

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 21, 2006**,
beginning at 7:00 p.m., at the Lindon City Center, City Council Chambers, 100 North State
Street, Lindon, Utah.

4 Conducting: Jeff Acerson, Mayor
6 Pledge of Allegiance: Ben Nolte, Lindon resident
Invocation: Jerald Hatch

8 **PRESENT**

ABSENT

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

Eric Anthony, Councilmember

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

20 **PRESENTATION** – The Mayor and City Council will recognize Evan Nixon for his years of
22 service to the community while serving as a member of the Planning Commission.

24 Mayor Acerson invited Mr. Nixon to the front of the room. He thanked him for his
service on the Planning Commission from 1998 – 2006. Mr. Nixon was presented a plaque in
26 recognition of his years of service.

28 **MINUTES** – The minutes of the regular meeting of February 7, 2006 were reviewed. The
following corrections were made:

30 Page 11, Line 46: insert the word “hammerhead” before the word “turnaround.”
32 Page 12, Line 27: insert the phrase “such as clarification of setbacks” after the word
“ordinance.”
34 Page 13, Line 5: insert the sentence “Members of the Council clarified that a
variance can not be granted if the City determines that the hardship
36 relating to the property is self inflicted.”

38 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF THE
FEBRUARY 7, 2006 MEETING AS CORRECTED. COUNCILMEMBER HATCH
40 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

42 The minutes of the February 11, 2006 meeting were reviewed. The following correction
44 was made:

46 Page 2, Line 45: insert the words “water discharge” before the word “flows.”

2 COUNCILMEMBER BATH MOVED TO APPROVE THE MINUTES OF THE
3 FEBRUARY 11, 2006 MEETING AS CORRECTED. COUNCILMEMBER HATCH
4 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
5 CARRIED.

6
7 The minutes of the February 16, 2006 meeting were reviewed. No corrections were
8 made.

10 COUNCILMEMBER HATCH MOVED TO APPROVE THE MINUTES OF THE
11 FEBRUARY 16, 2006 MEETING AS WRITTEN. COUNCILMEMBER BATH SECONDED
12 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14 **OPEN SESSION** –

16 Mayor Acerson invited comments from anyone present who wished to address an issue
17 not listed as an agenda item. Ben Nolte asked to address the Council. Mr. Nolte noted that
18 during the November 1, 2005 City Council meeting, the Council approved the design of Phase
19 One of Squaw Hollow Debris Basin Park. He observed that Phase One did not include
20 installation of a basketball court area, but that it may be considered at a future date. Mr. Nolte
21 asked the Council to reconsider installation of the basketball court during the initial construction
22 of the park. He requested that if the basketball area is not installed at this time, that an area be
23 reserved for future installation. Mr. Nolte stated that he wanted to make it clear that many
24 residents in the area are in favor of installation of the basketball area.

25 Mayor Acerson stated that he felt the Council is aware of the desire of the neighborhood
26 to install the basketball area, but that it would not be installed during Phase One.
27 Councilmember Bayless explained that there are several parks currently under development, and
28 that construction of all parks is done in phases according to available funding for various
29 amenities. Councilmember Carpenter stated that the basketball area can not be master planned,
30 because it has not as yet been approved. He noted that the Planning Department has included a
31 note on the plans regarding the possibility of a basketball facility in the future. Councilmember
32 Carpenter stated that approval of the basketball area is not possible at this time due to budget
33 constraints.

34 Mr. Nolte commented that installation of the basketball area at this time may be a cost
35 saving measure for the City. Councilmember Bath stated that there are a number of parks in
36 process at this time, and that funds are allocated for various improvements as they are available.
37 He observed that if funds were allocated for construction of the basketball area, those funds
38 would have to be pulled from other park projects.

39 Mr. Nolte pointed out that residents in the area had offered to donate the labor for
40 concrete work on the pavilion area and the basketball court to offset the additional cost.
41 Councilmember Hatch expressed concern that donation of labor on the facilities may give the
42 impression of “ownership” of the park, and that there may be unforeseen problems associated
43 with donated labor.

44 Councilmember Carpenter observed that it had been his impression that the basketball
45 area was not the highest priority of area residents, and that elimination of other elements would
46 make the park incomplete. Mr. Nolte agreed that the basketball court was not the highest priority

amenity. He inquired as to whether he could work with City staff to specify the location of the basketball area. Mayor Acerson noted that the layout of the park is under review at this time, as the City is currently addressing potential access to the neighboring property. Mayor Acerson stated that the City is aware of his desires regarding the basketball area, and will take them into consideration in the future.

Mr. Nolte went on to explain that he is a member of the Structural Engineers Association of Utah. The organization has an emergency response team to assist cities in the event of a disaster. Mr. Nolte requested permission to distribute copies of the Lindon City Emergency Action Plan as an example to other small communities who do not yet have a plan. Mr. Dameron stated that it would be fine with the City if the plan is distributed. Mr. Nolte encouraged the Council to include the contact information for his organization in the Emergency Action Plan. He noted that engineers in the organization are trained to determine if structures are usable or not following catastrophic events, such as earthquakes. Mayor Acerson thanked Mr. Nolte for his input.

Morgan Hatfield then addressed the Council. He noted that the area of 400 North and 835 East has no street lights, and is very dark at night. City staff will investigate lighting in the area to determine what lights may be necessary. Mr. Dameron noted that street lights are ordered through Utah Power, and that the City does not have control over the schedule of installation of the lights.

MAYOR'S COMMENTS/REPORT –

Mayor Acerson commented on discussions currently taking place in the State Legislature which pertain to transportation issues in the State. He noted that there appears to be a considerable budget surplus available, which may be used in transportation projects, or to increase education funding. Mayor Acerson stated that the possibility of making the future Mountain View Corridor a toll road is being considered by the State government. He encouraged those present to become informed about transportation issues, and communicate their opinions to State officials. Mayor Acerson noted that Utah County is well represented in State Government. He explained that the State expects a 16.5 billion dollar deficit in transportation funds in the next fifteen years. He observed that one bill under consideration will allocate tax revenue from automotive sales and other transportation related sales to the transportation fund, and that other avenues are being explored as well. He again encouraged citizens to express their ideas and opinions to State officials.

CONSENT AGENDA –

No items.

CURRENT BUSINESS –

1. **Preliminary Plat** – *Lindon Treasury Subdivision, Plat "A"*. This is a request by Ronald Hatfield for preliminary subdivision approval of Lindon Treasury Subdivision, Plat "A", 13 lots, 12 of the lots are in the R1-20 zone and one lot is in the CG zone, at 130 South 100 West. The Planning Commission recommended approval with conditions.

2 Ron Hatfield was present as the representative for this item. Mr. Cowie reviewed this
3 application for the Mayor and Council. He stated that the applicant is requesting approval of a
4 13-lot subdivision. Lot #1 will be located in the General Commercial Zone, with the remaining
5 twelve lots in the R1-20 Residential Zone. The Planning Commission reviewed this application
6 at the last regular meeting. Mr. Cowie reviewed the recommendations of the Planning
7 Commission regarding the proposed fence. He noted that code requires a minimum seven foot
8 high masonry wall along the zone boundary between the Commercial and the Residential zone.
9 Mr. Hatfield has proposed an eight to ten foot high masonry fence on the zone boundary. The
10 motion made by the Planning Commission gave approval for the proposed eight to ten foot
11 fence. Mr. Cowie explained that code also requires installation of a fence or other barrier
12 adjacent to any ditch or water way. The proposed site has a ditch located on the south west side
13 of the property adjacent to lots #7, #8, #9, and #10. Mr. Hatfield proposed masonry fence in the
14 ditch area if possible. However, the slope of the ditch may not allow installation of the proposed
15 masonry fence. If necessary, Mr. Hatfield will install chain link fence in the area adjacent to the
16 ditch. The fence is proposed at six to eight feet in the area adjacent to the ditch, and eight to ten
17 feet in all other areas. The masonry fence proposed by Mr. Hatfield will be stamped and stained
18 on both sides. Mr. Cowie noted that any fence height which exceeds seven feet requires
19 approval from the City.

20 The Planning Commission recommended that commercial access from lot #1 to 130
21 South Street be restricted, but that temporary construction/personal access to lot #1 be allowed.
22 Mr. Cowie stated that roads for the proposed development follow the City street master plan
23 fairly closely. He also reviewed the proposed sewer easement through the Johnson property.
24 Mr. Johnson has proposed a possible R2 project on the property which he owns. The placement
25 of the sewer easement through his property has potential benefit to him in this proposed
26 development. The Planning Commission recommended that placement of the sewer lines be
27 reviewed by the City engineer to determine if placement of the sewer lines could be moved
28 closer to the lot line of lot #7. Mr. Cowie stated that the City engineer has reviewed placement
29 of the sewer lines, and felt that the line could be moved closer to the lot line. Mr. Cowie noted
30 that water service will eventually be continued into neighboring parcels, but that sewer and storm
31 water improvements installed in this proposed development can not serve future development on
32 the Price property. Councilmember Carpenter asked if the developer should be required to
33 install utilities in such a way that additional connections would be possible in the future. Mr.
34 Cowie stated that the City engineer did not feel that it would be necessary to provide connections
35 for future development.

36 Mr. Cowie explained that the dead end will access only lot #7. He stated that the dead
37 end area is temporary in nature, and will eventually connect to existing streets. City code
38 specifies that if only one lot is accessed a turnaround area is not required. Mr. Cowie observed
39 that Mr. Hatfield has made an effort to align proposed roads with existing roads. The proposed
40 road alignment creates a remnant parcel at 70 West 200 South. The Planning Commission
41 recommended that the remnant parcel be landscaped and maintained by the developer.
42 Commissioner Godfrey voted against the Planning Commission motion for approval due to
43 concerns regarding the long term maintenance of the remnant parcel. Councilmember Bath
44 inquired as to the size of the remnant parcel. Mr. Cowie stated that the parcel is approximately
45 fifteen to eighteen feet wide at the widest point, but tapers to zero. It is approximately 40' long.

46 Councilmember Carpenter inquired as to the reasoning behind the proposed ten foot
fence. Mr. Hatfield stated that an eight foot fence would provide adequate security for the

2 private park area to reduce vandalism and unauthorized use of the park. The ten foot sections
3 will be installed on the corners of the development to provide a variation in height, and create a
4 less “industrial” look. Mr. Hatfield stated that the fence will be stamped and stained on both
5 sides, and will have the appearance of a stone fence. Mr. Hatfield stated that the fencing
6 contractor for the project felt that it might be possible to install a six foot masonry fence with
7 eight foot corners adjacent to the ditch.

8 Mr. Hatfield commented on possible uses for the remnant parcel. He suggested a
9 monument sign identifying the development, postal boxes, or safety signs associated with the
10 elementary school in the area. The remnant parcel is located adjacent to the Condor property.
11 Darin Condor was present at the meeting. Mr. Condor stated that he is willing to maintain the
12 remnant parcel. Mr. Cowie noted that location of postal boxes requires approval of the postal
13 service, and cannot be determined by the City. He noted that there is no code which allows or
14 disallows entrance signs to the development, but that similar signs currently exist in the City.

15 Mr. Hatfield noted that the initial proposal submitted to the City for review was
16 somewhat different than the current proposal. He stated that neighboring property owners had
17 been re-noticed when proposed plans were finalized. Mr. Cowie noted that fifteen to twenty
18 residents attended the initial review of the proposed development to discuss possible concerns.
19 He observed that there has been no negative response received from neighboring property
20 owners regarding the proposed development, and that most major concerns seem to have been
21 addressed. Councilmember Bayless asked if any zone change would be required for the
22 proposed development. Mr. Hatfield noted that his initial proposal included a necessary zone
23 change, but that the Condor’s have obtained additional property, and are willing to work
24 cooperatively to accommodate the proposed development.

25 Councilmember Hatch inquired as to the proposed design of the development. Morgan
26 Hatfield was present at the meeting. He stated that the homes will be traditional American in
27 style, with covered front porches and required trees near the sidewalk area. He stated that an
28 additional ten foot front setback is also being considered. Councilmember Bayless asked if the
29 dwellings will be “spec” homes, or if they will be sold prior to construction. Mr. Hatfield stated
30 that all homes will be sold prior to construction, and will be custom built to the owners
31 specifications within established guidelines.

32 Mr. Hatfield noted that approximately 2500 people from all over the world had visited
33 the private park area adjacent to the proposed development in 2005. He stated that they expect
34 approximately 4000 visitors this year for various events. Mr. Hatfield felt that this area could
35 serve as a showpiece for Lindon, and could provide an appropriate area for cultural and family
36 events in the community.

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

40 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE PRELIMINARY
41 PLAT REQUEST BY RONALD HATFIELD FOR A MAJOR SIBDIVISION TITLED
42 LINDON TREASURY PLAT A, WITH THE FOLLOWING RECOMMENDATIONS:

- 43 1. THAT THE REMNANT PARCEL BORDERING THE BAHR PROPERTY HAVE
44 SIDE WALK INSTALLED TO FULL LENGTH OF THE PIECE.
- 45 2. THAT THE REMNANT PARCEL BE LANDSCAPED BY THE DEVELOPER, AND
46 MAINTAINED BY THE OWNER OF LOT #3.

- 2 3. THAT NO COMMERCIAL ACCESS TO LOT #1 BE PERMITTED FROM 130
SOUTH. A TEMPORARY OR PERSONAL USE ACCESS ONLY MAY BE USED
BY THE OWNER.
- 4 4. THAT A STAMPED CONCRETE **VARIABLE HEIGHT** TILT-UP FENCE BE
INSTALLED ALONG ALL SIDES OF THE SUBDIVISION. ~~IF THE FENCE~~
6 ~~EXCEEDS SEVEN FEET,~~ **THE FENCE WILL BE SIX FEET HIGH WITH EIGHT**
FOOT SECTIONS **ON THE CORNERS** IN THE RESIDENTIAL AREA, AND **EIGHT**
8 **FEET HIGH WITH TEN FOOT SECTIONS ON THE CORNERS** ADJACENT TO
THE COMMERCIAL ZONE.
- 10 5. THAT A TEN FOOT LANDSCAPE STRIP BE INSTALLED AND MAINTAINED
BETWEEN THE PROPOSED MASONRY FENCE AND 130 SOUTH (BETWEEN
12 LOT 13 AND LOT 2).
- 14 6. THAT THE SEWER AND STORM WATER LINES MAY RUN FROM THE
MANHOLE IN THE ROAD BETWEEN LOT 6 AND LOT 7, AND ANGLE INTO
THE CONNECT IN THE EASEMENT AREA.
- 16 COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

- 18
- 20 2. **Public Hearing** – *General Plan Map Change (Ordinance #2006-4)*. This is a request by
Paul Magleby and Boyd Jacobson for a change to the General Plan for properties at
approximately 1291 West Center Street. The request is to change the General Plan Map
22 designation from Heavy Industrial (HI) to Light Industrial (LI). The Planning
Commission recommended approval with no conditions.

24

26 COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARINGS TO
CONSIDER A GENERAL PLAN MAP CHANGE AND A ZONE CHANGE.
COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN
28 FAVOR. THE MOTION CARRIED.

30 Paul Magleby and Boyd Jacobson were present as representatives for this item. Mr.
Cowie stated that the applicants are requesting a General Plan Map change from Heavy
32 Industrial to Light Industrial. The intent of the requested change is to allow for smaller parcel
sizes that are more suitable for existing and proposed businesses on the site. Mr. Magleby has
34 been approved for a new building on the proposed Lot #2. The request will allow separation of
the proposed building from other uses on the site. Mr. Cowie observed that property to the west
36 and south of this site is zoned LI, and the proposed use for this site appears to be compatible with
existing uses in the area. Mr. Cowie noted that the Planning Commission felt that the
38 surrounding roads provide an appropriate buffer between zones. He observed that uses in the
Heavy Industrial zone are steel manufacturing and fabrication facilities, and that most of the
40 available property in the HI zone is owned by Schaeffer Industries. Councilmember Carpenter
asked if there were any concerns regarding potential negative impacts on neighboring property
42 which is zoned HI. Mr. Cowie stated that the Planning Commission had discussed possible
negative effects, but felt that the buffer provided by surrounding roads would minimize any
44 potential for negative impact. Mr. Cowie observed that a significant amount of property is still
open in the HI zone for future expansion.

2 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.

4 COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC HEARING
TO CONSIDER A GENERAL PLAN MAP CHANGE. COUNCILMEMBER BAYLESS
6 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

8
10 COUNCILMEMBER BAYLESS MOVED TO APPROVE ORDINANCE #2006-4
AMENDING THE LINDON CITY GENERAL PLAN MAP BY MODIFYING THE
BOUNDARIES OF THE HEAVY INDUSTRIAL ZONE AND PROVIDING FOR AN
12 EFFECTIVE DATE AND AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED
DOCUMENTS. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE
14 WAS RECORDED AS FOLLOWS:

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

20 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 22 3. **Public Hearing** – *Zone Change (Ordinance #2006-5)*. This is a request by Paul Magleby
and Boyd Jacobson for a zone change for the same properties as denoted in item #2. The
24 request is to change the zone for these properties from Heavy Industrial (HI) to Light
Industrial (LI). The Planning Commission recommended approval with no conditions.

26 Mr. Cowie explained that the General Plan map change approved as the previous agenda
item is prerequisite for the requested zone change. Mayor Acerson called for public comment.
28 There was no comment. He called for further comments or discussion from the Council.
Hearing none, he called for a motion.

30
32 COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC HEARING
TO CONSIDER A ZONE CHANGE. COUNCILMEMBER BAYLESS SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34
36 COUNCILMEMBER BAYLESS MOVED TO APPROVE ORDINANCE #2006-5
AMENDING THE LINDON CITY ZONING MAP BY MODIFYING THE BOUNDARIES OF
THE HEAVY INDUSTRIAL ZONE AND PROVIDING FOR AN EFFECTIVE DATE AND
38 AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED DOCUMENTS.

40 COUNCILMEMBER CARPENTER SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

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

46 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 2 4. **Preliminary Plat** – *Magleby Industrial Subdivision, Plat “A”*. This is a request by Paul
3 Magleby for preliminary subdivision approval of Magleby Industrial Subdivision, Plat
4 “A”, 3 lots, in the LI zone (pending approval of items #2 and #3), at 1291 West Center
5 Street. The Planning Commission recommended approval with conditions.

6 Mr. Cowie stated that the applicant is requesting approval of a three lot subdivision. The
7 applicant wants to create lot #2 to separate his new building from the other properties on the site.
8 An existing office building is located on the property line between lots #2 and #3. According to
9 City code, removal of the existing building will be necessary prior to recording the plat. Mr.
10 Cowie noted that the Planning Commission recommended that Mr. Magleby be issued a
11 temporary occupancy permit to allow use of the new office building until the temporary office
12 building can be demolished. He noted that temporary occupancy permits are typically valid for
13 30 days. Councilmember Bayless asked if there may be a potential easement problem if lot #2 is
14 sold in the future. Mr. Cowie stated that a cross easement will be provided to create access from
15 lot #2 to the dumpster area and the storm water drainage to the detention area. Mayor Acerson
16 called for further comments or discussion. Hearing none, he called for a motion.

18 COUNCILMEMBER BATH MOVED TO APPROVE THE PRELIMINARY PLAT
19 REQUEST FOR A MINOR SUBDIVISION TITLED MAGLEBY SUBDIVISION PLAT A
20 WITH THE FOLLOWING RECOMMENDATION:

- 21 1. THAT THE PLAT MAY BE RECORDED, AND A TEMPORARY CERTIFICATE OF
22 OCCUPANCY BE GRANTED ON THE NEW BUILDING TO BE LOCATED ON
23 LOT #2 TO ALLOW TIME FOR DEMOLITION OF THE OLD OFFICE THAT IS
24 LOCATED ON THE PROPERTY LINE.

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

- 28 5. **Review and Action** – *Encroachment on Lindon Heritage Trail*. This is a request by staff
29 for direction from the City Council concerning an encroachment upon the Lindon
30 Heritage Trail at approximately 100 North 850 East.

32 Mr. Dameron initially reported that this item would be postponed at the request of the
33 applicant. Mr. James Endicott was actually in attendance, and introduced himself. He stated that
34 he had not expected to be able to be present at the meeting, but was able to adjust his schedule to
35 attend. Mr. Dameron invited Mr. Cowie to review this item for the Council. He reviewed the
36 location of the subject property adjacent to the Lindon Heritage Trail and the Murdock Canal.
37 The Endicott’s landscaped a portion of city property and constructed a chain link fence which
38 encroaches on the trail area. Mr. Cowie stated that the Endicott’s received a letter from the City
39 regarding the encroachment when only the fence poles were installed, informing them that the
40 fence was encroaching on City property. A second letter was also sent to the Endicott’s upon
41 completion of the fence.

42 Mayor Acerson invited Mr. Endicott to address the Council. Mr. Endicott stated that
43 following conversations with Public Works Director, Don Peterson, he and his wife were under
44 the impression that the City had allowed them to install the fence to prevent access to their yard
45 from the undeveloped trail area. Mr. Endicott stated that the slope in the area of the fence made
46 installation difficult. He observed that a ten foot fence and retaining wall would be necessary to

2 block access to his property if the fence were to be installed on the property line. He suggested
3 the City consider allowing the fence to remain in place until development of the trail and park
4 area, or allow him to purchase the necessary property to allow the fence to remain in place
5 permanently.

6 Public Works Director, Don Peterson, arrived at the meeting to address this item. Mr.
7 Endicott expressed appreciation to Mr. Peterson for his efforts in resolving this issue. Mr.
8 Peterson clarified that during conversations with Mr. and Mrs. Endicott, he had referred to
9 installation of the fence on the east side of their property, rather than the fence on the north
10 which is encroaching on City property. Mr. Endicott stated that it seems to have been a
11 misunderstanding, and that he and his wife felt they had permission to install the fence at the
12 time it was completed.

13 City attorney Brian Haws was present at the meeting. Councilmember Bayless asked Mr.
14 Haws about the legalities of established fence lines. Mr. Haws stated that State law does not
15 allow taking of public property by private landowners, regardless of established fence lines. Mr.
16 Haws stated that allowing the fence to remain in place until future development of the trail and
17 park area does not create any possibility of loss of the property to the City. Councilmember
18 Bayless inquired as to what record will be kept of the ownership of the land. Mr. Dameron
19 stated that ownership is recorded at the county level. Councilmember Bayless expressed concern
20 that if a significant period of time passes before the trail area is developed, there may not be any
21 recollection of the decision made at this meeting. Mr. Dameron observed that the Murdock
22 Canal is scheduled to be covered within the next five years, and that the City anticipates
23 development of the trail and park area in conjunction with the covering of the canal.

24 Mayor Acerson suggested that the argument could be made that the fence improves the
25 area, and that there is no negative impact on area residents or the City in general. Mr. Haws
26 suggested the City could enter into an agreement which would allow the fence to remain in place
27 until development of the property owned by the City. Councilmember Bath expressed concerns
28 regarding the precedent which may be set by allowing the fence to remain in place. Mr. Haws
29 stated that allowing this particular fence to remain in place did not set a legal precedent.
30 Councilmember Carpenter noted that there may be a perception of inequality if this fence is
31 allowed to remain in place and others who might encroach are disallowed. Councilmember
32 Hatch felt that it would be appropriate to allow the fence to remain in place until the park and
33 trail area is developed. He felt it improved the area, and did not cause any negative effect on
34 neighboring properties.

35 Curtis Sampson, General Manager of Larry H. Miller Mercedes-Benz in Lindon,
36 requested to comment on this item. Mr. Sampson suggested that a time limit be imposed to
37 alleviate any perception of inequality. He suggested that the item be reviewed in five years,
38 which would allow the Endicott's time to obtain the necessary funds for relocation of the fence.

39 Lindon resident Robin Wall commented that there may be an issue with possible damage
40 to the fence during construction of the trail and park area. He suggested the Council consider
41 who would be responsible for repairs to the fence if damage occurs during construction. The
42 Council felt that any fence repairs would be the responsibility of the Endicott's.

43 Mayor Acerson suggested that it may be possible to allow purchase of the property at
44 some future time when the exact location of the trail is established. He noted that there may be
45 some land exchange for necessary right-of-ways for trail installation. Mayor Acerson felt that
46 allowing the fence to remain in place until development of the City property would be
47 appropriate, rather than making adjustments now and additional adjustments when the trail is

constructed. Councilmember Bath suggested the location of the fence be revisited in February of 2010. Councilmember Carpenter suggested that the review take place prior to the 2009 municipal elections, while at least some members of the present City Council are still in office to ensure that the intent of this action is understood. Mayor Acerson called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER BATH MOVED TO APPROVE AN AGREEMENT BETWEEN LINDON CITY AND THE ENDICOTT FAMILY REGARDING THE CHAIN LINK FENCE WHICH ENCROACHES ON CITY PROPERTY WITH THE FOLLOWING CONDITIONS:

1. THAT THE ENDICOTT'S BE ALLOWED TO LEAVE THE FENCE IN PLACE AT THIS TIME.
2. THAT THE CITY REVIEW PLACEMENT OF THE FENCE IN AUGUST 2009, WITH THE EXPECTATION THAT THE FENCE WILL REQUIRE REMOVAL AT THAT TIME DEPENDING ON DEVELOPMENT OF THE PARK AREA AND COVERING OF THE CANAL.
3. THAT IF DEVELOPMENT OF THE TRAIL AREA REQUIRES REMOVAL OF THE FENCE PRIOR TO THAT TIME, THE PROPERTY OWNER WILL RECEIVE A MINIMUM OF SIX MONTHS NOTICE.
4. THAT NO FURTHER IMPROVEMENTS WHICH ENCROACH ON SETBACKS BE INSTALLED.
5. THAT WHEN AND IF REQUIRED, RELOCATION OF THE FENCE TO PROPERTY LINE BE DONE AT THE OWNERS EXPENSE.
6. THAT DETAILS OF THE FORMAL AGREEMENT BE APPROVED BY THE CITY COUNCIL.

COUNCILMEMBER CARPENTER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED (3-1) WITH ONE ABSENT.

Councilmember Bayless noted that she voted against the motion because she felt that if the current placement of the fence had been requested prior to installation, it would not have received City Council approval. She observed that the Endicott's are being allowed to leave the fence in place because of the City Council's desire to "help out" citizens. Mayor Acerson noted that he is hopeful that the City Council will continue to approach specific problems in a kind manner, and find solutions that can be mutually beneficial to the City and residents. He noted that placement of the fence does not create a negative impact on the City or residents in the area.

COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE CITY COUNCIL MEETING AND CONVENE THE REDEVELOPMENT AGENCY MEETING AT 9:15 P.M. COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2 BOARDMEMBER BAYLESS MOVED TO ADJOURN THE REDEVELOPMENT
3 AGENCY MEETING AND RECONVENE THE CITY COUNCIL MEETING AT 9:37 P.M.
4 BOARDMEMBER CARPENTER SECONDED THE MOTION. ALL PRESENT VOTED IN
5 FAVOR. THE MOTION CARRIED.

- 6 6. **Review and Action** – *Development Agreement – Larry H. Miller*. This is a request by
7 Larry H. Miller for approval of a development agreement between Lindon City, Lindon
8 City Redevelopment Agency, and Miller Family Real Estate to allow a franchise capable
9 dealership to be built for used car sales on a parcel located directly west of the Mercedes-
10 Benz Plat “A”.

11 Mr. Dameron noted that this action by the City Council is a ratification of the action
12 taken by the Redevelopment Agency regarding the development agreement to allow used car
13 sales at the location west of the existing Mercedes-Benz dealership owned by Mr. Miller.
14 Mayor Acerson called for comments, questions, or discussion regarding ratification of the
15 action taken by the Redevelopment Agency. Hearing none, he called for a motion.
16

17 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE DEVELOPMENT
18 AGREEMENT BETWEEN LINDON CITY AND LARRY H. MILLER MANAGEMENT
19 COMPANY WITH THE CHANGES OUTLINED BY THE CITY ATTORNEY, AND TO
20 RATIFY THE ACTION TAKEN BY THE LINDON CITY REDEVELOPMENT
21 AGENCY, PENDING FINAL REVIEW OF THE AGREEMENT BY THE MAYOR AND
22 AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED DOCUMENTS.
23 COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN
24 FAVOR. THE MOTION CARRIED.
25

- 26 7. **Public Hearing – Continued** - *General Plan Review*. This is the second of several
27 public hearings concerning the update to the city’s General Plan. The first two sections
28 of the General Plan are presented for this hearing. The Planning Commission has
29 previously reviewed the plan.
30

31 COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC HEARINGS
32 TO CONSIDER PROPOSED CHANGES TO THE GENERAL PLAN AND RESOLUTION
33 #2006-8. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT
34 VOTED IN FAVOR. THE MOTION CARRIED.
35

36 Realizing that a citizen was present at the meeting in response to the advertised public
37 hearing for Resolution #2006-8, regarding issuance of the proposed water bond, the Council
38 reached consensus to address this item prior to the General Plan review.
39

- 40 8. **Public Hearing** – *Resolution Providing for the Issuance of Water Revenue Bond (#2006-*
41 *8)*. This is a request by staff for the Council’s consideration of a Resolution Authorizing
42 the Issuance and Confirming the Sale of a Water Revenue Bond, Series 2006, in the
43 Aggregate Principal Amount of \$256,000 (The “Bond”), by the City of Lindon, Utah
44 County, State of Utah (The “Issuer”).
45
46

2 Lindon Resident Robin Wall was present at the meeting to address the Mayor and
3 Council regarding the proposed water bond. Mr. Wall stated that he was unclear about the effect
4 the bond may have on residents. Mayor Acerson explained that the proposed project will consist
5 of replacement of water lines on 400 North from Canal Drive to 200 East, as well as installation
6 of additional fire hydrants, and replacement of any service lines which are not copper.
7 Councilmember Carpenter explained that bonding for such projects is routine for cities, and that
8 this particular bond stood out to residents because of the required letter which was mailed to each
9 water user in the City. Councilmember Carpenter noted that typical bond approval requires
10 appropriate notice and a public hearing as an agenda item at a City Council meeting, but that
11 letters are not a usual requirement. Mr. Wall inquired as to any possible rate increase as a result
12 of the bond. Mr. Dameron stated that there will be no rate increase to fund the bond.
13 Councilmember Carpenter clarified that funds for the project will come from ongoing water
14 revenues, which will cover the cost of the bond.

15 Mr. Wall noted that this is the first City Council meeting he has attended. He expressed
16 appreciation to the Council for the professional and insightful manner with which the issues were
17 addressed. Mayor Acerson invited Mr. Wall to attend and participate in future meetings as well.

18 Mr. Dameron noted that to this date, fifteen written responses have been received from
19 residents, fourteen at the City Center and one at the offices of the Water Resource Board. He
20 pointed out that responses will be received until February 23rd. Of the responses received so far,
21 eight have been in favor, six not in favor, and one response asked several questions but did not
22 vote in favor or not in favor of the proposed bond. Mr. Dameron pointed out that comments
23 from residents voting “not in favor” indicate that in general, concerns are related to a potential
24 rate increase, which is not expected.

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

27 COUNCILMEMBER BATH MOVED TO CLOSE THE PUBLIC HEARING TO
28 CONSIDER RESOLUTION #2006-8. COUNCILMEMBER CARPENTER SECONDED THE
29 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 COUNCILMEMBER CARPENTER MOVED TO APPROVE RESOLUTION #2006-8
31 AUTHORIZING THE ISSUANCE AND CONFIRMING THE SALE OF A WATER
32 REVENUE BOND, SERIES 2005, IN THE AGGREGATE PRINCIPAL AMOUNT OF
33 \$256,000 (THE BOND), BY THE CITY OF LINDON, UTAH COUNTY, STATE OF UTAH
34 (THE ISSUER). COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE
35 WAS RECORDED AS FOLLOWS:

36 COUNCILMEMBER BATH	AYE
37 COUNCILMEMBER BAYLESS	AYE
38 COUNCILMEMBER CARPENTER	AYE
39 COUNCILMEMBER HATCH	AYE

40 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

41 **General Plan Amendments** –

42
43 The Mayor and City Council, along with City staff, reviewed the Commercial Land Use
44 and Moderate Income Housing sections of the General Plan. Included in the review were
45

2 comments and suggestions of the General Plan Committee, the Planning Commission,
4 Councilmember Carpenter, and Mr. Cowie. The Council discussed in detail various elements of
6 the sections of the General Plan, and appropriate changes to the document. Mr. Cowie will draft
8 recommended changes for final review by the City Council.

6 COUNCILMEMBER BAYLESS MOVED TO CONTINUE THE PUBLIC HEARING
8 TO CONSIDER AMENDMENTS TO THE GENERAL PLAN. COUNCILMEMBER BATH
10 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
12 CARRIED.

- 14 9. **Review and Action** – *Appointments to the Lindon City Historical Preservation
16 Commission.* This is a request by the Mayor for the Council’s consent to the
18 appointments of Jim and Pam Dain to the Lindon City Historical Preservation
20 Commission.

16 Mr. Dameron noted that meetings of all Boards and Commissions should be advertised
18 public meetings, and that a record of those meetings should be kept. Mayor Acerson presented
20 the names of Jim and Pam Dain for appointment to the Historic Preservation Commission. He
22 noted that Mr. Dain is an architect, and that his knowledge will be very valuable to the work of
24 the Historical Preservation Commission.

22 COUNCILMEMBER HATCH MOVED TO APPROVE THE APPOINTMENT OF JIM
24 DAIN AND PAM DAIN TO THE LINDON CITY HISTORICAL PRESERVATION
26 COMMISSION FOR A TWO YEAR TERM TO EXPIRE IN FEBRUARY 2008.
COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

- 28 10. **Review and Action** - *Rental Policy Amendment.* This is a request by staff for the
30 Council’s consideration of a change in the rental policies of the city to allow for public
rental of the ribbon cutting scissors and stanchions for grand opening ceremonies, etc.

32 Mr. Dameron stated that staff is requesting that a written policy be established regarding
34 rental of the ribbon cutting scissors and stanchions owned by the City. Rental of the equipment
36 will include a refundable deposit amount of \$300.00 for the scissors and \$100.00 for each of the
stanchions, and rental fees of \$25.00 for the scissors and \$10.00 for each of the stanchions.
Mayor Acerson called for any comments or discussion. Hearing none, he called for a motion.

38 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE PROPOSED
40 AMENDMENT TO THE CITY RENTAL POLICY TO INCLUDE SCISSORS AND
STANCHIONS AS OUTLINED. COUNCILMEMBER CARPENTER SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 42 11. **Review and Action** – *Bid Award – Squaw Hollow Debris Basin Park.* This is a request
44 by staff for the Council’s consideration of the bid award for the construction of Squaw
Hollow Debris Basin Park – Phase I. Bids were properly advertised and received for this
46 project, and the low bidder is R.B. Construction and Concrete, Inc. at the price of

2 \$147,156.85. Staff recommends awarding the bid to R.B. Construction and Concrete, Inc.

4 Councilmember Hatch inquired as the black vinyl coated chain link fence listed in the submitted bid. He noted that vinyl coated fence has not been used in other park projects. Mr. Dameron will investigate the cost increase for vinyl coated fence. Following discussion, the Council felt that if the cost difference is over \$2,000, it would be appropriate to do a change order on the project and install regular chain link fence. Mayor Acerson called for further comments or discussion. Hearing none, he called for a motion.

10 COUNCILMEMBER CARPENTER MOVED TO AWARD THE BID FOR
12 CONSTRUCTION OF SQUAW HOLLOW DEBRIS BASIN PARK, PHASE I, TO R.B.
CONSTRUCTION AND CONCRETE INC. IN THE AMOUNT OF \$147,156.85.
14 COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

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

20 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

22 **COUNCIL REPORTS –**

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

26 Councilmember Hatch reported that the Provo River Water Users Association and BOR are making preliminary preparations for covering of the Murdock Canal.

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

30 Councilmember Bayless requested an update on the status of the Utah Auto Sales sign on the east site, which the Council required to be reduced in size following installation of a larger sign on the west site. Mr. Dameron stated that the City is having difficulty meeting with Mr. Gallagher regarding replacement of the sign. Mr. Dameron requested that Mayor Acerson personally contact Mr. Gallagher regarding the sign. Mayor Acerson agreed to speak with Mr. Gallagher.

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

40 Councilmember Bath had no items to report.

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

44 Councilmember Anthony was not present at the meeting.

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

2 Councilmember Carpenter requested that the City Council review the TLC Rock item
listed on the project tracking list.

4 Councilmember Carpenter discussed with the Council the need for some guiding
principle regarding widening of collector streets in the City. He suggested that information be
6 obtained from the Public Works Department and the City Engineer regarding prioritization of
possible street widening projects. Mr. Dameron will collect information on possible criteria for
8 street widening for review and discussion by the Council as an agenda item.

10 **ADMINISTRATORS REPORT** –

12 Mayor Acerson addressed the Council regarding a request he received from Miss
Pleasant Grove to assist with funding of a service project she is completing as part of her Miss
14 Pleasant Grove platform. The project includes distribution of “fridge magnets” with emergency
contact information to area residents. The estimated cost of producing the magnets is \$2200.
16 Mr. Dameron noted that funds are not available in the budget to provide financial support for the
project. He explained that cities must justify any expenditures with some type of return for the
18 City. Councilmember Bath agreed that while the project is worthwhile, it would not be
appropriate for the City to provide financial support. Mayor Acerson will relay the Council’s
20 decision to Miss Pleasant Grove.

22 Mr. Dameron reported on the following items:

- 24 1. Engineering Coordination Meeting will be held February 22, 2006 at noon at the City
Public Works Complex.
- 26 2. A joint work session will be held with the Planning Commission and City Council to
review proposed architectural design guidelines February 22, 2006 at 6:00 p.m. at the
City Center.
- 28 3. A Hillside Trespass Enforcement meeting will be held February 28th, 2006 at 3:00 p.m.
Law enforcement agencies will be in attendance. Councilmember Bayless will represent
30 the City at the meeting.
- 32 4. There are currently 339 recycling accounts, the same number as the previous month.
- 34 5. Primary elections are scheduled for June 27, 2006, with the general election to be held on
November 7th, 2006.
- 36 6. The Utah League of Cities and Towns Spring Conference will be held on April 5th, 6th,
and 7th in Saint George.
- 38 7. My Smart World Preschool will hold a ribbon cutting ceremony on Friday, March 24th at
12:30 p.m. Mayor Acerson will be unable to attend, but Mr. Dameron will contact
40 Councilmember Anthony to attend, as he is assigned as Mayor Pro-tem for the month of
March. If Councilmember Anthony is unable to attend, Councilmember Carpenter is
available.

42 COUNCILMEMBER BATH MOVED TO APPROVE THE PAY VOUCHERS.
COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN
44 FAVOR. THE MOTION CARRIED.

46 **ADJOURN** –

2 COUNCILMEMBER BATH MOVED TO ADJOURN THE MEETING AT 11:30 P.M.
COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN
4 FAVOR. THE MOTION CARRIED.

6 APPROVED – March 7, 2006

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Ott H. Dameron, City Administrator/Recorder

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Jeff Acerson, Mayor

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