CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
January 10, 2023

4:30 P.M. WORK SESSION-CITY COUNCIL CHAMBERS

CONDUCTING	Mayor David A. Young
ELECTED OFFICIALS	David Young, David Spencer, Jeff Lambson, Debby Lauret, Terry Peterson and Tom Macdonald.
APPOINTED STAFF	Brenn Bybee, Acting City Manager; Keri Rugg, Management Services Director; Ryan Clark, City Attorney; Steve Earl, Development Services Director; Brandon Nelson, Finance Director; Lane Gray, Capital Projects Manager; Giles Demki, Water Reclamation Section Manager; Kathi Lewis, Economic Development 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"

DISCUSSION - Orem Water ReclamationCapital Facilities Plan overview

Mrs. Debby Lauret will be attending the meeting virtually. Mrs. LaNae Millett is absent.

John Moto, a waterworks engineer began the presentation by reviewing the agenda of the discussion and a variety of topics that he will be discussing.
He discussed the background of the plan and showed the following table:

- Initial construction of the Orem water reclamation facility was completed in 1957.
- Major facility upgrades occurred in 1984 and 2010.

Estimated 2022 Service Population	111,000
Buildout Population	129,900
Estimated Community Buildout Year	2060

He then explained the Liquid Stream Process Description

- Headworks

- Bar screens to remove large debris from collections
    - Grit removal to remove sand, dirt and other gritty solids
- Primary clarification to remove solids and floating material
- Oxidation ditches modified for biological nutrient removal
    - Removes organic material and nutrients through biological processes.
- Secondary clarification to clarify treated water and recycle biomass
- Ultraviolet disinfection
    - Utilizes UV light radiation for disinfection before discharging to receiving waters.
- Filtration for Reuse and P Reduction
    - Cloth Media Filters for turbidity control
    - Alum addition for P control

He spoke about the Solids Stream Process Description:

- Thickening - Dissolved Air Floatation
    - Thickening of primary sedimentation sludge (PS) abd Secondary sedimentation sludge (WAS) to optimize use of digesters
- Anaerobic Digesters
    - Breaks down solids, reducing volume and stabilizing solids for land application
    - Two step - Thermophilic (high heat_ and Mesophilic (medium heat) digesters
    - System cannot produce Class A biosolids reliably due to pumping and mechanical deficiencies
    - Class B biosolids are produced on consistent basis
    - Methane produced is reclaimed to partially offset the facility's natural gas energy demand.
- Dewatering - Belt filter Press
    - Reduces weight of sludge to be trucked by "squeezing" the water out of the sludge
    - Installed 1999
    - On going project
    - Solids are currently land applied for farmland in South Utah County
- Sludge Holding Beds

He then explained some of the Support Facilities that are important but they're not part of the treatment process itself.

- Safety Systems
- Aeration Blowers
- Odor Control Facilities
    - Biosolids Dewatering
    - Sludge Storage Tank
    - Thermophilic EQ Tank
- Noise Mitigation
- Plant Water

- Electrical Systems
- Control Systems
- Maintenance Facility
- Site

He then gave a summary of the flow and loads summary speaking about the facility design

- Diurnal and seasonal variation
- Facility Flow Capacity of 13.5 million gallons per day (MGD)
- Analyzed for Orem;s estimated Buildout Population

He showed an OWRF Flow Conditions table and explained some of the factors that play into it.

- Load = Flow X Concentration
- Current and Buildout Flow and Load Conditions based on Facility Data

He explained the Basis of Design and presented a chart to do so containing:

- Wastewater facilities are sized to handle flow (hydraulic capacity) and colids mass (loads) diurnal, seasonal, and annual variations

Mr. Moto reviewed the Regulatory Framework stating some main topics of Liquid Stream Regulatory Requirements, Future Changes, Solids Stream Regulatory Requirements-Based on OWRF Permit, and Future Constraints.

Mr. Macdonald asked for clarification on maintenance upgrades and current situation of the facility. Mr. Moto and the waterworks team responded that they are not in a state of emergency or panic but there are steps that do need to be made towards improvements to the facility. Mr. Bybee stated that funds have been regularly used and we will need to be actively applying to get those funds.

Mr. Moto reviewed some Safety and Building Codes and went into detail about each of them:

- National Electrical Code (NEC) / NFPA
- National Fire Protection Association, NFPA 820 Standard for Protection in Wastewater Treatment and Collection Facilities.
- International Building Code (IBC) seismic requirements
- Other Codes

He reviewed Operational Requirements and Guidelines:

- Safety, Rehability, Redundancy such as process units, equipment, and firm capacity-Largest unit out of service.

He went into detail about the Condition Assessment and what that consists of:

- Overall Assessment
- Major findings
- In other words, about half of the 15 MGD plant that costs $400M in today's dollars to construct is beyond its expected useful life.

He stated that the Recommendation Framework consists of:

- Balance risk and performance with budget planning

- Apply code requirements based on safety and criticality
    - Compliance with seismic code on occupied buildings only
- Four upgrade phases identified:
    - Phase 1,2,& 3 fo upgrades are based on condition, capacity, and performance, and are recommended over 15+ years
    - Phase 4 is contingent on future regulation and water reclamation goals

He then presented a chart of the different phases and next steps consistent with the recommended plan. General discussion about infrastructure occurred. Mr. Motto discussed the Recommendation Framework with a plan and time for each phase.
Estimated Capital Cost (2022 Dollars)
Phase 1: Aging/ obsolete facilities & Equipment redundancy, compromised performance. 1-5 years $58 Million
Phase 2: Aging Facilities & Equipment in adequate condition but high risk associated with failure. 5-10 years $40 million
Phase 3: Aging facilities & Equipment currently at low / moderate risk of. 10-15 years $25 million
Phase 4: Address potential future regulations, enhance sustainability and redundancy. 15+ years $37 million
Total of recommended improvements: 160 million
General Discussion in regards to next phases, sources of funding, financing options, what is needed through buildout, regulations, grant options, concerns brought up by the public works advisory commission, priorities and future consultants.
Mr. Bybee stated that they may be sending out a full copy of the presentation to the city council members after this meeting so that they have the opportunity to review it more thoroughly.

DISCUSSION – Proposed Amendment to Orem City Code Section -2-7-6 (Exceptions to Bidding Requirements)

2-7-6. Exceptions to Bidding Requirements set forth in Section 2-7-5.

The bid process requirements set forth in section 2-7-5 do not apply in the following situations:
. . .
S. **Extension of Existing Contract in Unfavorable Procurement Environment**. The City Manager determines in writing that there is an unfavorable procurement environment with respect to the desired goods or services due to unusual economic conditions such as unusually high inflation or labor or materials shortages which makes the award of a contract using standard procurement procedures impractical and not in the best interest of the City and that extension of an existing contract without following standard procurement procedures is likely to result in significantly more favorable procurement terms for the City.

Mr. Brenn Bybee started by explaining what the intentions of the bid would be by stating with significant inflation and going through new bidding scenarios what they have found is that when they are projecting the cost for a multi-year contract they tend to estimate a conservative amount of what they think costs are going to be. The bidders then come back in the future and give a higher bid price. The purpose of this potential bidding exception is to have a very specific way where the situation is to the benefit of the city and allows us to manage more over time.

Mr. Steve Earl stated that normally governments are required to let out contracts by competitive bidding process and allow various contractors to bid to allow Orem to get the best price. But he explained that what they have found is that in certain circumstances this competitively doesn't necessarily give Orem the best pricing they could possibly get because of people anticipating higher prices and building those into the bids that they give us whereas if it was more of a short-term option where Orem could extend this existing contract under this exception, Orem might get a lot better price for the public taxpayers. This exception that they have prepared will only be applied in unique circumstances.

Mr. Tom Macdonald asked if there is a dollar limit to this exception? Mr. Earl replied stating no that there is not, but there is a non official time limit expectation would be relatively short-term style extensions of the contract so that when economic conditions normalize, then Orem can go back to that normal competitive bidding.

Mr. Terry Peterson asked for clarification on what risks the City of Orem would be taking based on the price of lumbar going down. Mr. Earl replied that Orem would only be applying these exceptions where we would expect to get better pricing over the short-term. Mr. Earl then gave some examples of situations where these exceptions would be applied.

General clarification and discussion of scenarios of when the bid exception would work in the city's advantage occurred.

AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

The mayor and city council reviewed the upcoming items on the agenda.

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

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

CONDUCTING	Mayor David A. Young
ELECTED OFFICIALS	David Spencer, Terry Peterson, Jeff Lambson, Debby Lauret and Tom Macdonald
APPOINTED STAFF	Brenn Bybee, Acting City Manager; Keri Rugg, Management Services Director; Ryan Clark, City Attorney; Steve Earl, Development Services Director; Brandon

Nelson, Finance Director; Lane Gray, Capital Projects Manager; Giles Demki, Water Reclamation Section Manager; Kathi Lewis, Economic Development Division Manager and Tess Jones, Deputy City Recorder

CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT – Charlene Crozier
PLEDGE OF ALLEGIANCE – Keri Rugg

PERSONAL APPEARANCES

Mike Christensen spoke about the spirit of Christmas and the purpose in symbolism with the holiday. He would like to see Christmas lights left up indefinitely and he would like to see all trees remain on the Orem city property. He is concerned with the outcome of the new city hall building and the removal of trees, he feels as though this would disrupt the appearance of the city.

Brandon Young is an Orem resident who spoke about his situation with putting money down for a project on his home and not having the work done. He said that his story was featured on news channels and he is concerned because there was a similar item brought up on KSL as well. He referred his story to a story that he believes is similar to Mayor David Young.
Mayor Young addressed Mr. Young's comment stating that if anybody would like a public statement the KSL article that was written had 23 paragraphs talking poorly about him but at the very end you will find the three paragraph statement that he put out. He explained as to why he has not been talking about this situation. He stated that if anybody would like to discuss the matter in person with him, he would be happy for a discussion.

CONSENT ITEMS
<u>APPROVAL OF MEETING MINUTES</u>

Minutes of the City Council Meeting August 2, 2022

Mr. Macdonald moved to approve the Approval of Meeting Minutes. **Mr. Spencer seconded** the motion. Those voting yes: David A. Young, David Spencer, Debby Lauret, Terry Peterson, Jeff Lambson, and Tom Macdonald.The motion **passed.**

SCHEDULED ITEMS

PUBLIC HEARING - Amending the Agreement dated October 22, 1993, relating to the property located generally at 380 East 240 North to modify certain use and occupancy restrictions pertaining to the subject property.

Jason Bench invited Jeremy Rooney representing the Housing Authority up to the stand. Mr. Bench stated that the agreement dates back to 1993 when the original project came forward with the city as part of that agreement back in 1993 the city agreed to multiple things including allowing a little higher density project it was limited to 55 and older. He then displayed a image on the screen stating that the portion outside was approved as an assisted living facility and has been operating as that for a while and the owner of the current facility who is present is now wanting to sell but back in the 1993 agreement that made Orem City a part of that agreement and how to approve any modification to the agreement going forward the housing authority of Utah County would like to come in and partner with th seating Academy of Prove which treats those with autism and other disabilities and so what they are proposing to do is convert the area into 21 single units occupied by one individual and allow them to live in this facility and get some experience on how to live on their own and be a part of the community. He stated that the existing facility in the back will remain as is and Mr. Rooney will be renting them to the seniors of the qualifying that are on their list. They will eventually be all of those that are part of their facility.

Mr. Bench then displayed a picture and explained some of the property elements. He stated that the proposal has 36 units in the back, 55 and older units up front will be 21 and single units. So what they are proposing is the amendment to the agreement to allow theme to allow scenic view students or graduates to come and live in that front portion and be a part of the community and then the other portion in the back, the 36 units will remain the same but it does need a city council approval to amend the agreement. He then explained the new section 20 to the original agreement that they are proposing:

1. **New Section 20 to Original Agreement**. A new Section 20 is hereby added to the end of the Original Agreement which shall read as follows:
   "20. Notwithstanding anything in this Agreement to the contrary, the Main Center portion of the PROJECT may also be occupied by individuals with autism who have graduated from the Scenic View Academy program for individuals with autism (or equivalent program) and who are capable of independent living. However, due to parking constraints, occupancy in the Studio Units shall be limited to one person per unit. This section shall not apply to the Apartment Units which shall continue to be occupied solely by low and moderate income elderly persons as defined by and required in the Original Agreement. There is not requirement that any level of care be provided for either the occupants of the Studio Units or the Apartment Units."

Existing Site Plan:

- 36 Units (55+)
- 21 Units (Assisted Living Units)
- 30 Parking Stalls

Proposed:

- 21 Units - One (1) bedroom Units (Single occupant only)
- 57 Total Units (36+21)

2. **City Consent to Transfer the Property and the Rights and Obligations of the Original Agreement to the Housing Authority of Utah County.** The Parties acknowledge that the Original Agreement provided that Robbins could not transfer or assign any or all of its obligations, rights, title or interest under the Original Agreement to a third party without the prior written consent of the City. The City hereby consents to the transfer of the Property as well as all obligations, rights, title or interest in and Original Agreement to the Housing Authority of Utah County. The Housing Authority of Utah County hereby agrees to assume all rights and obligations of the Original Agreement and agrees to use and operate the Property in accordance with the terms of the Original Agreement and this Second Amendment to Agreement.
3. **Original Agreement to Remain in Effect.** Except as expressly modified herein, all provisions of the Original Agreement shall remain in effect and the use of the Property shall conform to the limitations and requirements of the Original Agreement.
4. **Incorporation of Recitals**. The Recitals to this Agreement are incorporated by reference into the Covenants section of this Agreement as if fully set forth herein.

Mr. Bench then displayed an outline of information provided by the applicant. He stated that based on the usage they have at other facilities, a lot of students at the Scenic View Academy either don't have cars or don't have drivers licenses collectively they work together so that there shouldn't be a parking issue. The Planning Commission did review it and did make a recommendation that the council update the 1993 agreement with the modifications outlined.
Recommendation: The Planning Commission recommends the City Council, by resolution, amend the Agreement dated October 22, 1993, relating to the property located generally at 380 East 240 North to modify certain use and occupancy restrictions pertaining to the subject property.
Mr. Bench then opened it up to the City Council to answer any questions that they may have.
Mr. Macdonald asked what the vote was like from the Planning Commission and Mr. Bench responded that the vote was unanimous.
Mr Spencer asked on the 21 unit building, how many units are there now is it 21? Or are they just 21? Mr. Bench replied that it was 21 units. Mr. Spencer stated that the Utah County

Authority is a County, should you pay taxes? Mr. Rooney replied that the Housing Authority of Utah county is the entity that he represents. He is their executive, they are a quasi- governmental entity, not a taxable entity. Mr. Spencer clarified that we were getting property taxes before. He then asked who would be regulating how many people and who would be staying in those units. Mr. Bench replied stating that would be the city.

General Discussion about size of units, where the 30 total parking places would be located, prior living arrangements, economic impact, and current parking concerns occurred.

Mr. Miller, the Program Director at Scenic View Academy, came up to the stand and clarified that the students or people who have gone through the Academy skills program would be the ones attending the application process. He has been doing this for many years and has a few different programs that he has helped manage.

Mr. Peterson gave a disclosure that he was one of the original trustees of Scenic View and he stated that it is an incredible facility. He is no longer a trustee and so there is no conflict of interest in him but he explained that it is an incredible place and he wishes that everybody could be a fly on the wall and go to the Christmas Party, he does not know if it has changed from when he was there because it has been awhile. Mr. Peterson then stated some qualities and some of some of the individuals who attended that facility and some of the things that he enjoyed being a part of.

Mr. Spencer asked for clarification on the staff that would be attending the property at different hours of the day. Mr. Rooney helped clear up some questions with members and safety concerns.

Mayor Young opened up the public hearing at 6:39 pm and closed it due to no comment.

Mr. Peterson moved to approve the Amending the Agreement dated October 22, 1993, relating to the property located generally at 380 East 240 North to modify certain use and occupancy restrictions pertaining to the subject property. Committee. **Mr. Lambson seconded** the motion. Those voting yes: David A. Young, David Spencer, Debby Lauret, Terry Peterson, Jeff Lambson, and Tom Macdonald. The motion **passed.**

PUBLIC HEARING - Amending Section 2.1.1 of the General Plan and the General Plan Map of the City of Orem by amending the land use designation from Mixed- Use District to Community and Regional Commercial along State Street.

Jason Bench stated that this is simply a cleanup to match our general plan with a zoning that was approved by the council back in January/ February of last year so it is simply just taking a comparison. He then displayed an image of the Proposed General Plan and stated that on the left you can see the blue mixed use which was part of the districts. We're taking it back to the original configuration prior to those districts which are C2 original commercial and Community Commercial which match the zoning either C2 or C3 so it's simply just modifying our general plan map to match the current zoning that's in place.

Mr. Macdonald clarified that what is in red on the right is what has been agreed to.

Recommendation: The Planning Commission recommends the City Council, by resolution, amend Section 2.1.1 of the General Plan and the General Plan Map of the City of Orem by amending the land use designation from Mixed- Use District to Community and Regional Commercial along State Street.

Mr. Peterson stated that almost a year ago there was a change in the State Street Master Plan, and the plan which is now part of the clean up the Jason's talking about, stop the high density Apartments which was the master plan on State Street. That would have added over 20,000 people living on an already congested street. With the election last year we then had enough votes because of the new people that were elected and those that supported this changed the State Street Master Plan. Mr. Peterson explained that David Spencer already alluded to this a little while ago that Orem is already over 45 percent rentals, the high density apartment residents also have rights. He explained that as far as parking goes, that was a concern we've heard from people that live in high density Apartments is that they don't have enough parking so that's also something that they have rights as Citizens to be able to have the high amount of parking. He wanted to bring this up because we're celebrating almost a year from when the Mayor was elected along with other council members.He expressed his gratitude for the mayor and council in changing the high density housing market.

Mayor Young opened up for public comment up at 6:44pm

Karen Adamson stated and she suggested that they vote for this. When she found out what was going on with the State Street Master Plan, the Midtown 360 Building sounded really cool. The first time that she saw it was when they were putting it up in the mall and everybody was walking by. She thought that she should live there and she is glad that didn't workout because she works out at the gym that is across from the building and it is chaotic. She stated that she knows some people who lived in that building and parking is difficult to manage. She then gave some examples of why she does not like the high traffic and population of Orem.

Brady Hanks stated that if the 850 bus line where to go along Orem Boulevard instead of through State Street and was expedited through various means that could address the parking issue at Midtown because it is a pain to get to your bus and then you see oh I still need to cross the street and its State Street and then there goes my bus.

Mr. Spencer asked for clarification on what bus line was his.

Mr. Spencer said that he heard some people stating that if you are not growing you're dying. And he believed that is not what Orem would prefer due to who they have elected as their officials.

Mayor Young closed public comment at 6:47pm

Mr. Macdonald moved to approve the Amending Section 2.1.1 of the General Plan and the General Plan Map of the City of Orem by amending the land use designation from Mixed- Use District to Community and Regional Commercial along State Street. **Mr. Spencer seconded** the motion. Those voting yes: David A. Young, David Spencer, Terry Peterson, Debby Lauret, Jeff Lambson and Tom MacDonald. The motion **passed.**

CITY MANAGER INFORMATION ITEMS

Mr. Bybee reminded the Mayor and council about the ULCT hosted officials day up at the state legislature on January 18th. He asked the council if they are interested in attending to let Tess Jones know so that she can get them registered.

He stated that the State Legislative session starts on the 17th. The Mayor and Council will be seeing an email from him introducing them to the team that they will be working on issues of interest to the city. He invited the Mayor and council members to let them know if there's a particular subject or bill that they would like to follow up on or look into. He is happy to respond to that.

Mr. Bybee stated a quick update on the city hall, they continue to work with method studio and the excellent staff Ryan Clark and Lane Gray and the internal development team. They continue to refine and add detail to the overall design while still staying within the means of the budget. The Mayor and Council will see the full construction design during the January 24th meeting with some interactive 3D goggles. Leighton Construction is still nailing down some electrical and structural stubbs so that they can have a more firm number on costs as of January 17th. Mr. Bybee will be keeping council members updated on the progress.

Lastly he stated that there are treats for Council Member Terry Peterson in the Council Conference room to celebrate his birthday.

Mr. Spencer asked for clarification in the new city center ceiling height and structure. Mr. Clark addressed the question stating that they are not adjusting the ceiling height inside the building, only the parapet height on top of the building for a safety measure.

Mr. Spencer asked Mr. Earl for clarification on the Aye and the yes answer during the votes in the city council meeting. Mr. Earl replied stating that he was not sure where that came from but he will look into it.

ADJOURN

Mr. Macdonald motioned to adjourn the meeting; **seconded** the motion. Those voting aye: David A. Young, David Spencer, Tom Macdonald, Terry Peterson, Debby Lauret,and Jeff Lambso.. The Mr. **motion passed.**

Meeting adjourned at 6:54pm

David A. Young, Mayor

ATTEST:

Teresa McKitrick , City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor David A. Young	☑	☐	☐
Jeff Lambson	☑	☐	☐
Debby Lauret	☑	☐	☐
Tom Macdonald	☑	☐	☐
Terry Peterson	☑	☐	☐
David Spencer	☑	☐	☐
LaNae Millett	☑	☐	☐

CITY OF OREM CORPORATE SEAL STATE OF UTAH