

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, May 2, 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 – *arrived 6:35*
H. Toby Bath, Councilmember
12 Lindsey Bayless, Councilmember – *excused at 7:05*
Bruce Carpenter, Councilmember
14 Jerald I. Hatch, Councilmember
Ott H. Dameron, City Administrator/Recorder
16 Adam Cowie, Planning Director – *arrived 6:45*
Debra Cullimore, Deputy Recorder

18 The meeting began at 6:10 p.m.

20 **DISCUSSION** – *The Mayor and City Council will meet in a work session with Gary Hoglund,*
22 *Code Enforcement Officer, to hear a report on current year activities and to discuss issues and*
24 *concerns for fiscal year 2006/2007.*

26 Code Enforcement Officer, Gary Hoglund, and Chief Building Official, Phil Brown, were
present to address the Council regarding Code enforcement issues. Mr. Hoglund recently
attended a training conference for Code Enforcement Officers. Mayor Acerson asked if Mr.
28 Hoglund had gained any insight into the broad based vision of code enforcement in other
municipalities. Mr. Hoglund stated that Code Enforcement appears to be a fairly new area of
30 focus in most cities. Most officers attending the conference had been employed in code
enforcement for a year or less. Mr. Hoglund commented that the code enforcement issues seen
32 in Lindon are typical of other cities. He observed that some cities are using an aggressive
approach to code enforcement, but that Lindon is currently using a “soft sell” approach in
34 dealing with code violations which do not present an immediate health or safety concern. Mr.
Hoglund stated that most residents are willing to comply with requirements of the code once they
36 are educated as to the purpose of the law.

38 During discussion, Mr. Hoglund requested direction from the Council regarding various
code enforcement issues. Specific issues discussed included parking of boats and recreational
vehicles in front yard setbacks, inoperable vehicles, parking structures, basement finishes
40 without permits, large animal control and temporary banner signs. Mr. Hoglund suggested that
code enforcement be implemented slowly, to allow residents time to think about the benefits of
42 code enforcement. He stated that any issue which presents an obvious safety concern will be
enforced more aggressively. Councilmember Bayless suggested including code enforcement
44 information in the monthly newsletter.

46 Councilmember Hatch expressed the opinion that unless an obvious safety concern exists,
residents should be allowed to do as they please on private property. Mr. Hoglund observed that

2 if ordinance requirements are not followed, there may be some liability on the part of the city in
the event of an accident resulting from lack of enforcement of an existing ordinance. He
4 suggested that if specific elements of city code are not expected to be enforced, modifications
should be made to the ordinance to reduce possible liability to the city. Mayor Acerson noted
6 that code enforcement is a precautionary measure used to prevent such occurrences, and that
there is not currently a significant safety problem in the city. Mr. Hoglund observed that
8 parking of large boats or recreational vehicles in front set-backs does create a potential safety
concern, as it reduces visibility of drivers in relation to pedestrian traffic.

10 Mr. Hoglund discussed dismantled or inoperable vehicles parked on private property. He
suggested the use of a permit for a specified time period for completion of necessary repairs or
restoration. Mr. Hoglund noted that dismantled or inoperable vehicles are allowed behind sight
12 obscuring fence indefinitely.

14 The Council went on to discuss basement finishes which are completed without required
permits or inspections. Mr. Brown commented that one concern associated with basement
finishes is illegal accessory apartments. Councilmember Carpenter observed that any fire
16 associated with an unauthorized basement finish may invalidate fire insurance. Mr. Brown noted
that permits for basement finishes are a safety issue, and that required inspections ensure that
18 basements are completed according to fire safety codes. Mr. Brown stated that standard real
estate contracts require disclosure of any portion of a residence which was completed without
20 proper inspections. He noted that typically buyers do not verify whether proper permits were
obtained unless an event, such as a fire, occurs at a residence.

22 During discussion regarding enforcement of large animal ordinances, Mr. Hoglund
suggested the use of an annual conditional use permit, which would allow inspection by the city
24 each year to ensure that animals are properly cared for. Mr. Hoglund stated that he currently
responds to large animal violations based on complaints by neighbors. Councilmember Bayless
26 observed that the ability to own large animals is a privilege for residents, and that the privilege
also requires that large animal owners be considerate of neighbors. She felt that large animal
28 issues could be addressed through enforcement of existing ordinances, and that additional
restrictions would not be appropriate. Mr. Hoglund stated that he will continue to enforce large
30 animal ordinances based on complaints.

32 Mr. Hoglund requested direction from the Council regarding parking structures which are
built on property lines. Mr. Brown explained that significant fire safety issues are associated
with such structures. Mayor Acerson inquired as to the ability of the City to “grandfather”
34 existing conditions which are not in compliance with existing ordinances. Mr. Brown stated that
structures which are built in compliance with standards at the time of construction are allowable,
36 but that provisions can not be made for structures which are constructed after adoption of a
specific ordinance and do not comply with new requirements. Mayor Acerson noted that the
38 structures in question were constructed as much as twelve years ago. He questioned why the
concerns had not been previously addressed. Mr. Brown stated that there had not been adequate
40 manpower to actively address code enforcement issues until creation of the code enforcement
officer position.

42 Mayor Acerson complimented Mr. Hoglund on the resident friendly approach he has
taken thus far in enforcement efforts. Mr. Brown noted that he has received a great deal of
44 positive feed back from residents. He also observed that public awareness is being raised
regarding code enforcement issues. Mayor Acerson expressed appreciation to Mr. Hoglund for
46 his efforts, and for his report to the Council.

2 **REGULAR SESSION** – 7:00 P.M.

3 Conducting: Jeff Acerson, Mayor
4 Pledge of Allegiance: Marissa Singson, Little Miss Lindon
5 Invocation: Bruce Carpenter, Councilmember
6

7 The meeting was called to order at 7:05 p.m.
8

9 **MINUTES** – The minutes of the regular meeting of April 18, 2006 were reviewed. The
10 following correction was made:

11 Page 5, Line 6: insert the words “on lot #4” after the word “showroom.”

12
13 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES OF THE
14 APRIL 18, 2006 MEETING AS CORRECTED. COUNCILMEMBER HATCH SECONDED
15 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.
16

17 **OPEN SESSION** –

18
19 Mayor Acerson called for public comment from those present who wished to address an
20 issue not listed as an agenda item. Lindon resident Rebecca Miles, residing at 125 South 680
21 West, approached the Council. Ms. Miles read a written statement signed by several residents in
22 the area of Creekside Park requesting various changes to the park area. Suggested changes
23 included installation of sod in the sand volleyball pit area, additional play equipment, and
24 improved drainage from the existing playground area. Ms. Miles also requested consideration of
25 a speed hump in the area to increase safety for children traveling to the park. Mayor Acerson
26 thanked Ms. Miles for her time in addressing the Council.

27 Holly Nelson, 2005-2006 Little Miss Lindon, along with her attendants Annie Lawrence,
28 Bethany Pratte, Marlee Whetten, and Janessa Olsen presented the Council with a plant, and
29 thanked the Council for their support during the previous year. Ms. Nelson introduced the 2006-
30 2007 Royalty to the Council as follows: Marissa Singson, Little Miss Lindon, and her attendants,
31 Jenna Smoot, Kimberly Nelson, Marianne Acerson, and Kaylee Wood. Mayor Acerson
32 expressed appreciation to the royalty for the manner in which they represent the city. He also
33 expressed appreciation to the parents for their support of the Little Miss Lindon Royalty.
34

35 **MAYOR’S COMMENTS/REPORT** –

36
37 Mayor Acerson gave no report.

38 **CONSENT AGENDA** –

39
40 No items.

41 **CURRENT BUSINESS** –
42
43
44

- 2 1. **Preliminary Plat** – *C&C Marble Industrial Subdivision, Plat “B”*. This is a request by
4 Burbidge Brothers for preliminary subdivision approval of C&C Marble Industrial
6 Subdivision, Plat “B”, 4 lots, in the LI zone at 200 South Pioneer Lane. The Planning
8 Commission recommended approval with conditions. This item was continued from the
10 last meeting.

12 Dave Burbidge and Ron Paul were present as representatives for this item. Mr. Cowie
14 explained that this item was continued from the last meeting to allow further review of the
16 configuration of the proposed subdivision. Mr. Cowie explained that the applicant is requesting
18 approval of a 4-lot subdivision on the southeast corner of 200 South and Pioneer Lane. Mr.
20 Cowie reviewed the layout of the proposed subdivision. He stated that lot #1 will front onto 200
22 South. An existing business, Scenic Solutions, is located on lot #2, and lot #3 and lot #4 will be
24 future building lots. Pioneer Lane road improvements will be installed by Utah Power as part of
26 the power plant construction. The Council requested at the last meeting that the applicant submit
28 a draft of possible development on lot #1 due to concerns regarding the configuration of lot #1.
30 Mr. Cowie reviewed the recommendations of the Planning Commission as follows:

- 32 1. That the building and site plan for lot #2 receive a fire inspection for conformance with
34 current fire protection standards.
- 36 2. That the business on lot #2 use a dump trailer for waste disposal, and that the trailer be
38 covered at all times.
- 40 3. That Orem pre-treatment inspect the site to determine if it meets requirements for
42 buildings with floor drains.
- 44 4. That the required twenty foot landscape strip be installed on lot #2.
- 46 5. That the access road easement should be vacated and access provided to the lots from
Pioneer Lane. Mr. Cowie noted that adjacent property owners have rights to this
easement and have requested that the easement be maintained.
6. That storm water detention on lot #2 be approved by the City Engineer.

30 Councilmember Carpenter inquired as to whether the detention area for lot #2 would be
32 used for drainage from lot #2 only. Mr. Cowie confirmed that drainage on lot #2 will serve only
34 that lot. Councilmember Carpenter asked the applicant for further information regarding the
36 possible layout of lot #1 in the current configuration. Mr. Paul displayed a draft drawing of lot
38 #1 which showed an outline of the existing concrete pad which is approximately 4800 square
40 feet. The drawing showed potential development of the lot, including the required landscape
42 strip along the 200 South frontage, and 14 parking stalls located on the north and west side of the
44 site. Plans for the lot showed a zero setback on the east to west boundary for the building on lot
46 one, which allowed adequate space for all required site improvements. Mr. Cowie confirmed
that a zero setback is allowable in this zone if specific requirements are met. Councilmember
Carpenter inquired as to detention for lot #1. Mr. Cowie suggested that detention could be
located on the west corner. Mr. Paul stated that it would be necessary to relocate some existing
utilities from the west corner to accommodate detention, but that it would be feasible. He also
noted that it would be possible to accommodate some retention in the landscape and parking
areas if necessary. Mr. Burbidge noted that the owner of the existing business on lot #2 has been
given first right of refusal on lot #1.

44 Councilmember Hatch inquired as to responsibility of maintenance of the easement. Mr.
46 Burbidge stated that the easement will be relocated to the east boundary, and will be maintained
by the owner of lot #1. The easement area will be an asphalt surface. Councilmember Carpenter

asked if the owners of C&C Marble were agreeable to relocation of the easement to the east property line. Mr. Burbidge stated that C&C Marble has given approval for relocation of the easement.

Mr. Burbidge commented on the location of power lines on the site, which were determined by Utah Power. He stated that the area will be landscaped and beautified, and that it will be a benefit to the City.

Mr. Dameron asked for clarification on the amount of curb and gutter which will be installed in conjunction with the power plant project. Mr. Allen stated that to the best of his knowledge, Utah Power will complete road improvements on both sides of Pioneer Lane, and that landscaping improvements will be installed on lot #1 and lot #2 as a part of this subdivision. Councilmember Carpenter inquired as to the proposed time frame for installation of landscaping improvements. Mr. Burbidge stated that required improvements will be installed immediately. Mr. Cowie clarified that landscaping will not be required on the 200 South frontage.

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

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE PRELIMINARY PLAT REQUEST FOR C&C MARBLE SUBDIVISION PLAT B WITH THE FOLLOWING CONDITIONS:

1. THAT THE BUIDLNG AND SITE PLAN FOR LOT #2 RECEIVE FIRE INSPECTION FOR CONFORMANCE WITH CURRENT FIRE PROTECTION STANDARDS.
2. THAT **IF** THE BUSINESS ON LOT #2 USES A DUMP TRAILER FOR WASTE DISPOSAL ~~AND THAT~~ THE TRAILER **SHALL** BE COVERED AT ALL TIMES.
3. THAT OREM PRE-TREATMENT INSPECT THE SITE TO DETERMINE IF EXISTING FLOOR DRAINS ARE IN COMPLIANCE WITH REQUIREMENTS.
4. THAT THE REQUIRED TWENTY FOOT LANDSCAPE STRIP BE INSTALLED ON LOT #2.
5. THAT THE ACCESS EASEMENT BE MOVED TO EAST PROPERTY LINE AND BE AN ASPHALT SURFACE.
6. THAT STORM WATER DETENTION ON LOT #2 BE APPROVED BY THE CITY ENGINEER.
7. THAT THE APPLICANT PROMPTLY COMPLETE REQUIRED CURB AND GUTTER IMPROVEMENTS ON ALL LOTS NOT COMPLETED BY THE POWER PLANT PROJECT, AND LANDSCAPING REQUIREMENTS ON LOT #2.

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

2. **Review and Action** – *Conditional Use Permit – Teton Industrial Construction Inc.* This is a request by Thad Beal for the Council’s consideration of approval of a conditional use permit for an office, parking area, and storage area on a site located at 1820 West 200 South. The Planning Commission recommended approval with conditions.

Thad Beal, property owner, and Mick Amadon, project manager, were present as representatives for this item. Mr. Cowie reviewed the location of the site at 1820 West and 200 South along the City boundary with Vineyard Town. He stated that Teton Industrial Construction is currently leasing existing office/warehouse space owned by Mr. Beal, along with

2 an unimproved portion of property which is being used for parking associated with the
3 construction of the Utah Power facility located across the street in Vineyard Town. Mr. Cowie
4 noted that required improvements are installed on the frontage of the area of the existing
5 building, but that no improvements have been installed in the parking area. The Planning
6 Commission discussed what additional improvements should be required at this time for
7 approval of a Conditional Use Permit. Teton Industrial Construction Company is currently
8 leasing the property on a short term basis, but may consider this site as a long term location for a
9 regional office. Mr. Beal has requested that improvements not be required on the unimproved
10 portion of the site until a permanent tenant is identified. Mr. Cowie explained that the Planning
11 Commission recommended approval of a temporary Conditional Use Permit for a twelve month
12 period, with the possibility of a six month extension, in order for Teton Industrial to determine if
13 they intend to remain at this site. The Planning Commission informed Mr. Beal that no
14 additional temporary Conditional Use Permit would be allowed for any future use on this site.

15 Councilmember Bath inquired as to the surface material on the parking area. Mr. Cowie
16 stated that the parking area is a slag road base. He presented photographs of the parking area, as
17 well as the improved portion of the property. Mr. Cowie noted that there is some storage of
18 components used in construction of the power plant in the parking area. Railroad ties have been
19 used to configure parking stalls. Trash containers are also located in the parking area. The
20 temporary parking area contains approximately 200 parking stalls.

21 Councilmember Bath commented that it may not be practical to install improvements at
22 this time, as a permanent use has not yet been established. Mr. Beal explained that the site is
23 being actively marketed, and that any improvements which are installed at this time may need to
24 be removed when a long term use is established. He stated that he is not opposed to installation
25 of improvements when a permanent use is determined. Mr. Beal stated that he would be happy
26 to have Teton Industrial Construction as a long term tenant if they elect to remain at this site.
27 Mr. Beal noted that the area in front of the site is commonly used by residents traveling to the
28 landfill to cover and secure loads, which creates some problems with trash on the frontage of the
29 site.

30 Mr. Beal invited Mr. Amadon to address the Council regarding this project and Teton
31 Industrial Construction in general. Mr. Amadon stated that Teton is an industrial construction
32 firm which builds power plants and refineries around the country. The company is based in
33 Atlanta, Georgia. Teton is one of two contractors hired to do the above ground construction
34 work for the Utah Power plant. Mr. Amadon stated that they are considering the current location
35 for a long term regional office location. They have discussed possible future projects in this area
36 with Micron and Kennecott. Mr. Amadon reviewed the projected schedule for completion of the
37 power plant. He stated that construction will peak in the summer of 2006, and will employ
38 approximately 375 people at that time. Approximately 200 parking stalls will be used in the
39 temporary parking area, with another 100 stalls located across the street at the power plant site.
40 By September, employees will be reduced to approximately 100, with minimal staff at the end of
41 the project to support start up of the power plant. The project is scheduled for completion in
42 April of 2007. Mr. Amadon stated that the need for use of the temporary parking area will
43 terminate in approximately October or November of 2006. Mr. Dameron asked if Teton is
44 considering purchase of the subject property. Mr. Amadon stated that a long term lease would be
45 used to obtain the property.

2 Mr. Dameron asked for clarification regarding transportation of employees from the
parking area to the work site located across the street. Mr. Amadon explained that buses with
CDL certified drivers are used to safely transport workers from the parking area to the work site.

4 Councilmember Anthony asked if any hazardous materials are stored at the site. Mr.
Amadon stated that typical industrial cleaners are stored at the site in an approved storage area.
6 Mr. Beal stated that Teton is a professionally run company, and that great care is taken to
provide a safe, clean, and orderly work environment.

8 Councilmember Carpenter observed that there is a problem with trash along the frontage.
He acknowledged that it is not the fault of the applicant, but asked if there are any plans to
10 improve the aesthetics along the frontage. Mr. Amadon stated that the company is currently
removing weeds and picking up trash in the area to improve the appearance. Councilmember
12 Carpenter inquired as to whether a sight obscuring fence would be appropriate in the storage
area. Mr. Amadon clarified that storage on the site is for components used in construction of the
14 power plant. He stated that deliveries are staged in conjunction with construction, and
components are stored only on a short term basis. Councilmember Bath asked if the site has
16 gates. Mr. Amadon confirmed that the site is secured with locked gates.

Councilmember Carpenter inquired as to the timing for this application. Mr. Beal stated
18 that they were unaware that a permit would be needed for this use **and submitted the application
after it was pointed out to them by the City that a permit would be required.**

20 Mr. Cowie suggested that the Council consider disallowing on street parking if existing
parking facilities do not meet the needs of the project. Mr. Amadon stated that on street parking
22 would not be allowed. Mayor Acerson called for further comments or discussion. Hearing none,
he called for a motion.

24
26 **COUNCILMEMBER BATH MOVED TO APPROVE THE TEMPORARY
CONDITIONAL USE PERMIT FOR TETON INDUSTRIAL CONSTRUCTION, INC. FOR A
TWELVE MONTH PERIOD WITH A POSSIBLE SIX MONTH EXTENSION WITH THE
28 FOLLOWING CONDITIONS:**

- 30 1. THAT NO IMPROVEMENTS WILL BE REQUIRED IN THE TEMPORARY
PARKING AREA AT THIS TIME.
- 32 2. THAT THIS IS A ONE TIME TEMPORARY CONDITIONAL USE PERMIT, AND
NO OTHER TEMPORARY CONDITIONAL USE PERMIT WILL BE ISSUED FOR
THIS SITE.
- 34 3. THAT THE APPLICANT KEEP THE FRONTAGE OF THE SITE FREE OF **WEEDS
AND** DEBRIS.
- 36 4. THAT NO ON STREET PARKING BE ALLOWED.

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

- 40 3. **Report** – *200 East Traffic/Speed Study Update*. This is a follow up report by Mark
Christensen, Traffic Engineer, outlining the results of the installation of speed humps
42 along 200 East through the hollow area of the City.

44 Mark Christensen was present to report to the Council regarding the speed humps along
200 East in the hollow area of the City. Mr. Christensen stated that recommendations of the
46 initial traffic study in the area included increased traffic enforcement, installation of traffic

2 calming devices, and a follow up review of the traffic calming measures. Mr. Christensen stated
4 that traffic tubes were used to measure traffic speed and volume. Prior to installation of the
6 speed humps, speed at the bottom of the hollow was measured at 42 miles per hour, and at the
8 top at 35 miles per hour. Following installation of the humps, speed was measured at 14 miles
10 per hour at the bottom and at the top. In addition, traffic volume decreased by approximately
12 thirty to forty percent following installation of the speed humps. Mr. Christensen noted that it is
14 not the objective to divert traffic, but rather to slow existing traffic. The police department
16 reported to Mr. Christensen that there have been no traffic accidents reported in the area since
18 installation of the humps, but one injury occurred when a child fell off of a scooter and broke his
20 arm. Mr. Christensen observed that the speed humps have effectively slowed traffic, but the
reduction in traffic flow indicates that the humps are too high, and require slowing to an
unacceptable speed. He recommended leaving the humps in place, but shaving 5/8" off of the
hump in the bottom, as well as the south hump to bring them into compliance with four inch
specifications, and to allow traffic to travel at 20 miles per hour to prevent diversion of traffic to
other streets. Mr. Christensen noted that reduction of the height of the two humps should allow
winter traffic to generate enough speed to get up the other side of the hollow, and should also
reduce any safety hazard for bicycles or scooters. Mr. Christensen gave comparisons of existing
humps on 900 East. He stated that the humps on 900 East were constructed to the specified four
inch height, and that studies indicate that traffic is able to travel in the area at approximately 20
miles per hour.

22 Councilmember Anthony inquired as to any studies which have been conducted
24 regarding pedestrian safety in the area of speed humps. Mr. Christensen stated that slower traffic
26 creates an inherently safer condition for pedestrians. He also explained that speed humps
28 typically extend to the edge of the asphalt to prevent cars from attempting to go around the end
30 of the hump into possible pedestrian areas with one set of tires.

Area residents were surveyed as a part of the review of the speed humps. Of those
surveyed, nine felt the humps were too high, and six felt they were not too high. Councilmember
Anthony observed that it appears that residents closer to the hollow seemed more supportive of
maintaining the current height of the humps, while those residing farther away felt the height
should be lowered.

32 Mayor Acerson noted that there were several residents present at the meeting to address
34 this issue. He called for public comment. Pat Hansen noted that he is the father of the child who
36 broke his arm while riding a scooter through the hollow. Mr. Hansen expressed concern
38 particularly about the hump in the bottom. He stated that it appears that the hump in the bottom
40 of the hollow may have been a contributing factor in the accident. He also noted that it is
42 necessary to slow to such a speed that it is difficult for vehicles to get up the other side of the
hollow when slick or icy conditions exist during the winter. He observed that he has seen
bicycles "weaving" up the other side due to lack of speed to go up the hill. Mr. Hansen stated
that he would be in favor of removing the hump in the bottom of the hollow, but felt that
reducing the height may effectively address the problem. Mr. Hansen stated that he is among
those who have chosen to travel on other roads rather than through the hollow. He stated that it
is not possible to pull a trailer over the humps without dragging the bottom of the trailer on the
hump.

44 Tammie Walker stated that she lives at the top of the hill. She observed that for the first
46 time in twenty years, she can safely pull out on to the street from her property. Ms. Walker
commented that children have always ridden bikes up the center of the road, and that the humps

2 allow slower traffic to see the bicycles and avoid hitting them. She expressed that she felt safety
3 conditions have been greatly improved with the installation of the speed humps. She agreed that
4 a reduction in height may address any problems associated with the humps.

5 Shirley Matthews observed that everyone present is interested in increased safety. She
6 observed that traffic speed is problematic on many Lindon streets. She expressed that it would
7 not be appropriate to install speed humps on every street. She suggested the use of a “photocop”
8 system for increased traffic enforcement. Captain Cody Cullimore of the Police Department was
9 present at the meeting. He observed that speeding violations are actively enforced, but that
10 “photocop” has been ruled unconstitutional due to the fact that it is not possible to prove who
11 was driving the vehicle when it was speeding. Mayor Acerson noted that speed humps have
12 proven effective in slowing traffic and increasing safety in problem areas.

13 Lawrence Packer stated that he shares a driveway with Ms. Walker. He agreed that
14 safety has been significantly increased since installation of the humps. Mr. Packer stated that he
15 has observed some problems during the winter, but that those problems could likely be addressed
16 by shaving the height of the existing humps.

17 Gloria Barnes inquired as to other possible traffic calming measures which may be used.
18 Mr. Christensen explained that there are “active” and “passive” traffic calming measures. Active
19 measures require the driver to “do something,” such as slowing speed for humps. Passive
20 measures consist of road elements which either narrow the travel lane, or make the travel lane
21 appear narrower, thereby slowing traffic speed. Councilmember Carpenter observed that the
22 purpose of streets is to move traffic, and that it is necessary to allow traffic movement while
23 addressing safety issues. Mr. Christensen noted that streets also provide access to lands adjacent
24 to the roadway, and that when excessive speed or excessive volume is identified, it is appropriate
25 to address those issues with traffic calming measures.

26 Gwen Lund expressed the opinion that use of speed humps does not effectively eliminate
27 traffic problems, but simply relocates them to another street. She felt the problem could be
28 addressed by widening and improving streets, and providing an area for safe pedestrian access.

29 Randall Lund expressed opposition to the widespread use of speed humps to address
30 speeding problems. He felt that the traffic problems are limited and affect only a few people,
31 while speed humps affect all vehicles traveling on the street. Mr. Lund questioned whether the
32 odd configuration of driveways had any impact on the problems associated with this particular
33 area. Mr. Christensen stated that the most unusual feature associated with this area is the hollow
34 itself, and not the driveways. Mr. Christensen stated that his recommendations would not be
35 affected if the driveway areas were not irregular. Mr. Lund asked if there is a particular reason
36 for the use of three humps. Mr. Christensen stated that a single hump would not be effective in
37 slowing traffic, and that placement of humps on the top of the hills without one in the bottom
38 would allow traffic speed to increase between humps.

39 Shirley Matthews suggested the use of additional signage and higher fines for speeding.
40 Mayor Acerson observed that self governance is an important aspect of safe travel.

41 Councilmember Carpenter agreed that speed humps are not a viable solution for wide
42 spread use, but that they effectively address areas with significant safety concerns.
43 Councilmember Anthony commented that he felt it is important to address safety issues while
44 maintaining traffic flow. He suggested that a speed of twenty miles per hour in the area of the
45 speed humps would effectively address both safety and traffic flow concerns. Mr. Christensen
46 noted that if the humps are too low, they can cause additional problems and be used for “jumps.”

2 Councilmember Bath agreed that speed humps are not appropriate for widespread use, but that
3 they have addressed safety concerns on 200 East. He felt that shaving of the existing humps
4 should allow traffic to travel at an acceptable speed.

5 Residents inquired as to any pending plans for widening and improvements on 200 East.
6 Mr. Dameron explained that 200 East has been identified as the highest priority for street
7 improvements. He noted that improvements to the roadway will begin after the beginning of the
8 new fiscal year in July. Ms. Matthews inquired as to plans for installation of a pedestrian
9 walkway in the area. Mayor Acerson stated that the City is currently working to establish
10 criteria and prioritize pedestrian walkways or sidewalks. Ms. Lund suggested that pedestrian
11 walkways be considered prior to other recreational opportunities. Mr. Dameron stated that the
12 City Council has commissioned the City Engineers to prioritize projects. Councilmember
13 Carpenter observed that newer development includes sidewalks because developers are required
14 to install such improvements at the time of development. He stated that projects will be
15 completed based on prioritization and the amount of funding available from residents and outside
16 sources.

17 Mayor Acerson thanked the residents present for taking the time to address the Council.
18 He asked for a consensus from the Council regarding the engineering recommendations for the
19 existing speed humps.

20 BY CONSENSUS, THE COUNCIL AGREED TO ACCEPT THE ENGINEERING
21 RECOMMENDATIONS FOR TRAFFIC CALMING SPEED HUMPS ON 200 EAST
22 THROUGH THE HOLLOW AREA OF THE CITY TO LEAVE THE HUMPS IN PLACE
23 AND REDUCE THE HEIGHT OF THE SOUTH AND CENTER HUMP BY
24 APPROXIMATELY 5/8 OF AN INCH TO ALLOW ADEQUATE TRAFFIC FLOW AND
25 RESTORE TRAFFIC VOLUME TO AN APPROPRIATE LEVEL.

- 26
27 4. **Public Hearing, Continued** – *Ordinance Amending Section 17.32.320 of the Lindon City*
28 *Code – Deep Lots (#2006-8)*. The City Council will hear public comment and possibly
29 act to approve an ordinance which amends Section 17.32.320 relating to deep lots.

30
31 COUNCILMEMBER CARPENTER MOVED TO OPEN THE PUBLIC HEARING TO
32 CONSIDER AMENDMENTS TO SECTION 17.32.320 OF THE LINDON CITY CODE
33 RELATING TO DEEP LOTS. COUNCILMEMBER HATCH SECONDED THE MOTION.
34 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

35
36 Mr. Cowie presented a map outlining 52 potential deep lots using criteria specified in
37 proposed ordinance revisions, including distance separation, 125 feet of frontage, and a
38 minimum $\frac{3}{4}$ acre deep lot. Mr. Cowie emphasized that the figures are very speculative, but give
39 some idea of the potential number of buildable lots. Mr. Cowie noted that he had received a
40 request for information regarding a possible deep lot earlier in the day that would be approvable
41 based on recommended revisions. Mr. Cowie noted that any properties over two acres could not
42 be considered for deep lot approval, due to the fact that there would be sufficient property to
43 install cul-de-sac streets.

44 Mr. Cowie requested direction from the Council regarding accessory apartments on deep
45 lots. He noted that the existing ordinance disallows accessory apartments on deep lots.
46 Councilmember Carpenter suggested that this restriction may address safety concerns associated

2 with a narrow drive serving two residences. Mr. Dameron agreed that the restriction was based
3 on possible safety issues associated with increased traffic on access drives to deep lots.
4 Councilmember Hatch asked if a mother in law apartment would be allowable. Mr. Cowie stated
5 that unauthorized accessory apartments can not be rented, but can be occupied by family
6 members. Councilmember Carpenter asked if second kitchens are allowable. Mr. Cowie stated
7 that second kitchens are allowed, but that occupancy restrictions are recorded stating that the
8 apartment will not be rented. Mr. Dameron observed that policing of such situations is difficult,
and that it is based on the “honor system.”

10 Councilmember Anthony stated that he is not in favor of the increased lot size required in
11 recommended revisions. He felt that safety concerns could be addressed using the half acre lot
12 size and setbacks specified in the existing ordinance. He noted that the number of potential deep
13 lots is a small percentage of available housing in the City, and would affect very few residents.
14 Councilmember Anthony felt that the recommended revisions may unduly restrict the rights of
15 property owners. Councilmember Carpenter observed that ordinance revisions had been
16 suggested to address sections of the existing ordinance which may be ambiguous. Recommended
17 revisions are intended to more clearly identify property which would be appropriate for deep lot
18 development. He asked Mr. Cowie if there was any specific reasoning other than personal
19 preference which justifies the proposed $\frac{3}{4}$ acre lot size and larger setbacks. Mr. Cowie felt that
20 the proposed requirements were based in large part on personal preference, and did not benefit
21 the community in any particular way. Mr. Cowie also noted that during the final discussion of
22 proposed deep lots by the Planning Commission, it was the general feeling that deep lots may
23 create a more rural character, and should be considered as a part of initial subdivision
24 development in appropriate areas.

25 Councilmember Bath expressed the opinion that there are significant safety concerns
26 related to deep lots, and that deep lots should not be used unless there is no other option available
27 for development of the property. Councilmember Hatch stated that he has given a great deal of
28 thought to deep lots during this review. He felt that the $\frac{3}{4}$ lot size establishes a place for larger
29 lots, and helps maintain the rural look and feel of the community. He also felt that the larger lot
30 size would effectively address privacy issues related to deep lots. Mayor Acerson observed that
31 individual property rights should not be diminished except in the case of safety or welfare
32 concerns. Councilmember Carpenter commented that he does not personally like deep lots, but
33 that there is a need to allow them in particular situations. He agreed that the $\frac{3}{4}$ acre lot
34 requirement may be too restrictive.

35 Mr. Cowie noted that the existing ordinance does not allow deep lots to adjoin in any
36 manner. Proposed changes allow the lots to adjoin if the access has a minimum 500 foot
37 separation. Councilmember Anthony inquired as to what criteria would be used to prioritize
38 deep lots for approval. Mr. Cowie stated that deep lots would be approved on a “first come, first
39 served” basis, and that development of any particular deep lot may exclude development of other
40 deep lots based on the criteria listed in the ordinance.

41 Mayor Acerson called for public comment. There was no public comment. Mayor
42 Acerson called for further comments or discussion from the Council. Following discussion
43 regarding appropriate setbacks for half acre lots, Mayor Acerson called for a motion.

44 COUNCILMEMBER ANTHONY MOVED TO CLOSE THE PUBLIC HEARING TO
CONSIDER AMENDMENTS TO SECTION 17.32.320 OF THE LINDON CITY CODE

RELATING TO DEEP LOTS. COUNCILMEMBER HATCH SECONDED THE MOTION.
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

COUNCILMEMBER ANTHONY MOVED TO APPROVE ORDINANCE #2006-8 AMENDING CHAPTER 17.32.320 OF THE LINDON CITY CODE TITLED “DEEP LOTS”, MODIFYING, AMENDING AND REVISING THE PROVISIONS OF THE SECTION AND PROVIDING FOR AN EFFECTIVE DATE WITH THE FOLLOWING MODIFICATIONS:

1. THAT THE REQUIRED MINIMUM LOT SIZE BE ONE HALF ACRE.
2. THAT REQUIRED SETBACKS BE ADJUSTED ACCORDINGLY FOR THE LOT SIZE AS FOLLOWS: 30 FOOT FRONT SETBACKS, 20 FOOT SIDE SETBACKS, 50 FOOT REAR SETBACKS.

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

COUNCILMEMBER ANTHONY	AYE
COUNCILMEMBER BATH	NAY
COUNCILMEMBER CARPENTER	AYE
COUNCILMEMBER HATCH	NAY

THE VOTE WAS A TIE (2-2). DUE TO THE TIE VOTE, MAYOR ACERSON WAS CALLED UPON TO CAST THE DECIDING VOTE.

MAYOR ACERSON AYE
THE MOTION CARRIED (3-2) WITH ONE ABSENT.

5. **Review and Action** – *Interlocal Cooperation Agreement – HOME Investment Partnerships*. This is a request by Councilmember Hatch for the Council’s consideration for approval of a revised Interlocal Agreement between participating cities and Utah County for the distribution of HUD Home Program funds for the fiscal years 2007, 2008, 2009.

Councilmember Hatch explained that this agreement is similar to the agreements previously entered into with the Housing Consortium which required annual renewal. The current proposed agreement will be valid for three years, with an option for the city to terminate the agreement if they choose. Mayor Acerson called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER HATCH MOVED TO APPROVE THE INTERLOCAL COOPERATION AGREEMENT BETWEEN LINDON CITY AND HOME INVESTMENT PARTNERSHIPS. COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6. **Review and Action** – *Agreements with UTOPIA for Locations of Fiber Optic Cabinets*. This is a request by staff for the Council’s consideration for approval of two additional agreements with UTOPIA for the location of two fiber optic cabinets on city property.

Mr. Dameron stated that the agreements for these particular proposed fiber optic cabinets are the same as the agreements for other cabinet locations. The cabinets specified in these

2 agreements are proposed at Pioneer Park and the Kirtland detention pond. Mayor Acerson called
3 for further comments or discussion. Hearing none, he called for a motion.

4 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE AGREEMENTS
5 WITH UTOPIA FOR LOCATIONS OF FIBER OPTIC CABINETS ON CITY PROPERTY.
6 COUNCILMEMBER ANTHONY SECONDED THE MOTION. ALL PRESENT VOTED IN
7 FAVOR. THE MOTION CARRIED.

- 8
- 10 7. **Review and Action** – *Resolution to Amend the City Wide Fee Schedule to Update the*
11 *Fee for an Approved Water Share Relief Petition (#2006-13)*. This is a request by staff to
12 amend the City Wide Fee Schedule by updating the fee required if a water share relief
13 petition is approved by the Council from \$22,000 to \$27,000 per acre.

14 Mr. Dameron explained that this proposed price increase is necessary to ensure that the
15 cost of an approved relief petition is comparable to the current market value of water shares.
16 Councilmember Carpenter inquired as to whether Mr. Dameron has any sense of the number of
17 water shares which may be available for purchase, and how many relief petitions may be
18 submitted in the future. Mr. Dameron stated that the city currently owns approximately 600 of
19 the 1100 water shares available in the North Union Canal Company. The majority of the
20 remaining shares are held agriculturally. He noted that the trend is rapidly changing to water
21 shares being held for municipal and irrigation uses. City Engineer, Dave Thurgood, is currently
22 studying the availability of water shares, and will submit a report for review by the Council to
23 determine whether it would be in the best interest of the City to accept cash payment in lieu of
24 water shares. Cash payment would be used to fund other water system projects. The Council
25 noted that the cost of water shares has increased significantly in recent years. Mayor Acerson
26 called for further comments or discussion. Hearing none, he called for a motion.

28 COUNCILMEMBER ANTHONY MOVED TO APPROVE RESOLUTION #2006-13
29 AMENDING THE CITY-WIDE FEE SCHEDULE TO UPDATE THE FEE REQUIRED FOR
30 AN APPROVED WATER SHARE RELIEF PETITION FROM \$22,000 TO \$27,000 AND
31 SETTING AN EFFECTIVE DATE. COUNCILMEMBER HATCH SECONDED THE
32 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

33 COUNCILMEMBER ANTHONY AYE
34 COUNCILMEMBER BATH AYE
35 COUNCILMEMBER CARPENTER AYE
36 COUNCILMEMBER HATCH AYE

37 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

- 38
- 40 8. **Report** – *Tentative Budget, Fiscal Year 2006-2007*. Staff will distribute the Tentative
41 Budget document for fiscal year 2006/2007 which includes the RDA budget and the
42 MBA budget. The Mayor and staff request that work sessions be scheduled during the
43 month of May for discussion of issues related to the new fiscal year budget.

44 Mr. Dameron explained that this document is being forwarded to the Mayor and Council
45 as required by State statute. He requested that a work session be scheduled with the budget
46 committee, which consists of Mayor Acerson, Councilmember Bayless, and Councilmember

2 Carpenter prior to review and discussion with the full Council. The Budget Committee work
3 session was scheduled for Monday, May 8, 2006 at 10:30 a.m. The work session for review and
4 discussion with the full Council was scheduled for Tuesday, May 30, 2006 at 6:00 p.m.

- 6 9. **Discussion** – *Draft Design Guidelines for State Street and 700 North Street*. This is a
7 request by staff for the Council’s review of a scale model layout of 700 North Street and
8 discussion of the draft design guidelines for both State Street and 700 North Street. The
9 scale model is located on the lower level of the City Center.

10 Mr. Cowie noted that construction of 700 North is nearing completion, and that
11 applications for development may be submitted in the near future. He observed that thorough
12 review of proposed design standards may take some time, and that some development may occur
13 prior to completion of the review. He suggested that some revisions be made to the design
14 guidelines presented by CRS Architects, and that those guidelines be adopted as preliminary
15 guidelines, which can be amended as necessary in the future. Mr. Cowie noted that he has
16 presented the guidelines to the architects for several projects, and that they seem to give the
17 applicants an idea of the direction the City is taking for design guidelines. He suggested the
18 Council consider setbacks, bulk and density, and out-lots associated with big box stores. Mr.
19 Cowie explained that the recommended guidelines address pedestrian amenities and architectural
20 elements which would be appropriate for main corridors, as well as for adjoining interior streets.
21 He suggested the Council consider some landscaping provisions for developers who elect to
22 provide pedestrian amenities, such as courtyard areas.

23 Mr. Cowie presented photographs of various developments located adjacent to streets
24 similar in size and traffic flow to 700 North and State Street. He also presented photographs of
25 potential development styles along the adjoining interior streets. The Council discussed
26 landscaping and parking areas. Mr. Cowie presented a photograph of a Wal-Mart store which
27 has been constructed with various architectural elements and façade structures which create a
28 look similar to several smaller stores rather than one large big box store. He suggested that this
29 method may effectively address aesthetic concerns associated with big box retailers. Mr. Cowie
30 noted that the Planning Commission discussed greater landscaping requirements of up to 30% in
31 parking areas.

32 Mr. Cowie invited the Mayor and Council to view a scale model of potential
33 development on 700 North. The model shows the 700 North corridor with various sizes of retail
34 businesses which may locate in this area. The Council was able to manipulate various possible
35 developments and visualize how development could be laid out in relation to the transportation
36 corridor. The Council discussed appropriate placement of businesses on the main corridors as
37 well as adjoining interior streets. Discussion was held regarding landscaping requirements,
38 placement of large retailers, possible on street parking in some areas, and providing incentives
39 for developers to provide pedestrian amenities such as courtyard areas. Mr. Cowie suggested a
40 possible allowance for a mixed use area with residential elements on a third level in exchange for
41 pedestrian amenities. Mr. Cowie will draft recommendations for review and approval by the
42 Council.

44 **COUNCIL REPORTS** –

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

2 Councilmember Hatch requested information regarding completion of the storm drainage
ditch on the Ostergaard property. Mr. Dameron stated that he is uncertain of the timeline, but
4 confirmed that the City will coordinate with Mr. Ostergaard.

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

8 Councilmember Bayless was not present at the meeting at this time.

10 **PUBLIC SAFETY, COURT, BUILDING INSPECTIONS**

12 Councilmember Bath had no items to report.

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

16 Councilmember Anthony reported on the Arbor Day Celebration scheduled for May 6th at
8:00 a.m. at Hollow Park. The City has achieved Tree City USA designation. The flag
18 associated with that designation will be presented during the ceremony. Twenty five trees will
also be planted as a part of the celebration.

20 Councilmember Anthony stated that he has several residents willing to chair specific
Lindon Days events, but that he is still searching for a chair for the entire event.

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

24 Councilmember Carpenter reminded the Council of the General Plan Review Work
26 Session scheduled the following day at noon.

28 Councilmember Carpenter reported on information he obtained regarding the City's
application for UDOT enhancement funding for lighting on State Street. He stated that UDOT is
30 requesting that more beautification elements, such as pedestrian walkways, bike lanes, and
planter strips be included in the application. Mr. Dameron noted that initial estimates for
32 completion of the street lighting project were approximately \$300,000. Engineering estimates
are that inclusion of beautification elements would increase the cost to approximately
\$1,500,000. Councilmember Anthony inquired as to the amount of funding available through
34 UDOT. Mr. Dameron stated that up to \$750,000 dollars is available. He questioned whether it
would be appropriate to increase the cost of the project to include beautification elements. Mr.
36 Dameron explained that funds are available for installation of street lights using existing RDA
funds. Mr. Dameron noted that the process for expenditure of federal funds is a long and
38 complicated process. Councilmember Carpenter suggested this issue be addressed in
Engineering Coordination meeting to define the scope of the project and what funding should be
40 used.

42 **ADMINISTRATOR'S REPORT –**

44 Mr. Dameron reported on the following items:

- 46 1. A General Plan Review Work Session will be held May 3, 2006 at noon in the lower
conference room of the City Center.

2. A follow-up meeting to discuss the Mountain View Corridor and I-15 widening projects will be held Monday, May 8, 2006, in the Council Chambers of the City Center.
3. The Council reviewed the project tracking list.
4. Traffic studies indicate that the traffic light at the intersection of 700 North Geneva Road is warranted. A field study will be conducted prior to installation of the light.
5. Condie Construction has requested an adjustment to the contract for 700 North due to the increased cost of concrete. Following discussion, it was the feeling of the Council that an adjustment should not be made.
6. Mr. Dameron asked if it would be appropriate to hold an open house for the new Planning Department offices on the lower level of the City Center. He noted that the public is already using the facilities. The Council felt that an open house would not be necessary.
7. A meeting with Vern Stratton to discuss the 200 South widening project will be rescheduled as soon as possible.
8. A town hall meeting to discuss the Mountain View Corridor and I-15 widening projects was scheduled for June 22, 2006 from 7 p.m. until 9 p.m. The meeting will be advertised on the website, in the utility bill, and in the newspaper.

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

ADJOURN –

COUNCILMEMBER HATCH MOVED TO ADJOURN THE MEETING AT 11:25 P.M. COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

APPROVED – May 16, 2006

Ott H. Dameron, City Administrator/Recorder

Jeff Acerson, Mayor