CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
September 14, 2021

3:00 P.M. WORK SESSION - CITY COUNCIL CONFERENCE ROOM

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner.
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Heather Schriever, City Attorney; Marc Sanderson, Fire Chief; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; and Nathan Nelson, Deputy City Recorder

NOTE: The referenced report and presentation documents for each discussion may be viewed at orem.org/meetings under "City Council Presentations"

PRESENTATION - 2021 Utility Financial Plan

Mr. Tschirki stated the 2021 Water, Sewer, and Storm Water Master Plans were adopted earlier this year in April. These new plans updated the 2016 master plans and incorporated capital facility project scopes and schedules. A supporting 2021 Utility Financial Plan was created to (1) reflect the changes made in these utility master plans and (2) account for a new hybrid bond / pay-as-you-go funding philosophy. Rate increases were paused in FY21 with respect to the water and sewer utilities. As a result, new water, sewer, and storm water rate schedules were developed.

Mr. Tschirki gave the council an update on Orem Utility Improvement Plan. Mr. Philpot of Lewis, Young, Robertson & Burningham presented a Utility Rate Comprehensive Sustainability Plan to the council. He went through a few of the main objectives of the plan. Mr. Philpot then showed the council some graphs regarding the "Pay-As-You-Go and Bonding Approach." Mr. Tschirki stated that this approach will spread the burden across generations, softening rates and providing coverage for large capital projects. Mr. Philpot then presented the council with suggested utility rate adjustments.

General discussion ensued regarding utility cost over time, utility cost tiers, and city project funding.

Mr. Lambson asked Mr. Tschirki and Mr. Philpot for the demographics of the different water tiers and what tiers make up what percentage of the overall water use. Mr. Tschirki stated that they have those statistics available and can deliver them to the council later.

DISCUSSION - Crandall Orchard Conservation Easement Introduction

Mr. Taylor gave the council a brief background on the proposed easement.

Mr. Hawkins introduced the subject and gave a brief history of the Crandall Property. He then stated the Crandall family would like to enact a conservation easement on part of their property to preserve its operation as a working orchard. Mr. Hawkins went through the estimated cost of the easement, including how the city and Crandall family could acquire this funding. He then went into detail on who would hold the easement if passed, who can fund how much, and stated the property would be open to limited public access such as school field trips. He also stated the Natural Resources and Stewardship Committee recommends this easement. Hawkins asked the council if they would support putting this conservation easement in place, causing discussion regarding current and future costs, as well as the repealability of the proposed conservation easement.

Mr. Peterson asked for the pros and cons of this easement. Mr. Hawkins stated the pros involve preserving and recognizing the heritage and history of Orem City. He stated some cons include navigating the easement if work needs to be done on a nearby roads or similar projects, as well as the difficulty of removing the easement if that needed to be done.

Mr. Hawkins stated the money put forward for this easement would go to the Crandall family in exchange for their developing rights on the property.

It was a general consensus of the council to move forward with exploring this option.

PRESENTATION - Orem Connected Vehicle Project

Mr. Leonard from the Utah Department of Transportation (UDOT) introduced the council to the concept of Connected Vehicle Technology. He stated a “connected vehicle” uses wireless technology to exchange information with other vehicles on the road, roadside infrastructure, and various other travelers. He stated all these things would feed information to the driver whether that be human or computer, to make the roads safer. He then went through the basics of safety message data collection on connected vehicles. Mr. Leonard then spoke about connected intersections and possible benefits of having emergency vehicles connected to a system like this. Mr. Leonard then updated the council on the past and current development of this system.

Mayor Brunst asked what other cities would be or have been involved in this project. Mr. Leonard stated all development thus far has taken place on state roads and Orem would be the first complete city to take on this development. He then went over goals for this development.

General discussion ensued regarding equipment size, placement, implementation, and security.

Mayor Brunst asked Mr. Davidson for staff’s thoughts on this project. Mr. Davidson stated Orem City Staff likes the idea and thinks that it would improve multiple aspects of transportation in the city. Mr. Leonard then went over a map of proposed roadside unit sites.

General discussion ensued regarding the use of this technology in civilian vehicles, and how this technology could reduce accidents.

PRESENTATION - Farley Property Water Tank

Mr. Larsen of Bowen Collins & Associates introduced a progress report and design concepts for the water tank on the Farley property. The progress report included updates on water capacity, public outreach, and the exploration of design concepts.

Mayor Brunst asked Mr. Larsen if he has received any negative opinions from citizens on the property. Mr. Larsen responded that he wouldn’t call any of the opinions negative, they are just very different from each other. Mr. Larsen stated he is here today to get the council’s go-ahead to present the given design concepts to the public. Mr. Larsen went through the competing design priorities and challenges for this development. He stated some of the concerns for this project are limited parking, limited use for the top of the tank, size of the tank, visual openness, and uncertainty of future property use. Mr. Larsen stated they have designed concepts to address these issues. He stated the design would be focused on hosting the property as a passive park, having the top of the tank decorated with native grasses, perennials, and shrubs. He also stated there would be a focus on the exterior trail. Mr. Larsen then showed the council the design concept for the property and went through all of the features.

Mayor Brunst asked if the tank construction would be visible to the public. Mr. Larsen responded that besides two tank vents, nothing of the tank would be visible.

Discussion ensued regarding the height of the tank and fencing, whether the land on top of the tank would be accessible to the public, and property parking.

Mr. Spencer said he would like to see this tank as low as possible in the property.

Mr. Macdonald stated he would like to see walking paths kept off the top of the tank.

Mayor Brunst expressed that he would like to see updated elevation and path designs presented to the council before presenting anything to a neighborhood meeting.

Mr. Peterson stated he would like to see this tank buried as much as possible.

Mrs. Lauret stated she would like to see a perimeter fence similar to the one at the Sego Lily water tank property.

PRESENTATION - City Code Update

Mrs. Schriever presented a summary of these proposed changes to the City Code. These include replacing terms like "Public Safety" with "Police Department," as well as changing "Administrative Services" to "Finance Department." She then went through some gender-neutral code update changes and stated there was some code renumbering that needed to also take place. Mrs. Schriever went through various other updates, including campaign finance contact information, adjusting references to renumbered city code, and introducing a new class of GRAMA records requests.

Mr. McKnight presented changes and updates to the animal control code after which Mrs. Schriever presented various updates to criminal offenses, state code reference, city manager emergency authority, and home occupations. Mr. McKnight then showed changes to towing company code updates, spoke on various gender-neutral wording updates, and small changes to the sexually oriented business code. Mrs. Shriver then went over zoning enforcement code updates.

Mr. McKnight gave the council an overview and summary of changes that came with transferring the Neighborhood Preservation Unit to the Neighborhood Improvement Team. Changes in this section mainly revolved around transferring the language mentioning police officers to updated terms referencing NIT officers/employees.

Mrs. Schriever concluded by presenting a list of administrative changes in this city code update, mainly inserting a hearing officer instead of having an employee's appeals board. She finished by going over changes to tree stewardship, traffic courts, and garage sales.

AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

The City Council reviewed the evening's agenda. Discussion ensued regarding the scheduled items that would be considered.

CITY COUNCIL REPORTS (BOARDS & COMMISSIONS, NEW BUSINESS, ETC)

Mrs. Lauret reviewed the boards and commissions she is a representative for

- Summerfest: they will be finding a new contractor for next year's Summerfest.
- Arts Council: they are holding concerts in the City Center Park and vinyl wrapping more utility boxes throughout the city.
- Natural Resource Stewardship Committee: They recently visited other cities' water tank parks as well as rain barrels.

Mayor Brunst asked Mrs. Lauret for more information, she stated it would get that information to him.

Mr. Spencer asked Mr. Clark about the status of a rezoning application on the Christiansen property. Mr. Clark stated the county assessor sees the property as a residential zone and it won't have any impact on property tax. The council expressed their support for this rezone.

6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Heather Schriever, City Attorney; Marc Sanderson, Fire Chief; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier,

Library Director; Chris Tschirki, Public Works Director; Brandon Nelson, Finance Director; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; and Nathan Nelson, Deputy City Recorder

CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT Robert Murdock
PLEDGE OF ALLEGIANCE Lyndon Murdock

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

PRESENTATION - Library Advisory Committee

Ms. Richards Library Advisory Board Chairperson, provided a pamphlet for the council containing various statistics about library activities. Ms. Richards stated that during the summer they moved the Storytime activities to the stage at the City Center Park to comply with COVID regulations. She mentioned because of this they were able to reach and include children and families they couldn't reach prior. She then went over a few various activities the library has been hosting.

Mr. Peterson asked Ms. Richards if every book had a place in the Orem library, or if there are books deemed inappropriate for the library. She stated it's a case-by-case basis and depends on how well the book is written, recommended, and received. Mr. Peterson went into detail about how he checked out two books supposedly meant for children that he felt were highly inappropriate and asked why the library would have those books available. Ms. Crozier stated he could submit those books for review, and if library personnel found them inappropriate, they would be removed.

PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the agenda. Those wishing to speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

Byron Taylor expressed his concern with "communication deficiencies" in Orem City. He stated that he received a flyer in the mail informing him about a planning commission meeting that was taking place later that day. He expressed this was received much too late for him to attend the meeting. Mr. Taylor then stated he wanted to find some planning information and had to jump through way too many hoops to get it.

Sam Lentz read a statement from a petition with over 2,200 signatures supporting LGBTQ+ topic displays at the Orem Library. The statement expressed that these displays help include and educate groups and bring our community together.

Richard Davis stated he and Sam Lentz were the instigators of this petition. He expressed he has had past experience being part of a group facing prejudice and stated was grateful when someone stood up for his group. He stated that by including marginalized groups in things like library displays can teach understanding and bring the community together.

John Livingston stated he works with an organization called Now I Can that helps treat children with Neurological disorders. He stated the nonprofit organization would like to buy some property in Orem to build a treatment center. He asked the council for support on this project.

Neal Lebaron stated he is a board member for Now I Can. He stated a former Vice President of the United States said the moral test of any government is how they treat children, elders, and the sick. He then expressed that he would like the council to show consideration for the group.

Patty Henwood stated she would like to see the concerned property acquired by the Now I Can nonprofit organization and asked the council to help with this.

CONSENT ITEMS

- APPROVAL OF MEETING MINUTES
    - Minutes of City Council Meeting - August 9, 2021
    - Minutes of City Council Meeting - August 24, 2021
- APPOINTMENTS TO BOARDS AND COMMISSIONS
  Summerfest Commission:
    - Venessa Sewell, Appointment
    - Anne Turner, Appointment
    - Liz Woolf, Re-Appointment
    - Ashlie Mann, Re-Appointment
- RESOLUTION - Authorizing the Mayor to Sign a Water Supply Agreement Between the City of Orem, Central Utah Water Conservancy District and the Metropolitan Water District of Orem

Mayor Brunst moved to approve the Consent Agenda as listed. **Mr. Macdonald Seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed.**

SCHEDULED ITEMS

PUBLIC HEARING / RESOLUTION - Projected Use of Funds for CARES ACT CDBG-CV funding and consider approval of a substantial amendment to the 2019-2020 Annual Action Plan

Ms. Mathews stated in response to the Coronavirus Pandemic (COVID-19), the U.S. Department of Housing and Urban Development Community Development Block Grant provided the City of Orem with a second CDBG allocation of $287,940 to be used to prevent, prepare for, and respond to COVID-19. The CDBG Advisory Commission recommends that the Orem City Council allocates funding from the previously allocated $39,681.68 in CDBG-CV public services funding to Community Action Services and Food Bank to help purchase and install a new walk-in cooler to help respond to the increased need during the pandemic. The City of Orem also plans to re-allocate $20,000 in CDBG-CV funding previously allocated to the Orem Senior Friendship for a capital plumbing repair project for public services.

Mayor Brunst opened the Public Hearing at 6:37pm. Hearing no comments, the mayor closed the Public Hearing and brought the item back to the council for further discussion.

Mr. Macdonald moved to accept the projected Use of Funds for CARES ACT CDBG-CV funding and approve the approval of a substantial amendment to the 2019-2020 Annual Action Plan **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed.**

PUBLIC HEARING / ORDINANCE - Amending Appendix A of the Orem City Code by enacting Standard Land Use Code 6264 Small Pediatric Neuro Physical Therapy and making such use permitted in the R7.5 zone and enacting Section 22-6-9(L) Small Pediatric Neuro Physical Therapy to establish requirements for a shall pediatric neuro physical therapy facility in the R7.5 zone.

Mr. Bench introduced the topic and showed the council which areas of the city this change could affect. He then gave the council a brief history of the property the Now I Can foundation wishes to use and stated the property has been sitting vacant for many years. Mr. Bench then went through the rules this proposed ordinance sets in place for Small Pediatric Neuro Physical Therapy establishments. These include not proving therapy to more than five children at a time and having at least eight parking stalls on the property.

Mr. Brunst asked Tracy Christensen to explain what the foundation does, how much parking the proposed property would have, how large the building is, and how much this treatment costs. Mr. Peterson stated this group came to a Planning Commission meeting and he was very impressed with them in many ways.

Mr. Macdonald stated that he knows about this group, and he supports this ordinance.

Mayor Brunst opened the Public Hearing at 6:47pm

Katie Paulfreeman said her son Zack has disorders that Now I Can has helped with and she stated they would be a wonderful addition to Orem.

Kristen Palmer stated that when her daughter was young their doctor said she would never be able to walk. She expressed how her daughter can walk because of Now I Can. She stated this new facility would be great for Orem.

Rebecca Swindell stated she's involved in many ways with this subject and property. She expressed that Now I Can is a unique and great fit for the property and asked the council to support this ordinance.

Mr. Whitman stated he is usually in council meetings opposing buildings in his neighborhood. He then explained that when this property was built, he was not thrilled, but now that Now I Can would like to purchase the property, he could not be happier.

Ms. Tiffany stated her son has mild cerebral palsy. She stated that when he was three years old, they found out about Now I Can and because of them he can walk, run, and has better motor skills. She expressed how she cannot speak highly enough of this organization, and she would love to see this great addition to Orem develop.

John Livingston brought up Colby Christensen, who he expressed is the reason why Now I Can exists. Ms. Christensen then expressed how treatments like this have blessed her life.

Mayor Brunst closed the Public Hearing and brought the item back to the City Council for further discussion.

Mr. Peterson moved by Ordinance to Amend Appendix A of the Orem City Code by enacting Standard Land Use Code 6264 Small Pediatric Neuro Physical Therapy and making such use permitted in the R7.5 zone and enacting Section 22-6-9(L) Small Pediatric Neuro Physical Therapy to establish requirements for a shall pediatric neuro physical therapy facility in the R7.5 zone. **Mr. Spencer seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed.**

PUBLIC HEARING / ORDINANCE - Amending portions of Section 22-11-56 PD-43 (Auburn Meadows) 2000 South Geneva pertaining to the approved uses in the PD43 zone for Area B. Also amending Appendix LL of the Orem City Code with updated concept plans and elevations pertaining to Area B.

Mr. Bench stated the original concept plan for the PD-43 zone established an Area A and an Area B. The original concept plan shows Area A being developed with attached residential units and Area B being developed as a senior independent living facility. As the area has developed over the last few years, the developer of the PD-43 zone now believes that Area B would be more productively developed as a grocery store and other commercial uses. Area B is located at the corner of Geneva Road and 2000 South and is a desirable location for commercial uses. The applicant also proposes to expand the area of Area B (by taking land from Area A) in order to facilitate the development of a grocery store. The applicant proposes to amend Appendix "LL" of the Orem City Code to amend the concept plan for the PD-43 zone to increase the size of Area B and to show two alternate development possibilities for two different-sized grocery stores. Plan A has a small grocery store and commercial space fronting on Geneva Road. Plan B has a larger grocery store and one commercial pad, possibly for a fast food establishment, in the southeast corner of Area B. Moving a portion of Area A to Area B will also require the applicant to relocate 12 residential units to other parts of Area A and to eliminate nine residential units from the project. In addition to the proposed amendment to the concept plan, a few technical amendments are also proposed to the text of the PD-43 zone (Section 22-11-56). A neighborhood meeting was held on May 14, 2021 with four people in attendance.

Mrs. Lauret expressed that she lives in the area and a grocery store would be a welcome addition.

Mr. Spencer asked if the developer would have to have a traffic study to proceed with this project. Mr. Bench stated they would.

General discussion ensued regarding project timelines, parking in the area, and neighborhood meetings.

Mayor Brunst opened the Public Hearing at 7:13 pm.

Sandy Morgan stated that she owns 2000 North and expressed that the developers want to push her out of her property. She stated she has a large horse business and has already been pushed out of American Fork. She also expressed the area cannot handle added traffic and parking needs.

Mrs. Paula expressed her concern for the traffic and parking in the area and stated a development like the one proposed would make the issue even worse.

General discussion ensued regarding development timelines, property rights, and allowed parking locations.

Mr. Taylor expressed concern with the parking and traffic in the area. He stated that this morning there were 51 cars parked on the side of Geneva. He expressed concern that the proposed development would cause the traffic and parking in the area to worsen.

A resident got up and stated she lives in the home just north of this area and is concerned she did not receive a notice for the neighborhood meeting regarding this project.
David Harrison stated he received the notice for the Planning Commission meeting the day after it happened. He then expressed concern for the traffic and parking in the area and stated the proposed development would make the issue much worse.

Elaine Scofield expressed her concern about the parking in the area and stated the proposed development would make this problem worse.

Mayor Brunst closed the Public Hearing at 7:36 pm and brought the item back to the City Council for further discussion.

Mr. Sumner expressed his concern for the parking and traffic in the area and stated this development would make the problem worse. He stated he would like to see a market in the area, but the council should wait until Geneva Road is more built out. He finished by saying he does not think he could support the current development.

Mr. Davidson stated this conversation is not about this development versus a green field, but this development versus another potentially better, or potentially worse development. This sparked general discussion regarding planning options, parking, and traffic in the area.

Mr. Spencer stated he would like to see the project paused and possibly hold another neighborhood meeting.

Mr. Peterson expressed support for another neighborhood meeting and stated he would like to hear what citizens would like to see in the area.

Mayor Brunst stated he is not comfortable moving ahead with all the current parking issues.

General discussion about parking issues in the area and possible alternatives the city and developer could take.

Mr. Spencer moved to continue the item to October 26th at 6:00 pm. **Mr. Lambson seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed.**

RESOLUTION - Designating a portion of 150 North between 668 West and 800 West as both "Parkside Lane" and "150 North".

Mr. Bench showed a summary of the proposed resolution which changes the name of the road in question to match the name of the elementary school that sits on it.

John Shelton, the principal, stated their school is now called Parkside Elementary and they would like the name of the adjacent road to match.

Mr. Macdonald moved by Resolution to designate a portion of 150 North between 668 West and 800 West as both "Parkside Lane" and "150 North." **Mr. Spencer seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed.**

COMMUNICATION ITEMS
There were no communication items at this time

CITY MANAGER INFORMATION ITEMS
Mr. Davidson had no additional items at this time.

ADJOURNMENT

Mayor Brunst moved to adjourn to a closed meeting for a strategic session to discuss pending or reasonably imminent litigation, pursuant to Utah Code Section 52-4-205(1)(c). **Mr. Macdonald seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed.**

JoD'Ann Bates, City Recorder

Approved: September 28, 2021

The closed meeting began at 8:05PM

The closed meeting adjourned at 9:35PM