CITY OF OREM CITY COUNCIL MEETING 56 North State Street Orem, Utah April 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, 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; Keri Rugg, Management Services Director; Josh

Adams, Police Chief; Chris Tschirki, Public Works
Director: Marc Sanderson, Fire Chief: Bryce Merrill

Director; Marc Sanderson, Fire Chief; Bryce Merrill, Library and Recreation Director; BJ Robinson, Deputy Police Chief; Mark Sorensen, Police Captain; Jesse Riddle,

Director of Legislative Counsel; Carlo Okotowitz, IT Division Manager; 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 <u>orem.org/meetings</u> under "City Council Presentations"

<u>Taste of Orem Presenter: Karina Eckern, City Events Coordinator and Sydney Wong, Recreation Assistant</u>

Ms. Eckern and Ms. Wong are presenting an updated Taste of Orem event idea. Ms. Eckern explained that the Taste of Orem will be September 14, 2024 from 11-8 pm. This is a food festival and cultural arts event. This will give attendees an opportunity to experience the culinary wonders of the City of Orem. an event that will bring together the best food options in Utah. This gathering is a food lover's paradise, offering a wide array of flavors to tantalize the taste buds. Ms. Wong believes this will help local business and foster the connection between Orem and the residents. Local businesses are collaborating to display their culinary delights and cultural influences at the food festival promoting a vibrant business environment in the community.

This event will be free but tickets will be available for purchase. Tickets will cost \$30 for 30 tickets, food samples will be 2-4 tickets, meals will be 8-10 tickets and combo meals will be 13-15 tickets. The main stage will have culinary demonstrations and cultural performances, such

as dances and music. There will also be judging contests like people's choice vote, city official vote and expert vote. The tickets will pay vendors for the food they serve. This event will require the following departments to implement: parks, public safety, recreation/library, communication, economic development and some outside agencies.

<u>Library Community Impact Survey Results</u> Presenter: Bryce Merrill, Library and Recreation Director

Mr. Merrill reported that starting in January 2024 through April 2024 the Research and Business Development Center researched and produced a User Experience Analysis evaluating the quality, satisfaction and loyalty of the library's users and how they perceived the library's brand, image and reputation. There were 436 responses and 21 patrons were interviewed about their expectations and perceptions. Mr. Merrill said that the analysis will help the library with service design, user experience, social impact and performance management.

Mr. Merrill explained that the survey showed satisfaction was high, except there were two areas of improvement which were public transportation and parking availability. The survey asked, Is the library a destination or an errand? The results were split almost in half. This information helps the library improve their process for quick drop offs and check outs for those on a short time frame and then enhance programs and experience for others. Mr. Merrill spoke about some areas of improvement which include ways to offset fines on children's books, increase in spanish programming and products, create an experience library, and engagement with local schools. The survey found that the library has 20% more users than this quarter last year. More people are using the library and having conversations with the Library staff.

MGT Study Update for Recreation and Public Works Presenter: Keri Rugg, Management Services Director, Carson Hardy, Management Analyst, Bruce Cowan, MGT Consulting

Ms. Rugg explained that today's MGT Study Update will focus on Recreation and Public Works. Due to issues with zoom, Mr. Hardy began the report on Public Works. Mr. Hardy reviewed the following questions pertaining to public works, 1) Is staffing adequate for the divisions of Parks and Traffic Signs, 2) Is the organizational structure consistent with industry best practices and 3) Do the current risk and safety management practices meet the needs of the Department? The findings are that the Parks Division could hire an employee if the City wishes. The Traffic Signs Division does not have a detailed sign inventory and condition summary. They also found that another person could help reduce the backlog.

Mr. Hardy reported that while the Department of Public Works operates more divisions than peers, the experience of the current team makes that effective. The levels of supervision are separated appropriately and also effective. As some of the effectiveness is due to skill and institution memory, the arrangement may be worth reviewing after senior-level retirements. Concerning the risk and safety practices the MGT study found that risks vary by divisions. The department has risk and safety plans in place. The different risks by divisions are worth

discussing and potential tailoring to higher-risk divisions. MGT believes URMA may be able to help with safety plans,

The next step for Public Works is to decide whether to add staff to the Parks Division and Traffic Signs Division. The Public Works department is not encouraged to make organization structure changes at this time. The recommendation concerning safety is that the risk manager and URMA staff discuss whether there are available templates for Public Works' higher risk divisions. Those divisions may benefit from advice tailored to their unique needs.

Mr. Hardy moved to the Recreation Department discussion. He discussed the two questions asked of MGT. First, consulting concerning the maintenance/facilities staffing. Second, staffing models that will improve Programming, Events and Fitness Center operations to increase revenue realization. The findings were that public works maintains the field. The Facilities Maintenance Division, which is a department of Development Services, maintains the Recreation Center. For the most part, this works, but there are occasional differences in the merits of how to repair some assets that the Recreation Department needs. A possible solution is that the recreation maintenance staff be transferred to the Recreation Departments. This would give the recreation department better control of recreational outcomes.

The study also found that large events and facility rentals may generate additional revenue, particularly from Lakeside Park. It may pay to add a position to market that, but there are questions that deserve the discussion. In MGT's experience, a business plan often requires at least 160 hours of effort.

MGT reported that the next steps for the Recreation Department are that the departments will need to discuss the possible transfer of maintenance staff. The Recreation Department should develop the information needed for a business case to increase revenue from event hosting and field rentals. This should include identifying the target market, the pricing, an advertising plan, the staff hours needed to market aggressively and a timeline to get it done.

Legislative Update Presenter: Jesse Riddle, Director of Legislative Counsel

Mr. Riddle is here to discuss high impact updates from the 2024 Legislative Session. He reported on the following bills:

- HB 289, Property Rights Ombudsman Amendments, states that any party that prevails in court on an issue already reviewed by the Office of the Property Rights Ombudsman is entitled to an award of attorney's fee and consequential damages.
- HB 36, Open and Public Meetings Act Amendments, modifies the definition of "anchor location", "meeting", and 'quorum'. It repeals language relating to chance meetings or social gatherings of the City Council.
- HB 386, Conflict of Interest Disclosure Modifications, requires an elected official of a
 political subdivision to annually file a conflict of interest disclosure on the state's conflict
 of disclosure website.

- HB 80, Workplace Discrimination Amendments, prohibits an employer from compelling an employee to communicate or otherwise act in a manner that the employee believes would burden or offend the employee's sincerely held religious beliefs.
- SB 233, Medical Cannabis Amendments, requires policies relating to employees who hold a Medical Cannabis Card.
- HB 491, Data Privacy Amendments, creates the state data privacy policy that outlines the broad data privacy goals for the state. It creates the Utah Privacy Governing Board and establishes the Office of Data Privacy to coordinate implementation of privacy protections.
- HB 476, Municipal Land Use Regulation Modifications, prohibits development agreements if an application is in compliance with code/regulations and requires the City to disclose with specificity how a project has failed to comply.
- SB 185, Residential Building Inspection Amendments, allows applicants to have a third-party perform an inspection, if the City doesn't do it within three days. The City must approve at least three third-party inspection firms.
- HB 465, Housing Affordability Revisions, requires the City to file a report that includes the total number of residential dwelling units that have been entitled but haven't received building permits.
- SB 86, Local Government Bonds Amendments, says the City may issue a combined total of lease revenue bonds not to exceed \$200M within any consecutive three-year period. There are notice/hearing requirements.
- SB 91, Local Government Officers Compensation, requires notice of a public hearing on a governing body's proposed adoption of compensation or compensation schedules in a separate hearing.
- HB 84, School Safety Amendments, states that the City must develop a School Resource Officer (SRO) policy to describe: 1) process for assignment/selection of an SRO, 2) required training of an SRO, 3) internal reporting requirements, 4) arrest and use of force requirements, 5) general oversight and accountability, 5) other duties required of an SRO.
- HB 11, Water Efficient Landscaping Requirements, restricts the use of lawn or turf by certain governmental entities relating to new buildings (covers greenspace, parkstrips, sprinklers, etc).
- HB 507, Construction Amendments, speaks to storm water runoff, establishes standards, requires and establishes penalties for non-compliance.

<u>Neighborhood Improvement Team</u> Presenter: Gary LeDoux, Neighborhood Improvement Team Manager

Mr. LeDoux presented an update on the Neighborhood Improvement Team (NIT). He introduced his team, which includes Gary LeDoux, team manager, Al Warenski and Rebecca Gourley, civilian code enforcement officers, Sgt. Glenn Giles and Det. Jared Weech, COP. The NIT responsibilities include violations from the sidewalk to the property. This is non-criminal

nuisances, weed and landscaping, accumulation of junk, illegal renting and over occupancy, inoperable vehicles, parking on landscaping, and more. From January to December 2023 there were 822 cases, of which 60% were reactive cases and 40% were proactive. There were 636 closed cases.

The most common violations are 656 required landscaping, 594 accumulation of junk, 430 parking on landscaping, 398 improper parking or storage, 316, vegetation, 265 family, 223m noxious weeds, 195 illegal accessory apartments, 183 improper accumulations and 148 improper maintenance. Photographs were shown of a sample of violations.

Mr. LeDoux explained the compliance process. First, concerns are reported and forwarded to NIT. Second, the concern is reviewed and initial inspections are completed. Third, If a violation is found, a warning is issued with a 30 day standard and 90 days on ADU and occupancy cases. Fourth, relevant resources are offered. An updated warning notice was presented. If compliance is not achieved, then a citation will be issued and fines assessed. Multiple attempted contacts are made before a citation is issued. If compliance is not gained post citation, the property owners are summoned to a hearing with an Administrative Law Judge. The judge may require plans of actions, orders, abatement or more.

Mr. LeDoux showed a fine comparison by cities. Orem charges \$50 per violation and gives 30 days to comply. Provo charges \$30 per day and 15 days to comply. Ogden, South Salt Lake and West Valley charge a minimum of \$100 per violation with 15 days to comply. Provo and Ogden issue criminal citations for violations. He concluded with contact information for the team.

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

Ms. Gale serves on the following commissions: Beautification Advisory Commission, the CDBG Advisory Commission, the Natural Resources Stewardship Committee and the Oremfest Advisory Commission. Beautification will be starting award presentations next month. CDBG is presenting tonight in the City Council meeting. Oremfest is adding new activities, such as adding a sports fest, a fresh fitness event and the Children's Entrepreneur Market. The council discussed the parade and the options for the council to be in the parade. The Natural Resources Stewardship Committee has planned some fun events like the garden event in March at the Library, a free swap during city clean up, bike to work day on May 16, and this Saturday, April 20th is a group hike at Timpanogos Park.

AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

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

CONDUCTING

Mayor David A. Young

ELECTED OFFICIALS

APPOINTED STAFF

David Young, David Spencer, LaNae Millett, Jeff

Lambson, Tom Macdonald and Jenn Gale

Brenn Bybee, City Manager; Ryan Clark, Assistant City Manager/Development Services Director; Steve Earl, City Attorney; Marc Sanderson, Fire Chief; Chris Tschirki, Josh

Adams, Police Chief; Chris Tschirki, Public Works

Director; Bryce Merrill, Library and Recreation Director; Jesse Riddle, Director of Legislative Counsel; Matt Taylor, Senior Planner; Heather Cox, Management Analyst; Peter Wolfley, Communications Manager, PIO; Carson Hardy, Management Analyst; Teresa McKitrick, City Recorder

CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT — Ruth Chatterly PLEDGE OF ALLEGIANCE — Matt Chatterly

MAYOR'S REPORT/ ITEMS REFERRED BY COUNCIL

Orem Giving Machines Presenter: Mark Seastrand

Mr. Seastrand is here to report on the giving machines that are located at the University Place mall. He wants to thank the many individuals and organizations that helped make this successful. These machines are run by the Church of Jesus Christ of Latter-day Saints. This was the most successful year in Orem. These charities work locally and internationally. He wanted to recognize four groups . First, the commercial donors. This includes the University Place Mall, RC Willey, Kneaders, Utah Balloon Company, DoTerra, Nu Skin, Descret Book, Etc. Second, the volunteers. Third, the participants donors. There were over 18,000 transactions, this year which was over \$1,450,000 donated. Finally, the charities. This includes African Girls Hope Foundation, the Care Organization, the Boys and Girls Club, Community Action, Tabitha's Way, the Refuge, United Way of Utah County, and Family Haven. Of the money raised, \$600,000 is used internationally and \$850,000 is used locally.

<u>Historic Preservation Commission Report</u> Presenter: Grant Allen, Senior Planner, Olivia Johnson, Historic Preservation Commission Chair and Devon Pierce, Vice Chair

Ms. Johnson began by informing the City Council that the commission is active for the first time in over 10 years. In January 2023, the commission was recertified as a 'Certified Local Government'. The Certified Local Government (CLG) program is designed to promote historic preservation at the local level. This is a federal program through the National Park Service and administered by the Utah State Historic Preservation Office (SHPO). Qualified local governments become "certified" and are eligible to receive matching grants from the SHPO.

In January 2023 the commission applied for a grant with the State Historical Preservation Office. The grant of \$10,000 was granted, and will be used to survey a portion of Orem. The area that was decided on is from 800 N to 1600 N and between 1200 West and State. UDOT has started the process of expanding 1600 N. They provided a survey of the houses on 1600 N. up to State St. allowing for another area to be surveyed. Area of Survey was decided to be Memmo Dr. and a portion of 75 E to 800 N as well as 200 E to 1020 N including Garden Drive. This area will become a new historical district. It was proposed that the area include Memmo Dr. and a portion of 75 E to 800 N as well as 200 E to 1020 N including Garden Drive. The area was developed post WW2 and shows historical relevance in post war Utah.

The commission worked on the Eva Carlotta Anderson Memorial Garden. It was proposed to the commission that the lot of land on 600 W. and 1600 N. be turned into a historic landmark and memorial garden. There were infant pioneer remains believed to be buried in that area.

The commission has discussed both the location that the pioneer cabin will be placed, and the extent of its restoration. The commission is exploring National Historic Register Status for the cabin once it is placed at Heritage Park. The commission is still discussing these as new ideas become available.

The commission has toured the Orem History Museum and plans to tour the Olmstead power plant. These tours help us gain a better understanding of the history of the city we are working to preserve. This helps develop ideas on how to get the community involved in historical preservation.

<u>Thank you to Trader Joe's Recognition</u> Presenter: Peter Wolfley, Communications Division Manager, PIO and Gena Bertelsen, Recreation Operations Supervisor

Mr. Wolfley introduced Ms. Bertelsen who works in our Orem Friendship Senior Center. Ms. Berelsen explained that the senior center has partnerships with many organizations. Trader Joe's is one of those partnerships. Trader Joe's had donated \$325,000 worth of product to the Orem senior center in just one year.

Police Chief of the Year Recognition Presenter: BJ Robinson, Deputy Police Chief

Deputy Chief Robinson is here to recognize Chief Adams as the Police Chief of the Year for a large organization. He was honored earlier this month by the Utah Police Chief Association. His leadership sets an example for the entire department. The City Manager and City Council shared their appreciation for Chief Adams.

PERSONAL APPEARANCES

Opened at 6:40 PM

Tony Kretschmer is here to speak about the Alpine School District and the possibility of a school district split. He is in support of a district split. He would like the City of Orem to seek out an interlocal agreement with the surrounding cities of Vineyard, Lindon and Pleasant Grove.

Closed at 6:43 PM

CONSENT ITEMS

Approval of Meeting Minutes March 12, 2024 and March 26, 2024

Board of Adjustments Reappointment

Karen Jeffies

Building and Fire Appeal Board Reappointment

Wilford Whipple

Mr. Macdonald moved to approve consent items. **Seconded by** Ms. Millett. Those voting yes: David Young, LaNae Millett, David Spencer, Jeff Lambson, Tom Macdonald and Jenn Gale. The motion **passed**.

SCHEDULED ITEMS

<u>Community Development Block Grant (CDBG) Update</u> Presenter: Heather Cox, Management Analyst, Debby Lauret, MAG and Ken Ransom, CDBG Advisory Commission Chair.

Ms. Cox is here to give recommendations to the City Council for the CDBG funds. She listed the current members of the CDBG commission. The City of Orem will be receiving the similar funding as last year, which is \$663,189.05 which comes from 2024-2025 CDBG allocation - \$632,646 and rollover CDBG funding - \$30,543.05.

Mr. Ransom is discussing the recommended funding projects and organizations. For public services they propose Orem police department victim services \$30,000 and Orem police department homeless services \$1,896.90. The joint funding will be for Community Action-Home Buyers \$10,000, Kids on the Move \$10,000, Food and Care Coalition \$15,000, Community Health Connect \$15,000, Family Haven/Utah Valley Family Support \$3,264, Big Brothers Big Sisters \$10,000. and Food and Care Coalition \$15,000. For non-public services City of Orem/MAG – CDBG Administration \$126,529.00, City of Orem – Section 108 \$99,005.30, City of Orem – Code Enforcement \$161,500.00, City of Orem – Critical Home Repair and Home Rehabilitation \$56,729.92, City of Orem – Neighborhood Preservation \$30,000, City of Orem-Senior Center Flooring \$30,998.93, and The Refuge - Infrastructure \$63,265.00.

Ms. Lauret spoke about the regional committee. There were 24 applicants. MAG representatives looked for groups that had a strong percentage of Orem residents utilizing those services. They were able to fund 18 of the 24 applicants. The Orem projects include Food and Care Coalition, Kids on the Move, Community Health Connect, Big Brother Big Sister, CASFB Home Buyers, Family Haven and The Refuge. Ms. Cox explained that the next step is to have an open public comment period for funding recommendations, the in May, after the public comment is closed, the City Council will vote on the recommendation.

Ms. Christensen is from Family Haven and her organization is a recipient of the CDBG funds. They service victims of child abuse to give hope and healing. They offer therapy to children and adults. She read a letter of appreciation from a mother who was able to bring her daughter in for services.

Public Hearing to Rezone - Enacting Article 22-11-66 (PD-53 zone) and Appendix OO of the Orem City Code and Amending Article 22-5-3(A) and the Zoning Map of the City of Orem by Rezoning the Property Located Generally at 1960 North State Street from the C2 Zone to the PD-53 Zone (approximately 6.8 acres) Presenter: Matt Taylor, Senior Planner

Mr. Taylor is speaking for an applicant that is requesting a rezone of the property where Kneaders is located, 1960 North State Street. There is a vacant grocery store on that property. The applicant is wanting to rezone the area to allow for office space/retail mixed use facilities. The first level would likely be retail and the second and third floors would likely be office space. Mr. Taylor showed the conceptual plans. Kneaders, Sweeto Burrito and one other small office building will remain. The proposed zone is close to a C2 zone, but with a few variations to landscaping, parking spacing and a reduction in setbacks. The Staff and Planning Commission recommend the change in zone. One concern from the Planning Commission is the height of the building and the view shed. The buildings will be taller than the current building but the distance from residential property will increase from 12 feet to 100 feet. The recommendation is to make this a PD zone.

The applicant is Dave Vincent and the lead architect is Justin Hepler. Mr. Vincent explained that he would like to replace the current trees with similar trees. Mr. Hepler explained the parking reduction is due to including Kneaders and Sweeto Burrito parking. There will be a cross share of parking for the entire development. He also explained that the current single lane drive thru at Kneaders will be replaced by a double lane drive. The parking study in the packet supports the requested parking spots proposed.

PUBLIC HEARING OPENS 7:37 PM

Ms. Barney lives in the area. She likes the idea of what is being shown but she is concerned about the parking. She doesn't want the parking issue to affect her neighborhood.

Mr. Walker lives in the area. He reported that some information presented tonight is incorrect. He believes they are 49 stalls short of what is needed. He is concerned about the lack of parking. He is also concerned about the access on 2000 North and parking on that road.

Mr. Clark spoke about the parking spaces and his calculations support 7-8 parking spots short of the requirement for C2. He reported that the Orem side shoulder doesn't allow for curb parking. The Lindon side does have curb parking. There is a question by the council if the parking is sufficient for the area and they want to have only egress doors on the 2000 North side of building 3.

PUBLIC HEARING CLOSED 7:59 PM

Ms. Gale moved to approve by ordinance to enacting Article 22-11-66 (PD-53 zone) and Appendix OO of the Orem City code and amending Article 22-5-3(A) and the zoning map of the City of Orem by rezoning the property located generally at 1960 North State Street from the C2 zone to the PD-53 zone (approximately 6.8 acres) with the modification that building 3 north facing doors are egress only and developers will note the concept plan to reflect it. Seconded by Mr. Macdonald. Those voting yes: David Young, LaNae Millett, David Spencer, Jeff Lambson, Tom Macdonald and Jenn Gale. The motion passed.

Ordinance Amending Section 2-7-5 of the Orem City Code (Choice of Bid Process

Presenter: D.Jacob Summers, Deputy City Attorney

Mr. Summers is presenting a recommendation to adopt an amendment to Section 2-7-5, adjustments of purchasing procedures. He explained that Utah Code mandates that a municipality comply with the Utah Procurement Code and makes rules relating to the management and control of procurements. It also states that all purchases or encumbrances shall be made according to a purchasing procedure established by City ordinance or resolution. Based on the MGT study which was presented on January 23rd, the City will be following the recommendation of increasing the thresholds and incorporating different changes to the code for cost-saving measures. Mr. Summers explained the following amendments:

- 2-7-5(A): Increases the formal bid threshold from \$25,000 to \$50,000. Over \$50,000 will use either a formal competitive bidding, request for proposals or reverse auction.
- 2-7-5(B): Increases the cap for Written Bid Procedures from \$25,000 to \$50,000.
 2-7-5(B): Incorporates the Documented Price Quote Procedure, and accompanying threshold of \$5,000.
- 2-7-5(C): Increases the cap for procurement outside of the formal bid procedure from \$3,500 to \$5,000.

Mr. Summers showed comparative policies from Utah County, Eagle Mountain, West Jordan and Lehi. The proposed changes are closest to Utah County thresholds. The benefit for making this change is that it reduces the time it takes for the City to make specific purchases, it

allows for more flexibility in asking for documented prices, and reduces cost of staff time on certain purchases.

Ms. Millett moved to approve by ordinance the amending of Section 2-7-5 of the Orem City Code (Choice of Bid Process). Seconded by Mr. Lambson. Those voting yes: David Young, LaNae Millett, David Spencer, Jeff Lambson, Tom Macdonald and Jenn Gale. The motion passed.

COMMUNICATION ITEMS

Monthly Financial Summary - February 2024

CITY MANAGER INFORMATION ITEMS

Mr. Bybee explained that applications for the Orem Spirit Award are closing soon. Information can be found at <u>oremfest.org/spirit</u>. He informed the council that on Orem's birthday the plan is to do a day of service with projects at Nielsen's Grove.

ADJOURN TO A CLOSED SESSION IN ROOM 107

Ms. Millett moved to adjourn this meeting to a close session in room 107 to discuss pending or reasonably imminent litigation; the character or professional competence of an individual; or the purchase or lease of real property, seconded by Mr. Spencer. Those voting yes: David Young, LaNae Millett, David Spencer, Jeff Lambson, Tom Macdonald and Jenn Gale. The motion passed.

PASSED and APPROVED this 23rd day of April 2024.

David A. Young, Mayor

ATTEST:

leresa McKitrick, City Recorder

COUNCIL MEMBER AYE NAY ABSTAIN Mayor David A. Young **Chris Killpack** W **David Spencer** Jeff Lambson Jenn Gale \Box LaNae Millett Ø Tom Macdonald V