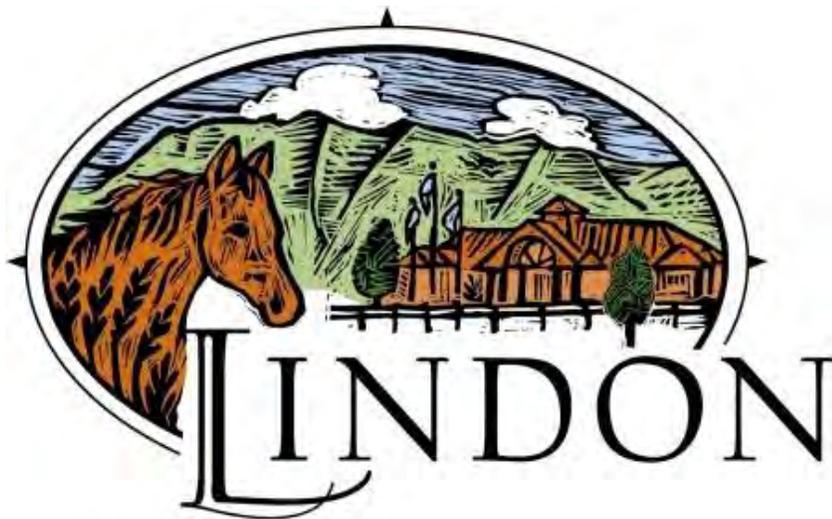


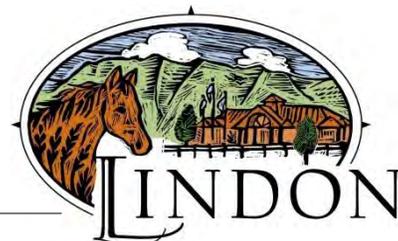
Lindon City Council Staff Report



The City of Lindon
Administration Department

February 4, 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, February 4, 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: Matt Bean, Mayor pro tempore

Pledge of Allegiance: By Invitation
Invocation: Jake Hoyt

(Review times are estimates only)

1. **Call to Order / Roll Call** (5 minutes)
2. **Presentations and Announcements** (25 minutes)
 - a) Comments / Announcements from Mayor and Council members.
 - b) UTAH HONOR FLIGHT – Robert Franson, with Utah Honor Flight, will present information to inform the Council regarding this non-profit organization created to honor America's veterans for all their sacrifices by transporting them to Washington, D.C. to visit and reflect at national veteran's memorials.
 - c) PROCLAMATION: NON-TRADITIONAL STUDENT AWARENESS WEEK – Representatives from Utah Valley University will provide information on promoting non-traditional students to pursue post-secondary opportunities, and have requested that the Mayor declare by proclamation the week of Feb 24th to March 1st as "Non-Traditional Student Awareness Week".
3. **Approval of minutes from January 15, 2013 and January 21, 2013** (5 minutes)
4. **Consent Agenda** – No Items
5. **Open Session for Public Comment** (For items not on the agenda) (10 minutes)
6. **Review & Action — Major Subdivision: Long Orchard** (30 minutes)
This is a request by Bryon Prince, on behalf of Ivory Development, for approval of an eleven (11) lot subdivision located at approximately 400 East and 170 South on approximately 6.7 acres in the Residential Single Family (R1-20) zone. The Planning Commission recommends approval.
7. **Review & Action — Appeal of Decision Regarding Storm Water Utility Fee** (30 minutes)
The Council will review and consider an appeal by Leonard Lee, with LA LEE ENTERPRISES, of an administrative denial of a request for a 50% credit and/or refund of storm water utility fees paid from October 1997 through December 2013 for the properties located at 115 South State Street and 119 South State Street.
8. **Public Hearing — Ordinance Amendments – Fencing Standards (Ord. #2014-7-O)** (20 minutes)
This is a Planning Commission initiated request to amend fencing standards in Lindon City Code 17.48.040 "Fencing and Screening" and 17.48.100(4) "Landscaping", to remove the requirement that landscaping along street frontages in the Commercial zones must contain 3-rail white vinyl fencing. The Planning Commission recommends approval.
9. **Public Hearing — Ordinance Amendment, Commercial Design Guidelines – Fencing Standards (Ord. #2014-8-O)** (10 minutes)
This is a Planning Commission initiated request to amend the Lindon City Commercial Design Guidelines to encourage, instead of require, the installation of white vinyl fencing in commercial zones. The Planning Commission recommends approval.
10. **Discussion Item — Procedure for Council Vacancy Interviews and Appointment** (20 minutes)
The Council and Staff will discuss the procedure for interviewing applicants and filling the Council vacancy at the February 18, 2014 Council meeting. Mayor Jeff Acerson will be participating in this discussion item by teleconference.

11. 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 - (vacant)
- E) Administration, Com Center Board, Lindon Days, Chamber of Commerce - Randi Powell
- F) Public Safety, Court, Animal Control, Historic Commission, Budget Committee - Jacob Hoyt

12. 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. 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: Adam Cowie
Time: ~5:00 p.m.

Date: January 31, 2014
Place: Lindon City Center, Lindon Police Dept, Lindon Community Center

REGULAR SESSION – 7:00 P.M. - Conducting: Matt Bean, Mayor pro tempore

Pledge of Allegiance: By Invitation

Invocation: Jake Hoyt

Item 1 – Call to Order / Roll Call

January 21, 2014 Lindon City Council meeting.

Jeff Acerson
Matt Bean
Van Broderick
Jake Hoyt
Randi Powell

Staff present: _____

Item 2 – Presentations and Announcements

- a) Comments / Announcements from Mayor and Council members.
- b) UTAH HONOR FLIGHT – Robert Franson, with Utah Honor Flight, will present information to inform the Council regarding this non-profit organization created to honor America's veterans for all their sacrifices by transporting them to Washington, D.C. to visit and reflect at national veteran's memorials.
- c) PROCLAMATION: NON-TRADITIONAL STUDENT AWARENESS WEEK – Representatives from Utah Valley University will provide information on promoting non-traditional students to pursue post-secondary opportunities, and have requested that the Mayor declare by proclamation the week of Feb 24th to March 1st as "Non-Traditional Student Awareness Week".

Lindon City Proclamation
Non-Traditional Student Awareness Week
February 24th – March 1st, 2014

Whereas, Governor Herbert’s Education Excellence: 2020 Vision Comprehensive Action Plan has set a goal to increase the amount of citizens who earn a post-secondary degree or certificate, and

Whereas, Governor Herbert’s goal is that at least 66% of Utahns ages 20 to 64 will have a post-secondary degree or certificate ensuring a well-educated citizenry and workforce that meet the needs of Utah employers, which will lead to greater economic prosperity and a better quality of life for all Utahns, and

Whereas, Utah Valley University (UVU) is participating in this initiative by hosting the 1st Annual Non-Traditional Student Mini-Conference on Saturday, March 1st from 8-2pm at Utah Valley University in the Sorensen Student Center Ballroom, and

Whereas, the conference will help the Non-Traditional Student overcome obstacles that stand in the way of receiving a degree by providing information and opportunities for the non-traditional student to pursue a post-secondary education, and

Whereas, it is most appropriate that we recognize the efforts of UVU to retain and/or enhance education opportunities for adult learners, and encourage Lindon City citizens to participate in supporting this initiative.

Now, Therefore, I, *Matt Bean*, Mayor pro tempore of Lindon City, do hereby recognize the week of February 24th through March 1st, 2014, as “**Non-Traditional Student Awareness Week**” within Lindon City and extend invitation to all citizens to participate and support this effort.

Dated this 4th day of February, 2014

By _____
Matt Bean, Mayor pro tempore

Attest:

By _____
Kathryn A. Moosman, City Recorder

SEAL:

Item 3 – Approval of Minutes

- Review and approval of City Council minutes from **January 15, 2014** and **January 21, 2014**.

(See attached draft minutes)

The Lindon City Council held a Work Session on **Tuesday, January 15, 2014 at 4:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

WORK SESSION – 4:00 P.M.

Conducting: Jeff Acerson, Mayor

PRESENT

ABSENT

- Jeff Acerson, Mayor
- Matt Bean, Councilmember
- Randi Powell, Councilmember
- Van Broderick, Councilmember
- Jacob Hoyt, Councilmember
- Adam Cowie, City Administrator
- Brian Haws, City Attorney
- Kathryn Moosman, City Recorder

1. Call to Order/Roll Call – The meeting was called to order at 4:05 p.m.

CURRENT BUSINESS

2. Discussion Item – *UTOPIA, Macquarie – public/private partnership.* The Lindon City Council will meet with City staff and UTOPIA representatives to review the public portions of the Pre-Development Agreement (PDA between UTOPIA and Macquarie Infrastructure developments LLC (Macquarie) and discuss Lindon’s potential participation and /or commitment in further development of the public/private partnership. No motions or decisions will be made. No public comment will be taken.

Adam Cowie, City Administrator, opened the discussion by giving a brief summary of this discussion item. Mr. Cowie explained this issue is intended to be discussion item in a public setting to discuss a pre-development agreement (PDA) between UTOPIA and Macquarie Infrastructure developments LLC and discuss Lindon’s potential participation and /or commitment in further development of the public/private partnership. Mr. Cowie stated that Nick Hann (representing Macquarie) and Wayne Pyle (Utopia Chair) are in attendance to answer any questions. He noted that Jamie Davidson (Orem City Manager) was also in attendance. Mr. Cowie commented that he prepared a list of questions from the last discussion held with Todd Marriott and Dave Shaw and thought it would be beneficial to address those questions today. Mr. Cowie added that after the Utopia meeting this morning he thought it would be beneficial for Mr. Hann to open the discussion by giving a little background information on Macquarie and to explore that route to get to know them better as a potential owner/operator of the network.

2 Mr. Hann addressed the Council at this time. He thanked the Council for the
 4 opportunity to speak with them tonight. He commented that he is the Senior Managing
 6 Director for Macquarie Infrastructure Developments LLC. He explained that Macquarie
 8 is an Australian headquarters financial services group located in Australia. They are a
 management company and they have been in the United States for well over 20 years
 with over 15,000 Macquarie employees with 6,500 of those employees located in the
 United States and Canada. Mr. Hann further explained that Macquarie is a financial
 services firm that covers a wide variety of areas and they are publicly listed on the
 Australian Stock Exchange and are a very widely held institutional stock.

10 Mr. Hann went on to say that Macquarie is better known as an infrastructure
 12 investor of private investment in public infrastructure (PPP or P3). The Company started
 14 in that business over 20 years ago and they were the first financial institution to become a
 principle investor in public infrastructure assets, i.e., roads, airports, water, electric and
 16 gas utilities and telecommunications infrastructure. He added that increasingly around the
 world they have also invested in social infrastructures such as prisons, hospitals,
 courthouses and schools. Mr. Hann mentioned that around the world they now manage
 18 investments of 55 billion US dollars in those types of infrastructure and provide essential
 service infrastructure to 100 million people around the world daily, with the United States
 being the most significantly invested in. Mr. Hann explained the United States has a long
 20 history of private utilities, and Macquarie is the majority owner of utilities such as Puget
 Energy in Washington State and Dukaine Light & Power in Philadelphia, they also
 22 provide gas to residents of Hawaii and they provide water to several states in New
 England, these are things they do in the public utility space.

24 Mr. Hann went on to say that public/private partnerships are generally new assets
 where they take the responsibility of building a particular piece of infrastructure for the
 26 public sector, including the designing, maintaining, operating and financing for a
 concession term, after which they hand the asset back to the public sector. This
 28 public/private partnership has become common in the United States over the last decade
 and a common practice throughout the world over the past 20 years.

30 Mr. Hann further discussed that Macquarie has been one of the most significant
 investors in that field. He noted that projects in the United States, to date, have been
 32 predominantly in the road and mass transit space and Macquarie has been the investor in
 9 of 12 of those projects. Most recently they just closed the financing on replacing an old
 34 bridge for the state of New York, and a significant project on a tunnel in Norfolk, VA and
 a mass transit project (36 miles of new commuter rail) in Denver, CO. Mr. Hann
 36 explained that in the telecommunications space, Macquarie is a significant player in the
 United States, as they are the majority owner of the global towers portfolio which is a
 38 significant 4 billion dollar investment in cell phone towers. He added in the United
 Kingdom Macquarie is the trusted provider of the entire public safety communications
 40 network, i.e., police, fire, ambulance, coast guard and search and rescue. They all rely on
 a network provided by Macquarie, and the evidence is the amount of trust the public
 42 sector organizations place in Macquarie.

44 Mr. Hann clarified that Macquarie is primarily a developer and investor (equity
 investor) that brings the risk capital to transactions and they are experienced in taking the
 risks of the design, construction, and long term operation and maintenance of
 46 infrastructure assets; they know how to design, build, operate and maintain for the long

2 term. They also typically outsource, or contract, with a design/build firm to construct and
 4 build the network. They may also choose to operate and maintain all aspects of the
 6 system or they may out source the system, or elements of the system, but in every
 8 circumstance they take the responsibility for the performance. Mr. Hann stated that what
 10 this means is it is not the cities risk, it is Macquarie's risk. If they cannot operate and
 12 maintain the network to the adequate standards, it is Macquarie's risk. Mr. Hann stated
 14 Macquarie has an obligation to maintain the asset, regardless, whether the budget is right,
 16 if the budget is wrong and they run out of money, they cannot come back to the City or
 18 the taxpayer asking for more funds.

20 Mr. Hann stated that the strength of this model (public/private partnership) is that
 22 the City still controls the infrastructure, or network; they still own the network and decide
 24 what standards the network needs to be run to. The City controls what the infrastructure
 26 does, and still own it, but it is outsourced to Macquarie, and it is their responsibility for
 28 the delivery of those performance requirements, and if they can't perform or deliver for
 30 the agreed price, then that is Macquarie's risk not the City's risk.

32 Mr. Cowie inquired what is anticipated if the City reaches certain benchmarks and
 34 how it alleviates the City's risk if the City is still ultimately responsible. Mr. Hann gave
 36 an overview of how this transaction is being thought about. One of the attractions of the
 38 Utopia network to Macquarie is that Macquarie is not a service provider of
 40 telecommunications, they are a provider of infrastructure, and one of the principles or
 42 requirements of Utopia (by law), is that it needs to provide open access to the
 44 infrastructure. Mr. Hann went on to say the basic structure of the transaction is that
 46 Macquarie would build up the network to the full scale that is intended (153,000
 addresses), and then take the responsibility to build out the network, and fund the build
 out, using Macquarie's equity and debt on the balance sheets, and also take the risk of
 operating and maintaining that network to the required standards over a term of 30 years.
 In return the cities would make payments to them based on performance.

Mr. Hann explained that Macquarie would then go to the telecommunications
 service performance providers (i.e., Century Link) and offer them the opportunity to use
 the network, and in return they would pay wholesale fees for the use of the network,
 which Macquarie would effectively pay to the cities which would go to help defray the
 existing debt obligations. Mr. Hann further explained that the key to this transaction lies
 in the generally regarded thought that the main problem that Utopia is that it has not been
 built out to sufficient scale. By building out to sufficient scale, there would be a much
 greater confidence in the ability to attract service providers and to generate the revenues
 that can start to offset the costs of the asset of the infrastructure.

Mr. Cowie then referenced the map depicting the current infrastructure build out
 in Lindon. He stressed that there are two important big picture questions the Council
 needs to consider and make decisions on in the future as follows:

1. Is there a desire to continue to build out and expand the network in Lindon?
2. If so, is this opportunity with Macquarie a solution?

Councilmember Broderick asked what happens if some cities say yes and some
 cities say no to this agreement and how does that affect Macquarie. Mr. Hann replied
 that they are hoping by the end of milestone one that they will be able to provide the
 cities with enough information to make a decision on whether to move forward or not,

2 and if enough cities decide to move forward, then Macquarie will proceed into
subsequent milestones of the PDA with the cities. Mr. Hann noted what would happen to
4 any city that chooses not to participate. He stated that Macquarie would not be building
out in those cities, but those cities would receive the same level of service from Utopia
6 that they are receiving today, and would be delivered either through Utopia itself or
Macquarie would possibly take the responsibility for delivery of that same level of
8 service, but they would not actually build out in those cities. And those cities would not
take on any additional obligations than what they currently have.

10 Councilmember Powell asked if there would be an opportunity for those cities to
buy in at a later date. Mr. Hann stated that they would try to maintain as much flexibility
12 as possible to allow people to buy in at a later date, however, in practice they will be
moving quite quickly towards detailed engineering in the cities that decide to go forward
and move quickly to a financial close, so it is quite likely that a City that didn't choose to
14 participate might have to wait until a subsequent financial close. Mr. Hann added that the
reason for an accelerated timeline is not to squeeze cities or put pressure on them, it is
16 simply because it would be cost effective to do a financial close quickly; but it is not their
intention to compress the timelines or pressure the cities, but there is a need to do things
18 in a fairly timely manner. Mr. Hann noted one thing they emphasize in the PPD is that
they fix the price but they obviously cannot hold that price open indefinitely.

20 Councilmember Powell inquired if this model succeeds would Macquarie grow it
outside of the principle member cities. Mr. Hann confirmed that statement and added
22 that the additional new cities would have a premium. Councilmember Powell asked if
the possible premium would go towards offsetting the initial bonds. Mr. Pyle confirmed
24 that would be the idea but there would also be issues to work through. Mayor Acerson
commented that what we are trying to do is just get a working model so people can have
26 confidence that this is working and it is generating revenue and covering its costs and
moving forward, which has not been the case. He added that he feels we are getting
28 closer to that goal and he applauds everyone's efforts in doing that, so, whether a City
participates going forward or not, ideally, what we need to do is get a working model and
30 that is what Macquarie brings to the table.

32 Mr. Hann commented that they are confident they can bring a working model to
the table, but there are issues that need to be worked through. He noted that in eight (8)
weeks they will be at the end of milestone one, and they feel confident they can come
34 back with a well-defined, effective model. Mr. Hann noted the circumstances,
fundamentally, are that Macquarie thinks the model of an open access utility style
36 infrastructure into every home is a good model, and they feel Utopia has the right
technology approach, and there is a good business environment and demographics and
38 high level of education in the area; there are a lot of very positive things (on the macro
level) and they will offer the delivery under this PPP model.

40 Councilmember Bean inquired if the City were to move forward, based on the
engineering studies, and do the concession agreement, would the agreement spell out the
42 types of obligations the cities would have, and would it be as specific as addressing what
types of potential revenues the cities need to collect to back up their guarantees. Mr.
44 Hann replied with the current process there would be a lot of flexibility for each City to
decide how to do this themselves, so it is not a "one size fits all" process. Mr. Hann
46 added that there would be the levy of a utility fee, similar to a water or sewer fee, levied

2 on the household and the cities would collect that utility fee and pass it on to Macquarie,
3 provided that they are performing, and if not performing they would not get paid. The
4 structure would be a flow through structure like any other utility. Councilmember Bean
5 also inquired what would a City, as a member of Utopia, be called under this model. Mr.
6 Hann stated that the City would be entering into a service agreement with Macquarie
7 where they will commit to provide a service over the next 30 years, and if the service is
8 not provided to satisfaction and the standards of the contract, the City does not pay and
9 there are no obligations to the debt that Macquarie has incurred. Mr. Hann stated there is
10 no reason why this obligation would be seen as a liability to the City in their books or
11 accounts, the City would be a party to a long term concession agreement.

12 Mayor Acerson inquired if there will be points in this potential contract stating if
13 that is the model that is followed, can we re-negotiate because costs go up. Mr. Hann
14 stated that the interest rates would be fixed, so if interest rates go up that will be
15 Macquarie's risk not the City's; there is no increase for any increases in financing or
16 interest rates. Mr. Hann noted one of the attractions of fiber to Macquarie is that it is an
17 asset that is put in the ground, and it is a long life infrastructure asset that doesn't need a
18 lot of replacement. He added there are also electronics at either end of the fiber that will
19 need maintenance and labor (3-5 year asses), but the labor is not a huge component, and
20 they are happy to take the risk of operating costs, as they don't see any adjustment
21 mechanisms where they would come back and ask for an increase. Mr. Hann further
22 noted they are happy to take the risks of "refreshing" or upgrading the network, so, in 30
23 years time, it provides the same service that it is intended to provide today.

24 Mayor Acerson mentioned Mr. Hann's statement that there will be certain
25 responsibilities based on the build out of the network. Mayor Acerson stated that he sees
26 this as more than just building a network, and once it is fully implemented in all of the
27 cities there is the issue of using it. Mayor Acerson asked if Macquarie has taken any
28 consideration, in certain thresholds, that somehow the City is totally responsible for
29 subscriptions, and if they have weighed in on this issue at all to promote this. Mr. Pyle
30 stated that they have weighed in on this issue. Mr. Hann added that they would be
31 actively encouraging the taking of the network, but there is a dividing line between what
32 Macquarie does and what the service provider does. Mr. Pyle noted that they will be
33 working with the service providers to promote and market the network as to make it more
34 attractive. Mayor Acerson asked Georganne Weidenback, Century Link representative
35 who was in attendance, what it will take for Century Link to use the Utopia network. Ms.
36 Weidenback commented that Century Link continues to discuss that issue and they have
37 brought people to the table. She noted the service providers that have extensive fiber
38 networks such as Century Link (formerly Qwest), can't differentiate their services and
39 can't control the provisions and repairs. Ms. Weidenback noted that they can't maintain
40 the network to the extent that they choose to, based on industry standards, which may not
41 be equivalent to city standards. She added that these are issues that need to be considered.

42 Mayor Acerson commented that if this is the potential of the future, and it
43 provides a resource that everyone can use and benefit from, at some point we need to
44 work together and do what is best for the customers and move forward together. Mr.
45 Hann noted they anticipate that in milestone two they will be talking very closely with
46 potential service providers and to look at their service standards to meet the needs.

Councilmember Powell asked about the costs of connection through this PPP plan, and, if adopted, what will the connection costs be for every citizen. Mr. Hann stated that there would be no additional cost of the basic service and that would likely comprise the basic internet access and other services, with no liens against the property. Mr. Hann commented that he sees two potential models as follows:

1. Basic service is provided by Macquarie and any upgraded service is offered through service providers.
2. Service provider provides the basic service, and Macquarie provides the fiber optics to the home and the homeowner decides who they want for a service provider (preferred model).

Councilmember Bean inquired about the cost per month per household in the City. Mr. Hann stated that they will come back at the end of milestone one with a fairly detailed model and an estimated range of cost per household per month (pretty narrow range). Councilmember Bean asked if they anticipate an inflation factor built in over the 30 years. Mr. Hann stated, in general, it is a more sensible structure for most parties if it is an inflation linked factor. He added that obviously, most costs go up over 30 years with some sort of inflation factor; perhaps every 5 years with various structures that will cap.

Mr. Cowie asked Mr. Pyle if it is anticipated, after the first milestone, if they will be providing, on behalf of Utopia, a financial outlook, or an evaluation from someone within the organization that says this is a good or a bad agreement. Mr. Pyle confirmed that will be part of the first milestone and may be done outside of the organization.

Councilmember Hoyt asked for confirmation that Lindon has a 60% build out and if any portion will be prorated because of Lindon's high build out rate or a set fee. Mr. Pyle stated that it would be set fee. Councilmember Hoyt commented that requiring a utility fee from the citizens will be a hard sell. He also asked Mr. Hann how he feels about the fiber, and if it is core infrastructure and absolutely necessary. Mr. Hann commented that he does see the fiber as core infrastructure and is becoming ubiquitous and everyone uses it for something; they think there is a ubiquitous element to this that makes this core infrastructure. Mr. Hann commented that as he looks around the world, every government in the world is facing the same problem that broadband connectivity is not being rolled out as quickly as they would like because of regulations to require providers to provide better connectivity, and many cities and states around the world are doing it for themselves. He further noted that they think Utopia is a good model because the City is providing the core infrastructure but still letting private sector service providers provide the service.

Councilmember Hoyt commented that they had the opportunity to talk to Todd Marriott and he suggested putting this utility fee to a vote. He noted that Mr. Marriott thought Macquarie was a good opportunity; however, there is a timeline to put it to a citizen vote for the utility model. Mr. Cowie noted that there is a 90 day notice that would need to be given to the county before the next election (November). Brian Haws, City Attorney, commented that a special election could be held, but there are certain steps that would have to be taken. He added at the earliest it would be the 4th Tuesday in June to get it on the ballot, and if not it would have to wait until November. Mr. Hann noted that they will be hiring an professional external polling firm (during milestone one) that will be doing both polling and focus groups in the communities to be able to inform the cities on what the public thinks.

2 Councilmember Bean asked Mr. Pyle what the estimated build out of the four (4)
 4 largest member cities are. Mr. Pyle replied that West Valley City is at around 16% with a
 6 take rate of about 5-6%, Orem City is at 33 % build out and 30% take rate, Layton almost
 no build out and Murray is at about 40% build out. Councilmember Bean suggested
 doing due diligence on behalf of Utopia and the Cities by Century Link etc. after seeing
 what happen with milestone one.

8 Councilmember Bean commented that whoever did the modeling on this project
 10 assumed that Utopia's own revenues could handle the debt service and provide a profit
 12 without the cities having to provide funds as guarantors. He noted that he would like to
 have seen that modeling because he does not believe it was ever financially feasible, but
 to bond right now would cost an estimated 3% or 4% . Councilmember Bean added that
 he expects that it will be potentially 4 plus times the cost of bonding to go with
 Macquarie, however, this is a long term deal so it may be a little lower. Mr. Hann replied
 that their cost of financing, or capital, is more expensive than a general obligation bond,
 however, they have a lot of confidence that their cost of capital would be equivalent or
 lower than a revenue bond issue. Mr. Hann noted the experience of PPP's, typically, is
 that they are able to build a project and operate and maintain it for 20-30% less than what
 it would cost the City, which outweighs the cost of capital difference because they have
 the ability to mobilize capital where it is needed to build out quickly and to gain
 efficiencies. Mr. Hann further noted the City could probably bond at 4% from the general
 fund, but Macquarie could expect to finance at close to the 5.5 or 6% range, but there
 would also be significant capital costs and operating cost efficiencies that would offset
 that cost of the capital difference.

24 Councilmember Bean asked if there will be a point when the organization,
 because of the cost of this proposal, would say no and if this had been discussed. Mr.
 Pyle confirmed that this has been discussed, but added they have not seen the final
 numbers yet. Mr. Pyle stated that he feels the actual discussion is the range where that
 number will be. Councilmember Bean noted that it seems that Utopia has found a
 potential good partner, and is it fair to say, that in the end, the decision will hinge on the
 appetite of households to accept a certain number (fee); but what will help to make the
 decision on what that range will be. Mr. Pyle stated that there have been discussions and
 they have had this same conversation with the larger member cities. And he can say that
 there is some excitement at this prospect, but that does not translate that they will jump
 into it.

36 Jamie Davidson, Orem City Manager, commented that they are interested in the
 concept and can see the demand for the increase in service, and Orem City (and Lindon
 City) could be uniquely positioned to the neighbor to the south (Provo), who has
 developed a model that their community is very excited about. He doesn't see the
 demand for service decreasing as this infrastructure is not a luxury but a utility and a need
 in the homes of customers and residents. Mr. Davidson noted that Orem City sees this is
 as an important and critical infrastructure moving forward, and they recognize what
 residents are paying for today and even with an assessed fee it would provide an
 competitive alternative.

44 Mr. Pyle noted that the City of Orem has made a decision to move forward with
 the first milestone of this endeavor, and they have approached it from a perspective that
 46 this is information is needed as an organization to move forward, regardless of who the

partner is. He noted that much of what is being done today i.e., marketing, engineering, financing, is all information that will benefit the cities prospectively. Mr. Pyle stated they do not necessarily see it as a stranded investment, but as a benefit as outlined in the PDA; it is information that can be accessed and have ownership of moving forward as well. Mr. Pyle stated it is not like taking the money and rolling the dice; whether we stay or go, we will walk away with something substantive in our hands as we move forward and evaluate this opportunity into the future. Councilmember Bean asked which cities have given an oral commitment. Mr. Pyle stated that West Valley, Orem, Layton, Midvale, Centerville, and perhaps Perry have given oral commitments.

Councilmember Powell expressed her thanks for the information and discussion tonight and noted that she feels confident of what Macquarie will bring to this venture and for what they have to offer for this project. She noted that she feels the utility fee could work within a defined range. Her biggest concern is milestone one and what the City will ultimately be responsible for and if there will be tight enough points in the PDA.

Councilmember Bean asked what the timeline is for milestones two, three and four. Mr. Hann stated milestone one (1) is around 8 weeks from now to provide sufficient information for the cities to make a decision. He noted the obligations of both sides to each other increase as we go through the milestones. Milestone two (2) would define the final level of detail on the model and refine the numbers down, and they would anticipate a little shorter timeline (6 to 8 week timeframe). Milestone three (3) they will be locking in a concession agreement and locking in a design build contract (4 to 6 week timeframe). Mr. Hann noted at the end they will be going to the market and getting ratings and lining up lenders etc., and at that stage they will press the go button followed by a closing period of 6 weeks (late spring early summer, approximately 26 weeks total), assuming enough cities sign up at the end of milestone one to move forward relatively quickly.

Mr. Cowie stated that official action to appropriate funds will come as an agenda item at the next meeting. Mayor Acerson thanked Mr. Hann and Mr. Pyle for the valuable information and discussion and called for any further comments or questions from the Council. Hearing none he called for a motion to adjourn.

Adjourn –

COUNCILMEMBER HOYT MOVED TO ADJOURN THE MEETING AT 6:00 P.M. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – February 4, 2014

Kathryn A. Moosman, City Recorder

Jeff Acerson, Mayor

The Lindon City Council held a regularly scheduled meeting on **Tuesday, January 21, 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: Jeff Acerson, Mayor
Pledge of Allegiance: Ben Retting, Boy Scout
Invocation: Van Broderick, Councilmember

PRESENT

ABSENT

Jeff Acerson, Mayor
Matt Bean, Councilmember
Randi Powell, Councilmember
Van Broderick, Councilmember
Jacob Hoyt, Councilmember
Adam Cowie, City Administrator
Cody Cullimore, Chief of Police
Hugh Van Wagenen, Planning Director
Kathryn Moosman, City Recorder

1. Call to Order/Roll Call – The meeting was called to order at 7:02 p.m.

2. Presentations/Announcements –

a) **Mayor/Council Comments** – Mayor Acerson made mention of the recent tragedy that involved a Lindon Police Officer and his family. Mayor Acerson stated that the City would like to thank all agencies and staff that assisted in the tragic incident involving Joshua Boren. Mayor Acerson expressed that during this loss Lindon City has received an outpouring of support from neighboring cities, law enforcement agencies, and citizens. He added that on behalf of the City they express sympathy to the families, friends, and associates of those impacted by this incident and hope they can find peace in this time of loss.

b) **Lindon Character Connection** – Mayor Acerson introduced Kathy Allred, from the Character Connection program, who was in attendance to present the Mayor and Council with the 2013-14 Character Connection poster (which will hang in the City Center Building) and also a calendar. Mrs. Allred explained that the Character Connection Program has been a Lindon tradition since 1991, and commented that they did partner with Wasatch Mental Health and also noted that they have produced a poster and calendar every year since the program’s inception. Mrs. Allred went on to say the Character Connection started with some PTA moms who met together, and decided they wanted to be on the same page with businesses, homes and schools, with the purpose of being connected to promote character in the community. That is when the Lindon Character Connection was started, and they have done a curriculum every year for teachers. She further noted that this year’s poster has a picture for each

month of the year that the students have created. Mrs. Allred then invited the students forward to receive their awards. The students also gave a description of the picture and its meaning. Mrs. Allred expressed her thanks and appreciation to the City Council and Mayor Acerson for their support of the Character Connection program. Mayor Acerson commended Mrs. Allred for all of her hard work, service, and dedication to the Character Connection Program and stated that this is a wonderful program and we have a better community because of her service.

3. **Approval of Minutes** – The minutes of the regular meeting of the City Council of January 7, 2014 were reviewed.

COUNCILMEMBER BEAN MOVED TO APPROVE THE MINUTES OF THE MEETING OF JANUARY 7, 2014 AS AMENDED. COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

4. **Consent Agenda** – No items.

5. **Open Session for Public Comment** – Mayor Acerson called for any public comment not listed as an agenda item. At this time, Adam Cowie, City Administrator, introduced Jordan Cullimore, the new Associate Planner in the Community Development Department. Mr. Cowie noted the Mr. Cullimore previously worked for Provo City in the Planning Department. Mr. Cowie stated that Mr. Cullimore is highly qualified for the position and is also a licensed attorney. He added that Mr. Cullimore is a long time Lindon resident and expressed that they are very happy to have him on board and he will perform well in this capacity. Mr. Cowie also noted that applications for the vacant councilmember seat will be accepted until January 27, 2014 at 5:00 p.m. Chief Cullimore mentioned that he has been working with a Erick Wilson, a Boy Scout, who did a firearm safety project for “Project Child Safe” and he has provided free gun locks for anyone who lives in Lindon. The gun locks are available at the Police Department.

CURRENT BUSINESS

6. **Presentation & Discussion** – *Curbside Recycling in Lindon City*. Alissa Wilkinson, Northern Utah Community Relations Manager with Republic Services, will present and discuss an overview of the curbside recycling program in Lindon City.

Mr. Cowie opened the discussion by stating Lindon City offers curbside recycling services through an ‘opt-in’ program where residents need to sign up and pay for recycling service. He noted that Alissa Wilkinson, representing Republic Recycling, is in attendance to discuss available options for residents and ways Lindon could promote

recycling in efforts to save money through diverting waste that would otherwise be taken to the landfill.

Mr. Cowie commented that given our recent discussion on the transfer station and the services provided, Staff felt it would be beneficial to have Republic inform the Council of their services as well. He noted the contract with Republic services for residential garbage disposal runs through June 30, 2015 with possibility for two 3-year term extensions if both parties are satisfied with the agreement and services being provided. Mr. Cowie further noted that Lindon enjoys some of the lowest garbage and recycling rates in the County, and appreciates the professional and quality services provided by Republic. He went on to say that after the presentation the Council may desire more information on recycling options, which we can work with Republic to bring forward at a future date.

Ms. Wilkinson then presented her power point slideshow presentation (previously sent to the Council) giving a brief overview of the curbside recycling program including statistics from 2013 followed by some general discussion.

Mayor Acerson called for any further comments or questions from the Council. Hearing none he moved on to the next agenda item.

7. Review & Action — *Major Subdivision, Old Rail Estates*. This is a request by Scott Farrer for approval of a fourteen (14) lot subdivision located at approximately 290 West between 100 North and 40 South on 10.97 acres in the Residential Single Family (R1-20) zone. The Planning Commission recommends approval with conditions.

Hugh Van Wagenen opened the discussion by explaining this is a request by Scott Farrer (who was in attendance) for approval of a fourteen (14) lot subdivision named Old Rail Estates. He noted the subdivision will extend from the Cullimore Court Subdivision and tie into 40 South. Mr. Van Wagenen explained as part of the application, a new street cross section for 40 South is being proposed. He stated that the master planned street (280 West) was approved last year with the Cullimore Court subdivision. He further explained the proposed 40 South cross section differs from the standard 50 foot cross section in two ways:

1. There is a six (6) foot planter strip on the north side of the road that will be used to accommodate power poles that exist in the current right of way.
2. Only 28 feet of asphalt will be used as opposed to the standard 34 feet.

Mr. Van Wagenen commented that the six foot planter strip takes up the difference in asphalt width. He noted this cross section still provides for a sidewalk, which will increase pedestrian safety which was a primary concern of the neighborhood at previous public meetings. Mr. Van Wagenen stated that Staff recommends approval of the 40 South cross section as provided by the applicant. He added that it is anticipated that the cross section will be adopted for all of 40 South.

Mr. Van Wagenen commented that a review by the City Engineer determined that Lots 9 and 10 do not comply with LCC 17.32.100(3), which does not permit lots that have more than a 3 to 1 length to width ratio. Mr. Van Wagenen noted this subsection

2 does allow the Planning Commission and City Council to approve up to a 20% increase
in the depth of a lot if it is determined that the proposed development is:

- 1. The best use of the property, and
- 2. In the best interest of the City and surrounding properties. The City Engineer recommends such an approval to make the lots compliant with the City ordinance because it does not materially alter the character of the subdivision or the residential lots in the area.

8
10 Mr. Van Wagenen commented that the Planning Commission recommended
approval of Old Rail Estates as presented with the condition that recordation of the Old
12 Rail Estates plat be subsequent to the Cullimore Court plat being recorded. He noted that
this recommendation was suggested because the utility connections for Old Rail Estates
14 will tie into the Cullimore Court Subdivision. There was the some general discussion by
the Council regarding this agenda item.

16 Mayor Acerson called for any further comments or questions from the Council.
Hearing none he called for a motion.

18 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE FOURTEEN
20 (14) LOT SUBDIVIAION TO BE KNOWN AS OLD RAIL ESTATES WITH THE
FOLLOWING CONDITION: 1. CULLIMORE COURT SUBDIVISION RECORDS
PRIOR TO RECORDING OLD RAIL ESTATES SUBDIVISION. COUNCILMEMBER
22 POWELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

24 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
26 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
28 THE MOTION CARRIED UNANIMOUSLY.	

30 COUNCILMEMBER POWELL MOVED TO AMEND THE AGENDA TO
MOVE TO AGENDA ITEMS 15 AND 16 FOR DISCUSSION TO ACCOMMODATE
32 CHIEF CULLIMORE’S SCHEDULE. COUNCILMEMBER HOYT SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34
36 **15. Presentation & Discussion — *Lindon Police Department Activities Report.***
Chief Cullimore will review and discuss statistical reports comparing Police
activities between the 2012 and 2013 calendar years.

38
40 Chief Cullimore opened the discussion by presenting the Lindon Police
Department statistical report from the past year. He noted that he is happy to report they
42 have reduced crime overall, but, unfortunately, some crimes have increased like
residential theft and residential burglaries etc. Chief Cullimore stated that more
neighborhood watch and education programs are needed and will be implemented. Chief
44 Cullimore further noted that one of the reasons for the increased theft and burglaries is
that Lindon is a very attractive city and that can sometimes attract the wrong people.
46 Chief Cullimore also reported that there are drugs out there but they are stopping some

with the amount of arrests. He noted that a lot of the crime numbers are related to drugs across the board. Chief Cullimore was also happy to report that domestic violence incidents in the city are down because they attempt to be very proactive with domestic violence and also because they have a victims advocate (Julie Sutch) who works closely with the victims.

Chief Cullimore then referenced the attached documents showing the “Stats” documents depicting a yearly comparison of the total incidents in 2012 compared with 2013. He noted the “Task Force” document is a yearly report of the Major Crimes Task Force (which the Lindon Police Dept. participates in) incidents for 2013. He added that those figures are for all of Utah County, including Lindon, but are an indicator of how much is really going on in the drug world. Chief Cullimore asked if there were any questions at this time. There was then some general discussion amongst the Councilmember’s regarding the statistical reports. Mayor Acerson called for any further discussion. Hearing none he moved on to the next agenda item.

16. Review and Action — *Police Department Vehicle Lease (Resolution #2014-3-R).* The Council will review and consider a request by Chief Cullimore to review and approve a resolution allowing the Mayor and Staff to execute a future lease agreement for replacement of two existing police vehicles. Zions Bank requires a resolution prior to preparing final lease documents. Annual estimated cost of the lease for both vehicles is \$13,000 per year.

Mr. Cowie opened the discussion by referencing the Resolution included in the Council packets and noted that Zions Bank requires this Resolution from the City prior to preparing the final lease documents for the police vehicles. Mr. Cowie commented that given the timing on the end of the lease for the two vehicles, Staff is requesting that the Council approve the Resolution and allow the Mayor to sign the final lease documents when all of the details from the dealership and Zions Bank have been received. This will be a similar lease that has been done in the past. Mr. Cowie stated that the funds have been budgeted for this fiscal year, and additional lease renewals for other vehicles are planned for the next fiscal year.

Chief Cullimore noted the lease is on a two (2) year basis as a cost saving effort. Lindon was the first city to implement this lease program with Pleasant Grove following. He noted that it saves on all of the maintenance costs other than a few tires, oil changes and a few windshields. Chief Cullimore stated there are two (2) separate leases for the two vehicles, one of which is Chief Cullimore’s vehicle. Chief Cullimore noted they are donating a four (4) year old vehicle and turning it over to the Public Works Department. Chief Cullimore stated the new lease is in negotiation and would be for two (2) vehicles at a cost of \$6,500 per year per vehicle, which is about where it has been in the past.

Chief Cullimore noted that authorization for the Mayor to enter into this agreement is requested and should be part of the motion. He also mentioned that Ken Garff Ford in American Fork is the dealership that they go through. Chief Cullimore also mentioned that they have used the eco boost engines for fuel economy and every vehicle is 4 wheel drive and they will be 2013 models.

Following some general discussion amongst the Council members regarding this issue Mayor Acerson called for a motion.

COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION #2014-3-R AUTHORIZING THE MAYOR TO SIGN THE FINAL LEASE AGREEMENT DOCUMENTS FOR THE LEASE OF TWO REPLACEMENT BEHICLES FOR THE POLICE DEPARTMENT. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER POWELL MOVED TO RESUME THE REGULAR AGENDA ORDER BEGINNING WITH AGENDA ITEM 8. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

8. Review and Action – *Term of Rights to Cemetery Burial Plot (Resolution #2014-2-R)*. The Council will review and consider a request by Don Peterson, Public Works Director, to increase the number of years a cemetery burial plot may be purchased (reserved) from 60 years to 120 years.

Mr. Cowie opened the discussion by explaining that it has come to their attention that this change needs to occur by Ordinance, which requires public notice in the newspaper prior to Council taking action. He directed the Council to make a motion to continue discussion of this item once public notice for an ordinance change has been posted.

Mayor Acerson called for any comments or questions from the Council. Hearing none he called for a motion.

COUNCILMEMBER POWELL MOVED TO CONTINUE RESOLUTION #2014-2-R THE DISCUSSION OF THIS ITEM UNTIL AFTER PUBLIC NOTICE HAS BEEN POSTED FOR AN ORDINANCE CHANGE TO CHAPTER 8.32 CEMETERIES AND BURIALS. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

9. Public Hearing – *Ordinance Amendment, LCC 17.02 Definitions (Ordinance #2014-1-O)*. The Council will review and consider a City initiated request to define the term “vault security – mini storage” in Lindon City Code 17.02 Definitions. The Planning Commission recommends approval.

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

4

Hugh Van Wagenen, Planning Director, led the discussion by explaining that this is a City initiated request to define the term "vault security - mini storage" in Lindon City Code 17.02 Definitions. He noted that it was deemed prudent to define the term which appears as an approved use in the newly created CG-S zone to accommodate some storage units on Gillman Lane. Mr. Van Wagenen stated the term "vault security - mini storage" was added to the Standard Land Use Table as a permitted use in the CG-S zone and now it needs to be defined. Mr. Van Wagenen then read the proposed language as follows:

14 17.02.010(187) 187. *“Vault Security—Mini-Storage” means a storage facility that is*
16 *characterized by individual separate spaces which are accessible by customers for the*
18 *storing and retrieval of personal effects and household goods. In no case shall storage*
spaces be used for manufacturing, retail or wholesale selling, office or other business
services, or human habitation.

20 There was then some general discussion by the Council regarding this ordinance
amendment. Mayor Acerson called for any public comments. Hearing none he called for
22 a motion to close the public hearing.

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

28 Mayor Acerson called for any further comments or questions from the Council.
Hearing none he called for a motion.

30

COUNCILMEMBER HOYT MOVED TO APRPOVE ORDINANCE #2014-1-O
32 THE AMENDMENT TO LINDON CITY CODE 17.02 DEFINITIONS, TO INCLUDE
17.02.010 (187) “VAULT SECURITY –MINI STORAGE” AS SHOWN WITH NO
34 CONDITIONS. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

- 36 COUNCILMEMBER POWELL AYE
- COUNCILMEMBER BEAN AYE
- 38 COUNCILMEMBER BRODERICK AYE
- COUNCILMEMBER HOYT AYE
- 40 THE MOTION CARRIED UNANIMOUSLY.

42 **10. Public Hearing** — *Ordinance Amendment, LCC 17.17.130 Amended Site Plans*
44 *(Ordinance 2014-2-O)*. The Council will review and consider a City Initiated request
to allow for Staff to approve accessory buildings of one thousand (1,000) square feet
46 or less on amended site plans when certain conditions are met. The Planning
Commission recommends approval.

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

4
6 Mr. Van Wagenen gave a brief summary of this agenda item by explaining this is
a City initiated request to amend Lindon City Code 17.17.130 Amended Site Plans, to
allow for Staff to approve accessory buildings of one thousand (1,000) square feet or less
8 on amended site plans when certain conditions are met. Mr. Van Wagenen noted that in
addition to being staff approved, this change allows applicants to have ancillary buildings
10 approved on a site at a reduced review fee, and staff feels it is appropriate to waive a full
site plan approval. Mr. Van Wagenen further noted there are also minor grammatical and
12 sentence structure changes (biggest change in paragraph #1) included in the amendment.
Mr. Van Wagenen noted that the Planning Commission recommended approval of the
14 proposed amendment to the City Council.

16 Mr. Van Wagenen then referenced Section 17.17.130 Amended site plans with the
proposed language followed by some general discussion:

18 1. Amended site plans shall be submitted when changes to the site and/or building are
proposed. Changes that require amended site plans to be approved by the Land Use
Authority and brought into substantial compliance with current city codes are triggered
20 by the following:

22 a) A change in intensity of land use of the property, defined as a change between
agricultural, residential, commercial./industrial, or public assembly uses (i.e., school
or church changes to a retail business);

24 b) New buildings or structures are being added to the property, with the following
exceptions:

26 i. At the discretion of the Planning Director, accessory buildings one thousand
(1,000)square feet or less may be administratively approved without requiring
28 Land Use Authority review when, upon the Planning Director’s findings, the
amended site plan meets the standards listed in paragraph 4 of this section; or

30 c) Exterior changes are proposed to the dimensions of any existing building or structure
as follows:

32 i. 0 – 9% increase in building square footage:. The new addition shall meet
current architectural design standards for the zone and, except for parking
34 standards necessary to accommodate the increased square footage, no additional
site or building improvements are required. At the discretion of the Planning
36 Director this level of change may be approved by Staff - without requiring a site
plan application, fee, or Land Use Authority review - when the alteration meets
38 the standards listed in Section 17.17.130(4) paragraph 4 of this section.

40 ii. 10 – 19% increase in building square footage. The new addition,-and including
the entire existing building being added to -, shall meet current architectural
design standards for the zone in which it is located. The Land Use Authority may
42 work with the applicant to prioritize architectural features that are determined to
have the greatest impact on appearance of the structure in meeting zone standards.
44 Parking standards shall also be met complied with.

46 iii. 20 – 30% increase in building square footage:. The new addition and existing
building shall meet current architectural and parking standards, (as listed above in

section ii) as referenced in 17.17.130(c)(ii). In addition, any landscaping requirements shall be met.

iv. Over 30% increase in building square footage. The site shall be brought into substantial compliance with all current city codes and ordinances - specifically as listed in Section 3 below 17.17.130(3).

v. Any action which, when combined with one or more previous expansions that have occurred over any period of time, causes the aggregate area of expansion to fall within one of the percentage categories listed above.

d) Cosmetic changes to the exterior of a building or structure (paint, windows, roof covering, etc.) are permitted without any approvals from the Land Use Authority. Any cosmetic changes shall meet current codes and/or shall bring the facilities closer to conformance with current codes and ordinances, such as including the Lindon City Commercial Design Guidelines.

2. Approval. The procedure for approval of an amended site plan shall be the same as the procedure of approval of an original site plan unless a waiver is granted according to 17.17.130(4).

3. Required Improvements. When a site plan is required to be brought into substantial compliance with all current city codes and ordinances the following issues shall receive specific review:

- a. Landscaping and white fencing (as applicable to zone);
- b. Storage and exterior displays.;
- c. Off-Street parking.;
- d. Vehicular access and circulation.;
- f. Off-street loading and unloading.;
- h. On-site surface water drainage (Other methods of surface water drainage may be approved for amended site plans if approved by the City Engineer) .;
- i. Off-site curb, gutter and sidewalk.;
- j. Piping of irrigation ditches.;
- k. Solid waste containers (trash enclosures) .;
- l. Street lights.;
- m. Fencing and/or screening.;
- n. Architectural standards applicable to the zone in which the site is located.;
- o. Any other standards required under the submittal requirements as referenced in 17.17.115.

4. Waiver. The Planning Director shall have the authority to waive the requirements of Section 17.17.130(1)(c)(i), and shall have the authority to approve amended site plans, new accessory buildings one thousand (1,000) square feet or less, and/or building permits without further review by the Land Use Authority if he or she makes the following findings:

- a. The proposed amended site plan complies with all current City ordinances;
- b. The original site plan has not been materially altered, and has not changed in a way that detracts from the overall safety or aesthetics of the site; and
- c. The proposed amendments to the site plan will not have a material detrimental effect on other properties in the area.

Application fees for a Staff approved amended site plan shall follow the Lindon City Fee Schedule established at the time of the application. Any decision of the Planning Director

to waive the requirements of section 17-.17-.130(2) will require notice of intent to approve the proposal to all surrounding property owners within three hundred feet (300') of the subject property. The decision may be appealed to the Appeal Authority by any party of interest within ten (10) days of the date of the mailed notice. If no appeal is received within the ten (10) day appeal period, the application and/or permit may be approved.

5. Modification of Requirements on amended site plans. The Land Use Authority may modify or adjust the requirements of section 17-.17-.130 if any of the following conditions are met:

- a. Strict compliance with the requirements of section 17-.17-.130 would cause an unusual and unnecessary hardship to the applicant and/or would create detrimental impacts upon the property (i.e., requiring landscaping would eliminate parking).
- b. The amended site plan provides for additions, deletions or improvements to the subject property that are beneficial to the public, improve the appearance of the site, bring the site closer to conformance with City code, or increase the safety or convenience of the site to the public. The maximum allowable modification or adjustment shall be the exception rather than the rule, and shall include all other variances previously granted on the site.

6. Additional Standards. In granting any of the changes set forth in subsection 17-.17-.130(5), the Land Use Authority may impose additional standards or requirements that will substantially serve the objectives of the standards or requirements that are waived, adjusted or modified. Any authorized changes or additional requirements shall be entered in the minutes of the Land Use Authority with the circumstances justifying the changes or requirements.

Mayor Acerson called for any public comments at this time. Hearing none he called for a motion to close the public hearing.

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

Mayor Acerson called for any further comments or questions from the Council. Hearing none he called for a motion.

COUNCILMEMBER BRODERICK MOVED TO APRPOVE ORDINANCE #2014-2-O THE AMENDMENT TO LINDON CITY CODE 17.17.130 AMENDED SITE PLANS AS SHOWN WITH NO CONDITIONS. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

2 **11. Public Hearing** – *Ordinance Amendment, LCC 2.08.045 Rules of Order and*
 4 *Procedure for City Council Meetings (Ordinance #2014-3-O).* The Council will
 6 review and consider a City initiated request to update official rules and order for City
 Council meetings. The proposed ordinance is based on previously adopted rules with
 additional clarification added.

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

12 Mr. Cowie opened the discussion by explaining Kirsten Shumway, Assistant
 Court Clerk, has been working with him on this amendment with the goal being to put the
 14 official rules of order and procedure for City Council meetings into an ordinance. Mr.
 Cowie also commended Ms. Shumway as she has recently passed the bar and is now a
 16 licensed attorney. Ms. Shumway noted the language has been clarified in the Resolution
 specifically in paragraphs 2 and 3 which have the most changes. Ms. Shumway noted
 18 that the changes have been made to clarify and understand the limits in terms of
 organization and to make it more reasonable. She noted that the rules of order must be
 20 made available to the public. There was then some general discussion regarding this
 ordinance amendment.

22 Mayor Acerson called for any public comments or questions from the Council.
 Hearing none he called for a motion.

24 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
 #2014-3-O LINDON CITY CODE 2.08.145 OUTLYING RULES OF ORDER AND
 26 PROCEDURE FOR CITY COUNCIL MEETINGS. COUNCILMEMBER HOYT
 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER POWELL AYE
 COUNCILMEMBER BEAN AYE
 30 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER HOYT AYE

32 THE MOTION CARRIED UNANIMOUSLY.

34 **12. Public Hearing** – *Ordinance Amendment, LCC 2.08.055 Electronic Meeting Policy*
 36 *of the City Council (Ordinance #2014-4-O).* The Council will review and consider a
 City initiated request to create an official electronic meeting policy, as allowed by
 State Code, enabling the Council members to more fully participate in city meetings.

38
 40 Mr. Cowie led the discussion by explaining this is a procedural item for the
 Council’s review and consideration of a City initiated request to create an official
 42 electronic meeting policy (as allowed by State Code), enabling the Council members to
 more fully participate in city meetings. Ms. Shumway stated that the biggest change
 44 made is adding “City Council” in the paragraph and adding the main “anchor” location as
 being the City Council Chambers, mainly for emergency/unexpected situations. There
 was then some general discussion by the Council regarding the electronic meeting policy.

Mayor Acerson called for any public comments or questions from the Council.
Hearing none he called for a motion.

COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE #2014-4-O ESTABLISHING AN ELECTRONIC MEETING POLICY FOR CITY COUNCIL MEETINGS. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

13. Public Hearing – *Ordinance Amendment, LCC 2.08.055 Electronic Meeting Policy of the Planning Commission (Ordinance #2014-5-O)*. The Council will review and consider a City initiated request to create an official electronic meeting policy, as allowed by State Code, enabling the Planning Commission members to more fully participate in city meetings.

Mr. Cowie stated this item is the same as the last agenda item except it will create an official electronic meeting policy for the Planning Commission (as allowed by State Code), and will enable the Planning Commission members to more fully participate in city meetings. Ms. Shumway re-iterated that this item is the same as the previous item but “Planning Commission” has been added in place of the “City Council” and Chairperson instead of Mayor.

Mayor Acerson called for public comments or questions from the Council.
Hearing none he called for a motion.

COUNCILMEMBER POWELL MOVED TO APPROVE ORDINANCE #2014-5-O LINDON CITY CODE 17.08.55 ESTABLISHING AN ELECTRONIC MEETING POLICY OF THE PLANNING COMMISSION. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

14. Public Hearing — *Ordinance Amendment, LCC 2.28.60 Adoption of Compensation Schedule (Ordinance #2014-6-O)*. The Council will review and consider a City initiated request to update this ordinance which established the ability for the Mayor and Council members to be compensated, removing the outdated compensation rates, and correctly referring to the compensation relates as established in the annually adopted budget.

2 Mr. Cowie led the discussion by explaining the Council will review and consider
4 a City initiated request to “clean-up” and update this ordinance which establishes the
6 ability for the Mayor and Council members to be compensated, removing the outdated
8 compensation rates, and correctly referring to the compensation rates as established in the
annually adopted budget (on the city website). Ms. Shumway explained that this
amendment changes the amount and that amount will be adopted by the Council with the
annual budget, this will also include those items in the City Council and Planning
Commission compensation.

10 Mayor Acerson called for any public comments or questions. Hearing none he
called for a motion to close the public hearing.

12 COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE #2013-6-O
14 LINDON CITY CODE 2.28.060 REFERRING THE ORDINANCE TO CITY
16 COUNCIL COMPENSATION SCHEDULES AS ADOPTED IN THE ANNUAL
BUDGET. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE
18 WAS RECORDED AS FOLLOWS:
COUNCILMEMBER POWELL AYE
18 COUNCILMEMBER BEAN AYE
COUNCILMEMBER BRODERICK AYE
20 COUNCILMEMBER HOYT AYE
22 THE MOTION CARRIED UNANIMOUSLY.

24 COUNCILMEMBER POWELL MOVED TO CLOSE THE PUBLIC HEARING.
COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT
26 VOTED IN FAVOR. THE MOTION CARRIED.

28 **17. Review and Action** — *UTOPIA, Macquarie – Public/Private Partnership*. This
item was continued from the January 7, 2014 Council Meeting. The Council will
discuss the potential public/private partnership between UTOPIA and Macquarie
30 Infrastructure Developments LLC (Macquarie) and instruct Lindon’s
UTOPIA/UIA Board members as to Lindon’s participation commitment in
32 further development of the partnership including whether reserve funds should be
allocated to cover Lindon’s potential costs of participation.

34 Mr. Cowie gave a quick refresher on this agenda item since the last January 7th
36 City Council meeting. He explained that UTOPIA has recently announced a potential
public-private partnership between its organization and Macquarie Infrastructure
38 Developments LLC (Macquarie), and if finalized, Macquarie would commit to fronting
the capital to build the network and would run the organization for the next 30 years, then
40 deliver the network back to the cities in some level of upgraded condition.

42 Mr. Cowie noted there would be a requirement for Macquarie to be repaid for
their investment by the member cities. He added that how this repayment is handled is yet
to be finalized with the primary factor being how much it will cost to construct the
44 network. Mr. Cowie went on to say the initial discussion has focused on a potential utility
fee imposed on all addresses that would have the service available (similar to what Provo
46 City has done). He noted that engineering and design work is proceeding with the goal to

2 shortly know the total potential cost of development, thus enabling determination of
potential obligations for pay-back by the member cities that choose to participate.

4 Mr. Cowie further explained that this potential partnership appears to provide a
real opportunity to develop the entire network with the initial cost coming from the
private sector. Mr. Cowie stated that there is limited political will from all member cities
6 to continue with traditional city bonding to finish the network, so this opportunity should
be carefully considered as a means to complete the network and provide fiber
8 connectivity to all parts of Lindon City. He stated that the financial implications however,
are potentially significant as, over the next 30 years, the investment made by Macquarie
10 will need to be paid back with profit margins added.

12 Mr. Cowie explained the previously reviewed Pre-Development Agreement
(PDA) between UTOPIA and Macquarie outlines the stipulations for moving forward
with the potential partnership and establishes Milestones (benchmarks), where UTOPIA
14 can choose to exit the deal if desired. He added that the Chair of UTOPIA has asked for
cities to commit to supporting the proposal, with an estimated potential financial
16 obligation for Lindon to participate in Milestone one (1) in the range of \$15,000 to
\$20,000. He noted that Macquarie will pay this cost if the deal is fully implemented. If
18 the cities choose not to participate, they will retain all engineering and studies completed
as part of Milestone one (1).

20 Mr. Cowie commented that no official action has been taken yet by the UTOPIA
or UIA boards on this matter, but each member city has been asked to be involved in sub-
22 committees to discuss the opportunity and report back to the Board members of each city
on the progress of the Milestone work being done.

24 Mr. Cowie mentioned that the Council should review the previously provided
PDA and give direction to city appointed UTOPIA/UIA Board members as to what level
26 of support or interest should be given on this potential partnership. Mr. Cowie stated that
the big picture questions to be considered are as follows:

- 28 1. Is there a desire to see the entire City developed with UTOPIA fiber connectivity.
- 30 2. If so, is Macquarie the right opportunity to do so.
- 32 3. Is a utility fee option something you are willing to impose to collect revenues to
pay off the infrastructure.

34 Mayor Acerson called for any public comment at this time. There were several
audience members in attendance who addressed the Council as follows:

36 **Royce Van Tassell:** Mr. Van Tassell, with the Utah Taxpayers Association, commented
that the way he understands this is that Utopia is hoping that Macquarie will come in and
38 be the bank to Utopia. He also understands that all of the residents in the city, and 11
pledging member cities, would be obligated to pay some new utility fee to pay Macquarie
40 for their investment upfront, and if this is a fair characterization. Mr. Van Tassell went on
to say that the goal is to find someone to provide that upfront capital and, at no point, so
42 far, has an investor been willing to pay that whole cost. He noted that he is trying to
understand in what ways this proposal changes what has been done historically, other
44 than Macquarie will be the operator and the citizens continue to pay for the infrastructure.
He stated that he is just trying to be clear on what these broad contours are.

46

Councilmember Powell expressed her opinion that Macquarie brings more than just the bank, and we are not just paying this bond back. They have the potential, assets and the knowledge to make the business portion work which has not happened in Utopia's history.

Mr. Cowie recalled from the recently held work session, Mr. Hann, representative of Macquarie, stated that as we develop these future commitments and agreements moving forward, there is some level of risk that Macquarie would assume if they didn't reach the benchmarks for revenues that the cities would not have to pay them, but those details are not hammered out as yet.

Jim Fausett: Mr. Fausett expressed his concerns that this utility fee will pay the capital and operating and maintenance expenses, but the partner can set that fee wherever they want, so it could go from low to high because the fees have to pay the capital and operating and maintenance expenses. If not, it is solely up to the partner where that utility fee will be, and it is a big risk to the cities, and Macquarie doesn't take that risk because they can always set the utility fee where they want. If Utopia doesn't fulfill their part of the bargain on utility fees to Macquarie then they, as the 3rd party beneficiary, can go after the residents for the utility fee. They lock you in because when they are in front of your house you have to pay the fee.

Mayor Acerson commented that the Council had this discussion previously with Macquarie and, as a Council, they do not want to see the model that is currently in place with other communication companies. He noted that Council wants to know what the fees are, the time period, and what the benchmarks are, and understand what the commitment is, so it doesn't change midstream. Mayor Acerson stated that the Council will take the public comment made and collectively weigh in if this is beneficial to the residents.

Councilmember Bean commented that this issue is a tough issue and he is torn with putting more money into this project. He noted that he would like to see some kind of motivation to keep the costs in line since everything has been an estimate to this point, which is understandable. Councilmember Bean stated that he feels this would be worth looking at, but he would not want to send a message that we are ready to jump on board. He also feels that the utility fee model is very problematic, and, in substance, not much different than bonding, given the likely high amounts per month that will be required from the citizens.

Mr. Cowie commented that milestone one will be 6 to 8 weeks out until the actual completed numbers come in. Mr. Cowie believes that that Orem, West Valley, Layton, Midvale and Centerville have agreed to participate in milestone one. Mayor Acerson commented that the question is, is it worth the \$15,000 to \$20,000 to move forward with milestone one to obtain more information or to continue the item. Councilmember Bean commented that he is not willing to impose that if the citizens decide to impose the fee he will be open to that but that may be difficult to get to that point.

Councilmember Broderick mentioned some questions he has as follows: 1) is this critical infrastructure 2) can it be provided with a private entity 3) can Macquarie provide the build out and eliminate the large connection fee 4) can they show a model that shows stability 5) if there is a service fee can there be some type of appealing services to offer.

Councilmember Broderick stated that he may be inclined to approve the investment to find out the answers to these questions.

Councilmember Hoyt commented that he has talked to a lot of Lindon residents and 90% of them feel that this is a win situation for them because it will be \$30 dollars cheaper than what they are currently paying. Councilmember Hoyt commented that he feels that as the citizens are polled we will find that they seem to be more on board. Mr. Cowie stated that Macquarie is planning to poll the people within the community through a market study.

Councilmember Powell asked if we don't commit are we out. Mr. Cowie stated that there will be an opportunity to commit and take formal action that we are obligating funds through utility means to pay back Macquarie for their investment. Councilmember Powell noted that we are reaching the tipping point, and this fiberoptic model, at this point, gives the users the opportunity to pick their carrier. Councilmember Powell commented that having the fiber optics with enough citizens that have signed up, she feels that Macquarie is the right company. She noted that she is neutral on the utility fee option but feels it needs to be extremely low with an opportunity for certain demographics to opt out because there is a segment that will never have a need for it. She noted that she would like to see more things flushed out.

Mr. Cowie commented, for the record, that this is not the most financially feasible option. He noted that we know that Macquarie will look for a return on their investment, and if the cities had political will, and the ability to continue to bond collectively, this could be done cheaper; there may be other cheaper options for Lindon City. Mr. Cowie added that he does not believe there is the will with all of the cities to participate to continue to build out the network, and the Macquarie option is certainly something to continue to evaluate.

Mayor Acerson called for any further comments or questions from the Council. Councilmember Broderick commented that there is no doubt that Utopia and UIA has not reached their milestones, and no one is comfortable with the proposed utility fee, but he feels that the Council needs to look to see if this is or isn't the opportunity out there. Councilmember Hoyt agreed with Councilmember Broderick's statement and commented that we didn't make this problem, but we are the elected officials to help find a way out, and he feels this is the best possible solution and getting to milestone one clears the path to at least have a decision to that point; we owe that to the citizens to take that step to see if this is a viable option.

Mayor Acerson called for any further comments or questions from the Council. Hearing none he called for a motion.

COUNCILMEMBER BRODERICK MOVED TO SUPPORT THE PRE-DEVELOPMENT AGREEMENT AND/OR POTENTIAL PARTNERSHIP BETWEEN UTOPIA/UIA AND MACQUARIE, WITH THE FOLLOWING CONDITION: TO DIRECT STAFF TO ALLOCATE UP TO \$15,000 OF GENERAL FUND RESERVES TO COVER THE POTENTIAL COST OF MILESTONE ONE (1).

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

COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	NAY

COUNCILMEMBER BRODERICK AYE
2 COUNCILMEMBER HOYT AYE
THE MOTION CARRIED THREE TO ONE.

4
18. **Review and Action** — *Utah Infrastructure Agency OpEx Assessments*. This item
6 was continued from the January 7, 2014 Council Meeting. The Council will
review UIA/UTOPIA performance reports and give staff direction in regards to
8 whether payment of OpEx assessment invoices received for the months of
November, December and January in the amount of \$10,169.00 per month should
10 be made. The assessments have been budgeted for the 2013-14 fiscal year.

12 Mr. Cowie opened the discussion by stating this item was continued from the
January 7, 2014 Council meeting. He noted that UIA and Utopia have had some
14 operation shortfalls over the last year, and they approached the city early last year, and
requested an amount of \$10,169.00 for January February and March which would be paid
16 month to month. Mr. Cowie stated that this issue was discussed in October, November
and December. He noted that before us tonight are the requested assessments which are
18 \$10,169.00 per month with the most recent data provided. Mr. Cowie then referenced the
data sheets. He stated that Lindon has paid its assessments through October 2013. The
20 November, December, and January payments are still pending.

22 Mr. Cowie noted, based on previously reviewed materials, UTOPIA appears to be
slowly increasing total number of subscribers and meeting general expectations for
growth based on the ‘Sweet Spot’ plan that was presented last February.

24 Mr. Cowie then gave an overview of OpEx. He discussed that UIA was able to
make sufficient revenues to cover OpEx payments during the months of July, August,
26 and September and therefore Lindon was not invoiced for any assessments during those
months. However, this occurred due to one-time revenue opportunities. The OpEx
28 payments are therefore expected to continue for several years per the original proposed
plan reviewed in February of 2013. Mr. Cowie noted that due to new deployment and
30 distribution of assets, Lindon’s October and subsequent OpEx assessments have been
reduced by \$993.00 from our original monthly assessment amount paid in spring 2013.

32 Mr. Cowie explained that per the Council’s inquiry in our last discussion, Staff
has been informed that no negative outcome or penalty to those member cities that have
34 not participated in OpEx has occurred. However, we are certain there is some tipping
point for which more drastic measures may be taken if OpEx is not fully covered (i.e.,
36 franchise tax obligations are called upon to backstop UIA bonds).

38 Councilmember Bean referenced an email sent out by Wayne Pyle (Utopia Chair)
that indicated for the projected year of 2014 all cities assessments will decrease because
some of the cities were not invoiced. He also indicated in the documents they viewed the
40 assessments as responsibilities or obligations. Councilmember Bean stated that he does
not view them as responsibilities or obligations but that does not necessarily mean we
42 should not pay them, he just wanted to make sure that we are on the same page. He
further stated that he would like to buy more time to obtain more information and
44 possible other options regarding this issue.

46 Mr. Cowie commented that he does not feel that the City has a financial
obligation but perhaps a “team obligation” as a member of Utopia. He added that he does
not feel that Lindon is the tipping point, but at some point, with the limited number of

2 cities (assuming one more big city tips out) would switch this, and they would probably
 4 call on the franchise tax, and at that point we would be financially obligated to help them
 6 make their payments for the bond; which may become a reality sooner or later. If the
 8 Macquarie proposal does not work it would require all UIA cities to pay based on their
 10 franchise tax backstop commitments, and they would choose, as an entity, to pay their
 12 operations first and not the bonds, and therefore force the cities into it, which is a
 14 legitimate issue on the horizon.

16 Following some additional general discussion amongst the Council members
 18 regarding this issue Mayor Acerson called for a motion.

20 COUNCILMEMBER POWELL MOVED TO **NOT AUTHORIZE** THE CITY
 22 TO PAY THE UIA OPEX ASSESSMENTS AS INVOICED FOR THE MONTHS OF
 24 NOVEMBER, DECEMBER AND JANUARY. COUNCILMEMBER HOYT
 26 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER POWELL	AYE
30 COUNCILMEMBER BEAN	AYE
32 COUNCILMEMBER BRODERICK	AYE
34 COUNCILMEMBER HOYT	AYE

36 THE MOTION CARRIED UNANIMOUSLY.

38 **19. COUNCIL REPORTS**

40 **Councilmember Powell** – Councilmember Powell expressed her appreciation to all who
 42 responded to last Friday’s incident and noted that a lot of hard work went into handling
 44 the tragedy. She also expressed that we are all blessed to live and work in a community
 46 that is so tight knit and that cares for one another.

Councilmember Powell inquired about an upcoming Tribute Gala (first
 responders). Mr. Cowie noted that he will ask for more information and let her know.
 Councilmember Powell also reported that the Community Center Advisory Board and the
 IHC Outreach will not meet until February. Councilmember Powell mentioned an issue
 regarding ADA regulations for snowplows. She noted that the snowplows push the snow
 into the ADA ramps which makes it a difficult situation for those who are handicapped
 and utilize the ramps.

Councilmember Bean – Councilmember Bean reported that there is still an opening for
 a new Planning Commission seat and asked the Council to notify him of any candidate
 suggestions for those who are willing to serve.

Chief Cullimore – Chief Cullimore had nothing further to report.

Councilmember Hoyt – Councilmember Hoyt reported that he echoed the sentiments of
 Councilmember Powell regarding the recent tragedy. He also reported that the Historic
 Preservation Commission met and they discussed the success of the Tree Lighting
 Ceremony. Councilmember Hoyt asked Mr. Cowie what the process is to add a member
 to the Commission. Mr. Cowie replied the process is that the Mayor will contact them
 and extend an invitation to serve and then the Council will approve them. At this time

three names were suggested by the Council to serve on the Historic Preservation Commission, Ted Lott, Erlene Lott, and Paula Ruth. Councilmember Hoyt stated that they are willing to accept the call. The Council was in agreement to extend the offer to Ted and Erlene Lot and Paula Ruth to serve. Councilmember Hoyt stated the next meeting of the Historic Preservation Commission will be a dinner at Tonya Lamone's home to be held on the 19th of March.

Councilmember Broderick – Councilmember Broderick mentioned the recent water line breaks and commended the public works crews on their work and how well they responded.

Mayor Acerson – Mayor Acerson reported that he attended a panel discussion at the state capital sponsored by the Sutherland Institute on the gas tax. Mayor Acerson commented that it is interesting to hear the different points of view and thought processes regarding this issue. Mayor Acerson also reported that he will be attending the Utah Lake Commission meeting on Thursday and will report back.

Administrator's Report:

Mr. Cowie reported on the following items:

Misc Updates:

- Project Tracking List.
- Joshua Boren – updates on investigation and funerals. Working to see what benefits and life insurance may be available for family expenses.
 - Staff plans to re-evaluate top candidates from October selection process instead of starting new search to fill vacancy.
- 2012-13 Audit Report still pending. K&C Accountants have been hired to finalize the report.
- Mr. Lee – Storm water fee concerns. Has met with Staff and filed formal appeal to the Council.
- Sewer plant expansion – additional costs anticipated for UV treatment. Increases in treatment costs. Mark Christensen will be presenting in February to discuss rates and billing issues.

Upcoming Meetings & Events:

- Newsletter Assignment: Councilmember Hoyt - March newsletter article. *Due by last week in February.*
- January 29th – ULCT Local Officials Day at the Legislature. 7:30.a.m.- 2:00 p.m. Utah Capitol/Lunch @ Salt Palace. Registration required if interested.
- February 3rd at Noon – ULCT Legislative Policy Committee at State Capitol, Room W30. Mayor Acerson and Adam Cowie will attend.
- February 11th at Noon – Engineering Meeting at Public Works Mayor Acerson, Councilmember's Broderick and Powell will attend.
- February 10th at Noon – ULCT Legislative Policy Committee at State Capitol, Room W30. Mayor Acerson and Mr. Cowie will attend.
- February 12th at 5:00-7:00.p.m. – Bicycle Master Plan Public Open House at

Community Center. The Mayor and Council are encouraged to attend.

- 2 • February 17th – Presidents Day/City Offices closed.
- 4 • February 18th – Council vacancy interviews The Mayor and Council will attend.
- 6 • February 24th at Noon – ULCT Legislative Policy Committee at State Capitol, Room W30. Mayor Acerson and Mr. Cowie will attend.
- 8 • February 27th at 6:00 p.m. – Budget Kick-off Meeting & Dinner at City Center The Mayor and Council will attend.
- 10 • March 3rd at Noon – ULCT Legislative Policy Committee at State Capitol, Room W30. Mayor Acerson and Mr. Cowie will attend.

Future items:

- 12 • Policy Manual updates.
- 14 • Fee and Utilities rate studies / review of active service military utility waivers.
- 16 • Lindon Pumping Co. land – 725 E. 200 S., potential land sale/use by neighbor.
- 18 • Planning Commission member vacancy.

18 COUNCILMEMBER POWELL MOVED TO RECESS THE REGULAR CITY COUNCIL MEETING AND MOVE INTO A CLOSED EXECUTIVE SESSION. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

22 COUNCILMEMBER POWELL MOVED TO ADJOURN THE CLOSED EXECUTIVE SESSION AND RE-CONVEN THE REGULAR CITY COUNCIL MEETING. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 Mayor Acerson called for any further comments or discussion from the Council. Hearing none he called for a motion to adjourn.

Adjourn –

34 COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING AT 11:55 P.M. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – February 4, 2014

Kathryn Moosman, City Recorder

Jeff Acerson, Mayor

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)*

6. Review & Action — Major Subdivision: Long Orchard

(30 minutes)

This is a request by Bryon Prince, on behalf of Ivory Development, for approval of an eleven (11) lot subdivision located at approximately 400 East and 170 South on approximately 6.7 acres in the Residential Single Family (R1-20) zone. The Planning Commission recommends approval.

Presenting Staff: Hugh Van Wagenen, Planning Director

See attached info.

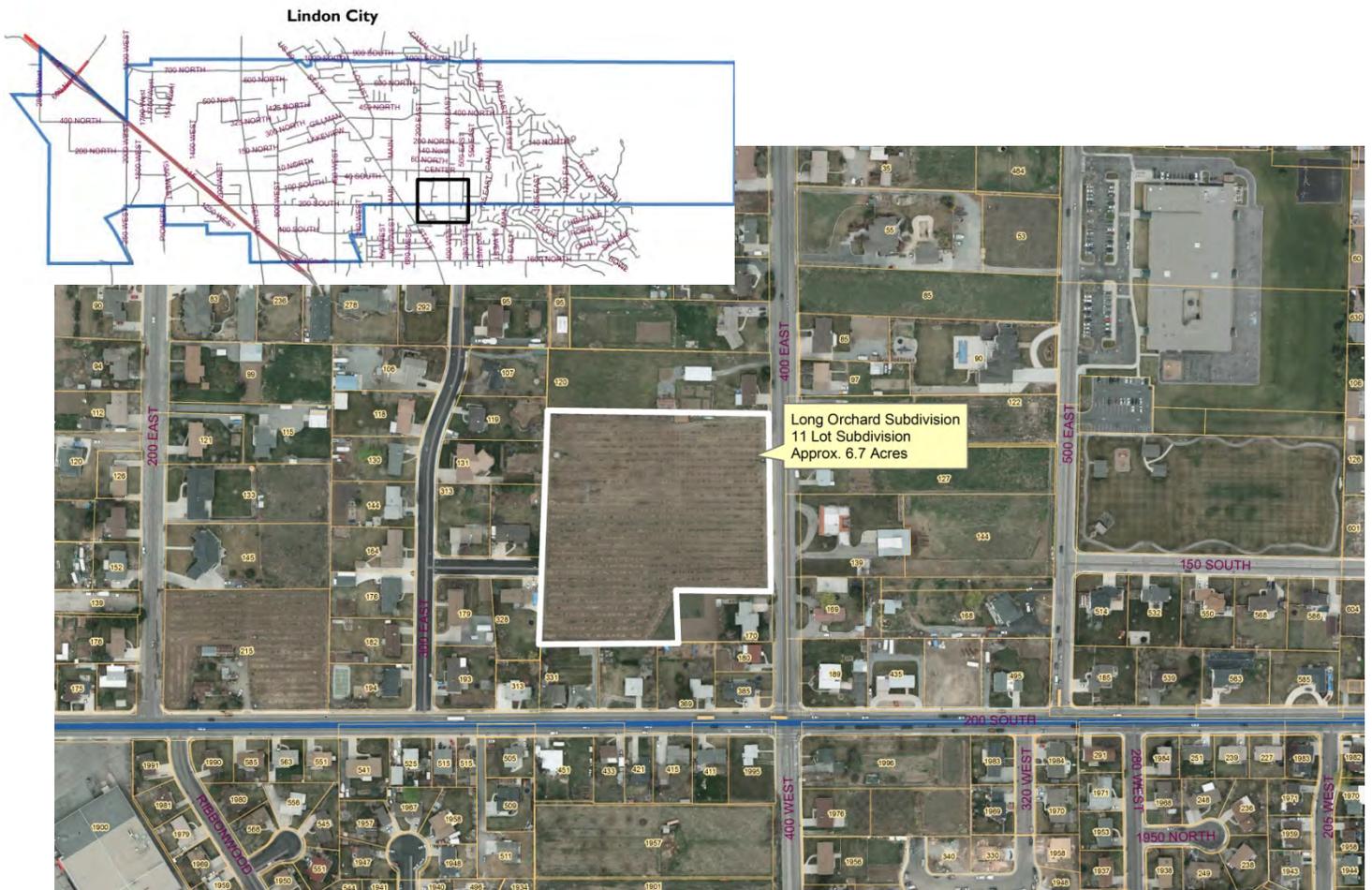
Major Subdivision - Long Orchard

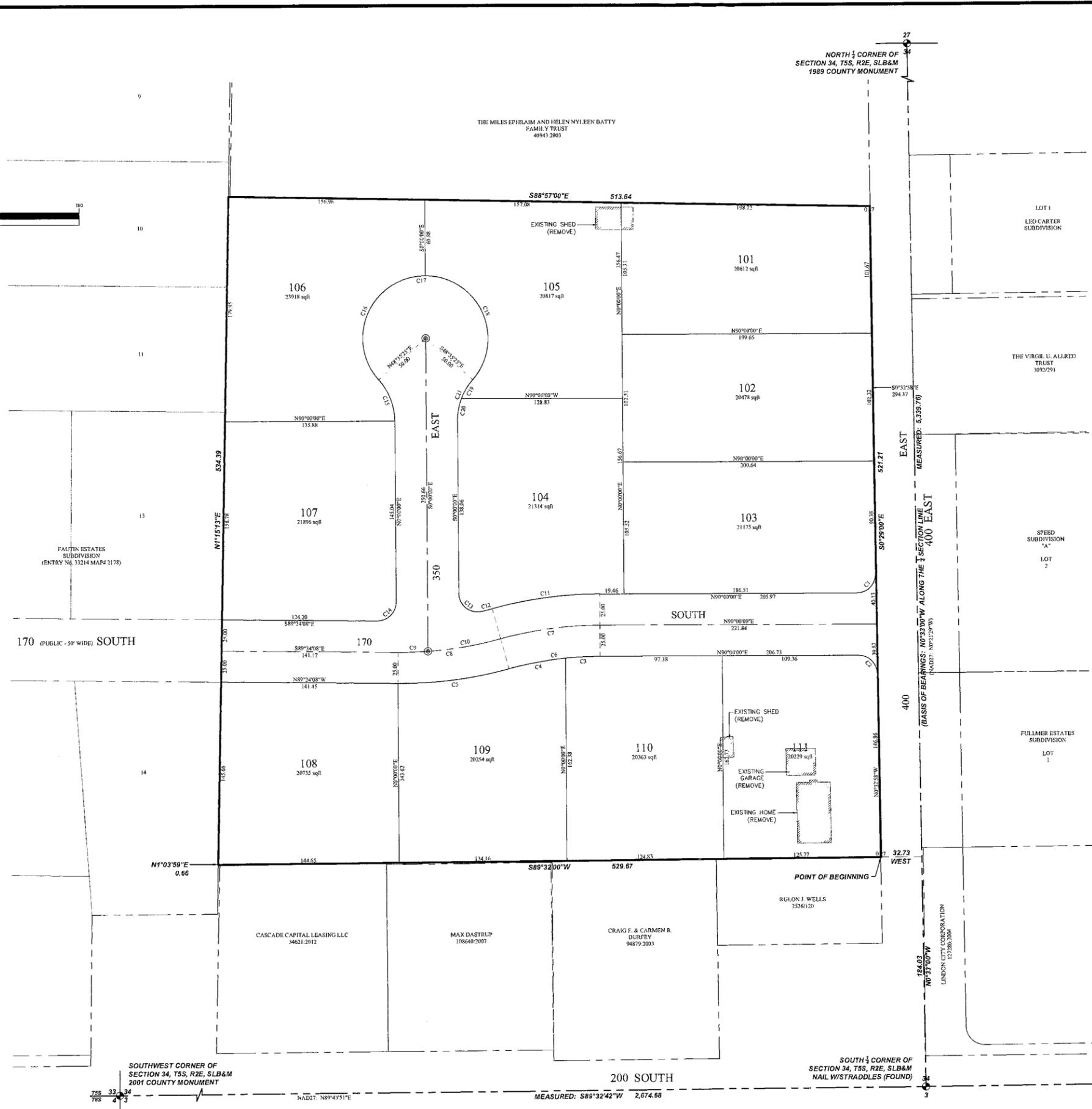
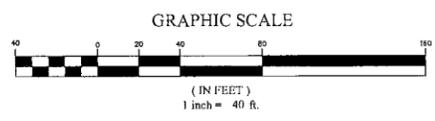
Presenting Staff: *Hugh Van Wagenen*
Applicant: *Bryon Prince on behalf of Ivory Development*
Location: *Approximately 400 East and 170 South*
Zone: *Residential Single Family (R1-20)*
Acreage: *6.7 acres*

Summary

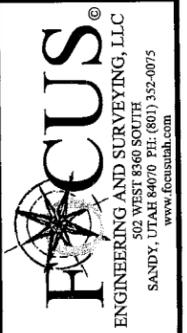
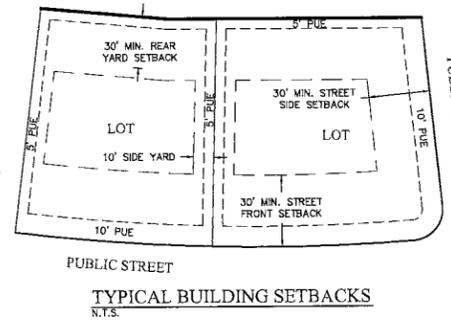
This is a request by Ivory Development for approval of an eleven (11) lot subdivision named Long Orchard.

Location





Curve Table					
CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	15.00	90°32'58"	23.71	N44°43'31"E	21.31
C2	15.00	89°27'02"	23.42	N45°18'29"W	21.11
C3	275.00	5°43'41"	37.49	S87°08'09"W	27.48
C4	275.00	9°33'37"	45.89	S79°29'30"W	45.83
C5	325.00	15°53'11"	90.11	S82°39'17"W	89.82
C6	375.00	15°17'19"	73.38	S82°31'21"W	73.16
C7	300.00	15°17'19"	80.05	S82°31'21"W	79.81
C8	300.00	15°53'11"	83.18	N82°29'17"E	82.91
C9	300.00	4°32'12"	23.75	N88°19'46"E	23.75
C10	300.00	11°20'58"	59.43	N80°23'11"E	59.33
C11	325.00	15°17'19"	86.72	N82°31'21"E	86.46
C12	275.00	1°48'30"	8.68	N75°30'56"E	8.68
C13	15.00	103°28'40"	37.09	S51°44'24"E	23.56
C14	15.00	90°55'52"	23.72	N45°17'56"E	21.32
C15	50.00	41°24'35"	36.14	N30°42'17"W	35.36
C16	50.00	131°24'35"	114.68	N2°17'43"E	91.14
C17	50.00	262°49'00"	229.35	N00°00'00"W	75.00
C18	50.00	131°24'35"	114.68	S34°17'43"E	91.14
C19	50.00	30°42'17"	18.07	S31°03'26"W	17.97
C20	50.00	30°42'17"	18.07	S10°21'09"W	17.97
C21	50.00	41°24'35"	36.14	S20°42'17"W	35.36



PRELIMINARY LONG ORCHARD LONDON, UTAH LOT LAYOUT

REVISION BLOCK	
#	DESCRIPTION
1	
2	
3	
4	
5	
6	

LOT LAYOUT

Scale: 1"=40' Drawn: JSB
 Date: 1/3/2014 Job #: 13-203
 Sheet: C2



Z:\2013\13-203\Long Orchards\Preliminary\02 - Lot Layout (Prelim).dgn

Views from 400 East looking South

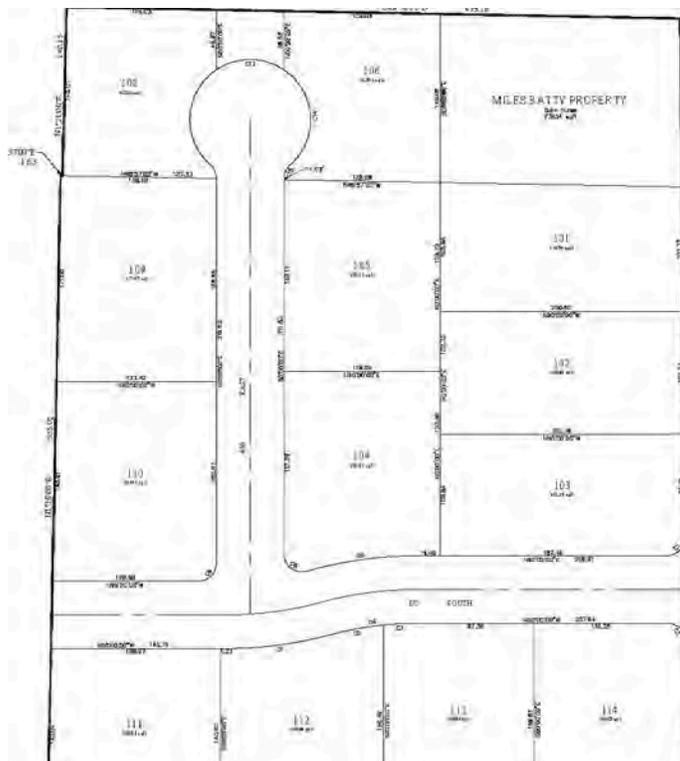


View from 300 East onto 170 South



Future Street System

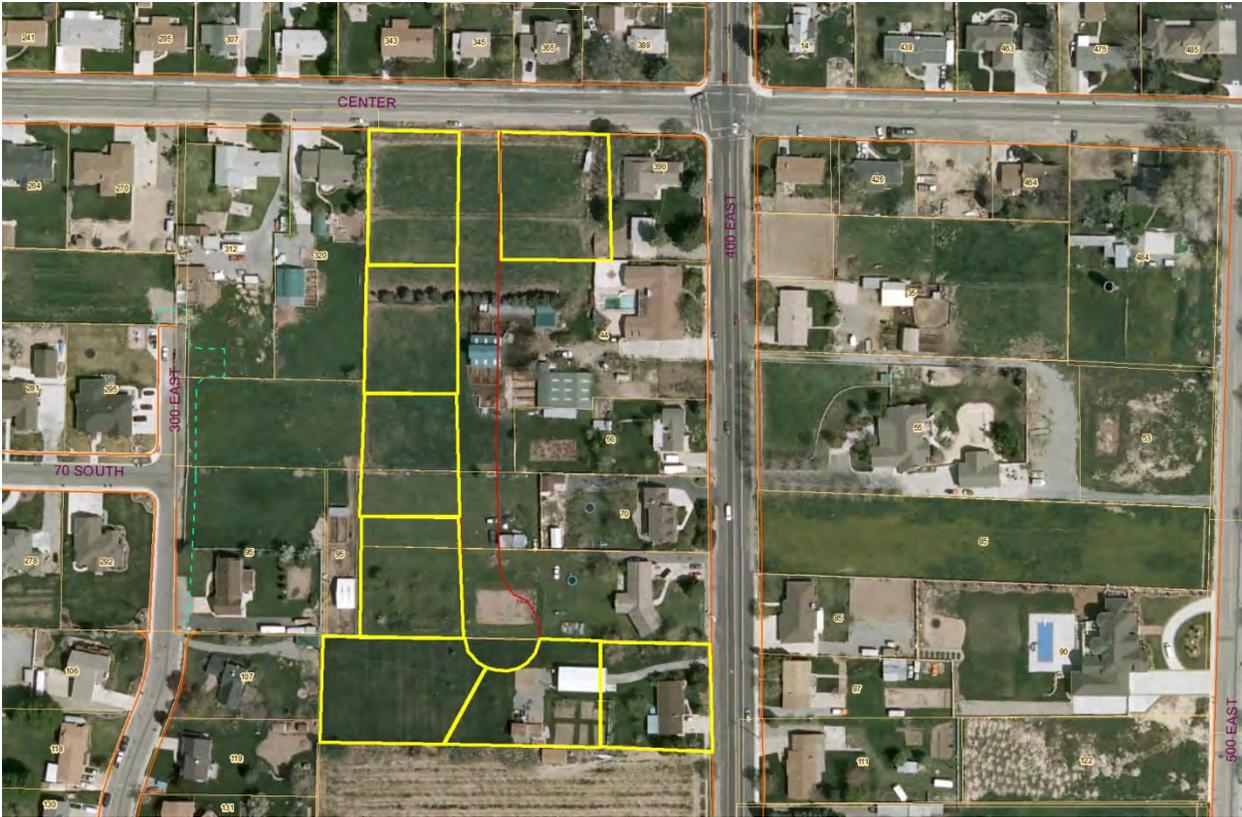
When a subdivision covers only a portion of a larger un-subdivided area, the applicant is required to submit a sketch proposing a future street system that demonstrates how the balance of un-subdivided land could be developed. In order to accomplish this, Ivory spoke with the home owner to the north, Miles Batty. It was conceived that a road could be stubbed to Mr. Batty's property, with a temporary turnaround, in order to facilitate future development. Mr. Batty hoped to gain two potential lots from the road passing through his property. However, when the conceptual layout was drawn, there was not enough acreage to facilitate two lots and the roadway on Mr. Batty's property. At that point Mr. Batty was not interested in a road being stubbed to his property. The concept sketch is shown below. Following the discussion with Mr. Batty, Ivory decided to keep the roadway entirely within the subdivision. A standard cul-de-sac will service Lots 105 and 106 as shown in the preliminary submittal.



Even with the cul-de-sac not stubbing to Mr. Batty's property, there are still some potential road options that could develop the interior of the block. Those sketches are shown below:



Development of Batty/Whitmer properties with a cul-de-sac street from 400 East.



Development of interior with a cul-de-sac road from Center Street.

Lot Considerations

The eleven lots proposed in the Long Orchard Subdivision meet minimum lot size requirements, street frontage requirements. There are no unusual/unique requests regarding this subdivision.

Planning Commission Recommendation

During the Planning Commission meeting, a neighbor expressed concern over current irrigation water drainage of the orchard. With this in mind, the Planning Commission unanimously recommended approval of the preliminary plat with the condition that the drainage details be worked out with the City Engineer. Storm water engineering details have not been finalized, but any proposal will have to meet the City Engineer's approval before receiving final plat approval, regardless of any condition of approval placed on the preliminary plat.

Motion: I move to (approve, continue, deny) the eleven (11) lot subdivision to be known as Long Orchard with the following conditions (if any):

7. Review & Action — Appeal of Decision regarding Storm Water Utility Fee (30 minutes)

The Council will review and consider an appeal by Leonard Lee, with LA LEE ENTERPRISES, of an administrative denial of a request for a 50% credit and/or refund of storm water utility fees paid from October 1997 through December 2013 for the properties located at 115 South State Street and 119 South State Street.

Presenting Staff: Adam Cowie, City Administrator

Background: In September of 1997 Lindon City adopted a storm water ordinance and utility fee to help cover the cost of storm water collection, treatment, and transport. The ordinance allowed the City to grant a credit for developments that met certain standards for retaining and treating storm water generated from their properties. In 1997 it was determined to grant a 50% reduction on storm water fees for sites that met city standards. Mr. Lee's buildings at 115 & 119 South State were constructed prior to the City adopting a Storm Water Utility Fee.

During 1997 and early 1998 it appears that ample opportunity was provided for non-residential property owners to be informed of the storm water program. Opportunity was provided for property owners with existing developments to meet with the City and request that the storm water credit be granted if their properties met the City standards. While there is indication that multiple properties did take this opportunity to meet with the City and have their sites inspected, there is no indication that 115 & 119 South State Street properties were ever requested to be inspected for storm water compliance. Thus, the full storm water utility fee was applied to both properties and has been invoiced accordingly since that time.

As these sites were developed prior to the ordinance adoption in 1997, Staff has determined that Mr. Lee (or other property representatives) did not take advantage of opportunities made available to receive the storm water credit. Please see the attached emails and other correspondence between Lindon City and Mr. Lee. Staff believes the 1997 efforts by the City to inform property owners of the utility fee and credit is sufficiently clear. In the fall of 2013 Mr. Lee approached the City regarding the credit and the sites were subsequently inspected and approved to receive the 50% reduction in fees beginning December 2013.

Since adoption of the Storm Water ordinance in 1997, the City's typical procedure for granting a 50% credit of the utility fee is handled during the site plan approval process when a new building is constructed. Besides this process, staff is unaware of any additional city-wide campaigns or individual notifications to properties regarding the storm water credit opportunity.

After the first denial notification, we provided Mr. Lee opportunity to meet with our staff in a DRC meeting to discuss the issue in depth. In this meeting we provided him a copy of our Storm Water ordinance. A portion of the ordinance identified as Lindon City Code 13.22.040(7) provides opportunity for an appeal of a storm water fee (as listed below). Staff has provided Mr. Lee with two previous written denials of the request for credit/repayment of the storm water fee. With receipt of Mr. Lee's appeal letter the matter is now to be determined by the City Council.

LCC 13.22.040(7) – Storm Water Utility Fee.

7. Appeals. Any person or entity that believes that this ordinance, or any storm water utility rate resolution, was interpreted or applied erroneously may appeal to the city administrator. The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within ten (10) days of the decision, action, or bill being appealed. The city administrator may elect to hold a hearing on the appeal. The city administrator shall respond to the appeal in writing within ten (10) days of when the appeal is filed. If the person or entity is not satisfied with the city administrator's decision, a further appeal may be made to the city council. The appeal to the city council shall follow the same procedures as the appeal to the city administrator. The city council's decision shall be final and binding on all parties.

Since utility records are only kept for seven years, we are unable to determine with exactness the total amount of utility fees paid since 1997. However, we do have enough information to estimate all potential storm water utility fee charges. Potential utility billing credit and/or repayment amounts are being calculated and will be made available at the meeting. Staff estimates that the requested credit/reimbursement value for both properties may be somewhere in the range of \$20,000. It is unclear from Mr. Lee's appeal letter if he is requesting a credit to his utility bill accounts or cash payment.

Sample Motion: I move to (approve, deny, continue) the appeal by Leonard Lee for a 50% credit and/or refund of storm water utility fees paid from October 1997 through December 2013 for the properties located at 115 South State Street and 119 South State Street.

LINDON CITY

JAN 14 2014

RECEIVED

Leonard Lee
LA LEE ENTERPRISES
119 s. State Street
Lindon, Utah 84042

Adam Cowie
Administrator
Lindon City
100 North State Street
Lindon, Utah 84042-1801

January 14, 2014

Dear Adam:

Thanks for participating in the development review meeting last week where the storm water utility credit was discussed. It was interesting to discover that the properties at both 115 S. state and 119 S. state have not received the storm water utility credit since the credit was created.

We have discussed the idea that an invitation was made to property owners to come to a meeting with the city consulting engineer to demonstrate eligibility for the credit at the time the credit was created. I don't have any memory of that invitation. Nevertheless the storm water credit was not brought to my attention until last fall. When by comparing utility statements for 131 S. State, 40 S. 100 E. and 119 S. State there was an obvious difference in the amounts being billed that were disproportionate. After inquiring about the discrepancy, you made arrangements to have Mark Christensen of J.U.B. inspect the property and he determined that the credit does apply to 115 S. State and to 119 S. State. The City has since applied the credit to the Utility billing for both 115 S. State and 119 S. State. Thank you.

As City Administrator you have indicated that a credit for prior year payments of storm water fees cannot be granted so I am appealing that decision per item 7 p.68 13.22.040 of LCC, and am requesting a credit to my account of a refund of 50% of the storm water utility fees billed to 115 S. State and 119 S. state since the storm water utility fee was created.

Whatever happened when the fee was created is not evident from my records. Perhaps Mark Christensen can find something more as he was able to find some old documents that were helpful at the DRC meeting. We have the site plan for the Carter Construction strip mall that shows drainage for 119 S. State building along with the 131 S. state building. Since the strip mall received the credit and the 131 S. State building was built by Carter then sold to me I understand why it received the 50% credit. The mystery is why the 115 and 119 S. State did not receive the 50% credit. I understand your position that an invitation was made and a meeting held to demonstrate eligibility for the credit. There was an opportunity for the City to review the credit for 115 S. in 2000 when building permit #3521 was issued, but that did not happen. I understand the 119

S. building was built prior to the fee. There has not been any notation on the utility billing for 131 S. state indicating that the property was receiving the 50% credit.

I believe Mark is correct that there has not been a site plan approval on this property since 1997. There was the building permit issued in 2000. And there should have been some discussion of storm water at plan review that should have included the utility fee. And that is my point. There was an error made when the Storm Water Utility fee was implemented, right from the start of the fee which was implemented just after the construction date of the 119 S. State building. If notice of the opportunity to meet was sent to me I don't know. The notice could have gone to my staff at the time, it could have been discarded, it may have never been sent.

While this happened closer to 20 years ago I think there was an oversight or error. I don't think the city mismanaged, I think someone made a simple error and there is precedence for that. Please refer to Lindon City Invoice 2339 12/10/2008 customer #432 bond overpayment in the amount of \$13,500.00

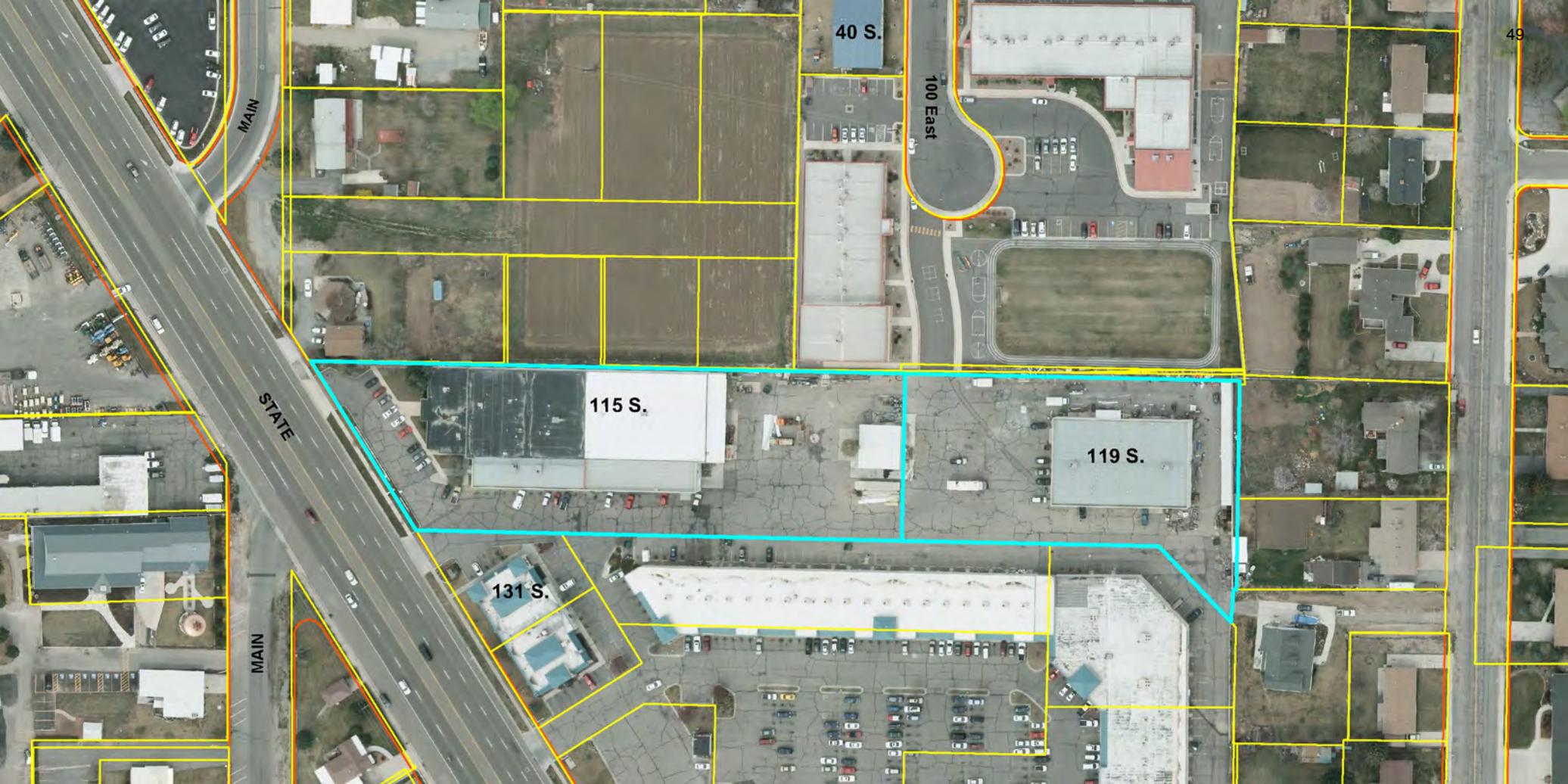
I don't think my request is of the nature that you would need to change policy or go back to every non-residential site in Lindon. This is a simple oversight or omission that needs correction.

With reference to the 119 S. State property I cannot at present calculate the overpayment for the 8 years from 1999 to 2004. I have calculated the overpayment from 12/01/2003 to 9/30/2013 to be \$5122.66 and estimate the beginning period of 2007 to 12/01/2003 to be less than \$3102.72 for an approximate overpayment of something less than \$8225.38. If you include 115 S. state the overpayment could be estimated at closer to \$20,000.00 Your office staff informed me today that utility records are only kept for 7 years, so I will need a beginning date for 119 S. State and 115 S. State which could be determined from the occupancy date and the Storm water utility rates at the time the Storm Water utility fee was implement and dates of increases in order to calculate the exact overpayment. Perhaps your staff or Mark Christensen would calculate it.

Thanks for your attention to my request:



Leonard Lee
General Partner LA LEE ENTERPRISES



MAIN

40 S.

100 East

STATE

115 S.

119 S.

131 S.

MAIN

49

From: [Leonard Lee](#)
To: [Adam Cowie](#)
Subject: RE: Utilities appeal - status
Date: Friday, January 17, 2014 4:08:02 PM

Thanks, I look forward to learning what you have found.

Leonard Lee

From: Adam Cowie [acowie@lindoncity.org]
Sent: Friday, January 17, 2014 1:54 PM
To: Leonard Lee
Subject: Utilities appeal - status

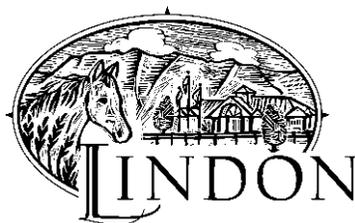
Leonard –

Please accept this email as official notification that I have received your request for appeal (dated January 14, 2014) on your storm water utility payments. I have discovered some additional materials related to the original city notification process on the fees and credit availability. I anticipate responding more fully next week with copies of these materials.

Thanks for your patience.

Adam Cowie
Lindon City Administrator
100 N. State Street
Lindon, UT 84042
(801) 785-5043
acowie@lindoncity.org <<mailto:acowie@lindoncity.org>>
[cid:image002.png@01CF138B.9F283CF0] <<http://www.facebook.com/lindoncity>>
[cid:image004.jpg@01CF138B.9F283CF0] <<http://www.lindoncity.org/>>

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



TEL 801-785-5043
FAX 801-785-4510
www.lindoncity.org

Leonard Lee
LA LEE ENTERPRISES
119 S. State Street
Lindon, Utah 84042

January 27, 2014

Re: Storm water utility fee credit

Leonard,

I received your letter dated January 14, 2014 in which you requested an appeal of my December 13, 2013 decision not to permit a retroactively applied credit for storm water fees paid on your properties at 115 South State Street and 119 South State Street.

Per Lindon City Code 13.22.040(7) 'Storm Water Utility Fee', and upon receipt of your appeal letter, I am referring this matter to the City Council for their review and consideration. This issue will be placed on their Tuesday, February 4, 2014 meeting agenda. Agendas should be available on the City web site the weekend prior to the meeting.

Since our last meeting on January 9, 2014 I have found some additional documentation that I believe verifies the City's 1997-98 efforts to contact all existing businesses regarding the opportunity for the storm water credit to be received. Although I don't have a copy of the exact letter that was sent to your properties, it appears that on October 2, 1997 a form letter explaining the new storm water fee and credit program was sent to all commercial, industrial, and institutional properties existing at that time. A supplemental sheet informing property owners of the process of approval on the storm water fee was attached. I am providing you a copy of this informational sheet.

Over the next few months David Thurgood, with JUB Engineers, met with over twenty-five property owners to discuss the storm water fee and opportunity for credit. Some properties were eligible for the credit and are marked accordingly on an attached memo and spread sheet. I've also found a response letter from MS Properties thanking the City for notification of the Oct. 2, 1997 storm water fee notification letter and further requesting the reduction. The addresses for which you are requesting the appeal (115 S. & 119 S. State) are listed on Mr. Thurgood's spread sheet as existing properties with developed impervious area. However, the properties are not identified by Mr. Thurgood as properties that discussed the storm water issue with the City.

It appears that ample public meetings and notification regarding the storm water fee and associated credit was provided at the time, but unfortunately the opportunity for credit was not taken. Given this information, I remain firm in my decision not to grant your requested credit and/or reimbursement of storm water fees paid. Failure to take advantage of the credit opportunity does not appear to be an oversight or omission by the City that warrants correction.

It appears that after some period of time in mid-1998 the city moved forward assuming best efforts had been made to inform and coordinate with businesses regarding the fee. From that point onward all new developments were required to meet the standards in the code and would be eligible for the credit. It appears that no substantial efforts by the City to encourage updates to previously existing sites have been made since 1997-98. I agree that some effort should be made by the City to provide notification of the credit program to non-eligible properties with additional documentation provided on utility bills. We appreciate this feedback and are considering options for this type of notification to property owners.

I have attached what I believe is the most relevant information I've found on the implementation of the storm water fee. Please contact Kathy Mossman at 801-785-5043 if you would like to inspect any other documents and obtain copies through a Records Request process.

If you have questions about this matter or your scheduled appeal before the City Council on February 4, 2014, please feel free to contact me at 801-785-5043.

Sincerely,



Adam Cowie
Lindon City Administrator

Attachments:

- 1997 Engineers Review Meeting Reports
- October 2, 1997 Storm Water Fee Points of Interest
- January 28, 1998 JUB Memo from David Thurgood, 'Storm Water Utility Fee Adjustments'

Cc: Kathy Moosman, Lindon City Recorder
Mayor Acerson and City Council members

LINDON CITY CORPORATION
ENGINEERS REVIEW MEETING REPORT
September 19, 1997

Item No. 1 - State Street waterline construction.

Project is well under way. Work is going well, contractor is carrying out his operations in a satisfactory manner. Contract time (with the 60-day extension) is up on September 23. Contractor is now at Main Street. He has about 900 feet of main line to put in followed by fire hydrants, flushing, cleaning, testing, disinfecting and then transferring services. The installation of fire hydrants and services is going to take some time due to all of the utilities that have to be crossed. The foreman, Curt, estimates that they should be through about October 10. We have contacted Steve Kay and made him aware of the Contract Time. He is going to request an extension. We have asked for it in writing. Will contact Ott when it is received.

Item No. 2 - North Union Pump Station.

Most of the work items are complete. Had a pre-final inspection on September 11. A list of items needing to be completed was made with the contractor. We are concerned about the number of calls we have had from suppliers and subcontractors on the job who have not been paid. It would be well to discuss this with the City Attorney. Each Application for Payment the contractor signs a release that states that he has paid all of the material and labor expenses.

Item No. 3 - Zone 2 Booster Pump Addition

Installation of new pump will take place after the irrigation season.

Item No. 4 - Storm Water Utility

The Council has adopted Storm Drain fees. We are in the process of determining the impervious surface area of each of the commercial, industrial and institutional developments. We are using digital aerial photography obtained from Olympus. We received the information on Tuesday this week. This work will be completed September 26. We are setting up a spreadsheet to enter the data in and do the fee calculations. Storm drain fees will be ready for the October billing.

Item No. 5 - 400 North Street Improvements - North Union Canal to Murdock Canal.

Contract has been awarded to Gibbons and Reed. The Contracts have been sent to California for signing. Steve Yancy expects them back today or Monday. We need to set a pre-construction meeting for the early part of next week. We will set this up, including inviting US West and Utah Power. They have facilities that need to be moved. What is the status of street dedication plat? T.E. Madden and Associates will do construction surveying. Earthtec will do materials testing.

Item No. 6 - Intersection 800 West Lakeview Road.

Fieldwork has been received. The staking of points along the right-of-way was not done. We will follow up with the surveyors. Base map is being prepared and then the design will be completed. Will be ready for a review later part of next week.

Item No. 7 - Application to CUP for Water Conservation Funding.

Feasibility to be completed around the end of September.

STORM WATER FEE
POINTS OF INTEREST
October 2, 1997

1. Storm Water Utility Fee was discussed in the 2 public hearings for budget adoption:
 - a. *June 3, 1997*
 - b. *June 17, 1997*
 - c. The Council determined this fee to be \$3.00 per "equivalent service unit."
2. City Council received a presentation from the City Engineer during its regular meeting of *August 19, 1997* for the proposed methodology and implementation of the storm water utility fee. At this meeting, the Council adopted the implementation procedure for commercial and industrial developments with the potential for credits. The fee per "ESU" for various residential subdivisions was still under discussion, with a base fee per "ESU" of \$3.00.
3. Proper notice and legal advertisements in the Daily Herald and the Pleasant Grove Review were given concerning a public hearing to be held on September 16, 1997 for the consideration of the adoption of a Storm Water Utility Ordinance.
4. A Public Hearing was held on *September 16, 1997* where an ordinance to establish a Storm Water Utility was adopted. The \$3.00 fee per "ESU" was established.

Typical Questions and Responses:

1. What is the Storm Water Utility Fee used for?
 This fee will be used for the maintenance and operations of the Storm Water system. The City has a storm water system of pipes, ditches, and detention ponds to handle the storm water.
2. How was the \$3.00 per ESU determined?
 An engineering study was performed outlining the costs of the system and a recommendation for a fee, similar to the water and sewer fees currently in place. The recommendation was for \$4.00, but the Council determined that \$3.00 is adequate.
3. Why is this fee necessary?
 Recent storms have emphasized the need for this system. As development occurs, more and more impervious surfaces are constructed. This means more rooftops, roads, concrete, and asphalt has replaced the natural ground surface. The storm

water then must be directed and carried away, as opposed to being left to absorb naturally into the soil.

4. May I discuss this with someone at the City on a personal basis?
Yes. If you would like, we will set an appointment for you to discuss this system and fee with staff. (Thursday afternoons - 3:00 pm to 5:00 pm)
5. I own a business, the fee seems very high. Are there provisions to reduce this fee if I try to control the storm water?
Yes. There are provisions for "credits" - up to 50% - if certain measures are taken to mitigate the storm water from your site. May I set an appointment for you to talk with city staff about your particular parcel? (Thursday afternoons - 3:00 pm to 5:00 pm)
6. I believe those who are creating the problem by developing on the east hills should pay for it. We never had this situation before that area was developed.
The City now has a Storm Water System Capital Facilities Plan which identifies the needs within the City. Also, new development will now pay a "storm water impact fee" which will help with the construction of new storm drain piping. In addition, all homes will pay the same monthly fee to help with the maintenance and operations of the system.

LINDON CITY CORPORATION
ENGINEERS REVIEW MEETING REPORT
October 23, 1997

Item No. 1 - State Street waterline construction.

Contract time (with the 60-day extension) was up on September 23. We have contacted Steve Kay and made him aware of the Contract Time, but have not yet received a request in writing from him. Contractor has installed all of the pipe and fire hydrants. He has flushed, cleaned, tested, disinfected the line and has a satisfactory bacteriological test. He has one more service to transfer and three tie ins to do, one at Center, Main and for the Foundations building fire line. They will then do the asphalt patching, Curt estimates to be done the end of next week.

Item No. 2 - North Union Pump Station.

Nothing new to report since the last meeting. Kenny Seng Construction has the items on the preliminary punch list to do. Have attempted to contact them to get a date for completing the items. Most concerned with the asphalt patch job, weather is getting cold. Will follow up. Have contacted Farm Pump and Irrigation, Co., Inc. and explained the problem we are having with grass, leaves getting into the system through the screen. He shared with me that they had seen this problem before and that they have a finer screen that they have had reported does a good job, better than the users expected. I have requested a sample of the screen to be sent so that we can evaluate it. Robert is getting it sent.

Item No. 3 - Zone 2 Booster Pump Addition

Installation of new pump will take place after the irrigation season.

Item No. 4 - Storm Water Utility

The data has been prepared and the first bills have been sent out. Have set aside Thursday afternoons from 3 to 5 p.m. to meet with anyone who would like to and explain what has been done and discuss the credits.

Item No. 5 - 400 North Street Improvements - North Union Canal to Murdock Canal.

Contractor issued Notice to Proceed. Services are in. Beginning wall excavation. Having difficulty getting US West to get pole and box out of the way. Discussed with them several weeks ago and they explained how they planned to do the work, but have not given us a date yet. Power pole also needs relocated. I have asked Don to help see if we can get a date certain and push it along.

Item No. 6 - Intersection 800 West Lakeview Road.

We have not made any progress since the last meeting. The staking of points along the right-of-way was not done. We will follow up with the surveyors. Base map is being prepared and then the design will be completed. Not a priority since we do not have funding to do the improvements. We will put it in the schedule and get it done.

Item No. 7 - Application to CUP for Water Conservation Funding.

End of September has come and gone, we have the study 85% complete. Will be meeting with Karen Ricks people to review draft and then finalize as soon as possible.



J-U-B ENGINEERS, Inc.

754 South 400 East

Orem, UT 84058

(801) 226-0393

Fax (801) 226-0394

Date: January 28, 1998
 To: Ott H. Dameron, City Administrator
 CC:
 From: David C. Thurgood, P.E., City Engineer *David*
 Subject: Storm Drain Utility Fee Adjustments

Dear Ott,

This memo is with regard to the storm drain utility fee adjustment that customers who have meet with us in our Thursday meetings qualify for. I will list each one of them separately and the documentation which supports the adjustment.

1. Paul Liston (85.5 & 86.4) – I met with Mr. Liston on-site and he showed me the drainage systems that are in place and the locations at which these systems discharge. He also pointed out impervious areas, shown on the original mapping of the property, that are gravel surfaces. Attached is a copy of the aerial map showing the drainage systems, direction of drainage from rooftops and surface drainage. No water drains directly into 200 South because the improved property is lower than the street. There are two parcels 85.5 and 86.4. On parcel 85.5 of the 26,445 square feet of impervious area the runoff from 18,602 (70.3%) square feet is contained on Mr. Liston's property. On parcel 86.4 of the 45,198 square feet 14,937 (33.0%) is contained on his property. The balance of 7,844 square feet from parcel 85.5 and 30,260 square feet from parcel 86.4 exit his property on the west side and is released at a controlled rate into the existing storm drain along with water from the Hansen Insulation property. Of the total impervious area of both parcels 46.8% is contained and 53.2% is released at a controlled rate.

Based on these findings Mr. Liston qualifies for a 50% reduction. The monthly fee for parcel 85.5 is \$14.07 and for parcel 86.4 is \$24.04.

2. Wasatch Raceway (166.4) – Meeting with the representative from the raceway, he was able to verbalize that the storm water did not run off the site. This was based on the raceways draining to the inside of the track area and the adjacent land being higher in elevation than his property. The raceway is not operated on a daily basis. We were able to evaluate the information shared with us and agreed that this property qualified for a 50% reduction. The representative asked to meet with the City Council to see if this matter could be given further consideration, since it was really a place for people to enjoy a hobby. The operation is not a revenue generator. The City Council in their meeting on December 16, 1997 granted a waiver of any drainage fees on this parcel at the present time.

3. Barnes Bullets (170.5) – Randy Brooks and George E. Hyde meet with us on January 8, 1998 and pointed out on the aerial site plan the location of gravel sumps into which the

storm water runoff was directed. He stated that there was no storm water that left the site. Our conclusion was that he would qualify for the 50% reduction and we explained that any further reduction would need to be taken to the City Council. A representative met with the Council on January 20, 1998. The Council waved the storm water fee on this property at the present time.

- 4. Jensen Automotive (113.5)** – We met with Mark Jensen on January 8, 1998 to review his request for consideration of a credit. He explained that he had constructed detention in the landscape area along the frontage of the property and that runoff rate was controlled to .2 cfs per gross acre. He had with him a site plan prepared by Gottfredson & Jueschke Inc. and Associates that showed these improvements. The plan included calculations of storm water runoff and the volume of detention that was required. We have looked at the improvement onsite and they appear to have been constructed according to the site plan. The detention basin discharges into the storm drain on 1400 West. Based on these findings, this property qualifies for a 50% credit.
- 5. Shawna Hatch (157.4)** – The horse boarding building is located in about the center of the property with alfalfa/pasture fields on all sides. The runoff is from the roof of the building that drains onto the fields. The fields would hold the runoff and allow percolation into the ground with no water leaving the site. We concluded that this property qualified for a 50% credit.
- 6. Valley Center Theater (40.4)** – Following our meeting with Mr. Renstrom on January 15, 1998 we have had Bruce Cheney in company with Mr. Renstrom made a site visit and determined that less of the area was paved parking than what appeared to be on the aerial photo. The area was measured in the field. The area calculated from the aerial photo was 22,203 SF for a Total ESU of 7.87. The monthly fee was \$23.62. The field-measured area is 8,622 SF for a Total ESU of 3.06. The monthly fee is \$9.17. From the aerial photograph it appeared that nearly the entire site was impervious surface. Examination in the field showed only the building roof and area in front of the building to be impervious, the balance of the area was covered with slag roadbase.
- 7. Patch Majestic Metals (25.4)** – We met with Robert Patch on January 15, 1998. He explained the measures he had taken to control storm water on his site. He indicated that he had prepared a site plan when adding additional buildings. Subsequent to our visit we obtained a copy of the site plan from Phil Brown. With the site plan in hand we visited the site and examined the storm water facilities, it happened to be raining at the time. The back lot was not constructed exactly as shown on the site plan, but there was a drainage sump with a swale in the asphalt directing the flow from the east and part of the west area to the sump. The west half of the rear lot was not graded to the north and south edges that have gravel border as shown on the site plan. It is graded so that it drains to a swale in the asphalt so that surface waters flow westerly to a concrete box out of which a structural tubing goes into the Main Drain Ditch. The box is located near the southwest corner of the property and there is no restriction on the inlet to the tubing.

The allowable discharge from this site is 0.458 cfs (2.29 acres x 0.2 cfs/acre). The area that drains directly to the Main Drain is 0.754 acres. This is 38.81% of the total impervious area. The storm water from the balance of the impervious area goes into the sump or into gravel/landscape areas and is retained onsite. Analyzing the area that drains directly to the Main Drain using a 60-minute storm the runoff rate is 0.264 cfs/total acre. This calculation would show a credit of 47.33%. Because of the small difference we recommend a 50% credit.

January 28, 1998

Memo

3

8. Jerry Washburn (144.5) – The Washburn property is similar to the Hatch property on State Street in that storm water runoff flows onto pasture area and would be retained on-site. We recommend a 50% credit.

Attached is an updated spreadsheet. Those accounts which need to have an adjustment have an asterisk to the right of the Monthly Fee column. Those customers who have met with use have been shaded across the spreadsheet.

If you have any questions, please let us know.

Thank you.

LINDON CITY CORPORATION
 COMMERCIAL, INDUSTRIAL, INSTITUTIONAL
 STORM WATER FEE - CALCULATION
 30-Sep-97 PREPARED
 21-Jan-98 UPDATED
 Project Number 50240-7

CODE NO.	CUSTOMER NO.	NAME	ADDRESS	LOT AREA (Acres)	IMPERVIOUS SURFACE (Square Feet)	ESU	TOTAL ESU	BASE FEE	CREDIT (PERCENT)	1 MINUS CREDIT (PERCENT)	MONTHLY FEE
1.4	1110001	Video Vault/Steve Zimmerman	195 South State Street	0.27	11,581	2,820	4.11	\$3.00		100%	\$12.32
2.4	1110500	Alpine Auto & RV, Inc.	159 South State Street	1.14	15,390	2,820	5.46	3.00		100%	\$16.37
3.4	1110800	LB Design/Upstairs Downstairs	155 South State Street	1.05	29,832	2,820	10.58	3.00	50%	50%	\$15.87
4.4	1111600	Carter Const./E. Bldg/South Town	135 South State Street	6.22	143,614	2,820	50.93	3.00	50%	50%	\$76.39
5.4	1111800	Carter Const./W. Bldg/South Town	135 South State Street	See 4.4							
6.4	1112800	Datapad	115 South State Street	2.12	90,078	2,820	31.94	3.00		100%	\$95.83
7.4	1112850	Datapad	117 South State Street	See 6.4							
8.4	1112900	Datapad	119 South State Street	1.63	60,775	2,820	21.55	3.00		100%	\$64.65
9.4	1114500	Quintek, Inc.	60 South Main Street	0.89	0	2,820	0.00	3.00		100%	\$0.00
10.4	1115500	Walker Oil Company	25 South State Street	1.12	45,232	2,820	16.04	3.00		100%	\$48.12
11.4	1116502	Utah Auto Sales & Public Auction	10 North State Street	0.59	25,497	2,820	9.04	3.00		100%	\$27.12
12.4	1117000	Wok Right Inn, Inc.	30 North State Road	1.05	32,079	2,820	11.38	3.00		100%	\$34.13
13.6	1124000	Alpine School Dist./ Alpine Trans.	350 North State Street	2.02	39,151	2,820	13.88	3.00		100%	\$41.65
14.4	1125002	Jensen, Noel/Business	370 North State - Auto Garage	1.48	22,669	2,820	8.04	3.00		100%	\$24.12
15.6	1126500	Alpine School Dist./ Trng/Strge	490 North State Street	See 38.6							
16.4	1127000	Lindstrom Bros. Heating	470 North State Street	0.38	8,503	2,820	3.02	3.00		100%	\$9.05
17.4	1133000	Lindon Care Center	680 North State Street	1.90	23,411	2,820	8.30	3.00		100%	\$24.91
18.4	1134003	Sportsman's Fast Cash/Jenkins	750 North State Street	0.71	27,854	2,820	9.88	3.00		100%	\$29.63
19.4	1135000	Gray's Auto	730 North State Street	0.48	6,798	2,820	2.41	3.00		100%	\$7.23
20.4	1135501	Arctic Circle #109	770 North State Street	0.98	37,520	2,820	13.30	3.00		100%	\$39.91
21.4	1163500	Greased Lightning	625 North State Street	0.82	24,954	2,820	8.85	3.00		100%	\$26.55
22.4	1167001	Countryside Garden Center	535 North State Street	6.78	4,128	2,820	1.46	3.00		100%	\$4.39
23.4	1167501	Superbowl/Vaughn F. Woodard	531 North State Street	1.27	48,952	2,820	17.36	3.00		100%	\$52.08
24.4	1168002	Countryside Garden Ctr/Platt E.	495 West 500 North	See 22.4							
25.4	1172000	P. Majestic Metals	475-479 North State Street	2.29	84,626	2,820	30.01	3.00	50%	50%	\$45.01
26.4	1177001	Haun's Auto & Radiator, Inc.	345 North State Street	1.03	15,125	2,820	5.36	3.00		100%	\$16.09
27.4	1179000	Lamar's Appliances	265 North State Street	0.65	3,925	2,820	1.39	3.00		100%	\$4.18
28.4	1186500	Foundation Systems, Inc.	15 North State Street	3.21	49,809	2,820	17.66	3.00	50%	50%	\$26.49
29.4	1187000	Kamdar and Company	10 South State Street	0.92	33,072	2,820	11.73	3.00	50%	50%	\$17.59
30.4	1187500	Taylor Homes/Kim Turner	20 South State Street	0.25	9,761	2,820	3.46	3.00	50%	50%	\$5.19
31.4	1189000	Ace Rents, Inc.	70 South State Street	5.02	89,663	2,820	31.80	3.00		100%	\$95.39
32.4	1190000	Davis, Wally/Lindon Storage	100 South Main Street	1.43	62,154	2,820	22.04	3.00		100%	\$66.12
33.4	1198000	1st Choice Auto	190 South State Street	0.18	6,544	2,820	2.32	3.00		100%	\$6.96
34.4	1199000	Renaissance Water Bed	150 South State Street	0.73	24,041	2,820	8.53	3.00		100%	\$25.58
35.4	1200002	US Water Specialities/R. Miller	146 South State Street	0.38	16,147	2,820	5.73	3.00		100%	\$17.18
36.4	1201000	First Security Bank of Utah	144 South State Street	0.79	25,431	2,820	9.02	3.00		100%	\$27.05
37.4	1204000	Jensen, Noel/Business	390 North State Street	0.80	27,672	2,820	9.81	3.00		100%	\$29.44
38.6	1259300	Alpine School District/Bus Garage	Locust Avenue - Bus Garage	11.41	425,887	2,820	151.02	3.00		100%	\$453.07
39.6	1259600	Alpine School District/Bus Garage	Locust Avenue - Bus Garage	See 38.6							
40.4	1308001	Valley Center Theatre/Renstrom	780 North 200 East	0.51	8,622	2,820	3.06	3.00		100%	\$9.17
41.6	2134000	Pleasant Grove PM Group/Church	731 East Center Street	3.52	87,989	2,820	31.20	3.00		100%	\$93.61
42.6	2140600	Alpine School District/Oak Canyon Junior High	111 South 725 East - Oak Cyn Jr	19.45	321,264	2,820	113.92	3.00		100%	\$341.77
43.6	2140700	Corp of Presiding Bishop, LDS	165 South 725 East - Seminary	0.77	15,836	2,820	5.62	3.00		100%	\$16.85
44.6	2187500	Alpine Sch Dist/Rocky Mtn Elem	55 South 500 East	9.08	188,624	2,820	66.89	3.00		100%	\$200.66
45.4	2205000	Moore Construction Co.	125 East 200 South	0.29	11,407	2,820	4.05	3.00		100%	\$12.14
46.6	2206000	Alpine School Dist/Sprinklers	30 North Main Street	See 48.6							
47.6	2207000	Pleasant Grove PM Group/Church	25 North Main Street	1.92	70,060	2,820	24.84	3.00		100%	\$74.53
48.6	2208000	Alpine School Dist/Lindon Elem	30 North Main Street - School	7.79	157,019	2,820	55.68	3.00		100%	\$167.04
49.4	2278000	Tomlinson, Kim/Packing Shed	375 North 200 East	2.49	16,025	2,820	5.68	3.00	100%	0%	\$0.00
50.6	3147000	Pleasant Grove PM Group/Church	650 West 100 South	3.50	99,543	2,820	35.30	3.00		100%	\$105.90

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52.4	3187101	Stream International	510 South 510 West - W. Bldg.	22.41	787,723	2,820	279.33	3.00		100%	\$838.00
53.4	3187501	Stream International	520 South 480 West	See 52.4							
54.4	3187801	Stream International	530 South 450 West	See 52.4							
55.4	3188100	Novell, Inc. Booth Bldg.	435 West 430 South	0.70	30,410	2,820	10.78	3.00		100%	\$32.35
56.5	3194001	ESNET/Schirmer, Kathryn	505 South 800 West	3.61	60,097	2,820	21.31	3.00		100%	\$63.93
57.5	3197000	Mountain States Steel, Inc.	420 South 800 West	21.73	352,242	2,820	124.91	3.00		100%	\$374.73
58.5	3200500	Mitchell Excavation	225 South 800 West	0.58	3,439	2,820	1.22	3.00		100%	\$3.66
59.4	3260000	LDS Cannery/Kelsey Ruse	940 West Center	6.19	146,026	2,820	51.78	3.00		100%	\$155.35
60.4	3260100	LDS Cannery/Bishop's Storehouse	940 West Center	0.70	22,321	2,820	7.92	3.00		100%	\$23.75
61.5	3261000	Olpin Trucking	945 West Center	1.89	7,461	2,820	2.65	3.00		100%	\$7.94
62.6	3320500	Fellowship Bible Church	375 North State Street	2.01	24,669	2,820	8.75	3.00		100%	\$26.24
63.4	3321001	Los Hermanos Restaurant	395 North State Street	1.00	38,384	2,820	13.61	3.00		100%	\$40.83
64.4	3332000	Redman Van & Storage	950 West Center	2.58	52,766	2,820	18.71	3.00		100%	\$56.13
65.4	3333001	Maxi Mart #11	840 West 600 South	1.54	66,917	2,820	23.73	3.00		100%	\$71.19
66.4	3334003	Certified Transmission	848 West 600 South	0.50	21,673	2,820	7.69	3.00		100%	\$23.06
67.4	3335000	Frontier Travel Plaza/Leftwich	555 South 1000 West	5.56	239,349	2,820	84.88	3.00		100%	\$254.63
68.5	3336001	Utah Truck Systems, Inc.	405 South Geneva Road	3.39	147,839	2,820	52.43	3.00		100%	\$157.28
69.5	3337000	Ned Kofford Trucking	345 South 1000 West	2.08	66,493	2,820	23.58	3.00		100%	\$70.74
70.5	3339000	Mountain States Steel, Inc.	325 South 1000 West, #2	See 57.5							
71.5	3340000	Mountain States Steel, Inc.	325 South 1000 West, #1	See 57.5							
72.5	3341001	Coastal Chem. Inc.	225 South 1000 West	5.75	105,538	2,820	37.42	3.00		100%	\$112.27
73.5	3341200	Mtn. West Marble/Whitewater	185 South Geneva Road	1.10	46,193	2,820	16.38	3.00		100%	\$49.14
74.5	3341250	Whitewater/Kirk D. Williamson	195 South Geneva Road	0.31	8,238	2,820	2.92	3.00		100%	\$8.76
75.5	3341300	Hansen Insulation Inc.	175 South Geneva Road	1.72	67,811	2,820	24.05	3.00		100%	\$72.14
76.5	3341400	Lindon City RDVA	1040 West 200 South								
78.5	3341450	Western Coil Processing	141 South Western Coil Rd	12.67	218,050	2,820	77.32	3.00		100%	\$231.97
79.5	3341460	Western Coil Processing	141 South Western Coil Rd	See 78.5							
80.5	3341470	Schaeffer Industries Warehouse	1090 West 100 South	6.30	170,122	2,820	60.33	3.00		100%	\$180.98
81.5	3341480	Schaeffer Industries	135 South 1100 West	1.91	13,309	2,820	4.72	3.00		100%	\$14.16
82.5	3341490	Quality Testing & Inspection	1120 West 135 South	1.17	26,781	2,820	9.50	3.00		100%	\$28.49
83.5	3341500	Trism Specialized Carriers, Inc.	1108 West 200 South	4.24	89,796	2,820	31.84	3.00		100%	\$95.53
84.5	3341700	Indian Oil/Kessler, Michael L.	1155 West 135 South	1.32	3,849	2,820	1.36	3.00		100%	\$4.09
85.5	3341900	Paul Liston Woods, L.C.	820 West 200 South	0.61	26,445	2,820	9.38	3.00	50%	50%	\$14.07
86.4	3341950	A&P Craft Supply, Inc.	850 West 200 South (Revised Imper. Sur	2.35	45,198	2,820	16.03	3.00	50%	50%	\$24.04
87.5	3341970	The Hansen Group/Scott Hansen	912 West 200 South	0.80	34,452	2,820	12.22	3.00		100%	\$36.65
88.5	3342900	Quintek, Inc.	1350 West 200 South	2.01	18,079	2,820	6.41	3.00		100%	\$19.23
89.5	3343001	BMC West	1350 West 200 South	6.84	56,267	2,820	19.95	3.00		100%	\$59.86
90.5	3344000	Consolidated Freight	1396 West 200 South	5.00	9,604	2,820	3.41	3.00		100%	\$10.22
91.5	3345001	Recycle USA, Utah, L.C.	1460 West 200 South	1.00	12,126	2,820	4.30	3.00		100%	\$12.90
92.5	3346001	OBI Holding, Inc.	1490 West 200 South	5.72	30,863	2,820	10.94	3.00		100%	\$32.83
93.5	3346500	J & J Precastings	1560 West 200 South	1.53	45,910	2,820	16.28	3.00		100%	\$48.84
94.5	3346551	EPSU Corporation	1616 West 200 South	1.10	11,934	2,820	4.23	3.00		100%	\$12.70
95.5	3346570	Remacor/Olsen-Beal	1820 West 200 South	6.56	46,772	2,820	16.59	3.00		100%	\$49.76
96.5	3346600	UT Cty Solid Waste Spec Serv	2000 West 200 South	49.60	156,761	2,820	55.59	3.00		100%	\$166.77
97.5	3346700	UT Cty Solid Waste Spec Serv	2000 West 200 South	See 96.5							
98.5	3347001	Burbidge Disposal Company	1565 West 200 South	5.97	112,802	2,820	40.00	3.00		100%	\$120.00
99.5	3348001	Burbidge Disposal Company	1565 West 200 South	See 98.5							
100.5	3349003	C&C Cast Polymers, Inc.	1565 West 200 South	See 98.5							
101.5	3349300	Enterprise Paving/Landscaping	1475 West 200 South	5.00	13,312	2,820	4.72	3.00		100%	\$14.16
102.5	3349501	Pacific Asphalt Marketing, inc.	145 South Geneva Road	2.27	18,566	2,820	6.58	3.00		100%	\$19.75
103.5	3351000	Anderson Lumber Company	101 South Geneva Road	6.69	176,067	2,820	62.44	3.00		100%	\$187.31
104.5	3351102	Jeff Mickelson Diesel, Inc.	150 South 1200 West	0.52	2,379	2,820	0.84	3.00		100%	\$2.53
105.5	3351200	Printing Resource, Inc.	125 South 1200 West	1.37	51,996	2,820	18.44	3.00		100%	\$55.31
106.5	3351401	Alta-Robbins	110 South 1200 West	0.24	10,657	2,820	3.78	3.00		100%	\$11.34
107.5	3351450	Schaeffer Industries	1200 West 75 South - Mtr #2	3.94	160,458	2,820	56.90	3.00		100%	\$170.70
108.5	3351500	Dunex, Inc.	96 South 1200 West	2.00	6,173	2,820	2.19	3.00		100%	\$6.57

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109.5	3351700	Paul Magleby Const. Inc, #2	75 South 1400 West	0.90	21,010	2,820	7.45	3.00		100%	\$22.35 *
110.5	3351802	Paul Magleby Const. Inc.	1291 West Center	3.20	42,149	2,820	14.95	3.00		100%	\$44.84 *
111.5	3351850	Adams/Smith	1380 West Center	7.06	51,920	2,820	18.41	3.00		100%	\$55.23
112.5	3351900	Intermountain Door	35 North 1400 West	1.16	4,922	2,820	1.75	3.00		100%	\$5.24
113.5	3352000	Jensen Automotive	1400 West 25 North	0.88	9,329	2,820	3.31	3.00	50%	50%	\$4.96 *
114.5	3352700	Mel McFarland Co.	45 South Geneva Road	2.70	67,372	2,820	23.89	3.00		100%	\$71.67
115.5	3353000	Utah Pacific Bridge & Steel	50 North 1030 West	12.10	118,461	2,820	42.01	3.00		100%	\$126.02
116.5	3354000	Brown Strauss	30 North 1000 West	9.04	24,069	2,820	8.54	3.00		100%	\$25.61
117.5	3355000	Hikiau & Associates	40 North 1000 West	1.50	5,573	2,820	1.98	3.00		100%	\$5.93
118.5	3355500	D&L Supply	850 West 150 North	6.42	68,730	2,820	24.37	3.00		100%	\$73.12
119.5	3356000	B&L Steel Co.	350 North Geneva Road	10.67	19,215	2,820	6.81	3.00		100%	\$20.44
120.5	3357400	MS Properties	965 West 325 North	1.54	58,997	2,820	20.92	3.00		100%	\$62.76
121.5	3357600	MS Properties	925 West 325 North	1.43	57,234	2,820	20.30	3.00		100%	\$60.89
122.5	3357800	Benson Bolt	875 West 325 North	1.71	71,576	2,820	25.38	3.00		100%	\$76.14
123.5	3358000	MS Properties/Martin Snow	380 North 880 West	1.83	71,465	2,820	25.34	3.00		100%	\$76.03
124.5	3358200	MS Properties/Martin Snow	870 West 410 North - East Bldg	1.17	50,327	2,820	17.85	3.00		100%	\$53.54
125.5	3358401	Wicat Systems, Inc.	890 West 410 North	1.49	46,305	2,820	16.42	3.00		100%	\$49.26
126.5	3358600	Critical Laser Technologies	930 West 410 North - Middle Bldg	1.50	47,444	2,820	16.82	3.00		100%	\$50.47
127.5	3358700	MS Properties/Martin Snow	420 North Geneva Road	1.61	47,390	2,820	16.80	3.00		100%	\$50.41
128.4	3359000	Woodland Publishing/T. Tenney	500 North 1030 West	1.93	28,351	2,820	10.05	3.00		100%	\$30.16
129.5	3359200	Colledge Machine, Inc.	445 North 1030 West	0.99	7,864	2,820	2.79	3.00		100%	\$8.37
130.5	3360000	Batteries Plus	408 North 1030 West	0.31	9,555	2,820	3.39	3.00		100%	\$10.16
131.5	3360011	Intermountain Parts Cleaners	1060 West 400 North	0.31	2,074	2,820	0.74	3.00		100%	\$2.21
132.5	3360101	Intermountain Galvanizing	1085 West 400 North	0.88	38,465	2,820	13.64	3.00		100%	\$40.92
133.5	3360500	Intermountain Parts Cleaners	1070 West 400 North	0.33	2,496	2,820	0.89	3.00		100%	\$2.66
134.5	3361000	Universal Industrial Supply	1065 West 400 North	15.20	397,614	2,820	141.00	3.00		100%	\$422.99
135.5	3363000	Intermountain Precision**	1156 West 400 North - Veenker	0.39	11,710	2,820	4.15	3.00		100%	\$12.46
136.5	3363600	Bratt Landscaping, Inc.	430 North 1200 West	1.00	8,039	2,820	2.85	3.00		100%	\$8.55
137.5	3364001	Strasburg Automotive Mach. ABC	468 North 1200 West	0.50	6,102	2,820	2.16	3.00		100%	\$6.49
138.5	3365001	Custom Caps/Mountain Graphics	485 North 1200 West	1.00	5,629	2,820	2.00	3.00		100%	\$5.99
139.5	3365500	Houston, Dan	473 North 1200 West	0.75	27,833	2,820	9.87	3.00		100%	\$29.61
140.5	3366001	DDB LLC	1079 West Anderson Lane	0.54	3,091	2,820	1.10	3.00		100%	\$3.29
141.5	3367000	Lindon Precision Co., Inc.	1077 West 500 North	0.50	14,245	2,820	5.05	3.00		100%	\$15.15
142.5	3368000	Strasburg Automotive Machine	464 North 1200 West	0.50	20,518	2,820	7.28	3.00		100%	\$21.83
143.5	3368500	MS Properties/Martin Snow	500-525 North Geneva Road	1.15	50,076	2,820	17.76	3.00		100%	\$53.27
144.5	3369001	Washburn, Jerry	550 North Geneva Road	21.81	10,366	2,820	3.68	3.00	50%	50%	\$5.51 *
145.5	3369502	Pharmatech Labs	551 North Geneva Road	0.81	8,160	2,820	2.89	3.00		100%	\$8.68
146.5	3375100	Niels Fugal Sons Co.	800 North Geneva Road	8.50	119,240	2,820	42.28	3.00		100%	\$126.85
147.5	3375200	Melendez, Bradley J.	650 North Geneva Road	6.00	17,791	2,820	6.31	3.00		100%	\$18.93
148.4	3393001	Lindon Mobile Home Park	785 West 600 North, #1	4.07	70,336	2,820	24.94	3.00		100%	\$74.83
149.4	3397001	Lindon Mobile Home Park	785 West 600 North, #2	See 148.4							
150.6	5179000	Pleasant Grove PM Group, #19	1050 East 100 North (Lindon Stake Cente	4.17	143,427	2,820	50.86	3.00		100%	\$152.58
151.4	*	Tomlinson 4	445 North State Street	0.94	6,431	2,820	2.28	3.00		100%	\$6.84
152.4	*	Thornton Welding	402 West Gillman	0.50	20,744	2,820	7.36	3.00		100%	\$22.07
153.4	*	Healey, Scott	520 North State Street	0.76	7,226	2,820	2.56	3.00		100%	\$7.69
154.5	*	Dino's Sandblasting	150 North Geneva Road	2.27	5,537	2,820	1.96	3.00		100%	\$5.89
155.5	*	Burton Lumber	1430 West 70 South	4.14	174,032	2,820	61.71	3.00		100%	\$185.14
156.4	*	Tuckett, Ray (Children's 1st Learning)	460 North State Street	1.31	7,509	2,820	2.66	3.00		100%	\$7.99
157.4	*	Horse House (Shauna Hatch)	570 North State Street	10.18	15,340	2,820	5.44	3.00	50%	50%	\$8.16 *
158.5	*	One Stop Countertop	1570 West 200 South	See 93.5		2,820	0.00	3.00		100%	\$0.00
159.4	*	Naylor, Ray/Ut. Cty. Feed	230 North State Street	0.90	21,618	2,820	7.67	3.00		100%	\$23.00
160.4	*	Foster, Sam (Sound Studio)	74 East Center Street	0.66	12,902	2,820	4.58	3.00		100%	\$13.73
161.4	*	Jolley, Georgia (White Motel)	305 North State Street	0.84	7,983	2,820	2.83	3.00		100%	\$8.49
162.4	*	Storage Units (Castle)	650 West 600 North	0.66	7,213	2,820	2.56	3.00		100%	\$7.67
163.5	*	Vacant Building	575 North Geneva Road	0.81	6,954	2,820	2.47	3.00		100%	\$7.40
164.5	*	Snow, Martin (Lakeview Industrial Building)	425 North 1200 West	5.66	234,025	2,820	82.99	3.00		100%	\$248.96

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165.5	*	Robertson, Don	1089 West Center Street	1.00	3,520	2,820	1.25	3.00		100%	\$3.74
166.4	*	Wasatch Raceway	2400 West 400 North	9.86	72,074	2,820	25.56	3.00	100%	0%	\$0.00
167.5	*	C & L Erections	1380 West 200 South	1.00	15,845	2,820	5.62	3.00		100%	\$16.86
168.6	*	Lindon West Stake Center	300 West 600 South	4.22	133,284	2,820	47.26	3.00		100%	\$141.79
169.4	*	Voegle, David	55 South 725 East	1.33	16,140	2,820	5.72	3.00		100%	\$17.17
170.5	*	Barnes Bullets	800 North 2600 West	17.56	67,300	2,820	23.87	3.00	100%	0%	\$0.00
171.4	*	Boyer, Stan (2 Tri-plex)	35 South 400 West	0.90	8,411	2,820	2.98	3.00		100%	\$8.95
						2,820	0.00	3.00		100%	\$0.00
						2,820	0.00	3.00		100%	\$0.00
TOTAL				540.43	9,143,139						\$9,318.13

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From: [Adam Cowie](#)
To: ["Leonard Lee"](#)
Cc: ["Mark Christensen"](#); [""Hugh Van Wageningen" \(hvanwagenen@lindoncity.org\)"](#); ["Sherrie Laidler"](#)
Subject: RE: storm water fees
Date: Monday, December 23, 2013 4:30:00 PM

Leonard -

In response to your email sent on Dec 14th I asked our engineer, Mark Christensen, to evaluate your message below and determine if Lindon has in some way been inattentive in its duties regarding the storm water credit process and/or fee assessment on your property at 119 S. State. He has provided me with the following considerations:

As I indicated in the 9/25/13 email to you, when the storm water utility was set up in 1997 or 1998 non-residential users were assessed the full rate and any that wanted to petition to receive up to a 50% credit for complying with storm water discharge limitations were invited to do so. I don't know how that invitation was made, but I know that many property owners did come in and demonstrated that they were eligible for the credit.

Leonard suggested that perhaps the property was the subject of a plat. I don't find any record of the two parcels in question ever being a part of a subdivision plat.

Leonard also suggested that the credit should have been given when the building was built. According to our 1997 aerial photography, there was a building already existing at the time the storm water utility fee was created in late 1997 or early 1998 (therefore, there would have been no discussion of it at the time the building was built).

Since the storm water utility fee was established our process has been to calculate storm water utility fees to new non-residential property owners based on impervious area at the time of site plan approval. If there was an existing fee on a site that was being modified and we recognized a need to change the fee, we would recalculate the fee based on change in impervious area. We don't see any record of a site plan approval on the property since 1997.

A conclusion as to who is responsible for Leonard feeling like he was not informed of the opportunity to apply for a credit would require an understanding of the circumstances surrounding the situation at the time. Since it occurred over 15 years ago, I don't know how we could ever hope to accurately establish what happened.

After further discussion of this issue with our staff, we feel it would be a very questionable exercise of fiduciary responsibility for Lindon City to refund one half of the storm water utility fees assessed over the last 15 years without any credible evidence that the City mismanaged the application of the storm water credit program on this property. To do so would either be arbitrary or constitute a change of policy that may require that Lindon City go back to every non-residential site in Lindon that isn't receiving the credit, evaluate whether they should receive the credit, and refund a portion of their storm water fee in arrears for the credit. We feel such a policy change would be unwarranted and not in the best interest of the public.

Your request for evaluation of the site and implementation of the credit was approved. I've confirmed with our utility clerk that both 115 S and 119 S are receiving the credit. A credit for prior year payments of storm water fees cannot be granted.

Adam Cowie

-----Original Message-----

From: Leonard Lee [mailto:████████████████████]
Sent: Saturday, December 14, 2013 9:36 PM
To: Adam Cowie
Subject: RE: storm water fees

Adam: This is irresponsible answer in my opinion. The storm water credit should have been given when the building was built and the final inspection was made. If I was required to petition for a credit at that time I question the oversight on the part of the city for not informing me of the process. The property at 115 S. was given the credit. The sump at the north entrance of the DataPad building was installed at the same time the sumps were installed at 119 s. State. It seem to me that the credit was an oversight on your part and should have been given for the entire project. I think there was a re-plat of the property at the time the building at 119 s. State was permitted and the credit should have been given for both the 115 and 119 addresses. It seems that you are looking for an opportunity to excuse this opportunity to make right this oversight. I think a little research as to why the credit was given to 115 S. State and not 119 S. state would be in order. I would like you to find a better excuse than that I did not petition for the credit, because I think I did.

From: Adam Cowie [acowie@lindoncity.org]
Sent: Friday, December 13, 2013 7:41 PM
To: Leonard Lee
Cc: 'Sherrie Laidler'; mlc@jub.com
Subject: storm water fees

Leonard –

I apologize for not getting back to your phone message sooner. Please accept this email as my reply.

As for receiving credit on past storm water fees, we are unfortunately not able to give such credit prior to the recent change in billing after verification of the site by our engineer. Our process requires a property owner to petition the City for the credit after storm water improvements have been installed and inspected as part of a new facility, or otherwise verified on existing sites. We have not given credit for existing facilities until this owner petition and subsequent inspection have occurred on other sites. Since this verification has not occurred previously, I am sorry to inform you that we are not able to credit your site for storm water fees.

Let me know if you have questions.

- 8. Public Hearing — Ordinance Amendments – Fencing Standards (Ord. #2014-7-O)** *(20 minutes)*
This is a Planning Commission initiated request to amend fencing standards in Lindon City Code 17.48.040 “Fencing and Screening” and 17.48.100(4) “Landscaping”, to remove the requirement that landscaping along street frontages in the Commercial zones must contain 3-rail white vinyl fencing. The Planning Commission recommends approval.

Presenting Staff: Hugh Van Wagenen, Planning Director

See attached info.

Public Hearing — Ordinance Amendment, LCC 17.48.040 and 17.48.100(4)

Presenting Staff: *Hugh Van Wagenen*

Applicant: *Planning Commission Initiated*

Summary

This is a Planning Commission initiated request to amend fencing standards in Lindon City Code 17.48.040 and 17.48.100(4), to remove the requirement that landscaping along street frontages in the commercial zones must contain white vinyl ranch style fencing. The Commission feels that the current requirement is a burden on businesses and detracts from, rather than enhances, the commercial environment in Lindon.

Proposed Amendments

Please see the proposed amended language on the following pages.

Planning Commission Recommendation

The Planning Commission unanimously recommended approval to strike the white vinyl ranch style fencing requirement along public frontages in commercial zones.

Motion: I move to (approve, deny, continue) the amendments to LCC 17.48.040 and 17.48.100(4), as shown with the following conditions (if any):

ORDINANCE NO. 2014-7-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING PORTIONS OF THE LINDON CITY CODE, SECTION 17.48.040 “FENCING AND SCREENING” AND SECTION 17.48.100(4) “LANDSCAPING” RELATED TO FENCING STANDARDS, AND MODIFYING, AMENDING, AND REVISING THE PROVISIONS OF THE SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, business owners in Lindon City have expressed frustration in their ability to care for and maintain white vinyl ranch style two-rail fencing along street frontages in commercial zones, and;

WHEREAS, the City strives to be regarded as a high-quality business environment in accordance with the General Plan and allow businesses to develop sites in accordance with their business model, and;

WHEREAS, the Planning Commission has recommended that white vinyl ranch style two-rail fencing not be required along public frontages in commercial zones;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, Section 17.48.040 and Section 17.48.100(4) of the Lindon City Code are amended to read as follows:

SECTION I:

Lindon City Code 17.48.040 Fencing and Screening

1. A masonry or concrete fence seven feet (7') high, shall be constructed and maintained along any property line between a commercial development and a residential use or a residential zone. The fence shall be constructed and maintained by the owner of the commercial development. In all commercial zones the Planning Commission may approve a landscaping screen in lieu of a fence, a fence other than a masonry fence or approve a fence height greater than seven feet (7') if it makes the following findings:
 - a. The proposed fence/landscape screen provides an adequate buffer for the adjoining residential use.
 - b. The appearance of the fence/landscape screen will not detract from the residential use and/or commercial use of the property.
 - c. The proposed fence/landscape screen will shield the residential use from noise, storage, traffic or any other characteristic of the commercial use that is incompatible with residential uses. The Planning Commission may waive or adjust this fence/screening requirement upon findings that the fence is not needed to protect adjacent residential uses from adverse impacts and that such

impacts can be mitigated in another appropriate manner.

~~2. All required landscaping that abuts frontage on a dedicated street in the CG, CG-A, CG-A8, CG-S, PC-1 and PC-2 zones shall contain a continuous white vinyl ranch style two (2) rail fence. The fence shall be three (3) feet tall with post dimensions of five (5) inches by five (5) inches with rail dimensions of two (2) inches by six (6) inches. The posts shall be installed eight (8) feet on center with two (2) rails between posts. The fence shall be placed adjacent to State Street and any other dedicated streets in the CG, CG-A, CG-A8, CG-S zone and PC-1 and PC-2 zones in a continuous fashion. Placement of the fence shall typically be two (2) feet behind the sidewalk within the required landscaping strip. Any variation to the location of this fence requirement, 17.48.040 (2), may be granted by the Planning Commission.~~

17.48.100(4) Landscaping:

a. Landscaping objectives.

Landscaping plans shall be prepared with a view toward accomplishing the following design objectives (plans will be approved or denied based on how well these objectives are satisfied):

i. Enhance the visual environment by:

- Adding visual interest through texture, color, size, shape, etc., and
- Enhancing perspective by framing views, complimenting architecture, screening and creating points of interest and activity.

ii. Ensure public safety by;

- Guiding the circulation of cars and people,
- Controlling access to parking lots,
- Making traffic diverters prominent, and
- creating street identification by varying the species, height, and location of landscaping.

iii. Minimize noise and glare.

iv. Conserve energy.

v. Complement architecture by landscaping around buildings.

vi. Screen areas of low visual interest.

b. Overall landscaping plan. With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and location of trees and shall also identify areas to be sod or other types of vegetation or ground cover. Additional 'interior parking lot landscaping' may be required per LCC 17.18.

c. Open Space. A minimum of twenty percent (20%) of each lot shall be maintained in permanent landscaped open space.

d. Landscaping Strip. Unless otherwise approved by the Planning Commission, a landscaped berm

at least three (3) feet high and twenty (20) feet in width shall be planted with grass and maintained in a living, growing condition along all public street frontages.

- i. The measurement of the twenty (20) feet in landscaping will be measured from the back of walk, or back curb if no sidewalk exists. Areas with meandering sidewalks will have the twenty (20) feet measured from back of curb but may not count sidewalk width as part of the twenty (20) feet in landscaping requirement.
- ii. Thirty percent (30%) of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the non-grass areas shall be submitted and approved by the Planning Director.
- iii. Trees shall be planted thirty (30 feet on center, centered ten (10) feet from the edges of the strip in all required landscaped and bermed areas.
- iv. Landscaping requirements concerning berming, trees, and landscape materials can be changed and/or altered (with regard to location and design) upon approval of the Planning Commission at the site plan review stage of an application. No net loss of landscaping should occur with any approve alterations. Other landscaping layouts consistent with the Lindon City Commercial Design Guidelines may also be considered by the Planning Commission.
- e. Trees. Recommended trees may be found in the list of tree species located in the Lindon City Tree Planting Guide and, unless otherwise specified, must be at least two (2) inch caliper, measured one (1) foot above the ground and shall be at least six (6) feet in height when planted.
- f. Sprinkling and irrigation. All plantings shall be serviced by an acceptable underground automatic irrigation or sprinkler system, and maintained in a healthful living condition. Dead plant materials shall be replaced as necessary within the first year of planting.
- g. Concrete curbing shall be provided between landscaped areas and off-street parking areas that is at least six inches (6") higher than the parking areas.
- h. ~~All required landscaping that abuts frontage on a dedicated street in the PC-1 and PC-2 zones shall contain a continuous white vinyl ranch style two (2) rail fence. The fence shall be three (3) feet tall with post dimensions of five (5) inches by five (5) inches with rail dimensions of two (2) inches by six (6) inches. The posts shall be installed eight (8) feet on center with two (2) rails between posts. The fence shall be placed adjacent to any dedicated streets so as to generally appear in a continuous fashion. Placement of the fence shall typically be two (2) feet behind the sidewalk within the required landscaping strip. Any variation to the location of this fence requirement may be granted by the Planning Commission.~~

SECTION II: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or

incorporated by reference are hereby repealed or amended as provided herein.

SECTION III: The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect. If a provision of this ordinance is invalid in one or more of its applications, then the provision remains in effect for all applications that are severable from the invalid applications.

SECTION IV: This ordinance does not affect the rights or duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

SECTION V: This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this ____ day of _____, 2014.

Jeff Acerson, Mayor

ATTEST:

Kathy A. Moosman, Recorder

SEAL:

**9. Public Hearing — Ordinance Amendment, Commercial Design Guidelines – Fencing Standards
(Ord. #2014-8-O) (10 minutes)**

This is a Planning Commission initiated request to amend the Lindon City Commercial Design Guidelines to encourage, instead of require, the installation of white vinyl fencing in commercial zones. The Planning Commission recommends approval.

Presenting Staff: Hugh Van Wagenen, Planning Director

See attached info.

Public Hearing — Amendment, Commercial Design Guidelines on Fencing

Presenting Staff: *Hugh Van Wagenen*

Applicant: *Planning Commission Initiated*

Summary

This is a Planning Commission initiated request to amend the Lindon City Commercial Design Guidelines to encourage, instead of require, the installation of white vinyl ranch style fencing in commercial zones. The Planning Commission has recommended that the Guidelines still refer to the white vinyl ranch style fence and give specifications for its installation if any business chooses to use it. Sections 2.5, 4.2 and VI refer to the white vinyl ranch style fence.

Proposed Amendments

Please see the proposed amended language on the following pages.

Planning Commission Recommendation

The Planning Commission voted 4-2 in favor of the proposed changes. Commissioner Marchbanks and Commissioner Kallas voted “nay” on the motion. Commissioner Marchbanks expressed that he doesn’t like the fencing as an attractive product and feels there should be no mention of it in the Guidelines. Commissioner Kallas expressed that he doesn’t like having it mentioned in the Guidelines if it is not a requirement by code; it felt “cumbersome.”

Motion: I move to (approve, deny, continue) the amendment to Lindon City Commercial Design Guidelines Sections 2.5., 4.2, and VI as shown with the following conditions (if any):

ORDINANCE NO. 2014-8-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING PORTIONS OF THE LINDON CITY COMMERCIAL DESIGN GUIDELINES, SECTION 2.5 “LIGHTING & FENCING” AND SECTION 4.2 “LINDON DESIGN THEME” AND SECTION VI “APPENDICES” RELATED TO FENCING STANDARDS, AND MODIFYING, AMENDING, AND REVISING THE PROVISIONS OF THE SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, business owners in Lindon City have expressed frustration in their ability to care for and maintain white vinyl ranch style two-rail fencing along street frontages in commercial zones;

WHEREAS, the Municipal Council has passed an ordinance omitting the requirement for white vinyl ranch style two-rail fencing from commercial zones;

WHEREAS, the City strives to be regarded as a high-quality business environment in accordance with the General Plan;

WHEREAS, the Planning Commission has recommended that white vinyl two-rail fencing not be required in commercial zones and recommend the Commercial Design Guidelines reflect this change in fencing standards, while still encouraging white vinyl two-rail fencing as a preferential recurring theme in commercial zones;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, Sections 2.5, 4.2, and VI of the Lindon City Commercial Design Guidelines are amended to read as follows:

2.5 Lighting & Fencing

Coordinate streetscape lighting is required throughout the Commercial District, including type of light source, style of poles and fixtures. Lighting styles should be harmonious and complement the architectural and landscape features of the district.

2.5.1 Street Lighting

Street lighting is an important component of the overall character of a commercial district, as well as improving the quality and safety of the street. Street lighting should be consistent throughout the district.

Street lighting can also be placed in planted and paved medians.

- If on street parking is provided, street light poles should be located at least 2.5 feet from the curb to avoid contact with car doors and bumpers.
- Light poles should be placed a minimum of 100 feet apart.
- Street lights are required along streets in commercial zones. The approved lighting in Lindon is the Holophane Washington Postlite Luminaire on a black post with a total height of 19'-9" (See fig. 13).
- Light fixtures used in parking areas should not exceed 25 feet in height.
- Single globe luminaries are recommended. Multiple globe luminaries may be considered for entryway points or special locations.

2.5.2 Fencing

- A white two rail fence is ~~required~~ encouraged in all CG, MC, and PC-1-2 zones to enhance the character and consistency of the commercial area of Lindon City.
- Fences should not block access of pedestrians from the sidewalk to a commercial structure(s).
- Fencing height along public street frontages shall be not exceed 36 inches.

2.5.3 Pedestrian Scale/Pathway Lighting

Pedestrian scale lighting plays an important role in the overall character of a commercial district. This type of lighting, such as lower poles and bollards, should be used along walkways, public plazas, and other pedestrian areas to illuminate and identify routes and provide safety at night.

- Align lights with street trees where possible.
- Lights should be spaced 100 feet apart to avoid excess glare and provide room for street trees and other furnishings.
- Lights should be properly located to avoid glare into second story windows.
- Single globe luminaries are recommended. Multiple globe luminaries may be considered for entryway points or special locations.

4.2 Lindon Design Theme

The basis of the following guidelines is respect for Lindon’s historic building forms. Accordingly, the design of future development along State Street and 700 North should incorporate, as much as possible, these historic building forms. Craftsman and alpine style developments are similar to these historical buildings are also acceptable. Individual buildings with smaller footprints better fit this historic theme than larger buildings and “big box” retailers. The historic feel of Lindon can be further enhanced through site design. Streetscapes should include sidewalks, and street trees, ~~and a white split rail fence~~ to create an attractive and safe environment for pedestrians. Locating most off-street parking on the sides and rear of buildings will help preserve the traditional, small-town feel of Lindon. As the Lindon City slogan “a little bit country” expresses, the community has a desire to preserve its rural heritage. The design of the State street and 700 North corridors should reinforce this desire.

Multiple options are given for recommended building forms to provide flexibility and variety in design and avoid the development of too many similar structures. Certain forms are more suited for smaller structures, while other forms may accommodate a wide range of building sizes. Care should be taken by developers and the city to work with a building form that is appropriate for the massing and scale of the proposed structure. Variations and adaptations of these basic building forms is expected, although the approach of tacking on different elements to a boxy building to achieve a “period/historic look” should be avoided. Major variations should be considered on a case-by-case basis.

VI. Appendices

I. Preference List: These architectural features are considered desirable and are suggested as “recurring themes” for buildings within the City.

- a. Cupolas
- b. Arched windows with muntins
- c. Exposed Timbers
- d. White two-rail fences along streets & walkways

i. Where white two-rail fencing is used, the following standards are encouraged: A continuous three (3) foot tall fence with post dimensions of five (5) inches by five (5) inches with rail dimensions of two (2) inches by six (6) inches. The posts should be installed eight (8) feet on center with two (2) rails between posts. The fence should be placed adjacent to any dedicated streets so as to generally appear in a continuous fashion. Placement of the fence should typically be two (2) feet behind the sidewalk

within the required landscaping strip.

- e. Pitched roofing styles
- f. Stone wainscot and other stone or brick accents
- g. “Country Accents” in line with the Lindon theme, “A Little Bit of Country.”

SECTION II: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

SECTION III: The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect. If a provision of this ordinance is invalid in one or more of its applications, then the provision remains in effect for all applications that are severable from the invalid applications.

SECTION IV: This ordinance does not affect the rights or duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

SECTION V: This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this ____ day of _____, 2014.

Jeff Acerson, Mayor

ATTEST:

Kathy A. Moosman, Recorder

SEAL:

10. Discussion Item — Procedure for Council Vacancy Interviews and Appointment (20 minutes)

The Council and Staff will discuss the procedure for interviewing applicants and filling the Council vacancy at the February 18, 2014 Council meeting. Mayor Jeff Acerson will be participating in this discussion item by teleconference.

Presenting Staff: Adam Cowie, City Administrator. Brian Haws, City Attorney

Staff will review State Code requirements regarding the Council vacancy and appointment process and will provide suggestions on how to proceed with interviews of the 12 applicants and final selection of a new Council member. We understand this will be a challenging decision with many qualified applicants that have applied for the vacancy. Prior to interviews we suggest informing applicants that there are many other needed ways for them to serve the community including the Historical Commission, Planning Commission, Community Center/Senior Center, Lindon Days, Tree Board, Drill-down, etc. If not selected, applicants may contact a Council member or Staff if interested in volunteering for other duties.

We suggest that no more than 10 minutes be provided for each applicant to introduce themselves and answer questions from Council members. Given the large number of applicants, it may be beneficial to have a timer set up for each applicant interview. This way all are treated equally like at our Meet the Candidates event. Some applicants may not need the full ten minutes for introduction and questions. However, if each applicant uses the full ten minutes it will take two hours to get through all the interviews. (We do have a 6:00 work session planned for the 18th, but at this time we do not plan to have any other substantial items on the Feb 18th agenda.)

After all interviews are completed the Council should deliberate on which applicant should be selected to fill the vacancy. We suggest that each Council member reveal their top 2 or 3 candidates in hopes that one or two top choices will stand out among all council members. Deliberation can then focus on those top individuals. There is no requirement to disclose 'why' you chose some applicant over another.

After deliberation, the Mayor will call for a motion to appoint a new Council member. A majority of Council members (three) must approve the motion. The Mayor is not able to vote on this item unless a there is a tie decision. If no Candidate receives a majority of the votes on the first motion, the top two candidates will be considered on a second motion. If after a second motion and vote there is still no majority winner, the vacancy shall be filled by the top two candidates drawing lots. The selected Council member will then be sworn-in at the next available City Council meeting. If desired, the Council may choose to continue the meeting without making a final decision. This would need to be done by a majority vote to continue the item to the next public meeting.

Sample Motion: No motion needed on a discussion item.

II. **Council Reports:**

(30 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 - *(vacant)*
- E) Administration, Com Center Board, Lindon Days, Chamber of Commerce - Randi Powell
- F) Public Safety, Court, Animal Control, Historic Commission, Budget Committee - Jacob Hoyt

12. Administrator's Report:

(20 minutes)

Misc Updates:

- Project Tracking List (see attached) - Anything you feel you need to review?
- 700 North CDA materials sent to Alpine School District. Awaiting meeting to discuss details.
- 2012-13 Audit Report very near being done. K&C auditors/accountants hired to finalize report.
- Police Dept – vacancy update
- Water Tech position in Public Works is advertised. Interviews probably will occur week of 17th-21st.
- UTOPIA updates: Macquarie meeting weekly with UTOPIA cities 'steering committee' to report on Milestone 1 progress.
 - OpEx payment discussions occurring with other cities
 - Todd Marriot, UTOPIA CEO, has resigned
- Claims update: Ryan Gardner (Lakeview), Century Link, Flygare case status
- URMMA will be coming to 6:00pm Work Session with Council on Feb 18th. Come w/questions.
- Bicycle & Pedestrian Master Plan – please complete survey! Send link to family and friends.
- Any desired topics for discussion at Feb 27th Budget Kick-off Meeting? We may discuss the following:
 - New employee/staffing needs
 - Large infrastructure/facilities projects
 - Large equipment needs
 - PARC tax priorities
 - Long-term facilities planning & financial planning
 - Need for impact fee studies & increases to various fees & utility rates
- 2013 Pressure Irrigation Report is attached (FYI).

Upcoming Meetings & Events:

- Newsletter Assignment: **Jake** - March newsletter article. *Due by last week in February.*
- Feb. 3rd at Noon – ULCT Legislative Policy Committee at State Capitol, Rm W30 **Jeff, Adam**
- Feb. 11th at Noon – Engineering Meeting at Public Works **Jeff, Van, Randi**
- Feb. 10th at Noon – ULCT Legislative Policy Committee at State Capitol, Rm W30 **Jeff, Adam**
- Feb. 12th at 5:00-7:00pm – Bicycle Master Plan Public Open House at Community Center **All Council**
- Feb. 17th – Presidents Day. City Offices closed.
- Feb. 24th at Noon – ULCT Legislative Policy Committee at State Capitol, Rm W30 **Jeff, Adam**
- Feb. 27th at 6:00pm – Budget Kick-off Meeting & Dinner at City Center **All Council**
- March 3rd at Noon – ULCT Legislative Policy Committee at State Capitol, Rm W30 **Jeff, Adam**

Future items:

- Policy Manual updates
- Fee and Utilities rate studies / review of active service military utility waivers
- Lindon Pumping Co. land – 725 E. 200 S., potential land sale/use by neighbor
- Planning Commission member vacancy

Adjourn

As of January 31, 2014

PROJECT TRACKING LIST

1 of 2

APPLICATION NAME	APPLICATION DATE	APPLICANT INFORMATION	PLANNING COMM.	CITY COUNCIL
			DATE	DATE
Ordinance changes: LCC 17.38 'Bonds for Completion of Improvements to Real Property'	Sept. 2009	City Initiated	Feb. 11	TBD
<i>City initiated ordinance changes needed to bring code into compliance with current practices and State laws.</i>				
Zone Change: Old Town Square	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>				
Property Line Adjustment: LBA Rentals	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 & 140 South Main Street. This project is in conjunction with the Castle Park project.</i>				
Ordinance changes: LCC 17.32, 17.58, 17.66.020 'Subdivisions'	Nov. 2012	City Initiated	Nov. 13, Dec. 11, Jan. 8, Jan. 22	Feb. 5
<i>City initiated ordinance changes needed to bring code into compliance with current practices and State laws.</i>				
Site Plan: Lindon Senior Apartments	Sept. 2013	Matt Gneiting	TBD	TBD
<i>Request for site plan approval for senior housing apartments on State & Main</i>				
Ordinance Change: LCC 17.48.040	Jan. 2014	Planning Commission Initiated	Jan. 14, 2014	Feb 4, 2014
<i>City initiated ordinance change to strike the white fencing requirement in commercial zones.</i>				
Ordinance Change: Commercial Design Guidelines	Jan. 2014	Planning Commission Initiated	Jan. 28. 2014	Feb. 4, 2014
<i>City initiated change to allow staff approval of amended site plans for accessory buildings 1,000 square feet or less.</i>				
Major Subdivision: Long Orchard	Jan. 2014	Ivory Development	Jan. 28	Feb. 4
<i>Request for a 11 lot subdivision to be located at approximately 170 South 400 East.</i>				
NOTE: This Project Tracking List is for reference purposes only. All application review dates are subject to change.				
<u>PC / CC Approved Projects - Working through final staff & engineering reviews (site plans have not been finalized - or plat has not recorded yet):</u>				
<i>Stableridge Plat D (Vaughn Heath)</i>	<i>Highlands at Bald Mountain</i>		<i>Tim Clyde – R2 Project</i>	
<i>BMA / Old Station Sq – site plan Lots 11 & 12</i>	<i>AM Bank – site plan</i>		<i>Joyner Business Park, Lot 9 site plan</i>	
<i>Double -A- Estates Subdivision</i>	<i>Old Station Square Plat D</i>		<i>Castle Park Amended Site Plan</i>	
<i>Southcreek Subdivision</i>	<i>Olsen Industrial Park Sub., Plat A (Sunroc)</i>		<i>Homesteads at Coulson Cove Plats C</i>	
<i>West Meadows Indus. Sub (Williamson Subdivision Plat A)</i>	<i>Keetch Estates, Plat A</i>		<i>Lindon Gateway II</i>	
<i>Osmond Senior Subdivision</i>	<i>Lindon Harbor Industrial Park II</i>		<i>Meine Plat A</i>	
<i>Freeway Business Park II</i>	<i>Craig Olsen Site Plan</i>			
<i>Valdez Painting Site Plan</i>	<i>Murdock Hyundai Site Plan</i>		<i>Maverik Site Plan</i>	
<i>Cullimore Court Subdivision</i>	<i>LCD Business Center</i>		<i>Sam White Office/Warehouse Site Plan</i>	
<i>Eastlake at Geneva North Sub.</i>	<i>Lindon Business Park Plat C</i>		<i>Lindon Business Park Bldg 4 Site Plan</i>	
<i>Avalon Senior Living Site Plan</i>	<i>Murdock Hyundai Plat Amendment</i>			
<i>Osmond Senior Living Site Plan</i>	<i>Timpview RTC Expansion</i>		<i>Maxine Meadows Subdivision</i>	
<i>Green Valley Subdivision</i>	<i>Old Rail Estates Subdivision</i>			

Board of Adjustment		
Applicant	Application Date	Meeting Date
Scott Farrer: Minimum Distance between offset roads	September 2013	Oct. 30; continued and subsequently withdrawn.
Lindon City: Bishops Storehouse Variance to Lot Size	January 2014	TBD

Annual Reviews				
APPLICATION NAME	APPLICATION DATE	APPLICANT INFORMATION	PLANNING COMM.	CITY COUNCIL
			DATE	DATE
Annual review - Lindon Care Center 680 North State Street (File # 05.0383.8) administrator@lindoncare.com	Existing use.	Lindon Care Center Manager: Christine Christensen 801-372-1970.	February 2014 Last Reviewed: 3/13	N/A
Annual review of care center to ensure conformance with City Code. Care center is a pre-existing use in the CG zone.				
Annual review of CUP - Housing Authority of Utah County - Group home. 365 E. 400 N. (File # 03.0213.1) lsmith@housinguc.org	Existing CUP	Housing Auth. Of Utah County Director: Lynell Smith 801-373-8333.	February 2014 Last Reviewed: 3/13	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.				
Heritage Youth Services - Timpview Residential Treatment Center. 200 N. Anderson Ln. (File # 05.0345) info@heritageyouth.com info@birdseyvertc.com	Existing CUP	HYS: Corbin Linde, Lynn Loftin 801-798-8949 or 798-9077	February 2014 Last Reviewed: 3/13	N/A
Annual review required by PC to ensure CUP conditions are being met. Juvenile group home is permitted for up to 12 youth not over the age of 18.				

Grant Applications	
Pending	Awarded
CDBG 2014 Grant – Senior Center Computer Lab	Heritage Trail Phase 2 – Trail construction grant. Awarded amount \$3,037,433 o Status – ▪ Construction beginning March 25, 2013 ▪ To be completed by June 12, 2013
Bikes Belong - Trail construction grant. Requested amount: \$10,000 o Status: NOT SELECTED FOR 2010. WILL RE-APPLY IN 2014.	EPA STAG Grant – Lindon Hollow Creek Ditch relocation. Awarded \$500,000 • Van Con awarded bid. Construction has started.
Land and Water – Trail construction grant. Requested amount: \$200,000 o Status: NOT SELECTED. RE-APPLY IN 2014.	Utah State Parks 2011 – Non-motorized Trail grant: Awarded \$100,000 o Status – Environmental docs have been submitted to State o Pending property dedication by PacifiCorp • Intend to use funds towards completion of additional trail near power plant
Hazard Mitigation Grant / MAG Disaster Relief Funds- (pipe main ditch)	EDCUtah 2012 – Awarded \$2,000 matching grant for 700 North CDA consultant reimbursement. o Proposed study / CDA creation in fall 2012. Estimated costs ~\$20,000.
FEMA Hazard Mitigation Grant – (pipe Main Ditch)	State History Grant 2012 – New historical markers. Awarded \$800.00 (w/ 50% match from historical commission funds for total project cost of \$1,600).
	MAG Bicycle Master Plan Study Awarded funds to hire consultant to develop bicycle master plan to increase safety and ridership throughout the city.
	Utah Heritage Foundation — Lindon Senior Center Awarded 2013 Heritage Award in the Category of Adaptive Use Project.
	CDBG 2013 Grant – Senior Center Van (\$50,000). Funds dispersed July 2013

Planning Dept - Projects and Committees			
On-going activities (2014 yearly totals)	Misc. projects	UDOT / MAG projects	Committees
Building permits Issued: 2 New residential units: 0	2010-15 General Plan implementation (zoning, Ag land inventory, etc.)	700 North CDA	Utah Lake Commission Technical Committee: Bi-Monthly
New business licenses: 6	Lindon Hollow Creek-Corps of Eng., ditch relocation	Lindon Bicycle Master Plan	MAG Technical Advisory Committee: Monthly
Land Use Applications: 1 Drug-free zone maps: 2	Lindon Heritage Trail Phase 3 Gateway RDA improvements		Lindon Historic Preservation Commission: Bimonthly North Utah County Transit Study Committee



J-U-B ENGINEERS, INC.

LINDON CITY

**PRESSURE IRRIGATION SYSTEM
PROJECT ANNUAL REPORT**

November 2013

PREPARED BY:
J-U-B ENGINEERS, Inc.
240 W. Center Street, Suite 200
Orem, Utah 84057
801-226-0393
www.jub.com

PROJECT ANNUAL REPORT
LINDON CITY CORPORATION
Pressure Irrigation System
November 30, 2013

I. Administrative Information

A. Project Name: Lindon City Pressure Irrigation System

B. Application Number: 716

C. Administrative Contact:

Mr. Adam Cowie, City Administrator
Lindon City
100 North State Street
Lindon, Utah 84042
Telephone: (801) 785-5043
Fax (801) 785-8925
E-mail acowie@lindoncity.org

D. Technical Contact:

Don C. Peterson, Public Works Director
946 West Center Street
Lindon, Utah 84042
Telephone: (801) 796-7954
Fax (801) 796-5855
E-mail dpeterson@lindoncity.org

-And-

Mark L. Christensen, P.E.
J-U-B Engineers, Inc
240 West Center Street, Suite 200
Orem, UT 84057
(801) 226-0393
Fax (801) 226-0394
E-mail mlc@jub.com

E. Signature and Date:

Adam Cowie
City Administrator
Lindon City

Date

II. Detailed Project Schedule and Expected Future Costs

A. Implementation of the Project

The system has provided for the majority of outside water use since its construction in 1992/1993. Delivery of water began about mid July 1993. The City filled the system this year beginning about April 17, 2013 from the Alpine Aqueduct. Water was available about May 1, 2013 from the North Union Canal and users began irrigation of lawns, shrubs, etc. shortly after that. The water supply was turned off on about October 15, 2013 and the system drained by the users. The system has been in operation for 20 years.

Pressure irrigation is used on all City Parks and recreation complexes within the area served by the system.

The Cobbley Pump Station and North Union Sedimentation Basin are no longer used because they have been replaced with more efficient means of delivering water to the system.

The system has four pressure zones, Zone 0, 1, 2, and 3. Each Zone has an equalization reservoir. Zone 0 and Zone 1 have pumped supplies. Zone 2 is gravity supplied from the Alpine Aqueduct Reach 3 as well as booster pumps at Zone 3, and Zone 3 is gravity supplied from the North Union Canal. Each facility is in good condition, operated and well maintained by the City Water Department. Central Utah Water Conservancy District maintains the Alpine Reach 3 connection.

B. Project Funds

Table 1 summarizes the cost of the original project by funding source as well as the additions (except for the Zone 3 booster pumps) to the system.

TABLE 1 - FUNDS EXPENDED

Credit Program Funds	\$1,899,011
Division of Water Resources	\$1,485,989
Local Cost Share Funds	\$113,888
Total of All Funds - Original Project	\$3,498,888
North Union Pump - Local Funds	\$287,570
Cobbley Pump Station - Local Funds	\$140,533
North Union Sedimentation Basin - Local Funds	\$100,755
Alpine Aqueduct Reach 3 Turnout - Central Utah Water Conservation District	\$162,586
Total of All Funds - Present System	\$4,190,332

Development continues to contribute capital through improvements required in the developments. The original project cost was \$3,498,888. The Division of Water Resources funded \$3,385,000 and the balance was local funds. Bond payments began in March 1994. The City received

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\$1,899,011 from the Water Conservation Credit Program in 2000, that they paid to the Division of Water Resources to reduce the bond principal. The City paid off the 1992 Irrigation Water Bond in 2007. The City currently has no debt on the pressure irrigation system and is building reserves for future replacement.

III. Water Conservation

A. Water Conservation Realization

Water conservation began in 1993. The first full season of use was 1994. All water sources that supply water to the pressure irrigation system have meters. The City Water Department has a SCADA system, installed in 2005 providing remote recording on a continuous basis. Tabulation of these readings determines the volume of water delivered to the system.

TABLE 2 - WATER CONSERVED

Year	Population	Total End of Year Connections	Irrigation Conservation Total (AF/year)	Culinary Conservation Total (AF/year)	Conservation Total (AF/year)
1994	5,200	1,040	269.55	1,687.33	1,956.88
1995	5,681	1,228	342.85	1,636.23	1,979.08
1996	6,206	1,356	388.80	1,820.68	2,209.48
1997	6,781	1,461	409.79	1,988.69	2,398.48
1998	7,408	1,604	411.23	2,244.65	2,655.88
1999	8,093	1,701	418.50	2,494.97	2,913.46
2000	8,363	1,771	421.58	2,757.55	3,179.13
2001	8,625	1,858	423.12	3,424.02	3,847.14
2002	8,895	1,916	424.66	3,096.55	3,521.21
2003	9,173	1,985	424.66	3,409.36	3,834.02
2004	9,410	2,028	424.66	3,421.01	3,845.67
2005	9,761	2,081	424.66	2,932.51	3,357.17
2006	9,850	2,119	424.66	4,088.42	4,513.08
2007	10,152	2,163	424.66	4,487.62	4,912.28
2008	10,466	2,193	424.66	4,045.74	4,470.40
2009	10,268	2,234	424.66	3,621.03	4,045.69
2010	10,070	2,266	424.66	3,762.51	4,187.17
2011	10,226	2,280	424.66	3,504.06	3,928.72
2012	10,333	2,289	424.66	4,378.78	4,802.44
2013	10,414	2,314	424.66	3,770.60	4,195.27

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Table 2 shows the volume of water conserved by sprinkler irrigation on land that was previously flood irrigated and the volume of water used for outside water needs that would place additional demand on the culinary system if there were no pressure irrigation system. Water use for 2013 was 607.17 acre-feet less than used in 2012 with an increase of 25 connections.

Figure 1 is a bar chart of the monthly water use during the 2013 irrigation season.

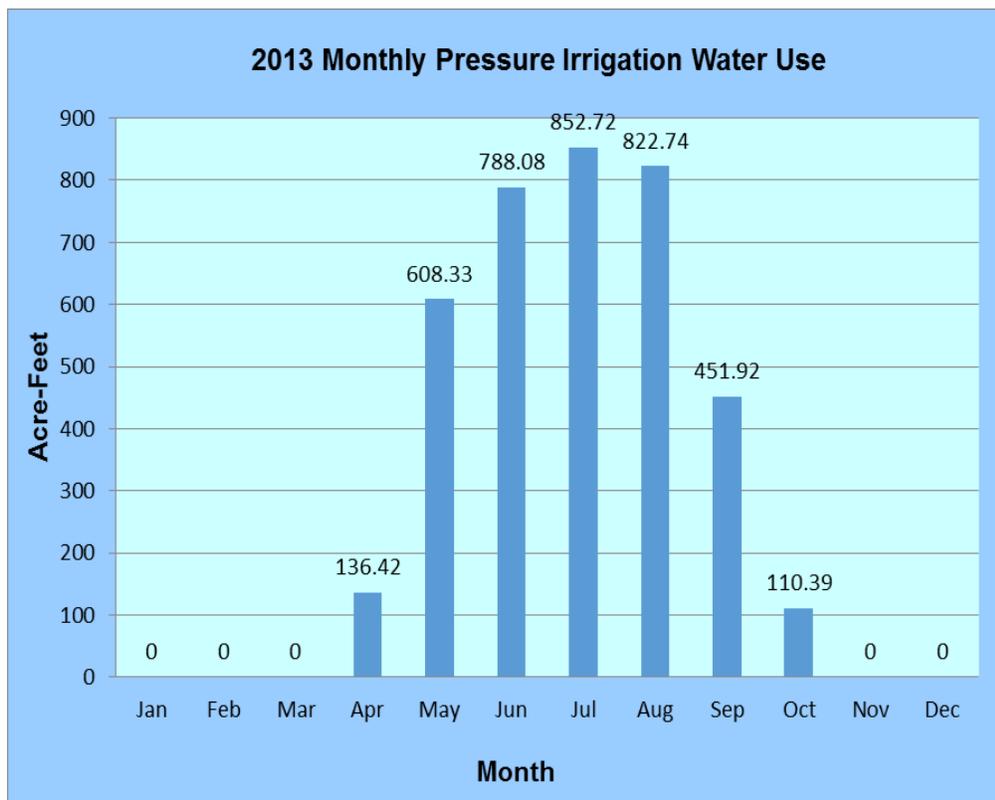


Figure 1 - 2013 Monthly Pressure Irrigation Water Use

Figure 2 shows a comparison by month for the irrigation seasons of 2003 through 2013.

Figure 3 shows a comparison of the annual irrigation season total water use from 2003 through 2013.

Figures 2 and 3 reflect growth in use and the effect of wet and dry water years. The City encourages water conservation through mailings and restricts outside use of water for irrigation to before 10:00 a.m. and after 6:00 p.m. These steps together with the emphasis on water conservation by the State, Water Districts, and other City's have made most users of the system more conservation minded.

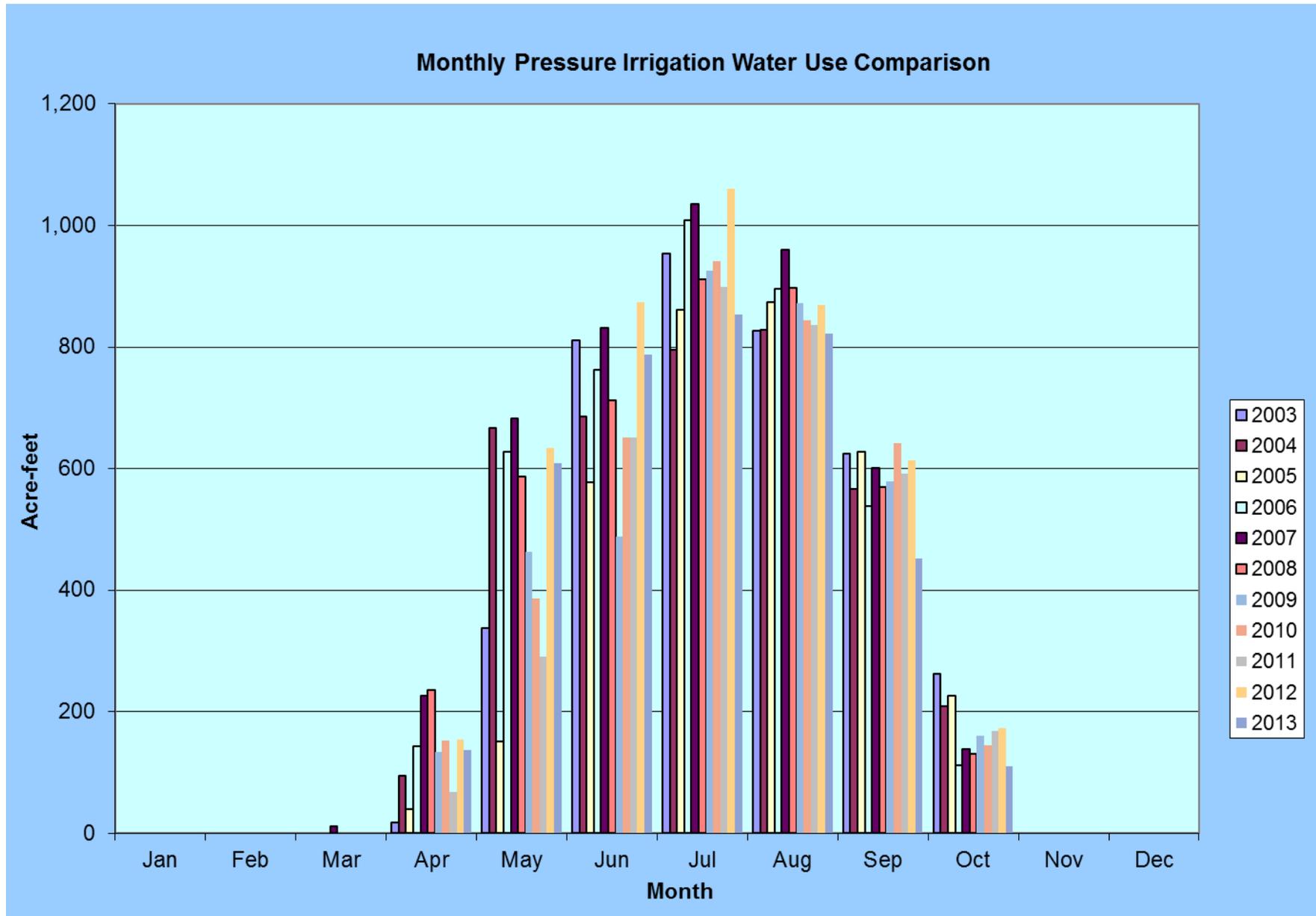


Figure 2 - Monthly Pressure Irrigation Water Use Comparison

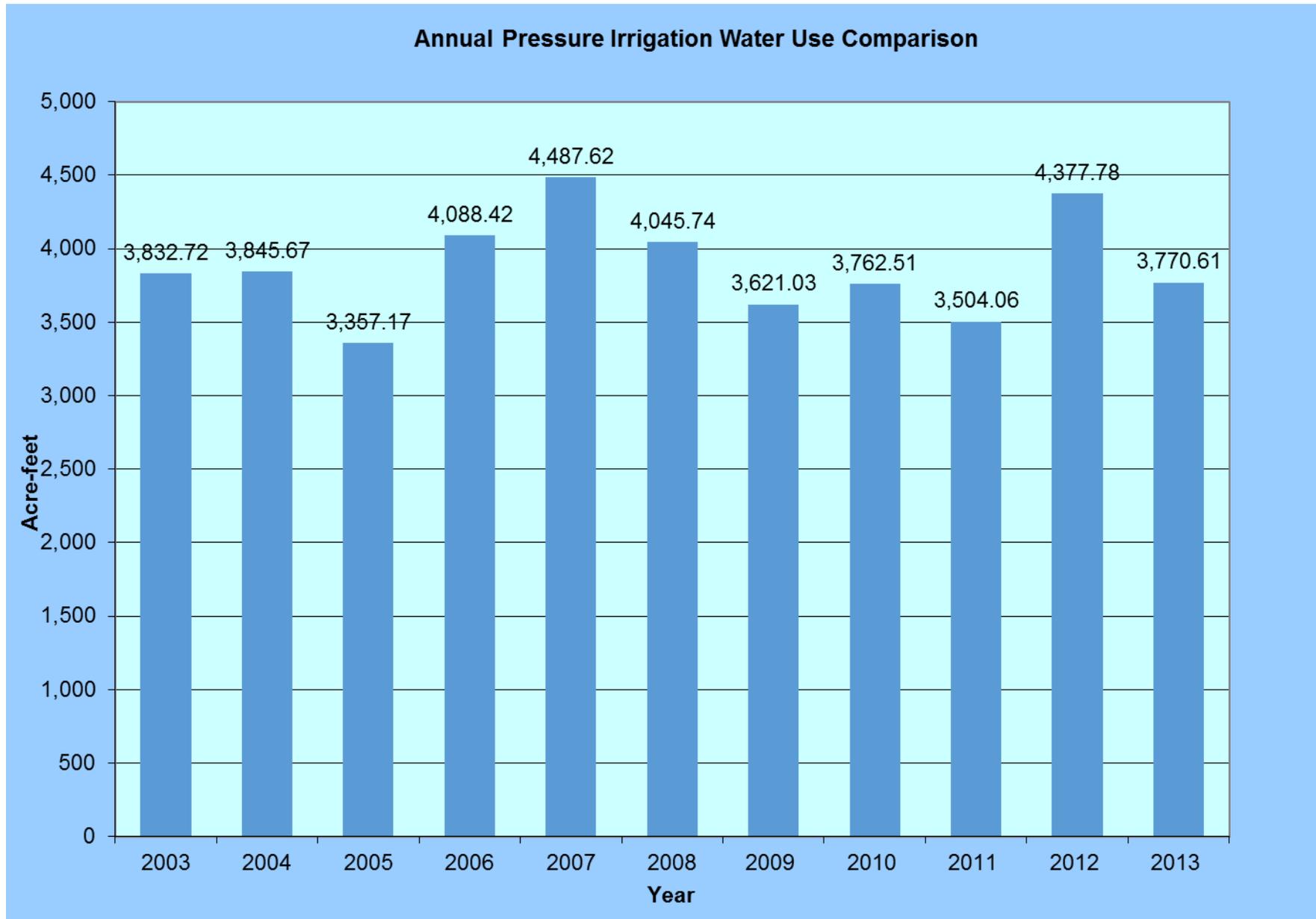


Figure 3 - Annual Pressure Irrigation Water Use Comparison

Table 3 shows the number of connections by size of service as of October 30, 2013.

TABLE 3 - SERVICE CONNECTIONS

Service Size	Number
1 - inch	2,163
1 1/2 - inch	79
2 - inch	71
4 - inch	1
Total	2,314

Connections increased by 25 from 2012, which represents an increase of 1.09%. The growth in connections has slowed from an average of 10.42% in the 1990's, to an average of 2.77% in the 2000's, and to 1.55% thus far in the 2010's. The highest rate was 18.08% in 1995; the lowest rate was 0.39% in 2012.

B. Water Conservation Projections

The projected future volumes of M & I water conserved made in the 1999 Feasibility Study were made using a varying growth rate of 5 to 7.5 percent. During the mid to late 1990's the annual growth rate was between 8% and 12%. From 1995 through 1999, the average annual growth rate was 10.42%. From 2000 through 2003, the range of annual growth rate was 4.12% in 2000, 4.91% in 2001, 3.12% in 2002, and 3.60% in 2003, with an average annual growth rate of 3.94%. The average growth rate for 2004 - 2006 is 2.17%. Due to the change in growth rate, projections were revised in 2007.

Table 4 shows the revised water conservation projections for the Lindon City Pressure Irrigation System. The projections show the projected annual increase and percent annual increased used to make the revisions.

A comparison of Table 2 - Water Conserved and Table 4 - Water Conservation Projections shows that for the years 1994 through 2000, the water conserved and the water conservation projection is the same. The city applied for and received funding through the Water Conservation Credit Program in 1999.

In 2013 the water conserved was 4,195.27 acre-feet, which is 25.65 acre-feet more than the projected conservation of 4,169.62 acre-feet.

The effects of a spring/early summer months having more or less than average precipitation affect the variation in the water conserved from year to year.

The water conservation projection in 2025 is 5,174 acre-feet.

**TABLE 4 - WATER CONSERVATION PROJECTIONS
(REVISED 2007)**

Year	Irrigation Conservation Total (AF/year)	Culinary Conservation Total (AF/year)	Conservation Total (AF/year)	Annual Increase (AF)	Increase Over Previous Year
1994	269.55	1,687.33	1,956.88		
1995	342.85	1,636.23	1,979.08	22.20	1.13%
1996	388.8	1,820.68	2,209.48	230.40	11.64%
1997	409.79	1,988.69	2,398.48	189.00	8.55%
1998	411.23	2,244.65	2,655.88	257.40	10.73%
1999	418.5	2,494.97	2,913.47	257.59	9.70%
2000	421.58	2,757.55	3,179.13	265.66	9.12%
2001	423.12	2,853.51	3,276.63	97.50	3.48%
2002	424.66	2,924.85	3,349.51	72.88	2.50%
2003	424.66	2,997.97	3,422.63	73.12	2.50%
2004	424.66	3,072.92	3,497.58	74.95	2.50%
2005	424.66	3,149.74	3,574.40	76.82	2.50%
2006	424.66	3,228.49	3,653.15	78.74	2.50%
2007	424.66	3,309.20	3,733.86	80.71	2.50%
2008	424.66	3,391.93	3,816.59	82.73	2.50%
2009	424.66	3,459.77	3,884.43	67.84	2.00%
2010	424.66	3,528.96	3,953.62	69.20	2.00%
2011	424.66	3,599.54	4,024.20	70.58	2.00%
2012	424.66	3,671.53	4,096.19	71.99	2.00%
2013	424.66	3,744.96	4,169.62	73.43	2.00%
2014	424.66	3,819.86	4,244.52	74.90	2.00%
2015	424.66	3,896.26	4,320.92	76.40	2.00%
2016	424.66	3,974.19	4,398.85	77.93	2.00%
2017	424.66	4,053.67	4,478.33	79.48	2.00%
2018	424.66	4,134.74	4,559.40	81.07	2.00%
2019	424.66	4,217.44	4,642.10	82.69	2.00%
2020	424.66	4,301.79	4,726.45	84.35	2.00%
2021	424.66	4,387.82	4,812.48	86.04	2.00%
2022	424.66	4,475.58	4,900.24	87.76	2.00%
2023	424.66	4,565.09	4,989.75	89.51	2.00%
2024	424.66	4,656.39	5,081.05	91.30	2.00%
2025	424.66	4,749.52	5,174.18	93.13	2.00%

IV. Issues and Solutions

The pressure irrigation project continues to meet the demands for turf, shrub, landscaping, garden, and pasture irrigation, with some larger users irrigating alfalfa, grain, and some smaller orchards. All new residential development is required to extend and connect to the pressure irrigation system to meet the demands of outside irrigation, except for the Creekside residential housing development at 500 North 1600 West, which is outside the pressure irrigation system service area.

Education has been effective in helping the users of the system become more aware of their use of water. Continued education is necessary to protect against overuse of water since there are no service meters. Providing users with annual water use requirements for various types of plants and the weekly application rates that provide adequate water supply at the beginning of each irrigation season together with periodic mailings with the utility bills are making a difference. Visual policing of violations is ongoing. Installation of individual metered services will happen when the technology is developed and it makes sense to do so.

V. Outlook

The project is meeting the demands for irrigation uses thereby eliminating the use of higher quality M & I water for this purpose. This saves on the capital, operation, maintenance, and replacement costs for treatment facilities that are the next best alternative to treat these surface waters so they could be used in a single system. It also conserves water on land that heretofore was flood irrigated by eliminating most of the loss from conveying and applying the water. Use of the system is widely accepted throughout the community.