

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

October 11, 2022

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

CONDUCTING Mayor David A. Young

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

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; 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”**

4:00 P.M. WORK SESSION-CITY COUNCIL CHAMBERS

PRESENTATION - North Point Solid Waste Special Service District (NPSWSSD)

Mr. Bybee introduced Mr. Schwendiman and listed what his job entails as well as some of his accomplishments.

Mr. Schwendiman started by giving some of the history of the transportation and location of North Point Solid Waste Special Service District. He continued to discuss rail and semi transportation, services, operation and where the waste currently resides took place. He then explained some of the services and operations of the company. Clarification of “clean” waste took place. He showed a pie chart that displayed curbside waste, public self-haul, city vehicles, coupon customers, and direct green waste customers of Orem in 2021. He then spoke about curbside tons, curbside green waste tons, and history of the coupons being used.

General discussion ensued regarding the purpose of dump passes in Orem and how they have been used in the past as well as the curbside fee history.

Mr. Schwendiman concluded by reviewing what the future may hold and the master plan findings. He then showed some images of what the transfer station could look like. He explained how they are working to improve the current space within the year to the next few years.

Mr. Bybee stated that because of Mr. Schwendiman and his creative skills they are able to keep the current location of the building.

General discussion of the current board members, the height of the stock wall, the wildlife that resides on the land, appreciation of cost effectiveness, relationship with waste management, and wait time for dumping.

INFORMATION - Employee Civility Training (10 min)

Ms. Rugg stated the size of the organization and the goal of keeping employees at Orem City. She explained some of the leadership and management activities that they are doing to be proactive. She discussed Building a Better Orem and what their objectives are by starting these best practices. Ms. Rugg handed out a book called “Mastering Civility” to the council members

and invited the council members to attend the next BABO event.

General discussion ensued regarding identifying Orem employee's needs.

PRESENTATION - Deer Creek Intake Project (45 min)

Mr. Denos explained what the intake water project was and some of the reservoirs associated with it. He stated that Deer Creek Reservoir services 88% of the drinking water to Utah's population. Mr. Denos discussed some of the areas that are in need of repair and renovation.

Mr. Jorgenson stated the "why" of the project and what the driving force is.

- Aging Infrastructure

- Construction in the wet doesn't impact existing operators, fish, etc.
- Isolating existing intake allows for maintenance, inspections, etc.
- Restore aging guard gate(s) operators
- Redundant intakes/pipe that are designed for seismic

- Invasive species threat

- Innovative construction "in the wet"

- Seismic Upgrades

He then explained 3 solutions to aging infrastructure and the schedule that has been going since 2019, and some of the factors that have played into the timeline. He continued to discuss the estimated cost of the project, funding needs and the current contractors they have been working with. As well as the plan to reduce cost due to the increase that has occurred over the years of the project.

General discussion ensued regarding the explanation of "in the wet" and what past projects have consisted of, if this project will weaken the structure of the dam, the adjustment in residents, and

Orem City's part as a shareholder.

AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

Mrs. Millett reviewed the upcoming agenda.

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

There were no reports at this time.

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

CONDUCTING Mayor David A. Young

ELECTED OFFICIALS David Spencer, Terry Peterson, LaNae Millett, Jeff Lambson, 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; and Tess Jones, Deputy City

Recorder

CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT – Jim Hawks

PLEDGE OF ALLEGIANCE –Kelly Kirkpatrick

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

ANNUAL REPORT - Recreation Advisory Commission

Mr. Spencer moved to move the Annual Report to the next meeting. **Mrs. Millett seconded** the motion. Those voting aye: David A. Young, David Spencer, Debby Lauret, Tom Macdonald, Jeff Lambson, Terry Peterson and LaNae Millett. The motion **passed**.

Mayor stated that the personal appearances and resolution will be at the end of the program. **Mrs. Millett moved** to move personal appearances to just prior to 8.6 item on the agenda. **Mr. Peterson seconded** the motion. Those voting aye: David A. Young, David Spencer, Debby Lauret and Jeff Lambson, Terry Peterson and LaNae Millett. Those voting nay: Mr. Macdonald. The motion **passed**.

CONSENT ITEMS

There were no Consent items at this time.

SCHEDULED ITEMS

PUBLIC HEARING/RESOLUTION-Amending portions of Section 2-1-5 Board of Building and Fire Code Appeals pertaining to number and length of terms a Board member can serve.

Mr. Bench stated the Board of Building and Fire Code Appeals is a body of local citizens made up of contractors, engineers, architects and other professionals. Knowledge of general construction principles and practices is an essential qualification for a Board member. Membership is also restricted to Orem residents. Because of the qualifications there is a limited number of eligible applicants. The Board also meets infrequently on an as-needed basis, often going months or years without a meeting. The request made by Development Services would allow Board members to serve more than two terms, which will help with preventing vacancies on the Board.

Mr. Lambson asked what their term would consist of. Mr. Bench replied it would be a full 3-year term.

Mayor Young opened the public hearing at 6:13pm. Hearing no comments, Mayor Young closed the public hearing and brought the item back to the Council for further discussion.

Mr. Macdonald moved by Resolution to Amend portions of Section 2-1-5 Board of Building and Fire Code Appeals pertaining to the number and length of terms a Board member can serve. **Mrs. Lauret seconded the motion.** Those voting aye: David A. Young, David Spencer, Debby Lauret, Tom Macdonald, Jeff Lambson, Terry Peterson and LaNae Millett. **The motion passed.**

PUBLIC HEARING/ ORDINANCE- Amending Section 22-6-9(F)(8) Home Day Care Services-Child & Adult (SLU Code 6263) pertaining to outdoor play areas; and enacting Section 22-6-9(G)(14) Commercial Day Care Services (SLU Codes 6261 and 6262) pertaining to outdoor play areas.

Mr. Bench stated that Development Services requests the City Council amend the Home DayCare requirements pertaining to play areas. The proposed language would require play areas to be fully enclosed and require a self-closing and self-latching gate. It would also require outdoor play areas to have a soft-surface area for children to play on. (See Section 22-6-9(F)). Development Services also proposes a new ordinance regarding Commercial Day Care Services. It would require commercial daycares to have a play area that is fenced with self-closing and self-latching gates. It would not allow play areas and play structures to be located in parking lots or on top of other hard surfaces. (See Section 22-6-9(G)).

General discussion ensued regarding past playground areas, past issues, potential issues, what a soft surface classifies as, and new licensing requirements.

Mayor Young opened the public hearing at 6:16 p.m.

A person who did not state their name asked for clarification on who would need to apply to these changes to their businesses. Mr. Bench replied stating that all day cares in Orem would need to follow the guidelines.

Eliza Penniger the director of Learning Adventures Child Care Center stated that she opened up her child care center last year and explained her reasoning for starting her business. She explained that she recently sold the business and she would need to get a new business license for this because Orem City does not allow new licenses to be transferred to new owners once the business is sold. She stated that getting the new license and complying with the new business regulations would cost her a significant amount of money. She explained that the last line of the Ordinance is unclear and she mentioned using turf over concrete as a solution.

General discussion ensued regarding the history of Ms. Pennigers business, current licensing versus expired licenses, benefits in the play area being a soft surface versus a hard asphalt surface play area, temperature regulations, shade required, verbiage/language in the new ordinance.

Mayor Young suggested the Ordinance define what a soft surface play area is.

Ms. Penniger proposed they be able to proceed with licensing. Discussion in regards to moving forward and what surfaces should be allowed for Ms. Pennigers Day Care.

Mayor Young closed the public hearing at 6:44 p.m. and brought the item back to the council for further discussion.

Mr. Lambson moved by Ordinance to Amend Section 22-6-9(F)(8) Home Day Care Services-Child & Adult (SLU Code 6263) pertaining to outdoor play areas; and enacting Section 22-6-9(G)(14) Commercial Day Care Services (SLU Codes 6261 and 6262) pertaining to outdoor play areas minus the last sentence in the ordinance. **Mr. Macdonald seconded.** Those voting aye: David A. Young, David Spencer, Debby Lauret and Jeff Lambson, Tom Macdonald and LaNae Millett. Those voting nay: Terry Peterson. **The motion passed.**

PUBLIC HEARING / ORDINANCE - Enacting Section 22-6-9(M) Residential
Preschool (SLU Code 6265) and Standard Land Use Code 6265 Residential
Preschool.

Mr. Bench stated it has been requested a new land use code be enacted for residential preschools. Currently, residential preschools are being regulated and enforced under Home Day Care Services (SLU Code 6263). (See Section 22-6-9(F)). Enacting a new land use code will allow for better regulation and enforcement of residential preschools because different regulations apply to them.

Mayor Young opened the public hearing at 6:46 p.m. Hearing no comments Mayor Young closed the public hearing and brought the item back to the Council for further discussion. +

Mr. Spencer moved by Ordinance to Enact Section 22-6-9(M) Residential Preschool (SLU Code 6265) and Standard Land Use Code 6265 Residential Preschool. **Mrs. Lauret seconded.** Those voting aye: David A. Young, David Spencer, Debby Lauret, Tom Macdonald, Jeff Lambson, Terry Peterson and LaNae Millett. **The motion passed.**

ORDINANCE – Amending Section 14-1-4 Sign Zones and the Sign Zone map of the
Orem City Code extending Sign Zone E to include a portion of the CenterPoint Church
property located at 1550 S Sandhill Road.

Mr. Bench stated Centerpointe Church would like to install a double sided, pole mounted digital sign on their property. This sign would replace the historic use of hanging 10' x 10' banners on the building to advertise for events, such as a Christmas Eve Service. The pole sign would be installed near the southwest corner of the building oriented towards the freeway. 1550 S Sandhill Road does not currently have a sign zone, so it is considered to be in Sign Zone "D". Sign Zone "D" allows free standing monument signs, however it does not allow any free standing pole signs (Section 14-3-3). The applicant is requesting that sign zone "E," which allows pole signs, be extended to include 1480 S Sandhill Road and a portion of 1550 S Sandhill Road property.

Mr. Bench stated that they are still working with the applicant to get the agreement signed. They have signed it. They are just looking for authorization that this individual has the ability to sign on behalf of the church. He concluded that it had not been accomplished by the time the meeting started and asked this item be continued for two weeks.

Mr. Macdonald moved to continue the item amending Section 14-1-4 Sign Zones and the Sign Zone map of the Orem City Code extending Sign Zone E to include a portion of the CenterPoint Church property located at 1550 S Sandhill Road until the October 25th City Council Meeting.

Mr. Spencer seconded. Those voting aye: David A. Young, David Spencer, Debby Lauret, Tom Macdonald, Jeff Lambson, Terry Peterson and LaNae Millett. **The motion passed.**

PERSONAL APPEARANCES

Margaret Black, an Orem resident and former City Council member voiced some concerns that she had with the City Council ethics, feasibility study, and proposition 2. She mentioned meetings that she has attended and what she witnessed at those meetings. She is concerned with the adversarial nature that has been presented regarding Alpine School District. She concluded by stating she would like to see the Council work with Alpine School District in a positive way in the future.

Linda Campbell Stated she feels as though there are council members going around in the community with information that encourages residents to vote yes to the School District split. She voiced her concerns with the ethics of the City Council members. She believes that there is a lack of civility and respect in the current city council meetings. She would like to know if the PR person hired to do campaigning for proposition 2 has used any of Orem's tax payer money. She

concluded by expressing her frustrations with the city council's behavior and the live stream video not taking place.

Jody Sumberg, an Orem resident, told a story about two teenage boys who had taken signs from somebody in regards to Proposition 2. She spoke about her own elections and how signs have been handled in the past. She explained some of the current rules and regulations in regards to sign postage. Ms. Sumberg talked about her 20-year experience on an elected board and the importance of following the law especially during an open meeting. She explained that she has been disheartened over the last several months with the Mayor and three council members who have chosen to disregard the law. Holding a quorum outside of official closed meetings regarding creating resolutions and other policies while not including three of the City Council members and changing agendas without the knowledge of three of the council members. She expressed her concern with recent displays of attack during city council meetings of certain council members when they are in opposition of views. She concluded by encouraging the council to have in depth training on ethics and open meeting laws and seek to restore trust by Orem citizens.

Stephanie Bismont voiced her feeling of the importance of a city council being neutral with topics on the ballot. She stated she does not believe that means that they cannot have an opinion, but rather when they come together as a council, they remain neutral. She feels as though citizens should feel comfortable in contacting anyone on the council with questions and concerns and not be swayed one way or another. She concluded by expressing that she is not a fan of the resolution but she does support the city council through the very important issues in Orem City.

Tim Stay shared his involvement in the community and explained his point of view on the academic wellbeing of Orem. He is concerned with the impact of education being their own district and how that would affect Orem children. He explained frustration with more money possibly going to the administrators and less going to the students. He gave examples of other cities and their economic state due to similar situations. He encouraged the city council to stay neutral and for Orem citizens to vote. He concluded by stating his frustration of being in another city and them being able to live stream their meeting and Orem City not live streaming their citizen comments.

Marilyn Larsen thanked the council for considering a smaller school district. She spoke about the feasibility study and others points of view on the feasibility study. She believes that smaller classroom and smaller city governments are phenomenal. She related a conversation she had with

an Alpine School District board representative and how it has impacted her.

Donna Boyd spoke about her involvement in education and the community. She stated that some of the redirect has been confusing in regards to tax payer increases with Orem becoming their own school district. She spoke about tax increase, debt, fixed income, the school district bond, and seismic upgrades in Orem schools. She prefers that her tax dollars stay in Orem to create a new school district. She listed off some of the benefits of having an Orem only school district. She concluded by stating she believes that those who oppose the school district split have been misinformed and she voiced her approval of the credibility of the people who conducted the feasibility study.

Samuel Fisher spoke about election signage and different emotions associated with election signs. He expressed frustration dishonestly with those who are opposing the Orem only school district. He read a statement by the Utah Taxpayers Association and explained his point of view. He hopes that going forward everybody is able to have open and honest conversations. He stated it seems like those talking, if they can't lie, then they attack the person who's talking and if they are proved wrong they then move to the next stage and make up new statistics. He concluded that he believes by passing the resolution it will help clear the air.

Karen Turner expressed appreciation towards the council for giving the citizens of Orem the opportunity to vote for the future of Orem Schools. She has enjoyed having discussions with friends and neighbors in regards to the proposition on the ballot. She explained some of the benefits of an Orem only school district. She believes that this is possible without putting the citizens of Orem in deep financial bondage. She stated that Orem has the financial resources to make this happen. She concluded by encouraging the citizens of Orem to do their research on both sides of the proposition before they vote.

Karen Adamson stated she believes that Alpine School District is putting Orem in a position where they will be unable to help themselves. She expressed some of her concerns with Orem staying in the Alpine School District including debt, having options, and helping the children. She believes that Orem has the resources to make its own school district. She concluded by thanking the Mayor and City Council for giving Orem the chance to make this happen.

Jason Jolly expressed his confusion with the live streaming not being on. He stated he views the

split as an ideological battle, not about the seismic fit of Orem buildings or about a lot of different issues that have been brought up. He said that he has seen animosity brought on both sides of this opposition. He thinks this has made it very difficult for undecided voters to come to a conclusion. He concluded by commenting about doing better as individuals, the stakeholders being affected by the proposition, and current programs that the Alpine School District offers. Michelle Lee stated there is a group that is opposing the proposition that she felt was founded on false numbers and inaccurate data. She expressed frustration with board members of Alpine School District indicating she felt they were not remaining neutral and using their district email accounts to form a group against the feasibility study. She asked if residents were supposed to believe every single independent organization and government agency and individual that has strongly supported proposition 2 is lying and those on the opposite side is the only group in Orem that has the truth. She expressed frustration with the Alpine School District using employees and resources to fight against the School District split. She concluded by stating that one thing that she believes Orem should do would be to branch away from Alpine School District.

RESOLUTION - A Resolution of the City Council of the City of Orem Outlining its Support for a new Orem School District

Mayor Young read the resolution. He then asked the council members for their comments.

Mr. Lambson stated that tonight they are not voting whether to split or not to split, they are voting on a resolution that the City Council is making a statement about a particular stand on an issue that is on the ballot that he does not feel good about. He expressed his concern not that this issue is on the ballot. He believes that the citizens of Orem will vote for what they believe is best for the City of Orem. His concern is that as an elected body, it may appear they are trying to influence the voters. He stated they are elected to represent all of the citizens of Orem. He had spoken with some people in the education community who were frustrated and disappointed that the city council would make a resolution supporting one way or another on the ballot. He said that the resolution feels like the city council is trying to influence the people to do the will of the city council. He stated that until after the election they will not know what the people want and until then he does not feel good about an elected body trying to influence the vote. Mr. Lambson stated that he would like to represent all of the citizens of Orem and make sure they all are heard by getting to listen to their votes in the future election. Mr. Lambson concluded that he would like to amend the wording of the resolution. Mr. Earl advised that it may be best to consider that after everyone has commented.

Mr. Peterson stated he is speaking tonight in favor of an Orem only school district. He explained his perspective with his past experience being on the Alpine School District Board and where he stands on an Orem only school district. Mr. Peterson then used an analogy stating what cities are currently in the Alpine School District. He spoke about potential debt the Orem could get in if

they stay with Alpine School District. He then stated some concerns with seismic safety, resources, and locations of schools and complaints that were made. He stated Alpine school district has known about seismic unsafe Orem schools for 6 years and they have not done anything about it. He gave examples of schools in Alpine School District that have received resources and funding when Orem has not. He then spoke about the feasibility study and some factors that played into it. He talked about the benefits that some of the smaller school districts have had and about future projections in an Orem only school district. Mr. Peterson stated that Orem does not have a diminishing population of children, Alpine School District has a diminishing enrollment of children in Orem. He stated his point is that one in five children in Orem do not attend Alpine School District. He believes that Orem citizens are going to other schools because their test scores are higher, and smaller class sizes. He then stated how Orem taxpayers' money is going to be spent going to the Orem School District. He explained that the feasibility study was the fourth study that was conducted and this process is not being rushed because of the \$600 million dollars that is involved. He discussed the men who conducted the feasibility study and their credibility, how Orem has the funding for an Orem only School district, the perspectives of the opposing side, and how he will be voting.

Mrs. Millett stated her frustration with comments on social media and newspapers being incorrect about proposition 2. She said that this resolution informs the citizens of Orem of the facts. She shared her point of view having been involved and done a lot for different schools. She stated she believes to be true about the future of Orem schools if they were to stay with Alpine School District. She explained that her intentions are always in the best interest of Orem children. She feels it is important to have a small neighborhood school culture in Orem and what it means to her. She read a letter from a retired school teacher and explained her opinion on what teachers input means to her. She believes that in a smaller district individuals would have more of a voice, teachers would have the same benefits, retention, and retirement plan. She stated that as shown in the feasibility study Orem school district teachers would be compensated the same as they are now for at least 10 years. She encouraged Orem residents to re-watch the August 2, 2022 city council meeting to hear the research that has been done in determining if Orem should have its own school district. She concluded by reviewing some of her own research she had done in regards to growth and funding for the programs.

Mr. Spencer reviewed the timeline and the research that had gone into creating an Orem School District. He quoted statements from the Utah Taxpayer Association and things that were discovered in the feasibility study. He stated it is up to the voters in Orem to vote based on facts and not fear. He believes there have been some false statements made and distortions that have been said. He concluded by explaining if Orem decides to create its own school district, taxes will not increase due to not being a part of the Alpine School District Bond.

Mrs. Lauret stated she was concerned during previous meetings and believes council members should be neutral, although technically within the bounds of the state statutes, she believes that it violates the spirit of the law. She continued to state she would like to trust the process of the citizens of Orem voting to how they feel things should be, there are many opportunities on both sides for citizens to be educated. She sees the pros and the cons on both sides of the arguments and believes there are benefits to both. She stated she is concerned about the startup costs of an Orem school district running into the millions that the city would have to bear. She concluded to state she has had conversations with both Lindon and Vineyard and those cities are watching and waiting but have made no commitments to joining Orem.

Mr. Macdonald stated he does not think that long speeches from the city council will change anybody's opinion. He told a story about his neighbor putting up vote yes signs shortly after he put a vote no sign and how they are able to still be friendly with one another despite their differences. He agrees with those who have stated they would like to see civility from both sides on this issue. He concluded by stating he would prefer to stay clear of any hint or perception of impropriety or circumvention of established best practices.

Mayor Young stated the reason for putting the resolution on the agenda was because he would like to clear up any misinformation given in the past. He would like the citizens of Orem to make their voting decisions based on the truth. He reviewed the frequently asked questions about the Alpine School District Bond and the responses to those questions. He stated he feels Alpine School District loyalists put out a hit piece on his father that was designed to change the conversation from what should be discussed into an effort to demonize his father. He explained his father's current circumstances and his frustration with people twisting his father's prayer into something negative about teachers. He expressed his father's point of view on the situation and why he said what he said in his prayer. He stated he respects all sides of the arguments in this election, and would like Orem residents to make decisions based on facts and not be misled. Mayor Young concluded by reviewing past tax fluctuation, projected future taxpayer fluctuation, timing of the school district split, and current situations in Orem schools.

Mr. Peterson moved by Resolution the City Council of the City of Orem Outlining its Support for a new Orem School District **Mrs. Millett seconded**. Those voting aye: David A. Young, David Spencer, Terry Peterson and LaNae Millett. Those voting nay: Tom Macdonald, Jeff Lambson, and Debby Lauret. **The motion passed.**

CITY MANAGER INFORMATION ITEMS

Mr. Davidson gave an update on the Hillcrest Park stating they are going to begin on the demolition of the park next week and then they will work through the winter months to complete the project. He stated the estimated price was higher than the bid price and so that is good news. They will then bid the other piece of the project in the winter with a plan to turn dirt as soon as possible.

Mr. Davidson gave an update on the Utopia project regarding interest rate history and future along with money amounts for the past and future.

Mr. Davidson gave some updates on the new city center building and stated some concerns associated with the ceiling heights.

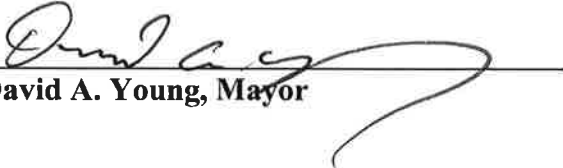
General discussion ensued regarding city code and amending a section of the code to fit the current building plans of the city center building.

ADJOURN

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

Meeting adjourned at 9:04 p.m.

PASSED and APPROVED this 1st 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	☒	☐	☐
Jeff Lambson	☒	☐	☐
Debby Lauret	☒	☐	☐
Tom Macdonald	☒	☐	☐
LaNae Millett	☒	☐	☐
Terry Peterson	☒	☐	☐
David Spencer	☒	☐	☐

