

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
January 9, 2024

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

CONDUCTING

Mayor David A. Young

ELECTED OFFICIALS

David Young, David Spencer, LaNae Millett, Chris Killpack, Jeff Lambson, Tom Macdonald and Jenn Gale

APPOINTED STAFF

Brenn Bybee, City Manager; Ryan Clark, Assistant City Manager/Development Services Director; Steve Earl, City Attorney; Brandon Nelson, Finance Director; Keri Rugg, Management Services Director; Marc Sanderson, Fire Chief; Chris Tschirki, Public Works Director; BJ Robinson, Deputy Police Chief; Jesse Riddle, Director of Legislative Counsel; Jason Bench, Asst Development Services Director; 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”

Mayor and City Council Pictures

New photos were taken of the current City Council.

Open Public Meeting Act and Ethics Training *Presenter: Steve Earl, City Attorney*

Mr. Earl explained this is the annual required Open Public Meeting Act and Ethics Training. This is found in section 52-4 of the State Code. Mr. Earl defined an official meeting. If four members of council are together then City Council Members should not discuss City matters. All meetings need to be noticed 24 hours in advance with an agenda and no final actions can be made on items not on the agenda. The meeting will need to be recorded with minutes posted after the meeting. If there are mistakes they can be corrected but must represent what happened in the meeting. If the City Council goes on a tour or field trip, that portion of the meeting does not need to be recorded. Independent recordings are allowed by those in attendance.

Mr. Earl continued to explain closed sessions. Closed sessions are on limited topics (ie. to discuss pending or reasonably imminent litigation; the character or professional competence of

an individual; or the purchase or lease of real property). In the closed session no votes or final actions can be taken. Closed Sessions are required to be recorded or an affidavit is required to be signed.

Mr. Earl spoke about electronic meetings. The City of Orem has passed a resolution to allow for electronic meetings. The City Council Chambers is the anchor location and at least one member of the City Council needs to be at the anchor location. This is usually the Mayor or Mayor Pro Tem.

There are penalties for violation of this act. This is a Class B misdemeanor. He reminded the City Council that if 4 Council Members are together outside of meetings, they should not speak about City business. Speaking with staff about an issue is allowed.

Mr. Earl moved on to the topic of Ethics. The Orem City code 2-6-8 explains conflicts of interest. If a council member has a financial or personal interest, then they need to disclose and possibly recuse themselves. If there is a question, please speak with the legal department. The Municipal Officers and Employee Ethics Act is found in the Utah State Code 10-3-1301. The code prohibits the use of office for personal benefit or advantage and it outlines disclosure requirements. These can be criminal offenses. Improper behaviors include disclosing private or protected information for their own gain or gain of others, securing personal privileges and accepting gifts of significant value for you or for someone else you know that could influence decision making. Some exceptions are campaign contributions, public awards, and the occasional gifts of less than \$50.

Disclosures are needed if you receive compensation for services, if you own or work for an entity that is regulated by a municipality or you have any interest in a business that may create a conflict. The code has strict penalties for ethics violations. Ms. Millett asked who enforces this. Mr. Earl explained that he would like to clean up the City Code to have the State be the ethics enforcement. Mr. Bybee asked if this training could be used for other commissions. Mr. Earl believes that this training will work for those other commissions but that the City Council will want to confirm that with the other commissions.

Station Area Plans Update *Presenter: Jason Bench, Assistant Development Services Director; Grant Allen, Senior Planner; Christie Oostema Brown AICP, people+place; and John Janson AICP, Planning Solutions*

Ms Oostema Brown began with the shared objectives: to increase the availability and affordability of housing, to promote sustainable environmental conditions, to enhance access to opportunities and to increase transportation choices and connections. She explained the plan's origin and that growth is part of our history and future. This growth she is talking about comes from natural increase. Ms Oostema Brown showed a graph of the Median Home Sales Price and Household Income for Utah County. It shows that incomes have increased in 10 years by about \$30,000 but homes have increased by \$300,000. Ms Millett asked questions about the interest rate, loan terms and down payment figured into the graph.

Ms. Oostema Brown asked what is affordable housing? She explained that for most families homes that would be around \$300,000. The average renter is spending \$1,500 a month and only 12% of renters can afford to purchase a home. Governor Cox says the answer is more housing. When growth pressure is high, creating great places to live, in the right locations, matters a lot.

Ms. Oostema Brown illustrated the public stakeholder process, which is to provide research and information to the public, seek broad public input, build vision directly from public input, use transparent methods and build momentum for implementation. The public vision and station area process has four parts. First, hold a workshop to brainstorm. Second, have an open house to have the public evaluate the scenarios. Third, get a consensus of the vision scenarios. Finally, implementation strategy and adoption of the station area plan.

Ms. Oostema Brown quickly reviewed what they learned. Mayor Young asked her to talk about the slide on who participated in the process. The slide showed that 31% lived in single family homes inside the study area, 5% lived in apartments inside the study area, 52% lived in Orem but outside the study area and 11% lived outside of Orem. They looked at the many ideas that were generated from the public. In a nutshell, this is what they learned. The public wants to preserve existing residential neighborhoods but add new residential with green space. The public likes mixed use villages for the FrontRunner Station and UVU. They would like to see retail added, green space throughout, trails and pathways added, and safe, efficient transportation modes.

The next step was to explore some options for scenarios. They came up with three scenarios: Mixed Use Village, UVU Mixed Use Village, and Neighborhood Infill. The Mixed Use Village scenario would have a mixed use village on the south side near the station, commercial along Geneva Road and green space added. The UVU Mixed Use Village would have a mixed use village on the south, on campus student housing, parking garages that are wrapped with green walls, UVU parking garage services and the addition of new single family homes with detached ADUs. The Neighborhood Infill would include new residential housing on undeveloped land in multiple areas of the city, student housing on campus, and new park or green area. Each plan has the same amount of housing. She showed a slide comparing the three scenarios by safe pedestrian routes, trails connecting to the station or UVU, parking garages, safe bike routes, ability to move cars efficiently, passive green space, affordable housing, placemaking, reduced surface parking lots and day-to-day needs.

Ms. Millett wants to know how this housing will stay affordable. Mr. Allen and Mr. Bench from the planning department explained that this would be part of the city's planning process and zoning codes.

The 2050 Vision Development is to pull concepts that capture public feedback, reflect the overall input, implement regional goals and meet the demands of Orem. They asked the public which of the 3 scenarios makes the most sense to meet the needs of the future. The results were 43% chose the Mixed Use Village, 41% chose the UVU Mixed Use Village and 17% chose the

Neighborhood Infill. The public also expressed a need for UVU student housing, affordable housing in the area, parking structures, walking/biking paths and commercial near the area.

The proposed vision & vision principles are that the Orem Station is an urban neighborhood that supports Orem residents, UVU students, and commuters who are living, working, playing, learning, and traveling in the area. It's a friendly place to call home, an innovative educational and vocational hub, a launch pad for workdays and school days, and a place to gather and enjoy time with friends, family, classmates, and coworkers. The principles are: 1. Focus growth in a station area village with a range of housing, amenities, and educational and employment opportunities. 2. Provide housing options to meet the needs of a variety of households, incomes, and life stages. 3. Provide safe and convenient transportation choices for driving, biking, walking, and transit. 4. Connect people to nature and engage opportunities to be outside. 5. Encourage community with public gathering spaces and friendly streets with shops, restaurants, and entertainment. 6. Support long-term positive economic impact and opportunity for Orem and its citizens.

Mr. Allen explained that a public hearing is tentatively scheduled for the end of February. Mayor explained what he would like to see in that public hearing. Ms. Millett asked about tools to create the outcome needed to get the right outcome. Mr. Bybee said the next step is to make a hybrid of the best parts to get one plan.

Strategies Innovations 2024 Projects *Presenter: Jennica Jones, Strategies and Innovations Division Manager*

Ms. Jones gave an overview of the planned 2024 projects. The Strategies and Innovations division handles grants, strategy & data, innovations and miscellaneous items. Grants will now be centralized to this department for research, writing and reporting. Other Divisions can use this department to do data analysis, strategic goal setting and research and evaluation of structural changes. This department helps with innovation by running I-teams, community-centered projects and employee-centered projects. The miscellaneous areas they oversee are Orem Community Foundation, Neighborhood & Community Services, Community Partnerships and Policy Research & Implementation. Mayor expressed his support of the direction this department is going.

Employee Engagement Response *Presenter: Jennica Jones, Strategies and Innovations Division Manager*

Ms. Jones spoke about the recent Employee Engagement Survey Response. In the summer of last year the city conducted an employee engagement survey. With the results, they have performed an in-depth review. The team came up with ideas to improve the City based on the survey results. They are currently working on researching and implementing the first phase.

There are four areas they focused on in phase one and then some miscellaneous areas they will also include. The first area is employee recognition, where employees can give BABO bucks to their peers or nominate their peers for an employee award. Supervisor training will be

given on guidelines and tactics for employee recognition. The second area is employee development, this includes an evaluation of tuition reimbursement, employee development and expanded opportunities for employees to cross train. Third area is improving the onboarding process, this includes solidifying the departments role, training supervisors on policies, implementing mentorship programs and creating knowledge bases for positions and departments. The fourth area is interactions and communication with City Leaders, this includes “Breakfast with Brenn” on your hire anniversary, City Council town halls with employees, and regular updates from City leaders. Other items they will be working on is creating an organization role chart, revamping the employee evaluation process and reviewing the holiday schedule and leave policy. Ms. Jones explained this is just the beginning of changes for the City of Orem employees.

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

Ms. Millett served on 6 commissions in 2023. The Public Works Commission which has been a rewarding experience. She is a UCCU board member and is impressed by their events. The Historic Preservation Commission is currently collecting histories and identifying historic locations. The Library Advisory Commission is doing great and Mr. Merrill is doing an amazing job with guiding the future of the library. The Orem Neighborhood Commission is re-appointing members tonight and looking forward to connecting resources in the community. The final commission is CDBG and they will be starting their review process soon.

AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

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

CONDUCTING	Mayor David A. Young
ELECTED OFFICIALS	David Young, David Spencer, LaNae Millett, Chris Killpack, Jeff Lambson, Tom Macdonald and Jenn Gale
APPOINTED STAFF	Brenn Bybee, City Manager; Ryan Clark, Assistant City Manager/Development Services Director; Steve Earl, City Attorney; Brandon Nelson, Finance Director; Chris Tschirki, Public Works Director; Keri Rugg, Management Services Director; Bryce Merrill, Library and Recreation Director; Marc Sanderson, Fire Chief; Carlo Okolowitz, IT Division Manager; Jason Bench, Asst Development Services Director; BJ Robinson, Deputy Police Chief; Peter Wolfley, Communications Manager, PIO; Carson Hardy, Management Analyst; Teresa McKitrick, City Recorder

CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT – Doyle Mortimer

PLEDGE OF ALLEGIANCE – Kitty Mortimer

MAYOR'S REPORT/ ITEMS REFERRED BY COUNCIL

National Law Enforcement Day

Mayor Young read a statement in support of Law Enforcement Officers in the City of Orem.

City Council Area of Focus *Presenter: Brenn Bybee, City Manager and David Young, Mayor*

Mr. Bybee spoke of the City Council retreat and shared the 2024 City Council area of focus. At the top of the list are:

- Align City Council, City employees and citizens
- Make Orem neighborhoods safe, livable, connected and engaged
- Thriving & Balanced Business Environment
- Dependable Infrastructure
- Community-Focused & Effective Government
- Skilled & Talented Workforce

Utah League of Cities and Towns (ULCT) Legislative Priorities for Cities *Presenter: Karson Eilers, ULCT*

Mr. Eilers is the policy director for the Utah League of Cities and Towns. He is speaking on legislative policy that will be in the upcoming Legislative Session. He explained the ULCT purpose as it pertains to cities in Utah. He spoke about the three evaluation processes the ULCT goes through with upcoming bills. First, does this bill respect the traditional role of local government? Second, is this bill a one size fits all approach? Finally, will this bill result in unfunded or unworkable mandates?

Two key things he wants to touch on is that there is no surplus in the State or cities this year. This could mean that fiscal issues may play a bigger part on bills. Second, there are a lot of bills and it is important to make sure the legislature is aware of the city's issues, needs and concerns.

Mr. Eilers moved on to housing and growth. In the last few years the state created the Unified Economic Commission. They recommend legislation to be expedited through the regular session. This group has been focused on housing and transportation. This is another process where policy can move forward. The ULCT has adopted four key principles for the Unified Economic Commission. First, how does this proposal preserve the quality of life for current and future residents? Second, does this proposal allocate the current and future infrastructure? Third, will this proposal result in more housing units that are directly affordable to the buyer or renter?

Finally, will the proposal result in more home ownership? Mr. Macdonald asked if the ULCT will look at bills of importance to Orem City and especially bills put forward by our local legislative leaders. Mayor Young spoke of Mr. Riddle's role with the City in the legislative process and Mr Bybee explained that Mr. Riddle, Council Member Killpack and himself are voting members for ULCT. Mayor Young would like to see the cities be part of the housing decision process and receive part of the funding from the State.

Mr. Eilers explained that transportation is another concern. There is a bill that could codify the transportation utility fee in the state code, clarify some things in the broadband space, specifically the opt out fee, and add more process to the transportation utility fee.

PERSONAL APPEARANCES

Opened at 6:45 PM

Cissy Rassmussen is here to thank the City Council and brought a book for each of the council members. The book she is giving the council is "Our Towns".

Closed at 6:57 PM

CONSENT ITEMS

Approval of Meeting Minutes December 5, 2023, December 12, 2023 and December 29, 2023

Appointment to Beautification Advisory Commission - Pam Ogden

Appointment to Recreation Advisory Commission - Erin Allen

Appointment to Orem Neighborhood Commission - Margaret Black, Reed Farnsworth, Karen McCandless, Sunday Meservy, Mark Seastrand and David Moulton

Mr. Macdonald moved to approve all consent items. Mr. Lambson **seconded** the motion. Those voting yes: David Young, Jeff Lambson, Tom Macdonald, Chris Killpack, Jenn Gale, LaNae Millett, and David Spencer. The motion **passed**.

SCHEDULED ITEMS

Utah Lake Authority Appointment Resolution *Presenter: Steve Earl, City Attorney*

Mr. Earl explained that Terry Peterson was the previous Utah Lake Authority Appointment and now LaNae Millett will be the new representative for Orem City on the Utah

Lake Authority. Mayor spoke to the importance of this commission. Mr. Earl explained that the Authority includes bordering cities or cities that are in proximity of Utah Lake.

Mr. Lambson moved to appoint Ms. Millett to serve on the Utah Lake Authority. Mr. Spencer **seconded** the motion. Those voting yes: David Young, Jeff Lambson, Tom Macdonald, Chris Killpack, Jenn Gale, LaNae Millett, and David Spencer. The motion **passed**.

Monthly Financial Statement *Presenter: Brandon Nelson, Finance Director*

Mr. Nelson explained the monthly financial report that is a communication item for the City Council members.

Utah State Senators and Representatives Legislative Discussion *Presenter: Marsha Judkins, Utah State Representative and Keven Stratton, Utah State Representative*

Utah State Representative Marsha Judkin and Keven Stratton have joined us for discussion of the upcoming legislative session. Rep. Stratton came in person and Rep. Judkins was available by zoom. Rep. Stratton spoke about some important benchmarks, issues and policy in the State of Utah. Representative Judkin gave an overview of things she is concerned about, including reduction of taxes. She would like to see money focused on families and that cutting taxes can put pressure on local governments. She has recently been put on the Political Subdivision Committee.

Mayor Young expressed his concerns about the emphasis on real estate development. He would like them to stay in check and he is concerned about any mandates put on cities that are not funded. He would also like to see an emphasis on the bills that are most important. Rep. Stratton spoke about the struggle that the legislature has over dealing with affordable housing. Rep. Judkins responded that the number of bills doesn't mean more oversight, because many of the bills are updating code or giving citizens more rights.

Mr. Spencer expressed his concern about the fairness for BRT (Bus Rapid Transit) in Orem which is almost 95% built out. He would like the State to give the cities their power back. He stated that there are 4 factors to creating affordable housing: a contractor, a developer, financing and some kind of subsidy. He believes you need all four factors to make work. Ms. Millett expanded on her concerns with the BRT, as well. She would like to see UVU get student housing. Mr. Spencer continued that he is concerned that replacing commercial with residential will negatively impact the City funds and services. Rep. Judkin explained how it is difficult for her to be aware of each of the bills and it is helpful for cities to discuss concerns with possible bills with their representatives. Mayor Young reinforced the concerns of Mr. Spencer and Ms. Millett.

Rep. Stratton spoke about the 29,000 acres of federal land in Utah County. He thinks that in theory the federal land might be a good place to have high density housing. He understands that one size does not fit all. Rep. Stratton got clarification that the bill being discussed was from the 2022 Legislative session. He is encouraging the city council to speak with their representatives about these problematic legislative issues. Ms. Millett is wondering if MAG

(Mountainland Associated Governments) is interpreting the bill correctly and if there is anything that the legislature can do to help with this issue. Rep. Judkins would be willing to work with the city, but is concerned about getting results in this year's session. Mr. Earl offered to redline the current code for the representatives. Rep. Stratton would like to see the city get clarification on the language of the bill, before redlining the current code. He believes it was not legislative intent for Orem to change zoning and take out commercial zones. Mr. Clarke explained that the city does not have to put in residential housing the commercial zone, but the City would need to go through a process to get approval. The challenge is it's a subjective process. The plan submitted is reviewed by MAG and if MAG doesn't approve it then that is where the City will run up against possible resistance. Ms. Millett explained that the final votes are by the mayor's from different cities, which means other mayors could be deciding the land use of Orem City.

Mr. Bybee summarized that the representatives would be open to hearing out what potential unintended consequences we think may have come from HB 462 and SB 174. Potentially helping the City look at possible clarifications and/or improving the implementation of those bills. Rep. Stratton and Rep. Judkins agreed to that summary. Mr. Macdonald thanked the representatives for their service.

Mayor Young spoke about affordable housing. He wonders what about a renewal of older neighborhoods? Rep. Judkin talked about the possibility of home renewal grants. She will try to get the information for those types of grants for the City Council. Rep. Stratton speaks to the appropriate actions that should be taken to resolve affordable housing. Mayor Young clarified that he is concerned about the push from developers to build new instead of revitalizing.

Rep. Judkins asked about restrictive HOA's. Mayor Young believes that HOA can be good or bad depending on who is running them. Mr. Earl expressed that most of the HOA with strict guidelines tend to be the more expensive type developments and people who live in those types of HOAs are voluntarily agreeing to those standards. Those bylaws typically can be modified if the majority agree. Ms. Millett spoke to one positive of an HOA that she is aware of is the restriction of how many homes can be rented as opposed to being owner occupied.

Mr. Bybee wrapped up the discussion by thanking Representatives Stratton and Judkins for meeting with the council. He believes this is evidence that they are interested in working with the City of Orem and open to the City Council input and feedback.

Mr. Macdonald moved to skip the closed door session and that we ask Mr. Earl to send a client privilege information on a few legal issues, **seconded** by Ms. Millett. Those voting yes: David Young, Jeff Lambson, Tom Macdonald, Chris Killpack, Jenn Gale, LaNae Millett, and David Spencer. The motion **passed**.

CITY MANAGER INFORMATION ITEMS

Mr. Bybee wanted to publicly acknowledge that the Mayor and Council were very appreciative and complementary of the City staff. He also thanked Tess Jones, the executive team, and the City Council for the successful retreat.

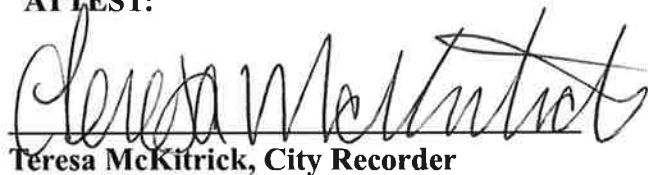
ADJOURN MEETING

Mr. Macdonald moved to adjourn, **seconded** by Mr. Spencer. Those voting yes: David Young, Jeff Lambson, Tom Macdonald, Chris Killpack, Jenn Gale, LaNae Millett, and David Spencer. The motion **passed**.

PASSED and APPROVED this 23rd day of January 2024.


David A. Young, Mayor

ATTEST:


Teresa McKittrick, City Recorder



COUNCIL MEMBER

AYE NAY ABSTAIN

Mayor David A. Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Lambson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jenn Gale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Macdonald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LaNae Millett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Killpack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Spencer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>