

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, April 4, 2006**,  
beginning with a Work Session at 6:00 p.m., in the Lindon City Center, City Council Chambers,  
4 100 North State Street, Lindon, Utah.

6 **WORK SESSION** – 6:00 P.M.

8 **PRESENT**

**ABSENT**

10 Jeff Acerson, Mayor  
Eric Anthony, Councilmember  
12 H. Toby Bath, Councilmember  
Lindsey Bayless, Councilmember  
Bruce Carpenter, Councilmember – *arrived 6:25*  
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 6:05 p.m.

20 **DISCUSSION** – *The Mayor and City Council will meet in a work session with Don Peterson,*  
22 *Public Works Director, and David Thurgood, City Engineer, to discuss issues and concerns for*  
24 *fiscal year 2006/2007.*

26 Don Peterson and David Thurgood were present at the meeting to address the Council  
regarding the Public Works budget for the 2006/2007 fiscal year. They reviewed proposed  
water, sewer, streets, parks, and storm water projects planned for the upcoming year.

28 Water projects included the water line replacement project on 400 North from 200 East to  
600 East. The project is expected to begin in early summer.

30 Sewer project included a continuation of repair and slip line project which began in 2005  
to address infiltration problems which were identified in the sewer system.

32 Streets projects included resurfacing of 200 East from 400 North to 800 North. The  
Council discussed prioritization of possible street widening projects. Criteria which is being  
34 considered for prioritization of possible street widening projects is road classification, average  
daily traffic flow, use as a walking route to a school, the location of trail system sections adjacent  
36 to the roadway, and the condition of pavement on the road. Mr. Thurgood noted that  
recommendations for prioritization of street widening projects will be presented for initial  
38 discussion during engineering coordination meeting on April 19, 2006. Mr. Dameron clarified  
that any street widening projects the City Council determines should be done will be included in  
40 the 2007/2008 fiscal year budget. Mayor Acerson commented that it will be necessary to  
determine estimated costs of such projects, and determine if the City will fund the projects or if  
42 participation from property owners will be necessary. Councilmember Anthony noted that  
several residents on 200 East have indicated to him that they are willing to participate in the cost  
44 of curb, gutter, and sidewalk improvements adjacent to their property.

46 Mr. Peterson explained that several UDOT, Questar, and Utah Power projects planned for  
the west side of the City in the area of 2800 West and 2000 West may assist the City in funding

2 of necessary repairs to those roads as a result of development in the area. Mr. Peterson stated  
4 that he has met with representatives of the organizations involved in the development projects,  
6 and they have tentatively agreed that monies budgeted for restoration of roads will be paid to the  
City. Mayor Acerson noted that a street improvement project associated with the transfer station  
operations is also planned. He suggested that the Landfill Board be contacted to determine if all  
proposed projects in the area could be conducted simultaneously.

8 Mr. Peterson went on to outline proposed park projects for the coming year. Proposed  
10 projects include Phase II of Hollow Park, Phase III of Pioneer Park, Phase II of Squaw Hollow  
12 Park, and some improvements to the cemetery property owned by the City. Mr. Peterson noted  
that installation of fence between the developed area of the cemetery and areas which will be  
used as cemetery space in the future are a priority for the area. If adequate funding is available,  
additional improvements, such as sod, will be installed as well.

14 Mr. Peterson discussed proposed storm water projects on the west side of the City which  
are intended to alleviate flood potential in the area. Mr. Peterson proposed replacement of the  
culverts on 2000 West and 1800 West. He noted that other projects which have been completed  
16 in the area seem to be reducing flood potential significantly.

18 Mayor Acerson and the Council thanked Mr. Peterson and Mr. Thurgood for their time  
and effort in preparing these items for discussion, and for their efforts in behalf of the City.

20 **REGULAR SESSION** – 7:00 P.M.

22 Conducting: Jeff Acerson, Mayor  
24 Pledge of Allegiance: Jerald Hatch, Councilmember  
Invocation: Eric Anthony, Councilmember

26 **MINUTES** – The minutes of the regular meeting of March 21, 2006 were reviewed. The  
28 following corrections were made:

30 Page 8, Line 1: insert the word “to” after the word “appropriate.”  
32 Page 9, Line 33: change the word “City” to the word “Cities”, the word “the” to the  
word “their”, and insert the words “if desired” at the end of the  
sentence.

34 COUNCILMEMBER BATH MOVED TO APPROVE THE MINUTES OF THE  
36 MARCH 21, 2006 MEETING AS CORRECTED. COUNCILMEMBER ANTHONY  
38 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
CARRIED.

40 **OPEN SESSION** –

42 Captain Cody Cullimore of the Pleasant Grove/Lindon Police Department addressed the  
Council regarding emergency preparedness training which several members of the department  
44 are currently attending. He stated that the training will certify both himself and Sherrie Atwood,  
Communications Director for Pleasant Grove City. They will be trained to administer operations  
46 during a disaster. He stated that the training is conducted according to state and federal  
guidelines, and that training topics include methods for requesting aid and what resources are

available from the state and federal governments. The training will also include triage and field hospital operations. Captain Cullimore stated that the training generally teaches participants who to call and when to call to create the best cooperative effort during a disaster. Mayor Acerson asked if the training identifies the chain of command. Captain Cullimore stated that if followed, the training provides a unified command structure with no question of who is in charge, and allows all parties to work cooperatively. Mayor Acerson suggested that, if it would be appropriate, he be included in future training so that he is aware of the procedures which will be followed in the event of a disaster, and his role in the command structure.

**MAYOR'S COMMENTS/REPORT** –

In the interest of time, Mayor Acerson gave no report.

**CONSENT AGENDA** –

1. **Reimbursement Ordinance** – *WetCor, Inc (#2206-7)*. This item was heard and approved during the meeting of March 21, 2006. This is the ordinance making that action effective.

COUNCILMEMBER CARPENTER MOVED TO APPROVE ORDINANCE #2006-7 AUTHORIZING REIMBURSEMENT TO WETCOR, INC. (DEVELOPER) WITH MICHAEL AHLIN AS PRESIDENT OF SAID COMPANY, AND ASSESSING FEES AGAINST PROPERTY OWNERS PURSUANT TO THE PROVISIONS OF LINDON CITY CODE, CHAPTER 17.68, REIMBURSEMENT FEES, FOR THE PURPOSE OF APPORTIONING THE COSTS OF CONSTRUCTION OF PUBLIC IMPROVEMENTS AMONG LANDOWNERS WHO BENEFIT THEREFROM, AND PROVIDING FOR AN EFFECTIVE DATE. 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.

**CURRENT BUSINESS** –

2. **Review and Action** – *Conditional Use Permit, T-Rock*. This is a request by Terry Larsen for approval of a conditional use permit to operate a landscaping supply company and a concrete U-cart business at 232 North Geneva Road. The Planning Commission recommended approval with conditions.

Terry Larsen and Terry Larsen Jr. were present as representatives for this application. Mr. Cowie explained that the applicant is requesting approval of a Conditional Use Permit to operate a landscaping supply company that will primarily supply decorative landscape rock. Mr. Larsen is also requesting to continue the existing concrete U-cart operation on the site. Mr.

2 Cowie noted that a small office and restroom building is proposed. He commented that parking  
standards are based on the size of the structure, and that the size of this structure requires only  
4 two standard parking spaces and one ADA parking space. The Planning Commission  
recommended that three to four additional parking spaces be provided. Mr. Cowie stated that the  
6 applicant will landscape the existing detention area, and that the landscape strip on the Geneva  
Road frontage will be brought into compliance with current standards. A chain link fence will be  
8 installed on the south perimeter of the property to match the existing fence on the site. Mr.  
Larsen has indicated that no dumpster will be necessary for this location. However, the Planning  
10 Commission clarified to Mr. Larsen that if a dumpster is added to the site in the future, a six foot  
high masonry block enclosure will be required. Mr. Larsen confirmed that he does not anticipate  
12 use of a dumpster, but that he understands a block enclosure will be required if a dumpster is  
installed at a later date.

14 Councilmember Bayless requested clarification on the display of the product. Mr. Larsen  
explained that the concrete bins will be used to display various landscaping rock supplies.  
Councilmember Anthony inquired as to the amount of product which will be stored on site. Mr.  
16 Larsen stated that approximately twenty yards of material will be on the site at any given time.  
Councilmember Carpenter asked Mr. Larsen if any other materials not directly associated with  
18 the business will be stored on the site. Mr. Larsen stated that no storage is anticipated for this  
site, and that any necessary maintenance of equipment will be conducted at another site as well.  
20 Councilmember Carpenter expressed concern that the parking area may become muddy during  
wet periods. Mr. Cowie explained that the storage area will have a slag surface, and the parking  
22 area will have an asphalt surface.

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

26 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE REQUEST BY  
TERRY LARSEN FOR APPROVAL OF A CONDITIONAL USE PERMIT TO OPERATE A  
28 LANDSCAPING SUPPLY & U- CART BUSINESS, WITH THE FOLLOWING  
CONDITIONS:

- 30 1. THAT THREE TO FOUR ADDITIONAL PARKING SPACES ARE ADDED ADJACENT  
TO THOSE SHOWN ON THE SITE PLAN.
- 32 2. THAT A DUMPSTER ENCLOSURE PER CITY REGULATIONS BE INSTALLED IF A  
DUMPSTER IS USED ON THE SITE.
- 34 3. THAT NO STORAGE OF LANDSCAPING MATERIALS BE ALLOWED OUTSIDE THE  
DISPLAY BINS WITH THE EXCEPTION OF LARGE BOULDERS.
- 36 4. THAT THERE BE NO STORAGE OF MATERIALS NOT DIRECTLY RELATED TO THE  
BUSINESS ON THE SITE.

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

- 40
- 42 3. **Review and Action** – *Relief Petition for Water Shares*. This is a request by Steve Miner,  
owner of Extreme Power Sports in the newly annexed portion of the city, for approval of  
44 a relief petition which will allow him to pay cash in lieu of turning in water shares for his  
site.

2 Steve Miner, the representative for this application, was not present at the meeting at this  
time. Councilmember Carpenter suggested the Council proceed with the discussion regarding  
this application. Mr. Cowie explained that he received information earlier in the day from Evan  
4 Johnson, a water broker, that several shares of North Union Water are currently available for  
purchase. Mr. Cowie suggested this item be continued until such time as Mr. Miner is available  
6 to address the Council regarding the petition.

8 COUNCILMEMBER BAYLESS MOVED TO HOLD CONSIDERATION OF THE  
RELIEF PETITION FOR WATER SHARES SUBMITTED BY STEVE MINER UNTIL THE  
10 APPLICANT IS PRESENT TO ADDRESS THE COUNCIL. COUNCILMEMBER  
ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE  
12 MOTION CARRIED.

- 14 4. **Review and Action** – *Geological Hazards Preliminary Report*. The City Council will  
receive the preliminary report from Greg Schlenker, PG., Ph.D., of Kleinfelder  
16 Engineering detailing his geological findings in the foothills above Lindon City. The  
final report will be completed after receiving input from the City Council. The Council  
18 previously commissioned this study to take a pro-active stance to any hazards which  
might exist in the Lindon foothills.

20 Greg Schlenker of Kleinfelder Engineering was present at the meeting to present findings  
22 of the recently completed geological hazard survey conducted in the foothills of the City. Mr.  
Schlenker explained that hazards are measured based on the likelihood that an event will occur,  
24 and the potential damage which may be caused if an event occurs. He reviewed various potential  
hazards, including debris flow hazards, surface fault rupture hazards, and problem soil hazards.  
26 Mr. Schlenker presented various maps which outlined areas of each of these possible hazards.  
He noted that the greatest potential for damage in the City would relate to earthquakes associated  
28 with the surface faults which run along the foothills. Mr. Schlenker suggested the City upgrade  
building standards to the International Building Code to ensure that all appropriate steps are  
30 taken to minimize damage or loss of life caused by a potential earthquake. Mr. Cowie clarified  
that while the ordinance of the City does specify the uniform building code, the International  
32 Building Code is required during development. Mr. Cowie noted that an ordinance change to  
specify the International Building Code would be appropriate.

34 Mr. Schlenker noted that the only public facility structure which may be under any threat  
as a result of a geological event other than an earthquake is the Canberra Hills water tank. He  
36 noted that there is no apparent threat to the water tank at this time, but that it is the most  
“upslope” infrastructure in the City.

38 Mr. Schlenker addressed the existing landslide areas which have become visible in the  
past year. He stated that the slide areas appear to be very slow moving, and do not pose a  
40 significant threat to any developed areas at this time. He suggested use of some type of system  
to monitor the landslide areas to determine the rate of movement. He also suggested the City  
42 contact the Utah Geological Survey to report the slides, and to obtain assistance in monitoring of  
the area.

44 Mr. Schlenker suggested the use of additional debris flow basins in susceptible areas to  
mitigate debris flow and flood potential in the aftermath of a possible wildfire in the foothills  
46 above the City. He noted that debris flow is not a significant threat at this time, but that it may

2 be something the City may wish to consider in the future. Councilmember Anthony inquired as  
3 to the time period required for re-vegetation following a wild fire event. Mr. Schlenker stated  
4 that a one to two year period is necessary to restore grassy vegetation and stabilize the soil.  
5 Woody vegetation destroyed in a fire would take significantly longer to restore.

6 Councilmember Carpenter asked what guidelines are in place to ensure that geological  
7 hazard studies results are accurate and unbiased. Mr. Schlenker indicated that for a small fee, the  
8 Utah Geological Survey (UGS) will review the results of hazard surveys and give an opinion on  
9 the accuracy of results. He noted that it is protocol to invite the UGS to review survey results  
10 and provide a concurrence of findings.

11 Mr. Schlenker noted that a “guzzler” used to provide drinking water to wildlife is located  
12 in the immediate area of the existing landslide areas in the foothills of Lindon. He observed that  
13 leakage from the guzzler may be a contributing factor to the landslide areas. He suggested the  
14 City contact the National Forest Service to determine if the guzzlers could be relocated to a more  
15 appropriate location. Councilmember Anthony asked Mr. Schlenker if it would be appropriate  
16 for the City to take some action to modify the landslide area and reduce any potential risk the  
17 slides pose. Mr. Schlenker stated that in his opinion it would be appropriate to relocate the  
18 guzzler if possible, and monitor to the slide areas for a period of time to determine if other action  
is necessary.

19 Councilmember Hatch noted that the maps indicate that some problem soil hazards are  
20 located in residential areas. He asked if additional debris basins in those areas would be  
21 appropriate. Mr. Schlenker stated that those areas are alluvial fan deposits, and may be moisture  
22 sensitive. He noted that that when excavation for foundations occurs and backfill is used, water  
23 may penetrate the soil more easily causing potential problem. Mr. Dameron noted that each  
24 home in those areas is required to conduct a soil analysis prior to construction.  
25 Recommendations are made to the developer to mitigate potential soil problems. He explained  
26 that each home has specific recommendations for the site.

27 The Council discussed earthquake potential associated the surface rupture fault lines. Mr.  
28 Schlenker explained that the City is located in the Wasatch Fault Zone, and that experts estimate  
29 that the potential exists for a magnitude seven or greater earthquake at some point in the future.  
30 Mr. Schlenker noted that homes built since the 1960’s should be built to standards sufficient to  
31 prevent loss of life as a result of a large earthquake. He observed that larger infrastructure, such  
32 as I-15 and area hospitals, are built to higher standards capable of withstanding a major  
33 earthquake event. Mr. Schlenker went on to say that in the Utah Valley area there is much  
34 greater potential for property damage as opposed to loss of life as a result of a major geological  
35 event.

36 Mr. Cowie asked the Council for specific recommendations they wish to have addressed  
37 in the final document provided by Kleinfelder Engineering. The Council asked for specific  
38 recommendations for the landslide areas, and relative comparisons dealing with the same type of  
39 situations along the foothills in the valley. Mayor Acerson thanked Mr. Schlenker for his  
40 informative presentation.

#### 42 **WATER RELIEF PETITION** – *Steve Miner*

43 Steve Miner had arrived at the meeting at this time. Mayor Acerson asked Mr. Miner if  
44 he had received the message earlier in the day from Mr. Cowie informing him that water shares  
45 were available for purchase. Mr. Miner stated that he had received the message. Mr. Cowie  
46

2 explained that Mr. Miner is requesting approval of a “Relief Petition” to enable him to pay the  
3 City cash in lieu of turning water shares for one acre of the SJSC development project in the  
4 newly annexed area on the west side of the City. Mr. Cowie explained that the total area owned  
5 by Mr. Miner in approximately 4.17 acres, but that only one acre will be developed at this time.  
6 Mr. Cowie explained that one half of one water share is required for the proposed one acre  
7 development. The cash amount established for relief petitions is \$22,000 per acre, which would  
8 equate to \$11,000 for the required half share. Mr. Cowie stated that he was contacted earlier in  
9 the day by a water broker who informed him that seven North Union water shares and .5 Provo  
10 Bench water shares are currently available for purchase. Mr. Cowie explained that the purchase  
11 price for the required water would be higher than the cost of the cash amount required by the  
12 relief petition. He explained that the City set the cost for relief petitions slightly lower than the  
13 market price of water shares in order to avoid “driving the market” for water shares.

14 Councilmember Carpenter observed that the intent of allowing relief petitions is to not  
15 “gridlock” development if shares are not available. Mr. Cowie further explained that the cost for  
16 water shares is currently \$28,000 per North Union share, and that a month ago the cost was  
17 \$26,000. Mr. Dameron stated that an amended fee schedule will be presented to the City  
18 Council to make changes to the amount specified in relief petition in order to ensure the cost is  
19 comparable.

20 Councilmember Bayless asserted that it is not the responsibility of the City to assist  
21 developers in acquiring necessary water shares. She noted that City ordinance requires that  
22 water shares be turned in to the City if they are available. She recommended that Mr. Miner  
23 purchase the required water. Mr. Miner expressed concern regarding possible delay in  
24 development if he is required to obtain the necessary water. He also noted that the cost of  
25 purchase of the necessary water will be more expensive than the cash amount required by  
26 granting a relief petition. Mr. Cowie explained that the process could be completed in one day,  
27 and that no significant delay should occur. Councilmember Bath explained that if water shares  
28 are not available, the Council can consider a relief petition, but if shares are available, the water  
29 shares are required to be turned in. Councilmember Bath commented that the City has no control  
30 over the availability or cost of water shares. Councilmember Anthony noted that April 4<sup>th</sup> is  
31 typically the day peak snow pack is measured in the mountains, and that snow pack this year has  
32 exceeded 100% of normal. He suggested that perhaps these facts may have had some impact on  
33 the availability of water shares.

34 Mr. Cowie suggested that Mr. Miner contact the water broker, Evan Johnson, and arrange  
35 for the required .5 share to be transferred directly to the City. Councilmember Carpenter  
36 inquired as to the time frame for completion of the transaction. Mr. Dameron stated that the  
37 transaction could be completed the following day. Mayor Acerson called for further comments  
38 or discussion. Hearing none, he called for a motion.

39 **COUNCILMEMBER BAYLESS MOVED TO DENY THE WATER RELIEF**  
40 **PETITION SUBMITTED BY STEVE MINER FOR .5 WATER SHARES RELATED TO THE**  
41 **SJSC DEVELOPMENT AND INSTRUCT CITY STAFF TO TAKE APPROPRIATE STEPS**  
42 **TO EXPEDITE THE PROCESS OF TRANSFER OF THE REQUIRED WATER SHARE TO**  
43 **THE CITY. COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT**  
44 **VOTED IN FAVOR. THE MOTION CARRIED.**

2           5. **Public Hearing, Continued** – *Ordinance Amending Section 17.32.320 of the Lindon City*  
3           *Code – Deep Lots (#2006-8)*. The City Council will hear public comment and possibly  
4           act to approve an ordinance which amends Section 17.32.320 relating to Deep Lots.

5           COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC HEARINGS  
6           TO CONSIDER AMENDMENTS TO THE DEEP LOT ORDINANCE AND TO CONSIDER  
7           AMENDMENTS TO THE GENERAL PLAN. COUNCILMEMBER BAYLESS SECONDED  
8           THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

9           Mr. Cowie reviewed this item for the Council. He stated that the Planning Commission  
10           conducted extensive review of the existing deep lot ordinance. He noted that initially, several  
11           Commissioners felt that the deep lot ordinance should be repealed. However, following review  
12           and discussion of various options, the general consensus of the Planning Commission was that  
13           deep lots may create less asphalt areas, greater open space, and convey a more rural character  
14           than the use of additional through streets or cul-de-sac streets. Mr. Cowie stated that the  
15           Planning Commission requested that the City Council consider the possibility of including deep  
16           lots in initial subdivision plats in appropriate locations. Councilmember Carpenter inquired as to  
17           the basis for the argument of allowing deep lots as part of subdivision plats. Mr. Cowie clarified  
18           that the Planning Commission felt that the use of deep lots in some areas may allow development  
19           to occur with a smaller amount of asphalt, and may create more open space. Councilmember  
20           Carpenter agreed that the development of fewer residential dwellings in a given space would in  
21           fact allow more open space. Mr. Cowie went on to explain that in some areas of the City, the  
22           potential exists for residential subdivision development if a developer is able to acquire property  
23           from multiple owners. If full width streets are required for potential development, developers  
24           would then maximize the development potential for the property in terms of number of lots.  
25           However, if deep lots were allowed in the same area, it is possible that more dense development  
26           could be delayed or eliminated. Mr. Cowie noted that proposed changes written into the  
27           ordinance for review do not include the possibility of allowing deep lots as a part of initial  
28           subdivision development, as those thoughts were expressed by the Commission at the end of  
29           their discussion.

30           Councilmember Carpenter clarified that the purpose of reviewing the deep lot ordinance  
31           was to remove ambiguous sections and impose additional restrictions to reduce the number of  
32           approvable deep lots based on ordinance restrictions. Mr. Cowie observed that relatively few  
33           deep lots in the City would be approvable based on current recommendations. He noted that  
34           required frontage is the most significant restriction.

35           Councilmember Anthony expressed that he felt the greatest priority in addressing deep  
36           lots would be to ensure safety. He also felt that protection of half acre lots, as well as the rights  
37           of property owners, should be considered in proposed changes. He felt the City should avoid  
38           making decision based on taste and aesthetics. Mr. Cowie asserted that the recommended  
39           changes are strongly influenced by aesthetics.

40           Mr. Cowie discussed with the Council several possible developments, which could be  
41           maximized with approved streets or developed with fewer deep lots. Councilmember Anthony  
42           noted that residents in the area of his home recently sold half acre lots for approximately  
43           \$220,000.00. He suggested that decision making of property owners in regards to future  
44           development could be influenced by the increasing cost of land.

2 The Council discussed further specific areas of concern relating to the existing ordinance  
4 and recommended changes. Areas of concern discussed were required frontage, setbacks, “self  
6 imposed hardships,” and possible safety concerns. Mr. Cowie asked for specific direction in  
8 drafting recommended changes. The Council directed Mr. Cowie to attempt to define the  
10 possible number of deep lots which could be allowed based on current ordinance and  
recommended changes in order to determine the potential impact on the City if deep lots are  
allowed. The Council also asked that Mr. Cowie contact the Fire Marshall regarding required  
driveway lengths and location of fire hydrants, and possible safety concerns. The Council made  
specific recommendations for language changes to the sections of the ordinance. Mr. Cowie will  
draft recommended changes for review by the Council at the next regular meeting.

12 COUNCILMEMBER BATH MOVED TO CONTINUE THE PUBLIC HEARING TO  
14 CONSIDER AMENDMENTS TO THE DEEP LOT ORDINANCE TO THE REGULAR  
16 MEETING OF APRIL 18, 2006. COUNCILMEMBER BAYLESS SECONDED THE  
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 18 6. **Public Hearing, Continued** – *General Plan Review*. This is the fourth of several public  
20 hearing where the sections of the General Plan are presented for this hearing, those being  
the Environmental Element and the Circulation Element. The Planning Commission has  
previously reviewed the plan and made recommendations.

22 Due to the late hour, the Council reached consensus to continue review of proposed  
24 General Plan amendments to the regular meeting of April 18, 2006 to allow adequate time for  
discussion. No residents were present to address this public hearing item.

26 COUNCILMEMBER CARPENTER MOVED TO CONTINUE THE PUBLIC  
28 HEARING TO CONSIDER AMENDMENTS TO THE GENERAL PLAN TO THE REGULAR  
30 MEETING OF APRIL 18, 2006. COUNCILMEMBER BATH SECONDED THE MOTION.  
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 32 7. **Review and Action** – *Consent to Change of Ownership from Electric Lightwave, LLC to*  
34 *Integra Telecom Holdings, Inc.* This is a request from Electric Lightwave LLC for the  
consent of the City Council to the change of ownership to Integra Telecom Holdings, Inc.  
This request is in accordance with the Franchise Agreement between the City and  
Electric Lightwave, LLC.

36 Mr. Dameron explained that this action will give consent for a change of ownership  
38 relating to an existing Franchise Agreement from Electric Lightwave LLC to Integra Telecom  
Holdings, Inc. Councilmember Carpenter noted that the City Attorney has rendered an opinion  
40 that unless there are any pending legal challenges with Electric Lightwave, there should be no  
concerns associated with this change of ownership. Mr. Dameron verified that there is no  
42 pending legal action with Electric Lightwave LLC. Mayor Acerson called for a motion.

44 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE CONSENT TO  
46 CHANGE OF OWNERSHIP FROM ELECTRIC LIGHTWAVE LLC TO INTEGRA  
TELECOM HOLDINGS INC RELATING TO THE EXISTING FRANCHISE AGREEMENT

2 WITH ELECTRIC LIGHTWAVE LLC. COUNCILMEMBER HATCH SECONDED THE  
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 4 8. **Review and Action** – *Intersection Controls at 1800 West 200 North*. This is a request  
6 for the Council’s consideration for approval of the traffic engineer’s recommendation to  
install stop signs on both legs of 1800 West at the intersection of 1800 West and 200  
8 North and to paint the curb around the intersection red. The study was conducted in  
response to a request of the businesses located in this area.

10 Mr. Dameron explained that traffic studies recently conducted by Mark Christensen of  
JUB Engineers indicate that stop signs are warranted at the intersection of 1800 West and 200  
12 North, as well as red curbing on the corners of the intersection. Mayor Acerson called for further  
comments or discussion. Hearing none, he called for a motion.

14 COUNCILMEMBER HATCH MOVED TO APPROVE THE INSTALLATION OF  
16 STOP SIGNS AT THE INTERSECTION OF 1800 WEST AND 200 NORTH AS PER  
ENGINEERING REPORT RECOMMENDATIONS. COUNCILMEMBER ANTHONY  
18 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
CARRIED.

- 20 9. **Review and Action** – *Bid Award – Pheasant Brook Park*. This is a request by staff for  
22 the Council’s consideration of the bid award for the construction of Pheasant Brook Park  
– Phase I. Bids were properly advertised and received for this project, and the low bidder  
24 is Chad Broderick Construction at the price of \$555,076.43. Staff recommends awarding  
the bid to Chad Broderick Construction.

26 Mayor Acerson called for comments, questions or discussion from the Council regarding  
28 the Pheasant Brook Park bid award. Hearing none, he called for a motion.

30 COUNCILMEMBER CARPENTER MOVED TO AWARD THE PHEASANT BROOK  
PARK BID AWARD TO CHAD BRODERICK CONSTRUCTION AT THE PRICE OF  
32 \$555,076.43. COUNCILMEMBER BAYLESS SECONDED THE MOTION. THE VOTE  
WAS RECORDED AS FOLLOWS:

34 COUNCILMEMBER ANTHONY            AYE  
COUNCILMEMBER BATH                AYE  
36 COUNCILMEMBER BAYLESS            AYE  
COUNCILMEMBER CARPENTER        AYE  
38 COUNCILMEMBER HATCH             AYE  
THE MOTION CARRIED UNANIMOUSLY.

40 **COUNCIL REPORTS –**

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

44 Councilmember Hatch had no items to report.

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

Councilmember Bayless asked Mr. Cowie to present information he received at a meeting with UDOT officials regarding construction of the Mountain View Corridor, as well as widening of I-15. Mr. Cowie presented a map outlining the proposed widening project and the proposed location of the Mountain View Corridor. He noted that the proposed widening project will eliminate the majority of the existing landscaping on the I-15 interchange. He went on to explain the proposed location of the Mountain View Corridor in the area of the PC-1 and PC-2 zones within the City, and the impact the proposed UDOT projects would have on businesses in the area. He also noted that the proposed widening of I-15 could have a significant impact on Lindon, with the freeway passing within approximately 100 feet of a portion of the Fieldstone Homes development in the R-3 Overlay zone. The Council discussed possible negative impacts the proposed projects may have on Lindon. Mr. Cowie stated that it may be possible to arrange a meeting with the Mountain View Corridor project managers to discuss various concerns. Mayor Acerson commented that he is scheduled to attend a meeting with UDOT officials and Lt. Governor Herbert on April 5 to discuss the proposed project. City Attorney, Brian Haws, was present at the meeting. Mayor Acerson asked Mr. Haws for input regarding possible steps the City may take to mitigate potential concerns. Mr. Haws stated that the City does not have a great deal of legal power to control placement of the highway, but that there may be some opportunity to use political avenues to come to a compromise regarding the proposed projects to create less of a negative impact on the City. Mayor Acerson will report back to the Council, and Mr. Cowie will schedule a meeting with project managers.

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**PUBLIC SAFETY, COURT, BUILDING INSPECTIONS**

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Councilmember Bath reported that during a recent meeting with Pleasant Grove City officials regarding emergency services, the Cities agreed to consider various options for police, fire, and EMS services. Mayor Acerson commented that there was agreement between the cities for creation of a public safety district between the two cities with the possibility that of expansion to include other cities in the future. Councilmember Bath noted that the meeting was conducted in a respectful and productive manner.

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

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Councilmember Anthony requested suggestions for names of residents who may be willing to Chair the Lindon Days celebration this year. Councilmember Anthony discussed the City's Arbor Day Celebration scheduled for May 6, 2006. Councilmember Anthony also discussed preparations for the Easter Egg Hunt to be held on April 15, 2006.

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

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Councilmember Carpenter had no items to report.

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**ADMINISTRATOR'S REPORT –**

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Mr. Dameron reported on the following items:

1. Utah League of Cities and Towns meetings begin Thursday, April 6<sup>th</sup>, in St George.
2. The Quarterly Coordination Meeting with Pleasant Grove is scheduled for Monday, April 10<sup>th</sup>, at 5:30 p.m. at the Lindon City Public Works Complex.
3. The Council reviewed the project tracking list. Councilmember Hatch requested to review the Teton Industrial Construction conditional use permit application prior to final approval to assure that all safety issues have been addressed. He also requested that the Council review the Check Smart application following Planning Commission review.
4. There are currently 353 recycling accounts.
5. Councilmember Anthony will attend the ribbon cutting ceremony at My Smart World Preschool on Friday, April 7<sup>th</sup>, at 11:30 a.m.
6. Mr. Dameron forwarded copies of certifications received by the Code Enforcement Officer, Gary Hoglund, to the Mayor and Council.

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

**EXECUTIVE SESSION** - *The City Council will meet privately to discuss the purchase, exchange, or lease of real property. (UT Code 52-4-5(iv)).*

COUNCILMEMBER BAYLESS MOVED TO ADJOURN THE REGULAR CITY COUNCIL MEETING AND MOVE INTO EXECUTIVE SESSION AT 10:58 P.M. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER HATCH MOVED TO ADJOURN THE EXECUTIVE SESSION AND RECONVENE THE REGULAR CITY COUNCIL MEETING AT 11:38 P.M. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

**AJOURN** –

COUNCILMEMBER ANTHONY MOVED TO ADJOURN THE MEETING AT 11:38 P.M. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

APPROVED – April 18, 2006

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Ott H. Dameron, City Administrator/Recorder

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Jeff Acerson, Mayor