

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, July 18, 2006**,
beginning at 7:00 p.m., at the Lindon City Center, City Council Chambers, 100 North State
Street, Lindon, Utah.

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5 Conducting: Lindsey Bayless, Mayor Pro Tem
6 Pledge of Allegiance: Blake Dastrup
7 Invocation: Toby Bath

8
9 **PRESENT**

ABSENT

10 Lindsey Bayless, Mayor Pro Tem
11 Eric Anthony, Councilmember
12 H. Toby Bath, Councilmember
13 Bruce Carpenter, Councilmember
14 Jerald I. Hatch, Councilmember
15 Ott H. Dameron, City Administrator
16 Adam Cowie, Planning Director
17 Debra Cullimore, Deputy Recorder

Jeff Acerson, Mayor

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19 The meeting was called to order at 7:02 p.m.

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21 **PRESENTATION** – Jane Carlisle, Chair of the Intermountain Healthcare Urban South Region
(Utah County) Governing Board, Marilyn Devey, Boardmember, and Janet Frank of the
24 communications department will present an update of key healthcare issues in our community.

25 Jane Carlisle and Marilyn Devey introduced themselves to the Council. Ms. Carlisle
26 observed that the main purpose of the committee is to be aware of the healthcare needs of
27 citizens of Utah County. She noted that every effort is made to ensure that the entire county is
28 well represented on the Board. Ms. Carlisle also noted that Mayor Acerson currently serves on
29 the IHC Outreach Committee.

30 Ms. Carlisle went on to give an overview of each of the Utah County IHC Campuses.
31 She noted that the American Fork campus has combined with the Huntsman Cancer Institute to
32 provide care to cancer patients in Utah Valley, and that a remodeling project is currently
33 underway at the Orem campus.

34 Ms. Carlisle noted that it is the charge of the Board to stay ahead of health trends. She
35 noted that community involvement is necessary in order to keep the Board apprised of the needs
36 of the community.

37 Ms. Carlisle stated that IHC now has a hyperbaric chamber which is being used to treat
38 and heal wounds more rapidly and effectively, and is saving lives and limbs. She noted that the
39 Utah Valley Regional Medical Center Trauma Center has been upgraded, and that IHC now has
40 Life Flight service 24 hours a day, 7 days a week. She noted that IHC provides the only trauma
41 center in Utah outside of the Salt Lake City area.

42 Ms. Carlisle commented on the results of a recent evaluation of healthcare in Utah which
43 was completed by a private consultant at the direction of a legislative task force. Results of the
44 study indicate that healthcare costs in Utah are lower than in other areas of the country, and that
45 quality healthcare services are being provided in the State. She also commented on a study
46

2 recently completed regarding treatment of Medicare patients, which indicate that if the IHC
3 model were to be followed nationwide, approximately 40 billion dollars in healthcare costs could
4 have been saved over the last four years.

5 Ms. Carlisle explained that IHC has a charitable mission, and does provide charitable
6 care in specific circumstances. She noted that IHC provided \$11.3 million dollars in charitable
7 care last year, with \$141,000 dollars in charitable care provided to Lindon residents.

8 Ms. Devey then addressed the Council. She stated that it is a pleasure to serve on the
9 Board, and to see that programs are reaching people. She invited members of the community to
10 contact the board with any concerns they are aware of in the community. She stated that quality
11 control measures and outcomes at IHC are ranked among the best in the nation. Ms. Devey
12 stated that the Board can facilitate community health screenings for mammograms, diabetes,
13 blood pressure, and even literacy programs. She stated that the purpose of the Board is to serve
14 the community. Ms. Carlisle noted that health fair events can be scheduled for employees.
15 Councilmember Carpenter suggested the possibility of joining with other small cities to provide
16 health screenings, due to the small number of Lindon City employees.

17 Councilmember Carpenter inquired as to whether the Board works with other Utah
18 healthcare providers to coordinate long term healthcare planning for the state. Ms. Devey stated
19 that members of this particular board are not involved with such negotiations, but that they do
20 take place at a higher level.

21 Councilmember Carpenter noted that the non-profit status of IHC should indicate an
22 interest in addressing unmet needs in the community. Ms. Carlisle introduced Ms. Janet Frank,
23 and asked her to address this particular issue. Ms. Frank discussed several needs in the
24 community which IHC is attempting to address. She stated that there is a shortage of
25 neurosurgeons in Utah Valley, and that IHC is working cooperatively with the existing
26 neurosurgeons to facilitate attracting additional professionals to our area. She noted that
27 ~~additional services such as the burn unit at the University of Utah are not needed in the State, and
28 that it is not necessary to duplicate services,~~ **it is not necessary to duplicate services which are
29 already available in the community, such as the burn unit at University of Utah Medical Center,**
30 but that it is the goal of healthcare providers to work cooperatively to make certain that all needs
31 in the community are met, and that high quality services are available.

32 Councilmember Bayless thanked the IHC representatives for their time and the
33 information which they provided.

34 **MINUTES** – The minutes of the regular meeting of June 20, 2006 were reviewed. The
35 following corrections were made.

36 Page 9, Line 12: change the name “Boren” to the name “Barnes.”

37 Page 10, Line 11: delete the words “Center Street” and insert the words “Canal
38 Drive.”

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42 **COUNCILMEMBER CARPENTER MOVED TO APPROVE THE MINUTES OF THE
43 JUNE 20, 2006 MEETING AS CORRECTED. COUNCILMEMBER ANTHONY SECONDED
44 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.**

45 **OPEN SESSION** –

2 A number of residents were present at the meeting to address the Council. Kelly Bishop
3 approached the Council, and stated that she has lived in Lindon for five years, and that she and
4 her husband have four children. She stated that while attending try outs for the Pleasant Grove
5 Swim Team earlier in the summer, she became engaged in a conversation regarding future
6 aquatic recreational opportunities for Lindon residents at the Pleasant Grove facility. Ms. Bishop
7 reported that she has been informed that rates for Lindon residents will increase dramatically
8 beginning next year, and that programs will be offered to Pleasant Grove residents first, with any
9 available spots to be filled by residents of other communities. Ms. Bishop noted that she has
10 been told that Pleasant Grove invited Lindon to participate in a bond to build an additional
11 aquatic facility, and that Lindon City declined to participate. Ms. Bishop was told that this was
12 misinformation, and that no such invitation was made. Ms. Bishop noted that Lindon City
13 currently pays an annual fee to Pleasant Grove City which allows residents to participate in other
14 recreational programs at resident prices. However, no such arrangement exists for aquatic
15 programs. She inquired as to the possibility that a similar agreement could be reached to allow
16 Lindon residents to continue to participate in aquatic programs at the same price and priority as
17 Pleasant Grove residents. Councilmember Bayless stated that it is not possible for the Council to
18 make a decision or a commitment at this meeting, but that they are certainly willing to discuss
19 options.

20 Councilmember Anthony inquired as to the expected rate increase. Ms. Bishop stated
21 that she has been unable to get any estimates of specific fee increases, but that the Pleasant
22 Grove Recreation Director, J.D. Nielsen has said that fees for non-residents will likely increase
23 significantly.

24 Councilmember Carpenter commented that expenses for recreation centers and aquatic
25 facilities are typically high, and that it is difficult for cities to break even on costs associated with
26 such facilities. He noted that the Council recognizes that many residents are interested in these
27 services, and that the City has been considering options for several years. Ms. Bishop expressed
28 concern about what programs will be available for children in the interim while a possible
29 Lindon facility is constructed. Councilmember Carpenter stated that Lindon will explore some
30 coordination with Pleasant Grove, but that the Pleasant Grove facility may not be able to
31 accommodate the growing number of residents wanting to use the facility.

32 Councilmember Anthony commented on the results of the Dan Jones survey conducted in
33 2005. He noted that the survey results placed a high priority on recreational opportunities for
34 residents, and that addressing the needs of residents is of great importance to the Council.

35 Ms. Bishop inquired as to the Lindon Heritage Trail. She stated that she is under the
36 impression that the trail is for use by horses. She questioned whether funds for a horse trail
37 would be better used to construct an aquatic facility in the City. Councilmember Carpenter
38 stated that it is a common misconception that the trail is being constructed for equestrian use, and
39 that the trail is a multi-use trail which is expected to be used mainly by pedestrians and bicycles.
40 Councilmember Bayless explained that the trail is funded in large part with federal grant funds,
41 and that the design of the trail is intended to meet the needs of the community. She further
42 explained that the funds are designated specifically for trails, and could not be transferred to
43 other projects. She also noted that if the funds are not used to construct a trail in Lindon, those
44 funds will be used to construct a trail in another community. Councilmember Bayless noted that
45 this is a rare opportunity for the City to provide an amenity to the community at a very low cost
46 to the city. Mr. Dameron noted that the matching funds to be paid by the City for the trail
amount to approximately \$300,000.

2 Councilmember Anthony noted that funds for a feasibility study regarding a swimming
pool and/or recreation center are included in the 2006-2007 fiscal year budget. He noted that tax
4 revenues have only recently increased to the level where such facilities can be considered, and
that the current tax base is expected to continue to grow, which allows the city to investigate the
possibility of construction and operation of recreational facilities.

6 Residents inquired as to what amenities ranked highest in priority in the results of the
Dan Jones survey. Mr. Dameron noted that the results of the survey were available on line for
8 several months, but were recently removed. He suggested that the results be put back on the
website. Councilmember Bayless invited residents to review the results on the web site in order
10 to get accurate information.

12 In addition to Ms. Bishop, the following residents were present at the meeting to address
the Council regarding this issue; Brad Bishop, Robyn Openshaw-Pay, Merrilee Schofield,
14 Suzanne Henninger, and Ernesto Russo, as well as several other residents who did not identify
themselves to the Council. Each of the residents expressed similar concerns to those expressed
by Ms. Bishop regarding accessibility to aquatic programs for Lindon residents. Mr. Bishop
16 suggested that Council contact Payson City regarding a planned aquatic facility in that
community. Residents also noted that a large facility would not be necessary to serve the
18 community. Various suggestions were made by residents regarding an aquatic facility.
Residents asked that the Council give serious consideration to building an aquatic facility in
20 Lindon, and that some action be taken to address the immediate problem with Pleasant Grove to
allow Lindon residents to participate in programs at the Pleasant Grove facility until a facility in
22 Lindon can be completed. Residents also expressed concern regarding completion of existing
parks in Lindon. The Council explained that parks are completed in phases. Councilmember
24 Bayless noted that it is necessary for the City make wise use of funds, and complete projects
throughout the community on an equal basis as funds are available. Mr. Dameron outlined
26 planned park projects during the 2006-2007 fiscal year.

28 Residents inquired as to appropriate action they should take to put this issue on a
“priority list.” Councilmember Bayless stated that further action is not necessary, and that the
City understands that recreation facilities are a high priority for residents, and will address it
30 appropriately. Councilmember Carpenter invited residents who support such facilities to come
out in support of the project as reviews are conducted at meetings. He noted that typically only
32 residents who oppose projects take the time to address the issues.

34 Councilmember Bayless asked for further comments from the audience. Austin Hershey
inquired as to plans for the Geneva property. Councilmember Bayless noted that the property is
36 in the neighboring town of Vineyard, but that Lindon officials are very interested in future
development on the property. She commented on a recent proposal to construct a stadium for the
Real Salt Lake soccer team on the property.

38 **MAYOR’S COMMENTS/REPORT** –

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42 On behalf of Mayor Acerson, Councilmember Bayless thanked the residents who had
addressed the Council for their involvement in the community and input at this meeting. She
44 noted that citizen involvement is a crucial element of City government.

46 **CONSENT AGENDA** –

No items.

CURRENT BUSINESS –

1. **Preliminary Plat** – *Lindon West Office Warehouse Condominiums, Industrial Subdivision, Phase 2*. This is a request by Jerry Carroll for preliminary subdivision approval of Lindon West Office Warehouse Condominiums, Industrial Subdivision, Phase 2, 1 lot, in the LI zone at 96 North 1800 West. The Planning Commission recommended approval with no conditions.

Jerry Carroll was present as the representative for this item. Mr. Cowie explained that the applicant is requesting approval of a subdivision plat to allow creation of individual condominium units in a new office/warehouse building. The proposed development will be a mirror image of Phase I of the project which was constructed at 122 North 1800 West. He noted that the Planning Commission reviewed and approved the site plan, and made a recommendation for preliminary approval of the subdivision plat with no conditions.

Councilmember Carpenter inquired as to the condition of 1800 West. Mr. Cowie stated that 1800 West is completely improved from north to south.

Mr. Cowie reviewed specific elements of the site. He noted that the parking area between the existing building and the proposed building will be shared, and that a cross easement will be recorded along the entire length of the parking area. Mr. Cowie stated that required landscaping will be installed by the developer, and that the dumpster enclosure will be located at the rear of the site. He also explained that there is an existing storm water easement on the property.

Councilmember Hatch inquired as to the type of business expected to locate at this site. Mr. Carroll stated that businesses in the existing building include a media production company, label processing, and fire equipment refurbishing. Councilmember Hatch asked about the expected square footage of each unit. Mr. Carroll stated that square footage of units will vary, and that one business can occupy two or more units if necessary.

Councilmember Anthony asked if parking was reviewed by the Planning Commission. Mr. Cowie stated that proposed parking was included in the site plan review. He also noted that storm drainage approved with the existing building was designed to accommodate drainage for the entire site. Parking has been approved by the City Engineer, and exceeds minimum requirements. Councilmember Anthony inquired as to the design of the drainage system. Mr. Cowie explained that there are storm drain grates in three locations on the site which discharge into the Proctor Ditch.

Councilmember Bayless called for further comments or discussion. Hearing none, she called for a motion.

COUNCILMEMBER BATH MOVED TO APPROVE THE PRELIMINARY PLAT FOR THE LINDON WEST OFFICE WAREHOUSE CONDOMINIUMS, PHASE II. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2. **Preliminary Plat** – *Canyon Breeze, Residential Subdivision, Plat "A"*. This is a request by Joe McCord and Ron Whitely for preliminary subdivision approval of Canyon Breeze,

2 Residential Subdivision, Plat "A", 4 lots, in the R1-20 zone at 150 South 630 East. The
3 Planning Commission recommended approval with conditions.

4 Ron Whitely and Joe McCord were present as representatives for this application.
5 Councilmember Bath declared a potential conflict of interest regarding this application, and
6 excused himself from the discussion and vote. Councilmember Anthony also declared a possible
7 conflict of interest, and excused himself. Councilmember Bath and Councilmember Anthony
8 left the Council Chambers during review of this item.

9 Mr. Cowie stated that the applicants are requesting approval of a 4-lot residential
10 subdivision. The proposed project will include completion of the connection between 150 South
11 and 630 East, which is shown on the City Street Master Plan. Mr. Cowie noted that the existing
12 residence and associated accessory structure will remain on lot #1. He noted that the layout of
13 the proposed plat allows room for an additional lot at some point in the future, but that this
14 application is for only the four lot subdivision.

15 Mr. Cowie observed that the proposed subdivision is located adjacent to the North Union
16 Canal. City ordinance requires a fence on properties adjacent to the canal. Mr. Cowie noted that
17 there is an existing fence that is in need of repair.

18 Mr. Cowie commented on the recommendation of the Planning Commission that curb,
19 gutter, and sidewalk improvements not be installed on the neighboring Bath and Schwartz
20 properties as a part of this project. Councilmember Carpenter inquired as to whether the
21 neighboring property owners were contacted regarding improvements. Mr. Cowie stated that
22 Mr. Bath and several other property owners were present during Planning Commission review of
23 this application. Mr. Bath appeared to be speaking as the representative for neighboring property
24 owners, and indicated that property owners do not want improvements installed at this time. Mr.
25 Cowie also explained that neighboring property owners were noticed, and that no other
26 comments were received. Mr. Dameron noted that additional engineering would be necessary to
27 address grade issues if curb, gutter and sidewalk improvements were required on the neighboring
28 properties.

29 Councilmember Carpenter asked if the proposed road will connect the existing asphalt.
30 Mr. Cowie confirmed that the road connection will be completed. Mr. Whitely observed that
31 the concrete driveway on the Schwartz property extends approximately 18 feet into the roadway.
32 He inquired as to whether it would be necessary to remove the concrete, or if asphalt could be
33 installed up to the driveway. The Council felt that it would not be necessary to remove the
34 concrete at this time.

35 Mr. Cowie reviewed the Planning Commission recommendations regarding this
36 application as follows:

- 37 1. That the entire property be cleaned up, including removal of junk, debris, and scrap
38 materials, and that the property be inspected and approved by the City Code Enforcement
39 Officer prior to recording the subdivision plat.
- 40 2. That the fence along the North Union Canal be repaired or replaced as necessary.
- 41 3. That the fence along the perimeter of the property, specifically adjacent to Pioneer Park,
42 be repaired or removed as needed.
- 43 4. That the 18' length of curb, gutter, and sidewalk improvements in front of the Bath and
44 Schwartz properties not be required as part of this project.

45 Mr. Cowie noted that the Planning Commission discussed installation of the curb, gutter
46 and sidewalk improvements on the Bath and Schwartz properties, and felt that improvements

2 should be installed by the property owners at some point in the future, and should not be required
3 as a part of this development.

4 Councilmember Bayless stated that she would feel more comfortable with the conditions
5 listed if a responsible party is designated to **evaluate and make a decision regarding fence
6 concerns, and** verify that the conditions have been met. Mr. Cowie stated that verification of
7 compliance with the conditions would be the responsibility of the Code Enforcement Officer.

8 Councilmember Bayless called for further comments or discussion. Hearing none, she
9 called for a motion.

10 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE CANYON BREEZE
11 SUBDIVISION PRELIMINARY PLAT WITH THE FOLLOWING CONDITIONS:

- 12 1. THAT THE ENTIRE PROPERTY BE CLEANED UP, INCLUDING REMOVAL OF
13 JUNK, DEBRIS, AND SCRAP MATERIALS ETC., AND THAT THE PROPERTY BE
14 INSPECTED AND APPROVED BY THE CITY CODE ENFORCEMENT OFFICER
15 PRIOR TO RECORDING THE SUBDIVISION PLAT.
- 16 2. THAT THE FENCE ALONG THE NORTH UNION CANAL BE REPAIRED OR
17 REPLACED AS NECESSARY, AND THAT THE FENCE BE INSPECTED AND
18 APPROVED BY THE CITY CODE ENFORCEMENT OFFICER PRIOR TO
19 RECORDING THE SUBDIVISION PLAT.
- 20 3. THAT THE FENCE ALONG THE PERIMETER OF THE PROPERTY,
21 SPECIFICALLY ADJACENT TO PIONEER PARK, BE REPAIRED OR REMOVED
22 AS NEEDED, AND THAT THE FENCE BE INSPECTED AND APPROVED BY THE
23 CITY CODE ENFORCEMENT OFFICER PRIOR TO RECORDING THE
24 SUBDIVISION PLAT.
- 25 4. THAT THE 18 FOOT LENGTH OF CURB, GUTTER, AND SIDEWALK
26 IMPROVEMENTS IN FRONT OF THE BATH AND SCHWARTZ PROPERTIES
27 NOT BE REQUIRED AS PART OF THIS PROJECT.
- 28 5. THAT ASPHALT FOR THE STREET CAN LEAVE IN PLACE THE EXISTING
29 DRIVEWAY ON THE SCHWARTZ PROPERTY

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

- 32 3. **Review and Action** – *Conditional Use Permit – Diamond Glass of Lindon*. This is a
33 request by Derek Emery, Emery Enterprises, LLC, for a conditional use permit to operate
34 an auto glass repair business in the CG zone at 159 South State Street. This use is not
35 specifically listed in the Standard Land Use Table and will need to be evaluated using the
36 “compatibility standards.” The Planning Commission recommended approval with
37 conditions.

40 Aimme Hickman, General Manager of Diamond Glass, was present as the representative
41 for this item. Mr. Cowie explained that a resolution was passed by the City Council in March
42 indicating the intent of the City to review the Standard Land Use Table, and specifically
43 Conditional Uses on State Street. He noted that Auto Glass Repair is not a listed use, and that
44 approval of this application would be based on compliance with the ten compatibility standards
45 listed in the Standard Land Use Table. He noted that the intent of the ordinance is to notify the
46 public that any applications submitted may be subject to the requirements of any new ordinance.

2 Mr. Cowie noted that the opinion of the City Attorney is that the City Council has authority to
approve Conditional Use applications regardless of the Resolution of Intent to Review. Mr.
4 Cowie noted that General Vehicle and Auto Repair are listed in the Standard Land Use Table as
not-permitted uses, but that those uses have historically been interpreted as auto body and auto
6 mechanic type uses. The Planning Commission felt that this use was most similar to auto lube,
auto tire, or auto wash type facilities, which are Conditional Uses in the Commercial zone.

8 Mr. Dameron asked Mr. Cowie whether this proposed business would be allowed to
continue to operate if the Council makes a decision that this use is not permitted on State Street
during review of the Standard Land Use Table. Mr. Cowie stated that this use would then
10 become a non-conforming use which could continue to operate under the Conditional Use
Permit. He noted that the Conditional Use Permit is site specific, and does not amend the
12 Standard Land Use Table. Any application for a similar use would be required to complete the
same approval process as this application.

14 Mr. Cowie noted that uses which are not specifically listed in the Standard Land Use
Table are required to meet ten compatibility standards. Following review of the compatibility
16 standards, if the business is found to be compatible and harmonious with surrounding uses, the
Conditional Use can be approved. Councilmember Bayless requested clarification of the
18 parameters of the Conditional Use Permit. She inquired as to what might happen if Diamond
Glass were to go out of business at this location. Mr. Cowie clarified that the Conditional Use is
20 associated with the property, and that another auto glass business could operate in this location.

22 Mr. Cowie displayed an overhead photograph of the site. He indicated that the
photograph is not current, and that the previous business at this site used the fenced storage area
at the rear of the site. He clarified that this applicant is not requesting use of the rear storage area
24 at this time, and that any use of the storage area will require separate approval.

26 Mr. Cowie noted that the existing non-conforming pole sign has not been used for 180
days, thereby invalidating the sign permit. The Planning Commission recommended that the
pole sign be removed within 90 days of occupancy. The applicant is proposing a six foot
28 monument sign in the same location as the existing pole sign.

30 Mr. Cowie noted that the Planning Commission recommended that landscaping along the
entire State Street frontage, including the area to the south of the driveway, be brought into
compliance with current standards. He noted that the applicant proposed improvements to the
32 south side of the site as well, such as weed fabric and decorative rock.

34 Mr. Cowie stated that the applicant presented information regarding traffic flow,
employees, time to complete repairs, and overnight storage of vehicles during Planning
Commission discussion of this item. He noted that there may be some company vehicles parked
36 on the site overnight, but that the applicant has indicated that those vehicles will be parked inside
the service bays. Mr. Cowie reported that the applicant has stated that all used windshields will
38 be disposed of in the on site dumpster. Mr. Cowie reviewed the recommendations for approval
set forth by the Planning Commission as follows:

- 40 1. That the landscaping along State Street in front of the new development and to the south
of the parking area be brought into compliance with current city ordinances including
42 sod, trees, and white two- rail fence.
- 44 2. That a dumpster enclosure be constructed in compliance with city code at the rear of the
building.
3. That the existing non-conforming pole sign be removed within 90 days of occupancy.

2 4. That architectural upgrades shown at the Planning Commission meeting be completed.
3 Mr. Cowie presented a colored drawing of the elevations approved by the Planning
4 Commission. Ms. Hickman presented an alternative drawing, which contained similar
5 stone and stucco elements with a different color scheme. She explained that the color
6 scheme presented to the Planning Commission may not look appropriate with the signage
7 for the business. The Council felt that the drawing presented at this meeting was equally
8 appealing, and would be acceptable. Councilmember Anthony inquired as to the
9 orientation of the building. Ms. Hickman clarified that the awning will be removed on
10 the elevation facing State Street, and that stone pillars will be constructed on the same
11 elevation. Councilmember Anthony inquired as to whether any stone elements are
12 proposed for the south elevation. Ms. Hickman stated that stone will be included only on
13 the west elevation. She also noted that the existing cinderblock sections of the building
14 will be painted the same color as the stucco. Councilmember Anthony inquired as to
15 whether any changes are proposed for roofing materials. Ms. Hickman stated that the
16 roof has been repaired, but that no change to the materials is proposed. Ms. Hickman
17 also noted that the east elevation will be done in vinyl siding to match the color of the
18 stucco, and that no white will be left on the building.

19 Ms. Hickman noted that it is her intention to sterilize the area ~~on~~ **bordering** the
20 north of the site and install decorative rock. She commented that if ownership of the lot to
21 the south can be determined, she would like to contact the owner regarding sterilization of
22 that lot as well. Ms. Hickman stated that she would be willing to absorb the cost of
23 sterilization of the neighboring lot due to the fact that it would improve the appearance of the
24 Diamond Glass site significantly. Ms. Hickman pointed out a potential safety concern on the
25 north property line. She noted that there is a significant grade change from the proposed
26 Diamond Glass site to the neighboring lot. She stated that a fence may be installed to address
27 this concern and prevent cars from driving over the edge. Councilmember Carpenter agreed
28 that some type of physical barrier on the north property line would be appropriate.

29 Councilmember Bayless began review of the ten compatibility standards listed in the
30 Standard Land Use Table.

- 31 1. *Volume and type of sales, retail, wholesale, size and type of items sold and nature of
32 inventory on the premises.*
- 33 2. *Any processing done on the premises; assembly, manufacturing, smelting, warehousing
34 shipping and distributions; and dangerous hazardous, toxic or explosive materials used
35 in processing.* Councilmember Carpenter inquired as to whether sealants used in the
36 installation of windshields is toxic. Ms. Hickman stated that the sealant is used in small
37 quantities, and is dispensed from a caulking gun, and that minimal fumes escape.
38 Councilmember Carpenter inquired as to the method used to dispose of old windshields.
39 Ms. Hickman stated that old windshields will be disposed of in the dumpster, and that the
40 dumpster will be emptied two to three times per week.
- 41 3. *The nature and location of storage and outdoor display of merchandise; enclosed, open,
42 inside or outside the principal building; and predominant types of items stored – business
43 vehicles, work in process, inventory and merchandise, construction materials, scrap and
44 junk, and bulk materials, ores, powders and liquids.* Councilmember Carpenter asked
45 Ms. Hickman if any outdoor storage is planned. Ms. Hickman stated that all storage will
46 be inside the facility, with the exception of a “night drop” stand which will hold three to
four windshields, which will be transferred inside the next morning. She noted that due

2 to the nature of the product, outdoor storage is not practical. Councilmember Carpenter
asked if any outdoor storage is planned for the rear of the site. Ms. Hickman said that the
storage area in the rear will not be used at this time. Councilmember Carpenter clarified
4 that no use of the rear storage would be allowed without review and approval. Ms.
Hickman agreed to this stipulation. Ms. Hickman noted that several company vehicles
6 will be on site overnight, but that they will be stored in the service bay areas. She stated
that windshield installation is generally completed in an hour, but that if a customer
8 vehicle is left on site overnight, it will also be kept inside the bays. Councilmember
Carpenter asked if a single night would be the maximum a vehicle may be stored at the
10 site. Ms. Hickman answered affirmatively.

- 12 4. *Number and density of employees and customers, per unit area of site and buildings in
relation to business hours and employment shifts.* Ms. Hickman stated that the business
has seventeen employees, but that only ten work at this site, with the remainder doing
14 mobile repairs. She stated that on a typical day, 18-20 customers will be on site for
installation of windshields, as well as a number of rock chip repair customers. Ms.
16 Hickman noted that replacements are completed in approximately one hour, and that rock
chip repairs are completed in 6-8 minutes.
- 18 5. *Business hours the use is in operation or open for business, ranging from seven days a
week, 24 hours a day to once to several times a year, such as sports stadiums or
20 fairgrounds.* Ms. Hickman stated that the business will operate from 8 a.m. to 7 p.m.
Monday through Friday, and that employees will be on site from approximately 7 a.m. to
22 8 p.m. She stated that only mobile repair service is available on Saturdays, and the
business does not operate on Sunday.
- 24 6. *Transportation requirements, including modal split for people and freight, by volume,
type and characteristics of traffic generation to and from the site, trip purposes, and
26 whether trip purposes can be shared with other uses on the site.* Councilmember
Carpenter noted that it appears the proposed business will have only a modest impact on
28 traffic.
- 30 7. *Parking characteristics, turn over and generation, ratio of the number of spaces required
per unit area or activity, and potential for shared parking with other uses.*
Councilmember Bayless inquired as to the number and type of delivery vehicles at the
32 site, and the number of required parking stalls. Mr. Cowie stated that the site has more
than adequate parking area, and that the required number of stalls will be determined
34 based on the square footage of the facility. Ms. Hickman stated that deliveries are
received several times throughout the day from standard sized vans or pick up trucks.
36 She stated that on occasion, a "bread van" type vehicle will make larger deliveries, but
that no semi trucks will be on the site. Councilmember Anthony inquired as to whether
38 any backing of delivery vehicles would be necessary. Ms. Hickman stated that there is
adequate room for vehicles to turn around on the site, and that no backing on the site or
40 onto State Street will be necessary. Councilmember Carpenter asked Ms. Hickman if any
State Street parking is anticipated. Ms. Hickman stated that the site has more than
42 adequate parking for employees and customers, and that on street parking will not be
necessary.
- 44 8. *Predilection of attracting or repelling criminal activities to or from other premises.*
- 46 9. *Amount and nature of nuisances generated on the premises, noise, smoke, odor, glare,
vibration radiation, and fumes.*

2 10. Any special public utility requirements for serving the use, such as water supply, waste
3 water output, pre-treatment of wastes and emissions recommended or required, and any
4 significant power structures and communication towers or facilities.

5 Councilmember Carpenter stated that following review of the compatibility standards in
6 relation to the recommendations set forth by the Planning Commission he felt that the conditions
7 adequately addressed any possible concerns related to this proposed use. He suggested that any
8 motion for approval include a finding that the proposed use and conditions meet the
9 compatibility standards. Councilmember Bayless suggested that a condition be included in a
10 motion for approval that any use of the back storage lot be reviewed and approved by the City.
11 Ms. Hickman again agreed to this stipulation.

12 Councilmember Bayless inquired as to the stairs for the second story access, which have
13 been removed. Mr. Cowie stated that an application has been submitted for a building permit to
14 reconstruct the stairs, and that the stairs will be inspected and approved by the building
15 department. The Council inquired as to the expected use of the second story of the building.
16 Ms. Hickman stated that no use has yet been determined for the second story of the building.

17 Councilmember Bayless called for further comments or discussion. Ms. Hickman
18 inquired as to a possible compromise regarding required landscaping on the south side of the
19 driveway from State Street which would not require removal of the asphalt. She noted that the
20 landscape area will extend into the travel lane, and may not be a practical solution.
21 Councilmember Anthony stated that it would be reasonable to round off the corner of the
22 required landscape area to minimize the impact on the driveway and parking, but that the
23 landscaping could not be eliminated.

24 Councilmember Anthony commented that a condition that some safety barrier be added
25 to the north east boundary should be included in any motion for approval. Councilmember
26 Bayless called for further comments or discussion. Hearing none, she called for a motion.

27 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE CONDITIONAL
28 USE PERMIT FOR DIAMOND GLASS OF LINDON, FINDING THAT THIS SITE
29 SPECIFIC USE IS A COMPATIBLE USE ACCORDING TO THE TEN COMPATIBILITY
30 STANDARDS LISTED IN THE STANDARD LAND USE TABLE, AND THAT THIS USE
31 DOES NOT EXTEND TO ANY OTHER SITE, WITH THE FOLLOWING CONDITIONS:

- 32 1. THAT THE LANDSCAPING ALONG STATE STREET IN FRONT OF THE NEW
33 DEVELOPMENT AND THE OLD PARKING AREA ON THE SOUTH END OF THE
34 PROPERTY BE BROUGHT INTO COMPLIANCE WITH CURRENT CITY
35 ORDINANCE, INCLUDING SOD, TREES, AND WHITE TWO RAIL FENCE.
- 36 2. THAT THE DUMPSTER ENCLOSURE BE CONSTRUCTED AT THE REAR OF
37 THE BUILDING IN COMPLIANCE WITH CITY CODE.
- 38 3. THAT THE EXISTING NON-CONFORMING POLE SIGN BE REMOVED WITHIN
39 90 DAYS OF OCCUPANCY.
- 40 4. THAT THE CONCEPT DESIGN OF THE BUILDING PRESENTED AT THIS
41 MEETING BE APPROVED, FINDING THAT THE ELEMENTS PRESENTED AT
42 THIS MEETING ARE EQUALLY AS ACCEPTABLE AS THE CONCEPT DESIGN
43 PRESENTED TO THE PLANNING COMMISSION.
- 44 5. THAT A SAFETY BARRIER ON THE NORTH OF THE PARKING AREA BE
45 INSTALLED AND APPROVED BY THE PLANNING DEPARTMENT.

6. THAT THERE BE NO STORAGE IN THE AREA MARKED "UNUSED" UNTIL SUCH TIME AS AN ADJUSTMENT TO THE CONDITIONAL USE IS GRANTED.
 7. THAT NO OUTSIDE STORAGE BE ALLOWED ON THE SITE FOR A TIME PERIOD TO EXCEED TWENTY FOUR HOURS.
 8. THAT THE AREA ALONG THE REAR PARKING AREA AND THE NORTH EDGE OF THE PARKING LOT BE BEAUTIFIED ALONG THE ENTIRE PROPERTY LINE.
 9. THAT THE EXISTING SIGHT OBSCURING FENCE IN THE UNUSED STORAGE AREA BE REPAIRED OR REPLACED AS NECESSARY.
 10. THAT THE PARKING LOT BE STRIPED IN COMPLIANCE WITH CITY CODE.
- COUNCILMEMBER BATH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4. **Resolution** – *Interlocal Cooperation Agreement – Housing Consortium (Resolution #2006-17)*. This is a request by the Director of the Utah Valley Housing Consortium for the Council's consideration for approval of a resolution which conforms to the requirement of the Consortium's records. The Council approved the agreement on April 18, 2006.

COUNCILMEMBER HATCH MOVED TO APPROVE RESOLUTION #2006-17 AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT TO CONTINUE LINDON CITY'S PARTICIPATION IN THE UTAH VALLEY CONSORTIUM OF CITIES AND COUNTY IN THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S HOME INVESTMENT PARTNERSHIPS PROGRAM FOR FEDERAL FISCAL YEAR 2007, 2008, AND 2009 AND AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED DOCUMENTS. COUNCILMEMBER CARPENTER 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.

5. **Review and Action** – *Change Order Request #6 – 200 South Storm Drain Project (850 East to 1200 East)*. This is a request by staff for the Council's consideration and formal approval of a change order amount which exceeds the parameters of staff authority.

Councilmember Carpenter inquired as to the possibility that this change order request is intended to recoup costs incurred by the contractor for underbidding the project. Mr. Dameron explained that this change order is to cover the expense of concrete collars used to bring man hole covers up to street grade. He noted that if the cost of this change order were added to the bid, the contractor would still be the low bidder. The Council reviewed the next lowest bid, as well as previous change order amounts related to this project. Mr. Dameron noted that previous change order amounts were to cover the cost of additional improvements requested by the City, such as installation of ADA ramps to the sidewalks. Councilmember Carpenter felt that the contractor has failed to perform on this project in a variety of ways, and that the City should

exercise caution if working with this contractor on future projects. Mr. Dameron noted that this is second project this particular contractor has completed for the City, and that they performed very well on the previous project.

Councilmember Bayless called for further comments or discussion. Hearing none, she called for a motion.

COUNCILMEMBER HATCH MOVED TO APPROVE THE CHANGE ORDER REQUEST FOR THE 200 SOUTH STORM DRAIN PROJECT IN THE AMOUNT OF \$11,325. COUNCILMEMBER BATH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED (3-2).

6. **Review and Action** – *Cost Participation with Dirker Farms Subdivision.* This is a request by staff for Council’s consideration for formal approval of cost participation with the developer of Dirker Farms Subdivision for the paving of the remainder strip of 300 East. As previously discussed, if approved, the City will reimburse the developer for one half of the additional cost above the bonded amount with a “not to exceed” amount for the city’s participation of \$1,100.

Mr. Dameron explained that this request is to reimburse Rick Murano for the increase in the cost of installation of the asphalt to complete 300 East in association with the Dirker Farms Subdivision. Mr. Dameron noted that the installation of the asphalt was delayed at the request of the City due to unresolved issues with a neighboring property owner regarding installation of utilities in the roadway. Mr. Murano initially made this request during the Open Session of the previous City Council meeting. The Council felt that it would be appropriate to participate in the increased cost of the asphalt, due to the fact that installation was delayed at the request of the City. Councilmember Bayless called for further comments or discussion. Hearing none, she called for a motion.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE CITY’S PARTICIPATION WITH THE DEVELOPER OF DIRKER FARMS SUBDIVISION FOR THE PAVING OF THE REMAINDER STRIP OF 300 EAST FOR HALF OF THE ACTUAL COST NOT TO EXCEED \$1,100. COUNCILMEMBER BATH 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.

2 **COUNCIL REPORTS –**

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

6 Councilmember Hatch had no items to report.

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

10 Councilmember Bayless discussed the upcoming Lindon Days Parade. Following
12 discussion, the Council decided to make arrangements to ride in vehicles provided by a
14 dealership in Lindon. Councilmember Carpenter will contact dealers and make the appropriate
16 arrangements.

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

20 Councilmember Bath had no items to report.

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

24 Councilmember Anthony reported that plans for Lindon Days are progressing. He
26 complimented the Chairs of the event, Ernie and Yvonne Silva. Councilmember Bath inquired
28 as to why the hot air balloon event was not included this year. Councilmember Anthony stated
30 that Mr. Silva was unable to contact balloonists who were willing to provide tethered rides, and
32 felt that it would be appropriate to discontinue that particular event this year.

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

36 Councilmember Carpenter commented that the issue of safe school access has been
38 presented to the Council several times recently. He felt that the time has come for the City to
40 begin looking seriously at installation of some type of pedestrian access areas to enhance
42 pedestrian safety for school children. Councilmember Bayless noted that the Lindon Heritage
44 Trail will provide access to some schools. Councilmember Carpenter suggested that the City
46 consider safe pedestrian walkways as a separate issue from street widening, and that areas
around schools be considered for some type of trail or walkway system.

Councilmember Bayless noted that details of the Lindon Heritage Trail project will be
reviewed at the next City Council meeting. She commented on a meeting recently held with
residents on Lakeview Drive. She observed that some misconceptions were clarified during the
meeting. She noted that there are some liability concerns which the City should clarify with
URMMA.

42 **ADMINISTRATOR'S REPORT –**

44 Mr. Dameron reported on the following items:

- 46 1. Engineering coordination meeting will be held Wednesday, July 19, 2006 at the Public
Works complex.
2. The Council reviewed the project tracking list.

3. There are currently 360 recycling accounts.
4. The agreement with UTA for the 700 North rail road crossing has been finalized. Paving for the entire project is scheduled to begin on August 1, 2006.
5. Results of the feasibility study regarding creation of a new school district is planned to be presented to the Council on August 1, 2006.
6. Mr. Dameron provided information on the ground water study which is being conducted. He noted that the study is scheduled for completion in 2008.
7. The City Engineer, Mark Christensen, has requested approval from the Council for elimination of pilot testing of active traffic calming measures related to the traffic study in the Pheasant Brook Subdivision. According to Mr. Christensen, passive traffic calming measures will be appropriate in this area. Mr. Dameron noted that approval from the City Council is necessary to allow Mr. Christensen to complete the study without pilot testing of active traffic calming measures. The Council agreed that testing of active traffic calming measures would not be necessary to complete the study.

Councilmember Hatch inquired as to the status of review of the ordinance regarding finished height of residential structures. Councilmember Bayless stated that the Planning Commission has expressed concern regarding the ordinance as well. Mr. Dameron stated that an ordinance change may be considered by the Planning Commission, but that the structures in question are in compliance with existing ordinance.

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

ADJOURN –

COUNCILMEMBER CARPENTER MOVED TO ADJOURN THE MEETING AT 10:43 P.M. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

APPROVED – August 1, 2006

Ott H. Dameron, City Administrator/Recorder

Jeff Acerson, Mayor