointment of Lindon's members
37 to the Lindon/Pleasant Grove Common Taxing District Committee.

38 Mr. Dameron stated that members of the Lindon City Common Taxing District
39 Committee will meet jointly with the members of the Pleasant Grove Committee to address
40 potential issues and set guidelines for the common taxing district. Councilmember Carpenter
41 clarified that the Interlocal Agreement specifies the appointment of a city official, the Planning
42 Director, a city employee, and a member of the community. The Chair of the committee is a
43

2 non-voting member. The City providing the Chair for the committee will be allowed an
3 additional voting seat to replace the vote of the Chair. Lindon City will chair the committee
4 during 2006.

4 Mayor Acerson called for further comments or discussion. Hearing none, he called for a
5 motion.

6
7 COUNCILMEMBER HATCH MOVED TO APPROVE THE APPOINTMENTS OF
8 MAYOR ACERSON, JIM DAIN, GARY GODFREY, ADAM COWIE, AND KRISTEN
9 COLSON TO THE COMMON TAXING DISTRICT COMMITTEE. COUNCILMEMBER
10 CARPENTER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
11 MOTION CARRIED.

12 **COUNCIL REPORTS –**

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

14
15 Councilmember Hatch reported that Housing Consortium meetings are underway. He
16 commented on one applicant, Brad Bishop, who has built homes funded by the consortium in the
17 past few years in rural areas, such as Payson and Santaquin. This year Mr. Bishop is applying
18 for funding for homes in urban areas. The program Mr. Bishop uses is a “sweat equity” program
19 which requires potential homeowners to participate through a cooperative effort in construction
20 of their home as well as other homes included in the program. No family moves into their home
21 until homes of all program participants are completed. Participants can earn up to 25% of the
22 cost of their home through this program. Mr. Bishop’s program includes ten to twelve homes per
23 year. Councilmember Hatch noted that the price of moderate income housing increased this
24 year.

25 Councilmember Hatch reported a problem with the street light located at 40 South 400
26 West. He stated that the light is not as bright as it should be, and may be in need of some
27 cleaning or other maintenance.

28 **TRAILS, PLANNING, ZONING, BOARD OF ADJUSTMENTS, ADMINISTRATION –**

29 Councilmember Bayless was not present at the meeting.

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

31 Councilmember Bath was not present at the meeting.

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

33
34 Councilmember Anthony discussed the annual Arbor Day Celebration, which is a
35 requirement for Tree City USA Designation. He recommended the Mayor establish Lindon City
36 Arbor Day in conjunction with the annual City clean up day the first Saturday of May. He noted
37 that it would be appropriate to reschedule the Arbor Day celebration to the following Saturday if
38 the scheduled date falls on the Saturday prior to Mothers Day. Mr. Dameron suggested a formal
39 Proclamation as an agenda item. Councilmember Anthony noted that the Tree Advisory Board
40

2 is negotiating a discount on trees purchased by residents from Linden Nursery on that particular day.

4 Councilmember Anthony also reported that he had been contacted by Lindon Elementary
6 PTA to attend a community meeting regarding crosswalks, road widening, and designated
8 pedestrian areas on routes leading to the school. Councilmember Anthony was also contacted by
10 the resident who had sponsored the meeting. She presented him with a petition to prioritize
12 walkways on 400 North and 400 East to make travel to and from schools safer. Residents who
14 signed the petition were requesting wider paving and the addition of curb, gutter, and sidewalks
16 to area roadways. Councilmember Anthony forwarded the petition, which contained
18 approximately 100 signatures, to Mayor Acerson. Councilmember Anthony stated that Lindon
resident John Fugal had also contacted him to report the unsafe conditions for pedestrians in
central Lindon. Councilmember Anthony informed Mr. Fugal that the City is working on an
overall plan to prioritize improvements which will be included in the budget process.
Councilmember Carpenter asked if there had been any discussion regarding residents paying for
the requested improvements. Councilmember Anthony stated that residents felt that a
compromise may be reached in which the City would widen the paved roadways and residents
would bare the expense of other improvements. Councilmember Carpenter noted that this issue
is addressed in the General Plan, which the Council will review at a future meeting.

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

22 Councilmember Carpenter reported that the Planning Commission has completed review
of the General Plan updates. The City Council will begin review of the document during the
24 regular meeting of February 7, 2006.

26 Councilmember Carpenter also reported on a phone call he received from a Lindon
resident concerned about a code enforcement issue. This particular resident stated that his
28 carport was constructed approximately twenty years ago, and he is being required to alter it at
this time, with the threat of the matter being turned over to the City attorney for action.
30 Councilmember Carpenter felt that direction should be given to the Code Enforcement Officer
regarding areas of enforcement, as some actions may have unintended consequences. He
32 suggested that long standing code enforcement issues not be forwarded to the City attorney until
the City Council determines the scope and priorities of the Code Enforcement Officer position.
34 He suggested the City may need consider some type of allowance for situations which do not
threaten the health, safety, or welfare of the community. Mr. Dameron stated that code
36 enforcement issues are on the agenda for the annual retreat. Councilmember Carpenter clarified
that the Council is supportive of the efforts of the Code Enforcement Officer, but enforcement
38 needs to be prioritized and consistent. He felt that it may not be appropriate to require changes
to a twenty year old structure.

40 Councilmember Carpenter also reported that the sinking of the new paving on 200 South
seems to be worsening. Mr. Dameron informed him that Lindon City, Orem City, and the
contractor are aware of the sinking, and will be meeting to address the problem.

42 **ADMINISTRATORS REPORT** –

44 Mr. Dameron reported on the following items:

1. Engineering coordination meeting is scheduled for January 18th at noon. Mayor Acerson reported that he was not available at that time. The meeting was rescheduled to January 25th at noon.
2. The annual Development Manual update meeting for contractors and developers is scheduled for Friday, January 27, 2006. Developers and contractors attending the meeting receive a free copy of the updated manual.
3. The Council reviewed the project tracking list.
4. Recycling accounts are currently at 330.
5. An open house and ribbon cutting were held for the North Utah Valley Animal Shelter last week. The facility opened to the public today. Several animals have already been adopted.
6. Sewer repairs are currently underway. A meeting is scheduled with Orem City on February 8th to show video of sewer infiltration and repairs.
7. Public Works personnel have completed work on the west side of the City to address potential flooding in the area.
8. The City will meet with Transfer Station representatives regarding impact from additional truck traffic associated with the transfer station and necessary road improvements. The City will also discuss participation in installation of the road improvements with Vineyard Town and Utah Power.
9. The Council reviewed the agenda for the annual retreat.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE PAY VOUCHERS. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

ADJOURN –

COUNCILMEMBER HATCH MOVED TO ADJOURN THE MEETING AT 10:55 P.M. COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

APPROVED – February 7, 2006

Ott H. Dameron, City Administrator/Recorder

Jeff Acerson, Mayor