

2 The Lindon City Council held a regularly scheduled meeting beginning at 7:00 p.m. on
3 **Tuesday, September 4, 2007** in the Lindon City Center, City Council Chambers, 100
4 North State Street, Lindon, Utah.

6 Prelude Music: 6:45 p.m.

8 **REGULAR SESSION** -7:00 p.m.

10 Conducting: James A. Dain, Mayor

12 Pledge of Allegiance: Ott Dameron

14 Invocation: Jerald Hatch

16 **MINUTES** – The minutes of the regular meeting of August 21, 2007, and the Special
18 Meeting of August 28, 2007 were reviewed.

20 COUNCILMEMBER HATCH MOVED TO APPROVE THE MINUTES OF
22 THE MEETING OF AUGUST 21, 2007. COUNCILMEMBER BATH SECONDED
24 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE MINUTES OF
28 THE MEETING OF AUGUST 28, 2007. COUNCILMEMBER HATCH SECONDED
30 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32 **OPEN SESSION** –

34 Mayor Dain called for comments from any resident present who wished to
36 address an issue not listed as an agenda item. Chief Marc Sanderson of the Pleasant
38 Grove/Lindon Fire Department approached the Council to report on a fire which occurred
40 the previous week. The fire destroyed a barn structure with an estimated value of
42 \$300,000. Chief Sanderson reported that the call was reported to dispatch at 1:19 p.m.,
44 and was dispatched over the radio at 1:20 p.m. Chief Sanderson arrived at the scene at
46 1:24 p.m., and fire personnel arrived at the fire station to respond to the call at 1:28 p.m.
Orem Fire Department also responded to the call, and arrived at the scene at 1:32 p.m.,
and Pleasant Grove Fire Department arrived at the scene at 1:32 p.m.

Chief Sanderson explained that the Fire Department has very limited full time
personnel, and that the majority of fire fighters respond from home or work to answer
calls. He stated that the national standard for response time is to have equipped fire
fighters on scene with an eight minute response time. He stated that the Pleasant
Grove/Lindon Fire Department does not currently meet that standard due to lack of full
time staffing. He explained that Captain Dave Thomas has applied for \$3 million in grant
revenues which will fund more full time positions. If the City is awarded the grant,
additional full time personnel should significantly decrease response times. In addition,
20 additional part time fire fighters will be hired in an effort to create better staffing
during daytime hours.

Chief Sanderson went on to explain that the structure was fully engulfed in four
minutes, and that a quicker response time would not have affected the outcome on the

2 barn. However, when crews arrived they assessed the situation and discovered that the
4 barn contained several flammable fuel sources. Efforts were then focused on protecting
6 surrounding structures, including the residential home adjacent to the barn. He reported
8 that there were no injuries as a result of the fire, and that no other structures were
10 damaged.

12 Councilmember Carpenter commented that a professional and prompt response
14 would be expected from the Fire Department, and that it appears that that is what was
16 received. He inquired as to the cost to create more full time positions which would
18 significantly improve response times. Chief Sanderson stated that to staff the Fire
20 Department with four personnel 24 hours a day, 7 days a week, would cost approximately
22 \$664,000 annually for wages, benefits, and equipment. He noted that grant funds which
24 have been applied for would offset those costs, and may make additional full time
26 staffing feasible.

28 Mayor Dain commented that he spoke with the property owner following the fire,
30 and that the residents expressed great appreciation for the professional manner in which
32 the incident was managed. Councilmember Bayless and Councilmember Bath
34 commented that they received similar reports. Mayor Dain thanked Chief Sanderson for
36 his report.

38 Lindon resident, Marilyn Mansfield then approached the Council. Ms. Mansfield
40 stated that she is aware that no action can be taken at this meeting, but that it was her
42 intention to bring a problem to the attention of the Council. She reported that over the
44 past several years, areas residents have become increasingly alarmed at the condition of a
46 particular property in the neighborhood. She stated that she has been working with the
Code Enforcement Officer in an effort to resolve the issue. The Code Enforcement
Officer has informed Ms. Mansfield that Lindon City does not have a blight ordinance
relative to residential properties. Ms. Mansfield reported that the residence is being
occupied illegally, as is occupied by two separate tenants, neither of which is the property
owner.

Mr. Dameron presented a written report to the Council from the Code
Enforcement Officer regarding this issue. Mr. Dameron explained that the issue is being
dealt with based on nuisance ordinances, and that illegal occupancy can be addressed as
well. If the property owner does not respond to the City or resolve the issues before
September 10, the matter will be referred to the City Attorney for further action. Mr.
Dameron explained that the Council has the option to adopt a landscaping ordinance for
residential properties if they so choose. The Council felt that it would not be appropriate
to pursue a landscaping ordinance at this time. Mayor Dain observed that the key is to
make sure the Code Enforcement Officer has the tools he needs to address issues as they
arise. The Council thanked Ms. Mansfield for bringing the matter to the City's attention.

40 **MAYOR'S COMMENTS/REPORT** –

42 Mayor Dain encouraged residents to participate in the annual United Way Day of
44 Caring scheduled for Thursday, September 6, 2007.

46 **CONSENT AGENDA** –

No items.

2
4 **CURRENT BUSINESS** –

- 6 1. **Concept Review** – *Crestview Creek Residential Subdivision*. This s a request by
8 Eric Allen for a concept review of a potential subdivision in R1-20 zone at 270
North 200 East. The Planning Commission reviewed this item and considered
both options as viable.

10 Eric Allen was present as the representative for this Concept Review. Mr. Cowie
12 explained that this is a request for a Concept Review of a possible subdivision on the
former Peacock property located at approximately 400 North 200 East. Mr. Allen has
14 submitted several possible options for the layout of the development. The first option
includes a fully improved cul-de-sac that would remove the existing dwelling, and would
16 include four total lots. The other two options would leave the existing home in place, and
would include two different deep lot configurations, and a total of three lots.

18 Mr. Cowie presented photographs of the site, located on the south end of the
“hollow” area. He noted that site distance issues related to lot access have not yet been
reviewed by the City Engineer.

20 Mr. Cowie noted that pending amendments to the Deep Lot Ordinance have not
yet received final approval from the City Council. However, the following criteria are
22 under consideration for approval of a flag lot:

24 “Development using standard public street is possible, but not in the best interest
of the public. In order to demonstrate that this circumstance exists, the applicant shall
26 provide conceptual development plans showing the development with and without the
proposed flag lot that demonstrates that each of the following characteristics is present;

- 28 a. The design of the flag lot is harmonious and compatible with the
configuration of the overall subdivision and/or neighborhood and will
not adversely affect the living environment of the surrounding area;
30 b. Standard public street construction would cause disruption to the
neighborhood in a significant physical or aesthetic manner, therefore
32 making the flag lot access preferable to a public street;
c. Development of the flag lot will decrease public infrastructure while
34 still providing infill development and efficient use of the land that is
compatible with Lindon City development standards.

36 Councilmember Bayless noted that the cul-de-sac configuration would allow lots
to access from the cul-de-sac rather than from 200 East, which may minimize traffic
38 safety issues. Councilmember Carpenter observed that installation of a cul-de-sac may
take out the most buildable area of the property. He felt that the proposed deed lot
40 configuration may meet the intent of the deep lot ordinance.

42 Mayor Dain inquired as to whether the Hillside Ordinance may apply to this
development. Mr. Cowie stated that Hillside Ordinance requirements are based on the
average slope of the entire parcel, and that the average slope of this particular property
44 may exempt the lots from Hillside requirements.

2 Following further discussion regarding the proposed development, including the
existing drainage ditch, sewer utilities and lot size, the Council expressed a general
preference for the flag lot configuration. Mr. Allen thanked the Council for their time.

- 4
- 6 2. **Preliminary Plat** – *Pennant Hills Residential Subdivision, Plat “A”*. This is a
request by Bryon and Darlene Davis for preliminary plat approval of Pennant
Hills Residential Subdivision, Plat “A”, 6 lots, in the R1-20 zone at 290 North
8 400 East. The Planning Commission recommended approval with conditions.

10 Bryon Davis and Richard Hall were present to address the Council regarding this
application. Mr. Cowie explained that this proposed development is located directly east
12 of the Crestview Creek development, and is adjacent to Hollow Park. The current
application includes development of a new roadway which will end in a cul-de-sac. The
14 proposed roadway is consistent with Master Planned roads in the area. Access to the
neighboring Williams and Schwartz properties will be created with an extension of the
16 road in the future. Mr. Cowie noted that this proposed development does not directly
benefit from the roadway extension to the south, and that the City Attorney does not feel
18 that the City has the ability to require dedication of the road extension at this time. The
applicant has expressed a willingness to show the road area on the plat as a non-buildable
20 area which could be dedicated in the future as neighboring properties develop.

22 Mr. Cowie went on to review proposed drainage for the development. The cul-
de-sac will be constructed with a storm water swale that will collect storm water in the
event that the storm water inlet box is plugged or over loaded. Water will then be
24 transferred down to the existing wetlands area at the west end of the property. An
easement will be noted on the plat for the swale. The Public Works Department has
26 requested a note on the plat stating that the owner of lot #4 is responsible for maintenance
of the storm water swale, as well as a rock-lined swale on the north of the property.

28 Mr. Cowie reviewed proposed sewer service for the development. He stated that
two new man holes are proposed within lot #4 that would gravity flow the sewer to 200
30 East. He explained that each time the sewer line changes direction, a manhole must be
provided and access to the manhole must be available for the City pumper/vacuum truck
32 for repairs and maintenance of the sewer system. The applicant has provided a 20 foot
graveled access and maintenance easement to the sewer manholes. Mr. Cowie stated that
34 final engineering review will be necessary to verify that the grade is sufficient to provide
proper flow in the sewer system as proposed.

36 Mr. Cowie stated that the Parks & Trails Master Plan Map in the General Plan
shows a 10 foot wide asphalt trail connection from the development to Hollow Park. The
38 Planning Commission recommended that the applicant be responsible to provide a ten
foot trail width and six foot easement, as well as be responsible for installation of the
40 trail. The map shows a general location for the trail along the north end of the property.
The applicant has shown a five foot trail easement in that location. The applicant has
42 expressed that they feel the responsibility of trail location and installation should be
shared between this development and the property owners to the north. Mr. Cowie noted
44 that there is no pending development on the property to the north.

46 Mr. Cowie noted that there are several possible options for the trail location. He
stated that staff has discussed the possibility of bringing the trail along the storm drain

2 easement and out to the road, which would take the place of sidewalk on the other side of
the street. It would then be constructed as part of the road right-of-way instead of along
4 the back side of the lots. He noted that the five foot trail easement proposed by the
applicant does not meet current construction standards for the trail system.

6 Mr. Hall, legal counsel for the applicant, explained to the Council that his clients
feel the trail requirement is overreaching. He stated that the City must demonstrate that
the benefit to the development is proportionate to the impact on the property. He noted
8 that the Master Plan maps show the trail “straddling” the boundary line between two
properties. He suggested that the burden of the trail would outweigh the benefit to this
10 development if the applicant is required to provide the full width for the trail as well as
installation of trail improvements.

12 City Attorney, Brian Haws, confirmed that the City must show proportionality in
required improvements, and demonstrate that the impact and benefit to the property is
14 roughly proportionate. He clarified that the City must consider the impact vs. the benefit,
but that the property owner needs to understand the benefit to development, and that both
16 perspectives must be considered in the analysis of required improvements.

18 Councilmember Carpenter noted that installation of the trail between lots 3 and 4
would be the shortest distance, and that the cost of installing the trail would be offset by
not having to put in sidewalk. He also suggested the possibility that the City may be
20 willing to participate in installation of the trail section which would connect to the trail in
Hollow Park. Mr. Haws noted that if the cost of the trail to the developer is reduced,
22 possible concerns regarding proportionality would be mitigated.

24 Councilmember Bayless noted that the intent of the trail is not purely recreational,
but that it is intended to provide pedestrian and bicycle transportation routes through the
City. She noted that the Master Planned location of the trail is intended to provide safe
26 pedestrian access to area schools. She inquired as to whether it may be possible to shift
lot lines in the development to allow installation of the trail without negative impact on
28 lot sizes. Mr. Davis stated that it may be possible to redesign the lot lines, but that there
may be security issues if the trail is located at the rear of the lots. Councilmember
30 Bayless noted that security and property value issues are debatable, and that trails have
been shown to provide a direct benefit to property values and to the community. She
32 reiterated that the Master Planned location is meant to provide a connection from 400
East to Hollow Park.

34 Mayor Dain inquired as to whether it may be possible to install the trail section in
the same area as the drainage. Mr. Cowie stated that the City is willing to consider
36 alternate locations for the trail. He also noted that there may be an option for the City to
waive park impact fees or participate in fencing or improvement costs associated with the
38 trail.

40 Councilmember Carpenter observed that he had the sense that the developer is not
interested in installing a trail section as part of the proposed development, and that the
City is not willing to approve the development without a trail section. Mr. Davis stated
42 that several new options have been presented during this meeting, but that he is not
interested in installing the trail. Councilmember Carpenter explained that developers are
44 sometimes reluctant to install improvements which benefit the community, but that
development requirements must be met. Mayor Dain observed that it appears that further

discussion regarding trail improvements will be necessary before action can be taken on this application.

Mayor Dain inquired as to whether all parties were comfortable with the proposed road layout. Neighboring property owner, Roger Williams was present at the meeting to discuss roadway and access issues. Mr. Williams expressed concern that the proposed development may land lock his property if the roadway is not dedicated to the City as part of this development. He stated that he will not be able to access his property for future development without purchasing the property for the roadway from the Davis', and that future economics may make purchase of the roadway to access his property difficult. He felt that access to his property should be established as part of this development, with the roadway area being dedicated to the City. Mr. Haws explained that this development will not have a direct benefit from the roadway extension. He stated that dedication of the roadway can be required, but that it would be necessary to compensate the property owners for the exaction. He suggested the possibility of a development agreement between the property owners which would provide compensation to the Davis' and establish access to the Williams property.

Neighboring property owner, Amelia Schwartz, also addressed the Council and expressed concern regarding future access to her property. She agreed that dedication of the roadway at this time would establish future access to the Williams property, and would also protect the integrity of the two lots she and her husband own.

Mr. Williams noted that as his property and the Schwartz property develop in the future, they will be required to dedicate the roadway area to the City and install improvements. He asserted that if the Davis' are not required to participate in dedication of the roadway, there may be some inequity to property owners in relation to roadway installation. The applicant clarified that the future roadway area will be shown on the plat as a non-buildable area designated for future road use, and that access to neighboring properties will not be cut off as a result of this proposed development. Mayor Dain inquired as to the possibility of formulating a development agreement which would set a fixed price for the roadway property for a specified period of time. Mr. Haws stated that a Development Agreement could be negotiated, but that the City is not in a position to set the future price of property. He stated that any agreement for purchase of the roadway property would have to be negotiated between property owners.

Following further discussion, the Council felt that further negotiation regarding trail and roadway issues would be necessary before taking action on this application. Mr. Davis informed the Council that he will be out of town for a period of time, but that Mr. Hall is authorized to negotiate in his behalf. Mayor Dain called for a motion to continue this item.

COUNCILMEMBER BAYLESS MOVED TO CONTINUE THE PENNANT HILLS SUBDIVISION, PLAT "A", PRELIMINARY PLAT TO THE MEETING OF SEPTEMBER 18, 2007. COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

3. **Preliminary Plat** – *East Lake Industrial Subdivision, No. "3"*. This is a request by Anderson Geneva Development Company for preliminary plat approval of

2 East Lake Industrial Subdivision, No. 3 in the LI zone at 600 South Geneva Road.
The Planning Commission recommended approval with conditions.

4 Jerry Grover was present as the representative for this item. Mr. Cowie reviewed
this application for the Council. He stated that his is a request for approval of a 3-lot
6 industrial subdivision in the LI zone at the intersection of 600 North and Geneva Road.
The applicant is currently working with the railroad company to move the existing
8 railroad crossing to the west to create the necessary commercial frontage. The existing
railroad crossing is a private crossing. He noted that staff is recommending that an
10 agreement written to the satisfaction of the City be submitted by the applicant stating that
the roadway will be improved to City standards and dedicated to the City when the
12 railroad crossing is removed or relocated and becomes a public crossing.

Mr. Cowie explained that the lots currently identified as lot #2 and lot #3 are not
14 proposed as current building lots. Lot #2 is reserved for the future railroad right-of-way
that will be realigned on Geneva Road. Lot #3 will be attached to the adjacent property
16 to the west that will be accessed from a future cul-de-sac street in Vineyard which will
create additional frontage. These lots will be identified as non-buildable lots on the plat,
18 with the possibility that lot #3 will be buildable when it is attached to the adjacent
Vineyard property to the west.

20 Mr. Cowie stated that the Planning Commission recommended approval with the
following conditions:

- 22 1. That all outstanding engineering issues, including utility service to the
property, be resolved to the satisfaction of the Lindon City Engineer.
- 24 2. That the applicant provide a development agreement, written to the
satisfaction of Lindon City, stating that the improved portion of the
26 roadway will be dedicated to the city upon the railroad crossing being
removed or becoming a public crossing.
- 28 3. That a ten foot trail easement for the Lindon Heritage Trail be provided
through the property with the exact location to be determined by City
30 staff.

Mr. Cowie explained that the Master Plan currently shows a trail section
32 extending under the overpass and out the drainage area. Mr. Grover explained that the
route shown on the Master Plan may not be the ideal alignment. He noted that a possible
34 alignment outside of Lindon boundaries would require cooperation with Vineyard. He
clarified that the developer is willing to provide the trail easement, but that the location
36 currently shown is preliminary. He suggested that the City allow flexibility in the final
placement of the trail easement. Mr. Cowie felt that details regarding the road and trail
38 easement could be addressed at a staff level prior to final plat approval.

40 Mayor Dain inquired as to whether Mr. Grover was comfortable with conditions
of approval which were recommended by the Planning Commission. Mr. Grover stated
that he was in agreement with the recommended conditions of approval. Mayor Dain
42 called for further comments or discussion. Hearing none, he called for a motion.

44 COUNCILMEMBER CARPENTER MOVED TO APPROVE THE EAST
LAKE INDUSTRIAL SUBDIVISION, NO. 3, PRELIMINARY PLAT WITH THE
46 FOLLOWING CONDITIONS:

1. THAT ALL OUTSTANDING ENGINEERING ISSUES, INCLUDING UTILITY SERVICE TO THE PROPERTIES, BE RESOLVED TO THE SATISFACTION OF THE LINDON CITY ENGINEER.
2. THAT THE APPLICANT PROVIDE A DEVELOPMENT AGREEMENT, WRITTEN TO THE SATISFACTION OF LINDON CITY, STATING THAT THE IMPROVED PORTION OF THE ROADWAY WILL BE DEDICATED WHEN THE RAIL ROAD CROSSING IS REMOVED OR BECOMES A PUBLIC CROSSING.
3. THAT A TEN FOOT TRAIL EASEMENT FOR THE LINDON HERITAGE TRAIL BE PROVIDED THROUGH THE PROPERTY WITH HE EXACT LOCATION OF THE TRAIL TO BE DETERMINED BY CITY STAFF.

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

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

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

4. **Public Hearing** – *General Plan Review – 400 North/400 West Connection*. This is a City initiated review of the Lindon City Street Master Plan Map as found in the current Lindon City General Plan. The specific review tonight is the potential 400 North extension o the west side of State Street to connect with 400 West (which would also include the future realignment of the east end of Gillman Lane). The Planning Commission reviewed this item and recommended not removing this street extension from the document.

COUNCILMEMBER HATCH MOVED TO OPEN THE PUBLIC HEARING TO CONSIDER THE GENERAL PLAN REVIEW – 400 NORTH/400 WEST CONNECTION. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mayor Dain invited Mr. Cowie to review this item for the Council and for residents present at the meeting. Mr. Cowie explained that this is a City initiated review of the 400 North to 400 West connection as shown on the 2006 Master Planned Streets maps. He noted that in addition to the 400 North connection, UDOT will require closure of the State Street access to Gillman Lane if the 400 North roadway is completed. The 2006 maps include a connector road which will provide access to Gillman Lane if the State Street access is closed.

Mr. Cowie explained that extensive noticing was conducted prior to Planning Commission review of this item, including required legal noticing, notices sent by mail to property owners within 300 feet of the proposed roadway, signs with attached fliers at various locations throughout the City, and information in the City newsletter and on the City website. He stated that a significant number of written responses have been received from residents, which were included in packets for review by the Council.

2 Mr. Cowie reviewed the history of the 400 North extension as shown on the
3 Master Plan maps. He stated that the maps from 1968 to 1995 show the 400 North
4 connection, and that 400 West was first designated a collector street in 1968. The maps
5 shown in the 1995-2000 General Plan show only collector and arterial streets, and do not
6 include the 400 North extension, but 400 West is shown as a collector. The 2000 and
7 2006 General Plan each show the 400 North connection, and the connector to Gillman
8 Lane was added at the direction of UDOT on the 2006 maps.

9 Mr. Cowie clarified that there is no intention on the part of the City to improve
10 the roadway at this time. The City currently has the opportunity to purchase the future
11 right of way from the church, and pay a portion of the full cost of the roadway rather than
12 paying it all at once. He stated that unless the Thornton property develops, the roadway
13 will not be needed in the near future, but is intended to meet the long term transportation
14 needs of the community.

15 Mr. Cowie went on to review the “pros and cons” of the 400 North roadway.
16 He listed possible benefits of the roadway as follows:

- 17 • The roadway will provide safe left hand turn movements onto State Street from
18 the west side of the City at a lighted intersection. State Street access will be
19 provided to residents on the west side of the City from the Center of town, rather
20 than traveling past additional residential homes to access existing lights at Wal-
21 Mart or 200 South.
- 22 • The through intersection will provide safer access for east-west access across
23 State Street, and provide residents on both sides of the City safe access to
24 recreation facilities, such as baseball fields.
- 25 • Los Hermanos restaurant and The Fellowship Church will be accessed from 400
26 North, providing safer ingress and egress using the lighted intersection to access
27 State Street.
- 28 • A decrease in ‘cut-through’ traffic would be expected on Gillman Lane if the
29 State Street access is closed.
- 30 • Future roadway improvements may lead to commercial zoning of the Thornton
31 property located adjacent to the roadway, which may increase property values.
32 The Thornton property is shown as “commercial” on the current General Plan
33 Land Use Map.
- 34 • 400 North would provide an alternate route from the north east side of the City to
35 south bound vehicles accessing the 1600 North Orem I-15 Interchange.
- 36 • Captain Cody Cullimore of the Police Department indicated in written comments
37 that completion of 400 North may provide faster emergency vehicle response
38 times to the west side of the City.
- 39 • Build-out population of the City is expected to reach approximately 17,000
40 residents. Current population of the City is approximately 10,000. An
41 intersection located near the center of town may more evenly distribute general
42 traffic flow for the entire community, helping traffic reach a desired destination
43 more quickly and safely.

44 Mr. Cowie reviewed potential negative effects of the roadway as follows:

- 45 • A through intersection is expected to increase traffic volume on 400 West, and
46 potentially on Lakeview Road and on side streets in the south west area of the
City. Increased traffic volume may lead to concerns regarding traffic speed,

2 pedestrian safety, property values, etc. If the 400 North roadway is
3 completed, the City Engineer estimates traffic volume on 400 West to be
4 similar to those currently seen on 400 East.

- 5 • Construction of the roadway and intersection will require a significant
6 expenditure from the City. The estimated cost to complete the project based
7 on today's dollars would be approximately \$1.2 million. The approximate
8 cost to secure the right of way at this time would be \$250,000.
- 9 • 400 North and the Gillman Lane connection will place a significant burden on
10 the property currently owned by Gary Thornton. Construction of the roadway
11 may increase development costs. Mr. Cowie compared road dedication
12 expected on the Thornton property to other development projects in the City.
13 He stated that the Thornton property is approximately 6.12 acres, and that
14 improvement of the roadways would take approximately 1.1 acres of the
15 property. He compared the amount of road dedication to that in Gillman
16 Farms subdivision, with an approximate size of 11.5 acres and road impact of
17 1.35 acres, and Lindon Treasury subdivision with an approximate size of 7
18 acres and 1.8 acres of dedication. Mr. Cowie noted that while there would be
19 a significant impact to the Thornton property, the City would likely participate
20 in installation of the center 16 feet of asphalt, reducing the impact and cost to
21 develop the Thornton property.
- 22 • The possible rezoning of the Thornton property for future commercial use
23 may push non-residential development further west and adjacent to other
24 residential properties.
- 25 • There may be some temporary construction inconvenience to properties
26 located adjacent to the 400 North roadway and Gillman Lane as road
27 construction is completed.

28 Mr. Cowie noted that written comments from Captain Cody Cullimore of the
29 Police Department, the Public Works Director, the Planning Director and also from the
30 City Engineer, Mark Christensen recommend that the 400 North extension be left on the
31 Master Plan. He explained that after evaluating the pros and cons of the roadway, all
32 professional staff indicated that it would be prudent for the future needs of the City to
33 leave the roadway on the Street Master Plan Map and move forward with negotiations to
34 purchase the right of way from the church.

35 Mr. Cowie explained that the Planning Commission also reviewed this item, and
36 held a four hour public comment period. Following that discussion, the Planning
37 Commission made a recommendation by unanimous vote to leave the 400 North
38 extension on the Master Plan Streets map. The Planning Commission also included in
39 their motion the following recommendations:

- 40 1. That the City Council consider the impact on the Thornton property,
41 including potential for future commercial zoning as the roadway and
42 connector to Gillman Lane are currently designed. There was some
43 discussion among the Planning Commission that the City should
44 consider ways to off-set development costs of the Thornton property.
- 45 2. That the City Council consider the current master plan connection and
46 also evaluate the feasibility of other options to provide State Street
47 access, such as a possible 550 North extension west to Geneva Road.

- 2 3. That the City pursue options with UDOT for a traffic control light at the
200 North State Street intersection.
- 4 4. That the City consider all options regarding agreements to purchase the
road right of way from the Fellowship Bible Church to minimize
6 potential financial risk to the City. Mr. Cowie noted that he is not
aware of a way to secure the future right-of-way without some financial
8 risk.

8 Mr. Cowie then invited the City Engineer, Mark Christensen, to address the
Council regarding projected traffic volume related to the road connection. Mr.
10 Christensen explained that there is no computerized model of traffic in Lindon, but that
data from previous traffic studies has been used to compile reasonably accurate estimates
12 of projected traffic flow. Mr. Christensen presented current and projected traffic volume
on 400 West if the 400 North is completed. Projected traffic volume is expected to
14 increase significantly, from approximately 2500 vehicles per day to approximately 5500
vehicles per day. Mr. Christensen stated that current traffic speed is an average of 33-34
16 miles per hours, and would be expected to increase to the upper 30's upon completion of
the 400 North connection. He noted that projected speeds are typical of collector roads.

18 Mr. Christensen noted that while there will be an impact on 400 West, the road
has been a designated collector, with the primary purpose of moving vehicles, since 1968.
20 Mr. Christensen felt that the projected impact to 400 West would be appropriate and
reasonable, and that the connection is an important component of future traffic circulation
22 in the City.

24 Mr. Christensen stated that at the recommendation of the Planning Commission,
he considered several other options to provide State Street access and east-west traffic
movement. He explained that a possible extension of 550 North west to Geneva Road
26 was discussed with UDOT, and that a lighted intersection would not be allowed at that
location due to the location of the existing light at 600 North. He stated that Center Street
28 is currently a "T" intersection, but could possibly be realigned to create a cross
intersection. However, Center Street is a local street, and is not designed to accommodate
30 traffic volume associated with a collector street. UDOT has also expressed that they do
not anticipate a light at 200 North in the foreseeable future due to low traffic volumes
32 from adjacent local streets. He stated that he is not aware of any other options to provide
State Street access and east-west traffic circulation in the City. Councilmember
34 Carpenter inquired as to whether there are any designated collector streets which are not
located in residential zones. Mr. Christensen stated that all designated collectors are
36 located in residential areas, with the exception of 2000 West and a portion of 800 North.
He noted that collector streets are typically located in residential areas in neighboring
38 cities as well.

40 Mayor Dain invited comments from residents at this time. Gary Thornton
approached the Council. He expressed concern regarding the impact of the roadways on
his property. He asserted that improvement of the road would create an impact of over a
42 million dollars to his property, and expressed that he wants the road removed from the
Master Plan maps.

44 Chris Dexter addressed the Council and stated that while the proposed roadway
looks good on paper, it does not make sense to retrofit it into existing residential
46 neighborhoods around schools. He noted that the residents on the west side do not feel

2 the need of the roadway, and feel very strongly that this is a “solution in search of a
3 problem.”

4 Jason Martinez suggested that it may be beneficial to study historical increases to
5 State Street traffic to determine whether the future corridor will be necessary. He
6 inquired as to whether an increase in the speed limit is anticipated on 400 West. Mr.
7 Christensen explained that an increase in the speed limit is not planned, but that traffic
8 speed is likely to increase as the road is widened.

9 Steve Smith encouraged residents and the Council to consider this issue based on
10 the facts, rather than based on emotion. Mr. Smith stated that he was part of the decision
11 to remove the 400 North extension from the Master Plan at the time the Fellowship Bible
12 Church was issued a building permit to build in that location. He asserted that if it was
13 good planning to take the road off the plan in 2005, it is good planning to leave it off
14 now. He suggested that if the connection is completed, safety concerns currently
15 associated with State Street will not be eliminated, but will be transferred to 400 West.
16 He suggested the possibility of the City using revenue which would be used to purchase
17 the right of way from the church to purchase a traffic light for installation at 200 North.
18 He felt that if the City took financial responsibility for purchasing the light, UDOT would
19 allow installation eventually.

20 Fredrico Perez stated that the main need of the light has been explained as the
21 need for west side residents to safely access State Street. He felt that the main use of the
22 road would not be by west side residents, but by east side residents to access the freeway.
23 Mr. Perez stated that he does not want to see the road completed.

24 Troy Strong expressed appreciation to the Council for the work that they do. Mr.
25 Strong questioned the accuracy of projected traffic volume as presented by the City
26 Engineer. He asserted that there is no question that the roads will negatively impact the
27 Thornton property, and that the negative effects of the roadway relative to cost, safety,
28 and the way of life of area residents would far outweigh any benefit to the community as
29 a whole.

30 Keith Brienholt observed that we all fear the unknown, and that the impact of the
31 road is largely unknown. He observed that increasing traffic in the City is problematic.
32 He suggested that residents consider the evidence which has been provided, and
33 professional recommendations of the engineers that the roadway is needed. He observed
34 that 400 West is not a local street, and that it is designed to move higher traffic volumes.
35 He stated that the idea that children can walk or play safely on 400 West is not realistic,
36 and that it is a major road. He asserted that if this issue is not addressed now, it will be
37 necessary to establish corridors in the future when emotions are even higher than they are
38 at this time.

39 Boyd Hooley asserted that there will be limited development in the City in the
40 future, and that 400 North will not be necessary to serve the needs of the community. He
41 stated that he is against completion of the roadway.

42 Earlene Lott expressed appreciation to the Council for their time and attention to
43 this matter. Ms. Lott expressed concern regarding the safety of several children with
44 disabilities who live in the area if traffic volumes increase. She also expressed concern
45 regarding parking for her home-based business. Ms. Lott noted that while the Police
46 Department makes an effort to enforce speeding violations on 400 West, traffic speed is
an ongoing concern. Ms. Lott also felt that construction of the roadway would not be in

2 the best interest of the Thornton property. She encouraged the Council to maintain the
3 “Little Bit of Country” atmosphere in Lindon.

4 Angie Newerth approached the Council. Ms. Newerth stated that she is a resident
5 of Pheasant Brook subdivision, and that a petition has been circulated through that
6 neighborhood requesting that the road be left on the Master Plan. She explained that she
7 spoke with residents of 69 homes in the area, and that there are approximately 100
8 children who live in those 69 homes. She observed that the local streets in Pheasant
9 Brook are not designed to act as collector streets or move higher volumes of traffic, but
10 that residents on the west side of the City are currently traveling through Pheasant Brook
11 to access traffic lights located at Wal-Mart. She noted that baseball diamonds are
12 planned in Pheasant Brook Park, and that a high volume of vehicles will travel through
13 local streets if no alternatives are available. Ms. Newerth requested that the Council take
14 the professional recommendations which have been presented to leave 400 North on the
15 Master Plan maps. She submitted a petition with 85 signatures from 59 homes requesting
16 that 400 North remain on the Master Plan.

17 Terry Marchbanks stated that traffic speed on 400 West is already problematic,
18 and an increase in volume or speed would make existing problems worse. He suggested
19 that the City investigate the possibility of purchasing a light which would be installed by
20 UDOT at the appropriate time at 200 North.

21 Clyde Ashton stated that it is his perception the engineer and the Planning
22 Commission feel that residents on the west side will appreciate safer State Street access,
23 when in fact the majority of residents on the west side of the City feel they will be
24 negatively impacted. He stated that residents are able to find alternate routes to access
25 State Street, and that the 400 North connection is not needed.

26 Gary Winterton stated that he is strongly opposed to construction of the roadway.
27 He felt that maintaining the right of way would be a disservice to the Fellowship Bible
28 Church and to the community. He asserted that Lindon is a quiet community, and that
29 the City should not make the same mistakes made by Orem on 1600 North. He stated that
30 the road “looks good on paper,” but will be disruptive and detrimental to the community.

31 Travis Barney commented that there seem to be three entities primarily affected
32 by this roadway, the Thornton’s, the Fellowship Bible Church and the City. He noted
33 that there are no plans to construct the road at this time, and that until the Thornton
34 property develops nothing is likely to change. Mr. Barney observed that the road is not
35 being “retrofit” into the neighborhood, and that 400 West has been a designated collector
36 since 1968, long before the majority of homes on the street were built. He asserted that
37 residents can allow themselves the opportunity to grow with the City and plan for the
38 future, or can “paint themselves into a corner.” He observed that there will be significant
39 growth in the City in the future, and that current residents need to consider the needs of
40 the next generation of Lindon residents. He felt that there would not be an undue burden
41 placed on residents of 400 West, and that the street was designed and intended to function
42 as a collector street.

43 Dustin Sweeten asserted that 400 North would be primarily used by residents
44 outside of the City. He felt that better State Street access could be provided for residents
45 on the west side of the City by installing a light at 200 North. He suggested that existing
46 intersections should be used to create access rather than creating new intersections. He

2 also suggested that the City investigate the likelihood of a light at 200 North if the City
3 pays for the light rather than UDOT.

4 Mike Marchbanks asserted that cost estimated for completing the roadway were
5 underestimated, and would likely be up to \$3 million dollars in expense to the City. Mr.
6 Marchbanks stated that he was part owner in the Old Station Square development at the
7 time Lakeview Drive was realigned. He recalled that at that time, UDOT has expressed
8 that the realignment may allow installation of a traffic light at the 200 North intersection
9 at some time in the future. He suggested that if the City were to pay for the light, UDOT
10 may be willing to move it up on the priority list. He asked that the City Council consider
11 other options rather than going through the Thornton property with 400 North.

12 Greg Edwards stated that he lives in Pheasant Brook, and that since the
13 realignment of Lakeview Drive, traffic has increased significantly in his neighborhood.
14 He observed that 400 North was shown on the Master Plan at the time Mr. Thornton
15 purchased his property, and that he would have been aware of the roadway if appropriate
16 due diligence had been completed prior to purchasing the property. Mr. Edwards felt that
17 it would not be appropriate to remove the 400 North extension from the Master Plan
18 unless other alternatives for traffic corridors are established.

19 Ben Nolte explained that he was a citizen member of the General Plan Committee
20 for the 2006 General Plan review. He stated that during discussion of this issue, the
21 committee came to a consensus that the roads as shown on the Master Plan maps would
22 serve the needs of the community as a whole. Mr. Nolte felt that the connector would
23 build a greater sense of community, as it would eliminate some of the barriers that are
24 created by State Street. He noted that the addition of parks and baseball facilities on the
25 west side of the City will necessitate the need for additional access points from the east
26 side of the City to the west side of the City.

27 Jenny Thornton stated that she is the wife of Gary Thornton, and that she is 100%
28 opposed to leaving the streets on the Master Plan.

29 Richard Griffith noted that a traffic route to serve businesses locating in Old
30 Station Square will be needed in the future. He encouraged the Council to pursue an
31 option for a light at 200 North if the light is purchased by the City.

32 Doug Christensen noted that he has attended previous meetings to discuss this
33 issue. He felt that there may be a way to compromise and try to unite the community
34 with a reasonable plan. He noted that safe State Street access points from the west side
35 are needed, and that 400 North has been on the Master Plan for 39 years. Mr.
36 Christensen agreed that a safe traffic plan for Old Station Square is needed. He felt that a
37 compromise to allow safe State Street access from the west side, a safe traffic plan for
38 Old Station Square, and adequate emergency vehicle access to the west side of the City
39 would be a light at 200 North. He encouraged the Council to explore the possibility with
40 UDOT of a light being installed at 200 North if the light is funded by the City. He
41 submitted a petition with approximately 300 signatures of resident who, according to Mr.
42 Christensen, support this proposed compromise. Mr. Christensen asked that 400 North
43 not be removed from the Master Plan maps unless another viable alternative is
44 established.

45 Mayor Dain called for additional comments from residents. There were no
46 further comments from residents. Mayor Dain called for a motion to close the public
47 hearing.

2 COUNCILMEMBER HATCH MOVED TO CLOSE THE PUBLIC HEARING
TO CONSIDER THE GENERAL PLAN REVIEW – 400 NORTH/400 WEST
4 CONNECTION. COUNCILMEMBER BAYLESS SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6
8 Councilmember Bath expressed appreciation to residents for taking the time to
attend the meeting and provide the Council with input on this issue. He noted that there
have been significant changes in the community since he moved here 20 years ago.
10 Councilmember Bath observed that further development in the City will occur, and that
traffic must be routed somewhere, and that “we are all in this together.” He noted that
12 the City has very little control over the placement of lights on State Street, and that
historically, UDOT has not installed lights until standard warrants are met. He stated that
14 it is not likely that 400 North will be developed in the near future, but that it is necessary
to plan for the future of the community. He explained that the Council is very aware and
16 concerned about safety, especially the safety of children, but that there are children
throughout the community regardless of where traffic is routed.

18 Councilmember Bath commented that it had been suggested that that City had
tried to hide this road and the Master Plan from residents. He explained that all public
20 meetings and public hearings are noticed in the newspaper and on the City website, and
that residents have adequate opportunities to participate in the decision making process
22 and become informed about development in the City, but that very few residents take that
opportunity until there is an issue they are angry about. He explained that the roadway
24 may not be completed in the near future, but that it is necessary to have a long term plan
to meet the future needs of the community. He asserted that a light at 200 North would
26 not be a viable solution. He felt that a high volume of traffic on the hill on the east side
of State Street at 200 North would create safety concerns during inclement weather.

28 Councilmember Carpenter observed that this is a difficult decision with no easy
solution. He commented that there have been many competing concerns expressed
30 during this discussion, and that the solution to a problem in one area may create a
problem in another area. He explained that he walks each morning on 200 South, which
32 is also a collector street. He noted that since the recent widening of 200 South, residents
have adjusted but have also experienced some frustration. He observed that overall,
34 residents on 200 South understood the need for the street widening, and realized there
were no other viable options. Councilmember Carpenter noted that there are competing
36 issues when making most decisions, and that the Council is responsible to consider the
facts in a balanced fashion and make the best decision for the community. He felt that the
38 400 North connection should be left on the Master Plan to address the future needs of the
community, but that other options, such as a light at 200 North, could continue to be
40 explored as possible alternatives.

42 Mayor Dain stated that he was involved in City government at the time the church
was constructed, and that he recalls that there was some discussion at that time about
44 placing the church as far south on the lot as possible to allow construction of the roadway
in the future. Mayor Dain also explained that he lives on the corner of 400 East and 400
North, and that the concerns expressed by residents at this meeting were expressed by his
46 neighbors when 400 East was being considered to connect to Pleasant Grove. He

2 observed that while traffic in his neighborhood has increased, residents still ride horses in
the area, and children still walk to school. He suggested that the perception of the impact
may be worse than the reality if the impact.

4 Councilmember Hatch commented that he has lived in Lindon for 31 years, and
that he has seen significant growth in the community in that time. He observed that the
6 majority of residents present at this meeting moved into the community after him, and
impacted his way of life. He noted that the Planning Commission includes residents from
8 all areas of the City to make sure that interests of different areas of the City are
represented during discussion and decision making. He also commented on the fact that
10 all public meetings are noticed in the newspaper and on the City website, and that
residents rarely take the time to attend. He commented in particular on the meeting of the
12 City Council held the week before in which the Council made the decision to form a
Police Department, and observed that no residents had attended that important meeting.

14 Councilmember Hatch commended the progenitors in the City who wisely
planned for future development. He noted that there is adequate water to serve the needs
16 of residents because plans were made many years ago to assure that those needs would be
met. He observed that leaving 400 North on the Master Plan is necessary for long term
18 planning to meet the future needs of the City, and that residents on the west side of the
City will recognize the benefit more than residents on the east side of the City.

20 Councilmember Bayless commented that she has spent a significant amount of
time considering this issue, and that she has taken the time to write down her thoughts on
22 the matter. She agreed that progress and development in the City can not be stopped, but
felt that it was the responsibility of the Council to direct development. She agreed that
24 residents on both sides of the issue have valid opinions and concerns, but felt that the
burden on west side residents if the road is completed would outweigh the benefit to the
26 community. She noted that the Thornton property will be tremendously impacted by the
Master Plan roads, and that while the current Council may agree to a zone change, a
28 future Council may disagree with rezoning the property. She agreed with concerns
expressed by residents regarding the safety of children accessing Aspen Elementary. She
30 observed that while 400 West has been a designated collector for some time, many
residents on the street were unaware of the designation at the time they bought homes in
32 the area. She felt that while 700 North may serve as a significant route to access I-15,
400 North would also be used as an access route, particularly by southbound motorists.
34 Councilmember Bayless felt that further investigation of a possible light at 200 North
would be appropriate. She stated that Lakeview Drive was realigned specifically for the
36 possibility of a light at the intersection at some time in the future. Councilmember
Carpenter agreed that a light at 200 North would allow safe State Street access from the
38 west without creating a potential short cut to the freeway. She stated that she is not in
favor of leaving 400 North on the Master Plan maps.

40 Mayor Dain called for further comments or discussion from the Council. Hearing
none, he called for a motion.

42
44 COUNCILMEMBER CARPENTER MOVED TO RETAIN THE CURRENT
MASTER PLAN STREETS MAPS WITH 400 NORTH AND THE GILLMAN LANE
CONNECTOR AS SHOWN IN THE 2006 GENERAL PLAN WITH THE
46 FOLLOWING CONDITIONS:

1. THAT THE CITY CONSIDER AND PURSUE OTHER VIABLE ALTERNATIVES SO THAT NO ALTERNATIVES ARE OVERLOOKED PREMATURELY.
2. THAT THE CITY TAKE ACTION TO APPROACH THE ISSUE AS IF THE THORNTON PROPERTY COULD BE DAMAGED, AND TAKE ACTION TO AMELIORATE SUCH POTENTIAL DAMAGE.
3. THAT THE CITY PURSUE THE AGREEMENT WITH THE FELLOWSHIP BIBLE CHURCH TO SECURE THE FUTURE RIGHT OF WAY FOR THE ROADWAY.

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

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

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

COUNCIL REPORTS –

WATER, SEWER, SOLID WASTE, HOUSING CONSORTIUM –

Councilmember Hatch had no items to report.

TRAILS, PLANNING, ZONING, BD OF ADJ., ADMINISTRATION –

Councilmember Bayless inquired as to new members to serve on the Historic Preservation Commission and Board of Adjustments. Mayor Dain will follow up with suggestions from the Council for residents to fill the vacancies.

PUBLIC SAFETY, COURT, BUILDING INSPECTIONS –

Councilmember Bath had no items to report.

PARKS, RECREATION, ENGINEERING, LINDON FAIR, NEWSLETTER –

Councilmember Anthony was not present at the meeting.

GENERAL PLAN, STREETS & SIDEWALKS, PUBLIC BUILDINGS –

Councilmember Carpenter had no items to report.

ADMINISTRATOR'S REPORT –

Mr. Dameron reported on the following items:

1. Quarterly Coordination meeting with Pleasant Grove is scheduled for Monday, September 10, 2007 at 5:30 p.m. at the Lindon City Public Works Complex.

