

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

4:00 P.M WORK SESSION - CITY COUNCIL CONFERENCE ROOM

CONDUCTING

Mayor David A. Young

ELECTED OFFICIALS

David Young, David Spencer, Tom Macdonald, Terry Peterson, and LaNae Millett
(absent Jeff Lambson and Debby Laurant)

APPOINTED STAFF

Brenn Bybee, City Manager; Ryan Clark, Assistant City Manager/Development Services Director; Chris Tschirki, Public Works Director; Josh Adams, Police Chief; Brandon Nelson, Finance Director; Keri Rugg, Management Services Director; Bryce Merrill, Library and Recreation Director; Gary McGinn, Assistant City Attorney; Carlo Okolowitz, IT Division Manager; Jesse Riddle, Director of Legislative Counsel; Jason Bench, Asst Development Services Director; Derek Spencer, Fire Division Chief; Shaun Hirst, Assistant Fire Chief; Peter Wolfley, Communications Manager, PIO; Carson Hardy, Management Analyst; Teresa McKitrick, City Recorder

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

Water Tank Project Tour: Presenter: Lane Gray, Capital Projects Manager

Those in attendance: Brandon Nelson, Tom Macdonald, Dave Spencer, Keri Rugg, Ryan Clark, Pete Wolfley, Lane Gray, Chris Tschirki, Reed Price, Jason Bench, Brenn Bybee, Mayor Dave Young, D. Jacob Summers, Bryce Merrill and LaNae Millett.

The water tank project is a 10 million gallon tank across from Orem Elementary. The project was started at the end of January 2023. It took 3 months to dig the large pit and 80,000 cubic yards of landfill was removed. Currently the construction company is working on the flooring and walls This project is expected to be completed in August of 2025. Once completed the city will put the Heritage Park on top of the tank. Mr. Gray is our construction manager over the project.

Fire Prevention Home Survey: *Presenter: Derek Spencer, Fire Division Chief, and Marc Sanderson, Fire Chief*

Chief Sanderson introduced Division Chief Spencer. Division Chief Spencer explained that the fire department is always looking for ways to educate the public about fire safety. There is a virtual program that will be rolling out to the public, it's called Virtual CRR. A short video was shown to the council. Division Chief Spencer continued that this program is non-intrusive and the home survey can educate the community. The survey will help the fire department know which neighborhoods they need to focus on. Homes should have smoke detectors, carbon monoxide detectors, fire extinguishers and an emergency plan.

The plan is to send this out over social media and get the community to complete the survey. The city council suggested using a drawing to encourage residents to participate. Chief Sanderson assured the council that the information will be used for statistical purposes and will not be used for violations at homes. He also spoke about the potential of the program.

Women's & Children's Memorial: *Presenter: Becca Driggs, Jill Barrick, Sara Reed, Julie Allen, Steve Nelson and John Baxter*

Ms. Barrick gave a printed proposal to each of the City Council. She introduced the proposal before them, a memorial for women and children on the site where two pioneer children were reported to be buried. She had attended a symposium where they discussed the impact that female immigrants had on the area and they told a story about two pioneer children who were buried around 1600 North in Orem.

Ms. Driggs, in preparation for this presentation, went to the lot where these pioneer children were buried. She found the area was not being used and was in poor condition.

A video of Julie Allen, professor of Scandinavian Studies at BYU, and Sarah Reed, assistant professor in the History department at BYU. Ms. Allen works extensively on Scandinavian Immigration to Utah in connection with conversion to the Church of Jesus Christ of Latter Day Saints. She explained that Utah County was a hotbed of Scandinavian Immigration. She finds this project important because it brings to mind those settlers and their sacrifices. This knowledge can enrich our community. Ms. Reed explained that many of the early settlers were polygamist families and when the government made that illegal it forced families to go into hiding. This made women very vulnerable and it was difficult for them to get the help they needed. Ms. Allen expressed an interest in honoring their memory.

Ms. Driggs spoke about Eva Charlotta Andersson. Eva was born in Sweden on March 31, 1852. She was baptized into the Church of Jesus Christ of Latter Day Saints in March 1881. She immigrated to Utah June 1884 and married William Bjork August 1885. She died at the age of 49 on December 20, 1901. Two sons of William Bjork were buried in Orem. Eva was the mother and not mentioned in the article.

Ms. Driggs continued to explain that from 1860 to 1880s about half of Utah's population were in polygamous households. Congress passed various laws prohibiting polyamy an unlawful cohabitation. The federal government enforced these laws with raids and thousands of arrests.

This resulted in families being separated and many had to go into hiding. More than 40% of mothers in the 19th century Utah lost one or more children.

The Gravesite is located at 411 W 1600 N in Orem. The property is vacant and owned by the City of Orem. This group would like to make this site a memorial to the children and other pioneer women and children. They would like the City to give the property a historical designation. A BYU team of undergraduate and graduate geology and archaeology students are willing to perform LIDAR/Radar testing of the site. They believe that this site is a good place to put a Women's and Children Memorial. Many women today deal with the stigma and shame of losing a child. This memorial is not just for the women who lost children but for the women who will lose children in the future.

Ms. Barrick spoke about the value of the project. First there are two pioneer children that were buried on this site. There is a team of professional BYU geologists who have offered their services. The property is owned by Orem. This is a singular and rare opportunity to do something special with this property.

Mr. Peterson shared his thoughts about finding a better location for the monument and maybe just put a small memorial for the children on the lot. Ms. Barrick gave this presentation to the Historic Advisory Commission. Ms. Millet has been communicating with this group for over a year. She thinks that people would connect with this memorial and this could send a message that we hear you, we see you, we understand. Ms. Barrick would like us to start thinking about legacy. Mr. Spencer communicated his support of this proposal. Ms. Millett asked Mr. Bybee what the next steps would be. Mr. Bybee explained that the city would need to look into the process and could move forward if the city council approves. Mr. Summers believes the resolution would be the first step. Mr. Peterson would like to see other areas explored and the pioneer heritage honored.

Mr. Summers anticipates that the council would approve a resolution to express their intent to have a memorial garden put in. This would allow the staff to move forward. Mr. Peterson would like to see the resolution expanded to other areas in Orem that could have a memorial.

Short Term Rental and Nuisance Code: *Presenter: D. Jacob Summers, Deputy City Attorney*

Mr. Summers is following up with a discussion from August 2023 about Short Term rentals. The Utah State Legislature has not passed any prohibitions on municipalities enacting ordinance to regulate the Short-Term Rental industry. The City of Orem does not have any city code specific to Short Term Rentals but we do have zoning ordinances that can be enforced for violations outside of "Single Family" authorized uses.

Mr. Summers continued to explain the current efforts of the City of Orem. City staff are responsive to resident complaints. City does not use short term rental websites to look for short term rentals, rather the city responds to resident complaints. These complaints go against the owners, not the renters.

He explained the types of regulation approaches. Quantitative restrictions that limit the amount of Short-Term Rentals in an area, Location restrictions that confine Short-Term rentals to specific locations. Density Restrictions that limit Short-Term Rentals in certain neighborhoods. Qualitative Restrictions to define type of accommodations, licensing, building code compliance. Also other Utah counties were presented. Mr. Summers spoke about regulations that other cities have put into place.

Mr. Summers asked the question where do we go from here. The Council will need to decide how we should proceed and what regulations are appropriate and not appropriate. Resident complaints would be the process of discovering Short-Term Rentals, using the online lists is against state law. Mr. Summers will send the presentation to the council and collect their feedback. Mayor Young asked about the GOAT house and Mr. Summers explained that the City is moving forward with violations and that they have been scheduled to go before the Administrative Judge.

In God We Trust Ordinance: Presenter: D. Jacob Summers, Deputy City Attorney

Mr. Summers is proposing a resolution in support of displaying the United States National Motto in the City Council Chambers. Mr. Summers went over the history of the National motto "In God We Trust." The Star Spangled Banner in the fourth verse which reads "And this be our motto - In God is our trust". In 1864 the motto was put on coins. On July 30, 1956 Congress passed a joint resolution declaring IN GOD WE TRUST the national motto.

The motto has been displayed in many government offices. The motto was placed in schools and on license plates. The motto has been settled legally that it is acceptable to post it in government buildings. The purpose of the motto being displayed is it solemnizes public occasions, expresses confidence in the future and it fosters patriotism. Mr. Summers said it makes sense to adopt this and display it in our new council chambers.

Mr. Spencer wondered if we should put it on the back of our city flag. Mr. Bybee and Mayor Young said that discussions have been that the motto should also be incorporated into our medallion and in the Freedom Plaza.

Mr. Summers said the first step is to pass the resolution, then the city could work on a mock up of ideas on how to display it.

AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

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

Mr. Macdonald serves on 3 commissions/boards. First, the Orem Youth Council which has not been active this year but the invitations for their first activity have been sent out. Second, is the Heritage Advisory Commission, he reported that he enjoys working on the commission to plan the Memorial Day and Veteran's Day programs. The Veteran's Day program is on November 11, 2023 at 11 am. The final board is the Orem Community Hospital Outreach board.

This board informs about events that are happening in the community, which are typically geared to those less fortunate in our community.

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

CONDUCTING

Mayor David A. Young

ELECTED OFFICIALS

David Young, David Spencer, Tom Macdonald, Terry Peterson, and LaNae Millett
(absent Jeff Lambson and Debby Laurant)

APPOINTED STAFF

Brenn Bybee, City Manager; Ryan Clark, Assistant City Manager/Development Services Director; Jake Summers, Deputy City Attorney; Gary McGinn, Assistant 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; Sam Kelly, City Engineer; Jesse Riddle, Director of Legislative Counsel; Jason Bench, Assistant Development Services Director; Carlo Okolowitz, IT Division Manager; John Dorny, Transportation/Private Development Engineer Section Manager; Peter Wolfley, Communications Manager, PIO; Carson Hardy, Management Analyst; Teresa McKitrick, City Recorder

CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT – Gary Morley

PLEDGE OF ALLEGIANCE – Diane Morley

MAYOR'S REPORT/ ITEMS REFERRED BY COUNCIL

PERSONAL APPEARANCES

Opened at 6:06 PM

Jeffrey is here to complain about being recorded at the EOS gym. The gym has proposed some changes that have not yet been enforced. Jeffrey would like to see more regulations put in place.

Marlon Coe is a member of the Transportation Advisory Commission (TAC). He is here to represent and confirm the TAC would like to see the Transportation Master Plan incorporated

as they had submitted it. They support planning for the potential of growth. The plan is just an option to build, it is not a requirement.

Steven Astle is here to follow up on the GOAT house property. He was part of a group who brought this Short Term Rental to the attention of the City Council six weeks ago. He reminded the council of the issues at this property. The goats that live on the property create a foul smell in the neighborhood.

Mary Warner is thankful for the council listening to their concerns about the GOAT house. She is most concerned about the traffic and parking. She is pleading with the council for help in resolving this issue.

Randy Schwartz is thankful for those who are researching ordinances that could be incorporated to resolve the GOAT house. He once caught someone from the rental in his own garage. His neighborhood deals with this issue on a weekly basis. He is asking the council to continue to look into passing ordinances.

Mayor Young asked Mr. Summers, the deputy attorney, what could be done. Mr. Summers asked the neighbors to keep reporting violations. Mr. Bybee confirmed that the city will work to build ordinances.

David Daws is here to thank the city council for moving a drainage near his home. He appreciates the Public Works department. He also passed out at the fitness center and when he woke up he was surrounded by paramedics. His gratitude extended to those who keep the fitness center clean. He continued to thank other departments for the work they do for the city.

CONSENT ITEMS

Approval of Meeting Minutes September 19, 2023 and September 26, 2023

Appointment to Board of Adjustments for Carlos Iglesias and Paul Crossett

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

SCHEDULED ITEMS

Amending Section 22-12-5 Urban Mixed-Use Overlay Zone (UX) for properties with a boundary adjacent to University Parkway and east of 800 East with an area of more than one (1) acre in size and no greater than two (2) acres in size and amending Article 22-5-3(A) and the zoning map of the City of Orem by rezoning the property located generally at 925 East 1400 South in the PRD zone to include the Urban Mixed-Use Overlay Zone (UX). Also, enacting Appendix GG by adding the concept plan and building elevations for the Hillcrest Ridge development. *Presenter: Jason Bench, Assistant Development Services Director*

Mr. Bench is here about a zone change for the property at 925 E and 1400 South. The proposal is for a 3 story office building for that location. They want to have office space and 4 residential units. The applicant is here to approve the change of zone. Visual renderings were shown along with the layout. The city code would need to be changed to allow for this zone change and project. An approved concept plan would be required. The Planning Commission denied the approval and the applicant went to the neighborhood about eliminating the retail allowance. Neighbors were in agreement with this change. Mr. Spencer asked if there were other UX zones. There is only one other UX zone. Ms. Millett is wondering why we are accepting an agreement instead of changing the code to disqualify retail. Mr. Bench said that is an option. Mr. Peterson serves on the Planning Commission and he appreciates that the owners were willing to put in an office building instead of townhomes. Mr. Peterson believes this will be good for the neighborhood.

Ms. Millett wanted to confirm they could not have more than 4 units. The applicant asked if the deck would count as office space, Mr. Bench affirmed it would be. This would allow for the 4 units.

PUBLIC HEARING OPENed at 6:42 PM

Mr. said he was a neighbor who was unhappy with this project but he now feels better about the project with the amendment to the code. The neighbors he has spoken with would support this development, as he does.

Ms. was here at a prior meeting to discuss the townhomes that were proposed for this area. She appreciates this office space plan and supports this development.

Carlo Inglesias wants to elaborate on the development of the property and explained that no retail would be allowed in future development of this zone with the development agreement that has been signed.

Mr. Bench explained that Mr. Smith has signed a development agreement and future owners would be bound to that agreement

PUBLIC HEARING CLOSED 6:46 PM

Mr. Peterson moved to amend Section 22-12-5 *Urban Mixed-Use Overlay Zone (UX)* for properties with a boundary adjacent to University Parkway and east of 800 East with an area of more than one (1) acre in size and no greater than two (2) acres in size and amending Article 22-5-3(A) and the zoning map of the City of Orem by rezoning the property located generally at 925 East 1400 South in the PRD zone to include the Urban Mixed-Use Overlay Zone (UX). Also, enacting Appendix GG by adding the concept plan and building elevations for the Hillcrest Ridge development, strike out any retail uses in that zone and authorize the Mayor to sign the Development Agreement that is attached as Exhibit B . Mr. Macdonald **seconded** the motion. Those voting yes: David Young, David Spencer, Terry Peterson, Tom Macdonald, and LaNae Millett. The motion **passed**.

Resolution to Adopt the updated City of Orem Transportation Master Plan and amending the Orem City General Plan to include the updated City of Orem Transportation Master Plan in Appendix F. Presenter: Sam Kelly, City Engineer

Mr. Kelly has given each council member a copy of the resolution and the resolution reflects the changes requested by the city council. Mr. Peterson has asked what is different from the planning commission recommendation. Mr. Kelly went over those changes. He explained that they modified some language to item 1.1 which are comments towards future BRT and Light Rail improved transit. Other comments that were stricken were those pertaining to the actively lobbying efforts to secure funding for the transit system. The long range plan for Front Runner was removed since Orem is not currently part of the plan.

Mayor Young wants the connectivity on State Street to be strongly encouraged. Mr. Clark explained that using the term 'may' means we can ask them to do it and the term 'must' means they will have to do it. Mr. McGinn suggested that instead of using must or may it could say should and end with when feasible.

Mr. Macdonald affirmed that the TMP could be adjusted in future plans. Ms. Millett reminds the group that these are done every 5 years and adjustments can always be made.

Mr. Kelly spoke about 800 West and the plan is to leave it the plan for the area of State Street and 400 North. This would be studied before any action is taken. Part two of the resolution speaks to the ongoing discussion of updating the bicycle and pedestrian master plan. Mr. Kelly has submitted for some MAG funding to go forward with connectivity of UVU and Orem as well as Orem Center Street to Geneva Road. Section 5 is to pursue funding for connectivity and beautification on State Street. Ms. Millett highlighted that we are interested in coordinating with UTA to provide an adequate and improved bus system for our residents. Mr. Peterson is concerned about widening roads and the effects it has on neighborhoods. He is also concerned about the Stronger Together PIC and that many past mayors and council members are supporting certain candidates for change. Mr. Macdonald does not agree with Mr. Peterson's political statement.

Mr. Peterson moved to adopt by resolution the updated City of Orem Transportation Master Plan and amending the Orem City General Plan to include the updated City of Orem Transportation Master Plan in Appendix F. Ms. Millett **seconded** the motion. Those voting yes: David Young, David Spencer, Terry Peterson, Tom Macdonald, and LaNae Millett. The motion **passed**.

COMMUNICATION ITEMS

CITY MANAGER INFORMATION ITEMS

Fun fall events: October rededicate the all together playground on October 19. We are also getting our trackless train by the end of October. Orem gives you MORE. We applied for 35 grants for money and improvements, resulting in \$28 million awarded.

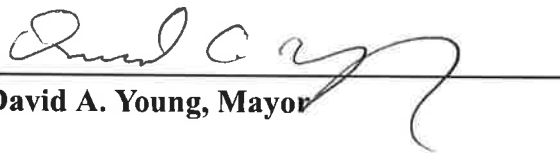
Invitations to the Orem Temple Open House have been sent to the council and they can contact Tess for scheduling.

Mayor recommends watching our social media to keep track of activities coming up in Orem City.

ADJOURN MEETING

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

PASSED and APPROVED this 24th day of October 2023.


David A. Young, Mayor

ATTEST:


Teresa McKittrick, City Recorder



<u>COUNCILMEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
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Mayor David A. Young	☒	☐	☐
Jeff Lambson	☒	☐	☐
Debby Lauret	☒	☐	☐
Tom Macdonald	☒	☐	☐
LaNae Millett	☒	☐	☐
Terry Peterson	☒	☐	☐
David Spencer	☒	☐	☐