

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
August 23, 2022

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

CONDUCTING

Mayor David A. Young

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

APPOINTED STAFF Jamie Davidson, City
Manager; Brenn Bybee, Assistant City Manager; Steven
Downs, Deputy City Manager;

Ryan Clark, Development Services Director; Charlene
Crozier, Library Director; Steve Earl, Deputy City
Attorney; Chris Tschirki, Public Works Director; Brandon
Nelson, Finance Director; Bryce Merrill, Recreation
Director; Keri Rugg, HR Director; Mark Sanderson, Fire
Chief; Jason Bench, Planning Division Manager; and Tess
Jones, 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 – United Way Community Assessment

Bill Hulterstom from the United Way introduced himself as being in the business for 7 years. The main topic that he focused on was:

- *Growth has dominated public discourse

- *Pandemic-related debates have been at the forefront

Fear that forgetting of young children has been one of the communities' top concerns. He showed a graph of what the most significant issues in Utah County are, how significant of a problem the issues were, and how depression has increased over the past few years.

He stated that Utah County is expected to exceed 1,000,000 people in the next 20 years and went reviewed information in his presentation that showed median age in Utah County contribution. He stated that the average family size is decreasing and the median age remains low in Utah County.

Three factors contributing to housing shortage:

- *Since 2015, number of 25–34-year-olds in workforce increased by 12,000

- *Since 2010, number of workers who've never been married increased by 35,000

- *Since 2010, median age at first marriage increased by 1+ year

After showing some factors he explained the median area of income that can qualify to purchase a home in Utah County and the dominance of young families/young singles in the area.

He then explained the neighborhood attachments and what creates good communities:

- Neighborhood attachments the emotional connect to physical and social environments

- These ties are social bonds, and are the basis of social capital.

He explained the benefits of the neighborhood attachments and what it looks like in Utah County.

He then inquired the City Council as to their opinions. General discussion continued regarding their opinions as to what they believe is the reason for Utah County's issues with Neighborhood attachments. Mr. Hulterstom reviewed some things that a community can do in order to better

connect with children. He would like the council to be thinking of the children and the meaningful relationships that they have.

PRESENTATION – Alpine Aqueduct Project

Mr. Wimpey, Chief Engineer with Central Utah Water explained their responsibility in the project. He showed a map of the water district facilities and how it works.

He spoke about the Alpine Aqueduct Reach 1, and where it was located at. He stated that some of the aqueducts are under stressful infrastructure, and are susceptible to earthquakes. He showed photos of landslides that have occurred over the years and where those slides were. He indicated they are pursuing funding through property taxes. After experiments and testing they have decided to go around the landslide for the new pipeline instead of in the landslide. He explained the coordination that would take place during possible construction.

Ms. Sutherland, Environmental Programs Manager with Central Utah Water spoke about the National Environmental Policy Act. She informed the council of some dates and different meetings that they have held to address community concerns. She discussed some preferred alternative variations and some pros and cons of what each construction option would be. She reviewed the Draft Environmental Assessment and some next steps that would be taken.

General discussion ensued regarding why they have chosen the alternative routes that they decided to take and what has been done to assure that these are the best options.

PRESENTATION – Pretreatment Ordinance and Local Limit Changes

Mr. Price, Assistant Public Works Director explained to the council the pretreatment plan and pretreatment program that is required.

Pretreatment plan includes:

*A federally required program used to control and reduce the number of pollutants released into the environment.

-Regulates pollutants from industrial users

-Residences are not regulated under this code.

*Designed to protect Publicly Owned Treatment Works (POTWs) and the collection systems.

*Simply stated: The program reduces pollution at the source, protecting the environment and extending the life of Orem's infrastructure.

The city would like to propose:

*A stand-alone pretreatment ordinance for the city.

*Updated Local Limits.

Mr. Price explained the pros and cons of the current format and what the concerns or questions may be when changing. He defined local limits, and what they do to protect the public and how they are developed. He explained what some of the pollutants are and the effects that they can have on the environment. He continued with what the current local limits are and what the proposed local limits can be. Mr. Price concluded by stating some of the effects of local limits on industry and some next steps for today and for later.

Hearing no comments from the council Mayor Young stated that they move forward.

PRESENTATION – Inter-local agreement with Utah County for the construction of improvements at 1600 North 400 East

Sam Kelley, City Engineer reviewed an image of the intersection currently and then showed images of the proposed improvement. He explained that the plan is to improve pedestrian and

vehicle circulation. They currently have the funds available and he would like to enter into an agreement with the county. They discussed the use of a consultant to look at other options because the roundabout may not be the best option.

Hearing no comments from the council, Mayor Young stated they were to move forward.

DISCUSSION – Proposed amendments to the Orem General Plan pertaining to complying with State Code requirements as outlined in HB 4652 approve in the 2022 legislative session

Jason Bench, Planning Division Manager reviewed an overview and background of SB34. He discussed some of the changes of HB 462, and reviewed of the highlights which include:

- *Clarifies Moderate Income Housing (MIH) requirement and timing to amend the General Plan (By October 1, 2022)
- *Requires the inclusion of an implementation plan to bring the MIH element to life.
- *Amends the lists of strategies to use (24 strategies)
- *Outlines the annual reporting requirement (By October 1, 2022)
- *Adds priority incentives/restrictions for compliance with the MIH requirement.

Mr. Bench listed some priority incentives and restrictions and reviewed some projects using Transportation Investment Funds. The city is proposing amending chapter 4 (Housing) of General Plan to adopt a minimum of 4 strategies to comply with State Law, and update the Demographics and Housing Gap analysis for Moderate Income Housing in Orem.

Mayor Young asked if there were any strategies that would help upgrade older neighborhoods that are in disrepair. Mr. Bench continued to review some recommended strategies that they have in doing this proposal, and explained what they would consist of. He then reviewed a General

Plan Map Amendment proposal next to the existing situation and explained the next steps and indicated there is a deadline of October 1, 2022. Mr. Bench concluded by notifying the council of the following dates they are proposing for the changes to be made.

Mrs. Lauret clarified that it is still keeping the beautification components. He said that it has nothing to do with the zoning because we are simply taking this general plan and then coming back with the city council on the 13th.

- * Planning Commission Discussion: September 7, 2022

- *City Council Discussion (Final Draft): September 13, 2022

- *Public Hearing- Planning Commission- September 21, 2022

- *Public Hearing- City Council- September 27, 2022

AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

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

Mr. Spencer reviewed the boards and commissions in which he serves on and updated the Council on their happenings. This included updates on the Senior Center and their lunches with funding. The Beautification Commission and working with Reed Price. They are handing out awards for the best yard; best holiday décor and they are working with recognizing the citizens for conserving water use. They are going to build a swim wall to help the UV rays for the swim club and they are going to build a wall with lights for the soccer fields at lake side so that they can use the field in the dark. They are hoping to update the lights and the artificial turf to improve all fields and parking on the north field at Lake Side Park.

Mrs. Lauret clarified that Care funds are being used to put in the lights. Mr. Davidson stated they have meetings in October with Commissioner Lee to make an application for funds.

Mrs. Lauret inquired if the city is profiting off of restaurant tax. Mr. Davidson responded that Orem is profiting more than two million dollars a year

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

CONDUCTING

Mayor David A. Young

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

APPOINTED STAFF Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager;

Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Steve Earl, Deputy City Attorney; Chris Tschirki, Public Works Director;

Brandon Nelson, Finance Director; Bryce Merrill, Recreation Director; Keri Rugg, HR Director; Mark Sanderson, Fire Chief; Jason Bench, Planning Division Manager; and Tess Jones, Deputy City Recorder

ELECTRONIC PARTICIPATION

CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT – Don Wallace

PLEDGE OF ALLEGIANCE – Joan Wallace

PERSONAL APPEARANCES

Blydan Lounsack spoke about forming an Orem school district. As a former teacher he feels he brings a very unique experience. He believes that he has a good perspective as to why a smaller district is better

- Have the ability to be more Intune and personal with students and teachers
- Provide the ability to have more control over curriculum
- Orem funds will stay in an Orem only district.

Cindy Neilson commented about the parking permit in the Springwater area or Orem. She stated that because the City Council and Mayor approved the apartments with insufficient parking that they follow up with making sure there is enough parking for their structure.

Lesli Havili spoke about licensing agreement that she does not believe should apply to her because she has family currently living in the home not renters. She would like to have the property late fee and the licensing fee waived. Mr. Davidson asked her to speak with Steven Downs outside of the council chambers to help resolve the issue.

Murry Low commented regarding The Greens apartments. He would like the students to not be able to live there because there are no rules, he said that the students at UVU do not live in a natural and safe environment. He is wondering if there is something that the city can do about the living situation. He would encourage them to find somebody to influence the situation.

Scott Hendricks commented regarding the parking permit on Springwater. He feels the City Code does not require enough parking stalls for the number of residents. voiced his frustration in the current parking situation. He stated that most students are going to have vehicles and there is not enough parking for all of them. He would like developers to be required to provide more parking.

CONSENT ITEMS

- RESOLUTION – Parking Permits for Springwater Neighborhood
- RESOLUTION – Amending Late Fee Schedule for Violations for Civic Infractions
- RESOLUTION – Inter-local Agreement with Utah County for the construction of improvements at 1600 North and 400 East

Tom Macdonald moved to approval the consent items as presented. **Debbie Lauret seconded** the motion. Those voting yes: David A. Young, David Spencer, Debby Lauret, Tom Macdonald, Jeff Lambson, and Terry Peterson. The motion **passed**.

SCHEDULED ITEMS

APPOINTMENTS TO BOARD AND COMMISIONS

- Transportation Advisory Board
 - Marlan Coe, Appointed
 - Kathleen Turner, Appointed

Jeff Lambson moved to appoint Marlan Coe and Kathleen Turner to the Transportation Advisory Board. **Tom Macdonald seconded** the motion. Those voting yes: David A. Young, David Spencer, Debby Lauret, Tom Macdonald, Jeff Lambson, and Terry Peterson. The motion **passed**.

PUBLIC HEARING / RESOLUTION – Economic Development Strategic Plan

Mrs. Lewis stated The General Plan is a written guide for the future development of the City and Chapter 5 of that Plan discusses economics. This chapter currently describes the City’s intent to maintain a healthy working relationship with the Economic Development Division in order to achieve the most desirable results in economic development pursuits.

In 2015, the Economic Development Division (EDD) created a new Economic Development Strategic Plan (EDSP), which has served as a guide for the City of Orem's economic development for the past seven years. Over the past year, 2021 - 2022, a full comprehensive update of the EDSP was completed in conjunction with the consulting firm, Thomas P. Miller and Associates. The EDSP is a guide for economic development for the City of Orem for the next five to ten years. The City of Orem Planning Commission considered the subject application at public meetings and recommended approval of the amendment of Chapter 5, Economics, of the Orem General Plan and approval of the EDSP with the following revisions:

The Planning Commission recommends that the City Council amend Chapter 5 (Economics) and Appendix E (Economic Development Strategic Plan) of the Orem General Plan with the following modifications:

- Add the following language to the beginning of Appendix E: “Pursuant to Orem City Code Section 22-1-10, the Economic Development Strategic Plan, as part of the Orem General Plan shall serve as an advisory guide only and is not a binding document.”

1. - Delete the following bullet points under *Strategy 2: Review and Re-evaluate Local Zoning and Policies*, Action Steps on page 29 of the EDSP:

1. - In targeted and strategic locations, consider revising and reducing restrictions on duplexes, fourplexes, and townhomes.

2. - In targeted and strategic locations, consider zoning changes that will better facilitate medium-density development.

2. - Delete the following sentences under *Strategy 2: Review and Re-evaluate Local Zoning and Policies*, page 29, paragraph 3:

- The zoning office should look for ways to facilitate more medium-density residential accommodations in targeted and strategic locations. This includes duplex, four-plex, and townhouse-style developments.

4. - Add “(non-residential)” between the words mixed-use and development in the first sentence under *Strategy 2: Review and Re-evaluate Local Zoning and Policies*, page 29, paragraph 3:

- Modified as described above, paragraph 3 on page 29 will read

In addition, city leadership should look for ways to facilitate more mixed-use (non-residential) development in targeted and strategic locations. The project team often heard about the desire for more “flex space”. Flex space, in this instance, refers to the ability to subdivide a unit with retail in the front of the building, and shipping, distribution, or logistics operations in the back half of the building.

- Chapter 5, Economics, of the Orem General Plan, with the redline changes as recommended by the Orem Planning Commission, is shown in Exhibit ‘A’.

- The original Economic Development Strategic Plan is shown in Exhibit 'B'. If the City Council approves the amendments recommended by the Planning Commission, those changes will be reflected in the final version of the EDSP.

Ms. Lewis then opened it up to questions:

-

Mrs. Lauret commented she would like Orem to become a business-friendly city and she loved the packet that they presented to her. She studied it intensely and enjoyed it.

Mr. Peterson expressed that the statistics listed in the report were disturbing. He stated he knows that many people are concerned with the duplexes being built. He indicated that it is not in line with what was voted on in January. He stated on page 49 it talked about the age of homes built in Orem and he said that about 59% of the homes in Orem are 50 years or older.

Tom Macdonald thanked the Planning Commission for their recommendations. He spoke about the report and stated it included some important and critical information.

Mayor Young inquired as to the time frame for the implementation of this plan. Mrs. Lewis stated on page 34 it has a timeline matrix of what it would look like. He inquired about the main street project and if they had talked to Mr. Davidson about it. Mrs. Lewis stated they have not formally spoke about it but they have exchanged a few possible options and things that may be able to be done.

Mr. Lambson commented how he was impressed with the presentation. He presented the option of opening up the city office space on the main street and felt this would be a great option.

Mr. Peterson stated he would support the talk of busses and transportation but he would like to eliminate the talk of multi-level duplexes. He felt there had been some confusion on the interpretation of the increased transportation. Staff agreed to reword the wording in the agreement to state they will say on existing transportation.

Mr. Spencer stated that Orem is the center of focus in Utah County. He said that he would like to see more business interaction on State Street instead of on University Ave.

Mr. Earl, City Attorney stated that it may be easier to clean up some of the language on the documents now verses later and having another meeting.

Mayor Young opened the public hearing at 7:03pm time

Mike Carpenter stated he would not like to see so many buses empty and he would like to save tax payers money if possible.

The Ref explained he would like the language cleaned up before voting.

Hearing no further comments, Mayor Young closed the public hearing at 7:05pm and brought the item back to the council for further discussion.

General discussion ensued regarding the book being a guide or a hard written rule copy.

Mr. Earl stated that the plan is in our hands and so we may change it at any point and time.

They have motioned to move the item to the next meeting on September 13th.

Tom Macdonald moved to continue the item to the September 13, 2022 Council Meeting. Jeff Lambson **second** the motion. Those voting Yes: David A. Young, David Spencer, Debby Lauret, Tom Macdonald, Jeff Lambson, and Terry Peterson. The motion **passed**.

PUBLIC HEARING / Ordinance – Amending Article 22-5-3(A) and the zoning map for the City of Orem by rezoning the property located at 507 North 400 West from R7.5 zone to the R6.5 zone

Mr. Bench stated the applicants own .99 acres of land at 507 North 400 West. They are requesting to rezone the property from the R7.5 zone to the R6.5 zone. The applicants propose to create four lots in the R6.5 zone, which they feel is the most reasonable and best use of the land. See Section [\(22-1-5\)](#) Orem City Code. The current zoning is R7.5, however, the lot is not quite large enough to be divided into four lots that meet the R7.5 frontage requirement of seventy-five feet. The R6.5 zone has a lot frontage requirement of sixty-five feet, which the four lots can meet. The proposed lots meet the minimum lot size requirement in the R6.5 zone of 6,500 square feet. Lot 1 is 10,524 square feet, Lot 2 is 9,717 square feet, Lot 3 is 10,625 square feet and Lot 4 is 10,625 square feet. There is an existing home on the current lot and this home with its driveway will be removed. The residential development standards are outlined in Section [\(22-6-8\)](#) Orem City Code. The owners could subdivide and create four lots, two of which would

be deep lots, if the rezone is not approved. However, they prefer that all four lots are standard lots with street frontage. This would require the rezone with the smaller lot width. This width proposed is consistent with other lots in the general area. The Millers' goal is to provide four lots of good size for homes with decent yards.

Mr. Bench concluded that the Planning Commission recommended the City Council, by ordinance, amend Section 22-5-3(A) and the zoning map of the City of Orem by rezoning the property located at approximately 659 South 350 West from the R8 zone to the R6 zone.

Mayor Young opened the public hearing at 7:13pm. Hearing no comments, Mayor Young closed the public hearing and brought the item back to the council for further discussion.

Tom Macdonald moved to approve by Ordinance amending Article 22-5-3(A))_and the zoning map for the City of Orem by rezoning the property located at 507 North 400 West from R7.5 zone to the R6.5 zone. **Debby Lauret seconded** the motion. Those voting yes: David A. Young, David Spencer, Debby Lauret, Tom Macdonald, Jeff Lambson, and Terry Peterson. The motion **passed**.

PUBLIC HEARING / Ordinance – Amending portions of Chapter 10 Flood Damage Prevention of the Orem City Code pertaining to base flood elevation requirements.

Mr. Bench stated the proposed amendments include the requirement that any new construction and/or substantial improvements to any new residential structure within a special flood hazard area (flood plain) shall be constructed at least one foot above the base flood elevation. This requirement includes a basement, machinery and equipment. The proposed amendments apply to a limited area within the City designated on the Flood Insurance Rate Map (FIRM). These provisions are required by FEMA in order to stay up to date for the National Flood Insurance Program (NFIP) for the City. As part of the City's Community Rating System Cycle review, the City was asked to amend portions of Chapter 10 to specifically address the base flood elevation requirements.

Mr. Bench concluded the Planning Commission recommended the City Council, by ordinance, amend portions of Chapter 10 *Flood Damage Prevention* of the Orem City Code.

Mayor Young opened the public hearing at 7:18pm. Hearing no comments Mayor Young closed the public hearing and brought the item back to the council for further discussion.

Jeff Lambson moved to approve by Ordinance amending portions of Chapter 10 Flood Damage Prevention of the Orem City Code pertaining to base flood elevation requirements. **Terry Peterson seconded** the motion. Those voting yes: David A. Young, David Spencer, Debby Lauret, Tom Macdonald, Jeff Lambson, and Terry Peterson. The motion **passed**.

COMMUNICATION ITEMS

There were no communication Items at this time.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson invited the Mayor and Councilmembers to the Employee Summer Party and stated there are hero awards being presented and a Hawaiian trip given away. He updated the council on the Heritage project and stated it is going to be delayed 6-8 weeks because they have not received products for the well. He commented regarding the trees on the city property and let them know that they are implementing some practices on what to do next.

He commented on the 1600 North and Geneva Road expansion. He stated the estimated cost has grown from \$40 million dollars to about \$55 million dollars. He explained they are working with a consulting firm with some of the builders that they worked with previously. He said that time is of the essence for some of this work.

ADJOURNMENT

Tom Macdonald moved to adjourn to a meeting of the Orem Redevelopment Agency. **David Spencer seconded** the motion. Those voting yes: David A. Young, David Spencer, Jeff Lambson, Terry Peterson, Debby Lauret, and Tom Macdonald. The motion **passed**.

The meeting adjourned at 7:28 PM.