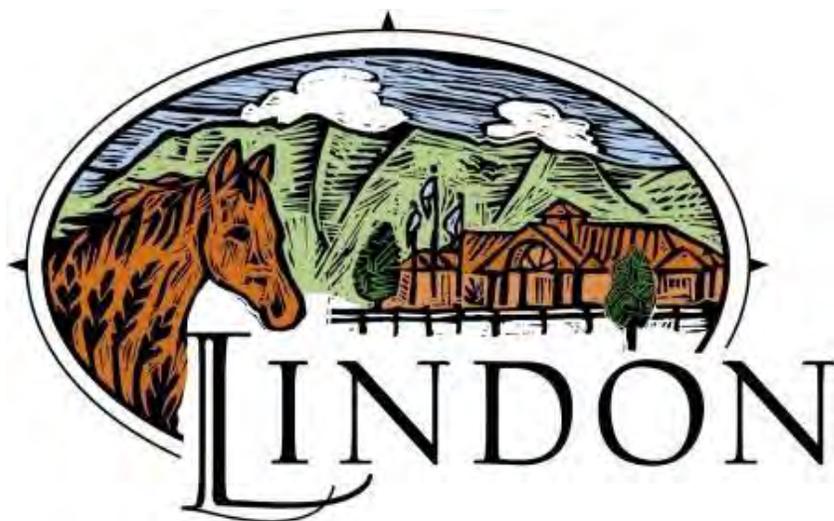


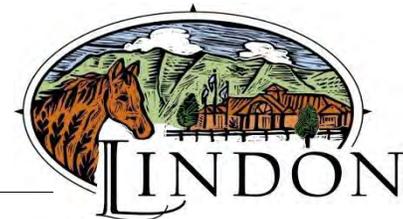
Lindon City Council Staff Report



Prepared by Lindon City
Administration

October 16, 2018

Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a meeting at 7:00 p.m. on Tuesday, October 16, 2018 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:



(Review times are estimates only)
(2 minutes)

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

Pledge of Allegiance: By Invitation
Invocation: Daril Magleby

- 1. Call to Order / Roll Call**
- 2. Presentations and Announcements** *(5 minutes)*
 - a) Comments / Announcements from Mayor and Council members
- 3. Approval of minutes:** September 18, 2018 *(5 minutes)*
- 4. Open Session for Public Comment** *(For items not on the agenda)* *(10 minutes)*
- 5. Consent Agenda – (Items do not require public comment or discussion and can all be approved by a single motion.)** *(5 minutes)*
 - a. Appointment of Scott A. Thompson to a three year term as a Lindon City Planning Commissioner.
 - b. Approval of Resolution #2018-19-R declaring certain city equipment and supplies as surplus to be sold and disposed of per city policies.
 - c. Approval of two updated agreements with Central Utah Water Conservancy District and the United States Department of the Interior regarding Olmstead Hydroelectric Plant power loss charges and water carriage charges.
 - d. Extension of Final Plat and Improvement Plans Approval — Lindon Self-Storage, ~860 West 200 South. Susan Palmer, Ridgepoint Management Group LLC, on behalf of Lindon Self-Storage LLC, seeks a 12-month extension of the final plat and plan(s) approval for the Lindon Self-Storage Subdivision, Plat A, a forty-six (46) unit self-storage major condominium project, to be located at approximately 860 West 200 South in the Light Industrial (LI) zone. LCC 17.12.210 allows for an applicant to request up to a 12-month extension of the final approval. The current approval expires in November 2018. No changes to the previously approved final plat and plan(s) are being proposed. The Planning Commission recommends approval of the requested extensions.
 - e. Extension of Site Plan Approval – Lindon Self-Storage, ~860 West 200 South. Susan Palmer, Ridgepoint Management Group LLC, on behalf of Lindon Self-Storage LLC, seeks a 12-month extension of the site plan approval for the Lindon Self-Storage Site Plan, a forty-six (46) unit self-storage project, to be located at approximately 860 West 200 South in the Light Industrial (LI) zone. LCC 17.12.210 allows for an applicant to request up to a 12-month extension of the final approval. The current site plan approval expires in November 2018. No changes to the previously approved site plan are being proposed. The Planning Commission recommends approval of the requested extensions.
- 6. Site Plan/Conditional Use Permit — Walker Farms, ~26 South 500 East** *(20 minutes)*
Mike Jorgensen requests preliminary site plan approval for a reception center as a conditional use on the property located at approximately 26 South 500 East, in the Commercial Farm (CF) zone. The Planning Commission recommended approval with conditions.
- 7. Discussion Item — Urban Deer Hunt / Urban Deer Removal Programs** *(25 minutes)*
Chief Josh Adams and a representative from the State of Utah Division of Wildlife Resources (DWR) will review urban deer hunt program rules and processes. The Council will provide direction to staff on whether or not to proceed with gathering additional public input and/or begin efforts with the DWR to establish an urban deer hunt or urban deer removal program within Lindon. If an urban hunting program is desired a future public hearing and budget amendment hearing will be necessary.
- 8. Presentation & Discussion — Review of 2018 Aquatics Center Season and Lindon Days** *(45 minutes)*
Lindon City Parks & Recreation Director, Heath Bateman, and Finance Director, Kristen Colson, will present financial overviews and statistics for the 2018 Aquatics Center season and for Lindon Days. General feedback regarding the Aquatics Center, Lindon Days, and various aspects of the Parks & Recreation Department will be provided but no motions made.

9. Public Hearing — FY2018-19 Budget Amendment; Resolution #2018-20-R (15 minutes)

The City Council will review and consider Resolution #2018-20-R amending the fiscal year 2018-19 Lindon City Budget for various budgetary modifications and updates to city revenues and expenditures.

10. Discussion Item — Lindon City Justice Court (30 minutes)

City Staff will review the process for replacement of Lindon City Justice Court Judge Brent Bullock, due to him aging out of the system in February 2019, and will present a financial and statistical overview of the court and options regarding the future of the court.

11. Closed Session — Closed Executive Session (20 minutes)

The Mayor and City Council pursuant to Utah Code 52-4-205 may vote to enter into a closed executive session for the purpose of discussing pending or imminent litigation. This session is closed to the general public.

12. Council Reports: (20 minutes)

- | | |
|---|--------------------|
| A) MAG, COG, UIA, Utah Lake Commission, ULCT, NUVAS, IHC Outreach, Budget Committee | - Jeff Acerson |
| B) Public Works, Irrigation/water, City Buildings | - Van Broderick |
| C) Planning, BD of Adjustments, General Plan, Budget Committee | - Matt Bean |
| D) Parks & Recreation, Trails, Tree Board, Cemetery | - Carolyn Lundberg |
| E) Public Safety, Court, Lindon Days, Transfer Station/Solid Waste | - Daril Magleby |
| F) Admin., Community Center, Historic Comm., PG/Lindon Chamber, Budget Committee | - Jacob Hoyt |

13. Administrator's Report (10 minutes)

Adjourn

All or a portion of 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.

CERTIFICATE OF POSTING:

I certify that the above notice and agenda was posted in three public places within the Lindon City limits and on the State (<http://pmn.utah.gov>) and City (www.lindoncity.org) websites.

Posted by: /s/ **Kathryn A. Moosman, City Recorder**

Date: October 12, 2018; **Time:** 11:30 a.m.; **Place:** Lindon City Center, Lindon Police Dept., Lindon Community Center

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

Pledge of Allegiance: By Invitation
Invocation: Daril Magleby

Item 1 – Call to Order / Roll Call

October 16, 2018 Lindon City Council meeting.

Jeff Acerson (absent)
Matt Bean
Van Broderick
Jake Hoyt (absent)
Carolyn Lundberg
Daril Magleby

Staff present: _____

Item 2 – Presentations and Announcements

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

Item 3 – Approval of Minutes

- Review and approval of City Council minutes: **September 18, 2018**

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, September**
4 **18, 2018, beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100
North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: Brandon Snyder
10 Invocation: Matt Bean, Councilmember

12 **PRESENT**

Jeff Acerson, Mayor
14 Matt Bean, Councilmember
Carolyn Lundberg, Councilmember
16 Jacob Hoyt, Councilmember
Van Broderick, Councilmember
18 Adam Cowie, City Administrator
Brandon Snyder, Planning Director
20 Kathryn Moosman, City Recorder

EXCUSED

Daril Magleby, Councilmember

- 22 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 24 2. **Presentations/Announcements** –
 - 26 a) **Comments/Announcements from Mayor and Council** – There were no
announcements at this time.
 - 28 b) **Employee Recognition Award, 2018 3rd Quarter**: Marcie Allphin,
Community Development Clerk was chosen for the quarterly Employee
30 Recognition Award. Adam Cowie, City Administrator, read comments
submitted by employees nominating Ms. Allphin for this award. He then
32 presented her with a plaque and gift card in appreciation for her service. The
Mayor and Council also congratulated and thanked Ms. Allphin for her
exemplary example, service and good works for the city.
 - 34 c) **Presentation: Ranked Choice Voting, 2018 HB35**. Kory Holdaway,
Educator with Utah Ranked Choice Voting was in attendance to present
36 information on Ranked Choice Voting. Following the presentation Mr.
Holdaway took questions from the Council. He noted if the Council chooses
38 to implement Ranked Choice Voting the Lt. Governor’s office will need to be
notified by January 1, 2019 by Resolution. He pointed out that Utah County is
40 favorable and willing to assist if the city so chooses to adopt Ranked Choice
Voting.
 - 42 d) **Presentation: Salt Lake Chamber / Housing Gap Coalition** – Brynn
Mortensen, with the Salt Lake Chamber along with Robert Vernon, CEO with
44 the Provo City Housing Authority, were in attendance to give a presentation
on Housing Affordability. Following the presentation Ms. Mortensen
46 answered questions from the Council regarding this topic including issues of
projection of housing numbers, housing gaps, shortages, land costs,

2 topography, population growth and possible solutions including updating the
4 General Plan and looking at zoning and re-zoning as to accommodate
6 population growth. Ms. Mortensen noted they have a prepared Resolution for
the city to sign stating they are committed to doing their part to maintain a
good quality of life if they so choose.

- 8 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of September 4, 2018 were reviewed.

10 COUNCILMEMBER HOYT MOVED TO APPROVE THE MINUTES OF THE
12 REGULAR CITY COUNCIL MEETING OF SEPTEMBER 4, 2018 AS PRESENTED.
14 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

16 COUNCILMEMBER BEAN AYE
18 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
THE MOTION CARRIED UNANIMOUSLY.

- 20 4. **Consent Agenda Items – Reappointment of Planning Commissioners Rob
22 Kallas and Mike Marchbanks.** Both commissioners’ prior terms technically
24 ended in January but they have continued to serve in their positions. These
reappointments will be for three-year terms which will expire the last day of
January 2021.

26 COUNCILMEMBER BEAN MOVED TO APPROVE THE CONSENT AGENDA
28 ITEMS AS PRESENTED. COUNCILMEMBER BRODERICK SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

30 COUNCILMEMBER BEAN AYE
32 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
THE MOTION CARRIED UNANIMOUSLY.

- 36 5. **Open Session for Public Comment** – Mayor Acerson called for any public
comment not listed as an agenda item. There were no public comments.

38 **CURRENT BUSINESS**

- 40 6. **Public Hearing — Zone Map Amendment, 150 S. Geneva Rd.; Ordinance
42 2018-17-O.** Adam Pulver, BMC, requests approval of a Zoning Map Amendment
44 to reclassify a parcel from Residential Single Family (R1-20) to the Light
Industrial (LI) zone. Parcel ID #14:065:0131 Anderson Lumber Company (BMC
46 Stock Holdings, Inc.). Total land area of 1.25 acres.

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

6 Brandon Snyder, Associate Planner, noted the applicant, Adam Pulver, with BMC
Stock Holdings, Inc. is in attendance for this agenda item. He explained Mr. Pulver is
8 requesting approval of a Zoning Map Amendment to reclassify a parcel from Residential
Single Family (R1-20) to the Light Industrial (LI) zone. Mr. Snyder stated the Planning
10 Commission held a public hearing on September 11, 2018 where public comments were
taken. The comments given were in regards to the future use of the property, elevation
12 differences and if a privacy fence or wall will be installed.

14 Mr. Snyder noted the Planning Commission recommended approval with one
condition (combine parcel with adjoining parcel prior to future land use development
approval); the vote to approve was unanimous. He noted Mr. Pulver is requesting the
16 rezone so that the zoning will match with the two adjacent parcels (West and Southwest).
He added Mr. Pulver also proposes to combine the parcels and will be replacing some of
18 the existing structures in the near future. He indicated a new structure will be placed
partially into the current area of the subject parcel. Mr. Snyder pointed out the parcel was
20 created and purchased by Anderson Lumber in April 1997 and the property has been used
since 2000 for outdoor storage.

22 Mr. Snyder indicated that currently the LI zone requires a minimum lot area of
one acre and 100 feet of frontage. He noted potential uses in the Light Industrial (LI)
24 zone allows for uses related to manufacturing, wholesale trade, retail trade, and services.
He then turned the time over to the applicant for comment.

26 Mr. Pulver addressed the Council at this time. He gave a brief history of the
property including their long-term vision. He explained that currently on the parcel zoned
28 residential they will tear down the existing building and build a new structure that will be
double the size. He indicated they will be able to produce more trusses due to the
30 automation process and gain efficiencies. He stated they plan to install the required
masonry fencing wherever there are residential zones which will be a site plan
32 requirement and also meet code. He added they will also comply with all city
requirements and permits as requested. Following some general discussion regarding this
34 zone map amendment the Council was in agreement to approve this request with the
condition to combine the parcel with adjoining parcels prior to future land use
36 development approval.

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

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

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

46

2 COUNCILMEMBER LUNDBERG MOVED TO APPROVE ORDINANCE
#2018-17-O WITH THE CONDITION TO COMBINE THE PARCEL WITH
4 ADJOINING PARCEL(S) PRIOR TO FUTURE LAND USE DEVELOPMENT
APPROVAL. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE
6 WAS RECORDED AS FOLLOWS:

- 8 COUNCILMEMBER BEAN AYE
 - 8 COUNCILMEMBER LUNDBERG AYE
 - COUNCILMEMBER BRODERICK AYE
 - 10 COUNCILMEMBER HOYT AYE
- THE MOTION CARRIED UNANIMOUSLY.

12
14 **7. Public Hearing — Ordinance Amendment, Lindon City Code 8.20 Public Nuisances; Ordinance 2018-9-O.** Lindon City requests approval of an amendment to Lindon City Code Section 8.20.030 Nuisance – Definition subsection (2)(cc) Inappropriate Noise. The proposal would address potential hours during which Inappropriate Noises are not allowed.

18
20 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

22
24 Mr. Snyder gave some background of this item explaining the Planning Commission reviewed the draft ordinance during four separate meetings before approving the current draft before the Council tonight. He stated during one meeting, residents west of State Street came to voice their concerns over events that produce loud music into the night and asked that defined noise levels be adopted to help keep the peace in their neighborhood.

28
30 Mr. Snyder then referenced the sound level chart for context followed by discussion. He also referenced the City’s zoning map displaying the different sound allowances for day/night in context noting sound levels are measured at the property line. He pointed out if a sound originates in the Industrial zone and is 85 dBA at the property line next to residential, there is no violation even if the sound continues to be 85 dBA as it travels into the residential area. There was then some general discussion including decibel level readings at the aquatics center, pickle ball courts and the freeway.

36
38 Mayor Acerson stated he would be hopeful that the industrial area doesn’t feel this action would be too restrictive or cause them any issues. Councilmember Broderick commented just because we may meet state requirement doesn’t always mean it may be good governance. He feels residents should be reached out to so when they see the decibel number they will know their boundary; this may give them protection or cushion from their boundary. Mr. Cowie expressed his concerns that industrial areas will not want limits at all. Councilmember Lundberg agreed that this could be a protection and is not arbitrary; it gives a cushion from their boundary (85 decibels).

44
46 Mr. Snyder questioned if it would it be appropriate to move forward with language to address specific activities related to event centers (because of the current complaints) or would they like to see the draft come back as a whole after mailers have

2 been sent out and after a potential open house to inform the public. Mayor Acerson called
for any public comments at this time.

4 Angie Neuwirth, resident, in attendance addressed the Council at this time. Ms.
Neuwirth stated she lives near the Lindon Nursery event center where weddings and
6 receptions are held. She noted there is excessive noise (music) from the event center
seven days a week and the noise is going on after 11pm and she and her neighbors feel
8 this is unacceptable. They have called the police due to the complaints and nothing
changes.

10 Ms. Neuwirth stated they also feel city code needs to protect the rights for
residents as this is a huge nuisance. She noted they have contacted the Lindon Nursery
12 and they indicated they lease it out so they have no control over those who rent it and the
associated noise disturbances. She pointed out that she also measured the decibel
14 readings from her home, and the music can get very loud (between 65-70 decibels); she
also doesn't believe the meters measure the bass only the treble.

16 Councilmember Bean feels this should be enforced based on who the owner is
and to look at continuous noise vs intermittent noise. Councilmember Broderick
18 expressed his concerns about businesses feeling this may be restrictive and also about the
resident's complaints being addressed. Councilmember Hoyt stated he shares the same
20 concerns.

22 Mayor Acerson called for any public comment at this time. Randi Powell spoke
on having an informal decibel/sound study done to get a baseline on the businesses near
the Ivory Development area as occupancy is approached. She pointed out that she can
24 hear sound/noises from the industrial area from her residence above State Street. She
stated she believes the city is trying to legislate good neighboring which is hard to do.

26 Following some additional discussion, the Council agreed to continue this item to
allow staff time to perform additional decibel readings and to further notify residents and
28 businesses.

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

32 **COUNCILMEMBER BRODERICK MOVED TO CLOSE PUBLIC HEARING.**
34 **COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.**

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

38 **COUNCILMEMBER HOYT MOVED TO CONTINUE ORDINANCE**
40 **AMENDMENT #2018-9-0 TO ALLOW STAFF TIME TO NOTIFY BUSINESSES**
42 **AND RESIDENTS AND TO TAKE FURTHER DECIBEL READINGS AND**
44 **GATHER MORE FEEDBACK. COUNCILMEMBER BRODERICK SECONDED**
46 **THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:**

44	COUNCILMEMBER BEAN	AYE
	COUNCILMEMBER LUNDBERG	AYE
46	COUNCILMEMBER BRODERICK	AYE
	COUNCILMEMBER HOYT	AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 8. **Closed Session — Closed Executive Session.** The Mayor and City Council
6 pursuant to Utah Code 52-4-205 may vote to enter into a closed executive session
8 for the purpose of discussing the character, professional competence, or physical
or mental health of an individual. This session is closed to the general public.

10 COUNCILMEMBER BRODERICK MADE A MOTION TO ENTER INTO A
12 CLOSED EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE
14 CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL
HEALTH OF AN INDIVIDUAL. THIS SESSION IS CLOSED TO THE GENERAL
PUBLIC PER UTAH CODE 52-4-205. COUNCILMEMBER BRODERICK
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 16 COUNCILMEMBER BEAN AYE
 - 18 COUNCILMEMBER LUNDBERG AYE
 - COUNCILMEMBER BRODERICK AYE
 - COUNCILMEMBER HOYT AYE
- THE MOTION CARRIED UNANIMOUSLY.

20
22 COUNCILMEMBER BRODERICK MADE A MOTION TO CLOSE THE
24 EXECUTIVE SESSION AND MOVE INTO THE REGULAR CITY COUNCIL
SESSION. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26 9. **Public Hearing — FY2018-19 Budget Amendment; Resolution 2018-18-R.**
28 The City Council will review and consider Resolution 2018-18-R amending the
30 fiscal year 2018-19 Lindon City Budget for various budgetary modifications and
updates to city revenues and expenditures.

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

36 Kristen Colson, Finance Director, was in attendance to present the proposed
38 amendments to the FY2018-19 budget. She noted the most significant amendments to the
40 budget involve recognizing the new revenue from the sale of the Geneva property and
proposed debt payment expenditures associated with the surplus property sale proceeds,
also the proposed additions of an in-house attorney and paralegal position which are re-
categorized from existing legal services within the budget.

42 Ms. Colson then reviewed the spreadsheet line items showing the proposed
44 changes. Following some general discussion, the Council agreed to approve the proposed
budget amendment by Resolution as presented.

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

2 COUNCILMEMBER HOYT MOVED TO CLOSE PUBLIC HEARING.
3 COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT
4 VOTED IN FAVOR. THE MOTION CARRIED.

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

8
9 COUNCILMEMBER LUNDBERG MOVED TO APPROVE RESOLUTION
10 #2018-18-R AMENDING THE FISCAL YEAR 2018-19 BUDGET.

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

13 COUNCILMEMBER BEAN AYE
14 COUNCILMEMBER LUNDBERG AYE
15 COUNCILMEMBER BRODERICK AYE
16 COUNCILMEMBER HOYT AYE

17 THE MOTION CARRIED UNANIMOUSLY.

18

19 **10. Discussion Item — Councilmember Vacancy.** The City Council will review
20 State guidelines and updated memo provided by the City Attorney for filling the
21 vacancy on the City Council due to the resignation of Councilmember Daril
22 Magleby and will direct staff on when to advertise for applications to fill the
23 vacancy.

24

25 Mr. Cowie led this discussion item by referencing the memo from City Attorney,
26 Brian Haws outlining the State requirements and process for filling a vacancy on the
27 Council. He stated that essentially, Councilmember Magleby has to vacate the seat before
28 the city can advertise the vacancy and accept applications for appointment consideration.
29 He noted a two-week notice of the vacancy is required before interviewing applicants in
30 an open, public meeting and being December 4, 2018 is Councilmember Magleby’s last
31 day then the first opportunity the Council can interview candidates is the first meeting in
32 January 2019.

33 Mr. Cowie indicated the selected applicant will fill the council seat until the end
34 of 2019 and if the appointed applicant wants to continue service as a councilmember
35 beyond 2019 he/she will need to file for office and campaign in the upcoming November
36 2019 election for a 4-year term for any of the three open seats currently filled by
37 Councilmember Bean, Councilmember Lundberg and Councilmember Magleby.

38 Mr. Cowie then asked the Council if they want to repeat the questions from 2016,
39 or replace/remove them from the new application. Mr. Cowie noted the questions are not
40 required but may help them better understand the applicants positions on important city
41 matters. He then read the questions from 2016.

42 Following discussion, the Council agreed to hold interviews the first meeting in
43 January which falls on January 15th. Mr. Cowie stated he will advertise in mid to late
44 December with a cutoff date on application submission. The Council also agreed to use
45 the same questions from 2016 except they would like the question on a transportation
46 utility fee/tax to be on a broader scale to include road funding.

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

4 **COUNCIL REPORTS:**

6 **Councilmember Hoyt** – Councilmember Hoyt reported the Dalton Steak House ribbon
8 cutting is tomorrow, September 19th at 11am. He noted the PG/Lindon Chamber of
Commerce will be hosting and he encouraged all to attend. He also mentioned “Dowdle
10 Folk Art” doing a “painting puzzle” of Lindon City and if this is something that interests
the Council. He noted the PG/Lindon Chamber is spearheading this and it would be a
12 good way to market Lindon City and businesses in the city.

14 **Councilmember Broderick** – Councilmember Broderick mentioned he has been
approached by residents near the water tank on 900 East wanting to know when it will be
16 completed as it has been ongoing for a year. Mr. Cowie explained the job was done in-
house to save money by not contracting it out so it has taken a little longer to complete.
18 He also gave an update on the project noting the next step is the irrigation and then laying
sod; they are hoping to have it completed this fall.

20 **Councilmember Bean** – Councilmember Bean reported they interviewed an individual
22 for the Planning Commission vacancy and have another interview coming up next week.

24 **Councilmember Lundberg** – Councilmember Lundberg reported she attended an
edcUtah meeting last week where they provided the year in review. She noted there was
26 some good representation from across the state and was well attended. They discussed
how to keep the economy booming along with other issues at the forefront and what to
28 proactively look for to keep the prosperity moving forward.

30 **Councilmember Magleby** – Councilmember Magleby was absent.

32 **Mayor Acerson** – Mayor Acerson reported he attended the PG/Lindon Chamber of
Commerce golf tournament noting it was a good event and well attended. He also
34 mentioned the Day of Caring service project that is oriented at NuSkin in Provo is always
a good event and well represented.

36 **Administrator’s Report:** Mr. Cowie reported on the following items followed by
38 discussion.

40 **Misc. Updates:**

- 42 • September City newsletter
- October newsletter article: Adam Cowie – Article due to Kathy Moosman last
week in October
- 44 • 1600 North widening project Open House, September 26th at Orem Senior Center,
6pm-8pm
- 46 • Planning Director hiring process (Councilmember Bean and Mayor will
participate on the final interview panel)

- 2 • Property acquisition pending by UDOT on 700 North (small parcel owned by City
- 4 that was intended for a future entryway sign). UDOT is widening and needs to
- 4 purchase right-of-way
- 6 • ULCT Fall Conference recap
- 6 • Misc. Items

8 **Upcoming Meetings & Events:**

- 10 • September 12th–14th – Utah League of Cities & Towns, Fall Conference in SLC
- 10 • Monday, September 17th at 6:00pm – Citywide Emergency Drill. If available,
- 12 please plan to stay for training and re-cap after drill is completed
- 12 • Monday, October 1st, 2:30pm-5:00pm – Public Immunization Clinic in City
- 14 Council room
- 14 • October 9th at 1:00pm – Engineering Coordination meeting. Mayor Acerson and
- 16 Councilmember Broderick will attend
- 16 • November 9th –19th – Fall Leaf Clean-Up. City will continue to pick up bags, but
- 18 will also have dumpsters available around town for public use.
- 18 • November 6th – General Election
- 20 • November 22nd – Mayor’s Thanksgiving Dinner event
- 20 • November 22nd–23rd – Offices closed for Thanksgiving holiday
- 22 • December 21st at Noon – Employee Christmas party at Community Center
- 22 • December 24th – 25th – City offices closed for Christmas holiday
- 24 • Tuesday, January 1st – City offices closed for New Year’s holiday. No Council
- 24 meeting

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

30 **Adjourn** –

32 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
34 AT 10:15 PM. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL
36 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38 Approved – October 16, 2018

40 _____
42 Kathryn Moosman, City Recorder

Jeff Acerson, Mayor

Item 4 – Open Session for Public Comment *(For items not on the agenda - 10 minutes)*

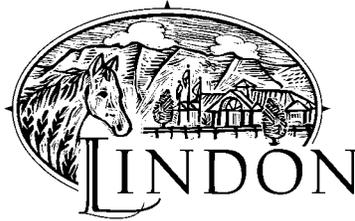
Item 5 – Consent Agenda – *Consent agenda may contain items which have been discussed beforehand and/or do not require significant discussion, or are administrative in nature, or do not require public comment. The Council may approve all Consent Agenda items in one motion, or may discuss individual items as needed and act on them separately.*

- a. Appointment of Scott A. Thompson to a three year term as a Lindon City Planning Commissioner.
- b. Approval of Resolution #2018-19-R declaring certain city equipment and supplies as surplus to be sold and disposed of per city policies.
- c. Approval of two updated agreements with Central Utah Water Conservancy District and the United States Department of the Interior regarding Olmstead Hydroelectric Plant power loss charges and water carriage charges.
- d. Extension of Final Plat and Improvement Plans Approval — Lindon Self-Storage, ~860 West 200 South. Susan Palmer, Ridgepoint Management Group LLC, on behalf of Lindon Self-Storage LLC, seeks a 12-month extension of the final plat and plan(s) approval for the Lindon Self-Storage Subdivision, Plat A, a forty-six (46) unit self-storage major condominium project, to be located at approximately 860 West 200 South in the Light Industrial (LI) zone. LCC 17.12.210 allows for an applicant to request up to a 12-month extension of the final approval. The current approval expires in November 2018. No changes to the previously approved final plat and plan(s) are being proposed. The Planning Commission recommends approval of the requested extensions.
- e. *NOTE: This item was included on the agenda but does not technically need City Council action and has been approved by the Planning Commission. It can be left out of a motion to approve Consent Agenda items.* Extension of Site Plan Approval – Lindon Self-Storage, ~860 West 200 South. Susan Palmer, Ridgepoint Management Group LLC, on behalf of Lindon Self-Storage LLC, seeks a 12-month extension of the site plan approval for the Lindon Self-Storage Site Plan, a forty-six (46) unit self-storage project, to be located at approximately 860 West 200 South in the Light Industrial (LI) zone. LCC 17.12.210 allows for an applicant to request up to a 12-month extension of the final approval. The current site plan approval expires in November 2018. No changes to the previously approved site plan are being proposed. The Planning Commission recommends approval of the requested extensions.

Sample Motion: *I move to approve the Consent Agenda items.*

- a. Appointment of Scott A. Thompson to a three year term as a Lindon City Planning Commissioner.

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



TEL 801-785-7687
FAX 801-785-7645
www.lindoncity.org

Scott A. Thompson
495 N. 200 E.
Lindon, Utah 84042

October 16, 2018

Mr. Thompson,

On October 16, 2018 the Lindon City Council approved the recommendation of Mayor Acerson to appoint you as a member of the Planning Commission for Lindon City. We hope to have you start participating at meetings beginning on October 23, 2018. It is anticipated that you will serve a full three-year term which will expire the last day of October 2021, or until your respective successor has been appointed.

Meetings are typically held on the 2nd and 4th Tuesday of each month, except for meetings that may fall on or near a holiday. A schedule of meetings for 2018 is attached.

We are excited to work with you and appreciate your willingness to serve the City of Lindon and represent the citizens in our community. As a new Planning Commissioner, our City Administrator, Adam Cowie, would like to meet with you to answer any questions you may have and to review your responsibilities. Please contact him at 801-785-5043 or by email at acowie@lindoncity.org to set up a quick meeting before your first Planning Commission meeting.

Sincerely,

Matt Bean
Mayor pro tem



LINDON CITY
PLANNING DEPARTMENT

Memorandum

TO: File

FROM: Planning Staff

SUBJECT: Planning Commissioner Terms & proposed appointments

DATE: October 16, 2018

Planning Commissioner terms are for three years.

Current Commissioners & Term Expiration Dates:

Charlie Keller	January 2019	First Term
Steve Johnson	July 2019	First Term
Mike Vanchiere	February 2020	First Term
Sharon Call	June 2020	Fourth Term
Mike Marchbanks	January 2021	Second Term
Rob Kallas	January 2021	Second Term
Scott Thompson	October 2021	First Term

- b. Approval of Resolution #2018-19-R declaring certain city equipment and supplies as surplus to be sold and disposed of per city policies.

RESOLUTION NO. 2018-19-R

A RESOLUTION DECLARING CERTAIN PROPERTY (EQUIPMENT) OWNED BY LINDON CITY TO BE SURPLUS PROPERTY AND AUTHORIZING THE DISPOSAL OF THE LISTED PROPERTY.

WHEREAS, the Municipal Council of Lindon City has adopted policies and procedures for the disposal of surplus property, with said policy found in Section 3 of the Lindon City Policies and Procedures Manual; and

WHEREAS, the policy requires that a public meeting be held concerning the declaration of any property deemed to be surplus by the City and which has an estimated valued over \$100; and

WHEREAS, the identified property is no longer needed and/or has exceeded its useful life and needs to be disposed of.

THEREFORE, BE IT RESOLVED by the Lindon City Council as follows:

- Section 1. That the items described on the attached listing be declared as surplus property of the City; and
- Section 2. That these items be offered for sale to the public through their listing on www.publicsurplus.com or other comparable on-line auction site. The items will be offered for minimum bids when appropriate. If the minimum bid is not realized, administrative staff may dispose of the items at their discretion including selling for less than the minimum bid; and
- Section 3. This resolution shall take effect immediately upon passage.

Adopted and approved this 16th day of October, 2018.

By _____
Matt Bean, Mayor pro tem

Attest:

By _____
Kathryn A. Moosman, City Recorder

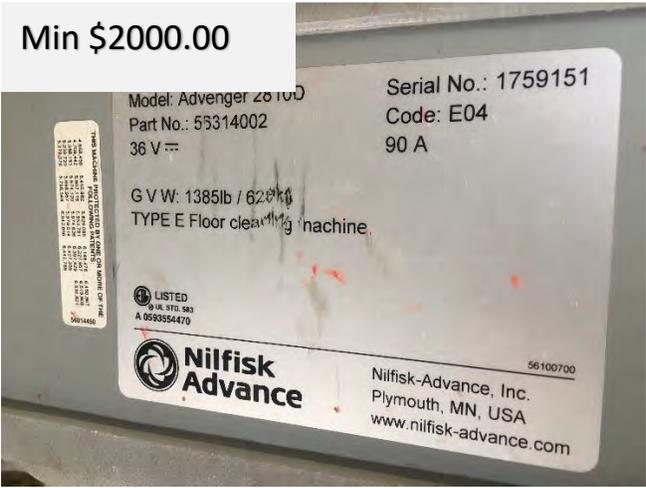
SEAL:

SURPLUS EQUIPMENT

- 1. World of Sports Inflatable Game System. (Originally purchased in 2016 for \$2,499.) Min \$750



- 2. Ride on Floor scrubber
Condition: Good. Too large for storage at the community center. Min \$2000



3. Kawasaki Mule Min \$500. 4 X 4 Differential Broken, Transmission problems. Does not idle. Wrecked into telephone pole 2 yrs ago by summer help.



4. Various donated exercise equipment pieces.
a. Stationary Bike Pro-Form GL35 Min \$20

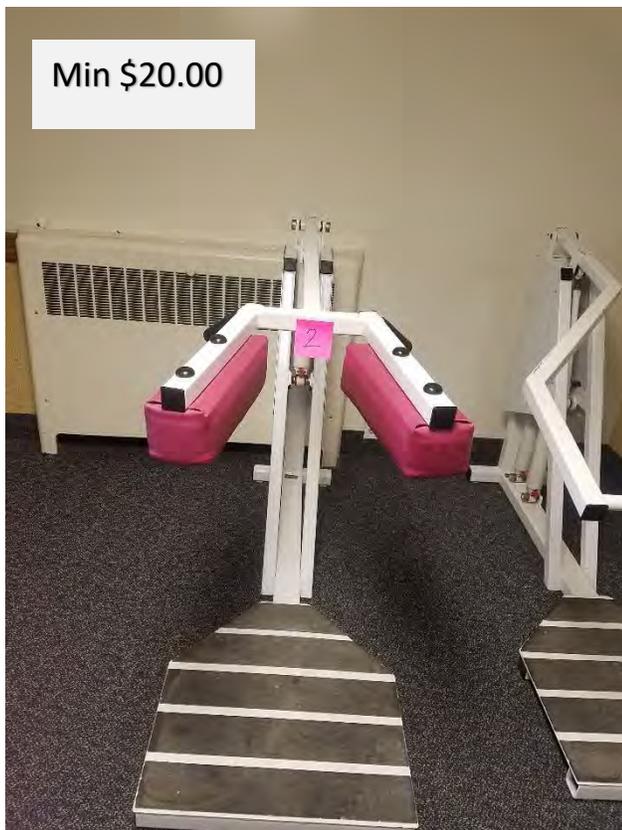


- b. Health Rider (2) Min \$5



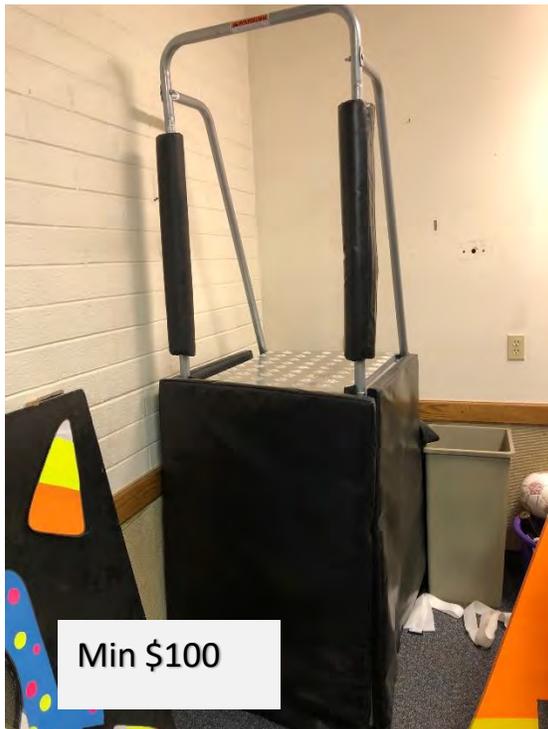
c. Furniture and donated exercise equipment Min \$20 each







5. Volleyball Judges Stand with pads. Min \$100



6. Upright Piano Min \$100



7. Home Furniture (matching couch, love seat and chair. Matching couch and chair)



- c. Approval of two updated agreements with Central Utah Water Conservancy District and the United States Department of the Interior regarding Olmstead Hydroelectric Plant power loss charges and water carriage charges.

355 W. University Parkway
Orem, Utah 84058-7303
801.226.7100
www.cuwcd.com



CENTRAL UTAH WATER
CONSERVANCY DISTRICT

RECEIVED

OCT 05 2018 October 4, 2018

LINDON CITY

OFFICERS
N. Gawain Snow, President
Tom Dolan, Vice President
Gene Shawcroft, General Manager/CEO

TRUSTEES
G. Wayne Andersen
Roddie I. (JR) Bird
E. James (Jim) Bradley
Shelley Brennan
Max Burdick
Kirk L. Christensen
Steve Farrell
Tom Dolan
Nathan Ivie
Bill Lee
Al Mansell
Michael J. McKee
Greg McPhie
Aimee Winder Newton
Edwin Boyd Sunderland
Gawain Snow
Byron Woodland
Boyd Workman

Mr. Adam Cowie
Lindon City Administrator
100 North State Street
Lindon, UT 84042

Subject: Olmsted Power Loss/Carriage Agreements

Dear Mr. Cowie:

As you are aware, the Olmsted Hydroelectric Plant has been reconstructed. Due to this reconstruction, it is necessary to enter into updated power loss/carriage agreements. The first agreement is for lost revenue incurred from diverting power water away from the Olmsted Hydroelectric Plant in facilities other than Bonneville Unit facilities. The second agreement is for the carriage and power loss of non-project water through Bonneville Unit facilities. These agreements have been approved for execution by the United States Department of the Interior for those who utilize the Olmsted Flowline for non-project water. These agreements are required for all non-project water use in Olmsted.

Please review these agreements carefully. Once you have reviewed the agreements, please sign where indicated and return all originals to the District attention Debbie Vanoy. Once the agreement has been fully executed, an original of each agreement will be returned to you for your records.

This carriage agreement will supersede any previous carriage agreement you currently have in place with the District.

Please note that power loss charges started on July 19, 2018, when the plant began to produce electricity. If you have any questions, please contact me at (801) 226-7117.

Sincerely yours,

Debbie Vanoy
for Daryl L. Devey
CUP Manager

Enclosures

Olmsted Hydroelectric Power Plant Replacement Project



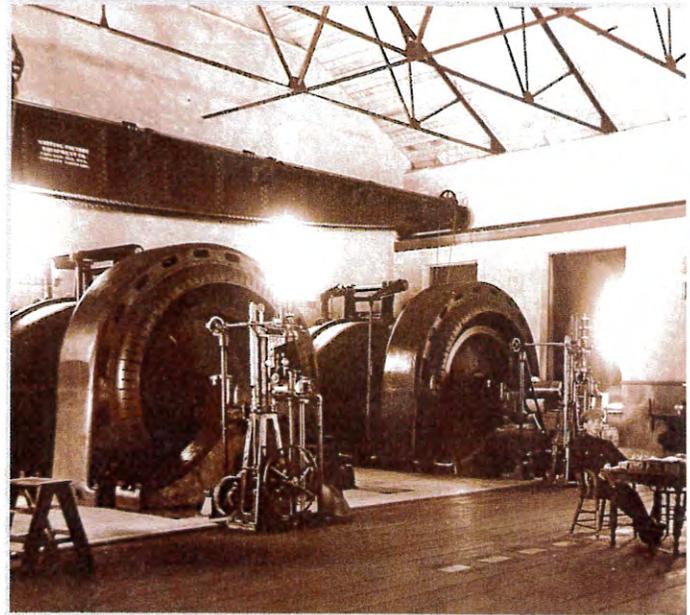
A Historic Connection

The Olmsted Hydroelectric Power Plant located at the mouth of Provo Canyon in Utah County, Utah is one of the oldest hydro power generation facilities in the western United States.

A Colorado mining executive, Lucien L. Nunn and the Telluride Power Company began hydroelectric power generation at Nunn's Station in Provo Canyon in 1897. Located approximately 4.5 miles up Provo Canyon, Nunn's Station generated alternating current (AC) power at 44,000 volts and transmitted this power over 32 miles to the mining town of Mercur. This was the first high-voltage, long-distance, alternating power transmission system in the world.

With an increasing demand for power, Nunn moved the power station to the mouth of Provo Canyon to take advantage of the increased water drop for greater pressure on the turbines that produced the power.

Fay Devaux (Fred) Olmsted, a Colorado native and an engineering graduate of the University of Michigan, designed the new generating station and a large wooden flume from the Provo River diversion that supplied water to the new station. Before the plant was completed, Fred Olmsted died of tuberculosis and the plant was subsequently named after him. The Olmsted Plant opened and permanently replaced the Nunn's Station in 1904.

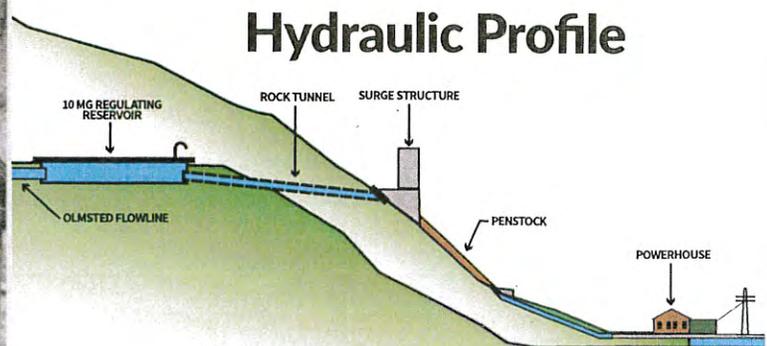


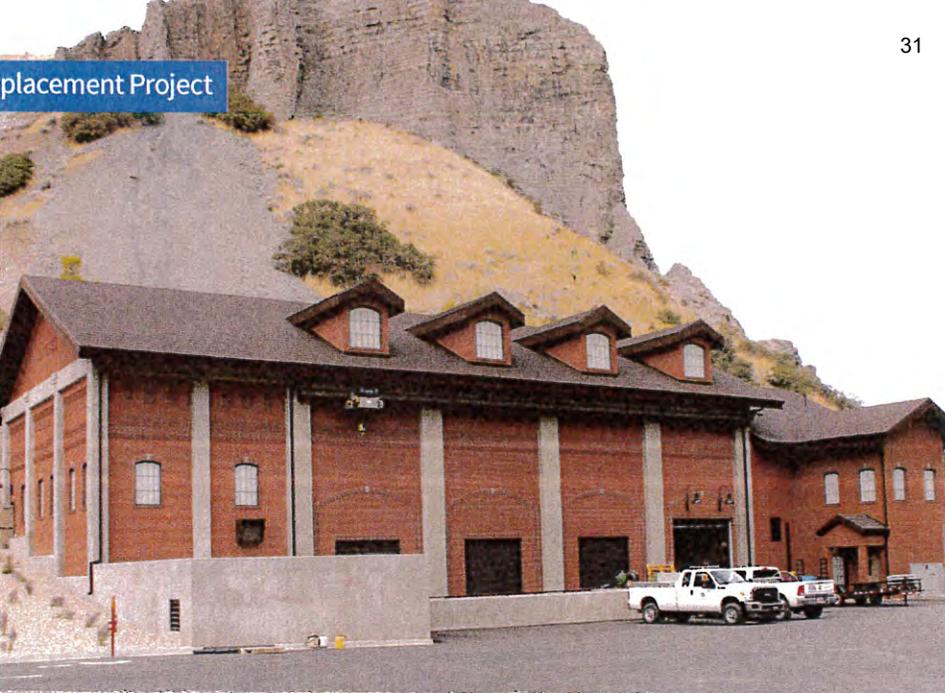
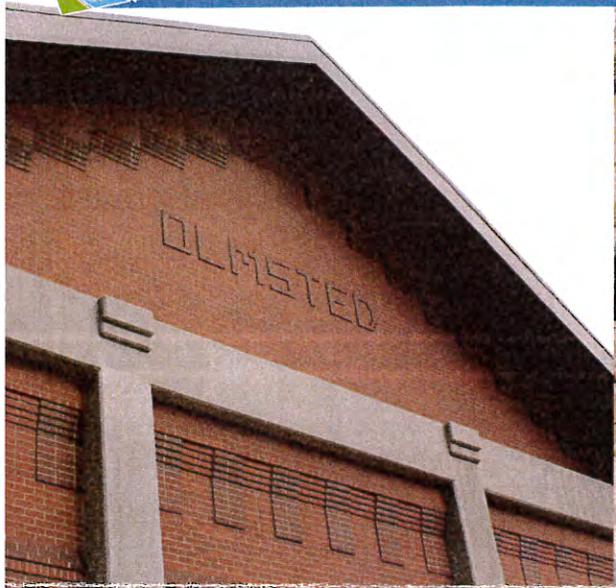
With the completion of the Olmsted Hydroelectric Plant, Nunn laid out plans for the creation of Telluride Institute, an on-site campus, one of only two competent electrical engineering teaching facilities in the United States at that time, providing on-the-job training for electrical engineers. The Institute is still in existence today at Cornell University.

The historic Olmsted Power House, which is on the National Registry of Historic Places and much of the equipment within the building, will be developed and maintained as a museum.



Hydraulic Profile



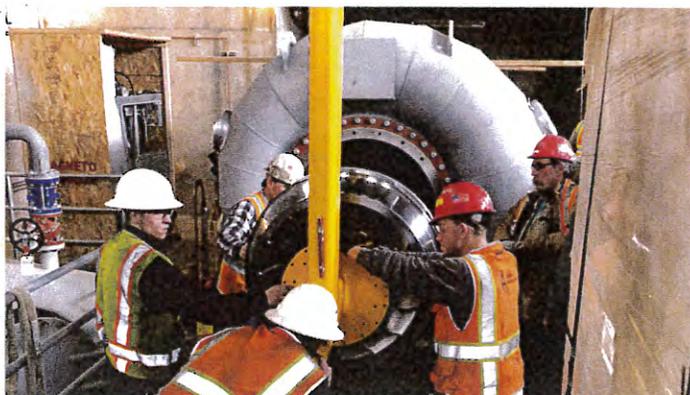


A New Olmsted Hydroelectric Power Plant

In 1912, the Telluride Power Company stockholders, desiring to focus on power generation, split off the power assets from the educational functions and offered them for sale. The stockholders formed a new company, Utah Power and Light (UP&L), to purchase the power assets. UP&L was the successful bidder and took ownership of the Olmsted power station. UP&L made several improvements to the Olmsted plant, including the installation of an additional turbine and generator set and replacing the wooden flume with the Olmsted Flowline, or Green Snake – a large, green steel pipe that carried the water from the Provo River diversion to the power plant.

In 1987, the U.S. Bureau of Reclamation secured ownership of the Olmsted Flowline and the associated water rights as an essential part of the Central Utah Project (CUP). In the associated 1990 Settlement Agreement, the Olmsted Hydroelectric Power Plant was added to the CUP to better secure and develop the water rights. The Olmsted Settlement Agreement permitted PacifiCorp to continue to operate and receive the energy produced from the Olmsted Power Plant through September 21, 2015. That Settlement Agreement expired on September 22, 2015 and power generation at the site ceased.

The continued operation of the Olmsted power plant is essential to maintaining



the Olmsted Water Rights, which are a large, critical part of the water supply of CUP. In 2010, after a comprehensive evaluation of the power plant systems, it was determined that the existing facilities were well past their useful life and design of a replacement power plant began.

Construction of the Olmsted Hydroelectric Power Plant Replacement Project began in the summer of 2016. Work included a rehabilitation of an existing 102-inch pipeline, lining the existing 12-foot rock-tunnel with an 84-inch steel pipeline, constructing a new cliff spillway structure, surge tank, 84-inch buried penstock and power house with new hydroelectric equipment and installation of a new power transmission line to the Provo Power system.

The new Olmsted plant is a “run of the river” plant producing power only when water demands from downstream users necessitate water deliveries. The total cost of the replacement project is approximately \$42 million. Commercial power production will commence in October 2018. The Olmsted Power Plant is a Federal facility operated and maintained by the Central Utah Water Conservancy District producing power marketed by the Western Area Power Authority serving local customers including CUWCD, Provo Power, Utah Associated Municipal Power Systems, Weber Basin Water Conservancy District and the cities of Lehi, Springville and Kaysville.



For more information and historical significance
please visit www.olmstedhydro.com



JACOBS

Ames
Construction, Inc.



AGREEMENT

AMONG THE
CENTRAL UTAH WATER CONSERVANCY DISTRICT
CITY OF LINDON
AND THE UNITED STATES DEPARTMENT OF THE INTERIOR
FOR THE COLLECTION OF LOST REVENUE
INCURRED FROM DIVERTING WATER RIGHTS AWAY FROM THE OLMSTED
HYDROELECTRIC POWER PLANT

THIS AGREEMENT, made this _____ day of _____, 20___, among the CENTRAL UTAH WATER CONSERVANCY DISTRICT, hereinafter referred to as the “District,” CITY OF LINDON, hereinafter referred to as “Lindon” and the UNITED STATES DEPARTMENT OF THE INTERIOR (“Interior”) (collectively Parties). This Agreement is made pursuant to the Act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or and supplementary thereto, particularly Section 301 of Public Law 103-434, as well as the rules and regulations promulgated by the Secretary of the Interior under Reclamation Law.

RECITALS:

WHEREAS, through an initial Determination of Taking dated July 11, 1987, the United States acquired the Olmsted Flowline from PacifiCorp Electric Operations (“PacifiCorp”) (formerly Utah Power and Light Company). The Olmsted Flowline was reconstructed by the District and delivers water from the diversion dam and intake structure on the Provo River to the Olmsted Hydroelectric Power Plant (“Olmsted Power Plant”) and is part of the facilities (“Project Works”) used to deliver Central Utah Project, Bonneville Unit (“CUP”), water to the District’s customers; and

WHEREAS, in 1990 the United States amended the Determination of Taking to acquire the Olmsted Power Plant, its appurtenant facilities, and its prior non-consumptive power water

rights (“Olmsted Water Rights”), together with the Olmsted Flowline (“Olmsted Facilities”) which all are part of the Project Works; and

WHEREAS, as part of the compensation for the purchase of the Olmsted Facilities, the United States, the District, and PacifiCorp, entered into the Olmsted Settlement Agreement agreeing, among other things, that the United States would hold title to the Olmsted Facilities, but PacifiCorp would continue overseeing operations of the Olmsted Power Plant and sell the energy produced; and

WHEREAS, the Olmsted Settlement Agreement expired on September 21, 2015; and

WHEREAS, the District has reconstructed the Olmsted Power Plant under terms of its Central Utah Project repayment contract with the United States, and the District is now responsible for the operation, maintenance, and replacement (“OM&R”) of the Olmsted Power Plant and continues to be responsible for the OM&R of the remainder of the Project Works; and

WHEREAS, Lindon owns/controls waters that historically flowed through the Olmsted Facilities and were used for power generation under the Olmsted Water Rights, and then used to satisfy downstream consumptive uses; and

WHEREAS, Lindon has an approved water right change application (“Change Application”) that is junior to the Olmsted Water Rights and alters diversions so that Lindon’s water no longer flows through the Olmsted Facilities therefore causing generation interference (“Power Interference”) resulting in lost generation revenue, lost OM&R revenue, and lost capital repair and replacement revenue all collectively (“Lost Revenue”) associated with the Olmsted Facilities; and

WHEREAS, Lost Revenue caused by Power Interference from Lindon’s diversions must be collected from Lindon; and

WHEREAS, notwithstanding any previous agreement Lindon had with PacifiCorp, an Agreement with the District and the United States is needed to address this Power Interference and collection of Lost Revenue from Lindon.

NOW, THEREFORE, for and in consideration of the mutual agreements herein contained, the Parties hereto do covenant and agree as follows:

TERM OF AGREEMENT

1. The term of this Agreement shall begin on the date of execution and shall remain in effect for 40 years from said date. The Agreement may be extended additional 40-year periods by mutual written agreement of the Parties.

COMPENSATION TO DISTRICT FOR LOST REVENUE

2. (a) Commencing upon startup of the Olmsted Power Plant, which occurred on July 19, 2018, the District shall annually bill, and Lindon shall pay to the District, an amount necessary to compensate the District for Lost Revenue attributable to Lindon's diversion of water causing Power Interference.

(b) The amount of Lost Revenue will be calculated based on the volume in acre-feet of Lindon's water diverted under its junior Change Applications that would have historically been diverted through the Olmsted Facilities. This volume of water is to be calculated by the Provo River Commissioner and reported to the District.

(c) The Lost Revenue in dollars compensation amount per acre-foot of Power Interference shall be as follows based on the Provo River irrigation season period of November 1 through October 31 (“Water Year”).

<u>Water Year</u>	<u>Amount</u>
2018	\$23.50
2019	\$23.97
2020	\$24.45
2021	\$24.93
2022	\$25.43
2023	\$25.94
2024	\$26.46

The rates subsequent to 2024, will be re-evaluated and provided to Lindon by District prior to November 1, 2023, for the irrigation season years of 2025 through 2030 and then every five years thereafter during the term of this Agreement so that Lindon will have at least 18 months’ notice before a new rate table becomes effective. Rates are calculated by the District to account for Lost Revenue per acre-foot of Power Interference for the respective periods.

PAYMENT OF COSTS AND CHARGES

3. (a) The District will notify Lindon in writing by February 15 of each year of the volume of Lindon’s water causing Power Interference during the preceding Water Year and the amount of Lost Revenue owed by Lindon to District. The District shall collect all Lost Revenue and disburse, allocate or hold such sums in accordance with its contracts with the United States.

(b) Lindon will remit the payment to District on these invoices by March 30 of each year.

DELINQUENT PAYMENTS

4. In the event of non-payment of Lost Revenue that are 30 days overdue, the District may take any or all of the following actions.

(a) Upon ten (10) days written notice to Lindon of such delinquency, and if the delinquency is not cured within five-days (5) of said notice, make written request to the State Engineer and the Provo River Commissioner to cease delivery of the interfering water under Lindon's junior change application, so that historic power generation is returned under the Olmsted Water Rights; and/or, pursue all other legal and equitable remedies available for breach of this Agreement.

(b) The parties agree, however, to attempt in good faith to resolve any payment disputes promptly as they may occur.

CHARGES FOR DELINQUENT PAYMENTS

5. Every charge required to be paid by Lindon to District which shall remain unpaid after it has become due and payable shall be subject to a penalty interest of 18% per annum, which shall begin to accrue from the date of the delinquency. All money received shall first be applied to satisfy the accrued interest, and then applied to outstanding OM&R and then to the outstanding Lost Revenue.

NOTICE OF CHANGE IN COSTS

6. The District will give Lindon notice of any conditions such as new contracts, plans, or situations of which it is aware, and which have the potential to substantially increase Lindon's payments to the District as required herein. Lindon shall be given the opportunity to be heard, and express its concerns regarding said conditions. This will give Lindon an opportunity to protest such actions, if it deems appropriate, and to enable Lindon to plan for potential future increases of its financial liabilities. This provision does not limit or restrict District's ability to proceed with its contracts or plans, provided that Lindon has been given notice and an opportunity to be heard.

ASSIGNMENT LIMITED - SUCCESSORS AND ASSIGNS OBLIGATED

7. The provisions of this Agreement shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this Agreement or any right or interest therein shall be valid until approved in writing by the parties hereto and the United States.

INTEGRATION OF PRIOR AGREEMENTS

8. This Agreement contains the entire understanding of both Parties and may only be amended or superseded by written agreement, signed by all of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed the day and year first herein above written.

**CENTRAL UTAH WATER
CONSERVANCY DISTRICT**

By _____
N. Gawain Snow, President

Attest _____
Secretary, Gene Shawcroft

CITY OF LINDON

By _____
[Title]

Attest _____
Recorder *[if applicable]*

UNITED STATES

By _____
Reed R. Murray, Program Director
Department of the Interior

Approved for Legal Sufficiency
By _____
Intermountain Region
Office of the Solicitor

AGREEMENT

**AMONG THE
CENTRAL UTAH WATER CONSERVANCY DISTRICT
CITY OF LINDON
AND THE UNITED STATES DEPARTMENT OF THE INTERIOR
FOR THE CARRIAGE OF NON-PROJECT WATER
THROUGH BONNEVILLE UNIT PROJECT FACILITIES**

THIS AGREEMENT, made this _____ day of _____, 20____, among the CENTRAL UTAH WATER CONSERVANCY DISTRICT, hereinafter referred to as the "District," CITY OF LINDON, hereinafter referred to as "Lindon" and the UNITED STATES DEPARTMENT OF THE INTERIOR ("Interior") (collectively Parties). This Agreement is made pursuant to the Act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or and supplementary thereto, particularly Section 301 of Public Law 103-434, as well as the rules and regulations promulgated by the Secretary of the Interior under Reclamation Law.

WITNESSETH THAT:

EXPLANATORY RECITALS:

WHEREAS, the United States Bureau of Reclamation has constructed certain features, and the District and Interior are constructing the remaining features of the Bonneville Unit ("Project") of the Central Utah Project (initial phase), a participating project of the Colorado River Storage Project. The purpose of the Project is to supply water for irrigation, municipal, domestic, industrial, and other purposes to the District for use by its petitioners and contract holders; and

WHEREAS, the District, by Contract No. 14-06-400-4286 dated December 28, 1965, as amended and supplemented, hereinafter referred to as the ("Repayment Contract,") agreed, among other things, to repay the reimbursable Project costs to the United States and to operate and maintain the facilities constructed for the Project ("Project Works"); and

WHEREAS, the District has the right to market and allot the water developed by the Project ("Project Water"), the obligation to protect the Project Water Rights from interference, and to use Project Works to deliver such Project Water; and

WHEREAS, through an initial Determination of Taking dated July 11, 1987, the United States acquired the Olmsted Flowline from PacifiCorp Electric Operations ("PacifiCorp") (formerly Utah Power and Light Company). The Olmsted Flowline was reconstructed by the District and delivers water from the diversion dam and intake structure on the Provo River to the Olmsted Power Plant and is part of the Project Works.

WHEREAS, in 1990 the United States amended the Determination of Taking to acquire the Olmsted Power Plant, its appurtenant facilities, and the Olmsted Water Rights, together with the Olmsted Flowline (“Olmsted Facilities”), which are all part of the Project Works; and

WHEREAS, as part of the compensation for the purchase of the Olmsted Facilities, the United States, the District, and PacifiCorp, entered into the Olmsted Settlement Agreement agreeing, among other things, that the United States would hold title to the Olmsted Facilities, but PacifiCorp would continue overseeing operations of the Olmsted Power Plant and sell the energy produced until expiration of the Olmsted Settlement Agreement; and

WHEREAS, the Olmsted Settlement Agreement expired on September 21, 2015, and a new agreement is needed to allow Lindon to interfere with power generation at the Olmsted Power Plant and to accommodate carriage of Lindon’s Non-Project Water through the Project Works; and

WHEREAS, the District has reconstructed the Olmsted Power Plant under the terms of its Central Utah Project repayment contract with the United States and the District is now responsible for the operation, maintenance, repair and replacement (“OM&R”) of the Olmsted Power Plant and continues to be responsible for the OM&R of the remainder of the Project Works; and

WHEREAS, the United States constructed Alpine Aqueduct reaches 1, 2, 2A, 2B, and 3 (“Alpine Aqueduct System”) which are part of the Project Works and are used to deliver Project Water for municipal and industrial purpose; and

WHEREAS, the Alpine Aqueduct Raw Water Bypass Pipeline and the North Branch Aqueduct (“District Owned Facilities”) were constructed and are owned by the District. These District Owned Facilities are interconnected with the Project Works; and

WHEREAS, Orem City has a contractual right to convey a portion of its water in the Olmsted Flowline pursuant to an agreement that was in existence at the time the Olmsted Flowline was acquired by the United States; and

WHEREAS, the purpose of this Agreement is to confirm that Lindon is authorized to convey its Non-Project Water through the Olmsted Flowline and Alpine Aqueduct System (“Olmsted-Alpine System”) for a fee (“Federal Carriage Charge”) and through District Owned Facilities for a separate fee (“District Carriage Charge”) when there is (1) space available (“Unused Capacity”) in the Olmsted Flowline that is not being utilized by Orem City under its prior contractual right; (2) Unused Capacity in facilities utilized for Project Water; (3) for payment of a proportionate share of the operation, maintenance, and replacement (OM&R) costs, including capital repair and replacement reserves (“Capital Replacement Reserves”) costs, of the

Project Works and District Owned facilities used to deliver Lindon's Non-Project Water; and (4) for payment of costs associated with loss of generation at the Olmsted Power Plant caused by conveyance of Lindon's Non-Project Water.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree as follows:

DEFINITIONS

1. Additional terms used herein:

(a) "Alpine Aqueduct System" shall mean all of the following facilities:

(i) "Alpine Aqueduct Reach 1," a feature of the Project Works, consisting of a 90-inch diameter underground pipeline and tunnel about 1.05 miles long pipe with a design capacity of 450 cfs. Alpine Aqueduct Reach 1 extends from the regulation reservoir on Olmsted Flowline to the beginning of Jordan Aqueduct and the Treatment Plant.

(ii) "Alpine Aqueduct Reach 2," a feature of the Project Works, consisting of an underground pipeline about 4.7 miles long. The upper section of the pipeline is a 48-inch diameter pipe with a design capacity of 125 cfs. The lower section consists of 36-inch to 16-inch diameter pipe with an initial design capacity of 70 cfs. Alpine Aqueduct Reach 2 begins near the Treatment Plant and extends south through Orem to about 1300 South.

(iii) "Alpine Aqueduct Reach 2A," a feature of the Project Works, consisting of a 36-inch diameter, 2,300 feet long underground pipeline pipe, with a design capacity of 70 cfs. Alpine Aqueduct Reach 2A begins at the 30-inch diameter turnout at station 6+19 on Alpine Aqueduct Reach 2 and extends to the original 60-inch diameter pipeline connected to the Treatment Plant.

(iv) "Alpine Aqueduct Reach 2B," a feature of the Project Works, consisting of a 2.2 miles long underground 24-inch diameter pipeline, with a design capacity of 47 cfs. Alpine Aqueduct Reach 2B begins just downstream of the valve and flow meter at station 22+55 on Alpine Aqueduct Reach 2A and extends south-easterly where it connects to Provo's municipal water system.

(v) "Alpine Aqueduct Reach 3," a feature of the Project Works that is a 12.2 miles long underground pipeline. The pipeline is 60-inch to 48-inch-diameter pipe in the upper section with an initial design capacity of 155 cfs. The lower section consists of 48-inch to 18-inch-diameter pipe with an initial design capacity of 87.5 cfs. Alpine Aqueduct Reach 3 extends from near the

Treatment Plant north through northern Utah Valley to Highway 92 (Alpine Highway) near the Micron Plant.

(b) “Alpine Aqueduct Raw Water Bypass Pipeline,” a District Owned Facility interconnected with the Project Works that is a 2,030 feet long underground pipeline, consisting of a 60-inch to 48-inch-diameter pipe, connecting Alpine Aqueduct Reach 1 to Alpine Aqueduct Reach 3. The design capacity is 180 cfs from the Alpine Aqueduct Reach 1 connection to a Treatment Plant turnout and thereafter 87.5 cfs to the connection with Alpine Aqueduct Reach 3.

(c) “Capital Replacement Reserves” shall mean reserves charges set by the District’s Board of Trustees and are subject to change as per board policy.

(d) “Lost Revenue” shall mean loss of generation and OM&R revenue from the Olmsted Power Plant facilities caused by Power Interference.

(e) “Non-Project Water” shall mean water or water rights owned or controlled by Lindon that is not Project Water.

(f) “North Branch Aqueduct,” a District owned facility that is an underground pipeline about 12,250 feet long consisting of 36-inch-diameter pipe with a design capacity of 18 cfs. North Branch Aqueduct begins at approximately 9675 North 4800 West in American Fork and extends to near 4380 West 11000 North in Highland.

(g) “Olmsted-Alpine System” shall mean the Olmsted Flowline and the Alpine Aqueduct System.

(h) “Olmsted Flowline,” a feature of the Project Works, shall mean the pipeline and diversion previously owned by PacifiCorp and reconstructed by the District including the diversion dam, intake structure, pipeline, tunnel, regulation reservoir and appurtenant facilities. Olmsted Flowline is about 4.5 miles long with a capacity of 450 cubic feet per second (cfs). Olmsted Flowline extends from the diversion dam and intake structure on the Provo River, which is about 6 miles below Deer Creek Reservoir, to and including the regulation reservoir at the mouth of Provo Canyon.

(i) “Olmsted Power Plant”, a feature of the Project Works, shall mean the power generation facility previously owned by PacifiCorp and reconstructed by the District under the Olmsted Hydroelectric Replacement Project.

(j) “Olmsted Power Plant Facilities” shall mean all of the power plant facilities generally below the 10 MG reservoir comprised of Olmsted Reach A, spillway, pipeline and penstock, Olmsted Power Plant, tailrace, and all appurtenant buildings, equipment and facilities.

(k) “Olmsted Water Rights” shall mean the water rights acquired by the United States, which water are authorized for use in generating power through the Olmsted Power Plant and used in the development of Project Water. The Olmsted Water Rights are currently decreed under the Provo River Decree, Civil No. 2888. The total quantity of water authorized for power generation under the Olmsted Water Rights is 429 cfs, which is comprised of two separate water rights: (i) a diligence right for 229 cfs with a priority of 1897, and (ii) an appropriated right for 200 cfs with a priority of 1917. The Olmsted Water Rights are non-consumptive and other water right holders historically had the right to make consumptive use of the water after the water passed through the Olmsted Power Plant.

(l) “OM&R costs” shall mean the operation, maintenance, repair costs including operation and maintenance reserves incurred annually, and Capital Replacement Reserves costs necessary to operate, maintain, and repair the Project Works in working order and replace the Project Works as necessary.

(m) “Power Interference” shall mean the reduction in power generation at the Olmsted Power Plant caused by Lindon’s diversion or conveyance of Non-Project water in a manner that interferes with the ability to use the full Olmsted Water Right for power generation.

(n) “Treatment Plant” means the Don A. Christiansen Regional Water Treatment Plant located at the mouth of Provo Canyon and operated by the District to treat Project and Non-Project Water. The Treatment Plant has a capacity to treat 100 million gallons per day (mgd).

(o) “Unused Capacity” means the capacity of the Project Works not required either for conveyance of Project Water or Non-Project Water by Orem City pursuant to the agreements referenced in Section 7(d) that were in existence at the time the Olmsted Flowline was acquired by the United States. It can also mean capacity in the District Owned Facilities not required for conveyance of Project Water.

TERM OF AGREEMENT

2. The term of this Agreement shall begin on the date of execution and shall remain in effect for 40 years from said date. The Agreement may be extended additional 40-year periods by mutual written agreement of the Parties.

PAYMENT OF CARRIAGE OPERATION, MAINTENANCE, AND REPLACEMENT COSTS

3. (a) Authority for carriage of Non-Project M&I Water in Central Utah Project facilities is provided by Public Law 103-434, an amendment to the Warren Act (36 Stat. 925). The Federal Carriage Charge paid by District under this Agreement will be credited by the

United States in accordance with Section 5 of the Colorado River Storage Project Act of April 11, 1956.

(b) The District annually will report to the United States by February 15th of each year the amount of Non-Project Water carried in the Olmsted-Alpine System for Lindon during the preceding water year period of November 1 through October 30 (“Water Year”). District shall pay to the United States the Federal Carriage Charge as calculated in Subsection 3(e) herein, for such Non-Project Water. District shall then bill Lindon for reimbursement of the District for the Federal Carriage charge in accordance with Subsection 3(c) herein.

(c) The District also will notify Lindon in writing by February 15 of each year regarding the quantity of Lindon’s Non-Project Water conveyed through each of the features of the Olmsted-Alpine System and District Owned Facilities during the preceding Water Year. The written notice will include information regarding (i) the Federal Carriage Charges incurred by the District to the United States in carrying this Non-Project Water for Lindon in the Olmsted-Alpine System, and (ii) the District Carriage Charges for the delivery of Lindon’s Non-Project water through the District Owned Facilities.

(d) Included with the written notice provided pursuant to 3(c) herein, will be an invoice from the District to Lindon for (i) reimbursement to District of the Federal Carriage Charge that the District paid to the United States for carriage of Lindon’s Non-Project Water, and (ii) the separate District Carriage Charge. Lindon will remit the payment to District by March 15 of each year.

(e) Additionally, through the same invoice Lindon shall be billed and pay the District Lindon’s proportionate share of Non-Project Water OM&R costs for the features of the Olmsted-Alpine System and District Owned Facilities used in the delivery of Lindon’s Non-Project Water, which payment shall also be due by March 15 of each year. The District retains all funds collected for OM&R costs. The OM&R costs shall include a payment for Capital Replacement Reserves required to operate and maintain the Project Works and District Owned facilities.

(i) Lindon’s proportionate share of OM&R costs shall be determined annually by adding the sum of Lindon’s proportionate share of OM&R costs for each of the individual features of the Olmsted-Alpine System and District Owned Facilities used in the delivery of Lindon’s Non-Project Water.

(ii) Lindon’s proportionate share of OM&R costs for an individual feature is calculated by multiplying the total OM&R costs incurred during the preceding Water Year for that feature by the ratio of amount the Non-Project Water owned or controlled by Lindon conveyed through the feature divided by the sum of the total Project Water and Non-Project Water conveyed to all users during the Water Year through the feature.

(iii) For Olmsted Flowline only, the total water conveyed to all users shall include water delivered to the Olmsted Power Plant. Capital Replacement Reserves charges are set by the District's Board of Trustees and are subject to change as per board policy.

(f) The annual Federal Carriage Charges as shown in the following table shall be charged by the United States to the District and subsequently reimbursed to District by Lindon for each acre-foot of Non-Project Water conveyed through said Project Works.

<u>United States Owned Facilities</u>	<u>Federal Carriage Charges per Acre-Foot</u>
Olmsted Flowline	\$2.08
Alpine Aqueduct Reach 1	\$0.52
Alpine Aqueduct Reach 2	
Upper Section	\$0.16
Lower Section	\$3.08
Alpine Aqueduct Reach 2A	\$0.21
Alpine Aqueduct Reach 2B	\$1.12
Alpine Aqueduct Reach 3	
Upper Section	\$0.08
Lower Section	\$3.56

(g) The annual District Carriage Charge as shown in the following table shall be charged by the District to Lindon for each acre-foot of Non-Project Water conveyed through the District Owned Facilities:

<u>District Owned Facilities</u>	<u>District Carriage Charge per Acre-Foot</u>
Alpine Aqueduct Raw Water Bypass Pipeline	
Upper Section	\$0.22
Lower Section	\$0.38
North Branch Aqueduct	\$4.25

(h) The above annual charges per acre-foot shall be subject to review and modification when capital improvements are made to the Olmsted-Alpine System and District Owned Facilities and when the final allocation of Project costs is received from the United States.

COMPENSATION TO DISTRICT FOR LOST REVENUE

4. (a) Commencing upon startup of the Olmsted Power Plant, which occurred on July 19, 2018, the District shall bill, and Lindon shall pay to the District, annually an amount necessary to compensate the District for Lost Revenue attributable to Lindon's diversion or conveyance of Non-Project Water causing Power Interference during the preceding Water Year.

(b) The Lost Revenue rates per acre-foot of Power Interference shall be as follows, based on the Water Year.

<u>Water Year</u>	<u>Amount</u>
2018	\$21.12
2019	\$21.54
2020	\$21.97
2021	\$22.41
2022	\$22.86
2023	\$23.32
2024	\$23.79

The rates subsequent to Water Year 2024, will be re-evaluated and provided to Lindon by the District prior to November 1, 2023, for Water Years 2025 through 2030 and then every five years thereafter during the term of this Agreement so that Lindon will have at least 18 months' notice before a new rate table becomes effective. Rates are calculated by the District to account for Lost Revenue per acre-foot of Power Interference for the respective periods.

(c) District shall submit an invoice to Lindon by February 15 of each year for (i) the amount of Lost Revenue due to the District, based on the Lost Revenue rates in subsection (b) above, resulting from Lindon's diversion of water causing Power Interference during the preceding Water Year. District shall collect all Lost Revenue and disburse, allocate or hold such sums in accordance with its contracts with the United States. Lindon will remit the payment to District on these invoices by March 15 of each year.

NOTICE OF CHANGE IN COSTS

5. The District will give Lindon written notice of any conditions such as new contracts, plans, or situations of which it is aware, and which have the potential to increase Lindon's payments to the District as required herein by more than fifty percent (50%). Lindon shall be given the opportunity to be heard and to express concerns regarding said conditions. This will give Lindon an opportunity to protest such actions, if it deems appropriate, and to enable Lindon to plan for potential future increases of its financial liabilities. This provision does not limit or restrict District's ability to proceed with its contracts or plans, provided that Lindon has been given notice and an opportunity to be heard.

MEASUREMENT AND RESPONSIBILITY FOR DISTRIBUTION

6. In consideration for the right to convey Non-Project Water through the Olmsted-Alpine System and District Owned Facilities, Lindon shall:

(a) Suffer all evaporation, distribution, and administration losses relating to the diversion, conveyance, and delivery of the Non-Project Water.

(b) Make the necessary arrangements with the State of Utah and others needed for the diversion and carriage of Non-Project Water including filing and obtaining approval of any application relative thereto at no cost to the District or to the United States.

(c) Pay any charges made by the State of Utah for the distribution, handling, or administration of Lindon's Non-Project Water.

(d) Indemnify and hold harmless the United States and District and all of their respective representatives from all damages resulting from suits, actions, or claims of any character brought on account of any injury to any person or property using or receiving the Non-Project Water carried in the Olmsted-Alpine System and/or District Owned Facilities for Lindon, as a result of any act, omission, neglect, or misconduct in the manner or method of performing any construction, care, operation, maintenance, supervision, examination, inspection, of the Olmsted-Alpine System or District Owned Facilities, or other duties of the District or the United States regarding any of the Project Works and/or District Owned Facilities, without regard of who performs those duties.

CONDITIONS AFFECTING CARRIAGE OF NON-PROJECT WATER

7. (a) The parties acknowledge that the District intends to deliver only Provo River untreated raw water to Lindon. Additionally, the parties agree that neither the District nor the United States warrants the quality of water delivered to Lindon.

(b) Lindon understands and agrees that neither the District nor the United States shall be liable for the failure of the District or the United States to convey any Non Project Water as provided in this Agreement for any cause.

(c) The District and the United States, after notification to the Lindon, reserve the right temporarily to cease deliveries of Non-Project Water without liability during periods reasonably required for inspection, maintenance, and other operating requirements.

(d) Lindon understands that carriage of Non Project Water for Lindon is subject to the contractual obligations of the District and/or the United States under provisions of existing contracts including, but not limited to, the following:

(i) The contract dated February 17, 1958, in which Orem City and Utah Power and Light Company ("UP&L") entered into an agreement that provided, among other things, for nine (9) cfs of Orem's water to be conveyed through Olmsted Flowline.

(ii) The contract dated November 22, 1977, among UP&L, the Central Utah Water Conservancy District, and Orem City which provided, among other things, for the

District to connect a 105 inch diameter pipeline (this is Alpine Aqueduct Reach 1, with actual diameter of 90 inches) onto the Olmsted Flowline and for Orem City to continue its right to utilize up to nine (9) cfs capacity in Olmsted Flowline, as provided in the contract dated February 17, 1958, and permit an increase of that right to fifteen (15) cfs. As consideration for this modification, Orem City relinquished its option to the District to purchase Olmsted Flowline from UP&L. The District in turn agreed to relinquish its option to the United States, provided that the Olmsted Flowline was acquired as a portion of the Bonneville Unit of the Central Utah Project.

FLOW RIGHTS

8. Lindon understands and agrees that the flow capacity in the Project Works will first be used up to a limit of fifteen (15) cfs capacity to convey Non Project Water to Orem City as provided for in the agreement referenced in paragraph 7.(d)(ii). Thereafter, the flow capacity in the Project Works will next be used to convey Project Water.

(a) Project Water petitioned for and allotted to Lindon shall be delivered by the District in accordance with provisions of an executed petition and/or contract with Lindon.

(b) This Agreement provides for the conveyance of Non-Project Water to Lindon on a space available basis. It is understood that the Unused Capacity of facilities referenced herein is not sufficient to provide for all requests for the delivery of Non-Project Water in the Project Works. The District therefore agrees to involve all current and future Project Water petitioners in any future agreements that may be negotiated to provide for a Non-Project Water deliveries in the Project Works.

(c) Requests to convey quantities of Non-Project water in excess of space available capacity will be dealt with and reduced by the District to the space available capacity of the Project Works. In limiting such requests, the District agrees to consult with all potentially affected Non-Project water users so as to limit the requests in the most fair and equitable manner reasonably possible.

PROJECT INSTREAM FLOWS

9. Lindon's Non-Project Water shall not be relied on by the District or the United States to satisfy minimum in-stream flows or fisheries releases in the Utah Lake-Jordan River Drainage, including all tributaries thereto; provided, however that during such times as Non-Project Water is conveyed to Lindon in the natural channel of the Provo River, this water may be non-consumptively used by the District and the United States to satisfy minimum stream flow requirements. Any such non-consumptive use shall not interfere with Lindon's uses or rights to

such water. This non-consumptive use of Lindon's water shall be without charge to the District and the United States.

DELINQUENT PAYMENTS

10. In the event of non-payment of any payments required herein that are 30 days overdue, District shall give Lindon ten-days (10) written notice of default. If Lindon shall fail to cure the default within five-days (5) of its receipt of written notice of default, District may pursue all legal remedies available to it, including but not limited to, unauthorizing conveyance of Lindon's Non-Project Water in the Project Works and District Facilities as well as requesting the State Engineer and Provo River Commissioner to cease delivery of the Lindon's Non-Project Water causing Power Interference in order to restore power generation. The Parties agree, however, to attempt in good faith to resolve any payment disputes promptly as they may occur. Any such suspended or precluded water deliveries because of non-payment shall resume upon the payment-in-full of any outstanding and due amounts, together with accrued interest as provided in Section 10 of this Agreement.

CHARGES FOR DELINQUENT PAYMENTS

10. Every charge required by this Agreement to be paid by Lindon, which shall remain unpaid after it has become due and payable, shall be subject to a penalty of eighteen percent interest (18%) per annum. Interest shall begin to accrue from the date of the delinquency until the outstanding delinquency together with all accrued interest has been paid in full. All money received shall first be applied to satisfy the accrued interest, and then to the Federal Carriage Charge reimbursement, then to the District Carriage Charge, then to the OM&R cost payment including Capital Replacement Reserves, and then to the Lost Revenue payment.

ASSIGNMENT LIMITED - SUCCESSORS AND ASSIGNS OBLIGATED

11. The provisions of this Agreement shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this Agreement or any right or interest therein shall be valid until approved in writing by the parties hereto and the United States.

OFFICIALS NOT TO BENEFIT

12. No member of or delegate to Congress, resident commissioner, or local official of Lindon shall benefit from this Agreement other than as a water user or landowner in the same manner as other users or landowners.

INTEGRATION OF PRIOR AGREEMENTS

13. This Agreement shall supersede all prior written carriage agreements among the Parties hereto, and may only be amended or superseded by a subsequent written agreement, signed by all of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed the day and year first herein above written.

**CENTRAL UTAH WATER
CONSERVANCY DISTRICT**

By _____
N. Gawain Snow, President

Attest _____
Secretary, Gene Shawcroft

CITY OF LINDON

By _____
[Title]

Attest _____
Recorder *[if applicable]*

UNITED STATES

Approved for Legal Sufficiency

By _____
Reed R. Murray, Program Director
Department of the Interior

By _____
Intermountain Region
Office of the Solicitor

- d. Extension of Final Plat and Improvement Plans Approval — Lindon Self-Storage, ~860 West 200 South. Susan Palmer, Ridgepoint Management Group LLC, on behalf of Lindon Self-Storage LLC, seeks a 12-month extension of the final plat and plan(s) approval for the Lindon Self-Storage Subdivision, Plat A, a forty-six (46) unit self-storage major condominium project, to be located at approximately 860 West 200 South in the Light Industrial (LI) zone. LCC 17.12.210 allows for an applicant to request up to a 12-month extension of the final approval. The current approval expires in November 2018. No changes to the previously approved final plat and plan(s) are being proposed. The Planning Commission recommends approval of the requested extensions.

Extension Final Plat and Improvement Plans Major Subdivision — Lindon Self Storage Condo Plat ~860 West 200 South

Susan Palmer, Ridgepoint Management Group LLC, on behalf of Lindon Self Storage LLC, seeks a 12-month extension of the final plat and plan approval for the Lindon Self Storage Subdivision, Plat A, a forty-six (46) unit self-storage major condominium project, to be located at approximately 860 West 200 South in the Light Industrial (LI) zone.

<p>Applicant: Susan Palmer Presenting Staff: Brandon Snyder</p> <p>General Plan: Mixed Commercial Current Zone: Light Industrial (LI)</p> <p>Property Owners: Lindon Self Storage LLC Address: 860 West 200 South Parcel IDs: 14-065-0188, 14-065-0211 (portion), 14-065-0212, and 14-065-0213 Subdivision Acreage: 2.33 acres</p> <p>Type of Decision: Administrative Planning Commission Recommendation: Voted unanimously to recommend approval.</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none"> Whether the request for subdivision plat (46-unit condominium) approval complies with applicable land use regulations. <p><u>MOTION</u> I move to (<i>approve, deny, continue</i>) the applicant's request for a 12-month extension of the final plat and plan approval for the Lindon Self Storage Subdivision, Plat A, with the following conditions (if any):</p> <ol style="list-style-type: none">
---	--

BACKGROUND

- Lindon City Code 17.12.210 allows for an applicant to request up to a 12-month extension of the final approval. (The current approval expires in November 2018.)
- No changes to the previously approved final plat and plan(s) are being proposed.

(INFORMATION BELOW PROVIDED FROM THE 2016 STAFF REPORT.)

DISCUSSION & ANALYSIS

Lot Requirements

- Minimum lot size in the LI zone is 1 acre. Condominium units do not need to meet this requirement, but the site does. This site is over 2 acres.

Street Frontage

- This subdivision does not front on a public street but does have an existing access easement through the neighboring property to 200 South.

Other Requirements

- There is a site plan for this project that has been approved by the Planning Commission with the condition that the City Council approve this subdivision.
- There are no public improvements required for this subdivision due to its location.

- Staff has determined that the proposed subdivision complies, or will be able to comply before final approval, with all remaining land use standards in LCC 17.32.
- The City Engineer is addressing engineering standards. All engineering issues will be resolved before final approval is granted. *(The City Engineer approved and finalized the plans on 11/3/2016.)*

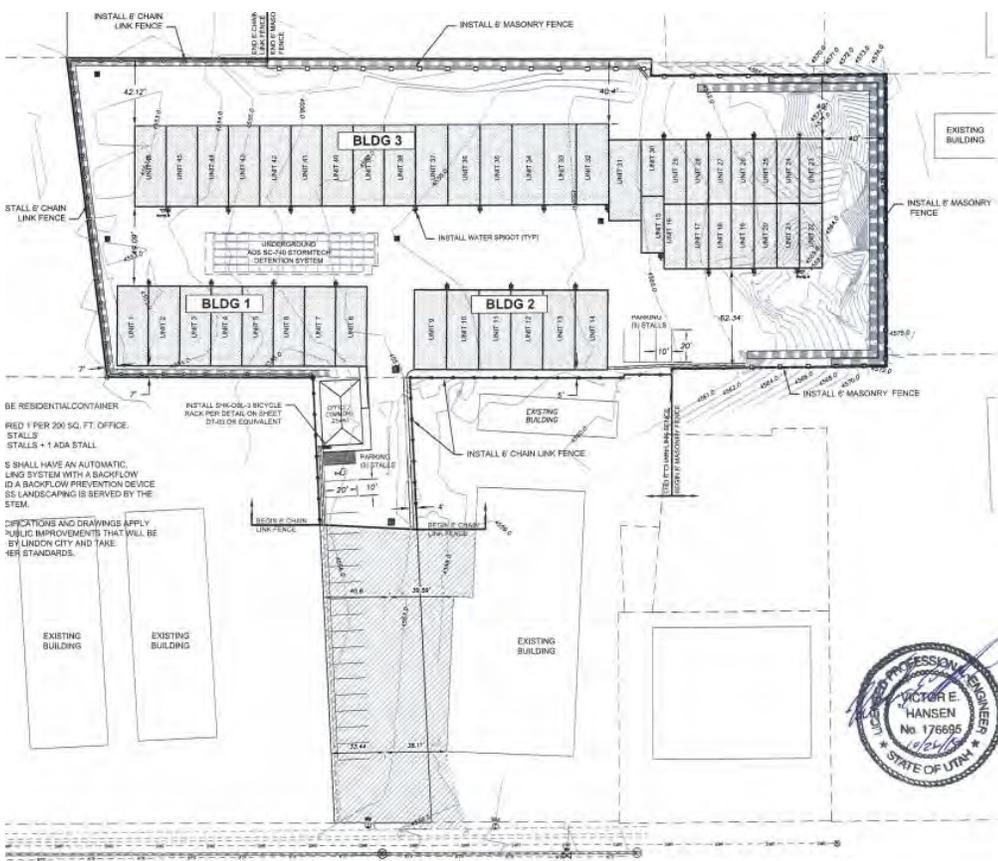
PLANNING COMMISSION VOTE

The Planning Commission voted (6-0) to recommend approval of the subdivision with no conditions.

ATTACHMENTS

1. Aerial photo (site)
2. Preliminary plan
3. Plat
4. City Council minutes 05/17/2016





LINDON SELF STORAGE SITE PLAN & DIMENSION PLAN

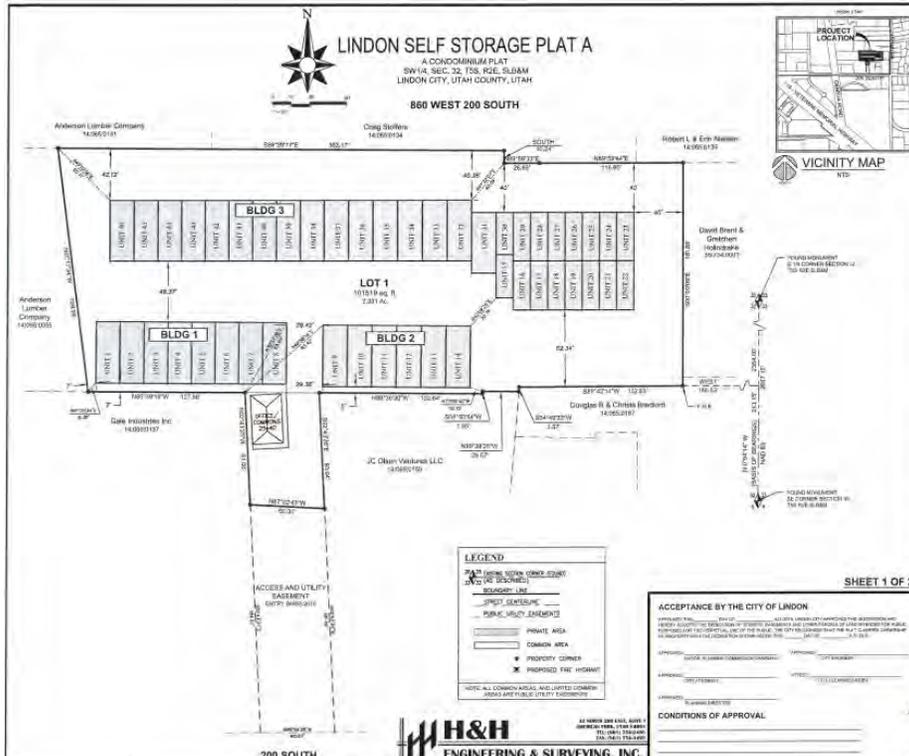


LEGEND

- PROPERTY LINE
- EASEMENT LINE
- PROPOSED 12" PIPED 15' CLASS SEWER
- PROPOSED 18" RCP CLASS 300 STORM DRAIN
- PROPOSED 8" DUCTILE IRON CLASS 300 WATER
- PROPOSED 2" WATER
- PROPOSED RETAINING WALL (HEIGHT VARIES)
- PROPOSED 6" CHAIN LINK FENCE
- PROPOSED 6" MASONRY FENCE
- PROPOSED FREEZELESS YARD HYDRANT W/ 12"x12" CONCRETE PAD AND BOLLARD
- PROPOSED STORM DRAIN BOX W/ GRATE
- PROPOSED FIRE HYDRANT W/ 6"x6" CONCRETE PAD & BOLLARD
- PROPOSED WATER METER
- PROPOSED 2" BALL VALVE
- EXISTING SEWER
- EXISTING WATER
- EXISTING STORM DRAIN
- EXISTING FENCE
- EXISTING WATER VALVE
- EXISTING POWER POLE
- EXISTING SEWER MANHOLE
- EXISTING STORM DRAIN MANHOLE
- PRIVATE AREA
- COMMON AREA
- REMOVE & REPLACE EXISTING ASPHALT

AREA DATA TABLE

TOTAL SITE SQUARE FOOTAGE	101519.06 S.F.
TOTAL LANDSCAPING ACRES	0.000 S.F.
TOTAL IMPERVIOUS AREA ACRES	101519.06 S.F.



SURVEYOR'S CERTIFICATE

VICTOR E. HANSEN, LICENSED SURVEYOR, HAS REVIEWED THE RECORDS OF THE STATE OF UTAH AND CERTIFICATE THAT AT THE TIME OF THE SURVEY OF THE ABOVE DESCRIBED LAND, HE HAS REVIEWED THE RECORDS OF THE STATE OF UTAH AND CERTIFICATE THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH CONDOMINIUM ACT AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH CONDOMINIUM ACT AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH CONDOMINIUM ACT AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH CONDOMINIUM ACT.

BOUNDARY DESCRIPTION - LINDON SELF STORAGE

THE BOUNDARY DESCRIPTION FOR THE ABOVE DESCRIBED LAND IS AS FOLLOWS: ...

OWNER'S CERTIFICATE AND DEDICATION

THE UNDERSIGNED OWNER HEREBY CERTIFIES THAT THE ABOVE DESCRIBED LAND IS BEING OFFERED TO THE PUBLIC AS A PUBLIC UTILITY AND THAT THE UNDERSIGNED OWNER HEREBY DEDICATES THE ABOVE DESCRIBED LAND TO THE PUBLIC AS A PUBLIC UTILITY AND THAT THE UNDERSIGNED OWNER HEREBY DEDICATES THE ABOVE DESCRIBED LAND TO THE PUBLIC AS A PUBLIC UTILITY AND THAT THE UNDERSIGNED OWNER HEREBY DEDICATES THE ABOVE DESCRIBED LAND TO THE PUBLIC AS A PUBLIC UTILITY.

UTILITY DEDICATION

THE UNDERSIGNED OWNER HEREBY OFFERS AND DEDICATES TO ALL PUBLIC UTILITY AGENCIES THE ABOVE DESCRIBED LAND AND ANY AND ALL RIGHTS AND INTERESTS THEREIN FOR THE USE OF SAID AGENCIES TO CONSTRUCT, MAINTAIN, OPERATE, AND REPAIR ANY AND ALL PUBLIC UTILITY LINES AND FACILITIES THAT MAY BE NECESSARY FOR THE PROVISION OF PUBLIC UTILITY SERVICES TO THE PUBLIC.

RESERVATION OF COMMON AREAS

THE UNDERSIGNED OWNER HEREBY RESERVES THE RIGHT TO REVOKE OR MODIFY ANY AND ALL RIGHTS AND INTERESTS IN THE ABOVE DESCRIBED LAND THAT MAY BE NECESSARY FOR THE PROVISION OF PUBLIC UTILITY SERVICES TO THE PUBLIC.

ACKNOWLEDGMENT

I, the undersigned, do hereby certify that I am the owner of the above described land and that I have read and understand the contents of this plat and the conditions of approval hereon.

OCCUPANCY RESTRICTION NOTICE

THE CITY OF LINDON HEREBY RESTRICTS THE USE OF THE ABOVE DESCRIBED LAND TO THE USE OF SAID LAND AS A PUBLIC UTILITY AND THAT THE CITY OF LINDON HEREBY RESTRICTS THE USE OF THE ABOVE DESCRIBED LAND TO THE USE OF SAID LAND AS A PUBLIC UTILITY AND THAT THE CITY OF LINDON HEREBY RESTRICTS THE USE OF THE ABOVE DESCRIBED LAND TO THE USE OF SAID LAND AS A PUBLIC UTILITY.

ACCEPTANCE BY THE CITY OF LINDON

THE CITY OF LINDON HEREBY ACCEPTS THE ABOVE DESCRIBED LAND AS A PUBLIC UTILITY AND THAT THE CITY OF LINDON HEREBY ACCEPTS THE ABOVE DESCRIBED LAND AS A PUBLIC UTILITY AND THAT THE CITY OF LINDON HEREBY ACCEPTS THE ABOVE DESCRIBED LAND AS A PUBLIC UTILITY.

LINDON SELF STORAGE PLAT A

A CONDOMINIUM PLAT
A SEC. 32, T2S, R2E, S3BMM
CITY/UTAH COUNTY, UTAH



2 Adam Cowie, City Administrator
Hugh Van Wagenen, Planning Director
4 Cody Cullimore, Chief of Police
Kathryn Moosman, City Recorder

- 6 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 8
- 10 2. **Presentations/Announcements** –
 - 12 a) **Mayor/Council Comments** – There were no announcements at this time.
 - 14 b) **Presentation:** The Lindon City Mayor and Council recognized outgoing Councilmember Randi Powell for her exemplary service on the Lindon City Council from January 2012 to April 2016 and presented her with a plaque in recognition of her service to the city and its residents.
- 16 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council meeting of May 3, 2016 were reviewed.

18 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
20 OF THE REGULAR CITY COUNCIL MEETING OF MAY 3, 2016 AS PRESENTED.
COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS
22 RECORDED AS FOLLOWS:

24 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER LUNDBERG	AYE
26 COUNCILMEMBER HOYT	AYE

28 THE MOTION CARRIED UNANIMOUSLY.

- 30 4. **Consent Agenda** – No items.
- 32 5. **Open Session for Public Comment** – Mayor Acerson called for any public comment not listed as an agenda item. There were no public comments.

34 **CURRENT BUSINESS**

- 36 6. **Major Subdivision — Lindon Self-Storage.** Susan Palmer of Ridgepoint Management Group seeks subdivision approval for Lindon Self-Storage Plat A, a forty-six (46) unit self-storage condominium project located at approximately 860 West 200 South in the Light Industrial (LI) zone. The Planning Commission recommended approval of the application.

42 Hugh Van Wagenen, Planning Director, led this discussion by giving a brief background of this agenda item stating Dick Hansen is in attendance representing the applicant who is seeking subdivision approval for Lindon Self-Storage Plat A, a forty-six (46) unit self-storage condominium project located at approximately 860 West 200 South in the Light Industrial (LI) zone. He noted the Planning Commission recommended approval of the application.

2 Mr. Van Wagenen explained the minimum lot size in the LI zone is one acre, and
 4 condominium units do not need to meet this requirement, but this site does as it is over
 6 two acres. He noted this subdivision does not front on a public street but does have an
 8 existing access easement through the neighboring property to 200 South, so there are no
 10 public improvements required for this subdivision due to its location. Mr. Van Wagenen
 12 stated staff has determined that the proposed subdivision complies, or will be able to
 14 comply before final approval, with all remaining land use standards. He noted the City
 16 Engineer is addressing engineering standards and all engineering issues will be resolved
 18 before final approval is granted. He added this is a pretty straightforward subdivision
 20 request and staff feels comfortable with approval of this application. He then turned the
 22 time over to Mr. Hansen for comment.

24 Mr. Hansen followed up on Mr. Van Wagenen's comments stating this is a self-
 26 storage condominium style project with a little different spin as these units will
 28 eventually be owner occupied and sold individually (with actual title to the unit) as a
 30 storage unit and they will not be rental units. The units are larger than average and more
 32 for RV storage with a pull through drive on some of the units. He noted there are several
 34 other facilities similar to this in the state with a "man cave" concept which is a little bit
 36 unique from other storage facilities and will be all indoor storage.

38 Mr. Hansen explained the proposed site location including the easements involved.
 40 He noted they plan to provide power to the units but no water service. There will also be
 42 a "clubhouse" that will have a restroom and kitchen facilities. He explained there will be
 44 an HOA fee and CC&R's in place to regulate use and restrictions of the units. There will
 46 be an automated entry gate with a code/card/key used for entrance to the facility; there
 48 will be no on site manager and it will not be staffed but they may outsource with a
 50 property management company.

52 Mr. Van Wagenen pointed out there are 40 ft. offsets from the residential and a
 54 retaining wall and pasture areas etc. so the neighbors will not be affected and it will meet
 56 all code requirements. He added that notices were sent per code to the neighboring
 58 properties and they have not had any feedback to date.

60 Councilmember Bean asked if there is a recorded easement on the J.C. Olsen
 62 property on 200 South. Mr. Hansen confirmed that statement. Mr. Van Wagenen stated
 64 the easement is called out on the plat. Councilmember Broderick asked how close the
 66 easement is to the front of their building. Mr. Hansen stated it is 60 ft. and closer to the
 68 parking area which is 5 to 10 ft. away from the building.

70 Councilmember Hoyt asked if this project will impede the Fazarri parking. Mr.
 72 Hansen stated it will not impede the parking once they put the utilities through then they
 74 will share the common drive back to the site. Councilmember Hoyt also asked if this
 76 project will be land locking the Stouffer or Swenson properties to the North. Mr. Van
 78 Wagenen stated for development purposes they have not looked at those properties but
 80 this development will not affect the properties located to the north.

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

86 **COUNCILMEMBER BEAN MOVED TO APPROVE THE APPLICANT'S
 88 REQUEST FOR APPROVAL OF A 46 UNIT CONDOMINIUM PLAT TO BE
 90 KNOWN AS LINDON SELF STORAGE WITH NO CONDITIONS.**

2 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

4 COUNCILMEMBER BEAN AYE

COUNCILMEMBER BRODERICK AYE

6 COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER HOYT AYE

8 THE MOTION CARRIED UNANIMOUSLY.

10 7. **Concept Review — Walker Senior Project.** Mr. Walker requests feedback on
a concept for 17 units built for individuals aged 55 and older on 3 acres located
12 at 70 North 400 East. This is not currently a permitted use. No action will be
taken.

14
Mr. Van Wagenen gave an overview of this item stating this is a request by Mr.
16 Larry Walker for feedback on a concept for 17 units built for individuals aged 55 and
older on 3 acres located at 70 North 400 East. He noted this is not currently a permitted
18 use. Mr. Walker requests feedback on a 55+ community that would be located at about
70 North 400 East. He pointed out that the current proposal would require a new
20 ordinance. He noted that no action will be taken as this item is for discussion only. He
noted the Planning Commission offered feedback at the last meeting which was pretty
22 positive. Mr. Van Wagenen then referenced an aerial photo a sketch of possible layouts
and a letter submitted by Mr. Walker. He then turned the time over to Mr. Walker for
24 comment.

Mr. Walker addressed the Council at this time. He explained he is asking for
26 support of a proposed housing development on his property located at 70 North 400 East
in Lindon. He and his wife are nearing retirement and they have found their current
28 home is much too large now. They own a 3 acre parcel of land that has been in their
family for over 60 years, the land means a lot to them and they would like to remain on
30 their land and in Lindon. Mr. Walker stated they are interested in making a 55 and older
community that would have 17 individual cottages designed specifically for this age
32 group.

Mr. Walker noted he feels this would not only help himself and his wife to adjust
34 to the next stage of their lives but it would provide 16 other small homes to others older
citizens who want to remain in Lindon. He feels this is something that Lindon needs that
36 having this option would benefit other Lindon residents who want to remain here but in a
smaller more manageable home without so much ground to take care of. He is looking to
38 help provide the community with a solution to this growing need and to enable those of
this age group to stay in Lindon. He noted he would be selling the units and then have
40 common ground with a HOA. Mr. Van Wagenen stated with something like this
proposed project they would have to re-write an ordinance to accommodate this type of
42 vision.

There was then some general discussion regarding the conceptual building
44 layouts and proposed site and possible scenarios including a spot zone, overlay options,
and re-writing the code to accommodate future in-fill concepts to bring some blends
46 within the city.

- e. *NOTE: This item was included on the agenda but does not technically need City Council action and has been approved by the Planning Commission. It can be left out of a motion to approve Consent Agenda items.*
- Extension of Site Plan Approval – Lindon Self-Storage, ~860 West 200 South. Susan Palmer, Ridgepoint Management Group LLC, on behalf of Lindon Self-Storage LLC, seeks a 12-month extension of the site plan approval for the Lindon Self-Storage Site Plan, a forty-six (46) unit self-storage project, to be located at approximately 860 West 200 South in the Light Industrial (LI) zone. LCC 17.12.210 allows for an applicant to request up to a 12-month extension of the final approval. The current site plan approval expires in November 2018. No changes to the previously approved site plan are being proposed. The Planning Commission recommends approval of the requested extensions.

6. Site Plan/Conditional Use Permit — Walker Farms, ~26 South 500 East (20 minutes)

Mike Jorgensen requests preliminary site plan approval for a reception center as a conditional use on the property located at approximately 26 South 500 East, in the Commercial Farm (CF) zone. The Planning Commission recommended approval with conditions.

See attached materials from the Planning Department.

Site Plan/Conditional Use Permit — Walker Farms ~26 South 500 East

Mike Jorgensen requests site plan and conditional use permit approval for a reception center with a caretaker/farm-help accessory dwelling on the property located at approximately 26 South 500 East, in the Commercial Farm (CF) zone.

<p>Applicant: Mike Jorgensen Presenting Staff: Brandon Snyder</p> <p>General Plan: Residential Low Zone: Commercial Farm (CF)</p> <p>Property Owner: MJ Real Estate Holdings LLC Address: 26 South 500 East Parcel ID: 14:073:0028, 0036, 0201, 0237, 47:184:000, and 0003 Lot Size: ~6.29 acres</p> <p>Type of Decision: Administrative</p> <p>Planning Commission Recommendation: The Planning Commission recommended approval (6-0) with the conditions as written on 10/09/2018.</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none"> Whether the proposed site plan and conditional use permit comply with applicable land use regulations. <p><u>MOTION</u></p> <p>I move to (<i>approve, deny, continue</i>) the site plan and conditional use permit for Walker Farms to be located at 26 South 500 East in the Commercial Farm (CF) zone, with the following conditions (if any):</p> <ol style="list-style-type: none"> That the owner occupies one of the legal on-site residences in accordance with Lindon City Code 17.51.014 and 70, That a deed restriction prohibiting the separation of the parcels be recorded in order to maintain the minimum five (5) contiguous acres (Lindon City Code 17.51.020 and 70), That the project complies with noise limits, signage regulations, and animal regulations as required in Lindon City Code and specifically sections 17.51.145 and 150, Prior to final approval that the applicant works with City Staff to address and correct the setback concerns and lot issues raised by recent unapproved divisions of land. (<i>Condition from rezoning 09/04/2018 CC</i>), and Provide a landscaping plan to meet applicable requirements of LCC 17.51.120(2) and 17.51.130(3).
--	--

BACKGROUND

- The applicant proposes to construct an events barn (reception center) on the property. The applicant also proposes to utilize the existing home, on the corner of Center St. and 500 East, as a caretaker or farm-help accessory dwelling. Both of these uses require a conditional use permit in the CF zone per Lindon City Code (LCC) 17.51.012(2). Commercial Farm zoning regulations are outlined in LCC 17.51.
- The applicant’s existing residence** (400 East) and detached garage/workshop are included in the Walker Farms project.
- An intent of the zone is to provide encouragement of agricultural production and associated commercial activities that are compatible with and/or promote agricultural uses within the city. Objectives of the zone include promoting and preserving agricultural production, promoting agricultural open space throughout the city, and allowing associated commercial activities which

could be used as additional revenue sources to help sustain and support agricultural industry within Lindon. (Lindon City Code (LCC) 17.51.010).

4. Lindon City Code (LCC) 17.09 Table #1 indicates that for projects in the CF zone, the Planning Commission will complete a preliminary review of the site plan and conditional use prior to a final review and decision by the City Council.
5. A large portion of the project area was initially rezoned by the City Council on October 3, 2017 (Ordinance 2017-14-O) from the R1-20 zone to the CF zone. The City Council rezoned additional property to the CF zone on September 4, 2018 (Ordinance 2018-16-O).

REVIEW PROCESS

DRC Review

Planning Staff, the City Engineer and the applicant are working through technical issues related to the site and City Staff will ensure all issues are resolved before final Engineering approval is granted.

Public Comment

Third party notices were mailed on September 28, 2018, to the adjoining property owners in accordance with Lindon City Code Section 17.14.50 Third Party Notice. No comments have been received.

Table 1. Property Information (LCC Commercial Farm 17.51)

	Minimum Requirement	Proposed Site
Lot area	5 acres	~6.29 acres
Lot width	100'	570' (500 East)
Lot depth	100'	596' (500 East to 400 East)
Lot frontage	50'	296' (Center), 570' (500 East), and 285' (400 East)
Building height	Maximum 35' (Reception Center)	Reception Center: 34'1"
Onsite parking stalls	Vehicle: 71 stalls (1/3 ½ person capacity in the building)	89 stalls (4 van accessible) Parking lots are asphalt.
Building setbacks	Setbacks below apply to Reception Center. (Existing residences)	
Front (East)	50'	58'
Rear (West)	20'	200'+
Side (South)	20'	300'+
Corner Side (North)	50'	112'
Agricultural Production Area	Min. 40%	40%

DISCUSSION & ANALYSIS

Agricultural production required. (Lindon City Code 17.51.015)

1. At least forty percent (40%) of the property must be maintained in active agricultural production and be managed in such a way that there is a reasonable expectation of profit. Land used in connection with a farmhouse, such as landscaping, driveways, etc., cannot be included in the area calculation for agricultural production eligibility. *40% met. Even though the combined parcels (total project area 6.29 acres) exceeds the minimum 5 acres as required by LCC 17.51.020, currently the agricultural*

production area is at the minimum 40%. No parcels currently in the project area could be removed or sold separately at a future date without modifications to the site plan.

2. **For the purposes of this chapter, “agricultural production” shall be defined as the production of food** for human or animal consumption through the raising of crops and/or breeding and raising of domestic animals and fowl (except household pets) in such a manner that there is a reasonable expectation of profit. *This was previously discussed during the rezoning of the property. The applicant raises and breeds alpacas. He also intends to sell the alpaca wool. The reception/event center can be an additional revenue source for the alpaca operation.*

Lot Area (LCC 17.51.020)

The minimum area of any lot or parcel of land in the CF zone shall be five (5) acres. Multiple parcels that total five (5) acres or more may qualify as meeting the minimum lot area without combining the parcels only when they are under identical legal ownership and are contiguous. A deed restriction prohibiting the separation of parcels may be required in order to maintain the minimum five (5) contiguous acres. *It is appropriate for the City Council to discuss this potential requirement.*

Number of dwellings per lot. (LCC 17.51.070)

Not more than one (1) single-family dwelling with an **accessory apartment, and one (1) caretaker’s or farm-help dwelling**, may be placed on a lot or parcel of land in the CF zone (or conglomeration of **parcels necessary to meet minimum acreage requirements**). **In no case may the caretaker’s or farm-help dwelling be sold as a separate, subdivided lot unless it meets all requirements of the underlying zone. Owner occupancy of a primary residence on the property is required to maintain a caretaker’s or farm-help dwelling unit.** *Project area contains applicant (owner) existing residence, at 400 East, and another residence to be used as a caretaker’s or farm-help dwelling (corner of 500 East and Center Street). Applicant has also recently bought two other existing residences that are adjacent to but not part of the project area.*

Lot Coverage (LCC 17.51.120)

1. In a CF zone, all buildings, including accessory buildings and structures, shall not cover more than forty percent (40%) of the area of the lot or parcel of land, or the conglomeration of parcels as defined in Section 17.51.020. *Currently less than 10%.*

2. At least forty percent (40%) of the front yard setback area of any lot shall be landscaped. On any lot, concrete, asphaltic, gravel, or other driveway surfaces shall not cover more than fifty percent (50%) of a front yard. *This requirement has not been met. Landscaping details are needed for the frontages along Center Street and 500 East.*

Parking (LCC 17.51.130)

2. Parking spaces in a CF zone are exempted from the surfacing, striping, and interior landscaping requirements as found in Chapter 17.18, but shall be provided with a dustless, hard surface material such as compacted gravel, asphalt, or concrete and shall be provided with a similar hard surfaced access from a public street. *Parking lots are asphalt.*

3. Notwithstanding Subsection (2) of this section, any off-street parking lot adjacent to a residential use or residential zone shall provide a minimum ten-foot (10') landscaped buffer from the parking lot to the adjacent residential use or zone. Trees shall be planted at least every ten feet (10') along the landscaped strip. Trees must be a minimum of two-inch (2") caliper measured one foot (1') off the ground and at least six feet (6') tall when planted. Trees shall be of a variety that will mature to a height of at least twenty feet (20') tall in order to provide a visual barrier between the parking lot and the residential use/zone. *This requirement has not been met.*

4. No required parking spaces shall be within thirty feet (30') of a front property line or street side property line. *The applicant wishes to discuss a potential ordinance amendment to allow for the parking to be closer to the street and the landscaping to be added within the parking area. Pictures (example) provided below. (Not for approval at this time)*

5. All required ADA parking stalls shall be provided with smooth, hard surface asphalt or concrete paving with a similar surface provided as an ADA accessible pedestrian route between the parking spaces and any public buildings being accessed from the spaces. *Parking lots are asphalt.*

Architectural Standards

Building Materials and Color

There are no architectural design standards for the Commercial Farm (CF) zone. The applicant's proposed building elevations are provided below.

ATTACHMENTS

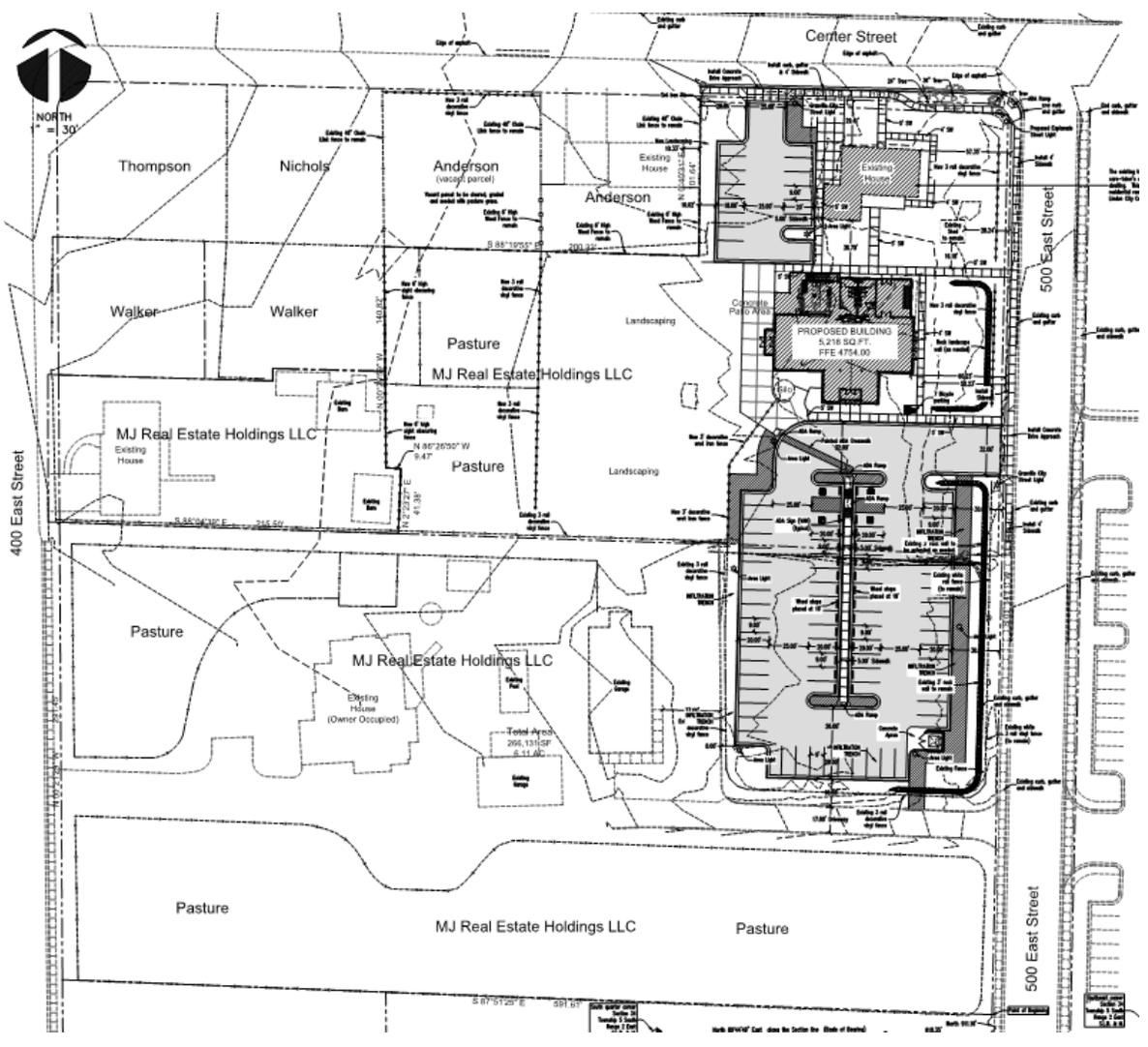
1. Pictures (2017 & 18)
2. Location
3. Site Plan (Overall Project Concept)
4. Layout (Reception Center Concept)
5. Elevations
6. Example Parking Lot and Landscaping Placement *(Not for approval at this time)*

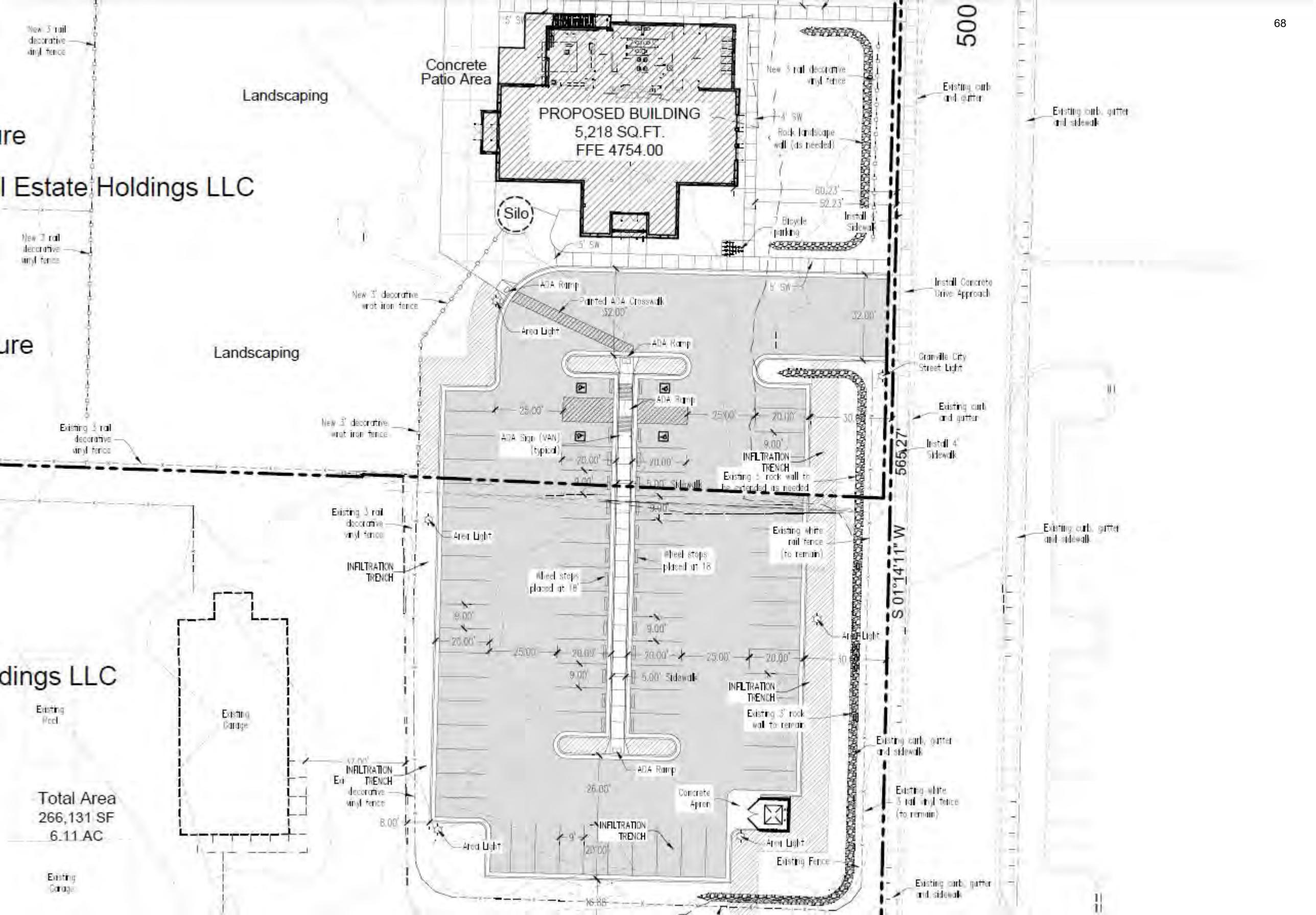












New 3 rail decorative vinyl fence

Landscaping

Concrete Patio Area

PROPOSED BUILDING
5,218 SQ.FT.
FFE 4754.00

Silo

New 3 rail decorative vinyl fence

Existing curb and gutter

Existing curb, gutter and sidewalk

500

re

Estate Holdings LLC

New 3 rail decorative vinyl fence

4' SW
Rock landscape wall (as needed)

60.23'
52.23'
Bicycle parking
Install Sidewalk

Install Concrete Drive Approach

ure

Landscaping

New 3' decorative wrought iron fence

ADA Ramp
Painted ADA Crosswalk
32.00'

8' SW

Granville City Street Light

Existing 3 rail decorative vinyl fence

New 3' decorative wrought iron fence

Area Light

ADA Ramp

Existing curb and gutter

Install 4' Sidewalk

25.00'

ADA Sign (VAN) typical

25.00'

9.00'
INFILTRATION TRENCH
Existing 3' rock wall to be extended as needed

565.27
S 01°14'11" W

Existing curb, gutter and sidewalk

Existing 3 rail decorative vinyl fence

Area Light

Wheel stops placed at 18'

Existing white rail fence (to remain)

dings LLC

Existing Red

Existing Garage

INFILTRATION TRENCH

9.00'

20.00'

25.00'

20.00'

9.00'

20.00'

9.00'

20.00'

30'

INFILTRATION TRENCH
Existing 3' rock wall to remain

Total Area
266,131 SF
6.11 AC

47.00'
INFILTRATION TRENCH
Existing decorative vinyl fence

9.00'

20.00'

25.00'

20.00'

9.00'

20.00'

25.00'

20.00'

30'

Existing curb, gutter and sidewalk

Existing white 3 rail vinyl fence (to remain)

8.00'

INFILTRATION TRENCH

26.00'

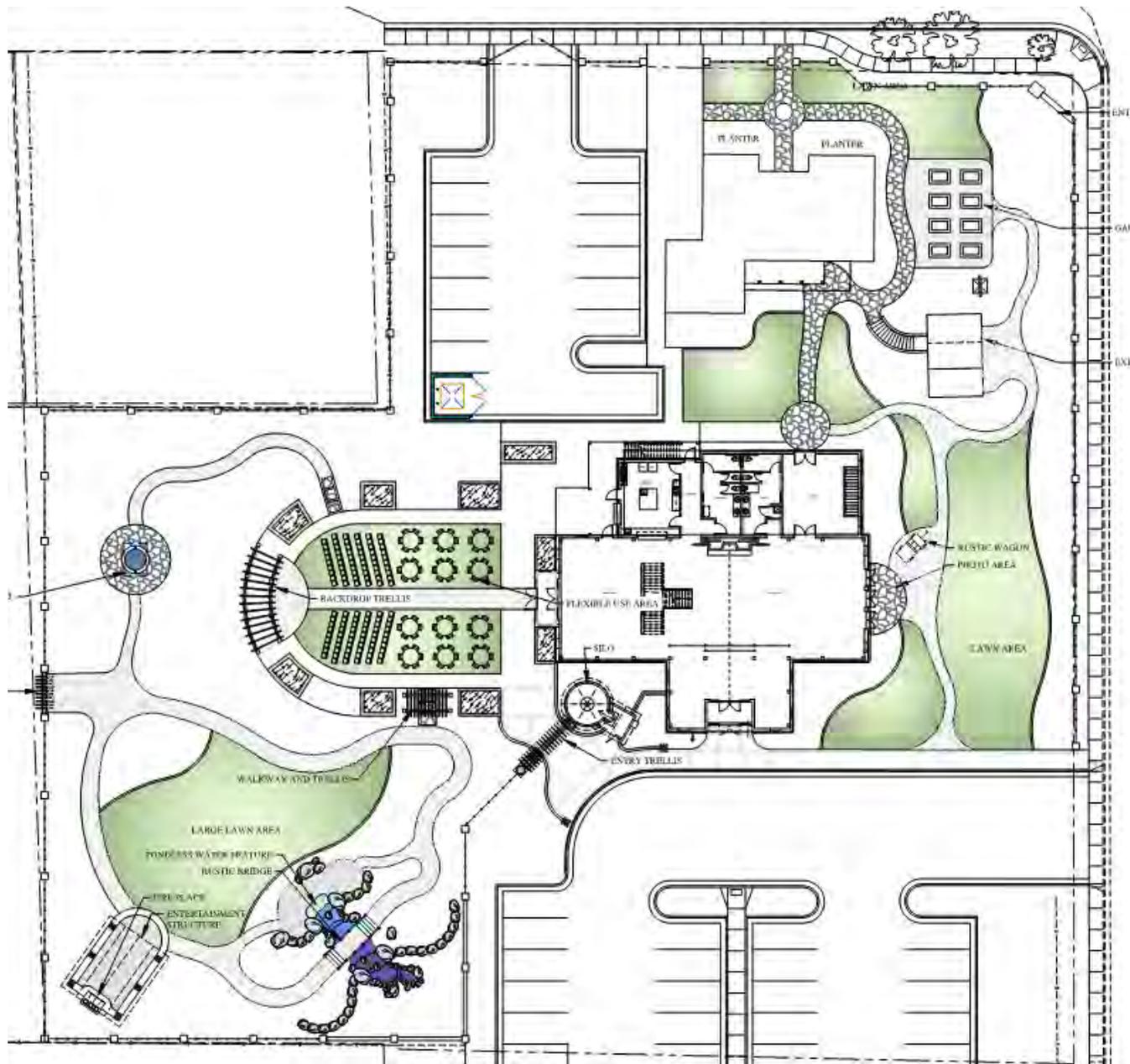
Concrete Apron

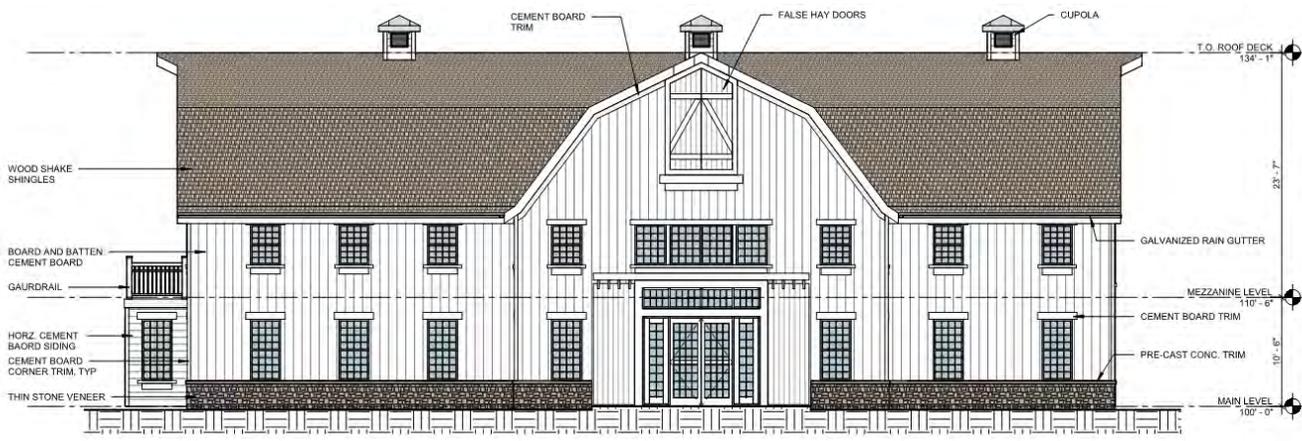
Area Light

Existing curb, gutter and sidewalk

Existing Garage

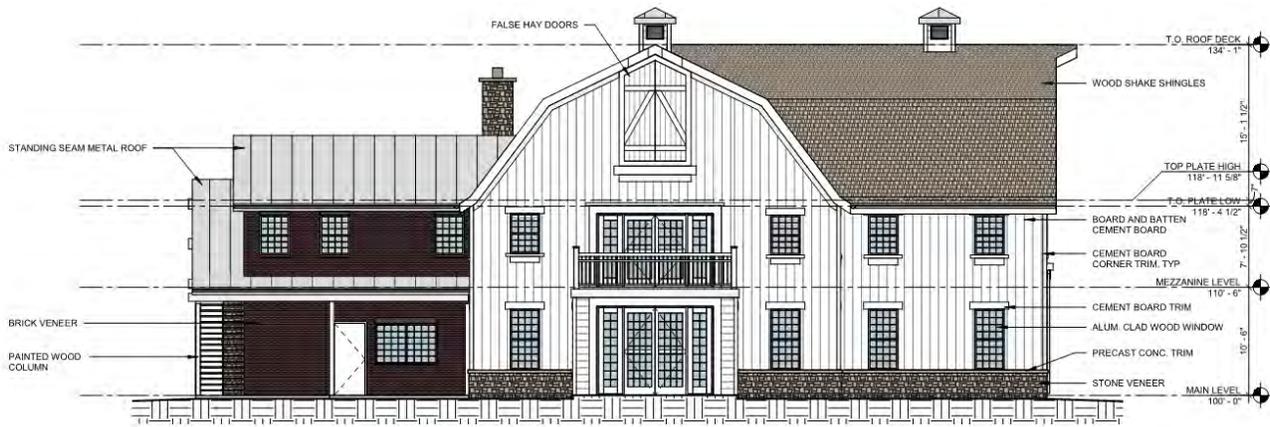
16.88





JORGENSEN EVENT BARN

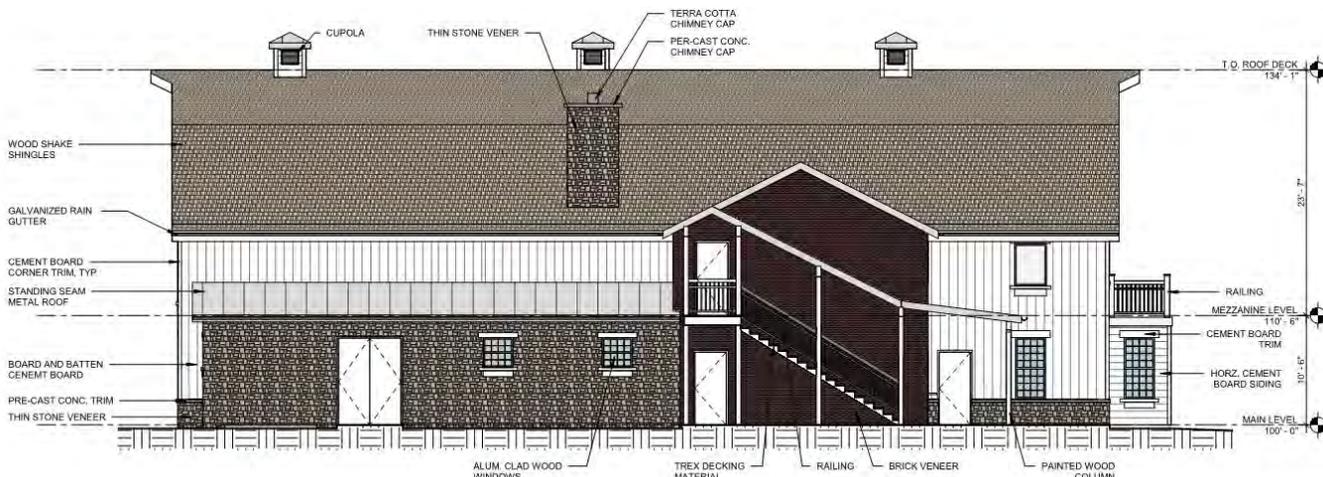
SOUTH ELEVATION
 0 4 8 FT
 08/23/2018 A1



JORGENSEN EVENT BARN

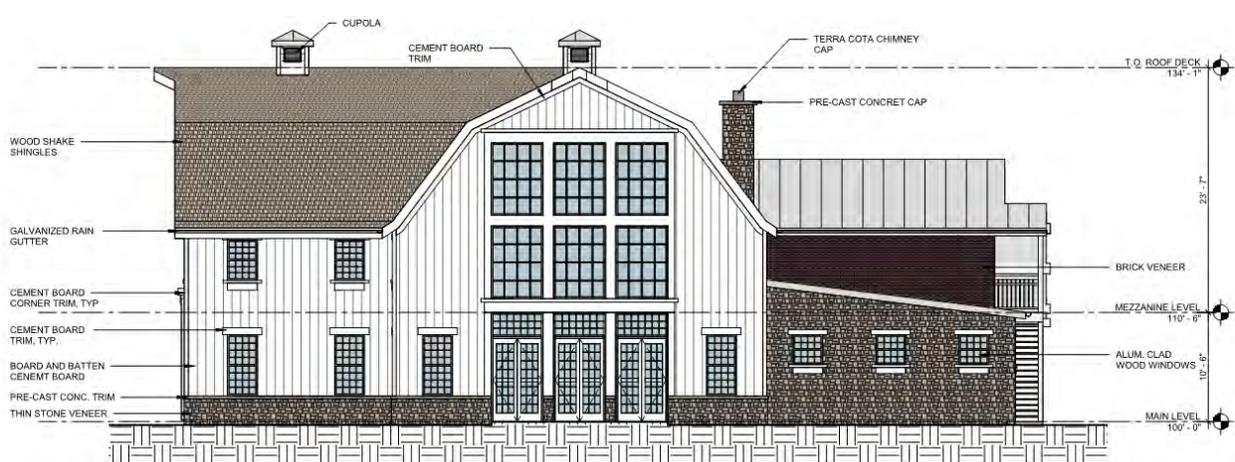
WEST ELEVATION
 0 4 8 FT
 08/23/2018 A2





JORGENSEN EVENT BARN

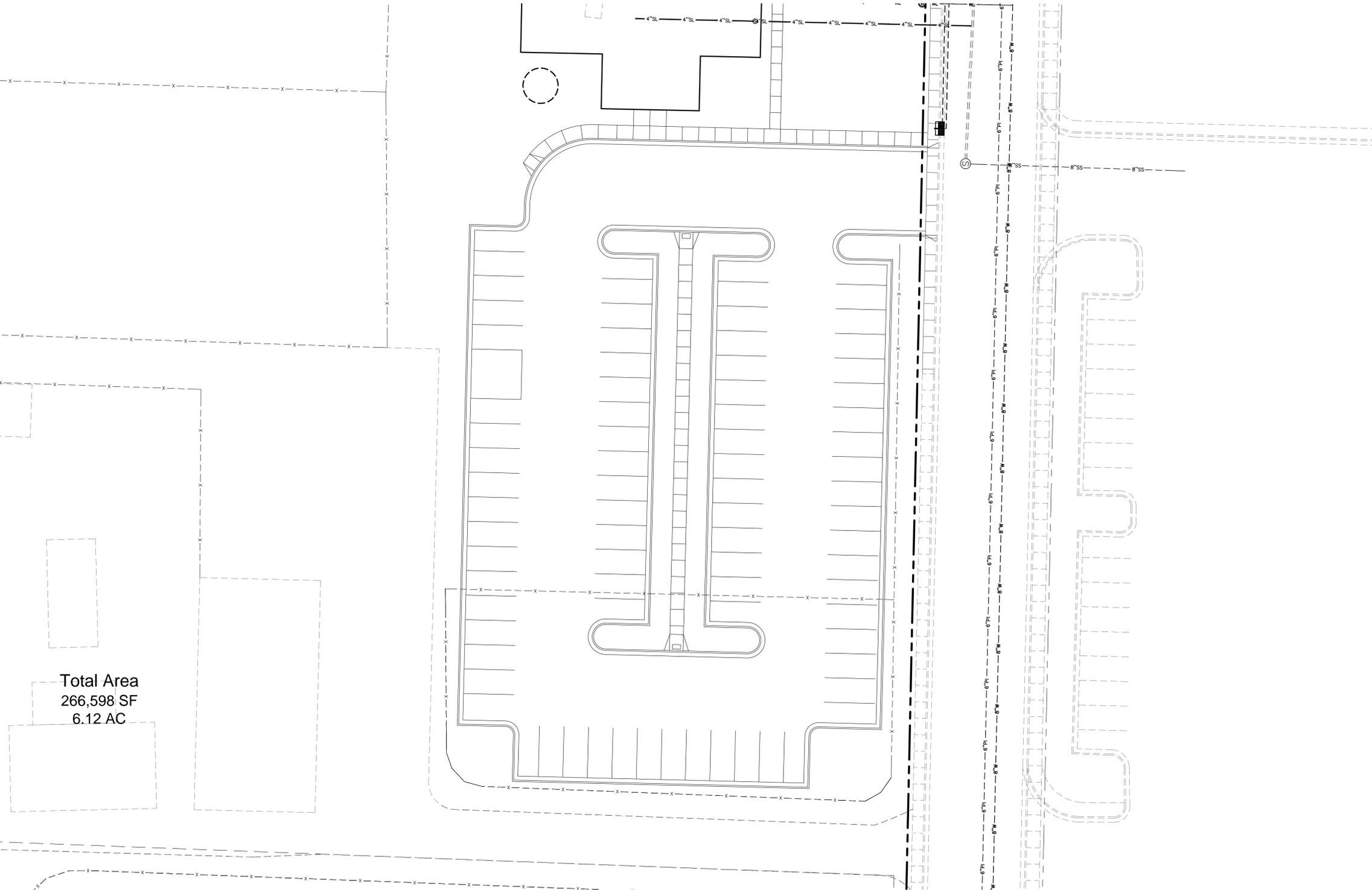
NORTH ELEVATION
 0 4 8 FT
 08/23/2018 A3



JORGENSEN EVENT BARN

EAST ELEVATION
 0 4 8 FT
 08/23/2018 A4





Total Area
266,598 SF
6.12 AC







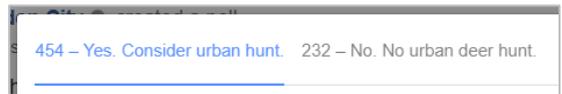
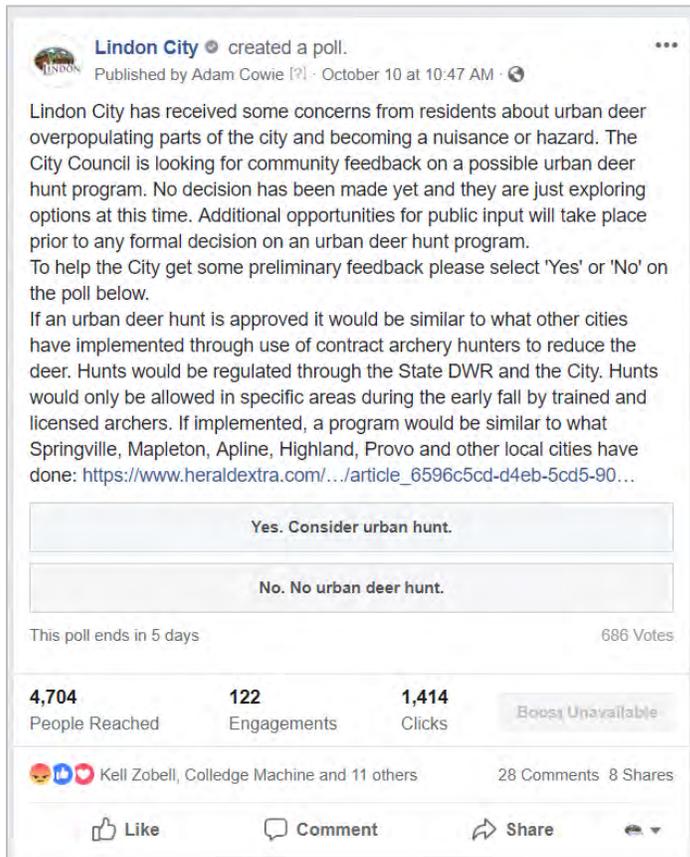




7. Discussion Item — Urban Deer Hunt / Urban Deer Removal Programs (25 minutes)

Chief Josh Adams and a representative from the State of Utah Division of Wildlife Resources (DWR) will review urban deer hunt program rules and processes. The Council will provide direction to staff on whether or not to proceed with gathering additional public input and/or begin efforts with the DWR to establish an urban deer hunt or urban deer removal program within Lindon. If an urban hunting program is desired a future public hearing and budget amendment hearing will be necessary.

See attached materials from the Police Department and minutes from the past discussions on this topic of urban deer hunt/removal programs. The City created a non-scientific [poll on the city Facebook page](#) to gather preliminary input from citizens regarding whether or not to consider a possible urban deer hunt. Councilmembers may want to read some of the comments posted. After two days it has 686 votes with 454 voting 'yes' and 232 voting 'no'. Clicking through those who voted there are many Lindon residents and names that Staff recognizes, but it also appears many respondents are not Lindon residents (or at least don't list Lindon as their hometown on Facebook). So... take this poll for what its worth as gathering non-scientific, broad general feedback on the topic.



Please provide feedback as to whether or not Staff should continue to investigate an urban deer hunt program and move forward with inventorying the deer population, policy/program creation, and setting up public hearings for additional public input.

No formal motion is needed at this time but, if after the deer inventory the City is approved by DWR to proceed, Council action will be required in future public hearings to adopt program policies and budgets.

Links to local news articles where other cities that have adopted urban deer hunt/removal programs:

Provo: <https://www.provo.org/about-us/current-issues/urban-deer>

Provo: <https://www.deseretnews.com/.../Utah-deer-capture...>

Springville: https://www.heraldextra.com/news/local/south/springville/springville-council-approves-plan-to-decrease-urban-deer/article_6596c5cd-d4eb-5cd5-9050-419e2171f1aa.html

Draper City: <https://www.draper.ut.us/1346/Urban-Deer-Management>

Highland: https://www.heraldextra.com/news/local/north/highland/dwr-happy-with-highland-deer-management-program/article_95b07f2f-4b5a-542f-b734-19cb98a9ab3d.html

Bountiful: <https://www.ksl.com/?nid=1288&sid=32629697>

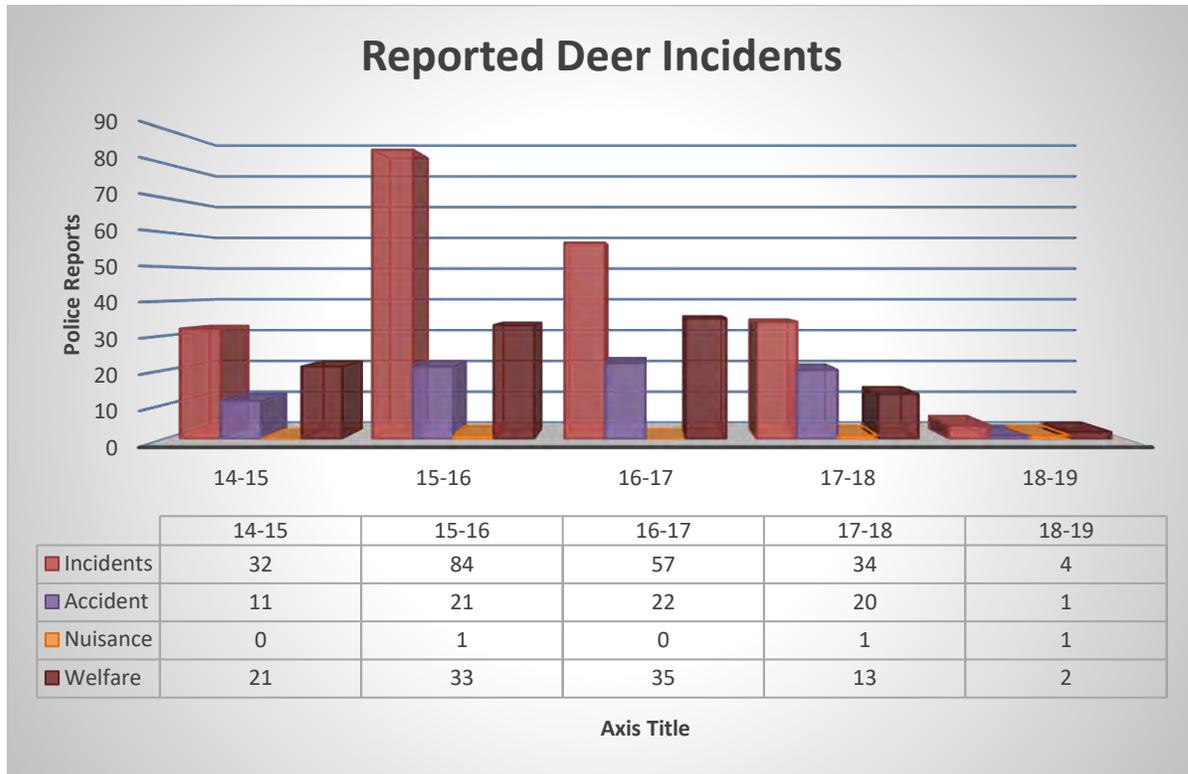
Lindon Utah Urban Deer Review 2018

Review of State Statute R657-65

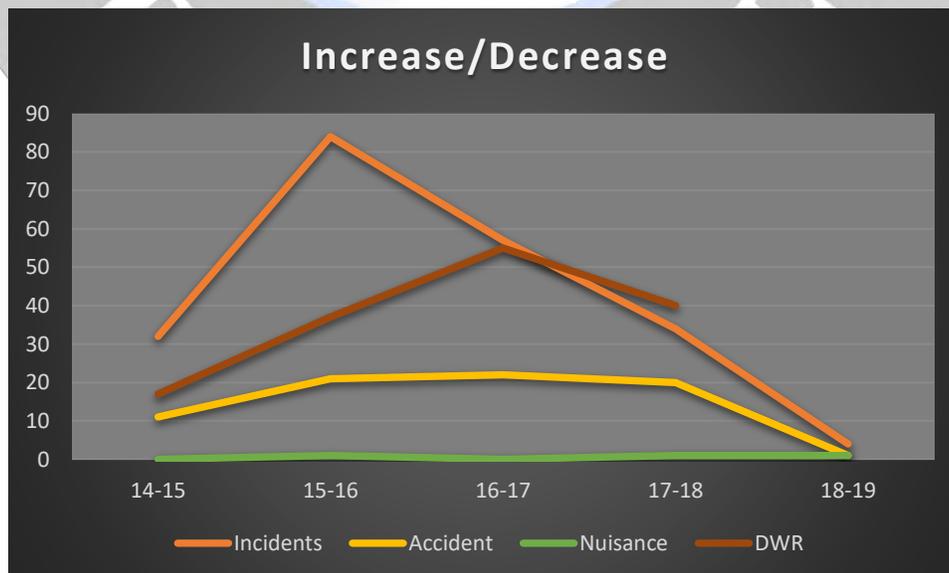
“A city with a resident deer population that is significantly damaging private property or threatening public safety within its boundaries may request the Division for a certificate of registration (“COR”) to design, create, and administer an urban deer control plan.”

1. Municipality must:
 - a. Demonstrate deer are causing significant damage or threatening public safety
 - b. Pass an ordinance prohibiting deer, elk and moose feeding
 - c. Provide proof of \$1,000,000 general liability insurance
 - d. Agree to provisions of the Utah Governmental Immunity Act
 - e. Provide estimate of population of resident deer, and target number of deer after removal efforts
2. Municipality applies for Certificate of Registration (COR) and demonstrates completion of #1a-e above (COR Application Forms are Available at the DWR website, wildlife.utah.gov)
3. Municipality will develop an urban deer control plan with input from the following:
 - a. Utah Division of Wildlife
 - b. Public
 - c. Interested businesses and organizations
 - d. Local, state and federal governments
4. Urban deer control plan must address at a minimum:
 - a. Lethal methods of take that may be used to remove deer and conditions under which each may be employed
 - b. Conditions and restrictions of baiting and spotlighting
 - c. Persons eligible to perform deer removal activities and requirements imposed on them
 - d. Locations and time periods of deer removal activities
 - e. Tagging requirements
 - f. Protocols for carcass removal and disposal
 - g. Procedures for returning antlers to Division of Wildlife
 - h. Seek Division authorization on any live capture and relocation component of the plan.
 - i. Estimate of current population and target population objective
5. Municipality will hold a public meeting to take and consider input on the draft plan before implementation
6. Plan is appended to the COR, which is valid for three years

Lindon Utah Urban Deer Review 2018



Lindon Deer Data: According to the Division of Wildlife Resources, an average of 37 deer carcasses are removed from Lindon annually. The police department can only provide data regarding incidents which were reported or discovered by patrolling officers. Graph 2 (below) demonstrates that reported deer interactions are stable or decreasing across the 3 evaluated categories. It should be noted that each of the “Welfare” deer incidents happened away from a city street and all “Accident” deer incidents were based on the deer’s close proximity or actual contact with a vehicle. The majority of deer/vehicles incidents occur on State Street, followed by Geneva Road.



Lindon Utah Urban Deer Review 2018

Case Studies: Lone Peak and Mapleton

Lone Peak consists of the Alpine and Highland communities. Residents of Highland have overwhelmingly supported the Urban Deer Program, and were in fact, the trial study for such a program in Utah. On the other hand, Alpine residents were against such a program as they enjoy the ambiance of having wildlife in proximity. Highland harvested 7 deer in 2016 and have no current information as to 2017. Highland has significantly downsized its program since inception.

Mapleton City budgets about \$6,000 annually for their Urban Deer Program. In 2016, 93 deer were harvested at about \$65 per deer. In 2017, 47 deer were harvested at \$125 per deer. According to the DWR, 64 deer were hit and killed in 2016 and 31 were killed in 2017. Overall, Mapleton feels positively about their program and anticipate continued activity.

Other Options:

Relocation has been experimented with by various communities throughout the Mountain West. However, transplanting deer is very cost and labor intensive, and potential destinations must be adequately studied to determine if they can support additional deer.

The two most effective ways to address the issued of deer browsing and encroachment are proper fencing and landscaping. DWR publishes lists of plants which are unpalatable to deer as well as those which are attractive to deer. It stands to reason that if there is nothing in the neighborhood that a deer would eat, they won't spend their time there. When landscaping changes are not a suitable solution, 8' fencing effectively prevents encroachment by deer.

2 COUNCILMEMBER BEAN AYE
 COUNCILMEMBER LUNDBERG AYE
 4 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER HOYT AYE
 6 COUNCILMEMBER MAGLEBY AYE
 THE MOTION CARRIED UNANIMOUSLY.

8

COUNCILMEMBER BRODERICK MADE A MOTION TO CLOSE THE
 10 CLOSED EXECUTIVE SESSION AND MOVE INTO THE REGULAR CITY
 COUNCIL SESSION. COUNCILMEMBER LUNDBERG SECONDED THE
 12 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14 Adam Cowie, City Administrator, stated due to time constraints the two
 remaining work session items (presentations by the Chief of Police and the City
 16 Engineer) will be heard in the regular session.

Mayor Acerson called for any further comments or discussion from the Council.
 18 Hearing none he moved on to the regular session.

20 **REGULAR SESSION** – 7:00 P.M.

22 Conducting: Jeff Acerson, Mayor
 Pledge of Allegiance: Brian Haws, City Attorney
 24 Invocation: Jake Hoyt, Councilmember

26 **PRESENT** **EXCUSED**

Jeff Acerson, Mayor
 28 Matt Bean, Councilmember
 Carolyn Lundberg, Councilmember
 30 Jacob Hoyt, Councilmember
 Van Broderick, Councilmember
 32 Daril Magleby, Councilmember
 Adam Cowie, City Administrator
 34 Hugh Van Wagenen, Planning Director
 Kathryn Moosman, City Recorder

36

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

38

4. **Presentations/Announcements** –

40

a) **Comments/Announcements from Mayor and Council** – There were no
 announcements at this time.

42

b) **Presentation:** Chief of Police, Josh Adams, and police officer Curtis
 Campbell (School Resource Officer) was in attendance to give a brief
 44 presentation on Lindon’s school emergency drills and school shooting training
 followed by some general discussion. Chief Adams also presented information
 46 on urban deer hunt regulations including state code followed by some general
 discussion. Shelly Bonnett, resident in attendance commented that these are

2 resident deer not migrating deer; they are not healthy deer and basically, they
4 will die here. She stated she can call the police on the nuisance deer, but she
6 would like to see an ordinance passed for archery hunters to help mitigate this
8 issue. She would like to see something happen and feels the Council is on the
10 right track. Others in the audience also spoke on the deer nuisances, including
12 personal safety issues, at their residences. There was then some general
14 discussion regarding this issue. Mayor Acerson suggested presenting
16 information to the public through a survey to solicit opinions as what to do as
18 a city, and to also educate the public on this issue to get a broader view as to
20 come up with a solution to implement. Following discussion, Mr. Cowie
22 suggested that staff bring this issue back as an official action item on the
24 agenda to vote on.

- 14 c) **Oath of Office Ceremony** - Gilbert Sanchez was ceremonially sworn-in as a
16 new Lindon City Police Officer by the City Recorder. Officer Sanchez
18 officially began service with Lindon City on August 20, 2018. The Mayor and
20 Council congratulated Officer Sanchez and welcomed him to the city.
- 22 d) **Discussion Item:** Noah Gordon, City Engineer, was in attendance to present
24 an update on the Transportation Utility Fee (TUF) study that he has been
26 spearheading for the City. Mr. Gordon also provided general updates on other
possible road funding options and issues on the horizon followed by some
general discussion. Following discussion, the Council agreed to observe what
Pleasant Grove’s model does before beginning a public relations campaign.

- 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of July 17, 2018 were reviewed.

28 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
30 OF THE REGULAR CITY COUNCIL MEETING OF JULY 17, 2018 AS
PRESENTED. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE
32 WAS RECORDED AS FOLLOWS:

32 COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
34 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
36 COUNCILMEMBER MAGLEBY	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 38 4. **Consent Agenda Items** – No consent items to approve.
- 40 5. **Open Session for Public Comment** – Mayor Acerson called for any public
42 comment not listed as an agenda item.

44 Haylie Leichty, resident in attendance addressed the Council at this time. She
46 mentioned that there are two new streetlights in her neighborhood (Kens Cove) that are
too bright and disturbing and they feel are unnecessary. She noted they keep the entire
neighborhood up at night and some of the neighbors are irate. Mr. Cowie explained

2 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER HOYT AYE
 4 COUNCILMEMBER SWEETEN AYE
 THE MOTION CARRIED UNANIMOUSLY.

6

COUNCIL REPORTS:

8

10 Chief Cullimore – Chief Cullimore passed out a handout on Urban Deer Management protocol. He mentioned he has been contacted by residents wanting the deer problem addressed. He noted this has become an issue as the deer have become urbanized. He noted he will be meeting with the group that contacted him this week and they may come before the Council at a future meeting. He stated liability is a concern to the city regarding these programs. Chief Cullimore then read the guidelines noting there are a lot of rules and policies that go into these plans in coordination with the Division of Wildlife Resources and implementing a program should be carefully considered. He stated a relocation plan is another option but is quite expensive and is the responsibility of the city. He pointed out as a city we would need to pass a resolution stating that the deer are not being fed and the deer population would also need to be estimated. Following discussion Chief Cullimore stated he will gather additional information, including information from Highland and Bountiful cities and bring it back before the Council for further discussion.

24 Councilmember Hoyt – Councilmember Hoyt reported he attended the Movie in the Park with the CCAB and noted it was a well-attended event and the Parks and Recreation Department did a great job. Councilmember Hoyt also mentioned he attended a recent tour of the Spring Gardens Retirement Center in Lindon with the Pleasant Grove Chamber of Commerce where the Director mentioned they would like to have a ribbon cutting and questioned if there was a Lindon Chamber of Commerce. Councilmember Hoyt informed him since there is not a Lindon Chamber most businesses join the Pleasant Grove Chamber and since Lindon does not do ribbon cuttings the PG Chamber will be doing it for them. Councilmember Hoyt feels this brings up another opportunity to consider joining the Chamber and goes along with Lindon being business friendly. He would love to see this happen as there is no other joint chamber in the area that has a city employee as the Chamber Director.

36

38 Councilmember Broderick – Councilmember Broderick mentioned he was questioned by some residents about a leak last Saturday on 900 East. Mr. Cowie stated they have been flushing the tank lines to draw the chlorine down.

40

42 Councilmember Bean – Councilmember Bean mentioned Steven Johnson is the newest member on the Planning Commission and his appointment makes a full Commission (7 members). He noted there are more site plans and subdivisions coming through and it's good to see more development happening in the city.

44

46 Councilmember Lundberg – Councilmember Lundberg mentioned a recent letter sent about nuisance deer problems and protocols adopted by other cities. She mentioned that

2 stated he would like to see an estimate of the amount of cyclists and add bollards later if
 necessary. Following some additional discussion Councilmember Sweeten,
 4 Councilmember Hoyt and Councilmember Broderick all agreed to go with striping on
 both sides with the idea that bollards can be added later if necessary. Councilmember
 6 Bean and Councilmember Lundberg stated they prefer bollards but agreed to go with the
 striping on both sides for now and use bollards later if necessary.

8 Mayor Pro Tem Lundberg called for any further discussion or comments.
 Hearing none she moved on to the next agenda item.

10
 12 **10. Closed Session to Discuss Pending or Reasonably Imminent Litigation per**
UCA 52-4-205. The Council will enter into a closed executive session to discuss
 pending or reasonably imminent litigation per UCA 52-4-205. This session is
 14 closed to the general public.

16 At this time Mayor Pro Tem Lundberg called for a motion to move into a closed
 executive session to discuss pending or reasonably imminent litigation.

18
 20 COUNCILMEMBER HOYT MADE A MOTION TO MOVE INTO A CLOSED
 EXECUTIVE SESSION TO DISCUSS THE SALE OF REAL PROPERTY AT 8:50
 PM. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE VOTE WAS
 22 RECORDED AS FOLLOWS.

COUNCILMEMBER BEAN AYE
 24 COUNCILMEMBER LUNDBERG AYE
 COUNCILMEMBER BRODERICK AYE
 26 COUNCILMEMBER HOYT AYE
 COUNCILMEMBER SWEETEN AYE

28 THE MOTION CARRIED UNANIMOUSLY.

30 COUNCILMEMBER HOYT MADE A MOTION TO CLOSE THE
 EXECUTIVE SESSION AND RECONVENE THE REGULAR SESSION OF THE
 32 CITY COUNCIL AT 9:45 PM. COUNCILMEMBER SWEETEN SECONDED THE
 MOTION. THE VOTE WAS RECORDED AS FOLLOWS.

34 COUNCILMEMBER BEAN AYE
 COUNCILMEMBER LUNDBERG AYE
 36 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER HOYT AYE
 38 COUNCILMEMBER SWEETEN AYE

THE MOTION CARRIED UNANIMOUSLY.

40
 42 **COUNCIL REPORTS:**

44 **Chief Cullimore** – Chief Cullimore mentioned the Timpanogos Harley Davidson Fallen
 Officers Ride to the State Capital will be held this Sunday at 10:00 am. He noted it is a
 great honor to have the ride start in our city (approx. 4,000 riders). He pointed out that all
 46 funds received from the ride go to the Law Enforcement Memorial at the State Capital.
 Chief Cullimore also reported there is an upcoming “Star Party” at Pioneer Park. Chief

2 Cullimore mentioned that a Canine was donated to the Police Department and Officer
 4 Eric Whitehead has been assigned to the police dog. An article went out in the Daily
 6 Herald today. He noted they are searching out grants and other options to get the
 8 equipment they need for the canine. He also reported they held a meeting about the urban
 10 deer problem in Hollow Park where approximately 30 people attended (70% were in
 12 favor of a deer removal program and 15% wanted to protect the deer). He noted that
 14 Provo City paid \$20,000 to have a study completed on the deer population. He also
 16 contacted Bountiful and Highland cities. Bountiful City has trapped 476 deer in 2 years
 18 at \$250 per animal removed for a total of \$119,000 in expenses and Highland removed
 20 118 deer in 2 years and has paid out \$25,842 in expenses. He added there were no safety
 22 issues by either city. He pointed out that it may be very costly if a removal process is the
 24 option we choose.

14 **Councilmember Hoyt** – Councilmember Hoyt reported he attended the Historic
 16 Preservation Commission and saw the unveiling of the latest plaque at the Public Works
 18 Building (Eagle Scout project). He noted he appreciates the response of staff on the
 20 urban deer problem. Councilmember Hoyt also mentioned that the Pleasant Grove
 22 Chamber of Commerce is moving forward with some changes. He noted Pleasant Grove
 24 City held a work session with discussion of having the Chamber be totally independent
 and yet still be a partner of the city. He feels going this direction is another good reason
 and opportunity to be a part of the Pleasant Grove Chamber. He would suggest
 researching Chambers of Commerce and the work they do in helping with economic
 development, business growth and revenues, etc.

26 **Councilmember Broderick** – Councilmember Broderick reported he attended the
 28 engineering coordination meeting on August 9th. He also mentioned he received a
 30 request from a resident to turn the retention basin in Colson Cove into a dog park and
 32 questioned what the design requirements would be to implement that change. Mr. Cowie
 34 stated it could probably be done pretty inexpensively and can be discussed further.
 36 Councilmember Broderick also reported he received a lot of positive comments on
 38 Lindon Days with the exception of several comments about brown spots on the grass in
 40 several parks. He assumed it may be simply a matter of sprinkler head adjustments. Mr.
 Cowie stated the parks department is aware of this problem noting there are some low
 water pressure issues. Councilmember Broderick also mentioned the safety concerns
 about the bike path/road intersections particularly at 400 North and Canal Drive noting
 bikes frequently do not stop at the intersection. He questioned what can be done to
 mitigate this issue. Mr. Van Wagenen and Chief Cullimore explained some different
 options that have been discussed with the County including education, additional signage
 and enforcement options followed by some general discussion.

42 **Councilmember Bean** – Councilmember Bean commented that he appreciates all the
 44 work and effort that went into Lindon Days by staff and Council noting it was a good
 celebration and tradition.

46 **Councilmember Lundberg** – Councilmember Lundberg mentioned she would like to
 discuss the cemetery ordinance language as an agenda item at the end of September. She

8. Presentation & Discussion — Review of 2018 Aquatics Center Season and Lindon Days
(45 minutes)

Lindon City Parks & Recreation Director, Heath Bateman, and Finance Director, Kristen Colson, will present financial overviews and statistics for the 2018 Aquatics Center season and for Lindon Days. General feedback regarding the Aquatics Center, Lindon Days, and various aspects of the Parks & Recreation Department will be provided but no motions made.

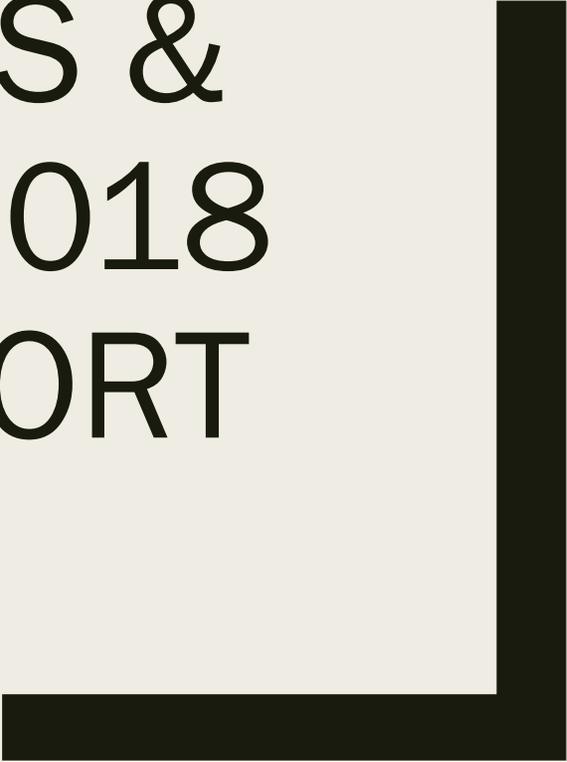
See attached materials from Heath and Kristen who will review this info in detail with the Council.

No motion is needed.



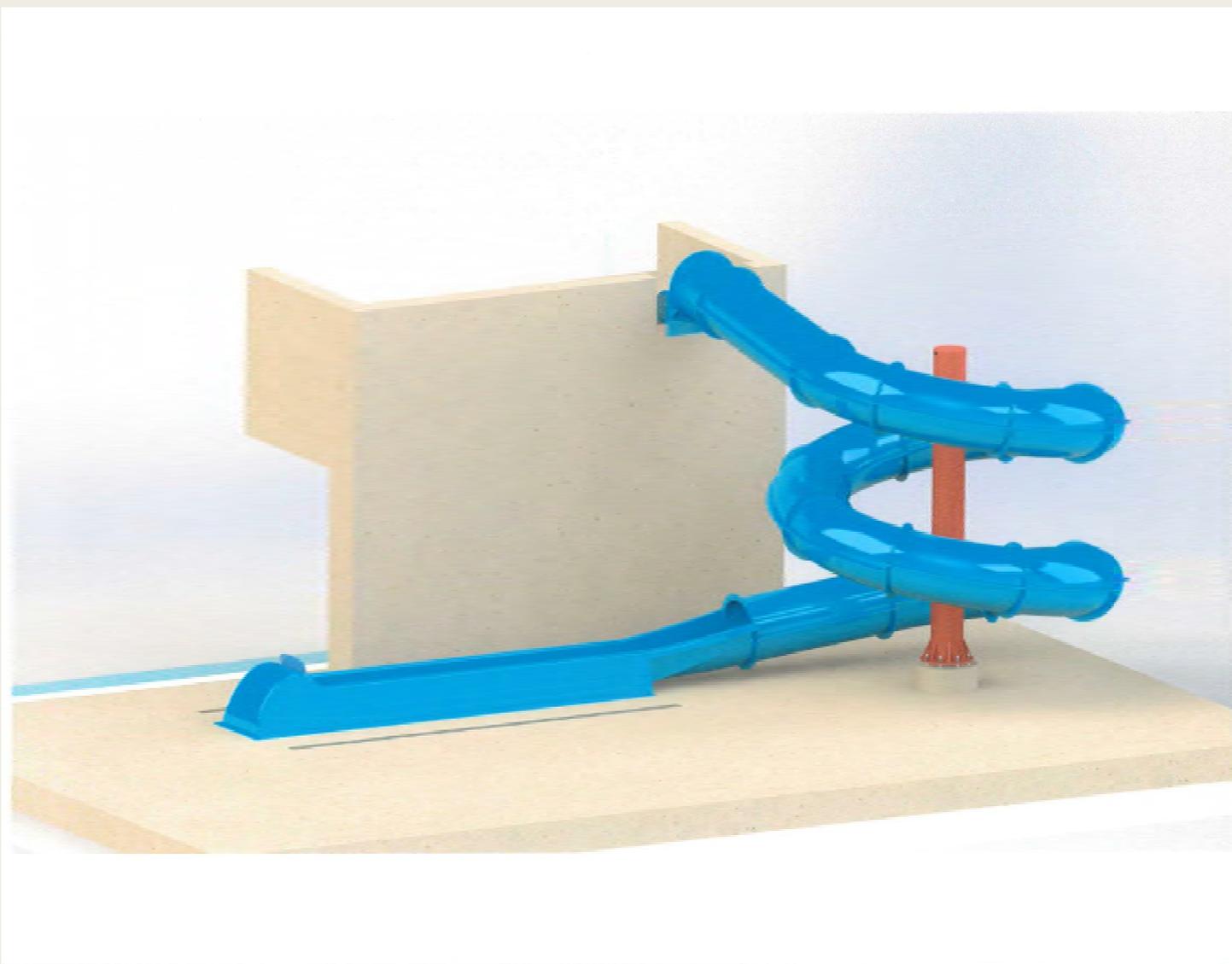
LINDON PARKS & RECREATION 2018 SUMMER REPORT

Prepared by:
Heath G. Bateman-Parks & Recreation Director
Kristen Colson Finance Director



Aquatics Center

- Total Attendance - **75,475**
 - 2017 - 69,525
 - 2016 - 63,949
- Total Program Attendance
 - Swim Lessons 1047
 - Flow Lessons 86
 - Flow Tour 36
 - Swim Team 238
 - Total Course 49
 - Huck Finn Swimming Club 19
 - **TOTAL 1475**
- Concessions
 - Total Revenue \$90,604.30
 - Total Expenditures \$48,620.56
 - Difference \$41,983.74
- Private Pool Rentals
 - **\$79,790**
- Flow Rider
 - Resident 381 (daily admissions)
 - Non Resident 2242 (daily admissions)
 - 2017 Total Admissions- 2,837
- Accident Reports
 - 97 (scrapes, bee stings, slip & fall, near drowning, rescues, etc)
 - Ambulance called 01 time
- Upcoming Needs -
 - White Chairs \$5,000
 - Brown Chairs \$2,500
 - ADA chair - \$3,272
 - Water Slide - \$150K



Financial Report

- See Attached Form

AQUATICS CENTER FINANCIAL REPORT AS OF 10/16/2018

Items of Note

- The 2018 season was the Aquatic Center's 10th season
- Financial information in this report is presented for the calendar year rather than by fiscal year
- In addition to the 2018 calendar year, 3 historical years are also presented
- Numbers since June 2017 are not audited
- Expenses are still coming as staff works to close the pool for the winter
- Debt service is not represented in this financial report, but some information is noted below.
- Improvements which were funded by PARC Tax:
 - \$65,985 for ceramic tile
 - \$26,930 for flow rider pumps
 - \$29,670 to refurbish slides
- Revenue increased 17.0% before PARC tax and RDA contributions:
 - Daily admission revenue increased 14.8%
 - Pool punch passes increased 11.7%
 - Concession revenue increased 24.5%
 - Pool rental revenue increased 35.3%
- Expenses decreased 7.7%, but there are still 3 more months of utilities and winterization costs

Debt Service

- Not presented in financial report
- Annual debt service payments are about \$635,000 with \$50k of that coming from PARC tax each year (since 2016FY) (remaining amount is paid by General Fund)
- 2008 bond for \$9.5M was refunded in 2015, but not called until July 2018
- Principal outstanding on the 2015 refunding as of 7/31/2018 is \$7,215,000
- The interest rate on the 2015 refunding is 2% until 2020, 3% until 2024, then 4% for the remaining term
- The 2015 refunding will be paid off July 2033

Upcoming Maintenance & Improvements

- Ongoing Maintenance
 - Alex, Lindon's Facilities Manager, will seal concrete in sections, completing the entire Aquatics Center in about 4 years and then start over.
 - Replace all grates over 4 years at 12 grates per year. The grates cost about \$300 each.
 - Re-caulk all of the large concrete joints at the Aquatics Center. This is the 2nd year of this 3 year process at an estimated cost of \$7,500/year.
 - Annual pump maintenance with this year's estimated cost at \$20,000. This will be a continuous process.
- 2018-2019 Fiscal Year
 - Resurface flow rider for about \$35,000.
- Looking into the Future
 - The blue and yellow shades are being repaired as needed, but will need to be replaced in the future. There are 6 shades that would cost about \$2,500 each.
 - Install a pavilion outside the pool which can be reserved and rented which will be paid for with park impact fees.

AQUATICS CENTER FINANCIAL REPORT

AS OF 10/8/2018

Description	CALENDAR YEAR TOTALS			
	2015	2016	2017*	2018*
Revenue				
Daily Admission	174,515.59	197,651.84	204,159.65	234,391.86
FlowRider Daily Admission	21,322.03	31,920.86	39,156.99	40,385.31
Pool Punch Pass	10,138.15	8,043.62	63,896.11	71,375.22
Water Aerobics	643.75	522.75	81.89	-
Resident Season Pass	20,500.62	22,205.47	8,338.95	8,499.94
Non-Resident Season Pass	13,644.67	11,554.50	-	-
Concessions Rev	55,083.62	63,087.40	72,747.52	90,604.30
Merchandise	1,087.28	1,827.04	811.12	2,074.75
Swim Lessons	41,313.89	49,572.50	47,812.00	53,073.00
Swim Team	17,581.00	17,388.50	20,555.92	27,938.50
Flow Rider Lessons	3,135.00	4,530.00	3,730.00	555.00
Junior Life Guard	(32.00)	-	-	-
Private Pool Rentals	45,230.00	51,457.00	58,980.00	79,790.00
Party Room Rentals	1,940.00	1,791.50	2,135.00	2,788.00
FlowTour Event	2,960.00	2,417.37	-	-
Aquatic Pavers	-	-	-	-
Grant Proceeds	4,800.00	5,450.00	-	-
Use of PARC Tax Funds	188,700.30	120,191.26	191,234.35	264,009.30
Use of RDA Funds	-	-	75,000.00	-
Revenue Totals	602,563.90	589,611.61	788,639.50	875,485.18
Expenditures				
Salaries/Wages/Benefits	355,082.63	391,532.68	375,269.79	345,528.29
Uniforms	5,747.07	5,555.87	4,805.71	4,388.96
Travel & Training	1,516.00	2,309.77	1,217.32	238.00
Licenses & Fees	2,241.05	3,190.00	4,991.76	4,187.67
Office Supplies	2,483.00	1,770.33	4,802.65	3,487.56
Operating Supplies/Maint.	57,079.56	41,659.79	54,655.60	56,243.90
Pool Chemicals	39,526.67	32,777.45	38,884.61	29,983.04
Concessions Exp	32,946.49	35,672.74	43,378.74	48,620.56
Services	10,478.67	11,836.28	30,789.81	31,932.48
Miscellaneous	9,643.13	9,090.77	9,697.68	8,010.81
Utilities & Telephone	104,439.64	108,913.02	127,588.16	110,242.87
Insurance	1,140.52	1,100.74	8,563.62	7,980.95
Purchase of Equipment	22,319.12	8,523.20	31,645.97	19,964.88
Capital Improvements	59,024.57	9,200.00	122,972.02	122,585.00
Expenditure Totals	703,668.12	663,132.64	859,263.44	793,394.97
Revenue Over (Under) Expenditures	(101,104.22)	(73,521.03)	(70,623.94)	82,090.21

*July 2017-October 2018 amounts are not audited

AQUATICS CENTER FINANCIAL REPORT

AS OF 10/8/2018

Description	January - May			
	2015	2016	2017	2018*
Revenue				
Daily Admission	1,966.00	8,225.17	8,056.02	3,711.17
FlowRider Daily Admission	-	957.42	2,175.00	395.00
Pool Punch Pass	976.50	832.53	30,692.00	33,001.00
Water Aerobics	-	3.50	10.50	-
Resident Season Pass	5,010.00	8,351.02	4,927.50	2,930.00
Non-Resident Season Pass	4,250.00	3,760.49	-	-
Concessions Rev	603.23	3,047.91	3,394.07	1,852.90
Merchandise	25.00	49.10	38.37	17.50
Swim Lessons	30,347.00	45,647.00	33,861.50	34,645.00
Swim Team	16,123.00	1,518.00	20,259.00	27,495.00
Flow Rider Lessons	1,935.00	2,800.00	3,340.00	90.00
Junior Life Guard	(32.00)	-	-	-
Private Pool Rentals	41,486.00	41,133.00	56,300.00	76,450.00
Party Room Rentals	105.00	455.00	245.00	210.00
FlowTour Event	-	-	-	-
Aquatic Pavers	-	-	-	-
Grant Proceeds	-	-	-	-
Use of PARC Tax Funds	81,124.13	20,746.14	79,269.09	80,342.96
Use of RDA Funds	-	-	75,000.00	-
Revenue Totals	183,918.86	137,526.28	317,568.05	261,140.53
Expenditures				
Salaries/Wages/Benefits	45,202.59	35,210.69	29,746.99	31,462.60
Uniforms	1,076.14	(987.12)	2,660.40	2,150.69
Travel & Training	1,376.00	2,274.77	847.11	238.00
Licenses & Fees	-	155.00	856.76	786.00
Office Supplies	877.66	963.19	2,834.61	2,568.15
Operating Supplies/Maint.	34,637.36	11,908.94	18,351.71	23,653.22
Pool Chemicals	13,876.85	5,285.78	5,427.41	3,172.89
Concessions Exp	5,682.62	3,684.66	2,987.30	2,417.41
Services	1,144.00	7,349.00	9,280.87	23,736.50
Miscellaneous	1,453.53	966.01	573.14	807.10
Utilities & Telephone	15,762.88	18,866.76	26,553.11	18,356.05
Insurance	-	-	-	-
Purchase of Equipment	16,913.12	6,163.20	26,788.50	17,737.00
Capital Improvements	43,567.57	-	101,815.32	94,785.00
Expenditure Totals	181,570.32	91,840.88	228,723.23	221,870.61
Revenue Over (Under) Expenditures	2,348.54	45,685.40	88,844.82	39,269.92

*July 2017-October 2018 amounts are not audited

AQUATICS CENTER FINANCIAL REPORT

AS OF 10/8/2018

Description	June			
	2015	2016	2017	2018*
Revenue				
Daily Admission	75,258.80	62,706.16	62,395.73	72,911.29
FlowRider Daily Admission	6,585.70	7,335.93	9,540.02	11,425.31
Pool Punch Pass	7,094.23	4,636.65	21,936.92	26,145.47
Water Aerobics	245.00	231.00	71.39	-
Resident Season Pass	15,051.55	13,884.89	3,047.44	5,009.94
Non-Resident Season Pass	8,927.40	7,794.01	-	-
Concessions Rev	22,215.81	20,377.71	24,490.93	29,133.82
Merchandise	418.39	380.70	272.51	421.78
Swim Lessons	7,719.89	(3,774.00)	8,095.00	11,231.00
Swim Team	592.00	15,870.50	310.00	90.00
Flow Rider Lessons	875.00	1,315.00	325.00	-
Junior Life Guard	-	-	-	-
Private Pool Rentals	3,340.00	11,329.00	2,100.00	(400.00)
Party Room Rentals	595.00	665.00	805.00	1,015.00
FlowTour Event	-	-	-	-
Aquatic Pavers	-	-	-	-
Grant Proceeds	-	-	-	-
Use of PARC Tax Funds	35,045.39	21,244.48	28,337.56	117,620.71
Use of RDA Funds	-	-	-	-
Revenue Totals	183,964.16	163,997.03	161,727.50	274,604.32
Expenditures				
Salaries/Wages/Benefits	112,939.01	144,503.89	147,599.32	129,418.92
Uniforms	4,670.93	6,129.08	2,008.82	(20.00)
Travel & Training	-	-	(14.79)	-
Licenses & Fees	15.00	-	2,200.00	1,255.00
Office Supplies	1,096.80	788.35	502.00	534.45
Operating Supplies/Maint.	11,981.14	13,118.50	9,920.92	9,376.40
Pool Chemicals	9,144.86	6,305.34	11,885.87	6,030.31
Concessions Exp	11,982.76	8,558.84	16,885.33	15,370.46
Services	3,533.00	432.28	4,020.00	1,909.98
Miscellaneous	239.51	726.47	2,019.67	4,440.52
Utilities & Telephone	19,246.00	20,422.73	21,422.18	28,448.51
Insurance	-	-	-	-
Purchase of Equipment	5,406.00	-	3,572.34	2,048.99
Capital Improvements	-	-	21,156.70	27,800.00
Expenditure Totals	180,255.01	200,985.48	243,178.36	226,613.54
Revenue Over (Under) Expenditures	3,709.15	(36,988.45)	(81,450.86)	47,990.78

*July 2017-October 2018 amounts are not audited

AQUATICS CENTER FINANCIAL REPORT

AS OF 10/8/2018

Description	July			
	2015	2016	2017*	2018*
Revenue				
Daily Admission	70,605.34	87,816.30	90,198.14	103,429.15
FlowRider Daily Admission	9,830.00	15,521.00	17,226.25	15,670.00
Pool Punch Pass	1,845.00	2,015.00	9,086.50	10,620.00
Water Aerobics	322.00	185.50	-	-
Resident Season Pass	480.00	(32.53)	364.00	560.00
Non-Resident Season Pass	250.00	-	-	-
Concessions Rev	22,991.45	25,319.99	28,830.53	36,452.62
Merchandise	478.87	1,325.46	319.14	758.00
Swim Lessons	3,142.00	5,856.50	4,963.00	5,603.50
Swim Team	831.00	-	11.92	353.50
Flow Rider Lessons	325.00	415.00	65.00	465.00
Junior Life Guard	-	-	-	-
Private Pool Rentals	65.00	(1,505.00)	1,400.00	3,840.00
Party Room Rentals	1,170.00	391.50	745.00	1,213.00
FlowTour Event	35.00	-	-	-
Aquatic Pavers	-	-	-	-
Grant Proceeds	-	-	-	-
Use of PARC Tax Funds	22,262.11	22,639.72	19,687.74	31,259.53
Use of RDA Funds	-	-	-	-
Revenue Totals	134,632.77	159,948.44	172,897.22	210,224.30
Expenditures				
Salaries/Wages/Benefits	103,714.82	105,033.43	93,207.94	87,281.38
Uniforms	-	1,203.36	(37.00)	2,258.27
Travel & Training	-	-	-	-
Licenses & Fees	360.00	-	-	1,624.00
Office Supplies	315.66	-	828.93	328.35
Operating Supplies/Maint.	5,189.91	12,918.65	14,544.63	10,296.96
Pool Chemicals	8,133.98	2,583.84	5,456.77	12,306.01
Concessions Exp	11,324.95	14,489.68	13,368.08	20,072.54
Services	4,010.00	-	1,350.00	4,488.00
Miscellaneous	2,545.95	2,778.58	3,372.20	1,279.40
Utilities & Telephone	19,725.69	21,217.20	23,625.43	28,257.52
Insurance	-	1,100.74	4,895.82	7,980.95
Purchase of Equipment	-	-	911.80	-
Capital Improvements	-	-	-	-
Expenditure Totals	155,320.96	161,325.48	161,524.60	176,173.38
Revenue Over (Under) Expenditures	(20,688.19)	(1,377.04)	11,372.62	34,050.92

*July 2017-October 2018 amounts are not audited

AQUATICS CENTER FINANCIAL REPORT

AS OF 10/8/2018

Description	August			
	2015	2016	2017*	2018*
Revenue				
Daily Admission	31,257.55	44,665.44	44,500.82	48,044.90
FlowRider Daily Admission	5,160.00	8,775.00	10,085.50	11,265.00
Pool Punch Pass	171.00	279.00	1,480.00	1,648.75
Water Aerobics	76.75	122.50	-	-
Resident Season Pass	(40.50)	-	-	-
Non-Resident Season Pass	234.50	-	-	-
Concessions Rev	11,133.60	16,089.95	15,730.28	19,851.73
Merchandise	197.37	162.99	178.87	822.47
Swim Lessons	95.00	1,885.00	770.50	1,628.50
Swim Team	35.00	-	(25.00)	-
Flow Rider Lessons	-	-	-	-
Junior Life Guard	-	-	-	-
Private Pool Rentals	339.00	500.00	(820.00)	(200.00)
Party Room Rentals	70.00	280.00	340.00	385.00
FlowTour Event	2,925.00	2,417.37	-	-
Aquatic Pavers	-	-	-	-
Grant Proceeds	-	-	-	-
Use of PARC Tax Funds	15,255.32	24,514.32	23,891.60	31,408.50
Use of RDA Funds	-	-	-	-
Revenue Totals	66,909.59	99,691.57	96,132.57	114,854.85
Expenditures				
Salaries/Wages/Benefits	50,299.65	72,674.72	71,693.52	67,571.66
Uniforms	-	(789.45)	223.49	-
Travel & Training	-	1,015.00	-	-
Licenses & Fees	-	-	35.00	10.67
Office Supplies	142.85	18.79	-	56.61
Operating Supplies/Maint.	1,551.98	10,451.31	2,496.81	10,803.02
Pool Chemicals	4,616.01	6,312.49	8,967.02	7,596.43
Concessions Exp	3,477.18	8,624.49	6,122.43	9,730.60
Services	66.00	10.00	1,860.00	1,748.00
Miscellaneous	2,767.20	4,379.79	3,105.78	1,170.41
Utilities & Telephone	20,712.36	20,779.96	24,100.76	32,670.85
Insurance	1,140.52	-	3,667.80	-
Purchase of Equipment	218.85	2,360.00	-	178.89
Capital Improvements	10,133.00	-	-	-
Expenditure Totals	95,125.60	125,837.10	122,272.61	131,537.14
Revenue Over (Under) Expenditures	(28,216.01)	(26,145.53)	(26,140.04)	(16,682.29)

*July 2017-October 2018 amounts are not audited

AQUATICS CENTER FINANCIAL REPORT

AS OF 10/8/2018

Description	September - December			
	2015	2016	2017*	2018*
Revenue				
Daily Admission	(4,572.10)	(5,761.23)	(991.06)	6,295.35
FlowRider Daily Admission	(253.67)	(668.49)	130.22	1,630.00
Pool Punch Pass	51.42	280.44	700.69	(40.00)
Water Aerobics	-	(19.75)	-	-
Resident Season Pass	(0.43)	2.09	0.01	-
Non-Resident Season Pass	(17.23)	-	-	-
Concessions Rev	(1,860.47)	(1,748.16)	301.71	3,313.23
Merchandise	(32.35)	(91.21)	2.23	55.00
Swim Lessons	10.00	(42.00)	122.00	(35.00)
Swim Team	-	-	-	-
Flow Rider Lessons	-	-	-	-
Junior Life Guard	-	-	-	-
Private Pool Rentals	-	-	-	100.00
Party Room Rentals	-	-	-	(35.00)
FlowTour Event	-	-	-	-
Aquatic Pavers	-	-	-	-
Grant Proceeds	4,800.00	5,450.00	-	-
Use of PARC Tax Funds	35,013.35	31,046.60	40,048.36	3,377.60
Use of RDA Funds	-	-	-	-
Revenue Totals	33,138.52	28,448.29	40,314.16	14,661.18
Expenditures				
Salaries/Wages/Benefits	42,926.56	34,109.95	33,022.02	29,793.73
Uniforms	-	-	(50.00)	-
Travel & Training	140.00	(980.00)	385.00	-
Licenses & Fees	1,866.05	3,035.00	1,900.00	512.00
Office Supplies	50.03	-	637.11	-
Operating Supplies/Maint.	3,719.17	(6,737.61)	9,341.53	2,114.30
Pool Chemicals	3,754.97	12,290.00	7,147.54	877.40
Concessions Exp	478.98	315.07	4,015.60	1,029.55
Services	1,725.67	4,045.00	14,278.94	50.00
Miscellaneous	2,636.94	239.92	626.89	313.38
Utilities & Telephone	28,992.71	27,626.37	31,886.68	2,509.94
Insurance	-	-	-	-
Purchase of Equipment	(218.85)	-	373.33	-
Capital Improvements	5,324.00	9,200.00	-	-
Expenditure Totals	91,396.23	83,143.70	103,564.64	37,200.30
Revenue Over (Under) Expenditures	(58,257.71)	(54,695.41)	(63,250.48)	(22,539.12)

*July 2017-October 2018 amounts are not audited

Aquatics Center

- Private Pool Rentals
 - *Tuesday Nights*
 - (total available 11) 9 rented nights
 - *Wednesday Nights*
 - (total available 11) 9 rented nights
 - *Weekend Reservations*
 - 2 Hour Rentals (22 rental days; 44 rentals if only 2 hours)
 - *24 total reservations*
 - 4 Hour Reservations (22 rental days; 22 rentals if all 4 hours)
 - *8 total reservations*
 - *12 nights only had only one 2h reservation*
 - *6 nights had only two 2h reservations*
- Seems that 3h reservations are wanted. Next year we propose to have 3h or 4h reservations on Friday and Saturday.

Approximate cost to run the facility by DAY

Utilities	\$298.61
Phone	\$.42
Chemicals	\$396.96
Staffing	\$4,100
TOTAL	\$4,795.99

Cost to run the facility after School Starts

Total Facility Expenses Sunday - Friday (no staff or patrons)	\$4,175
Total Facility Expenses on Saturday (includes staff and patrons)	\$4,795
Sum for the Week	\$8,969

2018 Revenue Last full week until Labor Day

August 25	\$4,952
September 1	\$5011
September 3	\$6,514
Total Sum of Revenue for 3 days	\$16,478

Cost to Run the facility from School starting vs Revenue including Labor Day

Sum of revenue	\$16,478
Sum of expenditures	\$22,739
Difference	-\$6,261

No parties after school starts?

Pro's

- 15 year old work issues
 - *Cannot work past 9:00 PM (majority of our employees)*
- School activities starts
- Homework
- Parents support

Con's

- Revenue Loss
 - \$7,600 (- staff costs extra)

Lindon Days 2018 Inspire.

August 6-11, 2018



Lindon Days 2018 – August 6-11

Revenue \$37,737.12

Expense \$63,555.11

Difference \$(25,757.99)



2018 FINANCIAL REPORT

Date	Activity	Sponsor	Revenue	Expense	Net Increase (Decrease)
	Magazine	Advertisers	\$ 20,095.00	\$ 14,885.13	\$ 5,209.87
Mon, 8/6	Car Show (Not including donation to police)		\$ 5,325.00	\$ 8,610.00	\$ (3,285.00)
Tue, 8/7	Police Park Party & City Council Ice Cream Social	Interstate Gratings	\$ 395.00	\$ 2,106.63	\$ (1,711.63)
Tue, 8/7	Movie: "Coco" Movie paid for by AmBank	AmBank	\$ -	\$ -	\$ -
Wed, 8/8	Grandparents Night Out		\$ -	\$ 659.93	\$ (659.93)
Wed, 8/8	Huck Finn Fishing	Rock Canyon Bank	\$ 395.00	\$ 1,010.36	\$ (615.36)
Thu, 8/9	Cardboard Boat Regatta		\$ -	\$ 714.98	\$ (714.98)
Thu, 8/9	Free Swim Day	American Fork Hospital	\$ 800.00	\$ 40.57	\$ 759.43
Thu, 8/9	Dime Dive (AmBank provided dimes)	AmBank	\$ -	\$ 276.77	\$ (276.77)
Thu, 8/9	Belly Flop Competition	Low Book Sales	\$ 175.00	\$ -	\$ 175.00
Thu, 8/9	Kenducky Derby	Roofers Supply	\$ 360.00	\$ 437.46	\$ (77.46)
Thu, 8/9	Flag Retirement & Military Tribute		\$ -	\$ 76.89	\$ (76.89)
Thu, 8/9	Mini Rodeo	Central Bank	\$ 903.00	\$ 82.50	\$ 820.50
Fri, 8/10	Video Game Tournament	Coconut Cove	\$ 110.00	\$ 1,627.26	\$ (1,517.26)
Fri, 8/10	Family Arena Events	LHM Lexus of Lindon	\$ 586.00	\$ 375.58	\$ 210.42
Fri, 8/10	Mayor's Candy Scramble	Pizza Factory	\$ 275.00	\$ 1,112.02	\$ (837.02)
Sat, 8/11	Family Fun Run & 5K	Mountain Point Medical	\$ 1,185.92	\$ 1,330.40	\$ (144.48)
Sat, 8/11	Mayor's Breakfast	Murdock Hyundai	\$ 532.00	\$ 1,086.24	\$ (554.24)
Sat, 8/11	Parade	Infiniti Creations	\$ 2,000.00	\$ 461.72	\$ 1,538.28
Sat, 8/11	Family Fair & Food Truck Round Up (sold t-shirts for tye-dye booth)	doTERRA	\$ 1,950.00	\$ 5,896.33	\$ (3,946.33)
Sat, 8/11	Pre-Show	All American Gymnastics	\$ 415.00	\$ 1,090.00	\$ (675.00)
Sat, 8/11	Concert	Multiple	\$ 1,820.00	\$ 11,488.05	\$ (9,668.05)
Sat, 8/11	Fireworks	Multiple	\$ 400.00	\$ 8,000.00	\$ (7,600.00)
	Miscellaneous (Rev = interest) (Exp = staff food, general exps, volunteer appreciation, purch. for next yr)		\$ 75.20	\$ 2,186.29	\$ (2,111.09)
TOTALS			\$ 37,797.12	\$ 63,555.11	\$ (25,757.99)



2019 LINDON DAYS



New Traditions



AUGUST 3-9 2019

Saturday Parade Conflicts

Cedar Hills	Art City Days	Saratoga Splash	Orem Summerfest	Strawberry Days	Lehi Roundup	Mapleton Town Days	Steel Days
Saturday June 9	Saturday June 9	Saturday June 9	Saturday June 9	Saturday June 23	Saturday June 30	Saturday July 21	Saturday July 21
10AM	9 AM	10 AM	7PM	10AM	10AM	10AM	9AM

Provo Freedom Festival	Spanish Fork Fiesta Days	Highland Fling	Santaquin Orchard Days	Lindon Days	Alpine Days	Salem Days	Payson Onion Days
Wednesday July 4	Tuesday, July 24	Saturday August 4	Saturday August 4	Saturday August 11	Saturday August 11	Saturday August 11	Monday Sept 3
9 AM	9AM	9AM	10AM	10AM	10AM	10 AM	10AM

Lindon Days

- Start Lindon Days on Saturday Morning with the Parade and go until Friday Night

Saturday, August 3	Sunday, August 4	Monday, August 5	Tuesday, August 6	Wednesday, August 7	Thursday, August 8	Friday, August 9
5K	Fireside Speaker	Car Show	Police Park Party	Grandparents Night	Free Pool Day	Video Game Tournament
Mayors Breakfast	OR		Ice Cream Social	Huck Finn Fishing	Cardboard Boat Regatta	Family Fair
Grand Parade	Picnic in the Park with music.		Outdoor Movie		Dime Dive KenDucky Derby	Concert
Kickoff Entertainer					Flag Retirement Ceremony	Fireworks
					Mini Rodeo	

Possible Grant Opportunities

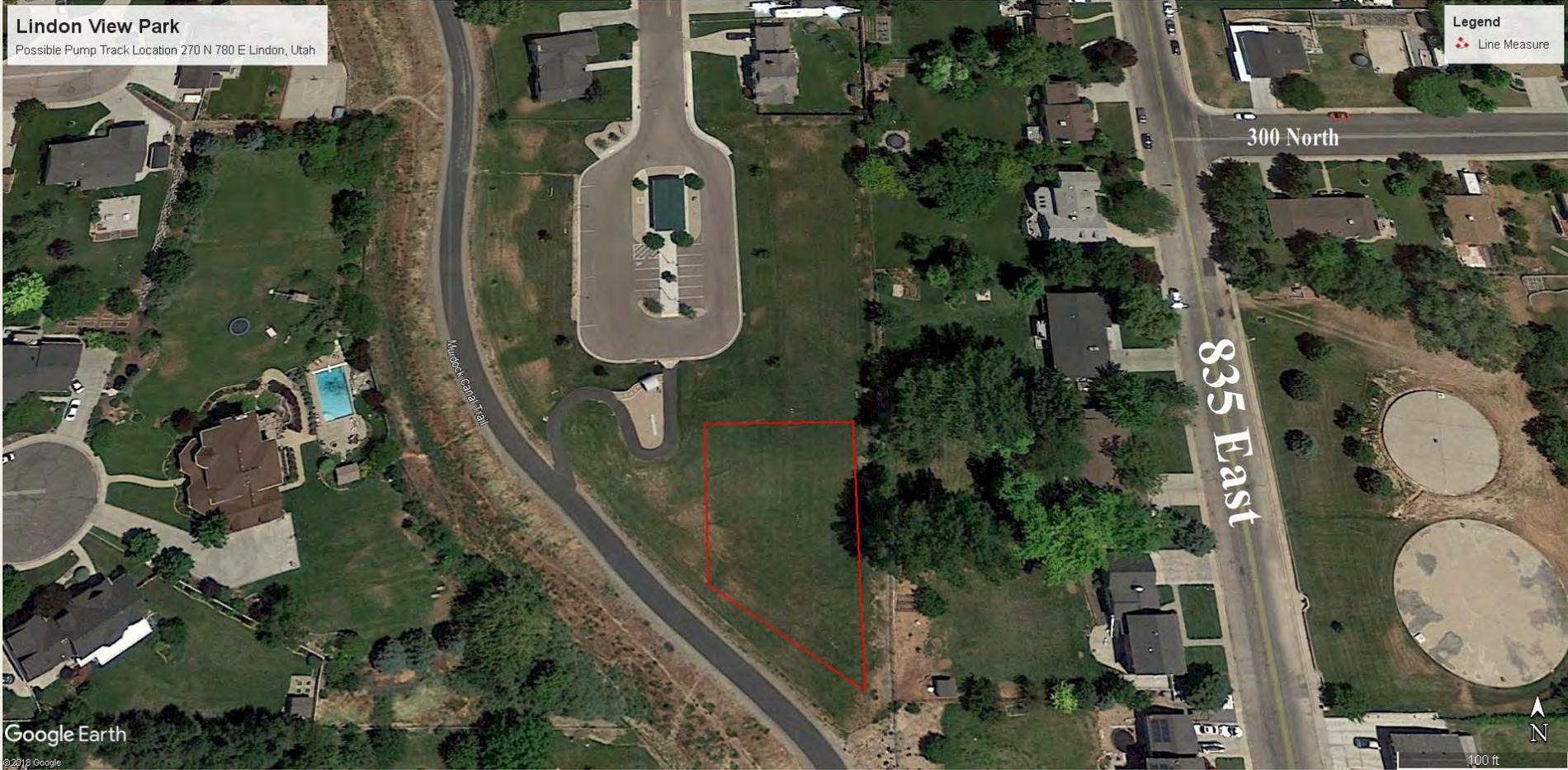
- Utah Outdoor Recreation Grant (GOED)
 - *Limit \$150K*
 - *50-50 Match (25% can be in-kind)*
 - *Awarded for 13 types of activities: Trails, OHV, shooting sports, natural playscapes, equestrian, wayfinding, climbing, mountain biking, water recreation.*
- Land & Water Conservation Grant (LWCF)
 - *Once a public outdoor recreation site, always a public outdoor recreation site.*
 - *50-50 Match*
 - *The LWCF may be used to develop outdoor recreation facilities including, but not limited to: ball fields, sports courts, spray parks, golf courses, public restrooms, swimming pools, skate parks, and walking trails. Land acquisitions for public outdoor recreation are also eligible for LWCF.*
- Recreational Trails Program (RTP)
 - *50-50 Match – In-kind, volunteer labor, donations, etc.*
 - *RTP funding may be used for the construction and maintenance of trails and trail-related facilities, including the development of staging areas, trailheads, restroom facilities, etc*
 - *Limit \$150K*

Bike Park and Grants



Possible Bike Pump Track Locations





Department Needs

- Full Time Aquatics Coordinator
- Part-time Parks Ranger

Coming Events

- Halloween Carnival/Trunk or Treat
 - *Friday, October 19, 2018*
 - *Community Center*
- Christmas Tree Lighting Ceremony
 - *Monday, December 3, 2018*
 - *Community Center*

9. Public Hearing — FY2018-19 Budget Amendment; Resolution #2018-20-R (15 minutes)

The City Council will review and consider Resolution #2018-20-R amending the fiscal year 2018-19 Lindon City Budget for various budgetary modifications and updates to city revenues and expenditures.

See attached Resolution 2018-20-R and memo from Kristen Colson, Finance Director, regarding proposed amendments to the fiscal year 2018-2019 (FY2019) budget and fee schedule.

Sample Motion: I move to (approve, deny) Resolution 2018-20-R amending the fiscal year 2019 budget and fee schedule.

RESOLUTION NO. 2018-20-R

A RESOLUTION OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING VARIOUS SECTIONS OF THE LINDON CITY BUDGET AND FEE SCHEDULE FOR FISCAL YEAR 2018-19 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City finds it prudent and in accordance with sound fiscal policy to amend the Lindon City Budget and Fee Schedule for Fiscal Year 2018-2019 (FY2019); and

WHEREAS, the on-going budget reports indicate several items which need to be adjusted to actual costs associated with current projects and revenue/expenditure line items updated based on new information and data obtained since the budget was adopted in June of 2018; and

WHEREAS, adjustments to the Lindon City Fee Schedule are needed to appropriately cover costs of providing services in the community; and

WHEREAS, public notice of the budget amendment has been advertised and public hearing held on October 16, 2018 regarding the proposed budget amendments; and

WHEREAS, the Municipal Council desires to amend the FY2019 Lindon City Budget and Fee Schedule to reflect these more accurate numbers and needed amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Lindon City, Utah County, State of Utah, as follows:

SECTION I. The FY2019 Lindon City Budget and Fee Schedule is hereby amended as shown on the attached memorandums for specific budgetary line items as listed.

SECTION II. This resolution shall take effect immediately upon passage.

PASSED AND ADOPTED by the Lindon City Council on this the 16th day of October, 2018.

Matt Bean, Mayor pro tem

ATTEST:

Kathryn A. Moosman, City Recorder

SEAL:

BUDGET AMENDMENT NOTES

October 16, 2018

- 1 Spencer applied for and received a state grant to help offset increasing costs for indigent attorney fees.
- 2 Heath applied for and received a recreation grant from Utah County to help offset some of the cost of installing screens at the pickleball courts at Hollow Park. The grant was for \$5,593 and is being received into the General Fund and then transferred to the Parks CIP fund. The total cost was \$8,765 with the remaining expense covered by impact fees.
- 3 This is a carryover from the 2017-2018 budget. The police department is still working on purchasing cameras (dash cams) for all of their vehicles for about \$60,000.
- 4 Public Works uniform expense is increasing \$515 to buy shirts for their personnel which will identify them as Lindon City Public Works employees. This expense is distributed to Streets and PW Admin in the General Fund, as well as the Water, Sewer and Storm Water funds.
- 5 The rental cost for the Public Works backhoe has increased and is not available at the termination of our current rental agreement so the City is extending the current rental agreement 3-4 months and then paying the annual rental fee for the new backhoe in January or February. This \$4,000 increase is distributed to Streets in the General Fund, as well as the Water, Sewer and Storm Water funds.
- 6 The budget amendment on September 18, 2018 did not include Debt Service Fund amendments for transfers in from the General Fund and payments of principal and interest for the road portion of the 700 North bond payoff and the Public Safety Building pay down. The transfer out from General Fund was an estimate and we now know the actual amount.
- 7 There are \$120,000 in budgeted improvements for the Aquatics Center in the 2018-2019 fiscal year. The City will use \$55,000 in PARC Tax to cover the cost of resurfacing the flow rider and general pump maintenance.
- 8 The two pavilions at Pioneer Park and the two pavilions at Pheasant Brook will be treated for an estimated cost of \$12,840.
- 9 Orem City notified Lindon City of an upcoming capital improvement to their Water Reclamation Facility of about \$1.2 million. According to our agreement, we will share about 12% of that cost.
- 10 This is a carryover from the 2017-2018 budget. Three lift stations (#1, 3, & 6) will be demolished for about \$56,000.
- 11 This is a carryover from the 2017-2018 budget. The sewer TV truck computer and software equipment will be upgraded for about \$25,000.
- 12 This is a carryover from the 2017-2018 budget. The City is still working with Ivory Development to share the actual costs for the new sewer lift station.
- 13 The budget for the Citywide cleanup is increasing \$4,000 since the City has added a Fall Cleanup with dumpsters in addition to the Spring Cleanup.
- 14 The changes in revenues and expenses are balanced and offset by changes in the use of, or appropriation to, fund balances.

BUDGET AMENDMENT
FISCAL YEAR 2018-2019
 October 16, 2018

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
GENERAL FUND								
10-33-790	1	State Grants	-	27,000	27,000			
10-33-800	2	County Grants	-	5,593	5,593			
10-38-900	14	Use of Fund Balance	132,949	153,865	20,916			
10-54-675	3	Police Purchase of Equipment				10,000	70,000	60,000
10-60-222	4	Streets Uniform Expense				300	380	80
10-60-610	5	Streets Equipment Rental				2,500	3,500	1,000
10-62-222	4	PW Admin Uniform Expense				600	790	190
10-75-905	6	Trfr to Debt Svc-2005 Road Bnd				1,366,092	1,352,777	(13,315)
10-75-913	6	Trfr to Debt Svc-Pub Sfty Bldg				1,145,708	1,145,669	(39)
10-75-926	2	Trfr to CIP - Parks Fd 47				-	5,593	5,593
			<u>132,949</u>	<u>186,458</u>		<u>2,525,200</u>	<u>2,578,709</u>	
NET GENERAL FUND INCREASE					<u>53,509</u>			<u>53,509</u>
PARC TAX FUND								
24-41-920	7	Trfr to Recreation-Capital Exp				-	55,000	55,000
24-44-310	8	Professional & Tech Services				-	12,840	12,840
24-49-990	14	Appropriate to Fund Balance				99,655	31,815	(67,840)
			<u>-</u>	<u>-</u>		<u>99,655</u>	<u>99,655</u>	
NET PARC TAX FUND INCREASE					<u>-</u>			<u>-</u>
DEBT SERVICE FUND								
33-30-700	6	Trfr from Gen Fd-2005 Road Bnd	213,933	1,352,777	1,138,844			
33-30-755	6	Trfr From Gen Fd-Pub Sfty Bldg	199,154	1,145,669	946,515			
33-40-440	6	2016 Public Safety Bldg Princ				159,000	1,104,000	945,000
33-40-445	6	2016 Public Safety Bldg Int				38,554	40,069	1,515
33-40-870	6	700 N Road Bond Principal				164,120	1,285,874	1,121,754
33-40-880	6	700 N Road Bond Interest				48,220	65,310	17,090
			<u>413,087</u>	<u>2,498,446</u>		<u>409,894</u>	<u>2,495,253</u>	
NET DEBT SERVICE FUND INCREASE					<u>2,085,359</u>			<u>2,085,359</u>
PARKS CIP FUND								
47-30-800	2	Trfr from General Fund	-	5,593	5,593			
47-30-900	14	Use of Fund Balance	185,000	179,407	(5,593)			
			<u>185,000</u>	<u>185,000</u>		<u>-</u>	<u>-</u>	
NET PARKS CIP FUND INCREASE					<u>-</u>			<u>-</u>

BUDGET AMENDMENT
FISCAL YEAR 2018-2019
 October 16, 2018

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
WATER FUND								
51-30-980	14	Use of Fund Balance	55,637	56,782	1,145			
51-40-222	4	Uniform Expense				600	745	145
51-40-610	5	Equipment Rental				2,000	3,000	1,000
			<u>55,637</u>	<u>56,782</u>		<u>2,600</u>	<u>3,745</u>	
		NET WATER FUND INCREASE			1,145			1,145
SEWER FUND								
52-30-980	14	Use of Fund Balance	377,911	1,085,011	707,100			
52-40-222	4	Uniform Expense				450	550	100
52-40-600	9	Orem City Sewage Collection				520,000	665,000	145,000
52-40-610	5	Equipment Rental				2,000	3,000	1,000
52-40-620	10	Other Services				7,000	63,000	56,000
52-40-740	11	Purchase of Capital Asset				60,000	85,000	25,000
52-40-755	12	Special Projects				250,000	730,000	480,000
			<u>377,911</u>	<u>1,085,011</u>		<u>839,450</u>	<u>1,546,550</u>	
		NET SEWER FUND INCREASE			707,100			707,100
WASTE COLLECTION FUND								
53-30-900	14	Use of Fund Balance	-	4,000	4,000			
53-40-330	13	City Wide Cleanup				10,000	14,000	4,000
			<u>-</u>	<u>4,000</u>		<u>10,000</u>	<u>14,000</u>	
		NET WASTE COLLECTION FUND INCREASE			4,000			4,000
STORM WATER DRAINAGE FUND								
54-40-222	4	Uniform Expense				300	415	115
54-40-610	5	Equipment Rental				2,000	3,000	1,000
54-40-990	14	Appropriate to Fund Balance				123,641	122,526	(1,115)
			<u>-</u>	<u>-</u>		<u>125,941</u>	<u>125,941</u>	
		NET STORM WATER DRAINAGE FUND INCREASE			-			-
RECREATION FUND								
55-30-880	7	Transfer from PARC Tax Fund	86,900	141,900	55,000			
55-30-900	14	Use of Fund Balance	356,295	301,295	(55,000)			
			<u>443,195</u>	<u>443,195</u>		<u>-</u>	<u>-</u>	
		NET RECREATION FUND INCREASE			-			-

BUDGET AMENDMENT
FISCAL YEAR 2018-2019
 October 16, 2018

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
CITYWIDE TOTAL			<u>2,611,914</u>	<u>5,463,027</u>	<u>2,851,113</u>	<u>4,012,740</u>	<u>6,863,853</u>	<u>2,851,113</u>
CHANGE IN REVENUES & EXPENDITURES								
		Change in Citywide Rev. & Exp.	-	32,593	32,593	950,644	3,202,473	2,251,829
		Carryover from Prior Fiscal Year	-	-	-	327,000	948,000	621,000
		Increase (Decrease) in Interfund Transfers	499,987	2,645,939	2,145,952	2,511,800	2,559,039	47,239
		Increase (Decrease) in Use of Fund Bal.	2,111,927	2,784,495	672,568			
		Increase (Decrease) in Appr. to Fund Bal.				223,296	154,341	(68,955)
		Citywide Totals	<u>2,611,914</u>	<u>5,463,027</u>	<u>2,851,113</u>	<u>4,012,740</u>	<u>6,863,853</u>	<u>2,851,113</u>
		Net Increase (Decrease) in Rev. & Exp.			<u>2,851,113</u>			<u>2,851,113</u>

PROPOSED FEE SCHEDULE CHANGES

October 16, 2018

CHANGES

Public Works

Hydrant Meter Rental Deposit

~~\$1,200.00~~ **\$1,500.00**

10. Discussion Item — Lindon City Justice Court

(30 minutes)

City Staff will review the process for replacement of Lindon City Justice Court Judge Brent Bullock, due to him aging out of the system in February 2019, and will present a financial and statistical overview of the court and options regarding the future of the court.

See attached financial details and justice court case load charts. Staff will review these in detail.

We recently met with the State Justice Court Administrator about the judge replacement process. We were informed that Lindon is not obligated to have a justice court – nor to cover the costs of a court if we close our court and let the County Justice Court process our cases *unless* we want a portion of the fine revenues.

When a new judge is hired they are technically treated like an elected official for a 6-year term and the city is required to pay the judge for their full term (6 years) – even if the justice court closes.

Considerations for the next 6-years of the Lindon City Justice Court needs to be discussed before proceeding with hiring a new judge. You have the following options to consider as follows:

I. Keep justice court as is.

a. Pros

- i. Full local control
 1. Selection of judge; prosecutors; indigent defense attorneys; staff
 2. Excellent working relationships
- ii. Most convenient location (court patrons, employees, officers, attorneys, proximity to Police Dept)
- iii. Ability to continue operating justice court
- iv. Revenue potential: Losses are decreasing w/possible revenue positive FY2018-19
 1. Indigent defense grant; in-house attorney; decreased salary of new judge
- v. Provides jobs in Lindon (judge, FT court clerk, PT court clerk, attorneys, bailiffs)
- vi. More fully utilizes existing facilities

b. Cons

- i. Cost. The justice court has been subsidized by the General Fund for past 11 years
- ii. Management and operations time (Administration, HR, payroll, etc.)
- iii. Facilities – requires court room, offices, equipment/supplies, and on-going maintenance

2. Close court w/ Interlocal Agreement w/neighbor city (Orem/PG) for justice court services.

a. Pros

- i. More convenient than going to County justice court location (Provo)
- ii. Opportunity for costs savings (consolidation of employees, facilities, etc.)
- iii. May be able to negotiate some control if providing prosecutor, etc.
- iv. Ability to re-open Lindon justice court when Interlocal Agreement ends/dissolves
- v. Less management oversight
- vi. Facility space available for future needs

b. Cons

- i. Loss of control (judge, indigent defense attorneys, possibly prosecutor, staff)
- ii. May or may not cover full cost of services; loss of possible revenue
- iii. Possible inefficiency of time w/attorneys & officers waiting & away from offices
- iv. Justice Court employee layoffs

3. Close court w/ agreement w/County Justice Court BUT retain our own Prosecutor

a. Pros

- i. Cost savings; ability to keep 50% of city portion of fine revenues to off-set prosecutor costs
- ii. Control of prosecutor selection
- iii. Maintain working relationship between prosecuting attorney & city officers
- iv. Less management oversight
- v. Facility space available for future needs

b. Cons

- i. Loss of control (judge, indigent defense attorneys, staff)
- ii. Less convenient traveling to Provo
- iii. Possible inefficiency of time w/attorneys & officers waiting & away from offices
- iv. Justice Court employee layoffs
- v. Most likely would lose ability to re-open Lindon justice court again

4. Close court w/ agreement w/County Justice Court to handle everything

a. Pros

- i. Cost is fully covered by County
 - I. City cannot retain any fine revenue
- ii. Less management oversight
- iii. Facility space available for future needs

b. Cons

- i. Complete loss of control (judge, prosecutor, indigent defense attorneys, staff)
- ii. Less convenient traveling to Provo
- iii. Possible inefficiency of time w/officers waiting & away from offices
- iv. Justice Court employee layoffs
- v. Most likely would lose ability to re-open Lindon justice court again
- vi. Concern that future legislation would be drafted to require financial participation from capable cities

These options will be discussed in detail. No motion needed. *Staff is looking for direction on whether or not the Council wants to explore these 'court closure' options more – or to keep the court as-is and move ahead with hiring a new justice court judge.*

To fill the judge vacancy the city council needs to appoint two non-elected individuals to serve on a selection committee with several other appointed persons by the County Commission, Mayors of the County, and County Bar Association. This committee interviews judge applicants who meet State qualifications then provides a few individuals to the Council to review and consider one person for appointment as the new judge.

The Council can appoint a Temporary Judge without a selection committee process if the search for a permanent judge takes longer than anticipated or isn't completed prior to February when Judge Bullock ages out of the system.

COURT FINANCIAL HISTORY AND FORECAST

Account Description	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-2018
Court Revenue														
Court Fines*	389,375	509,180	486,000	368,052	398,612	475,492	418,083	384,931	328,787	343,303	335,696	347,861	457,188	503,134
Traffic School Fees	73,920	117,540	87,741	44,433	17,286	21,411	18,490	15,609	11,008	11,911	11,051	12,552	20,725	19,877
Total Court Revenue	463,295	626,720	573,741	412,485	415,898	496,903	436,573	400,540	339,795	355,214	346,747	360,413	477,914	523,011
Court Expenditures														
Personnel Wages & Benefits	110,429	127,304	146,258	145,832	145,985	142,053	144,354	154,548	156,692	149,102	145,765	140,144	143,090	146,093
Membership Dues & Subscriptions	260	59	290	76	167	123	70	110	324	164	174	216	347	-
Clothing Allowance	69	75	70	72	-	-	-	-	-	-	-	-	-	-
Travel & Training	1,762	2,241	2,584	3,384	1,452	2,011	899	1,893	2,547	1,172	1,309	1,594	1,352	1,094
Office Supplies	3,654	4,427	5,415	4,178	5,087	3,759	4,396	4,594	4,912	4,276	2,833	4,995	2,449	3,002
Operating Supplies & Maint	1,206	1,476	1,501	198	2,184	376	3,505	487	348	113	561	249	-	778
Miscellaneous Expense	50	-	-	19	-	-	-	-	-	59	-	-	-	-
Telephone	-	376	384	800	1,304	1,702	1,369	1,292	1,375	1,411	1,442	1,260	1,307	373
Gasoline	-	-	-	-	-	-	-	-	8	8	22	3	23	29
Professional Svcs (Attorneys)	94,280	103,027	110,541	113,982	183,288	197,503	201,176	173,645	170,484	176,903	150,093	147,727	201,001	201,588
Insurance	863	1,687	1,807	2,138	1,980	3,641	2,052	1,874	1,880	1,508	1,535	2,118	2,044	1,834
Court Surcharges & Fees	134,012	183,162	164,192	130,330	127,476	158,413	138,343	127,545	101,055	107,598	109,307	122,787	165,242	186,929
Traffic School- Pleasant Grove	37,075	58,590	34,710	8,160	-	-	-	-	-	-	-	-	-	-
Bailiff & Transport Services	-	-	-	5,226	9,753	11,885	11,487	10,737	9,329	6,704	5,551	5,887	6,844	10,496
Purchase of Equipment	-	-	-	-	-	-	-	707	850	5,000	-	-	900	-
Purchase of Capital Asset	-	-	3,236	-	-	-	-	-	-	-	-	-	-	-
Total Court Expenditures	383,660	482,422	470,988	414,395	478,675	521,466	507,649	477,433	449,804	454,017	418,593	426,981	524,600	552,216
Total Rev. over (under) Exp.	79,635	144,297	102,752	(1,910)	(62,776)	(24,562)	(71,077)	(76,893)	(110,010)	(98,803)	(71,846)	(66,568)	(46,686)	(29,205)

* "Court Fines" include all of the money paid by defendants including the amount that will be remitted to the State for Surcharges (see "Court Surcharges & Fees" listed under expenses).

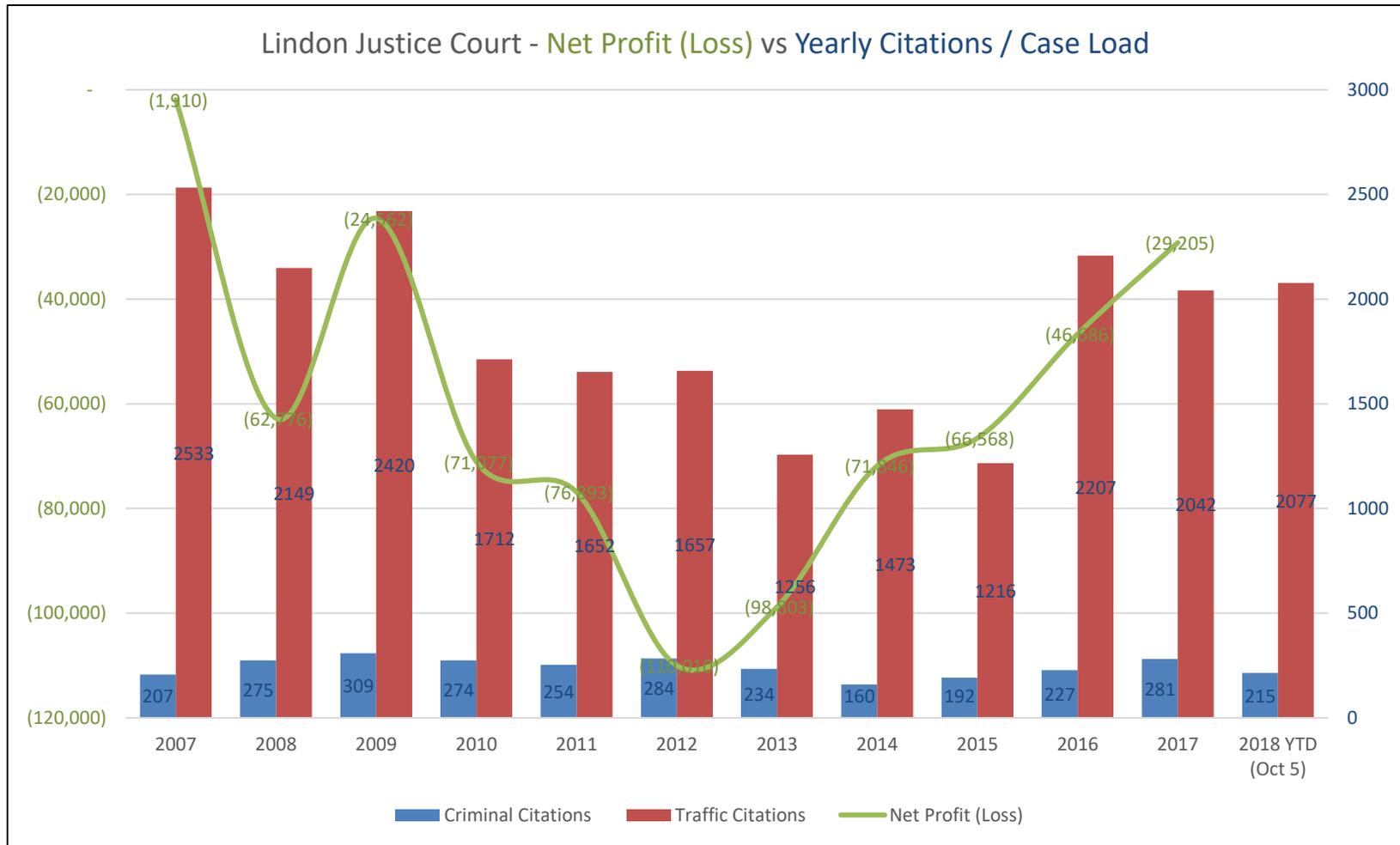


TABLE 1**Lindon Justice Court****CORRECTED Traffic Cases Filed - data run 10/10/2018****City residence based on defendant address**

Fiscal Year Filed	Defendant with Other Address	Defendant with Lindon Address	% Traffic Lindon Address
2008	1,847	328	15%
2009	2,175	330	13%
2010	1,632	307	16%
2011	1,556	219	12%
2012	1,586	179	10%
2013	1,178	112	9%
2014	1,315	155	11%
2015	1,112	176	14%
2016	1,520	156	10%
2017	1,987	176	8%
2018	2,247	163	7%

TABLE 2**Lindon Justice Court & American Fork District Court****Cases filed - data run 10/10/2018****Where Plaintiff "Lindon City" and Defendant a resident of "Lindon"**

Fiscal Year Filed	Misdemeanor/Infraction	Traffic	Grand Total
2008	68	328	396
2009	96	330	426
2010	76	307	383
2011	86	219	305
2012	71	180	251
2013	64	112	176
2014	70	157	227
2015	44	177	221
2016	62	156	218
2017	53	176	229
2018	53	164	217

II. Closed Session — Closed Executive Session*(20 minutes)*

The Mayor and City Council pursuant to Utah Code 52-4-205 may vote to enter into a closed executive session for the purpose of discussing pending or imminent litigation. This session is closed to the general public.

The Council may vote to enter into this closed session by motion.

Sample Motion: I move to enter into a closed session to discuss pending or imminent litigation. (Roll-Call vote needed)

12. Council Reports:

- A) MAG, COG, UIA, Utah Lake Commission, ULCT, NUVAS, IHC Outreach, Budget Committee
- B) Public Works, Irrigation/water, City Buildings
- C) Planning, BD of Adjustments, General Plan, Budget Committee
- D) Parks & Recreation, Trails, Tree Board, Cemetery
- E) Public Safety, Court, Lindon Days, Transfer Station/Solid Waste
- F) Admin., Community Center, Historic Comm., PG/Lindon Chamber, Budget Committee

(20 minutes)

- Jeff Acerson
- Van Broderick
- Matt Bean
- Carolyn Lundberg
- Daril Magleby
- Jacob Hoyt

I3. Administrator's Report

(10 minutes)

Misc Updates:

- October City newsletter: https://media.rainpos.com/442/october18final_20181002160506.pdf
- November newsletter article: **Jake** - Article due to Kathy last week in Oct.
- Planning Director hiring process
- Planning Commission – Charlie Keller needs replacement after his term ends Dec/Jan.
- Misc. Items:

Upcoming Meetings & Events:

- Oct 26th – Trunk or Treat and spook alley at Community Center
- Nov 9th-19th – Fall Clean-Up w/ dumpsters available around town for public use. Nov 1-30th City will continue to pick up leaf bags, but yard waste, etc. needs to be taken to dumpsters.
- November 6th – General Election
- November 22nd – Mayor's Thanksgiving Dinner event.
- Nov 22nd-23rd – Offices closed for Thanksgiving holiday.
- Dec 21st at Noon – Employee Christmas party at Community Center
- Dec 24th-25th – City offices closed for Christmas holiday.
- Tuesday, January 1st – City offices closed for New Year's holiday. No Council meeting.

Adjourn