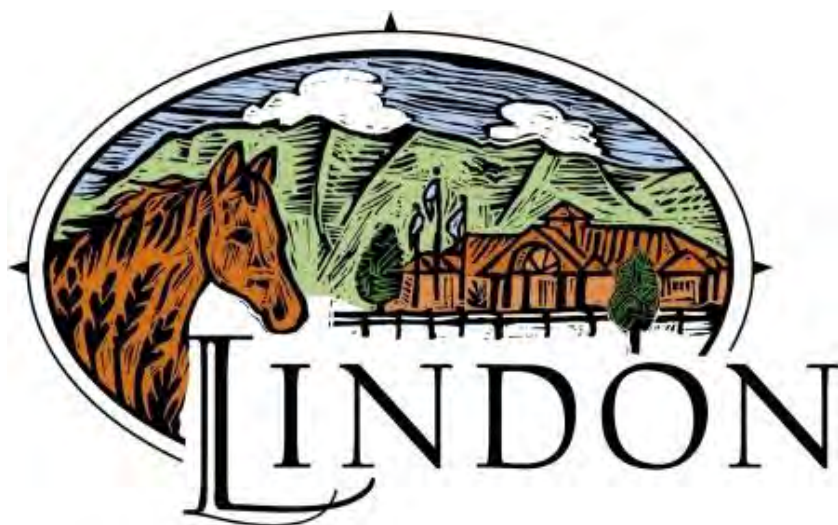


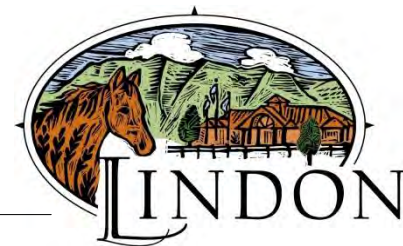
# Lindon City Council Staff Report



Prepared by Lindon City  
Administration

July 15, 2014

# Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a regularly scheduled meeting beginning at **7:00 p.m.** on **Tuesday, July 15, 2014** in the Lindon City Center council chambers, 100 North State Street, Lindon, Utah. The agenda will consist of the following:

Scan or click here for link to  
download agenda & staff  
report materials:



## **REGULAR SESSION – 7:00 P.M.** - Conducting: Jeff Acerson, Mayor

Pledge of Allegiance: By Invitation  
Invocation: Randi Powell

(Review times are estimates only)

- 1. Call to Order / Roll Call** (5 minutes)
- 2. Presentations and Announcements** (10 minutes)
  - a) Comments / Announcements from Mayor and Council members.
- 3. Approval of minutes from July 1, 2014** (5 minutes)
- 4. Consent Agenda – No Items**
- 5. Open Session for Public Comment** (For items not on the agenda) (10 minutes)
- 6. Discussion Item — Cemetery Policies & Procedures** (30 minutes)
 

City staff will provide an overview of Lindon City Cemetery policies and procedures for interment. The Council will also provide feedback and direction to Staff on whether or not to pursue changes to current policies and fees in order to establish smaller plot sizes for infant and urn burials. No official motions will be made.
- 7. Public Hearing — Primo's restaurant, Beer License Application** (20 minutes)
 

James Nebeker with Primo's restaurant requests City Council approval for a Lindon City Beer License at 131 South State Street (formerly Wallaby's). The location of the beer sales does not appear to meet the 600' proximity separation distance from a public school property boundary (Timpanogos Academy). However, the Alcoholic Beverage Control Commission may still grant a State beer license if the City Council consents to a proximity variance to the separation distance requirement. Mr. Nebeker requests approval of the proximity variance from the City Council.
- 8. Concept Review — 700 North Mater Plan, 700 N. Commercial Corridor** (30 minutes)
 

David Adams of Catalyst Development, LC requests review of a proposal to rezone and master plan 42 acres along the north side of the 700 N. commercial corridor. The Council will provide feedback on the proposal. No official motions will be made.
- 9. Concept Review — White Horse Subdivision, Approx. 97 North 400 West** (20 minutes)
 

Krisel Travis of DR Horton requests review of a proposed subdivision in the R1-20 zone at approximately 97 N. 400 W. The Council will provide feedback on a proposal to create and apply to this subdivision an overlay zone that would provide for flexibility in lot size, while still maintaining overall density of 2 dwelling units/acre. No official motions will be made.
- 10. Review & Action — Appointment of Planning Commissioners** (5 minutes)
 

The City Council will review and consider the appointment of Andrew Skinner and Matt McDonald as new Planning Commissioners. Both individuals are anticipated to serve a full three-year term through July 2017.
- 11. Review & Action — Utah Infrastructure Agency Assessments** (30 minutes)
 

On February 27, 2013 the City Council approved Resolution #2013-5-R authorizing payment of monthly operations assessment loans to the Utah Infrastructure Agency (UIA) in order to eliminate such expenses from being funded by UIA bond proceeds. The loans are to be repaid to Lindon with interest. Per the Council's direction, progress reports have been presented at least quarterly and reviewed prior to authorizing payment of additional assessments. On April 1, 2014 the Council authorized payment of the assessment loans from January through June of the 2013-14 fiscal year. The City has received an invoice from UIA for the next three months. The Council will review UIA/UTOPIA performance reports and give staff direction in regards to whether payment of assessment requests received for the months of July,

August, and September 2014 in the amount of \$7,223.00 per month should be approved. Past invoice amounts have been paid monthly and not in advance. The estimated monthly assessments have been budgeted for the 2014-15 fiscal year.

## 12. Council Reports:

(20 minutes)

- |  |                    |
|--|--------------------|
| A) MAG, COG, UIA, Utah Lake, ULCT, Budget Committee                            | - Jeff Acerson     |
| B) Public Works, Irrigation/water, City Buildings                              | - Van Broderick    |
| C) Planning, BD of Adjustments, General Plan, Budget Committee                 | - Matt Bean        |
| D) Parks & Recreation, Trails, Tree Board, Cemetery                            | - Carolyn Lundberg |
| E) Administration, Com Center Board, Lindon Days, Chamber of Commerce          | - Randi Powell     |
| F) Public Safety, Court, Animal Control, Historic Commission, Budget Committee | - Jacob Hoyt       |

## 13. Administrator's Report

(15 minutes)

### Adjourn

This meeting may be held electronically to allow a council member to participate by video conference or teleconference.

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Offices, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our staff may be contacted directly at (801)785-5043. City Codes and ordinances are available on the City web site found at [www.lindoncity.org](http://www.lindoncity.org). The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for city-sponsored public meetings, services programs or events should call Kathy Moosman at 801-785-5043, giving at least 24 hours notice.

**Posted By:** Kathy Moosman  
**Time:** ~11:00 a.m.

**Date:** July 11, 2014  
**Place:** Lindon City Center, Lindon Police Dept, Lindon Community Center

## **REGULAR SESSION – 7:00 P.M.** - Conducting: Jeff Acerson, Mayor

Pledge of Allegiance: By Invitation

Invocation: Randi Powell

### **Item 1 – Call to Order / Roll Call**

July 15, 2014 Lindon City Council meeting.

Jeff Acerson

Matt Bean

Van Broderick

Jake Hoyt

Carolyn Lundberg

Randi Powell

*Staff present:* \_\_\_\_\_

### **Item 2 – Presentations and Announcements**

- a) Comments / Announcements from Mayor and Council members.

### **Item 3 – Approval of Minutes**

- Review and approval of City Council minutes from **July 1, 2014.**

(See attached draft minutes)

The Lindon City Council held a regularly scheduled meeting on **Tuesday, July 1, 2014 at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

**REGULAR SESSION** – 7:00 P.M.

Conducting: Randi Powell, Mayor Pro Tem  
 Pledge of Allegiance: Hugh Van Wagenen, Planning Director  
 Invocation: Matt Bean, Councilmember

**PRESENT**

Randi Powell, Councilmember  
 Matt Bean, Councilmember  
 Van Broderick, Councilmember  
 Jacob Hoyt, Councilmember  
 Carolyn Lundberg, Councilmember  
 Hugh Van Wagenen, Planning Director  
 Cody Cullimore, Chief of Police  
 Kathryn Moosman, City Recorder

**ABSENT**

Jeff Acerson, Mayor  
 Adam Cowie, City Administrator

**1. Call to Order/Roll Call** – The meeting was called to order at 7:04 p.m.

**2. Presentations/Announcements** –

a) **Mayor/Council Comments** – Mayor Pro Tem Powell mentioned that ex Lindon Mayor, Kenneth McMillan, has recently passed away.

**3. Approval of Minutes** – The minutes of the regular meeting of the City Council of June 17, 2014 were reviewed.

COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES OF THE MEETINGS OF JUNE 17, 2014 AS AMENDED. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER LUNDBERG	AYE

THE MOTION CARRIED UNANIMOUSLY.

**4. Consent Agenda** – No items.

**5. Open Session for Public Comment** – Mayor Pro Tem Powell called for any public comment not listed as an agenda item. Frank Anderson addressed the Council at this time. Mr. Anderson announced that the postponed “Lindon Hero’s Gala” has a tentative date of Saturday, October 4, 2014 and will be held at the Community

Center. He noted a community kick-off will start August 25<sup>th</sup> and will run through September 12<sup>th</sup>. He noted at this point they have three sponsors lined up to handle the publicity. Mr. Anderson stated their goal is to raise \$12,000 for the CERT Emergency Police Vehicle. Mayor Pro Tem Powell commented that she appreciates Mr. Anderson's efforts and asked him to keep the Council updated. Mr. Anderson also asked the Council for permission to put a banner outside of the Community Center to promote the Gala. Mayor Pro Tem Powell stated that she will contact the City Administrator regarding the banner.

Mayor Pro Tem Powell called for any further public comments or questions in the open session. Hearing none she moved on to the next agenda item.

## **CURRENT BUSINESS**

**6. Public Hearing– *Ordinance Amendment, MC Landscaping and Size Requirements.*** City staff requests approval of Ordinance #2014-10-O, and amendment to LCC 17.05.060 and 17.05.080 modifying landscaping and minimum zone size requirements in the Mixed Commercial (MC) Zone. The Planning Commission recommended approval.

COUNCILMEMBER LUNDBERG MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Hugh Van Wagenen, Planning Director, gave a brief summary of this city initiated agenda item stating that City staff requests approval of Ordinance #2014-10-O, an amendment to LCC 17.05.060 and 17.05.080 modifying landscaping and minimum zone size requirements in the Mixed Commercial (MC) Zone. The Planning Commission recommended approval.

Mr. Van Wagenen then presented an overview stating the landscaping requirements along frontage roads in the mixed commercial (MC) zone refer to required landscape strips but do not give specifics regarding the strip itself. He noted this update will provide clarification regarding the size and potential landscaping options within the required landscape strip. He explained the amendment also brings the MC zone requirements into conformance with the CG and LI zone landscape strip requirements.

Mr. Van Wagenen further explained that amending the minimum MC zone size from the 30 minimum acre (which is a little bit restrictive) to 10 (approved by the Commission) acres will give the City greater flexibility in rezoning the property that may be suitable for the flex office/warehousing space that is in high demand. He added the MC zone also provides transition opportunities between commercial and other uses that may enhance areas that buffer these commercial corridors.

Mr. Van Wagenen pointed out that after review the Planning Commission recommended approval of the ordinance amendments in a 4-0 vote. He noted that during the meeting, they recommended the minimum zone acreage change from the staff suggested 15 acres to 10 acres. He noted this decision was based on recent MC zone site plan concepts on 5-10 acre parcels and increases flexibility in applying the zone. Mr. Van Wagenen noted that staff has no concerns with the recommended change from the

Planning Commission. Mr. Van Wagenen then referenced the proposed changes to LCC 17.50.060 and LCC 17.50.080 followed by some general discussion.

Mayor Pro Tem Powell asked if this action is needed to add clarification from section to section and general ordinance housekeeping. Mr. Van Wagenen confirmed this city initiated action is just to clean the ordinance up. Mayor Pro Tem Powell and Councilmember Lundberg pointed out several grammatical errors in the document. There was then some general discussion regarding this agenda item.

Mayor Pro Tem Powell called for any public comments or any further comments or questions from the Council. Hearing none she called for a motion.

COUNCILMEMBER HOYT MOVED TO APPROVE THE AMENDMENTS TO LINDON CITY CODE 17.50.060 AND LINDON CITY CODE 17.50.080 AS PRESENTED IN ORDINANCE #2014-10-O SUBJECT TO THE GRAMMATICAL CHANGES AS DISCUSSED. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER LUNDBERG	AYE

THE MOTION CARRIED UNANIMOUSLY.

**7. Public Hearing** – *General Plan Amendment, Approx. 750 N 2800 W.* Ed Daley of National Packaging Innovations requests a General Plan map Amendment to change the General Plan designation of Utah County Parcel #13:063:057 (located at approximately 750 North 2800 West) from Commercial to Mixed Commercial. The applicant intends to establish h office/warehousing uses on the site. The Planning Commission recommended approval by Ordinance #2014-11-O.

Mr. Van Wagenen led the discussion by explaining Ed Daley of National Packaging Innovations (who was in attendance) is requesting a General Plan map Amendment to change the General Plan designation of Utah County Parcel #13:063:057 (located at approximately 750 North 2800 West) from Commercial to Mixed Commercial. He noted the applicant intends to establish office/warehousing uses on the site (approximately 5 acres).

Mr. Van Wagenen then presented an overview stating the applicant proposes to develop the parcel with a site configuration similar to the site plan concept in attachment #4 (included in the packets). He explained the structures' architectural design will be similar to the structures portrayed in attachment #5 (included in the packets). He further explained the complex will likely serve businesses that require office/warehousing space in which light assembly, packaging, and shipping activities will occur. Mr. Van Wagenen noted the applicant's proposed use is not allowed in the CG zone, but it is in the MC zone; consequently, the applicant requests that the lot be rezoned to the MC zone. Mr. Van Wagenen explained that City Code requires that any zone change must be consistent with the City's General Plan Designation. Mr. Van Wagenen went on to say that the General Plan mirrors the current zoning, so the applicant is requesting that the General



Plan designation be changed to permit the zone change and allow their proposed use. Mr. Van Wagenen commented that the Planning Commission recommended approval of the request with a 4-0 vote.

Mr. Van Wagenen then presented the findings of fact as follows:

1. The General Plan currently designates the property under the category of Commercial. This category includes retail and service oriented businesses, and shopping centers that serve community and regional needs.
2. The applicant requests that the General Plan designation of the property be changed to Mixed Commercial, which includes most uses in the General Commercial designation, as well as light industrial and research and business uses.

Mr. Van Wagenen then presented the analysis as follows:

1. Relevant General Plan policies to consider in determining whether the requested change will be in the public interest:
  - a. It is the purpose of the commercial area to provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities may be established, maintained, and protected.
  - b. Commercial use areas should be located along major arterial streets for high visibility and traffic volumes.
  - c. The goal of commercial development is to encourage the establishment and development of basic retail and commercial stores which will satisfy the ordinary and special shopping needs of Lindon citizens, enhance the City's sales and property tax revenues, and provide the highest quality goods and services for area residents.
    - i. Objectives of this goal are to:
      1. Expand the range of retail and commercial goods and services available within the community.
      2. Promote new office, retail, and commercial development along State Street and 700 North.
  - d. Applicable city-wide land use guidelines:
    - i. The relationship of planned land uses should reflect consideration of existing development, environmental conditions, service and transportation needs, and fiscal impacts.
    - ii. Transitions between different land uses and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available.
    - iii. Commercial and industrial uses should be highly accessible, and developed compatibly with the uses and character of surrounding districts.

Mr. Van Wagenen then referenced the General Plan Map Amendment, Aerial photos of the proposed area to be re-classified, photographs of the existing site, the conceptual site plan, the conceptual architectural renderings and the CG to MC Land Use Comparison followed by some general discussion.

Mayor Pro Tem Powell invited the applicants forward at this time. Mr. Daley summarized the basis of the application by stating they feel this is a good transitional use of the property that does compromise the commercial uses to the south intersection. He noted they recognize that this is some of Lindon's prime ground and they will do what they can to help protect that. Councilmember Lundberg asked if they will be leasing the units. The applicant stated they will be owner occupied. Mayor Pro Tem Powell commented that she appreciates the new design philosophy of putting the bay doors back to back. Mr. Daley commented that they tried to minimize the view off of the freeway and confirmed they will have signage on the building. Mr. Van Wagenen then gave a historical background of the area for the Council's information. Councilmember Bean commented that based on what this is, and the area around it, this could take away an opportunity for the city for commercial development. Councilmember Lundberg asked for clarification of what their company does. Mr. Daley stated they are a full-line packaging distributor that supports a lot of multi-level marketing companies. He noted they currently have 13 employees. Mr. Daley mentioned an issue with the neighboring property with unsightly debris on the back of their building. Mayor Pro Tem Powell stated that there are ordinances for these issues and to follow up with Mr. Van Wagenen with any concerns or issues. Mayor Pro Tem Powell inquired if the proposed colors will be more aesthetically warmer than what is shown. Mr. Daley confirmed the colors will be warmer and will look nice.

Following some additional discussion, Mayor Pro Tem Powell called for any further comments or questions from the Council. Hearing none she called for a motion.

COUNCILMEMBER BRODERICK MOVED TO APPROVE THE APPLICANT'S REQUEST TO CHANGE THE GENERAL PLAN LAND USE MAP DESIGNATION OF THE LOT IDENTIFIED BY UTAH COUNTY PARCEL #13:063:0057 FROM COMMERCIAL TO MIXED COMMERCIAL, ACCORDING TO ORDINANCE #2014-11-O. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER LUNDBERG	AYE

THE MOTION CARRIED UNANIMOUSLY.

**8. Public Hearing:** *Zone Map Amendment, Approx. 750 N 2800 W.* Ed Daley of National Packaging Innovations requests a Zone Map Amendment to change the zoning designation of Utah County Parcel #13:063:057 (located at approximately 750 North 2800 West) from General Commercial A8 (CG-A8) to Mixed Commercial (MC). The applicant intends to establish h office/warehousing uses on the site. The Planning Commission recommended approval by Ordinance #2014-12-O.

Mr. Van Wagenen presented an overview stating the applicant, Mr. Daley, proposes to develop the parcels with a site configuration similar to the attached site plan concept in the previous item. He noted the structures' architectural design will be similar

to the structures portrayed in attachment #4 in the previous item (just approved). He noted the complex will likely serve businesses that require office/warehousing space in which light assembly, packaging, and shipping activities will occur. Mr. Van Wagenen stated the applicant's proposed use is not allowed in the CG-A8, but it is in the MC zone, and consequently, the applicant requests that the lot be rezoned to the MC zone, subject to approval of a supporting General Plan Map Amendment. He noted the Planning Commission recommended approval of the request with a 4-0 vote. He commented that this action will allow the applicant to move ahead with the site plan.

Mr. Van Wagenen then presented the Findings of Fact as follows:

1. The current general plan designation does not permit the subject lots to be rezoned from CG to MC. This item is contingent upon the approval, by the City Council, of the previous item involving the General Plan designation of the lot.

Mr. Van Wagenen then presented the Analysis and Conclusions as follows:

- Subsection 17.04.090(2) of the Lindon City Code establishes the factors to review when considering a request for a zone change. The subsection states that the "planning commission shall recommend adoption of a proposed amendment only where the following findings are made:
  - The proposed amendment is in accord with the master plan of Lindon City;
  - Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of the division."
- The stated purpose of the General Commercial Zone is to "promote commercial and service uses for general community shopping." Further, the "objective in establishing commercial zones is to provide areas within the City where commercial and service uses may be located."
- The purpose of the Mixed Commercial Zone is to "provide areas in appropriate locations where low intensity light industrial (contained entirely within a building), research and development, professional and business services, retail and other commercial related uses not producing objectionable effects may be established, maintained, and protected."

Mr. Van Wagenen then referenced the Zoning Map Amendment Language and directed the Council to reference the previous items for other relevant documents.

Councilmember Lundberg commented that the Council likes the concept brought before them by the applicant but is not so sure they would like any concept that is allowed in the mixed commercial zone. She further commented that without having security on the property that they own the property that perhaps the Council should consider that the zone change be contingent upon ownership, and if they don't acquire ownership it falls back to a commercial zone. Mr. Van Wagenen stated that is a possibility, but it could also be monitored by staff, and if it didn't change hands staff could bring it back before the Council.

Councilmember Lundberg voiced her concerns that once it is rezoned someone else could come before the Council with a whole different concept that they would not

particularly like without the wherewithal to deny things that fall within that zone; all contingencies should be looked at. Mr. Van Wagenen stated that it could be contingent with ownership and if it changes hands there is a 30 day time period before the ordinance is codified. Councilmember Bean commented that any parcel can change hands at any time in a zone. Mr. Van Wagenen stated that he will check with the City Attorney from a legal standpoint. There was then some discussion regarding time frames on initiating the project and moving forward. The applicant stated if the sale falls through within 30 days they will let staff know and they will know fairly soon.

Councilmember Bean commented then the Council could make their own decision and if they make the contingency part of the motion that the applicant notify staff regarding the ownership. Mr. Van Wagenen stated that this is one way to monitor this but if there is a change a city initiated re-zone could be facilitated. He noted once the building is established there, and if National Packaging moves elsewhere, the building will be there and anything allowed in a mixed commercial zone will be an allowed use. Mr. Van Wagenen suggested, if this is a concern, to have staff keep in contact with the applicants, and if the sale falls through to let staff know to get the change as an agenda item at the next City Council meeting.

At this time Mayor Pro Tem Powell called for any public questions or comments. Hearing none she called for a motion to close the public hearing.

COUNCILMEMBER BEAN MOVED TO CLOSE THE PUBLIC HEARING.  
COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED

Mayor Pro Tem Powell called for any further comments or questions from the Council. Hearing none she called for a motion.

COUNCILMEMBER BEAN MOVED TO APPROVE THE APPLICANT'S REQUEST TO CHANGE THE ZONING DESIGNATION OF THE LOT IDENTIFIED BY UTAH COUNTY PARCEL #13:063:0057 FROM GENERAL COMMERCIAL A8 (CG-A8) TO MIXED COMMERCIAL (MC), ACCORDING TO ORDINANCE #2014-12-O WITH THE CONDITION THAT THE APPLICANT HAS AGREED TO NOTIFY THE CITY IN CASE THE PROPERTY IS NOT TRANSFERRED AS EXPECTED.

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

COUNCILMEMBER POWELL                      AYE

COUNCILMEMBER BEAN                      AYE

COUNCILMEMBER BRODERICK              AYE

COUNCILMEMBER HOYT                      AYE

COUNCILMEMBER LUNDBERG              AYE

THE MOTION CARRIED UNANIMOUSLY.

## **9. COUNCIL REPORTS:**

**Councilmember Powell** – Councilmember Powell reported that she attended the ribbon cutting for the new "Forever Green" business with Councilmember Broderick and

Councilmember Lundberg and noted it was a good event and added this business will be a good asset to the City. Councilmember Powell also reviewed the Lindon Days assignments followed by some lengthy discussion. Following discussion it was agreed to come to the next meeting with ideas for councilmember shirts and a parade route vehicle.

**Councilmember Bean** – Councilmember Bean reported that he and Councilmember Lundberg met today with a representative of one potential developer for the 700 north corridor. Councilmember Bean commented that he would hope, as a Council that we consider looking at the corridor again and continue down that road. Councilmember Bean also reported they are looking at some replacements on the Planning Commission.

**Chief Cullimore** – Chief Cullimore reported that they have collected a dozen flags for the upcoming Flag Retirement Ceremony to be held during Lindon Days. He also reported on the recent Mayors Open House held at the Fieldstone Development. Chief Cullimore also reported on the issue of the swallows in the ditch at Fieldstone and noted that they are a protected species so they can't harm the birds. They will need a permit from the US Fish and Wildlife to try to remove them. Chief Cullimore reported that the final report on Josh Boren is complete. He noted that the Media has filed GRAMA requests. The reports show the investigation is complete and they will have sit down interviews with the media; the Police Department has no concerns about the procedures that were followed. Chief Cullimore commented that if there are any inquiries to refer them to him.

Chief Cullimore also reported that it was a good collaboration of police work that solved the AmBank robberies with a cooperative effort with the Utah County Sherriff's Department. He noted they are preparing charges to charge the suspects federally. He noted it was very fortunate that no one was hurt worse in these incidents. Chief Cullimore also complimented his department for their diligent efforts in solving the crime.

**Councilmember Hoyt** – Councilmember Hoyt passed out the NUCAS report (North Utah County Animal Shelter) of the assessment for the past fiscal year for the Councils review.

**Councilmember Broderick** – Councilmember Broderick reported that Matt McDonald is willing to be a representative on the Planning Commission and asked if the potential representative are interviewed. Mr. Van Wagenen commented that they do not interview in a formal way but look at geographic locations as to have a fair representation of the city. Mr. Van Wagenen noted that he will contact Mr. McDonald.

**Councilmember Lundberg** – Councilmember Lundberg reported that the Fryer Park path is complete. She noted that she talked to some of the neighbors and the contractor did a great job and did extra work on some adjacent private property and kept the worksite clean and they should be commended. Councilmember Lundberg reported that she also attended the "Forever Green" grand opening and commented that they are a potential good community partner and they have turned the building into a nice use. Councilmember Lundberg also reported that Judy Johns, Lindon resident, would like the option to purchase a cremated size plot vs. a full plot. She inquired if the City has ever

considered having a section of the cemetery designated for cremation, which would use less space; currently we don't accommodate that. She also mentioned the letter sent today from Mr. Arnoff and noted that he made some valid points. Councilmember Lundberg commented that she and Councilmember Bean met today with David Adams, a broker who represents a group of investors who owns 42 acres on 700 north. She noted that Mr. Adams is in alignment with what the city's vision is and he would like to bring a higher end development to the corridor. They also discussed some of the visions the city has for the area and they want to pursue and to get the Council on board. She noted they have a 3 to 5 year plan and they are willing to not "piece mill". There was then some lengthy discussion regarding the 700 north corridor development.

**Mayor Acerson** – Mayor Acerson was absent from the meeting.

#### **Administrator's Report:**

Mr. Van Wagenen reported on the following items:

#### **Misc Updates:**

- June City newsletter is online
- Project Tracking List
- Reminder of Fireworks restrictions. Restriction maps are available on the city website home page
- Mayor's Open House – Great turn-out in the Fieldstone neighborhood
- Jeff W. code compliance update
- Impact fee studies – updates needed. Getting cost estimates from finance and engineering consultants
- Employee performance evaluations, compensation, and benefit study. Outline of expected process.
- Eagle project planned for new flag pole at Fire Station house property
- UTOPIA/UIA Board meeting updates
- Misc. Items: Landfill report from Jerald Hatch; Bicycle/Pedestrian master plan update; Tithing Office variance

#### **Upcoming Meetings & Events:**

- Newsletter Assignment: Councilmember Bean – July newsletter article. *Due by last week in June.*
- June 30<sup>th</sup> at Dusk. Movies in the Park. Meadow Park (1700 W 500 N)
- July 16<sup>th</sup> at Dusk. Movies in the Park. Creekside Park (100 S 600 W)
- Aug 4<sup>th</sup> – 9<sup>th</sup>: Lindon Days festival.
- Aug 5<sup>th</sup> at Dusk – Movies in the Park. City Center Park (200 N State)
- Sept 5<sup>th</sup> at Dusk – Movies in the Park. Citizenship Park (500 N 800 E)

#### **Future Items:**

- Recycling program updates
- Employee Policy Manual updates
- Performance evaluations, compensation, and benefit studies

- Impact Fee and Utilities rate studies
- Economic Development plan/policies

Mayor Pro Tem Powell called for any further comments or discussion from the Council. Hearing none she called for a motion to adjourn.

**Adjourn** –

COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING AT 9:00 P.M. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – July 15, 2014

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Kathryn Moosman, City Recorder

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Randi Powell, Mayor Pro Tem

**Item 4 – Consent Agenda** – *(Consent agenda items are only those which have been discussed beforehand and do not require further discussion)*

- No Items.

**Item 5 – Open Session for Public Comment** *(For items not on the agenda)*

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**6. Discussion Item — Cemetery Policies & Procedures***(30 minutes)*

City staff will provide an overview of Lindon City Cemetery policies and procedures for interment. The Council will also provide feedback and direction to Staff on whether or not to pursue changes to current policies and fees in order to establish smaller plot sizes for infant and urn burials. No official motions will be made.

This item is being reviewed upon inquiry by Councilmember Lundberg, who had received questions from residents regarding desire for reduced fees for infant burials in the Lindon City Cemetery.

Don Peterson, City Public Works Director and City Sexton, along with Adam Cowie, City Administrator, will give a presentation on current cemetery policies and interment procedures. Staff is seeking direction on whether or not to facilitate a city initiated ordinance change to allow smaller cemetery plot sizes at decreased fees. Staff will provide suggestions for accommodating these requests. A current fee schedule for the cemetery is attached. Additional information will be provided at the meeting.

## FEE SCHEDULE

## CEMETERY

ARRANGEMENTS ARE MADE THROUGH PUBLIC WORKS

946 W CENTER ST, 796-7954

**Purchase of Burial Right (Cemetery Plot)**

- Resident \$550.00
- Non-Resident \$1,000.00

There is an option to finance the purchase of Burial Rights for up to 2 years with an 8.0% annual interest charge. Burial Rights must be paid for in full before burial.

**Interment (Opening/Closing Costs)**

No interment is permitted on Sundays, City observed holidays, nor the Saturday before Memorial Day.

- Additional fee for Saturdays/After hours \$275.00  
"After hours" rate applies to funerals starting after 12:30 pm on a regular work day.
- Single-Depth Burial
  - Resident \$250.00
  - Non-Resident \$450.00
- Double-Depth Burial  
Double-depth burials are no longer available; however, double-depth burial rights purchased prior to June 20, 2008 will still be honored.
  - Resident \$300.00
  - Non-Resident \$600.00
- Cremation Burial
  - Resident \$200.00
  - Non-Resident \$300.00

Two urns may be buried in one plot with one headstone for both names.

- Infant Burial
  - Resident \$100.00
  - Non-Resident \$250.00

The reduced interment fee is approved for infant burials if using a 18"-36" casket-vault combination made of hard plastic. The Cemetery Sexton may allow family members to perform the opening/closing and has the discretion to waive the interment fee.

**Transfer of Burial Right \$20.00**

Administrative fee to sell Burial Right back to the City

**Disinterment \$1,400.00**

No disinterment is permitted on the Saturday before Memorial Day.

## 7. Public Hearing — Primo's restaurant, Beer License Application (20 minutes)

James Nebeker with Primo's restaurant requests City Council approval for a Lindon City Beer License at 131 South State Street (formerly Wallaby's). The location of the beer sales does not appear to meet the 600' proximity separation distance from a public school property boundary (Timpanogos Academy). However, the Alcoholic Beverage Control Commission may still grant a State beer license if the City Council consents to a proximity variance to the separation distance requirement. Mr. Nebeker requests approval of the proximity variance from the City Council.

The applicant is seeking to open a new restaurant called Primo's and has applied for a Beer License from the City. Lindon City Code requires a beer license to be approved by the City Council. The City has formally adopted and incorporated the State's Alcoholic and Beverage Control Act as part of its own code (LCC 5.10), with additional local requirements found within LCC 5.08. Within the State code is a provision requiring all alcohol distribution locations to keep a proximity separation distance from any church, school, public park, playground or library. Timpanogos Academy school property is within the proximity distances from the proposed restaurant.

The State code prohibits alcohol distributing locations from being within 200' as measured in a straight line from the nearest entrance of the business to the nearest property boundary of the school. This restriction appears to be met. The code also prohibits locations within 600' as *"measured from the nearest entrance of the outlet (restaurant) by following the shortest route of ordinary pedestrian travel to the property boundary of the community location (school)"*. No definition is given for "ordinary pedestrian travel". As such, the City has interpreted that a route of "ordinary pedestrian travel" includes walking across parking lots or other unobstructed routes and is not limited to sidewalks. Two maps showing possible pedestrian travel routes to different points of the school property are provided and demonstrate that the school property is too close to the proposed alcohol distribution location.

However, State code allows an exception to the separation distance if a public hearing is held and the City Council gives its written consent to grant a variance to the proximity requirements. This is different from a variance to local code that would traditionally be handled by the Board of Adjustment.

If considering approval the City Council should evaluate whether any variance to the proximity distance requirement is detrimental to the public health, peace, safety, and welfare of the community. Notices of the public hearing to consider the applicant's request for a beer license was mailed to all properties within 600' of the business location and also provided to the principal of Timpanogos Academy.

### **Recommended conditions of approval:**

1. Prior to operation of the restaurant in which beer sales and distribution will occur, the applicant shall obtain and provide copies to Lindon City of any required State license(s) from the Utah Department of Alcoholic Beverage Control;
2. The applicant shall obtain and provide copies to Lindon City of any required license, Beer Handler's Permit, or other verification of passed inspections from the Utah County Health Department.

**Sample Motion:** I move to (approve, continue, deny) the request for a retail Beer License at 131 South State Street, with the following conditions:





Pedestrian Path 561 ft.

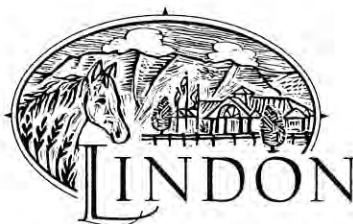
MAIN

100 EAST

STATE

MAIN

Lindon City  
100 North State Street  
Lindon, UT 84042-1808



TEL 801-785-7687  
FAX 801-785-7645  
[www.lindoncity.org](http://www.lindoncity.org)

July 9, 2014

## PUBLIC NOTICE

*You are receiving this notice because records from the Utah County Assessor's Office indicate that you are the applicant, a special district within the City, or own land within 600 feet of the subject property.*

**APPLICANT:** James P. Nebeker, Primo's restaurant

**REQUEST:** The applicant requests City Council approval for a Lindon City Beer License for a new restaurant to be called Primo's. The location of the beer sales does not appear to meet the required 600' proximity separation distance from a public school property boundary (Timpanogos Academy). However, the Alcoholic Beverage Control Commission may grant a State beer license if the City Council consents to a proximity variance to the separation distance requirement. The applicant requests approval of the proximity variance from the City Council in order to allow beer sales at Primo's.

**LOCATION:** The subject property is located at 131 South State Street (formerly Wallaby's restaurant).

**APPLICATION MATERIALS:** The application, all documents and evidence submitted to date by or on behalf of the applicant, and applicable code criteria are available for inspection at the Planning Department at no cost or can be purchased for individual use. Written testimony submitted in advance of a public meeting is encouraged. During public hearings, the City Council reserves the right to limit the time allowed for oral testimony.

**CONTACT:** Lindon City Planning Department at (801) 785-7687.

**TIME & PLACE OF HEARING:** The City Council will hold a public hearing on this item on **Tuesday, July 15, 2014**. The meeting will start at 7:00 p.m. in the Lindon City Center, 100 North State Street, Lindon, UT. Any person having interest in this matter may attend and be heard during a public hearing, or may submit testimony in writing to be entered into the record.

City Codes and ordinances are available on the City web site found at [www.lindoncity.org](http://www.lindoncity.org). The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Kathy Moosman at 785-5043, giving at least 24 hours notice.





# LINDON CITY BEER LICENSE APPLICATION

Name of Business: Primo's

Business Address: 131 So. State Street Lindon Utah

Applicant's Name in Full: James Paul Nebeker

Age & Date of Birth [REDACTED] Social Security Number [REDACTED]

Driver's License No. [REDACTED] Citizenship [REDACTED]

Addresses for the previous five years with dates:

180 Seminole Dr. Evanston Wyo

640 Knotty Pine Evanston Wyo

52 Donner Evanston Wyo

If Applicant is a Company or Corporation, the Names and Addresses of all Partners, and/or Corporate Officers and Directors:

Type of Alcohol Sales License Requested: ☒ Retail Beer License Type \_\_\_\_\_

☐ Seasonal Beer License Type \_\_\_\_\_

Location/Address of Premises to be Licensed: 131 S. State Lindon Utah

An Application Fee of \$300.00 and a License Fee of \$100.00 are submitted herewith.

A cash or corporate surety bond in the amount of \$1000 has been filed with Lindon City as required by Lindon Municipal Code § 5.08.070.

I swear or affirm under oath that the information contained in this application is true and complete.

James Paul Nebeker  
Signature

State of Utah )

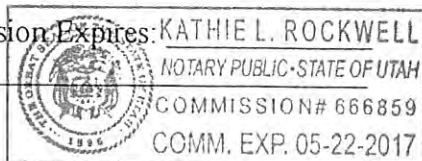
) ss.

County of Utah )

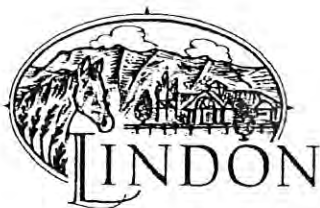
Acknowledged before me on this 7th day of July, 2014, by James Paul Nebeker

My Commission Expires: KATHIE L. ROCKWELL

Residing in: NOTARY PUBLIC - STATE OF UTAH



Kathie L. Rockwell  
Notary Public



## STATEMENT OF BEER LICENSE APPLICANT

Business Name: Primo's

Business Location: 131 South State St. Lindon

Name of Applicant: James Paul Nebeker

I, the undersigned applicant makes the following statements and representations verifying that:

1. I have never been convicted of a state or federal felony.
2. I have never been convicted of a violation of state law or local ordinance relating to alcoholic beverages including a Driving Under the Influence (DUI) offense.
3. I have never been convicted of a crime of moral turpitude.

I acknowledge that any misrepresentation or erroneous information given regarding the above statements is cause for revocation of my Beer License.

James P. Nebeker  
Signature of Applicant

7-7-2014  
Date



**8. Concept Review — 700 North Mater Plan, 700 N. Commercial Corridor** (30 minutes)

David Adams of Catalyst Development, LC requests review of a proposal to rezone and master plan 42 acres along the north side of the 700 N. commercial corridor. The Council will provide feedback on the proposal. No official motions will be made.

See attached info from Planning Director, Hugh Van Wagenen.

## Concept Review — 700 North Master Plan, 700 N. Commercial Corridor

David Adams of Catalyst Development, LC requests review of a proposal to rezone and master plan 42 acres along the north side of the 700 N. commercial corridor. The Council will provide feedback on the proposal. No official motions will be made. 14-025-5.

**Applicant:** David Adams  
**Presenting Staff:** Hugh Van Wagenen

**Type of Decision:** None  
**Council Action Required:** No

### **SUMMARY OF KEY ITEMS**

1. This is a concept review to receive feedback from the City Council regarding the applicant's proposal.

### **MOTION**

No motion necessary.

### **OVERVIEW**

The applicant would like to present ideas, and receive feedback, regarding potential development along the north side of the 700 North corridor between Geneva Road and 1700 West.

### **MOTION**

No motion necessary.

### **ATTACHMENTS**

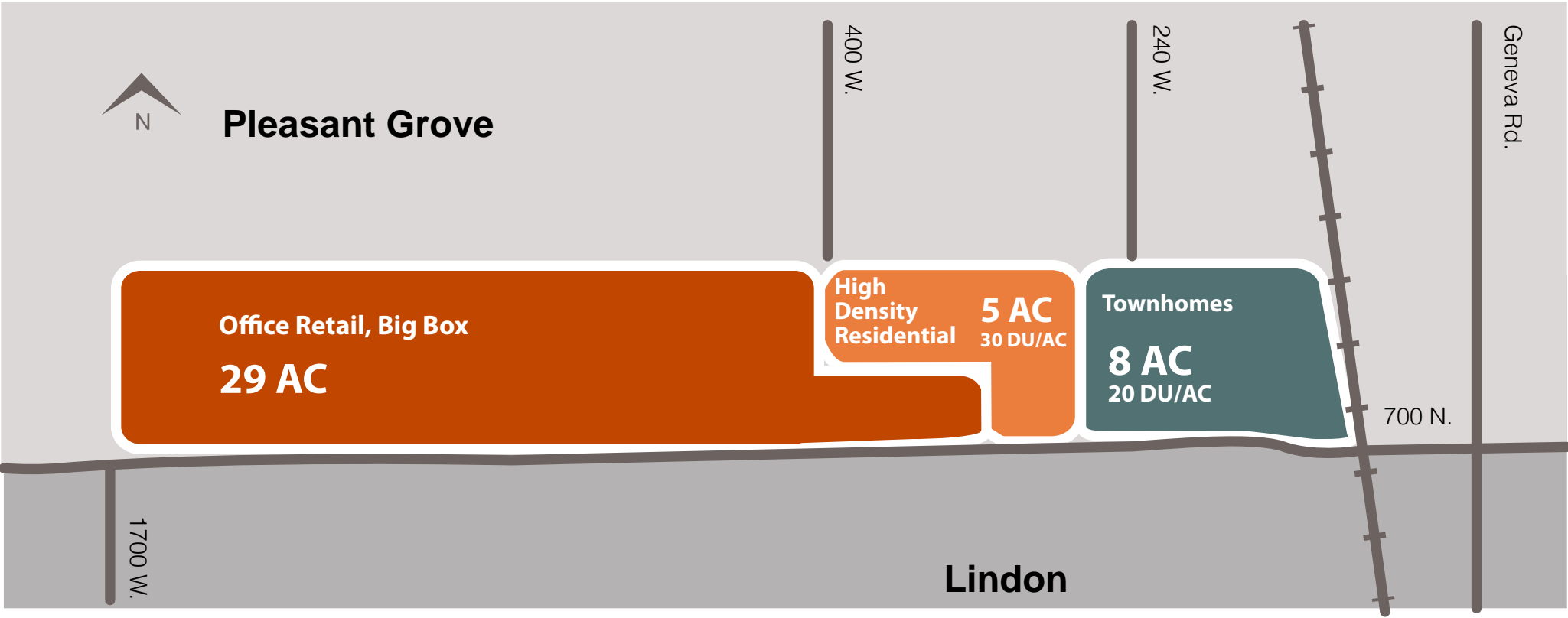
1. Aerial of 700 N. Corridor
2. Concept Land Use Plan

# Attachment 1



# N. Lindon Concept Map

Proposed densities and uses



**9. Concept Review — White Horse Subdivision, Approx. 97 North 400 West** (20 minutes)

Krisel Travis of DR Horton requests review of a proposed subdivision in the R1-20 zone at approximately 97 N. 400 W. The Council will provide feedback on a proposal to create and apply to this subdivision an overlay zone that would provide for flexibility in lot size, while still maintaining overall density of 2 dwelling units/acre. No official motions will be made.

See attached info from Planning Director, Hugh Van Wagenen.



## Concept Review — White Horse Subdivision Approx. 97 North 400 West

Krisel Travis of DR Horton requests review of a proposed subdivision in the R1-20 zone at approximately 97 N. 400 W. The Council will provide feedback on a proposal to create and apply to this subdivision an overlay zone that would provide for flexibility in lot size, while still maintaining overall density of 2 dwelling units/acre. No official motions will be made.

<p><b>Applicant:</b> Krisel Travis on behalf of DR Horton &amp; Scott Mitchell  <b>Presenting Staff:</b> Hugh Van Wagenen</p> <p><b>Type of Decision:</b> None  <b>Council Action Required:</b> No</p>	<p><b><u>SUMMARY OF KEY ITEMS</u></b></p> <ol style="list-style-type: none"> <li>1. This is a concept review to receive feedback from the City Council regarding the applicant's proposal.</li> </ol> <p><b><u>MOTION</u></b>  No motion necessary.</p>
--	---

### **OVERVIEW**

The applicant would like to present ideas, and receive feedback, regarding a potential residential subdivision at approximately 97 North 400 West. The applicant presented an alternative configuration in the May 6, 2014 City Council meeting. This new configuration does not comply with minimum lot size requirements in the R1-20 zone, but it does maintain an average density of 2 dwelling units/acre in accordance with the General Plan.

Accordingly, the applicant would also like to discuss a proposal to create and apply an overlay zone that would permit lot size flexibility in infill situations while maintaining overall average density in the R1-20 zone.

### **MOTION**

No motion necessary.

### **ATTACHMENTS**

1. Aerial of land involved in the proposed development.
2. New concept plan.
3. Concept plan presented on May 6, 2014.

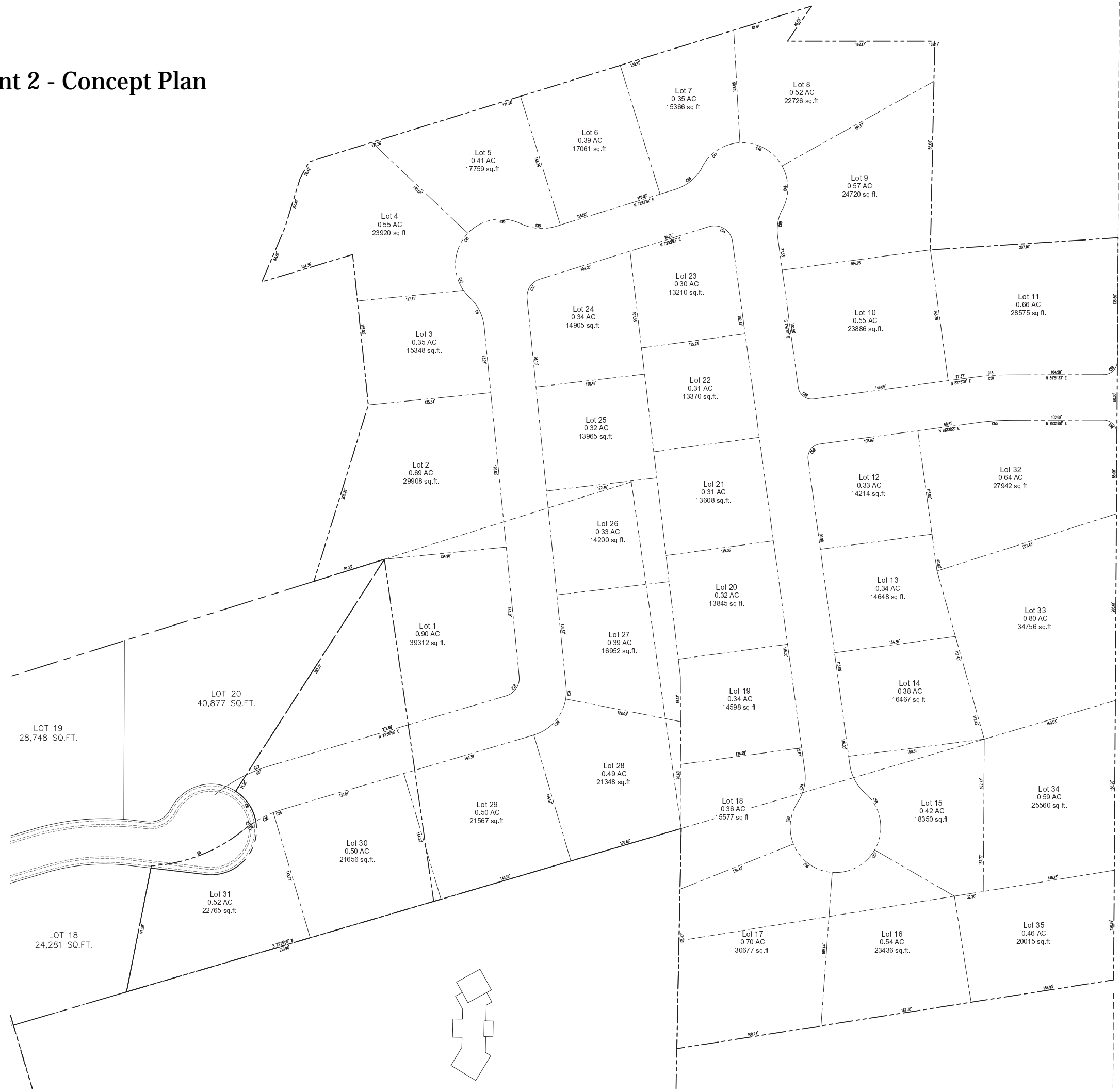


# Attachment 1



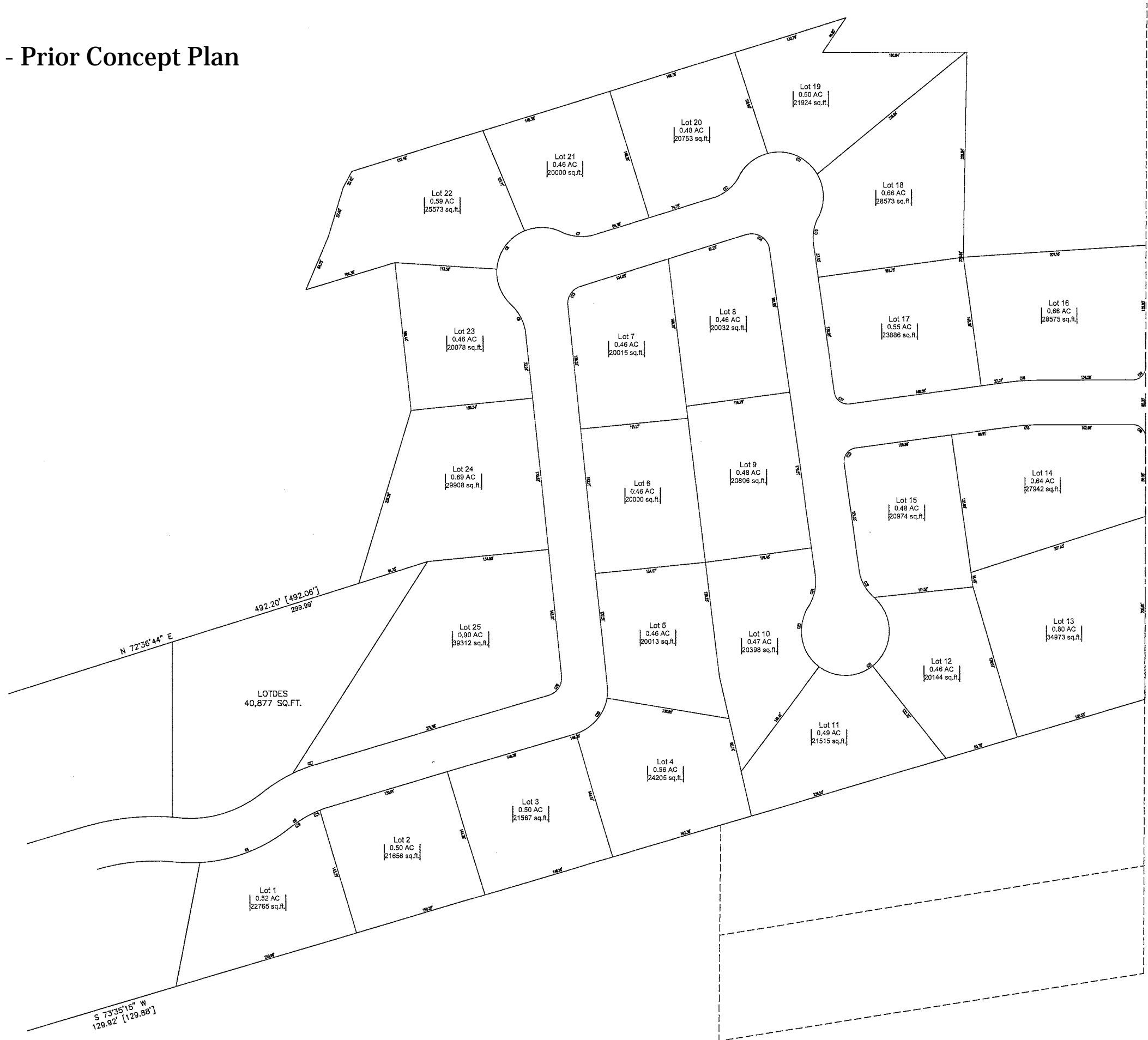


Attachment 2 - Concept Plan





Attachment 3 - Prior Concept Plan



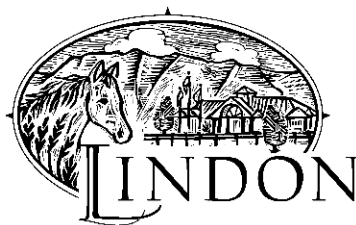
Community Development  
Lindon City  
APR 29 2014  
**RECEIVED**

**10. Review & Action — Appointment of Planning Commissioners** *(5 minutes)*

The City Council will review and consider the appointment of Andrew Skinner and Matt McDonald as new Planning Commissioners. Both individuals are anticipated to serve a full three-year term through July 2017.

See attached info from Planning Director, Hugh Van Wagenen.

Lindon City  
100 North State Street  
Lindon, UT 84042-1808



TEL 801-785-7687  
FAX 801-785-7645  
[www.lindoncity.org](http://www.lindoncity.org)

Andrew Skinner  
1112 East 230 North  
Lindon, Utah 84042

July 16, 2014

Andrew,

On July 15, 2014 the Lindon City Council approved the recommendation of Mayor Acerson to appoint you as a member of the Planning Commission for Lindon City. We hope to have you start participating at meetings beginning on July 22, 2014. It is anticipated that you will serve a full three-year term which will expire the last day of July 2017, or until your respective successor has been appointed.

Meetings are typically held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month, except for meetings that may fall on or near a holiday. A schedule of meetings for 2014 is attached.

We are excited to work with you and appreciate your willingness to serve the City of Lindon and represent the citizens in our community. As a new Planning Commissioner, I would like to meet with you to answer any questions you may have and to review your responsibilities. Please contact me at 801-785-7687 or by email at [hvanwagenen@lindoncity.org](mailto:hvanwagenen@lindoncity.org) to set up a quick meeting before your first Planning Commission meeting.

Sincerely,

---

Hugh Van Wagenen  
Planning Director

---

Jeff Acerson  
Mayor

Lindon City  
100 North State Street  
Lindon, UT 84042-1808



TEL 801-785-7687  
FAX 801-785-7645  
[www.lindoncity.org](http://www.lindoncity.org)

Matt McDonald  
641 North Coulson Drive  
Lindon, Utah 84042

July 16, 2014

Matt,

On July 15, 2014 the Lindon City Council approved the recommendation of Mayor Acerson to appoint you as a member of the Planning Commission for Lindon City. We hope to have you start participating at meetings beginning on July 22, 2014. It is anticipated that you will serve a full three-year term which will expire the last day of July 2017, or until your respective successor has been appointed.

Meetings are typically held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month, except for meetings that may fall on or near a holiday. A schedule of meetings for 2014 is attached.

We are excited to work with you and appreciate your willingness to serve the City of Lindon and represent the citizens in our community. As a new Planning Commissioner, I would like to meet with you to answer any questions you may have and to review your responsibilities. Please contact me at 801-785-7687 or by email at [hvanwagenen@lindoncity.org](mailto:hvanwagenen@lindoncity.org) to set up a quick meeting before your first Planning Commission meeting.

Sincerely,

---

Hugh Van Wagenen  
Planning Director

---

Jeff Acerson  
Mayor

## **II. Review & Action — Utah Infrastructure Agency Assessments**

*(30 minutes)*

On February 27, 2013 the City Council approved Resolution #2013-5-R authorizing payment of monthly operations assessment loans to the Utah Infrastructure Agency (UIA) in order to eliminate such expenses from being funded by UIA bond proceeds. The loans are to be repaid to Lindon with interest. Per the Council's direction, progress reports have been presented at least quarterly and reviewed prior to authorizing payment of additional assessments. On April 1, 2014 the Council authorized payment of the assessment loans from January through June of the 2013-14 fiscal year. The City has received an invoice from UIA for the next three months. The Council will review UIA/UTOPIA performance reports and give staff direction in regards to whether payment of assessment requests received for the months of July, August, and September 2014 in the amount of \$7,223.00 per month should be approved. Past invoice amounts have been paid monthly and not in advance. The estimated monthly assessments have been budgeted for the 2014-15 fiscal year.

The most current progress reports from UTOPIA / UIA are attached. UIA continues to show gradual improvement in revenues and has deployed a significant amount of infrastructure in Lindon since the last OpEx discussions occurred in April. The decisions to deploy new infrastructure in Lindon were made by UTOPIA staff based on best possible return on investment. Lindon City did not have any influence on the deployment of this new infrastructure within Lindon City. See updated service area map.

Given the uncertainty of the Macquarie proposal, participation by the cities in OpEx is critical to sustain the network operations. Budgetary constraints were imposed by the Board of Directors with a limited operating budget provided. The Board extensively discussed areas to cut and reduce costs. While UIA appears to be making progress in accordance with its projected 'sweet-spot plan' proposed in early 2013, it will continue to need OpEx assistance. The plan anticipated a 5-year period of needing OpEx, with a decreasing amount anticipated each quarter. As is, Staff believes UTOPIA's budgetary constraints are significant for the coming fiscal year - and would be crippling without financial assistance.

Most member cities have committed to pay OpEx assessments through September. Murray has never participated in OpEx, but their Mayor indicated in a meeting last week that he felt confident their Council would soon authorize participation in OpEx or some other financial contribution to the network. As far as staff is aware, Payson has never paid any OpEx assessments.

**Sample Motion:** I move to (approve, deny) the UIA Operations Assessment payments for the months of July, August and September 2014 as presented.



2175 S Redwood Road  
West Valley City, UT 84119  
Phone 801-613-3800 Fax 801-908-7225

# INVOICE

INVOICE #100233  
DATE: JULY 1, 2014

**TO:**  
**LINDON CITY**  
100 N State Street  
Lindon City, UT 84042

DESCRIPTION	# MONTHS	RATE	AMOUNT
UIA ASSESSMENT – 2014 - JULY AUGUST SEPTEMBER			\$7,223.00 \$7,223.00 \$7,223.00
TOTAL			\$21,669.00

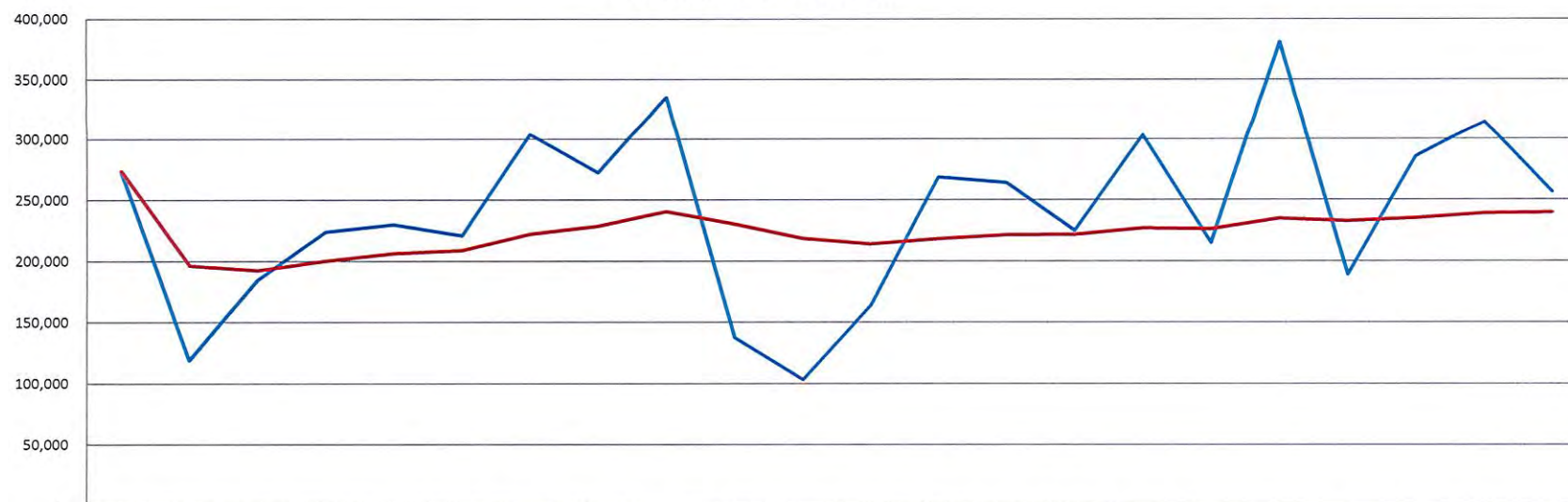
**Make all checks payable and Mail to UIA - C/O Kirt Sudweeks - Total due on Receipt.**

**Thank you for your business!**

**UIA Revenue v. Plan and Bond Obligation thru April 2014**  
**(Monthly Recurring Revenue Only)**



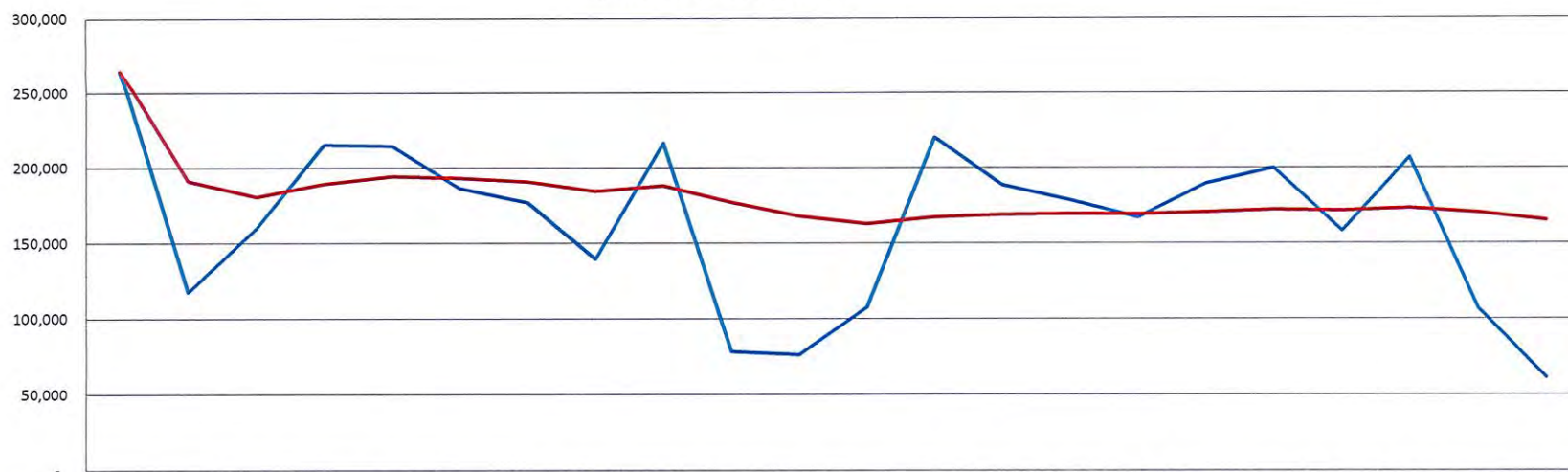
UTOPIA OPEX Shortfall



	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14
Shortfall	273,397	118,809	184,145	223,726	229,538	220,525	303,555	272,036	334,922	137,293	102,799	163,445	268,348	263,681	224,543	302,965	214,624	380,416	188,591	285,003	314,213	255,813
Rolling Average	273,397	196,103	192,117	200,019	205,923	208,357	221,957	228,217	240,073	229,795	218,250	213,683	217,888	221,159	221,384	226,483	225,786	234,376	231,966	234,618	238,408	239,200



**UTOPIA Adj OPEX Shortfall  
(Excludes Litigation)**



	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14
Adj Shortfall	264,686	117,382	159,748	215,065	214,223	186,184	176,673	139,155	216,003	77,918	75,969	107,129	219,741	188,048	178,111	166,780	189,170	199,390	157,637	206,358	106,280	60,716
Adj Rolling Average	264,686	191,034	180,605	189,220	194,221	192,881	190,566	184,139	187,680	176,704	167,546	162,511	166,913	168,423	169,069	168,926	170,117	171,743	171,001	172,769	169,602	164,653

UTOPIA Actual vs Budget																
	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14
<b>Revenue</b>																
Recurring	397,780	402,071	387,035	406,820	417,468	309,913	371,324	369,874	356,789	363,949	361,200	374,012	340,476	359,591	346,726	353,051
Install	-	-	72,650	1,050	350	300	1,050	1,400	-	(250)	(225)	43,400	1,400	5,200	-	200
UIA IRU	76,131	76,461	76,732	77,569	77,758	78,204	79,583	79,321	79,965	80,871	80,707	81,018	81,853	81,590	82,495	82,720
<b>Total Revenue</b>	<b>473,911</b>	<b>478,532</b>	<b>536,417</b>	<b>485,539</b>	<b>495,576</b>	<b>388,417</b>	<b>451,957</b>	<b>450,595</b>	<b>436,754</b>	<b>444,570</b>	<b>441,682</b>	<b>498,430</b>	<b>423,729</b>	<b>446,381</b>	<b>429,221</b>	<b>435,971</b>
<b>Administrative Expense</b>																
Wages / Benefits	357,071	362,381	542,567	327,335	351,206	273,770	376,040	339,568	338,832	308,629	344,848	330,086	334,876	426,938	338,016	280,744
Advertising	1,300	1,200	-	1,300	2,600	1,300	1,300	(200)	1,300	2,560	1,300	45,800	1,300	1,300	-	2,843
Dues / Memberships	62	35	35	25	25	25	25	25	25	25	455	25	25	-	50	25
Supplies	512	562	507	288	652	580	696	707	672	1,258	815	574	903	523	625	121
Licenses	-	-	-	-	-	-	-	-	422	-	-	-	115	-	-	-
Training / Seminars	-	-	-	250	-	-	-	625	50	-	195	334	-	-	-	-
Travel	778	272	472	1,729	5,482	6,877	585	7,024	14,378	3,259	10,583	288	70	577	111	1,053
Meeting Expense	520	196	672	1,536	206	194	780	1,747	1,239	410	761	2,069	503	413	374	428
Bank Service Charges	787	859	824	785	886	826	815	828	801	824	848	163	128	105	113	200
Telecom Expense	13,401	7,973	3,169	5,028	4,352	4,951	5,939	2,330	3,786	9,868	3,451	22,899	3,561	8,082	6,198	6,167
Computer Expense	6,864	6,294	4,049	5,598	2,472	-	2,023	4,043	2,521	6,211	6,363	2,667	5,352	8,208	4,016	4,544
Bad Debt Expense	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Insurance	21,921	15,602	21,127	24,952	8,417	9,655	16,291	16,291	16,291	16,291	15,263	16,164	16,164	16,164	13,484	16,164
Equipment	1,148	873	1,746	1,356	1,672	556	862	3,724	4,078	5,197	229	5,484	1,295	733	1,266	754
Vehicle Expense	(5,027)	3,102	4,177	6,261	4,177	5,633	8,425	7,796	4,148	4,851	4,575	6,613	8,117	5,005	4,083	10,265
Occupancy	13,871	13,899	14,632	13,899	14,659	14,994	14,072	13,899	13,899	13,899	13,899	13,899	13,365	13,831	13,365	13,365
Utilities	5,868	4,165	3,876	3,482	3,759	6,180	4,070	5,718	5,307	4,469	6,389	4,479	4,671	5,459	3,570	4,075
Less Install costs to be cap'd	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Admin Expenses</b>	<b>419,076</b>	<b>417,412</b>	<b>597,852</b>	<b>393,824</b>	<b>400,566</b>	<b>325,541</b>	<b>431,921</b>	<b>404,314</b>	<b>407,747</b>	<b>377,749</b>	<b>409,975</b>	<b>451,543</b>	<b>390,445</b>	<b>487,337</b>	<b>385,271</b>	<b>340,747</b>
<b>Professional Services</b>																
Accounting	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Payroll / HR	712	2,142	814	489	846	1,171	955	1,532	1,648	806	1,498	1,028	712	1,136	1,001	1,161
Public Relations	5,000	5,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
IT Support	-	-	(9,960)	-	-	-	-	-	-	-	(350)	-	-	-	(1,050)	(113)
Legal	137,883	143,881	129,920	70,375	37,830	67,317	79,302	93,419	57,247	158,558	35,845	232,395	46,900	89,351	218,640	216,041
Lobbyists	14,500	21,000	28,772	17,000	18,000	3,250	14,000	13,750	13,500	13,000	13,750	10,000	11,000	17,000	16,125	10,125
Consulting	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contract Labor	3,742	1,000	2,810	2,168	4,830	500	(7,368)	9,415	10,214	12,119	10,556	11,680	12,123	12,530	7,303	8,008
<b>Professional Services</b>	<b>184,837</b>	<b>176,023</b>	<b>155,356</b>	<b>93,031</b>	<b>64,506</b>	<b>75,238</b>	<b>89,889</b>	<b>121,117</b>	<b>85,609</b>	<b>187,484</b>	<b>64,299</b>	<b>258,103</b>	<b>73,735</b>	<b>123,018</b>	<b>245,018</b>	<b>238,222</b>
<b>Total Agency Expense</b>	<b>583,914</b>	<b>583,435</b>	<b>753,208</b>	<b>486,855</b>	<b>465,072</b>	<b>400,778</b>	<b>521,811</b>	<b>525,431</b>	<b>493,356</b>	<b>565,233</b>	<b>474,274</b>	<b>709,646</b>	<b>464,181</b>	<b>610,355</b>	<b>630,289</b>	<b>578,969</b>
<b>Network Management</b>																
Asset Management	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Head End	34,253	34,782	36,593	29,397	25,995	16,423	31,097	34,538	29,549	31,353	32,477	44,450	29,680	35,435	28,431	28,585
Field Maintenance	59,371	46,426	38,215	47,490	40,613	112,170	90,524	78,791	63,080	80,943	70,752	60,115	52,696	24,211	28,010	41,892
Electronic Maintenance	9,753	13,600	(1,570)	4,493	3,708	10,000	13,490	14,716	13,235	11,495	13,491	10,775	3,391	3,371	3,371	4,452
Colocation Fees	49,994	38,011	30,683	25,231	33,597	12,491	38,025	38,025	23,025	32,167	34,767	34,092	33,642	32,422	30,406	38,099
Interconnect Fees	13,978	13,906	(545)	14,205	14,229	-	14,199	13,649	16,908	15,948	14,448	9,648	10,355	13,072	10,597	6,518
Easements	26,204	10,407	14,754	15,161	15,161	-	11,159	9,125	22,142	10,397	16,097	10,120	18,376	12,518	12,331	(6,732)
<b>Network Management</b>	<b>193,553</b>	<b>157,132</b>	<b>118,131</b>	<b>135,977</b>	<b>133,303</b>	<b>151,084</b>	<b>198,494</b>	<b>188,845</b>	<b>167,940</b>	<b>182,302</b>	<b>182,032</b>	<b>169,200</b>	<b>148,140</b>	<b>121,029</b>	<b>113,145</b>	<b>112,815</b>
<b>Total Operating Expenses</b>	<b>777,466</b>	<b>750,567</b>	<b>871,339</b>	<b>622,832</b>	<b>598,375</b>	<b>551,863</b>	<b>720,305</b>	<b>714,276</b>	<b>661,296</b>	<b>747,535</b>	<b>656,306</b>	<b>878,846</b>	<b>612,320</b>	<b>731,384</b>	<b>743,434</b>	<b>691,784</b>
<b>Operating Profit (Loss)</b>	<b>(303,555)</b>	<b>(272,036)</b>	<b>(334,922)</b>	<b>(137,293)</b>	<b>(102,799)</b>	<b>(163,445)</b>	<b>(268,348)</b>	<b>(263,681)</b>	<b>(224,543)</b>	<b>(302,965)</b>	<b>(214,624)</b>	<b>(380,416)</b>	<b>(188,591)</b>	<b>(285,003)</b>	<b>(314,213)</b>	<b>(255,813)</b>
<b>Other Income / Expense</b>																
Depreciation	377,186	377,186	376,745	376,745	376,745	1,576,000	389,196	376,621	401,373	388,692	388,692	387,963	387,963	387,963	387,878	387,742
Misc Expense	-	(250)	-	-	-	-	-	-	-	-	-	-	-	-	(8,000)	(550)
Interest Income	-	(19)	(38)	(19)	(19)	(19)	(19)	(19)	(19)	(19)	(18)	(37)	(18)	(18)	(18)	(18)
Other Income	(777,695)	(576,245)	(433,167)	(649,621)	(949,393)	(404,693)	(456,198)	(271,980)	(51,619)	(551,261)	(278,858)	(266)	-	(1,197)	-	-
Interest Expense	1,070,413	1,070,413	1,073,831	1,070,413	1,070,413	1,070,413	1,091,388	1,091,388	1,091,388	1,091,388	1,084,361	1,085,411	1,091,388	1,094,738	1,091,388	1,091,388
Amort Bond Issue Costs	9,161	9,161	9,161	9,161	9,161	9,161	9,161	9,161	9,161	9,161	9,161	9,161	9,161	9,161	9,161	9,161
<b>Total Other Income / Expense</b>	<b>679,065</b>	<b>880,247</b>	<b>1,026,533</b>	<b>806,679</b>	<b>506,907</b>	<b>2,250,863</b>	<b>1,033,528</b>	<b>1,205,172</b>	<b>1,450,285</b>	<b>937,962</b>	<b>1,203,337</b>	<b>1,482,232</b>	<b>1,488,484</b>	<b>1,490,647</b>	<b>1,480,409</b>	<b>1,487,723</b>
<b>Net Income</b>	<b>(982,620)</b>	<b>(1,152,283)</b>	<b>(1,361,455)</b>	<b>(943,972)</b>	<b>(609,706)</b>	<b>(2,414,308)</b>	<b>(1,301,876)</b>	<b>(1,468,853)</b>	<b>(1,674,828)</b>	<b>(1,240,927)</b>	<b>(1,417,961)</b>	<b>(1,862,649)</b>	<b>(1,677,085)</b>	<b>(1,775,650)</b>	<b>(1,794,621)</b>	<b>(1,743,536)</b>
<b>Operating Profit (Loss)</b>	<b>(303,555)</b>	<b>(272,036)</b>	<b>(334,922)</b>	<b>(137,293)</b>	<b>(102,799)</b>	<b>(163,445)</b>	<b>(268,348)</b>	<b>(263,681)</b>	<b>(224,543)</b>	<b>(302,965)</b>	<b>(214,624)</b>	<b>(380,416)</b>	<b>(188,591)</b>	<b>(285,003)</b>	<b>(314,213)</b>	<b>(255,813)</b>
<b>Adjustments</b>																
Legal	126,883	132,881	118,920	59,375	26,830	56,317	48,607	75,633	46,432	136,185	25,453	181,026	30,954	78,645	207,933	195,097
<b>Oper Profit (Loss) adj for Litigation</b>	<b>(176,673)</b>	<b>(139,155)</b>	<b>(216,003)</b>	<b>(77,918)</b>	<b>(75,969)</b>	<b>(107,129)</b>	<b>(219,741)</b>	<b>(188,048)</b>	<b>(178,111)</b>	<b>(166,780)</b>	<b>(189,170)</b>	<b>(199,390)</b>	<b>(157,637)</b>	<b>(206,358)</b>	<b>(106,280)</b>	<b>(60,716)</b>

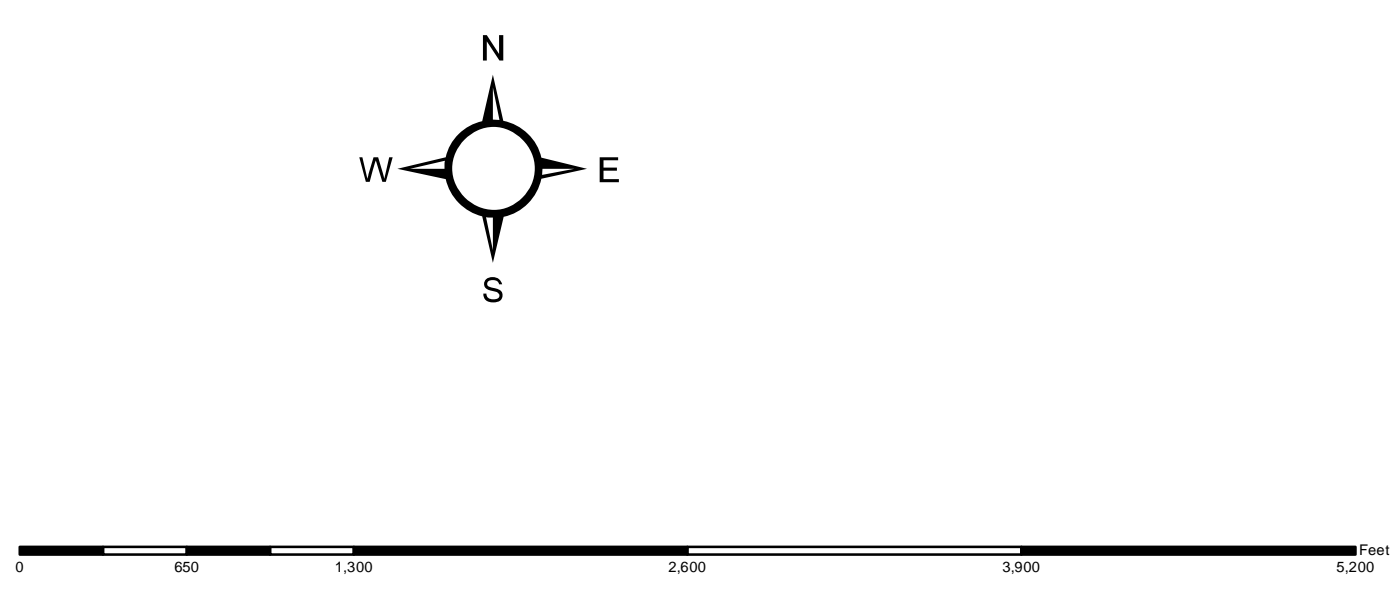
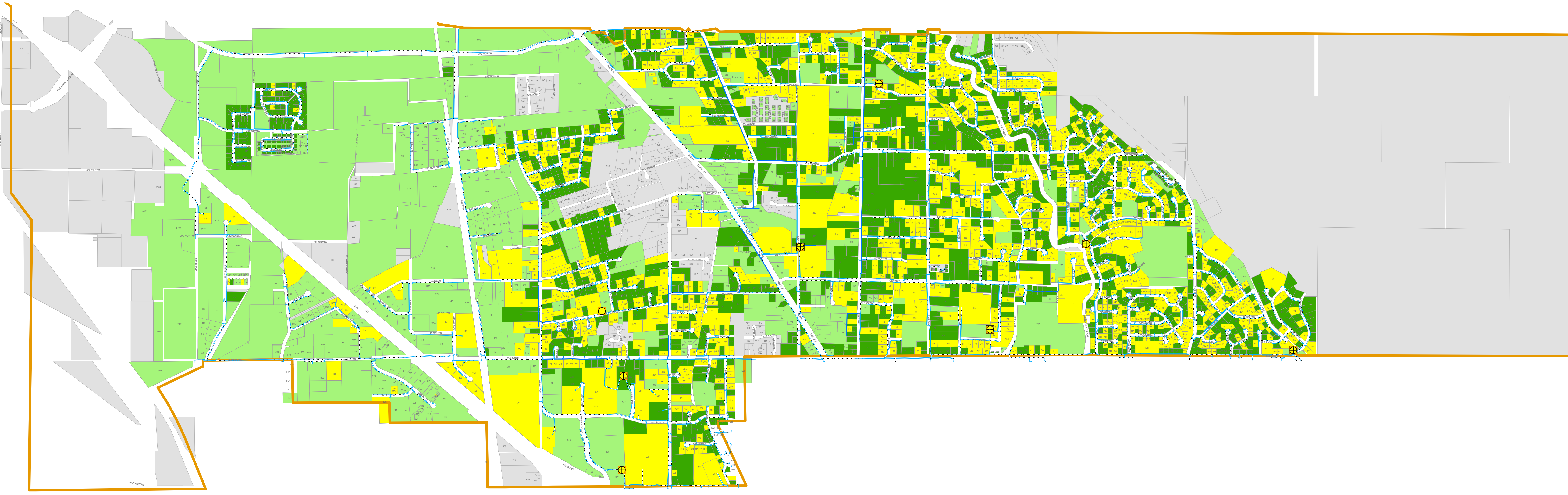
## Network Build Out Overview- June 2014







Grand Total	11564	44909	26224	85196	156329	0.0%	28.7%	16.8%	54.5%
City Parcels	Active Services	GREEN Parcels	YELLOW Parcels	RED Parcels	Parcel Total	Marketable Take Rate (Active / Green)	% of City That Can Connect	% of City That Can Connect With Additional Construction	% of City That Has No Mainline
BRIGHAM CITY	1264	4214	2218	378	6810	30.0%	62%	33%	6%
CENTERVILLE	1190	4476	1022	14	5512	26.6%	81%	19%	0%
LAYTON	500	2405	2822	18655	23882	20.8%	10%	12%	78%
LINDON	1174	2713	491	506	3710	43.3%	73%	13%	14%
MIDVALE	554	2923	4710	4986	12619	19.0%	23%	37%	40%
MURRAY	2086	8584	6265	7216	22065	24.3%	39%	28%	33%
OREM	3098	10589	3689	16248	30526	29.3%	35%	12%	53%
PAYSON	539	2233	333	3491	6057	24.1%	37%	5%	58%
PERRY	2	3	3	1616	1622	66.7%	0%	0%	100%
TREMONTON	284	2256	544	109	2909	12.6%	78%	19%	4%
WEST VALLEY CITY	615	4513	4127	31977	40617	13.6%	11%	10%	79%
OTHER	258								

Terms	
Active Services	The # of service orders placed on parcels
GREEN Parcels	Parcels that could connect if inquired for services
YELLOW Parcels	Parcels that could connect with additional drop level construction, engineering, cabinet electronics etc.
RED Parcels	Parcels that can NOT connect due to lack of local drop, mainline backbone fiber, and cabinet electronics



Lindon Marketable Addresses  
6-5-14



-  CABINETS
-  OVERHEAD
-  UNDERGROUND
-  ORDERABLE
-  AVAILABLE
-  ACTIVE CUSTOMER



## 12. **Council Reports:**

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*(20 minutes)*

- |  |                    |
|--|--------------------|
| A) MAG, COG, UIA, Utah Lake, ULCT, Budget Committee                            | - Jeff Acerson     |
| B) Public Works, Irrigation/water, City Buildings                              | - Van Broderick    |
| C) Planning, BD of Adjustments, General Plan, Budget Committee                 | - Matt Bean        |
| D) Parks & Recreation, Trails, Tree Board, Cemetery                            | - Carolyn Lundberg |
| E) Administration, Com Center Board, Lindon Days, Chamber of Commerce          | - Randi Powell     |
| F) Public Safety, Court, Animal Control, Historic Commission, Budget Committee | - Jacob Hoyt       |

### 13. **Administrator's Report:**

(20 minutes)

#### **Misc Updates:**

- July City newsletter: <http://siterepository.s3.amazonaws.com/442/july14finalnewsletter.pdf>
- Project Tracking List
- Reminder of Fireworks restrictions. Restriction maps available on city web page
  - Total city-wide restrictions map: [http://siterepository.s3.amazonaws.com/442/citywide\\_fireworks\\_restriction\\_2014.pdf](http://siterepository.s3.amazonaws.com/442/citywide_fireworks_restriction_2014.pdf)
  - East-bench / foothills restrictions map: [http://siterepository.s3.amazonaws.com/442/foothills\\_fireworks\\_restriction\\_2014.pdf](http://siterepository.s3.amazonaws.com/442/foothills_fireworks_restriction_2014.pdf)
- National Packing Solutions – zone & general plan change
- Jeff W. code compliance update
- Impact fee studies – updates needed. Getting cost estimates from finance and engineering consultants
- Employee performance evaluations, compensation, and benefit study. Outline of expected process.
- Shirts, lanyards, business cards
- Tithing Office variance approved by BOA. City will list property for sale.
- Accident report.
- Misc. Items:

#### **Upcoming Meetings & Events:**

- Newsletter Assignment: **Randi** - September newsletter article. *Due by last week in August.*
- July 16<sup>th</sup> @ Dusk. Movies in the Park. Creekside Park (100 S 600 W)
- Aug 4<sup>th</sup>-9<sup>th</sup> – Lindon Days festival. **All Council members**
- Aug 5<sup>th</sup> @ Dusk – Movies in the Park. City Center Park (200 N State)
- Sept 5<sup>th</sup> @ Dusk – Movies in the Park. Citizenship Park (500 N 800 E)
- Sept 10<sup>th</sup> – 12<sup>th</sup> – Utah League of Cities & Towns fall conference in SLC
- Sept 12<sup>th</sup> – Bike tour of Boulder, CO: **Mayor, Carolyn**
- Sept 15<sup>th</sup> - “Drill Down for Safety”, Monday evening Community Emergency Preparedness exercise. **All Council members** should report to block captains, then come to City Center for training.
- Sept 23<sup>rd</sup>, 1:00pm to 3:00pm – Utah Co. Health Dept, Vaccination Clinic at Lindon City Offices (available to all public)

#### **Future items:**

- Recycling program updates
- Employee Policy Manual updates
- Performance evaluations, compensation, and benefit studies
- Impact Fee and Utilities rate studies
- Economic Development plan / policies

## Adjourn

As of June 26, 2014

## PROJECT TRACKING LIST

1 of 2

APPLICATION NAME	APPLICATION DATE	APPLICANT INFORMATION	PLANNING COMM.	CITY COUNCIL
			DATE	DATE
<b>Ordinance changes: LCC 17.38 'Bonds for Completion of Improvements to Real Property'</b>	January 2014	City Initiated	Mar. 11	TBD
<i>City initiated ordinance changes needed to bring code into compliance with current practices and State laws.</i>				
<b>Zone Change: Old Town Square</b>	Feb 1, 2012	Scott Larsen	Feb. 14, continued	Pending
<i>Request for approval of a zone change for two parcels located at 873 West Center Street from R1-20 (Residential Low) to LI (Light Industrial).</i>				
<b>Property Line Adjustment: LBA Rentals</b>	Mar 12, 2012	Lois Bown-Atheling	N/A	N/A
<i>Request for approval of a property line adjustment to clean up existing parcels lines for five parcels in the CG zone at 162 &amp; 140 South Main Street. This project is in conjunction with the Castle Park project.</i>				
<b>Ordinance changes: LCC 17.32, 17.58, 17.66.020 'Subdivisions'</b>	Nov. 2012	City Initiated	Nov. 13, Dec. 11, Jan. 8, Jan. 22	TBD
<i>City initiated ordinance changes needed to bring code into compliance with current practices and State laws.</i>				
<b>Site Plan: Lindon Senior Apartments</b>	Sept. 2013	Matt Gneiting	TBD	TBD
<i>Request for site plan approval for senior housing apartments on State &amp; Main</i>				
<b>Phased Subdivision: Highlands @ Bald Mountain</b>	March 2014	Chad Clifford	N/A	N/A
<i>Application for Phase II of the Highlands @ Bald Mountain Subdivision. Because the entire subdivision was approved, this phase only requires staff approval.</i>				
<b>Temp Site Plan: Sugar Sweet Produce</b>	May 2014	Chris Jackson	N/A	N/A
<i>Season produce stand on the corner of 400 North and State Street.</i>				
<b>Concept Review: American Legacy Publishing</b>	June 2014	Kevin Carter	June 10	TBD
<i>Request to review a proposal to construct a 500 (five-hundred) foot flag pole in Lindon at a site TBD.</i>				
<b>Amended Site Plan: Wasatch Ornamental Iron</b>	June 2014	Melvin Radmall	N/A	N/A
<i>Request for staff approval of a 16x18 machine cover in the LI zone located at 310 North Geneva Road.</i>				
<b>Site Plan: Noah's Life</b>	June 2014	Shaun Young	July 8	N/A
<i>Request for approval of a site for a reception center located at 1976 W 700 N in the CG zone.</i>				
<b>Plat Amendment: Noah's Life</b>	June 2014	Shaun Young	July 8	N/A
<i>Request for approval of a two lot plat amendment located at 1976 W 700 N in the CG zone.</i>				
<b>NOTE: This Project Tracking List is for reference purposes only. All application review dates are subject to change.</b>				
<b>PC / CC Approved Projects - Working through final staff &amp; engineering reviews (site plans have not been finalized - or plat has not recorded yet):</b>				
Stableridge Plat D	Tim Clyde – R2 Project		Old Station Square Lots 11 & 12	
AM Bank – Site Plan	Joyner Business Park, Lot 9 Site Plan		Olsen Industrial Park Sub, Plat A (Sunroc)	
Lindon Gateway II	Freeway Business Park II		Lindon Harbor Industrial Park II	
West Meadows Industrial Sub (Williamson Subdivision Plat A)	Keetch Estates Plat A		Murdock Hyundai Site Plan	
Craig Olsen Site Plan	Valdez Painting Site Plan		Eastlake @ Geneva North Sub.	
LCD Business Center	Avalon Senior Living Site Plan		Murdock Hyundai Plat Amendment	
Lindon Business Park Plat C	Maxine Meadows Subdivision		Green Valley Subdivision	
Long Orchard Subdivision	Taco Bell Site Plan		Highlands @ Bald Mountain Phased Sub	
Old Rail Estates Subdivision	Woods Crane Service Site Plan		Lakeside Business Park Plat A	
Interstate Gratings Site Plan	Sonic Plastics Site Plan			

Board of Adjustment		
Applicant	Application Date	Meeting Date

Annual Reviews				
APPLICATION NAME	APPLICATION DATE	APPLICANT INFORMATION	PLANNING COMM.	CITY COUNCIL
			DATE	DATE
<b>Annual review - Lindon Care Center</b> <b>680 North State Street (File # 05.0383.8)</b> <a href="mailto:administrator@lindoncare.com">administrator@lindoncare.com</a>	Existing use.	Lindon Care Center Manager: Christine Christensen 801-372-1970.	<b>March 2015</b> Last Reviewed: 3/14	N/A
Annual review of care center to ensure conformance with City Code. Care center is a pre-existing use in the CG zone.				
<b>Annual review of CUP - Housing Authority of Utah County - Group home. 365 E. 400 N. (File # 03.0213.1)</b> <a href="mailto:lsmith@housinguc.org">lsmith@housinguc.org</a>	Existing CUP	Housing Auth. Of Utah County Director: Lynell Smith 801-373-8333.	<b>March 2015</b> Last Reviewed: 3/14	N/A
Annual review of CUP to ensure conformance with City Code. Group home at entrance to Hollow Park was permitted for up to 3 disabled persons.				
<b>Heritage Youth Services - Timpview Residential Treatment Center. 200 N. Anderson Ln. (File # 05.0345)</b> <a href="mailto:info@heritageyouth.com">info@heritageyouth.com</a> <a href="mailto:info@birdseyertc.com">info@birdseyertc.com</a>	Existing CUP	HYS: Corbin Linde, Lynn Loftin 801-798-8949 or 798-9077	<b>March 2015</b> Last Reviewed: 3/14	N/A
Annual review required by PC to ensure CUP conditions are being met. Juvenile group home is permitted for up to 12 youth (16 for Timp RTC) not over the age of 18.				

Grant Applications	
Pending	Awarded
<b>Bikes Belong</b> - Trail construction grant. Requested amount: \$10,000 Status: NOT SELECTED FOR 2010. WILL RE-APPLY IN 2014.	<b>MAG Bicycle Master Plan Study</b> Awarded funds to hire consultant to develop bicycle master plan to increase safety and ridership throughout the city.
<b>Land and Water</b> - Trail construction grant. Requested amount: \$200,000 Status: NOT SELECTED. RE-APPLY IN 2014.	<b>Utah Heritage Foundation</b> - Lindon Senior Center Awarded 2013 Heritage Award in the Category of Adaptive Use Project.
<b>Hazard Mitigation Grant / MAG Disaster Relief Funds-</b> (pipe main ditch)	<b>CDBG 2013 Grant</b> - Senior Center Van (\$50,000). Funds dispersed July 2013
<b>FEMA Hazard Mitigation Grant</b> - (pipe Main Ditch)	<b>EDC Utah 2014</b> - Awarded matching grant to attend ICSC Intermountain States Idea Exchange 2014.
	<b>CDBG 2014 Grant</b> - Senior Center Computer Lab (\$19,000)

Planning Dept - Projects and Committees			
On-going activities (2014 yearly totals)	Misc. projects	UDOT / MAG projects	Committees
Building permits Issued: 92 New residential units: 22	2010-15 General Plan implementation (zoning, Ag land inventory, etc.)	700 North CDA	Utah Lake Commission Technical Committee: Bi-Monthly
New business licenses: 45	Lindon Hollow Creek-Corps of Eng., ditch relocation	Lindon Bicycle Master Plan	MAG Technical Advisory Committee: Monthly
Land Use Applications: 24 Drug-free zone maps: 14	Lindon Heritage Trail Phase 3 Gateway RDA improvements		Lindon Historic Preservation Commission: Bimonthly North Utah County Transit Study Committee Monthly