

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 7, 2006**,  
beginning with a Work Session at 6:30 p.m., in the Lindon City Center, City Council Chambers,  
4 100 North State Street, Lindon, Utah.

6 **WORK SESSION** – 6:30 P.M.

8 **PRESENT**

**ABSENT**

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

18 The meeting began at 6:38 p.m.

20 **DISCUSSION** – The Mayor and City Council will meet in a work session with UDOT  
22 representative, Jeff Dupaix, to hear updates on UDOT projects in this area.

24 Mr. Dupaix addressed the Council regarding the status of various projects in the Utah  
County area. He commented specifically on the HOV lane project which is currently under  
26 construction in the area. Mr. Dupaix noted that paving cannot be completed on the project until  
asphalt is available in the spring. UDOT anticipates completion of the project in early July 2006.  
28 Mr. Dupaix noted that there has been some discussion regarding use of the HOV lane as a toll  
lane for vehicles with a single passenger. He stated that details have not been discussed at this  
30 time. The Council discussed with Mr. Dupaix various option for implementation of the toll lane,  
but noted that policing of use of the lane would be difficult. Mayor Acerson noted that the cost  
32 of enforcement may exceed the revenue produced by tolls. Mr. Dupaix noted that the I-15  
resurfacing project scheduled 800 North and 500 East in American Fork is scheduled to be  
34 completed concurrently with the paving of the HOV lane project.

36 Mr. Dupaix went on to discuss the U.S. 89 Union Pacific Railroad crossing in Pleasant  
Grove, and options for re-routing of traffic during construction. Mr. Dupaix noted that  
construction on this project is scheduled to begin in 2008. Councilmember Carpenter observed  
38 that the necessary road closure could cause a significant increase in traffic flow on 700 North in  
Lindon. He inquired as to any compensation which may be available to the City to offset road  
40 maintenance and repairs due to the increase in traffic. Mr. Dupaix stated that details have not yet  
been discussed, but that impact on alternate routes would be taken into consideration.

42 Mr. Dupaix discussed environmental impact studies scheduled for Geneva Road and  
Mountain View Corridor, as well as an in-dept environmental impact study looking at long term  
44 highway and transit improvements between Salt Lake City and Santaquin. Final  
recommendations from the study will be made in fall 2007. Mr. Dupaix noted that a UDOT  
46 funding gap of approximately 16.5 billion dollars is anticipated over the next fifteen years. He

2 stated that the use of toll roads is being explored as one possible funding source, as well as  
3 privatization of the toll roads. A public meeting is scheduled for March 16<sup>th</sup> at Salt Lake  
4 Community College to receive input from residents regarding the use of toll roads as a funding  
5 source. Mr. Dupaix clarified that the State would maintain ownership of all state roads, but  
6 maintenance would be conducted by private entities.

7 Mr. Dupaix commented briefly on the U.S. 189 project from the Wasatch County line to  
8 Deer Creek State Park, as well as the project to widen 800 North in Orem. Mayor Acerson  
9 thanked Mr. Dupaix for his presentation.

10 **REGULAR SESSION** – 7:00 P.M.

12 The meeting was called to order at 7:13 p.m.

14 Conducting: Jeff Acerson, Mayor  
15 Pledge of Allegiance: Chad Ellsworth, Boy Scout  
16 Invocation: Jeff Acerson

18 **PROCLAMATION** – The Mayor and City Council will consider a Proclamation designating  
19 Lindon City’s Arbor Day Celebration for Saturday, May 6, 2006.

20  
21 Mayor Acerson read the proclamation which designates the date for the annual Lindon  
22 City Arbor Day Celebration as May 6, 2006. The Arbor Day Celebration will be held in  
23 conjunction with the annual City clean up day.

24  
25 COUNCILMEMBER ANTHONY MOVED TO APPROVE THE PROCLAMATION  
26 DESIGNATING THE DATE FOR THE ANNUAL ARBOR DAY CELEBRATION IN  
27 LINDON AS MAY 6, 2006. COUNCILMEMBER BAYLESS SECONDED THE MOTION.  
28 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 **MINUTES** – The minutes of the regular meeting of January 17, 2006 were reviewed. The  
31 following correction was made:

32  
33 Page 13, Line 20-22: delete the words “the proposed cabinets” and the words “are in  
34 addition to the locations previously approved by the Council.” and  
35 insert the words “one cabinet will be located at the sewer lift  
36 station at 1800 West and 200 South, and the other at the Public  
37 Works complex. Both cabinets will be located on City property.”

38  
39 COUNCILMEMBER BATH MOVED TO APPROVE THE MINUTES OF THE  
40 JANUARY 17, 2006 MEETING AS CORRECTED. COUNCILMEMBER ANTHONY  
41 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
42 CARRIED.

44 **OPEN SESSION** –

2 Mayor Acerson invited comments from those present regarding items which were not  
3 listed on the agenda. Kathy Allred, representing Character Connection, came forward to address  
4 the Council. She gave a brief background on the Character Connection committee, and their  
5 goal to connect the City, businesses, schools, and families. Ms. Allred noted that the Character  
6 Connection has partnered with Wasatch Mental Health to produce a 2006 Character Connection  
7 Calendar. The artwork for the calendar was done by students in the community. Ms. Allred  
8 presented a poster containing the twelve pieces of artwork which were selected for this year's  
9 calendar. The poster will be displayed in the City Center. The artists were present at the  
10 meeting, and were presented with a certificate signed by Ms. Allred and Mayor Acerson. Ms.  
11 Allred introduced each of the children. The names of the artists were Alex Purser, Jessica  
12 Hawkins, Arianna Reay, Aubrielle, Thomas Anthony, Kelsey Hunsaker, Stephanie, Alejandra,  
13 Tori Hall, Joslyn Chadburn, Laura Goodrich, and Hayley Hill.

14 Ms. Allred introduced Chad Ellsworth. Chad is Boy Scout working on his Eagle Scout  
15 project in conjunction with the Character Connection calendar. Chad explained that as a part of  
16 his Eagle Scout project, calendars will be distributed to every home in Lindon. He will work  
17 with scout groups in each L.D.S. ward to distribute the calendars to each home within their  
18 respective ward boundaries.

19 Mayor Acerson thanked Ms. Allred and the students for their efforts and positive  
20 participation in the community.

#### 21 **MAYOR'S COMMENTS/REPORT** –

22 Mayor Acerson gave no further comments.

#### 23 **CONSENT AGENDA** –

24 No items.

#### 25 **CURRENT BUSINESS** –

- 26
- 27 1. **Preliminary Plat** – *Lindon Harbor Industrial Park Subdivision, Plat "D"*. This is a  
28 request by Myrle Astrope of Pacific Asphalt marketing, Inc. for preliminary subdivision  
29 approval of Lindon Harbor Industrial Park Subdivision, Plat "D", 2 lots, in the LI zone at  
30 1280 West 300 South. The Planning Commission recommended approval with no  
31 conditions.

32 Myrle Astrope, President of Pacific Asphalt Marketing, Inc., was present as the  
33 representative for this item. Mr. Cowie reviewed the application for the Council. He stated that  
34 this is an existing business located in the LI Zone at 1250 West 300 South. This property was  
35 previously platted as Lindon Harbor Industrial Park Plat A- Lot 2. This request is to subdivide  
36 the existing two acre parcel into two one acre parcels. Curb and gutter improvements were  
37 installed as a previous subdivision requirement. Lot 25 has an existing building and parking  
38 area. Lot 24 is vacant and will require installation of new utility lines, which are shown on the  
39 plan. Mr. Cowie noted that the Planning Commission discussed the possibility of pumping  
40 sewer to existing lines from lot 24. The Planning Commission felt that pumping to existing lines  
41 from Lot 24 would be the best alternative at this time.

2 Councilmember Carpenter inquired as to whether any structures are located on the rear  
lot at this time. Mr. Cowie stated that the rear lot is vacant. Mr. Astrope noted that the rear lot is  
4 used for storage, and that soil on the site has been “built up” by approximately two and a half  
feet due to artesian wells located in the area. Councilmember Carpenter inquired as to future  
plans for the vacant lot. Mr. Astrope stated that the lot will be sold for development.

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

8  
10 COUNCILMEMBER HATCH MOVED TO APPROVE THE REQUEST BY MYRLE  
ASTROPE FOR A MINOR SUBDIVISION TITLED LINDON HARBOR INDUSTRIAL  
12 PARK PLAT D. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

- 14 2. **Review and Action** – *Amended Conditional Use Permit – Indian Oil Company*. This is  
16 a request by John Taylor of Indian Oil Company for an amended conditional use permit  
approval to allow the production of “bio-diesel” fuel at the existing site of Indian Oil  
18 Company’s facilities 1155 West 135 South. The Planning Commission recommended  
approval with conditions.

20 John Taylor and Mike Kessler were present as the representatives for this item. Mr.  
Cowie reviewed the location of the site on 200 South near the I-15 overpass. Mr. Cowie stated  
22 that the property is located in the HI zone. He also noted that Indian Oil has purchased the parcel  
adjacent to the recycling operation. Mr. Cowie stated that Indian Oil Company was approved for  
24 a Conditional Use Permit for recycling and processing of used motor oil in 1994. An amended  
site plan was approved in 1998. The most current business license expired at the end of 2003,  
26 and the business has not been in operation since that time. However, the Conditional Use Permit  
is associated with the property rather than the business, and is still valid and appears to meet all  
28 required conditions for approval. Mr. Cowie explained that the business must be licensed by the  
Department of Air Quality, as well as the Utah County Health Department. Mr. Cowie stated  
30 that the site has been inspected by the Department of Environmental Quality, and that Orem pre-  
treatment facility has been contacted regarding sewer discharge. Initial reports from the  
32 applicant indicated that sewer discharge from this operation could be equivalent to discharge  
rates for 25 residential units, and may have a significant impact on allotted sewer discharge rates  
34 for the City. The Planning Commission discussed discharge rates extensively with the applicant,  
and recommended that investigation of possible mitigation of discharge rates be explored prior to  
36 approval by the City Council. Mr. Cowie reviewed the conditions of approval recommended by  
the Planning Commission as follows:

- 38 1. That the business pass a fire safety inspection. Mr. Cowie stated that this condition has  
been met.  
40 2. That the business correct any outstanding building code violations or mechanical/building  
42 safety concerns of the Building Official. Phil Brown is currently working with the  
applicants regarding installation of exit signs and handrails.  
44 3. That the applicant turn in copies of any required permits, licenses, or inspections from the  
Division of Air Quality, Utah County Health Department and Orem pretreatment. Mr.  
46 Cowie observed that Orem City required installation of sampling manholes, which will  
be re-inspected to verify that they meet current standards.

- 2 4. That the amended CUP be reviewed by the Planning Commission and/or City Council if  
citizen complaints of odors and/or offensive emissions are received and appear to be  
4 valid. If such review provides findings of significant odors or emissions being produced  
at the site that are ‘generally offensive’, the business shall be scheduled for a hearing to  
6 consider revoking the amended CUP for bio-diesel production. Mr. Cowie observed that  
such complaints are subjective in nature, and that it would be appropriate to allow a  
8 hearing to address the complaints and give the business an opportunity to correct the  
problem. Councilmember Anthony noted that the state is currently investigating how to  
10 regulate licensing and control of bio-diesel production. Mr. Taylor stated that he has  
contacted the Department of Environmental Quality, and has been referred to the County  
12 Health Department for permits based on the fact that no regulation standards are currently  
in place at the State level.
- 14 5. That the City consider allowing a ‘credit’ for sewer discharge since the business will be  
processing waste water grease from the Orem treatment plant. This material may be  
16 otherwise disposed of at potential cost to Orem/Lindon. Mr. Cowie stated that the City  
has talked with Lawrence Burton from Orem pretreatment. Mr. Burton felt that  
18 extraction of grease from the sewer system would not be practical, and that a “credit  
exchange” would not be possible. Mr. Taylor stated that there are other sewer facilities  
20 interested in the recycling services. Mr. Taylor observed that when they submitted the  
figure of 10,000 gallons of discharge per day, they were unaware that the City was near  
22 the allocated discharge rate. He stated that they have discussed elimination of water from  
the grease at the source facilities, which would drop the discharge rate to approximately  
24 12,000 gallons per day. Mr. Taylor further explained that at least a portion of the  
discharge water may be used in the cooling system, and that discharge rates may be  
26 reduced further, possibly to zero. Mr. Taylor stated that a discharge meter will be  
installed, and that they are willing to pay a discharge fee if rates exceed the maximum  
allowable discharge determined by the City.
- 28 6. That a meter to regulate the amount of waste water discharge be installed at the site to  
monitor discharge rates, and that a potential pro-rated billing for large discharges may be  
30 considered by the City.
- 32 7. That the amended CUP allowing for bio-diesel production be reviewed and possibly  
revoked if excessive flows from this business cause the City to exceed allocated flows to  
Orem.
- 34 8. That landscaping along 135 South be maintained and trees be planted every 30’ on center  
(if necessary). Mr. Cowie noted that it appears that one or two of the trees previously  
36 planted have died. If that is the case, it will be necessary to replace the dead trees.  
Councilmember Anthony asked if the applicants intend to continue the oil recycling  
38 portion of the business. Mr. Kessler stated that they intend to reapply for required state  
permits for oil recycling and phase that operation in at a later date. He noted that the  
40 application process would likely take several months to complete.
- Councilmember Carpenter expressed concern regarding potential environmental hazards  
42 associated with the business. He inquired as to what type of monitoring system will be used  
to assure that contaminants will be kept out of the environment. Mr. Taylor stated that a  
44 monitoring system designed by Ellis Environmental is being installed on the site. The  
system consists of underground sensors which identify any petroleum in the soil. Eighteen to

20 twenty sensors will be installed around the perimeter of the site. Each sensor will record data  
2 every three seconds. The system has been approved by the state.

4 Councilmember Carpenter inquired as to monitoring of air pollutants. Mr. Taylor stated  
4 that the state will monitor air pollutants. He explained that processing of 10,000,000 gallons  
6 of product would require 100,000 gallons of fuel. The state will allow a specific amount of  
6 particulates, which will be monitored for a one week. Testing will be done using used oil  
8 because it is the worst case scenario. Mr. Taylor stated that the vegetable oil and bio-diesel  
8 product will be used much of the time, and are cleaner burning than used oil.

10 Councilmember Carpenter noted that air pollution is a significant problem in Utah County.  
10 He suggested that an understandable equivalent for pollution levels may be helpful in  
12 addressing concerns regarding air pollution. Mr. Taylor stated that he will contact the  
12 Department of Air Quality for equivalent comparisons.

14 Councilmember Anthony asked if the process is a batch or a continuous process. Mr.  
14 Taylor stated that processing of the grease product can be done continuously, and that the  
16 bio-diesel is processed in 20,000 gallon batches. Councilmember Anthony inquired as to the  
16 time frame for monitoring of air pollutants. Mr. Taylor stated that the Department of Air  
18 Quality requires monitoring records for a three year period. Logs will be totaled monthly  
18 based on production for the month, with monthly figures totaled annually. Councilmember  
20 Anthony asked if there is no production for a period of time, if higher levels would then be  
20 allowed for a short period. Mr. Taylor stated that only a specific amount of pollution would  
22 be allowed in any allotted time frame. Councilmember Anthony asked if air pollutants  
22 would be visible. Mr. Taylor stated that there may be some visible steam, but that any smoke  
24 is allowed at only 15% opacity, and that there would be no visible emissions other than the  
24 cooling tower.

26 Mayor Acerson inquired as to any potential hazard if there is a system breakdown. Mr.  
26 Kesler stated that the bio hazard product is fairly benign. He noted that the system operates  
28 at a low temperature and low pressure, and is under a heavy vacuum system. He stated that  
28 there is no risk of explosion. In the event of a system malfunction, the vacuum is designed to  
30 equalize. The temperature will drop automatically and shut down the system automatically.

30 Mayor Acerson asked if the applicants had any other relevant information. Mr. Taylor  
32 stated that there are three existing monitoring wells on the site, and that the state has asked  
32 that the monitoring wells be increased to ten. Mr. Taylor also explained that two concrete  
34 catch vaults which will hold up to 4,000 gallons have been installed on the site to contain any  
34 spills. Mr. Taylor also stated that the existing tanks will be covered with insulation.

36 Mr. Taylor discussed potential odor concerns. He stated that all materials will be  
36 contained in closed tanks, but that there may be some odor during separation of water from  
38 the product. He stated that the burners used in processing the product will draw air from the  
38 outside crating a negative draft, and that an ionizing system will be installed to further  
40 control any odors.

40 Councilmember Carpenter asked if the applicants had any concerns with the  
42 recommendations made by the Planning Commission. Mr. Taylor stated that they have no  
42 concerns regarding the Planning Commission recommendations. He requested that the City  
44 provide them with an allowable discharge rate. He stated that they will work within the limit  
44 set by the City.

46 Mayor Acerson asked the applicants, if they lived in Lindon, why they would want this  
46 business to locate here. Mr. Kesler stated that he is a Lindon resident, and that the proposed

2 business provides an opportunity for Lindon to be in forefront of a new industry that will be  
3 beneficial to the community. He observed that the product can be used in school buses and  
4 City vehicles, and that use of bio-diesel will reduce emissions and dependence on foreign oil.  
5 Councilmember Hatch asked where the product will be marketed. Mr. Taylor stated that the  
6 product will be marketed locally, and that this facility is not adequate to produce amounts  
7 large enough to market to a larger area. Councilmember Hatch asked the applicants if they  
8 have used the product in their own vehicles. Mr. Kesler stated that he has used the bio-diesel  
product in his vehicle for approximately two years.

10 Councilmember Anthony asked if it is critical to the long term success of the business to  
11 include used oil recycling. Mr. Kesler stated that production capacity could be increased for  
12 the bio-diesel product. He observed that the technology used in production of the bio-diesel  
13 product is effective for small production facilities, but that production from this facility for a  
14 larger market would not be feasible. Mayor Acerson asked if the applicants envisioned the  
15 business growing beyond the proposed production levels. Mr. Kesler stated that he would  
16 like to see the technology used nationwide, but that the technology, rather than the product,  
would be sold.

18 Following further discussion, Councilmember Carpenter suggested this item be continued  
19 pending review of additional information regarding possible odor problems and air pollution  
20 comparisons. Councilmember Bath noted the potential odor problems should be given  
21 particular consideration, due to the location of the proposed business near the Timpanogos  
22 Special Service District sewer facility where odor may already be problematic. Mr. Taylor  
23 stated that they will provide contact information for similar businesses to allow the City to  
24 investigate potential odor problems. The applicants will also obtain comparisons for  
pollution levels from the Department of Air Quality.

26 Mr. Taylor informed the Council that they were unaware that approval of this application  
27 would require City Council approval. He stated that the business has specific time  
28 commitments for operation, and requested that the final review be done as quickly as  
29 possible. Councilmember Carpenter suggested the application be reviewed during the annual  
30 retreat, which is scheduled for Saturday, February 11, 2006. Mr. Dameron will include this  
31 application as an action item on the retreat agenda.

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

34 COUNCILMEMBER CARPENTER MOVED TO CONTINUE THE AMENDED  
35 CONDITIONAL USE PERMIT APPLICATION FOR INDIAN OIL COMPANY PENDING  
36 REVIEW OF ADDITIONAL INFORMATION TO BE SUBMITTED BY THE APPLICANT.  
37 COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN  
38 FAVOR. THE MOTION CARRIED.

- 40 3. **Preliminary Plat** – *Southcreek Industrial Subdivision, Plat “A”*. This is a request by  
41 Scott Mitchell and Mike Dunn for preliminary subdivision approval of Southcreek  
42 Industrial Subdivision, Plat “A”. 2 lots, in the LI Zone at 1470 West 200 South. The  
43 Planning Commission recommended approval with no conditions. (This item was  
44 continued from the meeting of January 17, 2006.)

2 Mr. Cowie stated that this application for a two lot minor subdivision in the LI zone was  
3 continued from the last regular City Council meeting because the applicants were not present.  
4 The proposed master planned roadway, 1470 West, will bisect the subject property, and will  
5 require a 66' right-of-way dedication as shown on the master street plan. A temporary slag  
6 turnaround will be used until the vacant property is developed or the master planned roadway is  
7 completed. When completed, this road will connect with the existing 300 South in the Lindon  
8 Harbor Industrial Park. Mr. Cowie also noted the existing power line easement associated with  
9 this property. Curb and gutter structures are already installed on the site, and other  
10 improvements will be required upon development of the property. Mayor Acerson called for  
11 further comments or discussion. Hearing none, he called for a motion.

12 COUNCILMEMBER BATH MOVED TO APPROVE THE REQUEST BY SCOTT  
13 MITCHELL AND MIKE DUNN FOR A MINOR SUBDIVISOIN TITLED SOUTHCREEK  
14 SUBDIVISION, PLAT "A". COUNCILMEMBER ANTHONY SECONDED THE MOTION.  
15 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 16  
17 4. **Review and Action** – *Conditional Use Permit – Dunn Construction Company, LC/DCD*  
18 *Recycle*. This is a request by Mike Dunn for approval of a conditional use permit for a  
19 concrete/asphalt crushing operation at 1470 West 200 South. The Planning Commission  
20 recommended approval with conditions.

21  
22 Mr. Cowie reviewed this item for the Council. He stated that DCD Recycling is  
23 associated with Dunn Construction, and that both businesses are owned by Mr. Dunn. The  
24 proposed use is a concrete and asphalt crushing operation which Mr. Dunn has been operating on  
25 the rear portion of the site. Staff requested Mr. Dunn go through proper application procedures  
26 for approval of the business. Mr. Cowie noted that this use is not listed in the Standard Land Use  
27 Table, but is most similar to use #3210 – manufacturing of "stone, clay, glass and associated  
28 products." Mr. Cowie presented photographs of the site, which is located on the border of  
29 Vineyard Town. The photographs also illustrated the raw materials and the processing  
30 equipment which are currently located on the site. Mr. Cowie noted that the site is not visible  
31 from the street, and that a portable restroom and a temporary fuel tank are located on the site.

32 Councilmember Carpenter inquired as to how long the business had been in operation.  
33 Mr. Dunn stated that he had operated for approximately twenty days to produce adequate  
34 material to surface the dirt road located on the site. Mr. Dunn also operated for approximately  
35 seven additional days in order to conduct testing for the Department of Air Quality. Mr. Dunn  
36 noted that the Department of Air Quality has issued the necessary permit for the operation, and  
37 that without use of the sprayer air quality was measured at half the allowable rate.  
38 Councilmember Carpenter observed that there had been a significant amount of wet weather  
39 during the testing period, which may have had a positive effect on the outcome of the testing.  
40 Mayor Acerson asked if the facility operates at maximum levels allowed by the Department of  
41 Air Quality if there is a visual effect created by dust. Mr. Dunn stated that there may be some  
42 visual effect at the maximum level, but that sprinklers would be utilized to minimize any impact.  
43 Mr. Dunn stated that this business had been in operation in Orem for three years with no dust  
44 complaints from neighboring businesses, which included the UPS site located in the same area as  
45 Mr. Dunn's business.

2 Mr. Cowie explained to the Council that Mr. Dunn is proposing installation of only water  
3 service utilities at this time. He noted that typically Conditional Use Permit approval requires  
4 installation of streets and other improvements. The Planning Commission recommended a time  
5 limit of 12 months, associated with a temporary Conditional Use Permit to allow Mr. Dunn to  
6 determine if the business will be viable. Mr. Cowie reviewed recommendations of the Planning  
7 Commission, including the use of dust control techniques, the berming of raw materials around  
8 the machinery to deflect sound away from neighboring properties, and a 12 month time limit,  
with the possibility of a 6 month extension.

10 Councilmember Carpenter expressed concern regarding the use of berms on the site. He  
11 also questioned whether it would be appropriate to allow this operation within the City limits.  
12 Mr. Dunn stated that he was unaware that he was in violation of City code while operating the  
13 business. He noted that it is not his intent to sell the product, but to use it in his own construction  
14 company as a road base material. Mr. Dunn commented that the Planning Commission had  
15 expressed some interest in exploring this product as a possible soft surface material for future  
16 trail projects. Councilmember Anthony asked Mr. Dunn if it was his intention that this be a  
17 temporary operation. Mr. Dunn stated that he had hoped to increase the operation and eventually  
18 sell the product to other companies and cities. He stated that he would like to build up the berms  
19 near the street to further reduce the visibility of the operation to passing traffic. Mayor Acerson  
20 asked Mr. Dunn's reason for relocating the business from the Orem location. Mr. Dunn stated  
21 that the previous site was not large enough to accommodate the operation. Councilmember  
22 Anthony asked Mr. Dunn if Orem City had asked him to leave the City. Mr. Dunn stated that to  
his knowledge, there had been no complaints about the business at the Orem location.

24 Councilmember Bayless observed that classification of the proposed use as "most  
25 similar" to #3210 is quite subjective in nature. Mr. Cowie explained that the proposed use is not  
26 specifically listed in the Standard Land Use Table, and that it is required to meet ten specific  
27 compatibility standards. Mr. Dunn provided a written response to each of the compatibility  
28 standards. Councilmember Bayless stated that she felt the proposed use is not compatible with  
29 surrounding businesses. Mr. Dameron noted that Enterprise Paving is located in the same area as  
30 this proposed business. Councilmember Bayless asked if that business has been beneficial to the  
31 community. Mr. Dameron stated that the Conditional Use Permit issued to Enterprise Paving is  
32 currently under review by the City attorney due to extensive unresolved problems associated  
with the business.

34 Mayor Acerson asked if there may be similar businesses located in other cities which Mr.  
35 Cowie could review for possible guidelines to allow operation of the business. Mr. Cowie stated  
36 that he had been unable to locate any similar businesses. Mr. Dunn stated that he is aware of a  
37 similar operation, and will provide information regarding this business to allow the City to  
review the operation.

38 Councilmember Hatch noted that a crusher is used periodically at the landfill. Mr. Dunn  
39 stated that there is a possibility that the landfill will use his service. Councilmember Carpenter  
40 observed that this request is for a use that was not anticipated in the LI zone, and that Mr. Dunn  
41 is requesting that usual improvements would not be required. Councilmember Carpenter  
42 expressed concern regarding the use of berms along the roadway. He noted that the area had  
43 previously been an open, unimproved area, and that allowing the proposed use gives the  
44 appearance of a "construction zone." Mr. Dunn stated that he has attended DRC meetings to  
discuss the proposed use. He stated that berms had been installed to increase security on the site

2 by restricting access. Mr. Dameron stated that the berms which were installed were not  
discussed in DRC meeting, and were not approved by the City.

4 Mr. Dunn explained that the final product is transported from the site as it is produced,  
and that large stock piles are not anticipated. He noted that recycling of concrete eliminates the  
6 need for opening of additional pits to access raw materials. Councilmember Carpenter stated  
that he is in agreement that recycling of asphalt and concrete is beneficial, but that the process  
8 should be conducted in appropriate locations which will not have a negative effect on  
neighboring properties, or the community in general. Councilmember Bath agreed that the  
10 proposed site may not be the appropriate location. He noted that the site is in the area of Geneva,  
and that it is the intent of Lindon City and Vineyard Town to improve the area. Councilmember  
12 Bath observed that the proposed use is not a clean business, and may not be appropriate at this  
location. Mr. Dunn stated that equipment used in the recycling operation is improving and  
becoming more compact. He stated that it may be possible to conduct the operation inside at  
14 some point in the future.

16 Councilmember Hatch observed that there is a need for recycling operations.  
Councilmember Bath inquired as to the amount of water which may be needed for the operation  
on a monthly basis. Mr. Dunn stated that approximately 6,000 gallons of water would be  
18 necessary at peak production. He noted that a new sprinkling system would be installed to  
reduce the amount of airborne particulates.

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

22  
24 COUNCILMEMBER CARPENTER MOVED TO DENY THE REQUEST BY MIKE  
DUNN FOR AN ASPHALT AND CONCRETE CRUSHING AND RECYCLING  
OPERATION FINDING THAT THE NATURE OF THE OPERATION IS NOT  
26 COMPATIBLE WITH OTHER TYPES OF CONDITIONAL USES ALLOWED IN THE LI  
ZONE. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

28 COUNCILMEMBER ANTHONY            AYE  
30 COUNCILMEMBER BATH                NAY  
COUNCILMEMBER BAYLESS            AYE  
32 COUNCILMEMBER CARPENTER        AYE  
COUNCILMEMBER HATCH               NAY  
34 THE MOTION CARRIED (3-2).

36 Councilmember Hatch stated that he felt it would be appropriate to allow the business for  
the 12-18 month period recommended by the Planning Commission to determine whether the  
38 business would be viable, and what negative effects, if any, there may be on surrounding  
property owners and the community in general. Councilmember Bayless stated that a temporary  
40 permit may not be appropriate, as the operation of the business for the 18 month period would  
require a large investment of time and money on Mr. Dunn's part. Mr. Cowie suggested the  
42 Council specify a time limit for removal of materials and equipment from the site.

44 Mr. Dunn stated that it is his intention to return to the City Council with additional  
information. Mr. Dunn felt that the proposed site is an appropriate location for the proposed  
business, and that the operation would not be detrimental to the City. Mayor Acerson indicted

2 that the Council would be willing to review additional information. Mr. Dameron suggested that  
3 Mr. Dunn could request an amendment to the Standard Land Use table to allow the proposed use.

4 Mayor Acerson asked Mr. Dunn how much time would be required for processing of the  
5 materials already on the site and removal of the equipment. Mr. Dunn stated that if the Council  
6 would allow until May 1, 2006, he would have adequate time to process existing raw materials,  
7 and present additional information to the Council. He noted that Pleasant Grove City has  
8 ordered a portion of the finished product for use in projects in their City. Mayor Acerson called  
9 for further comments or discussion. Hearing none, he called for a motion.

10 COUNCILMEMBER BATH MOVED TO ALLOW SIXTY DAYS FOR  
11 COMPLETION OF PROCESSING OF ASPHALT AND CONCRETE ALREADY ON THE  
12 SITE, AND FOR REMOVAL OF ALL EQUIPMENT AND CLEAN UP OF THE SITE.  
13 COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN  
14 FAVOR. THE MOTION CARRIED.

15 Mr. Dunn asked for direction regarding what information would be necessary to address  
16 the Council's concerns. Mayor Acerson suggested Mr. Dunn present comparisons of existing  
17 sites. Mr. Cowie noted that because a similar operation is appropriate on a specific site in  
18 another location, it would not necessarily be appropriate on the proposed site. Mr. Dunn stated  
19 that he is aware that the proposed use may not be approved, but that he is hopeful that concerns  
20 can be addressed adequately to allow operation of the business.

- 21  
22  
23 5. **Design Review** – *Proposed R2 Overlay Project*. This is a request by ReNae Brereton  
24 and Bill Fairbanks of R&R Land and Properties for the Mayor and Council's  
25 review/feedback for a proposed R2 Overlay Project located at the southwest corner of the  
26 intersection of 400 North 135 West. The Planning Commission has also reviewed this  
27 proposal and provided feedback.

28  
29 ReNae Brereton and Bill Fairbanks were present as the representatives for this item. Mr.  
30 Cowie informed the Council that no action is necessary for this design review. The Planning  
31 Commission reviewed the proposed development in their meeting, and made several suggestions.  
32 Mr. Cowie stated that the proposal includes a five lot subdivision on the corner of 135 West and  
33 400 North, with a possible R2 Overlay project. Mr. Cowie noted that there are multiple deed  
34 gaps on the County maps of the subject property. Mr. Cowie pointed out that the proposed site is  
35 bordered by the commercial zone. The applicants have submitted several drawings of potential  
36 R2 Overlay projects for consideration.

37 Mr. Cowie observed that various elements of the proposed development do not meet  
38 specifications of the R2 Overlay ordinance. The applicants are requesting an opinion from the  
39 City Council regarding possible flexibility in specific requirements relating to driveway length,  
40 turnaround areas, and required width to depth ratio. Ms. Brereton noted that several of the  
41 proposed project designs meet all elements of the code, except the required two to one width to  
42 depth ratio. Councilmember Carpenter observed that the site may not be large enough to  
43 accommodate the proposed R2 Overlay dwellings if the two to one ratio is met.

44 Councilmember Bayless inquired as to the turnaround area shown on several of the  
45 drawings. According to Mr. Fairbanks, national fire safety code requires a turnaround area. He  
46 observed that the R2 Overlay ordinance disallows **hammerhead** turnarounds. He inquired as to

2 the reasoning behind the turnaround requirements of the code. Councilmember Hatch stated that  
3 an 80 foot cul-de-sac is required for driveways which exceed 150 feet in length. Mr. Fairbanks  
4 commented that a cul-de-sac is not feasible when developing small properties due to the amount  
5 of area required for construction of the cul-de-sac. Mr. Fairbanks asked for clarification on the  
6 reasoning behind the width to depth requirement specified in the code. He observed that a  
7 significant portion of this property would be unusable for development if that standard is applied.  
8 Mr. Fairbanks observed that the subdivision ordinance allows a width to depth ratio of three to  
9 one. Mr. Fairbanks felt that the proposed development would create a buffer between the  
10 commercial and residential zones, and that it would not have a negative impact in neighboring  
11 properties. Mr. Fairbanks observed that an open area in the rear of the property would be outside  
12 the two to one ratio area, but could be maintained as a park type area. He asked the Council if  
13 there is any possibility that an exception could be made if the dwelling and drive areas are  
14 maintained within the two to one width to depth area.

15 Councilmember Bayless asked if the proposed dwellings would be rental units or if they  
16 would provide ownership opportunities. Mr. Fairbanks stated that the dwellings will be town  
17 homes with connected garages, consisting of 600 to 700 square feet per floor, and would be sold  
18 rather than rented.

19 Councilmember Bayless asked Mr. Cowie if he had any specific concerns. Mr. Cowie  
20 stated that he no specific concerns, but suggested that if the Council were to consider an  
21 ordinance change to allow greater than two to one width to depth ratio for open area, they may  
22 want to consider providing the open areas in the front rather than the rear of the property to  
23 create a more open look. Mr. Cowie also noted that there was some discussion during Planning  
24 Commission review of this proposal regarding implementation of setbacks from driveways of R2  
25 projects. He noted that the ordinance specifies setbacks from streets, but not from driveways.  
26 Councilmember Bayless stated that it may be appropriate to review some elements of the  
27 existing ordinance, such as clarification of setbacks. Ms. Brereton suggested that approval of R2  
28 projects with a Conditional Use Permit may allow some latitude in application of specific  
29 requirements without an ordinance change.

30 Councilmember Anthony asked if the proposed property has already been purchased.  
31 Ms. Brereton stated that Betty Clark owns two acres of the property, and that she and her partner  
32 own the remainder.

33 Mr. Fairbanks stated that they are aware that this is a discussion only, and that there is no  
34 obligation on the part of the City Council to approve the proposed project. He noted that if there  
35 is a possibility that the project could be approved, they will take recommendations of the City  
36 Council and Planning Commission into consideration when drafting the final proposal. Ms.  
37 Brereton stated that the proposal will include details of the project, such as building elevations.

38 Mr. Fairbanks inquired as to whether there may be an ordinance change regarding the  
39 required width to depth ratio. Mr. Cowie reviewed the process for an ordinance change,  
40 including public notice and public hearings. Mr. Fairbanks noted that a public hearing is  
41 required for approval of an R2 project. He suggested the process could be done concurrently.  
42 Mr. Cowie stated that it would be feasible to review the proposed R2 project and a possible  
43 ordinance change at the same time. He suggested that the applicants submit a letter requesting  
44 an ordinance change to begin the review process. Councilmember Carpenter noted that he is not  
45 completely comfortable with a general ordinance change. He felt that given the location of the  
46 proposed project adjacent to the commercial zone, some allowance may be made. Ms. Brereton  
47 inquired as to the possibility of variance for this particular project. Councilmember Carpenter

2 stated that a variance may be one mechanism, and that the City will investigate the possibility.  
3 Ms. Brereton felt that the Conditional Use nature of R2 projects may give some justification of a  
4 variance for this particular site. Mr. Cowie noted that to his knowledge, a legal variance can  
5 only be granted by the Board of Adjustments. He stated that he will investigate the language of  
6 the LUDMA regulations regarding granting of a variance. **Members of the Council clarified that  
7 a variance can not be granted if the City determines that the “hardship” relating to the property is  
8 self inflicted.**

9 Mr. Fairbanks and Ms. Brereton thanked the Mayor and Council for their time and  
10 consideration. Ms. Brereton stated that they will begin the approval process, and address the  
11 variance and ordinance as they proceed.

- 12 6. **Public Hearing** – *Ordinance – Revision of Sign Ordinance (2006-1) – Continued.* This  
13 is a request by staff for the Council’s consideration of an ordinance revising and  
14 amending Section 18.03.030 of the Lindon City Code relating to flags, pole signs, and  
15 banner signs. The Planning Commission made several recommendations which have  
16 been incorporated into this version of the ordinance. This item was continued from the  
17 meeting of January 17, 2006.

18 COUNCILMEMBER BAYLESS MOVED TO OPEN THE PUBLIC HEARINGS  
19 LISTED AS AGENDA ITEMS. COUNCILMEMBER HATCH SECONDED THE MOTION.  
20 ALL PRESENT VOTED FAVOR. THE MOTION CARRIED.

21  
22 Mr. Cowie explained that this is a review of portions of the sign ordinance which address  
23 flags, pole signs and banner signs. Mr. Cowie reviewed recommended changes to the flag pole  
24 portion. He stated that following discussion by the Planning Commission and the City Council,  
25 a recommended maximum height of 60 feet for a primary pole was included. Two additional  
26 poles could be installed at a lower height than the primary pole. Councilmember Anthony  
27 expressed concern regarding enforcement of the maximum height requirement. He noted that  
28 representatives of Low Book Sales had claimed ignorance regarding flag pole requirements when  
29 the pole was installed on their site. Councilmember Anthony suggested some type of penalty be  
30 specified for poles which exceed the maximum allowable height. Mr. Cowie stated that it is the  
31 policy of the Planning Department to require compliance. He noted that approval of the flag  
32 pole at Low Book Sales was possible due to the fact that existing ordinance required a  
33 Conditional Use Permit for poles which exceed the maximum allowable height. The proposed  
34 ordinance disallows any pole which exceeds the 60 foot maximum height.

35 Councilmember Bath asked if a distance separation is specified in the proposed  
36 ordinance. Mr. Cowie stated that there had been some discussion regarding a distance separation  
37 requirement. However, the distance separation requirement was removed when the maximum  
38 allowable height had been reduced to 60 feet. Mr. Cowie noted that the proposed ordinance  
39 would potentially allow a three flag system similar to the one located at the City Center on every  
40 property.

41 Mr. Cowie went on to review recommended changes to the Pole Sign section of the  
42 existing ordinance. He stated that the Conditional Use Permit requirement has been removed  
43 from the ordinance. Mr. Cowie explained that standards are clearly specified in the ordinance,  
44 and that if a proposed signs meets the standards, CUP approval would not be necessary. Mr.

2 Dameron noted that pole signs are allowed only in the T-zone. The Council agreed that removal  
of the CUP requirement for pole signs would be appropriate.

4 Mr. Cowie then reviewed proposed changes to the Banner Sign portion of the ordinance  
to address the use of anchored banner signs as primary signage for businesses. He noted that the  
6 Planning Commission recommended allowing anchored banner signs as primary signage for a  
period of time to be specified in the ordinance. Mr. Cowie observed that no permit is required  
8 for installation of banner signs, and that enforcement of the specified time limits could be  
problematic.

10 Mayor Acerson inquired as to how the proposed changes may affect businesses currently  
using banner signs as primary signage. Mr. Cowie stated that current ordinance allows use of  
12 banner signs for only thirty days. He stated that businesses currently using banner signs as  
primary signage will receive a letter stating that the banner sign used as primary signage must be  
14 securely anchored, and that such signs must be replaced with a permanent sign within twelve  
months.

16 Councilmember Hatch stated that he is in favor of allowing properly anchored banner  
signs as primary signage in industrial zones, but felt that it may be problematic in the  
commercial zone. Mr. Cowie pointed out that banner signs would typically be used on small  
18 family owned businesses, and that it would be unlikely that they would be used on larger  
commercial businesses. Councilmember Bayless observed that allowing the use of banner signs  
20 for a twelve month period would allow time to determine if the business will be successful  
before investing in permanent signage. Councilmember Anthony asked Mr. Cowie when the  
22 twelve month period would start. Mr. Cowie stated that the twelve month period would begin on  
the date of notification.

24 Councilmember Carpenter inquired as to specifications for real estate signs used on  
vacant commercial properties. Mr. Cowie stated that real estate signs are addressed in a separate  
26 section of the code. He noted that the banner sign section of the code should not address the  
content of the sign, but rather the material used in construction of the sign.

28 Councilmember Bayless suggested a language change to 2(c) to clarify that removal of  
banner signs which are not kept in good repair will be required.

30 Mayor Acerson called for public comment. There were no comments from the public.

32 Councilmember Hatch expressed concern regarding allowable posting of 30 day  
temporary banner signs. He noted that the proposed ordinance does not allow use of flag poles,  
or use of temporary poles to display banner signs. He observed that various signs are posted by  
34 the City to advertise civic events, as well as the annual Lindon Days celebration, which would  
not be allowed according to the proposed ordinance. Councilmember Carpenter suggested the  
36 ordinance include language to differentiate between civic signs and private signs. Mr. Cowie  
suggested that the ordinance specify signs used for civic events or public festivities are permitted  
38 on public infrastructure.

40 The Council went on to discuss requirements for anchoring of banner signs used as  
primary signage. Following discussion, the Council came to agreement that anchors should be  
provided every eighteen inches or less.

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

44  
46 **COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC HEARING  
TO CONSIDER REVISIONS TO THE SIGN ORDINANCE. COUNCILMEMBER BAYLESS**

2 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
CARRIED.

4 COUNCILMEMBER CARPENTER MOVE TO APPROVE ORDINANCE #2006-1  
AMENDING SECTION 18.03.030 OF TITLE 18 (SIGN ORDINANCE) OF THE LINDON  
6 CITY CODE, MODIFYING, AMENDING AND REVISING THE “FLAG,” “BANNER  
SIGNS”, AND “POLE SIGNS” PROVISIONS OF THE SECTION, PENDING REVIEW OF  
8 THE FINAL ORDINANCE BY THE MAYOR, AND PROVIDING FOR AN EFFECTIVE  
DATE, AND AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED DOCUMENTS.  
10 COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

12 COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	AYE
14 COUNCILMEMBER BAYLESS	AYE
COUNCILMEMBER CARPENTER	AYE
16 COUNCILMEMBER HATCH	NAY

THE MOTION CARRIED (4-1).

18  
20 Councilmember Hatch noted that he had voted against the motion due concerns which he  
expressed during discussion regarding allowable placement of banner signs.

- 22 7. **Public Hearing** – *Ordinance – Revision of T-Travel Influence District (T-Zone*  
24 *Ordinance) (#2006-2)*. This is a request by staff for the Council’s consideration of an  
ordinance revising and amending Chapter 17.52 of the Lindon City Code relating to the  
26 distance requirements of the T-Zone. The Planning Commission recommended approval  
with several recommendations.

28 Mr. Cowie stated that the City has historically used maps produced by Utah County  
which illustrate the zoning layers for the community in implementation of the T-zone. The  
30 County maps show the T-zone as a 500 foot strip on either side of the center line of the freeway.  
The City has implemented the T-zone as a 500 foot strip on either side of the freeway right of  
32 way. Current ordinance specifies a 1000 foot strip on either side of the freeway right-of-way,  
and 300 feet off of freeway off ramps. The Planning Commission recommended the ordinance  
34 be amended to specify a 500 foot strip from the center line of the freeway right-of-way as  
illustrated in the Utah County zoning maps. Mayor Acerson called for public comment. There  
36 was no public comment. Councilmember Bayless expressed appreciation to Mr. Cowie for his  
proactive approach in addressing such issues. Mayor Acerson called for further comments or  
38 discussion. Hearing none, he called for a motion.

40 COUNCILMEMBER BAYLESS MOVED TO CLOSE THE PUBLIC HEARING TO  
CONSIDER REVISIONS TO THE T-ZONE ORDINANCE. COUNCILMEMBER BATH  
42 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
CARRIED.

44  
46 COUNCILMEMBER ANTHONY MOVED TO APPROVE ORDINANCE #2006-2,  
AMENDING CHAPTER 17.52 (T-TRAVEL INFLUENCE DISTRICT) OF THE LINDON

CITY CODE, MODIFYING, AMENDING AND REVISING THE PROVISIONS OF THE SECTION AND PROVIDING FOR AN EFFECTIVE DATE AND AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED DOCUMENTS. COUNCILMEMBER HATCH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

8. **Public Hearing** – *Ordinance – Revision of SOB Ordinance (#2006-3)*. This is a request by staff for the Council’s consideration of an ordinance revising and amending Chapter 17.61 of the Lindon City Code relating to location requirements for Sexually Oriented Businesses. The Planning Commission recommended approval with several recommendations.

Mr. Cowie reviewed proposed changes to the Sexually Oriented Business ordinance. He stated that the existing ordinance specifies required setbacks from a variety of other types of development, such as schools, residential areas, and arterial roads. Due to development which occurred subsequent to the ordinance, all allowable areas for such businesses have been eliminated as a result of required setbacks. Mr. Cowie clarified that courts have determined that cities are required to allow an area for such businesses to locate. Mr. Cowie stated that proposed ordinance changes specify a location in the HI zone in the area of Center Street and 1200 West. The proposed ordinance specifies a 500 foot separation from any other zone, and that the specified area will be the designated SOB area regardless of future zone changes, but that any SOB must be located in the HI zone.

Mayor Acerson asked if the proposed ordinance would require the City to allow multiple businesses. Mr. Cowie stated that the specified area would potentially allow two to three businesses. He noted that most of the property in the specified area is owned by Schaeffer Industries.

Councilmember Carpenter expressed concern regarding the specification that businesses are required to locate in the HI zone, and in the specified SOB area regardless of future boundary changes. He observed that future boundary changes may eliminate the possibility that the required 500 foot separation from other zones can be met. Mr. Cowie suggested changes which would require proposed businesses to locate in the specified SOB district regardless of the zone. Councilmember Carpenter agreed that the ordinance should specify that businesses be required to locate in the SOB district as defined in the ordinance. Other Councilmembers agreed that this change would be appropriate.

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

COUNCILMEMBER CARPENTER MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER REVISIONS TO THE SOB ORDINANCE. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2 COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE #2006-3  
AMENDING CHAPTER 17.61 OF THE LINDON CITY CODE AS REFERENCED IN  
4 CHAPTER 8.30 – SEXUALLY ORIENTED BUSINESSES, MODIIFYING, AMENDING  
AND REVISING THE PROVISIONS OF THE SECTION, PENDING REVIEW OF THE  
6 FINAL ORDINANCE BY THE MAYOR,AND PROVIDING FOR AN EFFECTIVE DATE,  
AND AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED DOCUMENTS.

8 COUNCILMEMBER ANTHONY SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

10 COUNCILMEMBER ANTHONY AYE  
COUNCILMEMBER BATH AYE  
12 COUNCILMEMBER BAYLESS AYE  
COUNCILMEMBER CARPENTER AYE  
14 COUNCILMEMBER HATCH AYE  
THE MOTION CARRIED UNANIMOUSLY.

- 16
- 18 9. **Public Hearing** - *General Plan Review*. This is the first of several public hearings  
concerning the update of the City’s General Plan. The first two sections of the General  
20 Plan will be presented for the first hearing. The Planning Commission has reviewed the  
plan and made several recommendations.

22

Mr. Cowie noted that the General Plan Committee and the Planning Commission have  
24 completed review of the General Plan, and made recommendations for changes. The Council  
discussed the “Community Vision” statement at the beginning of the General Plan. The  
26 Planning Commission recommended that the vision statement reflect and encourage the rural  
character of Lindon. The City Council agreed that while inclusion of some urban elements is  
28 inevitable, the historic and rural character of Lindon should be reflected in the Community  
Vision statement.

30 The Council went on to review proposed changes to the Land Use and Moderate Income  
Housing sections of the General Plan. Mr. Cowie noted that comments and recommendations of  
32 the General Plan Committee and Planning Commission are included for review and discussion  
by the Council. The Council reviewed elements in detail, and made recommendations for  
34 additional revisions and changes. Mayor Acerson called for public comment. There was no  
public comment. Review of the General Plan will continue at future regular City Council  
36 meetings. Mr. Cowie will draft final recommendations for review by the City Council prior to  
final approval.

38

COUNCILMEMBER BATH MOVED TO CONTINUE THE PUBLIC HEARING TO  
40 CONSIDER REVISIONS TO THE CITY’S GENERAL PLAN. COUNCILMEMBER  
ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED FAVOR. THE MOTION  
42 CARRIED.

44 **COUNCIL REPORTS –**

46 **WATER, SEWER, SOLID WASTE, HOUSING CONSORTIUM**

2 Councilmember Hatch reported that a Resolution stating the intent of the City to continue  
3 participation in the Housing Consortium is required every three years, and should be approved  
4 by the Council in June. Councilmember Hatch noted that Lindon City does receive some benefit  
5 through the Consortium in the form of loans which are used for home maintenance and repairs  
6 within the City.

7 Councilmember Hatch observed that there is a scheduling conflict regarding the Annual  
8 Retreat scheduled for February 11, 2006. He stated that a Hollow Water meeting and a Provo  
9 Bench water meeting are scheduled the same day and time. Mayor Acerson recommended that  
10 Mr. Dameron contact Hollow Water and Provo Bench Water to inform them that the City would  
11 not send a representative, and to request that they forward any relevant information presented in  
12 the meeting to the City.

13 Councilmember Hatch asked for clarification on the approval of the Dirker Farms  
14 Subdivision during the meeting of January 17, 2006, and the associated trail area. He inquired as  
15 to notification procedures for property owners that the trail area, which will be installed as a  
16 planter strip, is in the City right-of-way. Mr. Dameron stated that the trail area is shown as a  
17 City owned right-of-way on the plat for each parcel.

#### 18 **TRAILS, PLANNING, ZONING, BOARD OF ADJUSTMENTS, ADMINISTRATION**

19 Councilmember Bayless reported that one or more Planning Commissioners had  
20 requested the display of additional flags or banners during the annual Lindon Days Celebration.  
21

22 Councilmember Bayless noted that a joint meeting for the purpose of reviewing proposed  
23 commercial design guidelines is scheduled for the City Council and Planning Commission on  
24 February 22, 2006 beginning at 6:00 p.m.

25 Councilmember Bayless requested photographs of specific zoning issues for review prior  
26 to the scheduled retreat on Saturday, February 11, 2006. Mr. Dameron stated that Gary Hoglund  
27 is putting together information regarding specific issues for review by the Council.  
28

#### 29 **PUBLIC SAFETY, COURT, BUILDING INSPECTIONS**

30 Councilmember Bath had not items to report.  
31

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

33 Councilmember Anthony reported on recent activity of the Tree Advisory Board. He  
34 stated that some clarification will be made to the Board that they are an advisory board to the  
35 City Council, but that they do not have decision making authority. Councilmember Anthony  
36 expressed a desire for the Tree Board to work cooperatively with City staff regarding future  
37 parks.  
38

39 Councilmember Anthony also reported on meetings he has attended with Lindon  
40 Elementary PTA regarding safety issues. Residents at the meeting gave specific feedback  
41 regarding the use of additional crosswalks, painted lines, flashing lights, and wider pavement.  
42 Councilmember Anthony forwarded the information he had received to Councilmember  
43 Carpenter, who assigned to oversee street and sidewalk projects. Councilmember Carpenter will  
44 communicate with residents regarding their requests.  
45  
46

2 **GENERAL PLAN, STREETS & SIDEWALKS, PUBLIC BUILDINGS**

4 Councilmember Carpenter reported on the establishment of a priority list for city street  
6 projects. He stated that 200 East was identified as the number one priority for street  
8 maintenance. Mr. Dameron noted that prioritizing of projects was started in 1998 to allow the  
City to complete projects within budgetary constraints.

10 **ADMINISTRATOR'S REPORT –**

12 Mr. Dameron reported on the following items:

- 14 1. A sewer update meeting is scheduled for February 8, 2006 at 3:00 p.m. Orem City  
representatives will attend the meeting to discuss inflow mitigation and new businesses  
16 who have applied for operations in Lindon that may affect discharge rates.
- 18 2. The annual retreat is scheduled for Saturday, February 11, 2006 at 8:00 a.m.
- 20 3. A trails meeting will be held on Monday, February 13, 2006.
- 22 4. The Council reviewed the project tracking list.
- 24 5. There are currently 339 recycling accounts.
- 26 6. The Department of Agriculture has directed the City to destroy the fighting roosters  
which are being housed at the animal shelter after being confiscated by the police  
28 department. The City was contacted by an animal sanctuary regarding adoption and  
rehabilitation of the roosters. However, the department of agriculture will require the  
animals to be destroyed
- 30 7. All mitigation plans for flooding on the west side of the City are completed.
- 32 8. A joint meeting with the Planning Commission is scheduled for February 22, 2006 at  
6:00 p.m. to review recommended architectural design guidelines.
- 34 9. The bond for the 400 North water line project will require a separate public meeting to  
receive public input. The meeting was scheduled for February 16<sup>th</sup> at 6:00 p.m. at the  
City Center.

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

40 **ADJOURN –**

42 COUNCILMEMBER ANTHONY MOVED TO ADJOURN THE MEETING AT 12:38  
44 A.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

APPROVED – February 21, 2006

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Ott H. Dameron, City Administrator/Recorder

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Jeff Acerson, Mayor

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