

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
August 24, 2021

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

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner.
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Heather Schriever, City Attorney; Marc Sanderson, Fire Chief; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; and Nathan Nelson, 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 - Neighborhood Improvement Team Update

Ms. Mathews started off the presentation by introducing the new Neighborhood Improvement Team and its members. Mr. Taylor then spoke on what kind of infractions the Neighborhood Improvement Team enforces. Some of these include excessive weeds, junk, and homeless encampments. He then showed a few example pictures of these infractions. Mr. LeDoux then gave an overview of the reporting and enforcement process.

Officer Andreason went over the successes the team has had since the beginning of the fiscal year. He then presented a slide show about a particularly large project they have been working on.

Ms. Mathews reviewed other activities the code enforcement has been involved with. These included Picnic with Police activities and back to school nights.

General discussion ensued regarding homeless population and homeless camps within the city.

PRESENTATION - Metropolitan Water District of Orem - Central Utah Water Conservancy District Agreement

Mr. Tschirki, began by going over a brief history of the Orem Metropolitan Water District. Mr. Tschirki then spoke on past water agreements between Orem and Vineyard. Mr. Tschirki updated the council on the status of a large water storage tank Vineyard City is building. He stated that once Vineyard City has finished their water storage tank, they would investigate halting Vineyard borrowing water from Orem. He then went over some of the conditions for the proposed agreement. These include providing multiple emergency connections between Vineyard and Orem's water distribution systems and providing an option for Orem to purchase back Vineyard's portion of Orem's shared water tank.

General discussion ensued regarding canal water rights and procedure, "grey water," water usage of Sleepy Ridge Golf Course, and the status of the Farley property tank.

Mrs. Schriever asked the council to allow this agreement to be on the consent agenda for the next city council meeting, rather than having them under the scheduled agenda. The Council gave permission to do so.

UPDATE - Request for an Advisory Opinion from the State Property Rights Ombudsman

Mrs. Schriever updated the council on the current legal status of the moratorium passed during the August 9th, 2021 council meeting. Mrs. Schriever stated that Wright Development had filed for an advisory opinion on the completeness of their site plan application and on the application of the moratorium to their development. Mrs. Schriever then stated they have retained outside counsel to assist the city through the process. She expressed she does not know how much time the whole process will take, and the only deadline they've had to meet so far is agreeing to use a staff attorney in the office of the ombudsman as opposed to an independent third party. Mrs. Lauret asked if the city has a timeline from the ombudsman. Mr. Earl responded that a timeline will most likely be set once they have a staff member assigned to issue an opinion. Mr. Earl also stated there is a couple of potential jurisdiction issues the city needs to get resolved before they can get into the merits of the request. Mrs. Lauret then asked if the City's hired legal counsel has a background in this sort of issue. Mrs. Schriever stated he does, and the city has hired him before to work on other land use cases.

Mr. Davidson stated the primary focus of the advisory opinion filed by Wright Development is to review the adjacency issue that was a topic of conversation during the last council meeting. Mr. Earl agreed and added Wright Development has requested an advisory opinion to review if their

development application was vested before the moratorium was put into place, which depends on if they were required to hold a neighborhood meeting.

Mr. Sumner asked Mr. Davidson if he had heard from any legislators on this topic. Mr. Davidson stated he has heard from a legislator, and they have expressed concern with the issue. Mr. Spencer responded that he would like the legislator to come to a council meeting so they could discuss things face to face. Mr. Davidson responded there is a commission on housing affordability that was put together by the legislature, and they are tackling this very issue. He then went on to state this is not an Orem specific issue and that he expects this discussion to be a part of the 2022 general legislative session. Mr. Spencer asked if the council could hold a work session with the concerned legislators. Mr. Davidson responded that he would be more than happy to reach out to them. Mayor Brunst stated that if this meeting was held, he would like to have local legislators involved as well.

Mr. Peterson stated a state senator reached out to him and expressed support for the moratorium.

Mr. Davidson expressed that “people are watching” and how the city handles this could persuade the state legislature to pass a state-wide law or code amendment taking more power away from cities. He stated that no matter how the City of Orem views the moratorium, it may be viewed in a completely different light by other municipalities and legislations.

Mr. Sumner asked Mr. Davidson if there is anything the city could do to “plead their case” to the Utah League of Cities and Towns at their upcoming meeting. This caused general discussion regarding legislature, municipality, and developer opinions and influence as well as zoning, city growth, and housing.

DISCUSSION - State Street Districts

Mr. Bench gave summary of what happened at the last Planning Commission meeting. These include a negative recommendation pertaining to overall height standards in the State Street District Zone, A positive recommendation pertaining to setbacks from residential zones within the State Street District Zones, and a negative recommendation pertaining to parking standards within the State Street District Zones. He then went over the proposed amendments pertaining to building height, residential building setbacks, and height standards in the State Street District Zones. Mr. Bench then showed a summary of Limitation on Residential Uses. These include the percentage of commercial vs residential use in development requirements. He then asked the council if they would like to modify these requirements. Mr. Spencer stated this is something he would like to go over, expressing the council should dissect everything possible and go into detail to make sure they get State Street right. Mr. Peterson agreed with this statement and said

he would also like to go over things district by district. He then stated he would like to hold specific meetings for citizens in each district so the council can hear what they want and base their direction on that.

Mr. Bench then reviewed current height minimums throughout State Street Districts and asked if the council would like to review and change these figures as well. Mr. Spencer responded that he believes the council should review those figures as well.

General discussion ensued regarding parking standards and zoning maps throughout Orem City.

AGENDA REVIEW AND PREVIEW OF UPCOMING ITEMS

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

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

Councilman Spencer went over the boards and commissions he takes part in. These include recreation, senior citizens, and public safety. He updated the council on the status of these boards.

Mr. Spencer asked if there have been any updates in the Northern Utah Valley Animal Shelter. Police Chief Adams stated the NUVAS board would be voting to suspend the use of carbon monoxide chambers soon.

Mr. Davidson updated the council on the status of the Farley Property Water Tank, possible road traffic studies taking place in Orem, and parking lot openings at the Orem Family Fitness Center.

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

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Heather Schriever, City Attorney; Marc Sanderson, Fire Chief; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Director; Brandon Nelson, Finance Director; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; and Nathan Nelson, Deputy City Recorder

CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT Jeff Lambson

PLEDGE OF ALLEGIANCE Jody Bates

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

PUBLIC SAFETY ADVISORY COMMISSION INTRODUCTIONS

Fire Chief Marc Sanderson recommended Scott Ash and Donna Cotterell for appointment to the Public Safety Advisory Commission.

Police Chief Adams recommended Abril Lopez and Fui Taotua for appointment to the Public Safety Advisory Commission.

EMPLOYEE RECOGNITION

Fire Chief Sanderson invited Brady Partridge up to the front of the room. Mr. Sanderson stated that Brady had recently graduated from the paramedic program, and he would like to recognize his hard work and dedication.

Mr. Partridge stated that as part of the paramedic program, they are required to make coins for people who helped them through the program. He stated that because the council helped him greatly through the process, he would like to gift a coin to each of the members of the council.

PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the agenda. Those wishing to speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

Ethan Harris stated he lives in the Hillcrest historic neighborhood with his family. He stated that since living in the area, the mall continues to buy up property and intrude into the neighborhood. He expressed his concern with the proposed Wright Development property, saying the neighboring street will become overflow parking for the apartments, and said this would bring more crime and traffic to the area. He then stated the council has received a nine-page petition to halt the development.

Jared Moore expressed how he feels the residents in the area would not be listened to, but expressed thanks to certain members of the council for voting to pass the moratorium. He asked the council to reconsider what could be built on the property, saying the attempted bank development on the property a few years back would have been a great addition to the community.

Stephanie Visnaw stated that giving unlimited height maximums and high density housing the ability to be built next to residential zones is a bad idea. She expressed that high density housing projects cause parking issues for surrounding neighborhoods. She then read a few Facebook comments on the Orem Police Department's page expressing concern with parking issues caused by high density housing developments.

CONSENT ITEMS

- APPROVAL OF MEETING MINUTES
 - Minutes of City Council Meeting - July 13, 2021
 - Minutes of City Council Meeting - July 27, 2021
- A Resolution Approving an Amendment to 3/10/2008 Amended and Restated Agreement between the City of Orem, The Links at Sleepy Ridge, L.C., The Suites at Sleepy Ridge, L.C. and Plant Specialties, Inc., and Authorizing the Mayor to Sign the Amendment
- Acceptance and Certification of the 2021 City of Orem Primary Elections

- CITY COUNCIL APPOINTMENT - Public Safety Advisory Commission. City Council advise and consent on the appointment of the following:
 - Rick Clark
 - Spencer Rand
 - William Fowlke

Mayor Brunst moved to approve the Consent Agenda as listed. **Mr. Macdonald Seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed**.

SCHEDULED ITEMS

ORDINANCE - Amending the temporary land use regulation (moratorium) previously adopted by the City Council on August 9, 2021, with respect to the City Center District zones, the Hub District zones, the Canyon Crossing District zones, the Arts District zones and the North Village District zones pursuant to Utah Code Section 10-9a-504, to exclude from the moratorium the following types of construction: interior remodels; exterior remodels-exterior finish materials, roofing, windows, doors, awnings, canopies, decks, patios, and architectural features designed solely to enhance the aesthetic appeal of a building; signs; fences and retaining walls; roof structures for parking and drive-thrus; utility improvement infrastructure (electric, natural gas, telephone, fiber, water, sewer, storm water); parking lot and driveway improvements; curb, gutter and sidewalk; lighting improvements; landscaping improvements; cellular infrastructure; and other structures and improvements that do not create or increase habitable building space (but in no case to exceed a height of 60 feet); and also to exempt from the moratorium all construction that is purely commercial (no residential uses) in nature that does not exceed a height of 60 feet and provides parking of at least one stall per 250 square feet of gross floor area.

Mr. Earl stated these amendments are being made to remedy some issues the passed moratorium inadvertently created. Some of these changes include allowing commercial remodels, fencing maintenance, sign maintenance, and developments that are purely commercial in nature.

Mr. Spencer asked Mr. Earl if the lower height standards in the North Village District would be overruled by the listed 60-foot height maximum. Mr. Earl responded that 60 feet would be the maximum height, but more restrictive requirements such as those in the NVD Zone would still stand.

Mr. Peterson moved by Ordinance to amend the temporary land use regulation (moratorium) previously adopted by the City Council on August 9, 2021, with respect to the City Center District zones, the Hub District zones, the Canyon Crossing District zones, the Arts District

zones and the North Village District zones pursuant to Utah Code Section 10-9a-504, to exclude from the moratorium the following types of construction: interior remodels; exterior remodels- exterior finish materials, roofing, windows, doors, awnings, canopies, decks, patios, and architectural features designed solely to enhance the aesthetic appeal of a building; signs; fences and retaining walls; roof structures for parking and drive-thrus; utility improvement infrastructure (electric, natural gas, telephone, fiber, water, sewer, storm water); parking lot and driveway improvements; curb, gutter and sidewalk; lighting improvements; landscaping improvements; cellular infrastructure; and other structures and improvements that do not create or increase habitable building space (but in no case to exceed a height of 60 feet); and also to exempt from the moratorium all construction that is purely commercial (no residential uses) in nature that does not exceed a height of 60 feet and provides parking of at least one stall per 250 square feet of gross floor area. **Mr. Macdonald seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed**.

COMMUNICATION ITEMS

There were no communication items at this time

CITY MANAGER INFORMATION ITEMS

Mr. Davidson had no additional items to share.

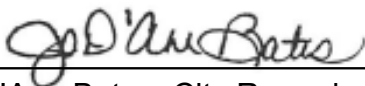
ADJOURNMENT

Mr. Spencer moved to adjourn. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed**.

The meeting adjourned at 6:29 PM.

Approved: September 14, 2021




JoD'Ann Bates, City Recorder