

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, July 15, 2014**
at **7:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street,
Lindon, Utah.

4 **REGULAR SESSION** – 7:00 P.M.

6 Conducting: Jeff Acerson, Mayor
8 Pledge of Allegiance: Richard DuBois, Scoutmaster
Invocation: Randi Powell, Councilmember

10 **PRESENT**

ABSENT

12 Jeff Acerson, Mayor
Randi Powell, Councilmember
14 Matt Bean, Councilmember
Van Broderick, Councilmember
16 Jacob Hoyt, Councilmember
Carolyn Lundberg, Councilmember
18 Adam Cowie, City Administrator
Hugh Van Wagenen, Planning Director
20 Cody Cullimore, Chief of Police
Kathy Moosman, City Recorder

22 **1. Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.

24 **2. Presentations/Announcements** –

26 a) **Mayor/Council Comments** – Councilmember Powell mentioned they are still
28 accepting flags (as many as possible) to retire at the Flag Retirement
Ceremony to be held on August 7th during Lindon Days. The flags can be
30 taken to the front desk at the City Center, Community Center or the Police
Department.

32 **3. Approval of Minutes** – The minutes of the regular meeting of the City Council of
34 July 1, 2014 were reviewed.

36 COUNCILMEMBER POWELL MOVED TO APPROVE THE MINUTES OF
THE MEETINGS OF JULY 1, 2014 AS AMENDED. COUNCILMEMBER
38 BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

40 COUNCILMEMBER POWELL AYE
COUNCILMEMBER BEAN AYE
42 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE

COUNCILMEMBER LUNDBERG AYE
2 THE MOTION CARRIED UNANIMOUSLY.

4 **4. Consent Agenda** – No items.

6 **Open Session for Public Comment** – Mayor Acerson called for any public comment
not listed as an agenda item. Richard DuBois, Volunteer Council Commissioner with
8 the Boy Scouts of America along with Ron Nyman, Director of Field Services,
addressed the Council at this time. Mr. DuBois stated a “Celebration of Eagles” was
10 recently held at the Utah Valley University campus where they recognized 43 men
(Eagle Scouts) for their service as being outstanding fathers, citizens, and parents etc.
12 He noted that one Lindon resident was not able to attend so they would like to honor
him tonight. Mr. DuBois then invited Mayor Jeff Acerson forward and presented him
14 with his award. Mr. DuBois also recognized Councilmember Van Broderick and also
invited him forward. Mayor Acerson mentioned that Darrel Magleby, another Lindon
16 resident was also recognized at the ceremony. Mr. DuBois then read the outstanding
Eagle Scout proclamation and congratulated Mayor Acerson and Councilmember
18 Broderick. Mayor Acerson and Councilmember Broderick thanked Mr. DuBois and
Mr. Nyman for the honor and recognition. Mayor Acerson called for any further
20 public comments or questions in the open session. Hearing none he moved on to the
next agenda item.

22 **CURRENT BUSINESS**

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

30 Adam Cowie, City Administrator, gave a brief summary stating Don Peterson,
32 Public Works Director and City Sexton, is in attendance to provide an overview of the
Lindon City Cemetery policies and procedures for interment. He noted the Council will
34 also provide feedback and direction to Staff on whether or not to pursue changes to
current policies and fees in order to establish smaller plot sizes for infant and urn burials.
36 Mr. Cowie stated that staff is seeking direction from the Council on whether or not to
facilitate a city initiated ordinance change to allow smaller cemetery plot sizes at
38 decreased fees.

40 Mr. Peterson addressed the Council at this time to give information regarding the
current cemetery policies and interment procedures. Mr. Peterson stated because of
42 several requests for urn burials this issue was brought up and he has contacted several
other cities in the valley and it seems a lot of cities are seeing quite an increase in burials
of urns. He noted that they will be looking into this issue in order to make some possible

changes to city policy or to leave them as they are. Mr. Cowie, City Administrator, commented that he has prepared a slide presentation to give an overview on the process of laying out a grave and the interment process. Mr. Cowie then showed the presentation which gave a brief background of the history on the interment process and city policies. He noted the Lindon City Cemetery was established in 1994 and the Public Works Director, Don Peterson, acts as City Sexton. He added that the Public Works staff assists with the burials and also the paper work. Mr. Cowie explained that Phase 1 of the cemetery incorporates approximately 3 acres with about 2,600 current plots with 347 burials currently in place to date. Mr. Cowie stated he calculated the numbers and if the average numbers of burials per year were doubled the entire cemetery property could possibly last over 200 years until it is full (which is a large capacity for the size of our city).

Mr. Cowie further explained that the “Monument to Freedom” was constructed in the spring of 2011 and was funded primarily with private donations and the dedicated work of Chief Cody Cullimore and Don Peterson. He added that Phase 2 of the cemetery incorporates 4 acres with a total of 7,700 plots. Mr. Cowie stated a future cemetery building with equipment storage, restrooms, office, plot maps & cemetery information would be very beneficial. He went on to say that Infant and Urn Burials have been discussed with the plot location and layout and they would propose reserving blocks 67 and/or 68 with one half of the plots available for infant or urns. He noted there has been an increase of the number of urns allowed throughout cemetery with 4 per full-size plot and 2 per ½ size plot. Mr. Cowie did note that this would require the adoption of new fees with a ½ size plot equaling \$225 for residents and \$500 for non-residents. It would also require ordinance changes and updated policies, forms, and handouts. Mr. Peterson then guided the Council through the interment process followed by some general discussion. Following discussion the Council was in agreement to accommodate the policy changes as discussed and directed staff to move forward. Mr. Cowie stated that they will advertise for an ordinance change and he will bring the changes back with the fee schedule update to the Council. Councilmember Lundberg expressed her appreciation to staff for the timeliness of the well prepared presentation and she feels this action will be a good manner of stewardship of the land along with recognizing and serving the needs of the residents and the community.

At this time Mr. Cowie expressed his appreciation to Mr. Peterson for doing his good work as sexton of the cemetery and for the great care he takes with the patrons of the cemetery. He also expressed that the city is very fortunate to have him serve in this capacity. Mayor Acerson called for any further comments or questions from the Council. Hearing none he moved on to the next agenda item.

6. Public Hearing – *Primo’s Restaurant, Beer License Application.* James Nebeker with Primo’s restaurant requests City Council approval for a Lindon City Beer License at 131 South State Street (formerly Wallaby’s). The location of the beer sales does not appear to meet the 600’ proximity separation distance from a public school property boundary (Timpanogos Academy). However, the Alcoholic Beverage

2 Control Commission may still grant a State beer license if the City Council consents
to a proximity variance to the separation distance requirements. Mr. Nebeker
requests approval of the proximity variance from the City Council.

4
6 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

8
10 Mr. Cowie led the discussion by explaining James Nebeker with Primo's
restaurant is requesting City Council approval for a Lindon City Beer License at 131
South State Street (formerly Wallaby's). He noted the location of the beer sales does not
12 appear to meet the 600' proximity separation distance from a public school property
boundary (Timpanogos Academy). Mr. Cowie did mention that the Alcoholic Beverage
14 Control Commission may still grant a State beer license if the City Council consents to a
proximity variance to the separation distance requirements of which Mr. Nebeker is
16 requesting approval for from the City Council tonight.

18 Mr. Cowie stated the applicant is seeking to open a new, sit down restaurant
called Primo's and he has applied for a Beer License from the City of which Lindon City
Code requires a beer license to be approved by the City Council. Mr. Cowie explained
20 the City has formally adopted and incorporated the State's Alcoholic and Beverage
Control Act as part of its own code (LCC 5.10), with additional local requirements found
22 within LCC 5.08. He added that within the State code is a provision requiring all alcohol
distribution locations to keep a proximity separation distance from any church, school,
24 public park, playground or library. Mr. Cowie pointed out that the Timpanogos Academy
school property is within the proximity distances from the proposed restaurant. The State
26 code prohibits alcohol distributing locations from being within 200' as measured in a
straight line from the nearest entrance of the business to the nearest property boundary of
28 the school and this restriction appears to be met.

30 Mr. Cowie went on to say the code also prohibits locations within 600' as
*"measured from the nearest entrance of the outlet (restaurant) by following the shortest
route of ordinary pedestrian travel to the property boundary of the community location
32 (school)"*. He also mentioned that no definition is given for "ordinary pedestrian travel".
Therefore, the City has interpreted that a route of "ordinary pedestrian travel" includes
34 walking across parking lots or other unobstructed routes and is not limited to sidewalks.
Mr. Cowie then presented two maps showing possible pedestrian travel routes to different
36 points of the school property to show that the school property is too close to the proposed
alcohol distribution location. Mr. Cowie did note that State code allows an exception to
38 the separation distance if a public hearing is held and the City Council gives written
consent to grant a variance to the proximity requirements.

40 Mr. Cowie further discussed that this is different from a variance that would
traditionally be handled by the Board of Adjustment. He directed the Council, if they are
42 considering approval, to evaluate whether any variance to the proximity distance
requirement is detrimental to the public health, peace, safety, and welfare of the

community. He stated that notices of the public hearing were mailed to all properties within 600' of the business location and also provided to the principal of Timpanogos Academy.

He noted staff would recommend the following conditions if approved as follows:

1. The prior to operation of the restaurant in which beer sales and distribution will occur, the applicant shall obtain and provide copies to Lindon City of any required State license(s) from the Utah Department of Alcoholic Beverage Control and 2. The applicant shall obtain and provide copies to Lindon City of any required license, Beer Handler's Permit, or other verification of passed inspections from the Utah County Health Department. Mr. Cowie then presented photos of the subject area followed by some discussion. Mr. Cowie then turned the time over to the applicant.

Mr. Nebeker addressed the Council at this time thanking them for the opportunity to be here tonight for discussion. He stated that Primo's Restaurant pledges the commitment to create the finest dining and entertainment experience possible. He noted they plan to use local musical talent and to bring a fine dining experience to Lindon that they feel will be successful. Mr. Nebeker stated they have been in the restaurant business for 25 years. He feels that the people in Lindon have a good work ethic that is hard to beat. Mr. Nebeker stated they are asking for a limited license to be able to give the customer a full culinary dining experience. He noted they are committed to not making Primo's a drinking establishment but a fine dining and music entertainment restaurant.

Mayor Acerson inquired if they have established a Primo's in another city or is this the first. Mr. Nebeker stated this is their first; there is a different Primos but their name has an apostrophe, which differentiates it, and the name was cleared by the state. Councilmember Broderick asked what their menu will include. Mr. Nebeker stated they have an interesting concept as they want it to be cuisine dining and they will also change out their chefs on a fairly regular basis. They will be contacting the seven culinary schools to give them an opportunity to develop a menu for a week or a month; it will be a changing menu. Councilmember Lundberg inquired if there will there be a bar tending area. Mr. Nebeker stated there will not be a bar tending area as the patrons will order off the menu with the meal. Councilmember Hoyt asked what their price range will be. Mr. Nebeker stated the meals will be between \$25 and \$50 per plate; it will be a higher end restaurant and they are committed to having the quality value. Councilmember Hoyt asked if there will be a stage for the musical entertainment.

Mr. Nebeker confirmed there will be a stage for the music performers and they will offer light music where you can still have a conversation. They plan to go to BYU and U of U to recruit some of the musical talent. He noted that he has experience to bring music people together and plans to bring something in nice and special as there is nothing like this in the area. Councilmember Lundberg inquired what the hours of operation will be. Mr. Nebeker stated it will be open from 5:00 pm to 11:00 pm, Wednesday through Saturday. Councilmember Powell asked what the anticipated seating capacity will be. Mr. Nebeker stated they anticipate a capacity of approximately 75 patrons. Mr. Nebeker stated their kitchen operation will be a semi-exposed kitchen with the intent to have a clean open kitchen that will be part of the experience. Councilmember Lundberg

mentioned the need for a limited alcohol license. Mr. Nebeker stated that the need for this is strictly confined to the culinary call that compliments the food; they have no interest in making this a drinking establishment. He added that their customers will not be lingering for more than two hours maximum and they will order along with their meal.

Councilmember Powell inquired if this application is for a beer license only or if it includes wine. Mr. Nebeker stated that he understood that it would include both. Mr. Cowie stated that he will check with the state on the wine aspect and the on the state level restrictions and regulations. Councilmember Bean inquired if there are any other locations, outside of the two in the city that sell alcohol. Mr. Cowie confirmed there are only the two right now (Walmart and 7-Eleven). Councilmember Broderick asked Mr. Nebeker if he has owned other restaurants in the past. Mr. Nebeker stated that he is from Evanston, Wyoming and now lives in Pleasant Grove. He began with the Flying J Corporation and managed the restaurants in Ogden and Evanston. In the year 2000 he went out on his own and operated "Bear Town" in Evanston for 5 years. He has also operated convenience stores and diners.

Councilmember Powell asked Mr. Cowie if this variance is granted will it stay with the application and if this would set a precedent if another owner/applicant came in. Mr. Cowie stated that it is non transferrable and a new applicant/owner would have to reapply but is it not set in stone; this may need further discussion. Councilmember Lundberg commented on the proximity to the school. She noted the fact that their hours would be after school hours is favorable to her. Mr. Nebeker stated there will not be any window signage indicating liquor is served. He added this will be family oriented restaurant as he does not want to discriminate; it will be a wholesome atmosphere for both the talent and the patrons. He noted they want the people who come to their restaurant to feel comfortable and have a great culinary experience. This will be similar to a Chefs Table restaurant with entertainment and it will be a very special place and the best place to dine in Utah Valley right here in Lindon. Councilmember Hoyt asked if this is not approved will they choose a different location. Mr. Nebeker confirmed that statement.

Mayor Acerson called for public comment at this time. Several residents in attendance addressed the Council as follows:

Rachel Thacker: Ms. Thacker commented that she is a parent with children who attend Timpanogos Academy. She asked the Council to consider there are children involved in this. She noted the area is very congested with parking and with the pick-up and drop off of children at the school. She added that she understands that this is not the hours of operation, but they are not bound to keep those hours of operation and they could change them at any time. Ms. Thacker noted that Timpanogos Academy has evening activities several times a month, where the gates are open and with parking in Leonard Lee's place there will be a lot of traffic and it will be an issue. She questioned if this is worth making an exception to the city ordinance because once you do this the next company that comes in the Council may feel obligated. She expressed that she does not feel it is in the best interest of the children to have this kind of exception to the rule and not good for the city.

2 **Vonda Skouson:** Ms. Skouson commented that the top talent at BYU will not perform
4 for them if liquor is served at the restaurant. She noted that everyone’s culinary tastes are
4 different and not everyone needs liquor to make for a good dining experience. Ms.
4 Skouson stated that she can see nothing positive to granting a variance to the license.

6 Councilmember Bean asked when Timpanogos Academy was opened if the City
6 was aware they were using the south gate for a pickup and drop-off point and if it was not
8 in the initial plan. Mayor Acerson confirmed that the city was not aware.

10 Councilmember Powell commented that this has been a ripple effect that was a concern
10 of a lot residents how Timpanogos Academy going in at that location was going to affect
12 the business and commercial district and also the residents with the traffic and congestion
12 of parents accessing the streets to pick-up their children. Chief Cullimore stated if this is
14 granted the restaurant will be subject to periodic undercover compliance checks. He has
14 spoken with Orem, Pleasant Grove and Lehi about the impacts of these types of
16 restaurants on their cities, and what is in the restaurant’s best interest, and stated these
16 cities have not noticed any bad impacts. Councilmember Hoyt commented that the
18 Principle of Timpanogos Academy indicated that the students use this pathway and he is
18 not sure that it is an appropriate pathway for children; this is a concern.

20 At this time Councilmember Lundberg declared that she will abstain from voting
20 on this issue as there could be a perceived conflict of interest as she is an active member
22 of the parent/teacher organization at Timpanogos Academy. However, she would ask the
22 Council in considering approval of this license to put conditions on it that has some teeth.
24 She would suggest to not have the business coincide with school hours and to require the
24 applicant to have the hours of operation as stated and require them to come back if they
26 want to change the hours, and to also obtain the specific alcohol beverage license.

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

28
30 **COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.
30 COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED
32 IN FAVOR. THE MOTION CARRIED.**

34 Mayor Acerson commented that he has been to nice restaurants that serve alcohol,
34 he noted that he has enjoyed the experience and did not imbibe.

36 Councilmember Powell agreed with the Mayor stating she has also frequented
36 these types of fine dining establishments and just turns the wine glasses upside down. She
38 did comment that she has problems with the proximity to the school. She also
38 commented that she was not a proponent (as a citizen) of the school being placed in that
40 location in the first place.

40 Councilmember Bean commented that he feels it is great the school has been able
42 to get a private property owner to allow the school access to the south end of the school.
42 He feels it is unfortunate, as well as with Maeser Academy, that the traffic issues could
42 have been dealt with a little bit better and more realistically when they were first put in.

2 He also feels it is unfortunate that the applicant would have to rely on a private property
4 owner to do some of the operations there. He also stated that the Council is well aware
6 that to buy or consume alcohol in the State of Utah you have to be 21 years of age, which
8 gives him a little bit of comfort when talking about the proximity to a K-8 school vs. a
10 high school. He added that whatever decision is made doesn't necessarily establish a
12 precedent. He added that he has found this Council is good at looking at the facts of
circumstances of the situations that may come.

8 Councilmember Broderick stated that he is not comfortable with the location.
10 Councilmember Hoyt commented that he too is uncomfortable with the location but is on
12 the fence on this issue. He considers himself pro-business and would love what they
would bring to the community but would worry about the "can of worms" it would open
if it is allowed.

14 Councilmember Hoyt agrees with what Councilmember Bean said about setting
16 precedents. Mayor Acerson inquired if it would change anything if Leonard Lee
18 discontinued allowing the gate to be open and if the fence was blocked. Mayor Acerson
commented that he would like to know what Leonard Lee thinks about this issue and
would like to have discussion with him on this issue. Ms. Nebeker commented that Mr.
20 Lee has a property manager and they currently do not have a lease in hand.
Councilmember Powell commented that she would not have a problem with this were it
not for the location as this Council is pro-business. Councilmember Hoyt stated that he
feels the back entrance should not be used as an entrance.

22 Councilmember Bean commented if Leonard Lee will be the lease holder and
24 granting access to the school shouldn't he be the one to help make the decision because it
is a factor. The city would not allow the entrance to be used, but it is on private property;
he agrees that it should not be used as an entrance. He noted that it would be much easier
26 for him if it were one or the other and not both. He added that he is not wanting to take
away the schools ability to use the entrance but it is fair to say since it is a commercial
28 zone and there was never any intent when the school was built to use the back entrance
continually over the years that it is a legitimate issue. Mayor Acerson commented that
30 whatever is decided tonight the applicants have been given sufficient direction to what
they may pursue and what decision they make. Mr. Cowie stated the next hearing is
32 August 19th. He also suggested a straw poll be taken as to give the applicant an idea of
what the Council may decide as to not tie their hands for 30 days to make a decision.
34 Mayor Acerson called for Council opinions at this time.

36 Councilmember Hoyt stated for him to vote yes he would need a commitment
from Mr. Lee to keep the road open as an emergency easement only. Councilmember
38 Bean stated if the night events were restricted and as long as the Council indicates in the
motion that the hours of operation are defined he would be comfortable with it, although
but would like to see the gate closed except for emergency access. Councilmember
40 Broderick stated that he will vote no regardless.

42 Councilmember Powell commented that she has a foot in both camps as she has
never approved of where Timpanogos Academy is located and knew it would be a
problem down the road. Councilmember Powell stated that Mr. Lee is aware that she

2 feels he continues to cause these kind of problems and he has put both entities that he
owns in a precarious situation and has not managed them properly; she does not like
4 being the one to manage Mr. Lee's problems that he is bringing to the Council because he
has not managed it well. Councilmember Powell noted that she loves Timpanogos
Academy but is in a position where she hears both sides of the story. She is a proponent
6 of business and she does not have a problem eating at an establishment like this so she
cannot give an answer at this point as she is torn; she noted her main concern is the
8 children's safety. Councilmember Powell further stated that she is very upset about the
position Mr. Lee has put the Council in. She noted if the gate were closed permanently
10 except for emergency access she would vote yes. Councilmember Broderick voiced as
long as it meets the existing state requirements he would be in favor, if not then no.

12 Mayor Acerson stated that discussion needs to take place with Leonard Lee at this
point as see what he is willing to do. Mr. Nebeker asked, for clarification, if the gate is
14 closed so the children are protected would the Council be in favor. The Council
confirmed that statement.

16 Mr. Cowie stated that he will put this item on the agenda for the next meeting
that will be held on August 19, 2014.

18
20 COUNCILMEMBER POWELL MOVED TO CONTINUE THE APPLICANT'S
REQUEST FOR A RETAIL BEER LICENSE AT 131 SOUTH STATE STREET TO
ALLOW THE APPLICANT TIME TO SPEAK WITH THE PROPERTY OWNER
22 REGARDING THE GATE CLOSURE. COUNCILMEMBER BEAN SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

24 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
26 COUNCILMEMBER BRODERICK	NAY
COUNCILMEMBER HOYT	AYE
28 COUNCILMEMBER LUNDBERG	ABSTAIN

THE MOTION CARRIED THREE TO ONE WITH ONE IN ABSTENTION.

30
32 **7. Concept Review:** *700 North Master Plan, 700 N. Commercial Corridor.* David
Adams of Catalyst Development, LC requests review of a proposal to rezone and
34 master plan 42 acres along the north side of the 700 N. Corridor. The Council will
provide feedback on the proposal .No official motions will be made.

36 Hugh Van Wagenen, Planning Director, presented an overview stating the
applicant, David Adams, of Catalyst Development, is in attendance to present ideas, and
38 receive feedback, regarding the potential development along the north side of the 700
North corridor between Geneva Road and 1700 West. He noted that Mr. Adams was
40 before the Council several months ago. Mr. Van Wagenen noted that no motion is
necessary for this agenda item as it is a concept review only. He then referenced an aerial
42 photo of 700 North corridor and the concept land use plan followed by some general

discussion. He noted that Mr. Adams has been before the Planning Commission also. He then turned the time over to Mr. Adams.

Mr. Adams gave a brief summary stating that he represents Providence Realty and has been hired by a group of landowners to master plan and prepare the subject property that is for sale. He noted the 42 acres is owned by three (3) different partnerships, but the partnerships are all controlled by one manager, so there is an opportunity to do something here that is cohesive and master planned in this one particular area. He noted that these investors pulled their money together and bought the property (farm) from Mr. Blackhurst sometime ago with the idea being for long term future capital gains. The investors are now ready to do something with the property and hired him to prepare the sale.

Mr. Adams stated that he began this process by visiting with city staff, city councilmembers and with some of the best retail, commercial and office building sales representatives in the state. He has now come back with some ideas, thoughts and conclusions to present tonight and to receive feedback and input from the Council. Mr. Adams stated that when visiting with city officials, he has gotten the feeling that Lindon is perceived by everyone as being an upscale community, and one that has prided itself on being unique and high quality. He further noted that he has heard that the 700 North Corridor is an opportunity for Lindon to create the kind of entrance, or gateway, to this community from the freeway that is consistent with the rest of the community. In other words, something very nice that says you are entering Lindon. Mr. Adams stated that this is Lindon's entrance to the freeway and there is a lot of attention on it and a lot of desire to make it very nice; he has heard this very clearly. With these goals in mind, he has analyzed the strengths and the weaknesses.

Mr. Adams commented that in discussion with the Coldwell representatives, they brought up several issues and opportunities that he would like to share. He noted that one of his concerns while analyzing the property, is that this commercial property wouldn't be valuable or desirable and not developed for many years because of the distance from the freeway and the number of acres that exist between the freeway entrance and the subject property; he found that he was wrong. In their discussion they also indicated that much of the land right off of the freeway exit has been "chopped up" with interior roads, which was done with good intention, but many of the parcels are too small for some of the more desirable uses. They also indicated that the Lindon entrance is very desirable because of its large acreage and low number of owners and because of its depth.

Mr. Adams also stated they are very optimistic about the desirability and merchant ability of this property. He noted one of the drawbacks that they mentioned was the lack of rooftops in the area and the lack of density of rooftops. Another issue that they would like to discuss is the possibility of putting in cul-de-sacs or at least design a transportation plan that would have the traffic, particularly residential shopping traffic, follow more of a parking lot pathway to get to the shopping locations. Another important feature in the area is the potential for a Trax line that would run north and south; it appears the potential location would be on the easterly side of the project (the most logical location). This provides a very desirable potential for a Trax station and they

2 would like to look at this and capitalize on it in some manner. He noted that many
corporations are now “green conscious” and mass transit is a big part of that and utilizing
4 a plan that would provide walkable pathways to the station and perhaps bike share etc. to
get to work would be beneficial and needs cohesion.

6 Mr. Adams went on to say that the Coldwell representatives also mentioned the
possibility of waiving impact fees, which would get corporate attention and send signals
8 that a city is workable and willing to sit down and bring in the best tenants and make it
possible for them to be there. He realizes that this is a concern, but over time the
10 increased value of the property creates additional tax revenue that goes back in to
replenish those future facilities that must eventually be constructed. He noted this key
12 component signals the city’s willingness to work with these higher end tenants that every
city may be competing for (which could be done on a case by case basis). He added that
14 when conceptualizing the allowed uses of the property it is their hope to be very open
minded in their approach and they would like to do something better and more creative
than what is typically seen along the I-15 corridor.

16 Mr. Adams explained that they would also suggest drafting a master plan and
actually laying out pathways and conceptualizing roads as to be able to see a physical
18 representation of the vision they would like to create. He noted the conceptualized plan
would have a lot of flexibility as we do not know the future. He commented that Lindon
20 is known as an upper scale community and certainly has the possibility of attracting the
upper scale developments. With the quality of housing here, the friendly atmosphere and
22 the workability from staff and city leaders are all great assets. He added this is also the
best timing for a commercial development and Utah is one of the leading states in the
24 nation for development. Mr. Adams stated that he would strongly encourage putting the
vision into place along with the ordinances, the process, and the incentives as quickly as
26 possible as they cannot market the site to potential users until they know the vision and
the clear rules of the game. Mr. Adams commented they could go out with the current
28 zoning and market to the Walmart’s and Lowe’s etc., which would be easier and less
complicated, but that is not what he has been hearing what the city wants for a nice
30 entrance to Lindon City. They can do more and are willing to hold themselves to a higher
standard for a more upscale development, and to do this they will need some help from
32 the city; they will need some incentives to attract these upscale businesses.

34 Mr. Adams further discussed they would like to propose creating some type of an
overlay zone in the current commercial zone that would be an option for the commercial
36 zone. This would create higher residential density and would also allow for some mixed
residential. He noted that in this case they are asking that 20% of the land be used for
townhomes and about 12% of the land be used for apartments. This would allow for
38 flexibility of use including business, retail, corporate campus, and mixed commercial;
very much an open zoning. It would waive impact fees to be replenished by “tiff”
40 financing and also have the opportunity, if the business was desirable in the city’s eyes,
to go even further than that. It would give great flexibility but at the same the time the
42 city would retain strong control over building design, road layout, landscaping, pathways,
open space, site lines, signage, parking, and entrance monuments etc.

2 Mr. Adams explained that any concepts coming in to the city would be planned
3 with the Planning and Zoning staff and would receive approvals all the way to the City
4 Council; it would be a joint and coordinated planning and approval process so the city
5 would have more control. Mr. Adams stated with this type of overlay tool he can go back
6 to the investors and owners and assure them their long term value will be maintained and
7 even enhanced. It would also give them some residential zoning that is very marketable
8 today and would allow them to hold the commercial for a longer term. Mr. Adams
9 mentioned that this would also give him the ability to approach higher quality
10 commercial, business and retail and inform them they would be allowed in this zone and
11 offer them some incentives that are in place, i.e., good design, excellent structure and
12 great landscaping to make it work for them here. This would create housing for
13 employees, customers for the shops, be transit oriented, less development costs and also
14 city staff assistance in the planning and approval process.

15 Mr. Adams stated they would like to hold all of the uses to a higher standard
16 regarding landscaping, signage, etc. so whatever comes in would be planned better and
17 look nicer and be upscale. He added that there has to be a balance with the income
18 revenue and a nicer, higher design standard; creating this kind of design and higher
19 standard could attract nicer types of uses to the area. Mr. Adams commented that the
20 impression he received from the City is that they want quality uses to raise the look and
21 feel as you drive into Lindon to a higher level. The question is how do we work together
22 to make this happen and create this vision. The challenge is how to make this an
23 integrated development that needs to have some cohesion; they are not looking for “stand
24 alone” development, so giving an overlay locks in a standard and consistency and an
25 organized way of developing.

26 Councilmember Broderick inquired if Mr. Adams has dealt with these types of
27 overlay zones in the past and if he has any examples to look at as this is an intriguing
28 concept. Mr. Adams stated that he does not have example at this time but will be
29 working on one.

30 Councilmember Powell asked what this may do to the negotiations with Alpine
31 School District regarding the CDA. Mr. Van Wagenen commented at this point it would
32 be negligible as we are going in with the direct percentage anticipating the CDA and have
33 decided not to go back and forth. Councilmember Lundberg stated that she had a
34 discussion today with Brian Halliday and she expressed to him that this is a key area for
35 Lindon and there is really no other space to do something like this to create sustainable
36 revenues and we need to be able to level the playing field and have those incentives
37 which is the key to attract the higher quality campus and retail with a mix of high density
38 in there. Councilmember Lundberg noted that after the discussion Mr. Halliday was
39 going to suggest that the school board continue the vote for more discussion; he also
40 asked what Lindon’s vision is and stated they want specifics and feedback. There was
41 then some general discussion regarding this issue. She noted that the bottom line is she
42 was just asking for their participation.

43 Mr. Adams concluded by stating their vision is to have a master plan to show the
44 standards of what they can do. The approval will be what the overlay entails and to have

2 a visual flexible plan. Mr. Van Wagenen stated that staff has been in contact with
4 Coldwell Banker along with Mr. Adams and they have not come back with the actual full
6 size layout as requested several months ago. Mr. Adams commented that is why he is
8 trying to be proactive to get things moving forward. He is looking for confirmation that
10 he is going in the right direction and is on the right foot with the Council and for
12 verification they are moving in the right direction. He hopes to get the support and help
14 from the City as to know what the next step is to get everyone on the same page.
16 Councilmember Lundberg commented that she feels the vision going along the right lines
18 but she does not want to see high density development be the first thing to lead it out but
20 rather see the flexibility to bring in the high caliber businesses and companies and
22 restaurants and then the high density backfill treatment plan.

24 Mayor Acerson mentioned the high density in Pleasant Grove and he is not sure
26 how much it draws the good businesses and what is the trigger to make that happen. Mr.
28 Adams argued this is a huge piece of ground and stated the question is can we fill it. His
30 concern is bringing back a plan. He suggested a joint meeting where the ideas can come
32 together would be beneficial. He noted that he is trying to create a vision with an
34 upgraded development. Councilmember Bean commented that when Mr. Adams met
36 with the Planning Commission there was some difference of feeling among one or two of
the members that this is needed for a sales tax base and looking at other uses was a
problem, so the option of a joint meeting would be beneficial (given there are new
members in both groups) to get everyone on the same page. Mr. Van Wagenen
mentioned that a joint meeting is planned for August 12th at 6:00 p.m. to hash out some
issues and to come to a collective understanding to move forward. Mr. Adams stated
with the feedback and general guidelines they could come back and present a general
layout for discussion and it would give them a basis to work from. Mayor Acerson
commented that he would like a list of items of what the commercial entities are looking
for and what will facilitate them coming to Lindon. Councilmember Broderick would like
to see the incentives prioritized and to send a message that we are very flexible and open
to concepts and ideas. Councilmember Powell stated that she likes the idea of an overlay
and that lends itself to high density and it will also bring conversation of a light rail stop.
Council Mayor Acerson commented that he feels the Council has given Mr. Adams
sufficient input to move forward.

34 Mr. Adams thanked the Council for their time and consideration. Mayor Acerson
36 thanked Mr. Adams for the presentation and information. Mayor Acerson called for any
further comments or questions from the Council. Hearing none he moved on to the next
agenda item.

38 **8. Concept Review:** *White Horse Subdivision, Approx. 97 North 400 West.* Krisel
40 Travis with DR Horton requests review of a proposed subdivision in the R1-20 zone
42 at approximately 97 N. 400 W. The Council will provide feedback on a proposal to
create and apply to this subdivision an overlay zone that would provide for flexibility
in lot size, while still maintaining overall density of 2 dwelling units/acre. No official
motions will be made.

2 Mr. Van Wagenen presented an overview stating Krisel Travis with DR Horton is
in attendance to present ideas, and receive feedback, regarding a potential residential
4 subdivision at approximately 97 North 400 West. He noted the applicant presented an
alternative configuration at the May 6, 2014 City Council meeting, and this new
6 configuration does not comply with minimum lot size requirements in the R1-20 zone,
but it does maintain an average density of two (2) dwelling units/acre in accordance with
8 the General Plan. Mr. Van Wagenen stated the applicant would also like to discuss a
proposal to create and apply an overlay zone that would permit lot size flexibility in infill
10 situations while maintaining overall average density in the R1-20 zone. Mr. Van
Wagenen then referenced an aerial photo of the land involved in the proposed
development, the new concept plan and also the concept plan presented on May 6, 2014.

12 Mr. Van Wagenen re-iterated that the applicant would also like to discuss a
proposal to create and apply an overlay zone that would permit lot size flexibility in infill
14 situations while maintaining an overall average density in the R1-20 zone. He noted that
no official motions will be made as this is a concept review for feedback only. Mr. Van
16 Wagenen then turned the time over to Ms. Travis to address the Council.

18 Ms. Travis gave a brief overview of DR Horton stating they are anxious to build
in Lindon as they have not had the opportunity to build here before and they know that
Lindon is a great community. She explained that DR Horton builds everything from
20 million dollar homes to townhomes, so they can hit every price range and every buyer. In
the Lindon project, they would hope to have homes that start in the \$350,000 range and
22 go up from there. Ms. Travis stated they plan to build high quality homes with many
options with a “bumper to bumper” warranty. She noted that this property can give them
24 a unique opportunity. She noted that she is a resident of Lindon.

26 Ms. Travis then presented the new concept prepared since the last meeting,
including approximately 18 acres. Ms. Travis noted they are proposing an overlay zone in
the R1-20 zone only and the initial concept is that they don’t exceed any of the densities
28 that would be R1-20 zoned. They are also asking for consideration on lot sizes so they
can get things to work with the odd shapes and sizes of the existing homes. She noted
30 there are eight (8) property owners involved in this transaction.

32 Ms. Travis commented this would also provide the opportunity to encourage
connectivity with existing roadways throughout the City and also the assembly of parcels.
This would also help with some of the “in-fill” areas left to develop in those R1-20 areas
34 that are not big enough to come in and do a master planned community, but would also
discourage people from purchasing or selling ½ acre lots and creating flag lots. Ms.
36 Travis stated they would meet the criteria for the R1-20 zone and the setbacks, the only
difference is the flexibility in the lot sizes (ranging from 13,000 to 20,000 sq. ft.). She
38 noted that on average the lots would meet the general plan concepts and criteria and
would not exceed the density. She went on to say that the look and feel of the
40 development will be the same, it will just give some diversity in the market for those
people who want to live in Lindon but do not necessarily want to maintain a ½ acre lot.
42 Ms. Travis went on to say this concept includes the existing homes on the larger lots,

2 which does make it a little harder for them to work with the interiors they are assembling;
3 that is why the overlay would become necessary with the flexibility in the lot sizes.

4 Councilmember Broderick asked how many lots are included since the last plan.
5 Ms. Travis stated there are 36 lots (including the Smith parcel) with 6 existing homes that
6 would remain that are laid out on this parcel and noted in this concept the smallest lot is
7 13,200 sq. ft. He also asked what the smallest frontage is. Ms. Travis confirmed the
8 smallest frontage is 115. She also encouraged to include this in the ordinance if an
9 overlay is in place as it will dictate the density that is achievable in this overlay zone.
10 Councilmember Powell asked what the total acreage is. Ms. Travis confirmed the total
11 acreage is 18.67 acres with a .53 acre size and net acreage of 16.44 acres with an average
12 lot size of .47 acres. Councilmember Lundberg asked Ms. Travis to explain her comment
13 about improving traffic flow. Ms. Travis commented that the connectivity of the
14 assembly would improve the traffic flow.

15 Councilmember Bean mentioned the discussion with the Planning Commission
16 stating when the two parcels were added to the south and the plan was re-done what was
17 the reason to move to smaller lots, or in other words, why did they add more lots than
18 what was gained in the two parcels, going from 26 to 35 and now 36 lots. Ms. Travis
19 stated that she would have to look at the old concept as she is not as familiar with the old
20 concept as the new concept. She believes the concept is to retain a large frontage which
21 would allow for a control mechanism. They are trying to be sensitive to the neighborhood
22 and what the neighbors would like. Ms. Travis commented that they can build the same
23 size home on a 6,000 sq. ft. lot because it is a choice from the market (they want the
24 bigger home without the maintenance of a ½ acre lot). Part of the reason for the change
25 was because some of the odd shapes; they are working with and also the needs of the
26 owners along the front street. When they met with the two additional property owners
27 they had concerns about wanting to maintain and have animal rights as they see that as a
28 re-sell value to their property in the future.

29 Ms. Travis also commented that they will have full covenant's to ensure they are
30 in full compliance with animal rights and they will disclose this upfront. Councilmember
31 Powell asked staff how the animal use rights of the existing homes will be affected being
32 the back of the homes will be closer. Mr. Van Wagenen replied that currently the
33 setbacks in place for animal enclosures is 50 ft. for most enclosures, not including
34 pasture, to any primary residential home. So, there would be the same setbacks for all the
35 lots; for existing uses they can continue to exercise their animal rights as before. Mr.
36 Cowie commented if they are looking at a new ordinance change they can craft
something to accommodate animal uses for those properties.

37 Mr. Van Wagenen stated that generally the Planning Commission were open to
38 this overall concept especially as it is consolidating property that would otherwise not be
39 used sufficiently. He noted that something that did come up was the net acreage or gross
40 acreage and cap the number of lots in this type of plan but overall they were receptive to
41 this concept. Mayor Acerson stated if this were to move forward he would like to avoid
42 any impact on the existing residents and any potential rights they are entitled to.
Councilmember Hoyt stated that he feels that in lower Lindon the “little bit of country” is

ingrained and speaking on behalf of his neighbors he would be against this development as the majority of the residents in the area like their half acre lots. He does like the concept and the idea but feels it is not the best location. Councilmember Lundberg commented this would be palatable if it were 3 lots instead of 4 and perhaps reviewing the net effect not the gross, and keep the ½ acre on the net; she does like the target price point and feels it would be a quality development. Councilmember Bean stated it makes some sense to provide some flexibility to the developer and feels the city should help them with the flexibility for some of the in-fill in the city and to avoid flag lots. He is concerned about going down to a smaller lot (.3 individual lot size) as the ½ acre lots are a strong and ingrained tradition in Lindon, especially in the middle of the city where it is R1-20 zoned.

Councilmember Powell echoed the other comments stating she is the strongest proponent of the ½ acre lot and would push it as much as possible, she would be willing to adjust on a lot or two but the values of those residents in that area strongly suggests that she would have to push for a ½ acre lot. Ms. Travis stated, as a resident of Lindon, she understands the sentiments of the west side and the last thing they want to do with this concept is to upset the neighbors so they have held neighborhood meetings to introduce who they are and get a feel for what they want and listen to their input. She stated that she is feeling a mixed bag from the Council and the neighborhood input will be the key. They will go back to the table and review the suggestions made here tonight and find the balance.

Ms. Travis stated they will be open to working with staff so it works with not only this parcel but other smaller areas in Lindon. She noted that this overlay can be worked to appeal to the demographics and hopefully they can accommodate everyone. Ms. Travis stated that the connectivity is important to them and the market demand for the different lot sizes; they want to be able to offer more choices and to hit all of the demographics of those who want to live in Lindon.

Mayor Acerson thanked Ms. Travis for her presentation and professionalism. Ms. Travis thanked the Council for their time and consideration in the matter. Mayor Acerson called for any further comments or questions from the Council. Hearing none he moved on to the next agenda item.

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

Mr. Van Wagenen opened the discussion by stating this action is for the Council's review and consideration of the appointment of Andrew Skinner and Matt McDonald as new Planning Commissioners for the two vacant positions which will bring the total of seven member on the Commission. He noted that both individuals are anticipated to serve a full three-year term through July 2017. Mr. Van Wagenen stated that both

2 individuals are highly recommended and will bring experience and knowledge to the
Commission. Following discussion, Mayor Acerson called for a motion.

4 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE
6 APPOINTMENT OF ANDREW SKINNER AND MATT MCDONALD AS LINDON
CITY PLANNING COMMISSIONERS TO SERVE THREE YEAR TERMS
8 THROUGH JULY 2017. COUNCILMEMBER POWELL SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

10 COUNCILMEMBER POWELL AYE
COUNCILMEMBER BEAN AYE
12 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
COUNCILMEMBER LUNDBERG AYE

14 THE MOTION CARRIED UNANIMOUSLY.

16 **10. Review and Action:** *Utah Infrastructure Agency Assessments.* On February 27,
18 2013 the City Council approved Resolution #2013-5-R authorizing payment of
monthly operations assessment loans to the Utah Infrastructure Agency (UIA) in
20 order to eliminate such expenses from being funded by UIA bond proceeds. The loans
are to be repaid to Lindon with interest. Per the Council's direction, progress reports
22 have been presented at least quarterly and reviewed prior to authorizing payment of
additional assessments. On April 1, 2014 the Council authorized payment of the
assessment loans from January through June of the 2013-14 fiscal year. The City has
24 received an invoice from UIA for the next three months. The Council will review
UIA/UTOPIA performance reports and give staff direction in regards to whether
26 payment of assessment requests received for the months of July, August, and
September 2014 in the amount of \$7,223.00 per month should be approved. Past
28 invoice amounts have been paid monthly and not in advance. The estimated monthly
assessments have been budgeted for the 2014-15 fiscal year.

30
32 Mr. Cowie led the discussion by presenting the most current progress reports from
UTOPIA / UIA. He noted that UIA continues to show gradual improvement in revenues
and has deployed a significant amount of infrastructure in Lindon since the last OpEx
34 discussions occurred in April. The decisions to deploy new infrastructure in Lindon were
made by UTOPIA staff based on best possible return on investment. Lindon City did not
36 have any influence on the deployment of this new infrastructure within Lindon City. He
then referenced the updated service area map.

38 Mr. Cowie explained that given the uncertainty of the Macquarie proposal,
participation by the cities in OpEx is critical to sustain the network operations. Budgetary
40 constraints were imposed by the Board of Directors with a limited operating budget
provided. The Board extensively discussed areas to cut and reduce costs. While UIA
42 appears to be making progress in accordance with its projected 'sweet-spot plan'
proposed in early 2013, it will continue to need OpEx assistance. He noted the plan

2 anticipated a 5-year period of needing OpEx, with a decreasing amount anticipated each
3 quarter. As is, Staff believes UTOPIA's budgetary constraints are significant for the
4 coming fiscal year - and would be crippling without financial assistance. He further noted
5 that most member cities have committed to pay OpEx assessments through September.
6 Murray has never participated in OpEx, but their Mayor indicated in a meeting last week
7 that he felt confident their Council would soon authorize participation in OpEx or some
8 other financial contribution to the network. He added that as far as staff is aware, Payson
has never paid any OpEx assessments to date.

10 Mr. Cowie explained that Macquarie is still looming and the opinion is that there
11 is still a lot of work to bring the cities together on any proposal that may happen. It stated
12 that it has potential, but the Macquarie deal is still the first choice of the larger cities. He
13 noted that UIA continues to make revenue which is positive and a remaining for the
14 upcoming fiscal year will be between 4 and 5 million for capital. There has been some
15 discussion on the board if this should be used for refreshing the network; the board feels
16 it is more important to use it for build out. There will be a continued progress with UIA
in revenues. Mr. Cowie stated that litigation is still a challenge.

18 At this time Councilmember Lundberg officially disclosed, for any perceived
19 conflict of interest, that her husband currently works for Vivint, an internet service
20 provider. She also disclosed that she does not feel she is swayed by any of Vivint's
interests for the following reasons.

- 22 1. They are currently an approved ISP provider on the Utopia network so there is not
23 an adversarial relationship there; they have not chosen to deploy in any of the
24 Utopia cites and they are focused on markets outside of Utah.
- 26 2. Vivint was invited by Mayor Brunst along with a handful of other internet
27 providers in seeking some public work sessions and discussions of potential
28 options etc., so Vivint came on that invitation and there is not an interest on
29 Vivint's part, so she feels there is not a conflict of interest.
- 31 3. Because of her knowledge of broadband and her industry experience she was
32 chosen by the Council as she may be of some value in this position; she certainly
33 knows that her fellow Councilmembers are very intelligent and have invested a lot
of hours and have done the homework and research and knows that she would not
lead them in any particular direction.

34 Councilmember Bean stated that he appreciates Councilmember Lundberg's
35 comments and appreciates her contributions. Mr. Cowie commented that he attended a
36 Mayor's meeting last Wednesday and it was divisive in his opinion. He also thinks
37 OpEx participation is more critical than ever, and there was an awful lot of discussion,
38 and even pressure, to those representatives who haven't ever paid the OpEx payments.
39 He noted he will continued to get updates from the attorney. Councilmember Lundberg
40 commented that her only concern with OpEx is that she hasn't seen the operations of this
41 entity answer her submitted questions about any potential ways to save. Mr. Cowie
42 conveyed that some of the questions are being discussed at the monthly Board meetings
and they do provide monthly printouts with a lot of people looking at it.

2 Mr. Cowie also suggested to the Council that they are welcome to attend the
3 Board meetings as they are public meetings, as perhaps he is not conveying the
4 information to Council in an informative or comprehensive manner. He will email them
5 the meeting schedule and would strongly encourage them to attend. Mayor Acerson
6 commented that the litigation could be through by the end of the year and we will know if
7 it will be good or bad in our favor; whatever it is that outlay of money will go away. He
8 added that Mr. Cowie has positioned it well, but we don't know what will happen and
9 continuing paying the OpEx may buy good will to offset any potential litigation going
10 down the road; which may or may not work. He does know this was a partnership that
11 hasn't played out as anticipated.

12 Mr. Cowie stated we are not legally obligated to pay the OpEx payments. He
13 noted that the actual vote of nine of the cities could be a minority vote based on
14 population. In his opinion Macquarie will come in and ask for operating fees just like
15 OpEx and this agreement would be crafted that way. Councilmember Bean stated if they
16 want us to support them, including OpEx, they should have given a roadmap and if it is
17 even possible to dissolve the interlocal agency and piece it out and own and operate our
18 own network; they haven't gone down that road and probably never will as there is no
19 accountability on their part and Lindon is a total outlier. Mr. Cowie stated that he feels
20 we are not adequately represented in some respects but ultimately the direction is coming
21 from West Valley and Layton because they are the majority. Councilmember Lundberg
22 stated that Mayor Brunst is out there looking at other options and models with a demand
23 for the fiber. Councilmember Lundberg feels we need to send a clear message for Mr.
24 Cowie to take to the Board and she will vote no because they have not answered her
25 questions and she needs to see some action. Councilmember Powell commented that she
26 feels she needs to support the citizens to keep the network going but part of her feels they
27 have not presented any information that makes sense and until that time she will have to
28 vote on both sides of the issue as we have made a commitment and this is Utopia not UIA
29 and she commits to the citizens to keep this viable. There was then some additional
30 general discussion by the Council regarding this issue. Mr. Cowie noted that he has
31 compiled a list of questions and suggestions from the Council for follow-up. Mayor
32 Acerson called for any further comments or questions from the Council. Hearing none he
33 called for a motion.

34 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE UIA
35 OPERATIONS ASSESSMENT PAYMENTS FOR THE MONTHS OF JULY,
36 AUGUST AND SEPTEMBER 2014 AS PRESENTED.
37 THE MOTION DIED FOR LACK OF A SECOND.

38 Mayor Acerson stated the motion died for lack of a second. Mayor Acerson
39 called for another motion.

40 COUNCILMEMBER HOYT MOVED TO DENY THE UIA OPERATIONS
41 ASSESSMENT PAYMENTS FOR THE MONTHS OF JULY, AUGUST AND
42 SEPTEMBER 2014 AS PRESENTED.

2 SEPTEMBER 2014 AS PRESENTED. COUNCILMEMBER BEAN SECONDED THE
3 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

4 COUNCILMEMBER POWELL AYE

5 COUNCILMEMBER BEAN AYE

6 COUNCILMEMBER BRODERICK NAY

7 COUNCILMEMBER HOYT AYE

8 COUNCILMEMBER LUNDBERG AYE

9 THE MOTION CARRIED FOUR TO ONE.

10 **11. COUNCIL REPORTS:**

11 **Councilmember Powell** – Councilmember Powell mentioned to the Council to keep
12 their calendars open for the week of Lindon Days. Councilmember Powell then
13 coordinated the schedule of events for Lindon Days with the councilmembers. Following
14 discussion the Council agreed on white shirts embroidered with their names to wear for
15 Lindon Days. Councilmember Powell also mentioned a recent problem with rice weevil
16 in a field in town.

17 **Councilmember Bean** – Councilmember Bean mentioned that having approved the two
18 new Planning Commissioners tonight the Commission is complete. He also mentioned
19 the two big issues that came before the Commission recently came before the Council
20 tonight also and he appreciated the discussion.
21

22 **Chief Cullimore** – Chief Cullimore gave an update about the AmBank robbery and
23 noted the suspects have not been officially charged yet as the charges are still being
24 discussed but they will be charged federally. He also gave an update on the Fred Lee
25 homicide that occurred in town on July 3rd. Chief Cullimore noted that the domestic
26 violence happened with both the ex-wife and ex-husband and has gone on for many
27 years. Chief Cullimore mentioned that there has been a nice cooperation of law
28 enforcement with this case. Chief Cullimore also reported that the Josh Boren Report was
29 released to the media, which happened to be on the same day as the homicide. He noted
30 the report went worldwide. He mentioned that there were some concerns of the
31 background items that were revealed on the report but none of those things were known
32 or of concern when Josh Boren was hired and nothing at all revealed that things would
33 have unfolded as they did.
34

35 **Councilmember Hoyt** – Councilmember Hoyt gave a report on the Historic Preservation
36 Commission stating that Steve Anderson will be stepping down so they will be looking
37 for new members. Member, Tonya LeMone, thought it would be beneficial to have
38 someone with technical experience to fill the position. Councilmember Hoyt inquired if
39 the Commission can hold a fundraiser. Mr. Cowie confirmed they can hold a fundraiser.
40

41 **Councilmember Broderick** – Councilmember Broderick had nothing to report.
42

2 **Councilmember Lundberg** – Councilmember Lundberg reported that she attended a
4 recycling seminar luncheon. She also clarified the discussion with Brian Halliday today
4 urging him to support the CDA and hopefully a door will open to work further on this
4 issue.

6 **Mayor Acerson** – Mayor Acerson had nothing to report.

8 **Administrator’s Report:**

8 Mr. Cowie reported on the following items:

10 **Misc. Updates:**

- 12 • Project Tracking List
- 12 • July City Newsletter is online
- 14 • Reminder of Fireworks restrictions. Restriction maps available on city web page
 - 14 ○ Total city-wide restrictions map:
 - 16 ○ East-bench / foothills restrictions map:
- 16 • National Packing Solutions – zone & general plan change
- 18 • Jeff W. code compliance update
- 18 • Impact fee studies – updates needed. Getting cost estimates from finance and
- 20 engineering consultants
- 20 • Employee performance evaluations, compensation, and benefit study. Outline of
- 22 expected process
- 22 • Shirts, lanyards, business cards
- 24 • Tithing Office variance approved by BOA. City will list property for sale
- 24 • Accident report
- 26 • Misc. Items

28 **Upcoming Meetings & Events:**

- 28 • Newsletter Assignment: Councilmember Powell - September newsletter article.
30 *Due by last week in August.*
- 30 • July 16th at dusk. Movies in the Park. Creekside Park (100 S 600 W)
- 32 • August 4th – 9th – Lindon Days festival. All Councilmembers will attend
- 32 • August 5th at dusk – Movies in the Park. City Center Park (200 N State)
- 34 • August 12th – Engineering Coordination Meeting, Mayor Acerson and
34 Councilmember Broderick will attend
- 36 • September 5th at dusk – Movies in the Park. Citizenship Park (500 N 800 E)
- 36 • September 10th – 12th – Utah League of Cities & Towns Fall Conference in SLC
- 38 • September 12th – Bike tour of Boulder, CO: Mayor Acerson and Councilmember
38 Lundberg will attend
- 40 • September 15th - “Drill Down for Safety”, Monday evening Community
40 Emergency Preparedness exercise. All Council members should report to block
42 captains, then come to City Center for training.

