

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, November 14,**  
3 **2006,** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon,  
4 Utah.

5 Conducting: Jeff Acerson, Mayor  
6 Pledge of Allegiance: Logan Sweeten  
7 Invocation: Jeff Acerson

8 **PRESENT**

**ABSENT**

10 Jeff Acerson, Mayor  
12 H. Toby Bath, Councilmember  
13 Lindsey Bayless, Councilmember  
14 Bruce Carpenter, Councilmember  
15 Jerald I. Hatch, Councilmember  
16 Ott H. Dameron, City Administrator/Recorder  
17 Adam Cowie, Planning Director  
18 Debra Cullimore, Deputy Recorder

Eric Anthony, Councilmember

20 The meeting was called to order at 7:00 p.m.

22 **PRESENTATION** – *The Mayor and City Council will recognize Wade K. Webb, Parks*  
23 *Supervisor, for his achievement as an ISA “Certified Arborist”*

24 Mayor Acerson presented Mr. Webb with a certificate recognizing his designation  
26 as a Certified Arborist. The certification is awarded by the International Society of  
27 Arboriculture. Mayor Acerson congratulated Mr. Webb on his accomplishment, and  
28 thanked him for his hard work and dedication to the City.

30 Mayor Acerson also recognized and welcomed a large number of Boy Scouts  
31 present in the audience.

32 **MINUTES** – The minutes of the regular meeting of October 17, 2006 were reviewed.

34 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES  
36 OF THE OCTOBER 17, 2006 MEETING. COUNCILMEMBER BATH SECONDED  
37 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38 The minutes of the Special Meeting of October 25, 2006 were reviewed.

40 COUNCILMEMBER HATCH MOVED TO APPROVE THE MINUTES OF  
42 THE OCTOBER 25, 2006 MEETING. COUNCILMEMBER BATH SECONDED THE  
43 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

44 **OPEN SESSION** –

2 Mayor Acerson called for comments from any resident present who wished to  
address and issue not listed as an agenda item. There was no public comment.

4 **MAYOR'S COMMENTS/REPORT** –

6 Mayor Acerson gave no report at this meeting.

8 **CONSENT AGENDA** –

10 No items.

12 **CURRENT BUSINESS** –

- 14 1. **Preliminary Plat** – *Timpanogos Harley-Davidson Commercial Subdivision, Plat*  
16 *“A”*. This is a request by Dave Tuomisto of Timpanogos Harley-Davidson, Inc.  
for preliminary plat approval of Timpanogos Harley-Davidson Commercial  
18 Subdivision, Plat “A”, 1 lot, in the CG zone at 844 West 600 South. The Planning  
Commission recommended approval with one condition.

20 Mr. Cowie reviewed this application for the Council. He stated that the site plan  
was approved by the Planning Commission on October 8, 2006. The business will be  
22 located on the corner of 600 South and Geneva Road, and will consist of a Harley-  
Davidson motorcycle dealership with two associated restaurants. Mr. Cowie noted that  
24 some area of road dedication will be necessary as part of the project, and that State law  
requires a subdivision plat for the road dedication area. Mr. Cowie also explained that  
26 several utility easements located on the property will be maintained.

28 Councilmember Bayless suggested that Mr. Cowie review elevation materials  
associated with this business for the benefit of Councilmembers. Mr. Cowie explained  
that elevation materials and architectural treatments will include salvaged materials  
30 reclaimed from the Geneva Steel site. Materials will include hand quarried limestone  
wainscot, red brick, heavy steel siding, as well as refurbished timbers and light fixtures  
32 from the Geneva site. He noted that the Planning Commission discussed architectural  
elements extensively, and felt that due to the innovative nature and location of the  
34 project, the proposed architectural treatments would be allowable.

36 Councilmember Bath inquired as to safety measures associated with the rider  
safety course on the site. Mr. Cowie explained that the Harley-Davidson corporate office  
sets safety standards for the course. He noted that the safety course area will be visually  
38 obscured from Geneva Road and 600 South. Mr. Cowie also observed that the applicant  
is installing additional landscaping above that which is required.

40 Mr. Cowie explained that if the auto shop to the east of the Harley-Davidson  
dealership is reconstructed, UDOT will require a shared access between the two  
42 businesses. He noted that the Planning Commission recommended that a cross easement  
on the east border of the Harley-Davidson site be recorded on the plat to accommodate  
44 the potential shared access.

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

2 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE TIMPANOGOS  
4 HARLEY-DAVIDSON, PLAT "A" SUBDIVISION WITH THE FOLLOWING  
6 CONDITION:

1. THAT A CROSS EASEMENT ON THE EAST BORDER OF THE  
6 PROPERTY BE RECORDED ON THE FINAL PLAT.

8 COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED  
10 IN FAVOR. THE MOTION CARRIED.

2. **Review and Action** – *R2 Overlay Project, Westview Cottages*. This is a  
12 request by Marion Johnson for the Council's consideration of approval of an  
14 R2 Overlay Zone Project consisting of two twin homes (4 units) in the R1-20  
zone at 120 West 200 South. The Planning Commission recommended  
approval with several discussion items to be considered.

16 Marion (Mick) Johnson was present as the representative for this application. Mr.  
18 Cowie reviewed code requirements associated with R2-Overlay projects. He stated that a  
20 maximum of four units per acre, and per project, are allowed. This proposed project is  
22 for two duplex structures on a one acre parcel. Mr. Cowie also explained that the City is  
divided into R2-Overlay districts. He showed an overhead map of districts which are full  
and districts which have room for additional projects. Mr. Cowie noted that a 750 foot  
separation zone is required between R2 projects. He explained that the location of this  
proposed project meets all requirements of the R2-Overlay ordinance.

24 Mr. Cowie showed an air photo of the site. He noted that Mr. Johnson and  
members of his family own adjacent parcels. He also noted that the Lindon Treasury  
26 development is located to the North of this project.

28 Mr. Cowie reviewed specific elements of the site plan. He stated that the  
applicant is proposing a 24 foot wide private drive with a driveway for each unit. The  
drive area will be landscaped and will include pull out areas for visitor parking. Mr.  
30 Cowie observed that City ordinance specifies a 6 foot high sight obscuring fence around  
the perimeter of R2 projects, but does allow variations to this requirement by the  
32 Planning Commission based on specific findings. The applicant has requested a six foot  
three rail fence on the west side of the site. Following review of fencing requirements in  
34 relation to this specific project, the Planning Commission felt that due to the fact that Mr.  
Johnson is the owner of the neighboring parcel, the six foot three rail vinyl fence would  
36 be allowable. The fence to the east will be slatted chain link, and the north boundary is  
bordered by the pre-cast concrete fence associated with the Lindon Treasury  
38 development.

40 Mr. Cowie noted that the Planning Commission discussed required setbacks  
extensively. He stated that staff interpretation of setback requirements indicate that the  
front setback is measured from the public road right-of-way and is not related to the  
42 orientation of the structure. The Planning Commission approved this application with a  
vote of 4-2. The two Commissioners voting against approval stated that they are not  
44 opposed to the project, but felt that the required 30 foot front setback should be measured  
from the front of the dwelling. Mr. Cowie stated that it is the opinion of staff that this  
46 application meets all requirements of the code associated with R2 projects.

2 Mr. Cowie presented proposed elevation drawings for the structures. Mayor  
Acerson called for public comment. Ron Hatfield stated that he is in favor of the project.  
4 He complimented Mr. Johnson on the unique design of the structures. Mr. Cowie  
explained that neighboring property owners within 300 feet of the project were noticed,  
6 including Orem residents. Mr. Hatfield stated that he received a notice, and was present  
at the meeting due to receiving the notice.

8 Councilmember Hatch inquired as to whether Mr. Johnson may be willing to  
carry the wainscot shown on the elevation drawing around to the 200 South elevation.  
Mr. Johnson stated that he is considering including the wainscot around to the 200 South  
10 elevation. He is also considering a porch structure which may give the appearance that  
each structure is a single family dwelling rather than a duplex. However, elevation plans  
12 have not been finalized at this time.

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

16  
18 COUNCILMEMBER BATH MOVED TO APPROVE THE WESTVIEW  
COTTAGES CONDITIONAL USE PERMIT APPLICATION WITH THE  
FOLLOWING CONDITION:

- 20 1. THAT THE SIX FOOT THREE RAIL VINYL FENCE ON THE  
22 WEST SIDE OF THE PROJECT BE ALLOWED BASED ON THE  
FOLLOWING FINDINGS
- 24 • THAT MR. JOHNSON IS THE OWNER OF THE NEIGHBORING  
RESIDENTIAL PROPERTY
  - 26 • THAT REMOVING OR MODIFYING THE FENCE WILL STILL  
PROVIDE FOR AN ADEQUATE BUFFER FOR THE ADJOINING  
RESIDENTIAL USE
  - 28 • THAT THE APPEARANCE OR REMOVING OF THE FENCE WILL  
NOT DETRACT FROM THE RESIDENTIAL USES OF  
30 NEIGHBORING PROPERTY.
  - 32 • THAT REMOVING OR MODIFYING THE PROPOSED FENCE WILL  
STILL PROVIDE SOME METHOD OF SHIELDING FOR THE  
34 NEIGHBORING RESIDENTIAL USE FROM NOISE, STORAGE,  
TRAFFIC OR OTHER POSSIBLE CHARACTERISTICS

36 COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

- 38 3. **Preliminary Plat** – *Westview Cottages, R2 Overlay Zone Project*. This is a  
40 request by Marion Johnson for preliminary plat approval of Westview  
Cottages – R2 Overlay Zone Project, 2 lots, in the R1-20 zone at 120 West  
42 200 South. The Planning Commission recommended approval with no  
conditions.

44 Marion (Mick) Johnson was present as the representative for this application. Mr.  
Cowie explained that the applicant is requesting approval of a 2-lot subdivision to divide  
46 property lines associated with the Westview Cottages R2-Overlay project in order to

2 create an additional future building lot. He stated that both lots will be in compliance  
4 with minimum lot size requirements, and that full improvements including curb, gutter,  
and sidewalk will be installed on 200 South as part of the project. Mayor Acerson called  
for further comments or discussion. Hearing none, he called for a motion.

6 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE WESTVIEW  
8 COTTAGES SUBDIVISION PLAT. COUNCILMEMBER BATH SECONDED THE  
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 10 4. **Discussion** – *Community Standard Resolution Presentation*. This is a request  
12 submitted by Marie Alexander for the Mayor and City Council’s discussion of  
a proposed community standard resolution.

14 Marie Alexander was present to address the Council regarding this item. Ms.  
16 Alexander presented a power-point program with photographs of children engaged in  
various activities. She noted that she is a member of the Coalition for Community  
Standards, which has given support to over 25 cities in the State in adopting community  
18 standards resolutions.

20 Ms. Alexander cited specific incidents she has witnessed where inappropriate  
materials have been accessible to children. She asserted that passage of a community  
standards resolution may give cities some power to enforce existing federal and state  
22 decency laws intended to protect children and families. She acknowledged that a  
Resolution is a statement of policy and is not enforceable by law.

24 Councilmember Bayless expressed concern regarding the subjective nature of  
decency standards. Mayor Acerson noted that a resolution is, in general, a statement  
26 rather than an action. He asked Ms. Alexander for further explanation regarding what she  
hopes to accomplish with passage of a resolution. Ms. Alexander stated that adoption of  
28 a resolution is the first step in establishing community standards. She discussed  
specifically the need to have inappropriate magazines covered in the area of check stands  
30 at grocery stores.

32 Councilmember Carpenter stated that he is in agreement that the City should take  
a pro-active stance in articulating a community standard. However, he felt that any  
action taken should establish an enforceable standard. He noted that child appropriate  
34 standards could be subject to interpretation. He suggested that a resolution should more  
clearly define acceptable standards.

36 Following further discussion, the Council felt that it would be appropriate to seek  
advice from the City Attorney as to what elements should be included in a resolution.  
38 Mr. Dameron will contact the City Attorney, and the Council will discuss a possible  
Community Standards Resolution at the regular meeting of November 21, 2006. Ms.  
40 Alexander thanked the Council for their time and consideration.

- 42 5. **Review and Action** – *Traffic Study Report for 600 East, 550 East, and 630*  
44 *North*. This is the final report for the traffic study in the area described. Mark  
Christensen, Traffic Engineer, will present the report to the Mayor and City  
46 Council for their action.

2 City Traffic Engineer, Mark Christensen, was present to address the Council  
regarding the recently completed traffic study. Mr. Christensen gave an overview of  
4 study results. He stated that each of the streets studied is functionally classified as a  
minor collector street. He explained that traffic counters were placed on the roads from  
6 Tuesday through Sunday, which measured both average daily trips and the speed of  
traffic on the streets. Mr. Christensen went on to review the 85<sup>th</sup> percentile speeds on  
8 each street, which varied from 26 to 30 miles per hour. Mr. Christensen stated that  
measured traffic speed and volume on the streets are typical for minor collector routes.  
10 He reviewed the topography of the roads, which includes a near 90 degree bend and  
several sharp curves, which he asserted would tend to lower traffic speed on the streets.

12 Mr. Christensen explained that the study was initiated at the request of area  
residents who complained of high traffic speed and volume on the streets. He stated that  
14 as the information was evaluated using the Citizen Initiated Traffic Calming Study  
criteria, it clearly did not reach the threshold which would warrant traffic calming  
measures.

16 Mr. Christensen stated that while conducting the study, two site distance issues  
were identified. One was associated with the canopy of existing trees, and one was  
18 created by the location of a large bush adjacent to the roadway. Property owners were  
contacted regarding these issues, and have expressed a willingness to correct the  
20 situation.

22 Mr. Christensen recommended that yellow advisory speed signs of 20 miles per  
hour be installed, as well as striping to delineate ten foot travel lanes. He noted that  
striping is a passive traffic calming measure that will have some effect on traffic speed.  
24 He felt that these measures, combined with resolution of site distance issues, should  
address the concerns of area residents.

26 Councilmember Bayless noted that some area residents had expressed concern  
that undue traffic flow was being generated by traffic to and from the high school. She  
28 inquired as to whether information gathered during the study indicated that high school  
traffic is problematic. Mr. Christensen stated that traffic speed and volume are higher on  
30 all streets during peak morning and afternoon hours, and that high school traffic does  
have some impact on traffic in the area. However, the highest traffic speed and volume  
32 was measured on Sunday morning at approximately 9:00 a.m.

34 Mayor Acerson called for public comment. Lindon resident Dustin Sweeten  
commented that those particular streets have a reputation of not being patrolled, and that  
high school students may speed on the street. Lindon resident Marie Alexander  
36 expressed appreciation that the site distance issues are being addressed. She suggested  
that a traffic study be considered on 400 North near the canal crossing as well.

38 Mr. Christensen noted that a final recommendation would be to place counters on  
the streets in approximately six months to determine the effectiveness of the measures  
40 which are implemented. He noted that this would allow the collection of data which  
could be used to evaluate similar circumstances in the future.

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

2 COUNCILMEMBER BAYLESS MOVED TO ACCEPT THE TRAFFIC  
CALMING STUDY REPORT AND IMPLEMENT THE RECOMMENDATIONS OF  
THE ENGINEER AS FOLLOWS:

- 4 1. THAT ADVISORY 20 MILE PER HOUR SPEED LIMIT SIGNS BE  
INSTALLED AS INDICATED WITHIN THE REPORT.
- 6 2. THAT 10 FOOT TRAVEL LANES BE STRIPED WITH DOUBLE  
YELLOW CENTER LINE STRIPES.
- 8 3. THAT THE STUDY BE REPEATED IN THE SPRING TO  
DOCUMENT RESULTS OF THE MEASURES WHICH ARE  
10 IMPLEMENTED.

12 COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

- 14 6. **Design Review** – *Zone change proposal – Main Street and 200 South.* This is  
a request by Marion Johnson for the Mayor and City Council’s  
16 review/feedback relative to the possibility of a zone change to make the CG  
zone line run perpendicular to 200 South instead of cutting diagonally through  
18 the parcel. The Planning Commission also reviewed this proposal and  
provided feedback.  
20

22 Marion (Mick) Johnson was present as the representative for this item. Mr.  
Cowie explained that Mr. Johnson is requesting a design review for a proposed zone  
change which would make the CG zone line run perpendicular to 200 South instead of  
24 cutting diagonally through the subject property. He noted that the CG boundary line  
would still split the family owned property, but that this request would create adequate  
26 room for future commercial development on the corner parcel.

28 Councilmember Bayless noted that Mr. Johnson mentioned during Planning  
Commission review of this item that he may consider an assisted living facility on the site  
in the future. Mr. Johnson confirmed that an assisted living facility may be considered.  
30 He noted that the site would not be a viable location for a retail business, but that the  
proximity to State Street and the location of Timpanogos Hospital and the IHC InstaCare  
32 may make an assisted living center feasible.

34 The Council went on to discuss the required 100 feet of frontage for the remaining  
residential lot. Mr. Dameron noted that if allowed, this would be the first approved zone  
change request which did not follow property lines. Mayor Acerson suggested that Mr.  
36 Johnson submit a specific application when use of the subject property is determined.  
Mr. Cowie explained that this request is related in part to water share requirements for the  
38 residential development. If a portion of the property were to be rezoned CG, water share  
requirements associated with development may be reduced. The Council suggested that  
40 Mr. Johnson consider subdividing the property in order to facilitate a zone change which  
would be consistent with property lines.

42 Mr. Johnson will discuss details of a potential zone change with staff and submit  
appropriate zone change and subdivision applications if he determines that it would be  
44 beneficial to do so.

2 7. **Design Review** – *Sweeten Subdivision – 40 South 450 West*. This is a request  
4 by Dustin Sweeten for the Mayor and City Council’s review/feedback relative  
to the design of a proposed residential subdivision. The Planning Commission  
also reviewed this proposal and provided feedback.

6 Dustin Sweeten was present as the representative for this application. Mr. Cowie  
explained that Mr. Sweeten is requesting feedback from the City on a proposed  
8 subdivision layout.

10 Mr. Cowie observed that two specific concerns are associated with the  
subdivision. The first issue relates to the existing cul-de-sac. Mr. Cowie stated that the  
12 City engineer has expressed concern regarding an uncontrolled turnaround area in the  
middle of a block, and recommended that the cul-de-sac area be removed and replaced  
14 with a standard width local street. The Planning Commission also reviewed this issue,  
and felt that reconfiguration of only the west side of the cul-de-sac would adequately  
address traffic concerns.

16 The second issue is related to the small “finger” of property currently attached to  
lot #5 which is only a few feet wide. Mr. Sweeten noted that Mr. Cowie previously  
18 indicated that he would consult with Utah County to determine whether the small section  
of property could be deeded to the owner of the adjacent parcel. Mr. Cowie has not yet  
20 contacted the County to determine if this would be possible, but agreed that it would be  
simple solution to the problem. He noted that there may be specific issues associated  
22 with deeding the property to the neighboring property owner.

24 Mr. Cowie explained that the subdivision consists of five lots, two of which have  
existing residential dwellings. The proposed subdivision would add three new dwellings.

26 Following further discussion, the Council felt that some reconfiguration of at least  
the west side of the cul-de-sac would be necessary. Mr. Cowie will follow up with the  
County regarding the small finger of property to determine the best placement of the  
28 property on the plat. Mr. Sweeten thanked the Council for their time and consideration.

30 8. **Public Hearing** – *Proposed Amendments to the Hillside Protection District*  
32 *Chapter of the Lindon City Code (Ordinance #2006-11)*. The City Council  
will hear public comment and possibly act to approve amendments to Chapter  
17.57 of the Lindon City Code – Hillside protection district.

34  
36 COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC  
HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE HILLSIDE  
PROTECTION DISTRICT. COUNCILMEMBER BATH SECONDED THE MOTION.  
38 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

40 Mr. Cowie explained that the existing Hillside Protection District Ordinance  
requires review and approval of grading plans by the Planning Commission. He noted  
42 that grading plans require engineering approval prior to Planning Commission review.  
Mr. Cowie asserted that Planning Commission review of grading plans is not particularly  
44 productive, due to the fact that Commissioners are not qualified to evaluate the grading  
plans. Mr. Cowie noted that Planning Commission and City Council review are  
46 mentioned multiple times in the ordinance. He stated that the City attorney

recommended that rather than revising the entire ordinance, that a section be added giving the Planning Commission authority to delegate review and approval of grading plans to the City engineer and City staff. He explained that proposed revisions also allow Hillside Protection requirements to be waived if the lot no longer meets the requirements of the Hillside Protection District as a result of grading. Mr. Dameron suggested that the Planning Commission address delegation of approval of grading plan reviews to staff in a motion at the next Planning Commission meeting. Mayor Acerson called for public comment. There was no public comment. He called for further comments or discussion from the Council. Hearing none, he called for a motion

COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE HILLSIDE PROTECTION DISTRICT ORDINANCE. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE #2006-11 AMENDING CHAPTER 17.57 OF THE LINDON CITY CODE TITLED “HILLSIDE PROTECTION DISTRICT”, MODIFYING, AMENDING AND REVISING THE PROVISIONS OF THE SECTION AND PROVIDING FOR AN EFFECTIVE DATE. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

9. **Review and Action** – *Water Rate Study Follow-up*. This is a follow-up report for the Mayor and City Council by David Thurgood, City Engineer, on the water rates for Lindon City.

Mr. Thurgood had not yet arrived at the meeting. Councilmember Bayless suggested that the Council give individual reports at this time to expedite completion of the meeting. The Council agreed that it would be appropriate to complete Council reports at this time.

#### **COUNCIL REPORTS** –

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

Councilmember Hatch reported that the road in the area of 400 West 200 South is in need of re-striping.

#### **TRAILS, PLANNING, ZONING, BD OF ADJUSTMENTS, ADMINISTRATION** –

2 Councilmember Bayless reported that the park and ride area near Home Depot is  
3 being used for long term parking of several trailers. Mr. Dameron will follow up with the  
4 Code Enforcement Officer. Councilmember Bayless requested that the flags at Public  
5 Works be replaced. Mr. Dameron stated that new flags have been purchased but need to  
6 be put up.

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

8 Councilmember Bath had no items to report.

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

12 Councilmember Anthony was not present at the meeting.

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

16 Councilmember Carpenter reported on a discrepancy in the street address shown  
18 on City maps as 700 North in the area behind Low Book Sales. He stated that police  
19 officers were unable to locate the road when responding to a recent call due to the fact  
20 that GPS maps show the street as 650 or 675 North. He requested that the discrepancy be  
21 resolved and that a consistent address be shown on both City and GPS maps to avoid  
22 safety issues in future emergency situations.

24 Councilmember Carpenter also reported that the full time Public Works Sewer  
25 Division Equipment Operator position has been filled. A current Public Works  
26 employee, Garrett Smith, was hired to fill the position.

28 **Water Rate Study Report** –

30 Dave Thurgood, City engineer, arrived at the meeting. Mr. Thurgood presented  
31 results of the water fund rate evaluation study. He presented a history of revenue from  
32 1998 – 2006 for both culinary and secondary water funds. He noted that water meter  
33 readings indicate that sales of water were down during 2006, which is indicative of  
34 conservation measures of residents. He observed that the secondary water system  
35 showed higher usage during 2006 due to growth in the community.

36 Mr. Thurgood noted that \$218,192 was paid to the City in the form of cash in lieu  
37 of water shares, which dramatically increased revenues in the water fund. He  
38 recommended that revenues paid to the City in lieu of water shares be placed in a PTIF  
39 fund for purchase of water rather than into the water fund to pay operation and  
40 maintenance costs of the water system.

42 Mr. Thurgood went on to review the accounting information for the culinary  
43 system from 1998-2006. Figures show a net gain in water system revenues of \$189,130,  
44 which included the cash in lieu of water shares amount. Councilmember Carpenter  
45 observed that without cash in lieu revenues, the water fund would have in fact shown a  
46 slight loss. Mr. Thurgood noted that debt service of the water fund will be paid in full in  
47 2011. Revenue generated by impact fees will recover revenues for installation of the

2 water line on 700 North. Mr. Thurgood reviewed additional details of debt service of the  
water fund.

4 Mr. Thurgood also noted that costs for equipment, supplies, and maintenance are  
shared between the water fund, the general fund, and the sewer fund, and will vary from  
6 year to year based on current needs. Mr. Dameron explained that the auditor has  
recommended shared costs be paid from a single fund, with other funds paying  
reimbursement to the fund which paid the expenses in full.

8 The Council went on to discuss the trend of insurance cost increases since 1998.  
Mr. Dameron noted that the increase is due in part to higher premiums, but also reflects  
10 the addition of staff positions over the years.

12 Mr. Thurgood then discussed the accounting for the pressurized irrigation system  
from 1998 – 2006. He noted that the final principal payment for debt service on the  
secondary water system will be paid this year. He suggested that rates not be reduced  
14 after the debt is paid, but rather that funds be set aside in a separate account for repair,  
replacement and maintenance of the system in the future. Mayor Acerson requested that  
16 Mr. Thurgood provide some estimate of future costs associated with the secondary water  
system in order to substantiate continued payment of current rates by residents. Mr.  
18 Dameron noted that other cities are now bonding for up to \$80,000,000 in order to install  
secondary water systems. He observed that installation of the secondary system in  
20 Lindon in 1992 was very “forward thinking” and generated a significant savings and  
benefit to residents.

22 Mr. Thurgood stated that the City experienced a 3.54% increase in water  
connections from June 30, 2005 through June 30, 2006. He noted that growth in the City  
24 has slowed down somewhat. He reviewed current capital projects related to the water  
system. He also commented that the Board of Water Resources Loan payments began  
26 September 1, 2006, and will continue through September 1, 2016.

28 Mr. Thurgood made the follow recommendations in response to the findings of  
the Water Fund rate evaluation:

- 30 1. Do not increase the Base Rate for operation costs for the Culinary  
Water and Pressure Irrigation. Each year evaluate the fund as has been  
done in this evaluation to monitor the fund condition.
- 32 2. The City does the annual CPI increase to keep up with inflation. Apply  
70% of the increase to the base rate and 30% to the per 1000 gallon rate.  
34 Councilmember Carpenter felt that the CPI increase should be applied  
equally to the base rate and the per 1000 gallon rate. Following further  
36 discussion, the Council felt that it would be appropriate to apply the  
3.5% CPI increase to the base rate as well as the per 1000 gallon rate.
- 38 3. The City adopt an “incentive” water rate structure per 1000 gallons that  
encourages conservation and better distributes the cost based on use.
- 40 4. Careful scheduling of capital improvements so the fund remains in the  
black.
- 42 5. Cash payments in lieu of water shares be placed in a PTIF Fund  
designated for purchase of water.

44 Mr. Dameron commented that it is necessary for the Council to set aside time in  
the near future to discuss the Jordanelle Water owned by the City, and to consider an  
46 appropriate ordinance change to allow cash in lieu of water shares by developers initially

without the requirement that an effort be made to obtain required shares prior to submitting a relief petition application. Mr. Thurgood noted that the majority of water shares are currently in use, and are not readily available for purchase.

Mr. Thurgood thanked the Council for the opportunity to work with the City, and complimented them on the responsible manner in which the City operates. Mayor Acerson called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER CARPENTER MOVED TO ACCEPT THE RECOMMENDATIONS OF THE CITY ENGINEER REGARDING THE WATER RATE STUDY AS FOLLOWS:

1. THAT THE BASE RATE FOR OPERATION COSTS FOR THE CULINARY WATER AND PRESSURE IRRIGATION SYSTEM NOT BE INCREASED DUE TO THE STUDY.
2. THAT THE CITY CONSIDER IMPLIMENTATION OF A CPI INCREASE OF 3.5% TO THE BASE RATE AND PER 1000 GALLON RATE DURING A PUBLIC HEARING ON NOVEMBER 21, 2006.
3. THAT THE CITY TAKE UNDER ADVISEMENT THE RECOMMENDATION TO ADOPT AN INCENTIVE WATER RATE STRUCTURE PER 1000 GALLONS THAT ENCOURAGES CONSERVATION AND BETTER DISTRIBUTES THE COST BASED ON USAGE.
4. THAT CAPITAL IMPROVEMENT PROJECTS BE SCHEDULED IN SUCH A MANNER THAT THE FUND REMAINS IN THE BLACK.
5. THAT CASH PAYMENT IN LIEU OF WATER SHARES BE PLACED IN A PTIF FUND FOR PURCHASE OF WATER.

COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Dameron noted that a public hearing is scheduled for the regular City Council meeting of November 21, 2006 to receive public input concerning proposed CPI increases. Residents will have the opportunity to comment on the proposal to implement the increase to both the base rate and the per 1000 gallon rate at that time.

**10. Review and Action** – *Resolution for Boundary Line Adjustments between Lindon City and Pleasant Grove City ( Resolution #2006-21)*. This is a request by staff for the Mayor and City Council’s consideration of a resolution indicating the intent of Lindon City to begin the process for adjusting a portion of its common boundary with Pleasant Grove City.

City Attorney, Brian Haws, was present to address the Council regarding this item. Mr. Haws explained that this particular boundary line adjustment was proposed approximately one year ago, but was objected to by the Fryer family. He stated that the matter has now gone through litigation, and that the Fryer’s are no longer opposing the proposed boundary line adjustment. Mr. Haws stated that Pleasant Grove has agreed to modify the boundary lines, and that this resolution is the first step in the process. He

2 explained that a Public Hearing must be held within sixty days of passage of the  
3 Resolution, and that three consecutive weeks of public notice is required prior to the  
4 Public Hearing. Mr. Haws stated that Pleasant Grove officials have expressed some  
5 concern regarding the cost of capital improvements associated with the road, as the full  
6 road width will be located in Pleasant Grove but will serve Lindon residents as well. He  
7 noted that it is not necessary for this resolution to address cost issues, and that details can  
8 be worked out at a later date.

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

11 COUNCILMEMBER BAYLESS MOVED TO APPROVE RESOLUTION  
12 #2006-21 INDICATING THE INTENT OF LINDON CITY TO ADJUST A PORTION  
13 OF ITS COMMON BOUNDARY WITH PLEASANT GROVE CITY.

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

16 COUNCILMEMBER BATH AYE  
17 COUNCILMEMBER BAYLESS AYE  
18 COUNCILMEMBER CARPENTER AYE  
19 COUNCILMEMBER HATCH AYE

20 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

21 **11. Review and Action – Development Agreement – Lindon City, Pleasant Grove**  
22 ***City, and Ken Gordon.*** This is a request by staff for the Mayor and City  
23 Council’s consideration of a development agreement between the parties  
24 listed for street improvements in the vicinity of 650 East 800 North.  
25

26 Mr. Haws explained that Mr. Gordon signed the agreement some time ago, and is  
27 very anxious to proceed with the project. He noted that Mr. Gordon will be paying for  
28 approximately half of the road improvements. The City will upfront the total cost of the  
29 project, with Pleasant Grove repaying it’s portion over a four year period. Mr. Haws  
30 noted that the agreement has long term benefits for the City. He indicated that he is  
31 hopeful that this issue will be addressed by Pleasant Grove City Council at their next  
32 regular meeting, but that he has no confirmation as to when action will be taken by  
33 Pleasant Grove City. Mayor Acerson called for further comments or discussion. Hearing  
34 none, he called for a motion.  
35

36 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE  
37 DEVELOPMENT AGREEMENT BETWEEN LINDON CITY, PLEASANT GROVE  
38 CITY, AND KEN GORDON FOR STREET IMPROVEMENTS IN THE VICINITY OF  
39 650 EAST 800 NORTH. COUNCILMEMBER HATCH SECONDED THE MOTION.  
40 THE VOTE WAS RECORDED AS FOLLOWS:

41 COUNCILMEMBER BATH AYE  
42 COUNCILMEMBER BAYLESS AYE  
43 COUNCILMEMBER CARPENTER AYE  
44 COUNCILMEMBER HATCH AYE

45 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.  
46

2           12. **Public Hearing** – *Addition of Chapter 13.13 of the Lindon City Code – Public*  
4           *Sewage Treatment System (Ordinance #2006-12)*. The City Council will hear  
6           public comment and possibly act to approve an addition of Chapter 13.13 to  
            the Lindon City Code – Public Sewage Treatment System.

8           COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARING  
10          TO CONSIDER ORDINANCE #2006-12. COUNCILMEMBER HATCH SECONDED  
            THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

12          Mr. Haws explained that this ordinance is in compliance with the agreement  
14          between Orem City and Lindon City for sewer service. The agreement specifies that  
16          Lindon City will adopt any ordinance relating to sewer services that is adopted by Orem  
            City. Councilmember Bath inquired as to whether there were any staff or attorney  
            concerns regarding adoption of this ordinance. Mr. Dameron responded that there are no  
            staff or attorney concerns. Mayor Acerson called for further comments or discussion.  
            Hearing none, he called for a motion.

18          COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC  
20          HEARING TO CONSIDER ORDINANCE #2006-12. COUNCILMEMBER BATH  
22          SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
            CARRIED.

24          COUNCILMEMBER BATH MOVED TO APPROVE ORDINANCE #2006-12  
26          AMENDING THE LINDON CITY CODE TITLE 13, ADDING CHAPTER 13.13  
28          REGARDING THE PUBLIC SEWAGE TREATMENT SYSTEM AND PROVIDING  
            FOR AN EFFECTIVE DATE. COUNCILMEMBER HATCH SECONDED THE  
            MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

30          COUNCILMEMBER BATH                    AYE  
32          COUNCILMEMBER BAYLESS                AYE  
            COUNCILMEMBER CARPENTER            AYE  
            COUNCILMEMBER HATCH                AYE

34          THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

36          13. **Discussion** – *Amendment to Staffing Document*. This is a request by Don  
38          Peterson, Public Works Director, for the Council’s discussion and direction  
            relative to amending the City’s staffing document by adding an additional  
            Public Works Inspector position.

40          Public Works Director, Don Peterson, was present to address the Council  
42          regarding this request. Mr. Peterson noted that, typically, requests for new positions are  
44          made during the budget process for the new fiscal year. He noted that several unusual  
46          circumstances have prompted the request at this time. He explained that several large  
            projects, including 700 North construction and the Fieldstone Homes project, have  
            increased the work load of the Public Works Inspector significantly, and it has been  
            difficult to complete inspections in a timely and thorough manner. He also explained that

2 due to the ongoing health concerns of the Public Works Inspector, it may be beneficial to  
4 hire an additional inspector at this time to allow the new Inspector to be trained by the  
6 current Inspector to ensure continuity in current projects. Mr. Peterson noted that Paul  
8 Miller, Storm Water Technician, has been willing to assist with Public Works  
10 inspections, and has done an excellent job. However, Mr. Miller has been required to  
12 take time away from his assigned storm water duties to assist with Public Works  
14 inspections. Following further discussion, it was the general feeling of the Council that  
16 the City should proceed with the requested amendment to the staffing document to  
include an additional Public Works Inspector position.

18 COUNCILMEMBER BAYLESS MOVED TO PLACE THE REQUEST FOR  
20 AN AMENDMENT TO THE CITY STAFFING DOCUMENT TO INCLUDE AN  
22 ADDITIONAL PUBLIC WORKS INSPECTOR POSITION ON THE AGENDA FOR  
24 THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 21, 2006.  
26 COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED  
28 IN FAVOR. THE MOTION CARRIED.

### 30 **COUNCIL REPORTS** –

32 Council reports were given earlier in the meeting.

### 34 **ADMINISTRATOR'S REPORT** –

36 Mr. Dameron reported on the following items:

- 38 1. Engineering coordination meeting will be held Wednesday, November 15, 2006 at  
40 noon at the Public Works complex. Councilmember Bayless and Mayor Acerson  
42 will attend.
- 44 2. Lindon Heritage Trail Committee meeting will be held Monday, November 20,  
2006 at 9:00 a.m.
3. The Council reviewed the project tracking list.
4. The Audit Committee will meet December 7, 2006 at 3:00 p.m. The meeting will  
be attended by Councilmember Carpenter, Councilmember Bayless, Mayor  
Acerson, Finance Director/Treasurer Kristen Colson, Mr. Dameron, and the  
auditors.
5. The Alpine School District Board has invited the City Council to meet together  
and discuss various questions and concerns. Following discussion, a tentative  
date for the meeting was set for Wednesday, December 6, 2006 at noon.
6. A ribbon cutting will be held for the new section of 700 North west of Geneva  
Road November 30, 2006 at noon. Installation of the signal lights is complete,  
but the lights will remain covered until the road is officially opened.
7. The Council will review Commercial Design Guidelines amendments, Sign  
Ordinance amendments, the 800 West traffic study results, and Common Taxing  
District Agreement amendments during the regular meeting of November 21,  
2006.

- 2 8. UDOT will review lane striping on State Street near the Old Station Square  
development to determine the appropriate place to “drop” the additional lane in  
the spring of 2007.
- 4 9. URMMA has recommended that the City repeal the existing Door to Door  
Solicitation ordinance due to litigation in other cities regarding similar  
6 ordinances. Door to door sales issues and concerns will continue to be addressed  
using other existing ordinances, such as trespassing.
- 8 10. A UTOPIA open house will be held Tuesday, December 5, 2006 prior to the  
regular City Council meeting. UTOPIA representatives and service providers will  
10 be present to provide up to date information and address questions and concerns.
- 12 11. The Lindon branch of Wells Fargo Bank was robbed on Friday, November 10,  
2006.
- 14 12. Various options are being explored for health care coverage for City employees.
- 16 13. The cost of the repaving project on 2800 West will be shared between Questar,  
Timpanogos Treatment Sewer District, and the City. The City will also contact  
18 the Transfer Station regarding participation in the cost. The City has determined  
that it would be beneficial to widen the paved area from 20 feet to 24 feet during  
the repaving process. The City’s portion of the cost will be approximately  
20 \$32,800 including the cost of the additional four feet of asphalt. The Council was  
in favor of proceeding with the project.

22 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PAY  
VOUCHERS. COUNCILMEMBER BATH SECONDED THE MOTION. ALL  
24 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26 **ADJOURN** –

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

32 APPROVED – October 21, 2006

34  
36  
38 \_\_\_\_\_  
Ott H. Dameron, City Administrator/Recorder

40  
42  
44 \_\_\_\_\_  
Jeff Acerson, Mayor