

CITY OF OREM  
CITY COUNCIL MEETING  
56 North State Street Orem, Utah  
August 1, 2023

2:30 P.M WORK SESSION - CITY COUNCIL CONFERENCE ROOM

|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| CONDUCTING        | Mayor David A. Young                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| ELECTED OFFICIALS | David Young, Jeff Lambson, David Spencer, Tom Macdonald, Terry Peterson, LaNae Millett and Debby Lauret                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| APPOINTED STAFF   | Brenn Bybee, City Manager; Ryan Clark, Assistant City Manager/Development Services Director; Steve Earl, City Attorney; Chris Tschirki, Public Works Director; Keri Rugg, Management Services Director; Bryce Merrill, Library and Recreation Director; Brandon Nelson, Finance Director; Jason Bench, Assistant Development Services; Peter Wolfley, Communications Manager, PIO; Jesse Riddle, Director of Legislative Counsel; Carlo Okolowita, IT Division Manager; Amy Peterson, HR Division Manager; Teresa McKitrick, City Recorder |

**NOTE: The referenced report and presentation documents for each discussion may be viewed at [orem.org/meetings](http://orem.org/meetings) under “City Council Presentations”**

Waste Management Recycling Program Tour and Recycling Film Presentation: Presenter: Blake Leonelli, Waste Management Public Sector Solutions

Those in attendance: LaNae Millett, Debby Lauret, Brandon Nelson, Terry Peterson, David Young, Jeff Lambson, Brenn Bybee, Steve Earl, Pete Wolfley, Ryan Clark, Keri Rugg, Reed Price, Jason Bench, Chris Tschirki, Dave Spencer, Tom Macdonald, Lon Myers and Teresa McKitrick.

Mr. Leonelli led the group on a tour of the Recycling Program. He explained that Waste Management was willing to pay more for recycling because it is beneficial to the landfill. The Recycling plant services Utah, Wyoming, Colorado and Arizona. Mr. Leonelli explained that this plant in Salt Lake is the most state of the art recycling program in the country. Their pick rate is 65 miles per hour. Mr. Leonelli reminded the group that recyclables should never be bagged.

Proposed City Code Updates: Section 2-27-4 (Order of Succession for City Manager); Section 2-5-5 (Powers and Duties of City Manager); and Section 2-3-4 (Election Code) *Presenter: Steve Earl, City Attorney*

Mr. Earl explained that there are areas of the City Code that need updating. Section 2-3-4 of the Orem City code deals with Election Code. Orem City's Code is out of compliance with the State Code. Mr. Earl is proposing that rather than continuing to update our code every time the State Code changes, Orem City Code will just refer to the State Election Code. Ms. Millett would like to consider keeping one item that is different from the state election code and that is any campaign money received 30 days after the election would need to be reported to the City of Orem. She even suggested the possible lobbying of the State Legislature to have that added to State Code. Section 2-3-7 is another section that is in conflict with State Code. This section has to do with vacancy of office for the Mayor or Council Members. Mr. Earl again suggested that Orem Code refer to the State Election Code.

The second code change is Section 2-27-4, Order of Succession for City Managers. Mr. Earl said that the City Code isn't clear for City Manager succession if it is due to resignation or dismissal. He is suggesting that the code be clarified for those types of possibilities.

The third code change is Section 2-5-5, Powers and Duties of the City Manager. The final item in the list of the City Manager duties is that the City Manager has the power to appoint with approval by the majority vote of the full membership of the council an acting municipal manager.

<https://www.youtube.com/watch?v=aA9xqHjPvVc&t=0s>

Employee Engagement Survey Results: *Presenter: Ron Gailey, CEO/Founder of OnPointe Insights*

<https://www.youtube.com/watch?v=aA9xqHjPvVc&t=268s>

Mr. Gailey is here to report on an employee engagement survey that was conducted at the request of the City Council. The report started on June 27, 2023 and completed July 18, 2023. The city had 95% of their full time staff participate.

Mr. Gailey's summary is that Orem employees tend to agree that the city is heading in the right direction (80%). Also, 45% of employees feel the city has improved (45%) in the past 1-2 years, which is an excellent sign of positive progress. Compared to other cities, 87% said working for Orem was somewhat or much better, and no one said Orem was worse. Motivation is high, with 46% being very motivated and 34% being somewhat motivated. Few were unmotivated (8%). Also, few employees see themselves leaving in the next year (8%).

A deeper analysis reveals that Orem employees love working for the city. By addressing a few frustrations, their feelings would improve. This survey will help city leaders prioritize wisely.

- We asked employees to prioritize over 30 topics. They then rated their high priority

topics. The following were prioritized highly AND rated somewhat lower (poor or very poor): Exec. leaders that communicate effectively with employees, Different ideas and opinions are heard and respected, Policies are applied fairly to all employees, and Workload you can manage. These attributes were rated as the Top 10 MOST IMPORTANT, and had Poor/Very Poor ratings of more than 20%.

- The following were prioritized highly AND rated Very Good or Good: Executive leaders with integrity, Balance between personal and professional life, The right tools to execute responsibilities, and Positive team environment. For each of these, good ratings were over 60%.
- A few employees indicated low motivation. What differentiates them from others?
  - More unmotivated staff are found in the Library, in Finance, and are employed part-time.
  - Unmotivated staff ranked the importance of attributes differently, prioritizing The right tools, A workload they can manage, Being heard and respected, and Work/life balance higher than motivated staff.
- Employees evaluated several attributes dealing with compensation and benefits. Ratings indicate general satisfaction with benefits and none of them was rated low. Next time this study is done, it would be wise to prioritize them.

A final exploration finds that the City will need to be balanced in their approach and not focus on any single area, such as Engagement & Meaning, Growth & Autonomy or Leadership. A spectrum of attributes is valued by employees

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

#### AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

<https://www.youtube.com/watch?v=aA9xqHjPvVc&t=2487s>

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

##### CONDUCTING

Mayor David A. Young

##### ELECTED OFFICIALS

David Young, Jeff Lambson, David Spencer, Tom Macdonald, Terry Peterson, LaNae Millett and Debby Lauret

##### APPOINTED STAFF

Brenn Bybee, City Manager; Ryan Clark, Assistant City Manager/Development Services Director; Steve Earl, City Attorney; Keri Rugg, Management Services Director; Chris Tschirki, Public Works Director; Bryce Merrill, Library and

Recreation Director; Josh Adams, Police Chief; Marc Sanderson, Fire Chief; Jesse Riddle, Director of Legislative Counsel; Sam Kelly, City Engineer; Peter Wolfley, Communications Manager, PIO; Teresa McKittrick, City Recorder

## **CALL TO ORDER**

<https://www.youtube.com/watch?v=aA9xqHjPvVc&t=3519s>

**INVOCATION / INSPIRATIONAL THOUGHT** – Scott Scribner

**PLEDGE OF ALLEGIANCE** – Jenny Scribner

## **MAYOR’S REPORT/ ITEMS REFERRED BY COUNCIL**

**UVU Track Honor** *Presenter: Keri Rugg, Management Services Director and Terry Peterson, City Council Member*

<https://www.youtube.com/watch?v=aA9xqHjPvVc&t=3646s>

Ms. Rugg honored the UVU track team, UVU track coach and National Champion runner Evelyn Kemboi (not present). She invited Coach Houle to come forward. Ms. Rugg presented him with a plaque.

Mr. Peterson spoke about Coach Houle. He has known him for years, Coach Houle coached four of Mr. Peterson’s daughters when he was at Orem High. Mr. Peterson wanted to recognize Coach Houle for his many years of coaching, for being a good person and for blessing the lives of those he coached.

Coach Houle spoke about Evelyn Kemboi who is from Kenya. She has now signed a pro contract. She is the 10K National champion and took 2nd in the 5K race.

## **PERSONAL APPEARANCES**

No personal appearances

## **CONSENT ITEMS**

<https://www.youtube.com/watch?v=aA9xqHjPvVc&t=3995s>

**Approval of Meeting Minutes from the July 11, 2023, September 27, 2022, October 11, 2022 and November 9, 2022**

**Approval of Updated City Council Schedule**

**Re-Appointment of Skip McWhorter to the Recreation Advisory Board**

**Mr. Macdonald moved** to approve consent items. Ms. Millett **seconded** the motion. Those voting yes: David Young, David Spencer, Debby Lauret, Terry Peterson, Tom Macdonald, LaNae Millett, and Jeff Lambson. The motion **passed**.

## **SCHEDULED ITEMS**

**Public Hearing - Amending the development agreement for the property located at 1981 South Geneva Road in the C2 zone** *Presenter: Jason Bench, Assistant Development Services Director*

**<https://www.youtube.com/watch?v=aA9xqHjPvVc&t=4038s>**

Mr. Bench explained that the property, located at 2000 South Geneva Road, was rezoned back in 2020 to a C2 zone for the purpose of adding a gas station. The City accepted a development agreement at that time with specific details for the proposed gas station. Mr. Bench presented the layout of the gas station for that development agreement. This included a gas station with two fast food type businesses on each side of the convenience store.

Now Holiday Oil has purchased the property and their intent is to put their branding on the gas station which would be a different floor plan from the original development agreement. Originally they were proposing a car wash, but the car wash was removed from the plans and they moved their trash enclosure closer to Geneva Road and further from the residential neighborhoods after the planning commission did not recommend that the City Council approve the amendments to the development agreement. They would like to add a drive thru to the amended plans. The City Council members asked clarifying questions about the original development agreement as compared to the proposed changes.

Mr. Peterson asked Mr. Earl to explain what options the City Council has for tonight's vote. Mr. Earl explained there are 3 ways the City Council can vote. First they can accept the proposed changes to the development agreement, second, they can reject the proposed changes or, third, they can accept the changes with some modifications. Mr. Peterson asked if the City Council didn't like the original development agreement, what would be their options. Mr. Earl explained that the land could be rezoned, but reminded the council that development on C2 property is more valuable and expensive than residential development. This could mean a serious loss for the developer.

A discussion was held about the possible need of gas stations in the City of Orem as per the Sales Tax report from the State. Debby explained the use of the report as a tool to capitalize on Sales Tax. Mr. Peterson showed concern about using that report in this decision.

Mr. Neal with Holiday Oil explained that they went through neighborhood meetings and planning commission. They listened to the public and made modifications to accommodate some of the concerns. They plan to dim lights in the evenings and not have the additional tenants to the side, as well as no car wash. Mr. Neal confirmed that the land was purchased at the

higher cost of a C2 zone. He explained that they are at a lower elevation than the homes and that planned trees would cut down on the sound and visibility to neighbors. The City Council asked questions about the drive through, fencing, elevation and lighting.

### **Public Hearing opened at 6:50 pm**

John Porter is a neighbor to this property. He is concerned about putting a commercial business in a residential area. He is also against allowing a drive-thru. He believes this property should never have allowed this area to be zoned for C2, it should be residential or office buildings.

Hunter Kimball lives in this area and does not want a gas station in his neighborhood. He believes a gas station could increase crime, traffic and negative environmental and health effects. He stated he will move if the gas station is allowed.

Bronson lives near the proposed gas station and he is also against the gas station. He is also concerned this is too close to the autistic academy.

Edie Dameron lives near the area and is hoping this zone will be changed back to residential. She is concerned about the 24 hour pumps and the flashy Holiday Oil style. She is worried she would not feel safe in her home. She believes that elevation will make it easier for customers to see into her home.

Linda Brown is against having a service station in the area. She is happy that the car wash is off the plans but she would like to see the gas station also off the plan. She is concerned about the traffic this will bring to the neighborhood, Geneva Road is already busy and has higher speeds. She believes the service station is not needed and a deterrent to the neighborhood.

Casey Backus lives at Peyton's Crossing. He believes this was approved during Covid when many were not building. He does not believe that this improves or helps Orem. He thinks this will decrease home values.

Zac Price lives behind the proposed gas station. He built his home believing that the area would be residential. He is concerned about the safety of his family. He believes a PRD would be the right zone. If this can't be stopped then he would ask that the retaining wall be higher and the road to be finished in the area.

Cynthia Dameron is the mother of a family living in that area. She is concerned that the homes will lose value to their homes. She believes the gas station could find a better location.

Sherry Fong lives in the neighborhood and she feels that she was led to believe this would be residential and she doesn't understand how this got rezoned. She believes that there should be a buffer zone between residential and commercial. She thinks that the residents were not informed about the zone change.

Carly Price is grateful for the opportunity to express her concerns and she believed when she bought her home that this area would stay a residential area. She didn't understand what was planned for that location. Her children often play in their yard which will be in view of this gas station. This causes her concern for her family's safety. She hopes the city council will make the right decision.

Allen Moose felt in his perspective that the rezoning was done in secret. He believes that his house will take a loss and that security is an issue. He thinks the tax revenue benefit is not a big enough reason to rezone this area. He understands that Holiday Oil may take a loss on this project if it is rejected but he believes that homeowners will take a loss if this gas station goes in.

Tanner Nordstrom was involved in the process with the first developer. He was disappointed with the last experience and doesn't agree with their choice to rezone the area. He has the same concerns as those who have spoken before him.

Pamela Moose lives in Peyton Crossing. She is concerned about safety and security with the addition of a convenience store. She is against this going in and if it goes forward she would like to see more accommodations.

Paula Mahady lives in Peyton Crossing. She can't move her home but the Holiday Oil could be built somewhere else. She pleaded with the council to protect the area.

Kris Lichty lives in the 55+ neighborhood in the area. She is concerned about safety and she is worried about the atmosphere of the area changing. She is asking the city council to show empathy to the neighborhood.

Heather Fry is an Orem resident who has been following this process. She believes that facts were misrepresented to these residents. She would like to see this corrected and to right the wrongs.

Matt Dameron lives in North East Orem, he is concerned about the noise and light pollution that will come from this project.

Tiffany Dameron is a resident of Orem. She wants to remind the City Council the city logo of Orem is Family City USA.

#### **Public Hearing closed at 7:34 pm**

Mayor Young opened up comments to the City Council. Ms. Lauret asked about accommodations that could be made to make a compromise with the area. Mr. Spencer is concerned about how we make both the residents and the business whole. He also asked to go over the choices the city council could make tonight and how the city council could change the zone. Mr. Earl said if the council wants to rezone then they would need to reject the proposal or continue the issue. The property would not be able to be a PRD zone because that requires an applicant. Mr. Earl continued it would probably need to be a C1 or C3 rezone. Mr. Spencer clarified that it could also be rezoned to an R8 zone. Discussions were held about the possibility and process to rezone.

Mr. Peterson reminded the council that the city doesn't own the property. Mr. Earl did clarify that the owners or the city can file an application to rezone. Mr. Macdonald proposes that the council reject the proposal and start the process to change the zone. Mr. Earl stated that the continuance only makes sense if the gas station is going to go forward. Ms. Millet is concerned that there was no buffering between the commercial and residential zones when this was

originally approved. Mr. Peterson cautioned about the rezone and other unwanted business that could be proposed.

**Mr. Spencer moved** to deny the development agreement for the property located at 1981 South Geneva Road in the C2 zone. Mr. Peterson **seconded** the motion. Those voting yes: David Young, David Spencer, Debby Lauret, Terry Peterson, Tom Macdonald, LaNae Millett, and Jeff Lambson. The motion **passed**.

**Resolution - Place renewal of CARE Tax on Ballot** *Presenter: Steve Earl, City Attorney*  
<https://www.youtube.com/watch?v=aA9xqHjPvVc&t=10300s>

Mr. Earl explained that it is time to put the CARE Tax on the November 2023 Ballot. This is a renewal of the current CARE tax. This tax is proposed to be 50% recreation and 50% Cultural Arts. The tax is 1/10th of 1%. This means \$1 for every \$1000. Ms. Lauret spoke of the benefit of this tax because neighboring cities who shop in Orem help pay for this tax. Mr. Peterson is opposed to many of the taxes but he is in support of this tax. Mayor Young explained this is a current tax that is very beneficial to the community and we get to see a benefit from the taxes we pay. Other council members showed support for this tax.

**Mr. Lambson moved** to approve a resolution of the Orem City Council to place an opinion question on the November 21, 2023, municipal general election ballot as to whether or not the City of Orem should renew a citywide local sales and use tax of 1/10 or 1% to fund city-owned recreational and cultural facilities, the ongoing operating expenses of city-owned recreational facilities, and the ongoing operating expenses of private, non-profit cultural organizations in Orem; and approve the ballot title and proposition. Mr. Spencer **seconded** the motion. Those voting yes: David Young, David Spencer, Debby Lauret, Terry Peterson, Tom Macdonald, LaNae Millett, and Jeff Lambson. The motion **passed**.

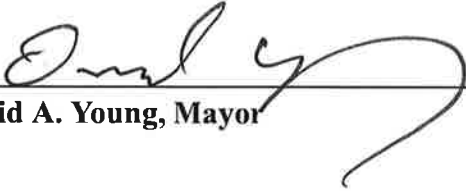
## **CITY MANAGER INFORMATION ITEMS**

Mr. Bybee will put an update of things of note in the City Manager Minute tomorrow.

## **ADJOURN**

**Mr. Macdonald moved** to adjourn the meeting, **seconded** by Mr. Spencer.. Those voting yes: David Young, David Spencer, Debby Lauret, Terry Peterson, Tom Macdonald, LaNae Millett, and Jeff Lambson. The motion **passed**.

**PASSED and APPROVED this 22st day of August 2023.**

  
David A. Young, Mayor

ATTEST:

  
Teresa McKittrick, City Recorder



| <u>COUNCILMEMBER</u> | <u>AYE</u>                          | <u>NAY</u>               | <u>ABSTAIN</u>           |
|----------------------|-------------------------------------|--------------------------|--------------------------|
| Mayor David A. Young | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jeff Lambson         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Debby Lauret         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Tom Macdonald        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| LaNae Millett        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Terry Peterson       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| David Spencer        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

