



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
July 22, 2014

*This meeting may be held electronically
to allow a Councilmember to participate.*

4:00 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM

1. **DISCUSSION – Lakeview Addition Annexation Issues**

5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM

2. **REVIEW – Upcoming agenda items - Staff**

AGENDA REVIEW

3. **The City Council will review the items on the agenda.**

CITY COUNCIL - NEW BUSINESS

4. **This is an opportunity for members of the City Council to raise issues of information or concern.**

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

CALL TO ORDER

INVOCATION/INSPIRATIONAL THOUGHT: By Invitation

PLEDGE OF ALLEGIANCE: By Invitation

APPROVAL OF MINUTES

5. **MINUTES of City Council Meeting – June 10, 2014**
6. **MINUTES of City Council Meeting – June 17, 2014**

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

7. **UPCOMING EVENTS**

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in the City Council Meetings and Study Sessions,
please call the City Recorder’s Office at least 3 working days prior to the meeting.
(Voice 229-7074)**

This agenda is also available on the City’s Internet webpage at orem.org

- 8. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
 - CDBG Advisory Commission1 vacancy
 - Library Advisory Commission1 vacancy
 - Summerfest Advisory Commission.....1 vacancy
 - Recreation Allocation Advisory Commission7 vacancies
 - CARE Advisory Commission.....
- 9. **RECOGNITION – NEW NEIGHBORHOODS IN ACTION OFFICERS**
- 10. **RECOGNITION – Recreation Volunteers – Dave & Teresa McKitrick**
- 11. **PRESENTATION – Walter C. Orem Award – George Cepull**

CITY MANAGER’S APPOINTMENTS

- 12. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
The City Manager does not have any appointments.

PERSONAL APPEARANCES – 15 MINUTES

- 13. **Time has been set aside for the public to express their ideas, concerns, and comments on items not on the Agenda. Those wishing to speak should have signed in before the beginning of the meeting. (Please limit your comments to 3 minutes or less.)**

CONSENT ITEMS

- 14. **There are no consent items.**

SCHEDULED ITEMS

- 6:20 P.M. PUBLIC HEARING – PD-35 Zone
- 15. **ORDINANCE - Amending Section 22-11-48(D) of the Orem City Code pertaining to basement requirements in the PD-35 zone and amending Appendix CC (the concept plan for the PD-35 zone)**

REQUEST: Reed Swenson requests the City Council, by ordinance, amend Section 22-11-48(D) of the Orem City Code pertaining to basement requirements in the PD-35 zone and amend Appendix CC (the concept plan for the PD-35 zone).

BACKGROUND: The PD-35 zone was approved in 2013 as a twin home planned development. The PD-35 zone does not currently allow basements in the two-story attached units, similar to the PRD zone. The sixteen single-story units are allowed to have basements and the applicant is proposing to allow the ten two-story twin homes to the west in the PD-35 zone to also have basements.

Appendix CC is the concept plan for the PD-35 zone and contains a note that basements are not allowed in the two-story units. The applicant is also proposing to amend this note to indicate that the two-story twin homes are allowed to have basements.

Advantages:

- Allowing basements provides a larger living space that is not visible from the exterior and makes the units more marketable
- Allowing basements would provide more storage space and would make it less likely that tenants would use the garage for storage

Disadvantages:

- None determined

RECOMMENDATION: The Planning Commission recommends that the City Council approve the amendments to Section 22-11-48(D) of the Orem City Code and Appendix CC of the PD-35 concept plan. Based on the advantages outlined above, staff supports the recommendations proposed by the Planning Commission.

The proposed amendments are outlined below:

22-11-48(D)

D. **Development Standards.** The standards and requirements set forth in Article 22-7 of the Orem City Code shall apply to the PD-35 zone, except as expressly modified below:

1. Height. The maximum height for all structures shall be thirty (30) feet.
2. **Basements. Basements are allowed in all residential units and the restrictions pertaining to basements contained in Article 22-7 shall not apply in the PD-35 zone.**
3. Setbacks. All buildings shall be set back at least twenty-five (25) feet from 1360 North Street, 1380 North Street and 320 West Street. All buildings shall be set back at least twenty (20) feet from all other property not part of the PD-35 zone. All garages shall be set back a minimum of nineteen (19) feet from the public sidewalk.
4. Parking. A minimum of two (2) parking spaces shall be provided for each dwelling, one of which shall be covered. A minimum of one-quarter (1/4) additional parking space shall be provided for each unit for guest parking within the area designated in the concept plan as “two-story twin home development.” Driveways shall not be counted toward the guest parking requirement.
5. Density. Density shall not exceed seven (7) units per acre.
6. Fencing. A six (6) foot high fence constructed of decorative concrete, decorative masonry, or vinyl shall be installed and maintained on the perimeter of the PD-35 zone, except that a fence is not required along 1360 North Street or 320 West Street nor shall it violate the provisions of Section 22-14-19 of the Orem City Code pertaining to clear vision areas. The fence adjacent to the Amiron Village private driveway shall be concrete or masonry. The fencing along the Gold Crest Estates Subdivision may remain as is or, if replaced, shall comply with the requirements of this subsection (6).

6:20 P.M. PUBLIC HEARING – Deep Lots

16. ORDINANCE – Amending Section 17-8-1(C)(7) pertaining to residential building setbacks and height requirements on deep lots

REQUEST: Matthew Erdmann requests that the City Council, by ordinance, amend Section 17-8-1(C)(7) pertaining to residential building setbacks and height requirements on deep lots.

BACKGROUND: The applicant owns a deep lot in the R8 zone that contains over 19,000 square feet. The applicant would like to build a two-story house on this lot, but is prevented from doing so by the City’s current ordinance which states that a house on a deep lot in the R5, R6, R6.5, R7.5 and R8 zones may not exceed one story above grade.

The applicant proposes to amend the ordinance to allow a two-story house up to thirty-five feet in height (the same height generally allowed in residential zones) on a deep lot that is at least 15,000 square feet in size provided that all setbacks to adjacent property lines are at least twenty-five (25) feet.

There are currently 98 residential deep lots in the City that have at least 15,000 square feet. Only 17 of those 98 lots are vacant.

The proposed changes do not affect deep lots in the R12, R20, OS5, and ROS zones. These zones allow a home on a deep lot to be up to 35 feet in height with multiple stories if all setbacks are equal to the height of the house. The proposed amendment is as follows:

17-8-1(C)(7)

A house on a deep lot in the R5, R6, R6.5, R7.5, and R8 zones shall not exceed one story above grade. However, a deep lot with a net area (excluding the area of any “flag stem”) of at least 15,000 square feet shall not be restricted to a single-story provided all setbacks to adjacent property lines are at least twenty-five (25) feet.

Advantages

- Applies to a small number of deep lots
- Increased setbacks place a home farther away from adjacent homes than smaller deep lots
- Houses on lots of 15,000 square feet will typically have setbacks greater than 25 feet due to the size of the parcel

Disadvantages

- None identified

RECOMMENDATION: The Planning Commission recommends the City Council, by ordinance, amend Section 17-8-1(C)(7) pertaining to residential building setbacks and height requirements on deep lots.

6:20 P.M. PUBLIC HEARING – PO Zone

17. **ORDINANCE – Amending Sections 22-8-8 and 22-8-12 of the Orem City Code pertaining to development standards for the Professional Office (PO) zone**

REQUEST: Don Mitchell representing American West Bank requests the City Council, by ordinance, amend Sections 22-8-8 and 22-8-12 of the Orem City Code pertaining to development standards for the Professional Office (PO) zone.

BACKGROUND: The applicant owns property in the PO zone at 1020 East 800 North. This area of the PO zone consists of 1.19 acres and is currently developed with a bank building which was approved in 2000 and a building occupied by Northern Engineering which was approved in 2004. Both of these buildings were approved as part of the same lot.

In 2004, the original owner recorded a deed at the county that illegally subdivided the property into two (2) smaller lots and sold one of these lots to another entity. The owner did not go through the required subdivision process of getting a plat approved by the

Planning Commission and the two small lots do not conform to the one acre minimum lot size requirement of the PO zone.

A prospective purchaser would now like to purchase one of the lots and make some additions to the existing building. However, the City cannot approve a revised site plan or building permit for the proposed additions to the building because of the illegally subdivided and nonconforming lots.

The current owners of the two lots would like to resolve this situation by proposing an amendment to the PO zone that would allow a minimum lot size of 18,000 square feet instead of the current one acre requirement. This would allow the owners to legally subdivide the property into two lots and obtain a plat approval from the Planning Commission. After obtaining this approval, either owner could then legally add on to their existing buildings provided all other ordinance requirements are met.

The applicant also requests that the City Council amend the PO zone to allow up to forty percent (40%) of the roof area of a building to be flat and to allow metal architectural panels on twenty percent (20%) of the exterior finish area. This is to accommodate the desired building addition by a prospective purchaser. The PO zone currently does not allow flat roofs and does not allow metal as an approved finishing material.

The Planning Commission recommended approval of the 18,000 square foot minimum lot size requirement and allowing twenty percent (20%) of the exterior finish materials to be metal architectural paneling. However, the Planning Commission felt that allowing forty percent (40%) of the roof area to be flat was too much and that it would detract from the residential look and feel of the buildings. The Planning Commission felt that allowing twenty percent (20%) of the roof area to be flat would be more reasonable. In addition, the Planning Commission did not want the flat roof area to be prominent and therefore recommended that any flat roof area be limited to half the height of the highest point of the building.

Advantages:

- Provides more building elevation options.
- Allowing lots to be subdivided into 18,000 square foot lots would allow greater flexibility in ownership of properties in the PO zone.
- Provides more opportunity for properties to be rezoned to the PO zone which includes higher landscaping standards, especially along 800 North.
- Allowing 20% of the roof area to be flat allows additional design options, but maintains the intent of the PO zone of making buildings compatible with residential neighborhoods.

Disadvantages:

- Allowing forty percent (40%) of the roof structure to be flat and including metal as an approved finish material may make buildings in the PO zone less compatible with adjacent residential zones.

RECOMMENDATION:

The Planning Commission recommends that the City Council approve allowing 18,000 square foot lots and metal architectural panels for up to twenty percent (20%) of the exterior finish materials. The Planning Commission recommends that the City Council

allow up to twenty percent (20%) of the roof area to be flat with the condition that no flat roof area may be higher than fifty percent (50%) of the height of the building. Staff supports the recommendations proposed by the Planning Commission.

The proposed amendments are outlined below reflecting both the Planning Commission recommendation and the applicant's request to allow flat roofs.

22-8-8 Zone Development Standards.

	<u>PO</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>HS</u>
Minimum Lot area in square feet unless listed as acres.	18000*****	7000	7000	3 acres*	½ acre
Setbacks					
(Minimum). From Dedicated Streets:	20'**	20'	20'*****	30'**	20'
From an adjoining Property in a non residential zone:	0	0	0	0	0
From an adjoining property in residential zone:	****25'	10'	10'	40'	10'
	<u>PO</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>HS</u>
Structure Heights. Minimum:	8'	8'	8'	8'	8'
Maximum:	35'	48'	60'	35'***	60' '

* Parcels smaller than three (3) acres shall only be allowed pursuant to Section 22-8-14(D).

** Building setbacks from 800 North in the PO and C3 zones shall be according to "Appendix I."§22-8-9 ZONING

*** Exception: The maximum height for structures located in the C3 zone which are set back no less than one hundred fifty feet (150') from a residential zone shall be sixty feet (60').

**** No portion of any building shall be located closer to a residentially zoned property than a distance equal to the height of that portion of the building (applicable to all commercial zones listed above).

***** Building setbacks and landscaping requirements for lots located adjacent to State Street shall be measured from the back of an existing or required sidewalk.

*****The PO zone may not be applied to an area of less than one acre.

NOTE: In all commercial zones, except the PO and C3 zones, the height limitation shall not apply to belfries, cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances. In no case shall the height of belfries, cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances exceed a height of seventy-five feet (75') measured from the average finished grade of the yard in which the structure is located. In no case shall that portion which exceeds the sixty foot (60') height exceed fifty percent (50%) of the gross floor area of the uppermost floor of the building.

Planning Commission Recommendation:

22-8-12. Additional Provisions for the PO Zone.

The following additional standards and regulations shall apply to the PO Zone.

A. **Architectural Styling.** All structures shall have exterior elevations designed with a residential architectural styling. At least eighty percent (80%) of the roof area of all structures shall have a ~~The~~ minimum roof pitch ~~shall be~~ of eight feet (8') of rise to twelve feet (12') of run. Up to twenty percent (20%) of the roof area may be flat provided that any flat roof is no higher than fifty percent (50%) of the height of the building. No more than thirty-five percent (35%) of the exterior of each structure shall be composed of glass, windows, and doors.

B. **Floors Above Grade Level.** The maximum number of floors above the natural grade shall be two (2). No portion of any structure within one hundred feet (100') of a residential zone shall be more than one (1) floor (the single-floor roofline shall not exceed twenty-four feet [24']) above the natural grade level.

C. **Exterior Finishing Materials.** The exterior finishing materials for walls shall not include ~~steel~~, T-111, aluminum, or vinyl. However, up to twenty percent (20%) of the exterior finishing materials may consist of metal architectural

panels. Soffits, facias, and other similar architectural features may be finished with painted metal. No asphalt roofing shingles shall be allowed.

Applicant Request:

22-8-12. Additional Provisions for the PO Zone.

The following additional standards and regulations shall apply to the PO Zone.

A. **Architectural Styling.** All structures shall have exterior elevations designed with a residential architectural styling. At least sixty percent (60%) of the roof area of all structures shall have a minimum roof pitch ~~of~~ eight feet (8') of rise to twelve feet (12') of run. No more than thirty-five percent (35%) of the exterior of each structure shall be composed of glass, windows, and doors.

B. **Floors Above Grade Level.** The maximum number of floors above the natural grade shall be two (2). No portion of any structure within one hundred feet (100') of a residential zone shall be more than one (1) floor (the single-floor roofline shall not exceed twenty-four feet [24']) above the natural grade level.

C. **Exterior Finishing Materials.** The exterior finishing materials for walls shall not include ~~steel~~, T-111, aluminum, or vinyl. However, up to twenty percent (20%) of the exterior finishing materials may consist of metal architectural panels. Soffits, facias, and other similar architectural features may be finished with painted metal. No asphalt roofing shingles shall be allowed.

COMMUNICATION ITEMS

18. **There are no communication items.**

CITY MANAGER INFORMATION ITEMS

19. **This is an opportunity for the City Manager to provide information to the City Council. These items are for information and do not require action by the City Council.**

ADJOURN TO A MEETING OF THE REDEVELOPMENT AGENCY

UPCOMING AGENDA ITEMS

Report Schedule:

JanuaryWalter C. Orem
February.....Beautification
MarchSleepy Ridge Golf Course
April.....Open Meetings Training
MayHeritage
.....SummerFest
JuneSenior Advisory Commission
.....Annual Review--Gang Loitering Free Areas
.....Mayor Pro Tem
.....City Manager Evaluation
JulyWalter C. Orem
SeptemberLibrary
.....Orem Arts Council
OctoberRecreation
NovemberMetropolitan Water Board
DecemberMayor Pro Tem

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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
June 10, 2014

4:00 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM

CONDUCTING Mayor Richard F. Brunst, Jr.

ELECTED OFFICIALS Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Richard Manning, Administrative Services Director; Greg Stephens, City Attorney; Chris Tschirki, Public Works Director; Bill Bell, Development Services Director; Jason Bench, Planning Division Manager; Karl Hirst, Recreation Director; Scott Gurney, Interim Public Safety Director; Charlene Crozier, Library Director; Steven Downs, Assistant to the City Manager; and Taraleigh Gray, Deputy City Recorder

CONTINUED DISCUSSION – UTOPIA Fiber Options

Mr. Davidson said staff intended to provide the City Council with a synopsis of a decision criteria matrix in an effort to continue assisting the Council to reach a decision on the UTOPIA / Macquarie Private Public Partnership Milestone One report. Mr. Davidson said staff tailored the matrix to the following degrees: (1) the feedback given by the City Council, (2) the information included from discussions with other providers, and (3) compare Google's option in Provo to the Macquarie proposal. Mr. Davidson said the matrix was not a completely objective assessment, but that staff, in some cases, had tried to read into what each proposal was suggesting and representing. Mr. Davidson encouraged that the discussion not focus on what was wrong with the matrix, but rather on continuing dialogue between the Council on the Macquarie Milestone One report.

Mr. Bybee presented to the City Council a printed copy of the decision matrix. He evaluated each of the criteria points to what the City Council had deemed important.

Mr. Macdonald asked for clarification on the intended ranking system.

Mr. Bybee said the number "5" reflected what was most important to the Council with number "1" being the least important. The intent of the "yes" and "no" was to find out if the points were issues that should be pursued further.

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1 Mrs. Black said the compiled results did not look very positive. She said she thought the matrix
2 was designed to measure the level of interest and disinterest in each decision point. Mr. Spencer
3 agreed.

4
5 Mr. Macdonald said he did not understand the meaning of the “yes” and “no” on the matrix.

6
7 Mr. Bybee clarified that the “yes” and “no” was intended as a way for the Council to provide
8 input on the importance of the criteria points. It was anticipated that a “yes” would have been
9 accompanied by a number indicating the level of importance.

10
11 Mr. Davidson said the intent was to help the City Council make a decision. If the matrix was not
12 helpful, then it could be set aside so the City Council could have a conversation about what was
13 most important.

14
15 Scott Wilson of Beehive Broadband said they would like to look at the ability to refinance the
16 UTOPIA debt. The key was to first make it work and also make it profitable.

17
18 Mr. Davidson said the City had only the information on the alternatives provided to the City.

19
20 Mayor Brunst said none of the fiber network alternatives had had the chance to delve into the
21 UTOPIA operatives.

22
23 Mr. Bybee said the matrix was a method of finding ways to negotiate and reach a decision as a
24 Council.

25
26 Mr. Macdonald asked if the financial strengths were measured on any of the fiber network
27 alternatives. Some providers might not be able to handle a deal the size of UTOPIA, and it would
28 be significant criteria to verify a provider’s ability to carry out the network needs.

29
30 Mr. Davidson said some of the alternatives had said they were closed networks, and not
31 interested in doing business with UTOPIA.

32
33 Mrs. Black asked who was not interested in doing business with UTOPIA.

34
35 Mr. Davidson said Comcast was one example. Comcast had a business model that worked for
36 that company. Comcast would not want to turn any of its processes to UTOPIA when the
37 operations clearly did not operate on the same level. Mr. Davidson said certain organizations
38 voiced that building the residential service did not fit the organizations’ models. Fibernet was an
39 example of an alternative organization which had said providing residential services was not its
40 core concern. Mr. Davidson said the City Council would need to evaluate the importance of
41 finding a residential solution.

42
43 Mayor Brunst said Beehive Broadband was able to provide both residential and business.
44 CenturyLink had expressed interest in both residential and business as well. He said Charles
45 Jones put together a plausible plan, though he was not interested in running the network.
46 Comcast was planning on doubling its speed, to match what services were in Provo. Fibernet was
47 strictly interested in the business aspect of the network. Google did not have a business plan, nor

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1 did it show signs of pursuing business service. Macquarie was interested in both residential and
2 business services, as was First Digital, Server Plus, and Vivint.

3
4 Mayor Brunst said there were other fiber companies which were fairly active in Orem. There
5 were many competitors for providing fiber to businesses, and not as many competing to provide
6 residential services.

7
8 Mr. Bybee asked if the City Council had any questions about any of the decision criteria.

9
10 Mr. Davidson said staff had tried to gauge how important some of the factors on the matrix were
11 to the Council. He used the ubiquitous build out as an example and said five out of the six
12 Council members who responded to the matrix had said ubiquity of the network build was
13 important. Mr. Davidson said there were many network alternatives that did not have a
14 ubiquitous model.

15
16 Mayor Brunst said there were different types of ubiquity. He said there was ubiquity to the
17 neighborhoods, and ubiquity to the house. Mayor Brunst said many of the companies had a
18 demand-based model, similar to Google.

19
20 Mr. Bybee asked for any outstanding questions from the Council on the utility fee and how
21 important that decision point was.

22
23 Mayor Brunst said there were areas he wanted to ask more questions about, such as the indigent
24 fee. He asked if it was feasible to look at Orem demographics to see who was taking welfare
25 services. Mayor Brunst said take rates might be dependent upon the different types of population.

26
27 Mr. Bybee said census data could be examined to find that information.

28
29 Mr. Davidson said there were qualifications for welfare data, but he was unaware what statistical
30 information was available for what percentage of populations were taking welfare services.

31
32 Mr. Downs said the Department of Workforce Services had information to that end, which was
33 broken down by zip code.

34
35 Mayor Brunst asked if the City could get a copy of that information.

36
37 Mr. Davidson said addressing the utility fee for the indigent population was a policy decision
38 that the City Council would have to make.

39
40 Mrs. Crozier added that, when the utility fee assistance program was set up, it was done so
41 through Community Action. The City could get neighborhood data from HUD and CDBG as
42 well. Mrs. Crozier noted that the City was still waiting on block group and census tract level
43 data from the 2010 census.

44
45 Mayor Brunst said food stamp and WIC participant information could be received from the
46 County. He asked about the construction of speeds no less than 1GB. Mayor Brunst said he

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1 learned Comcast was offering 10GB for businesses. He asked what the cost would be for upped
2 service above 1GB with Macquarie.

3
4 Mr. Davidson said those costs had not been made known, but the contents in the cabinets would
5 have to be upgraded to provide the higher speed services.

6
7 Mayor Brunst asked (1) if there was some kind of FCC license that internet service providers
8 (ISPs) had to have; and (2) if UTOPIA would need to have an FCC license.

9
10 Scott Wilson, Beehive Broadband, said unregulated ISPs did not have to have a license. He did
11 not know if UTOPIA would have to have a license.

12
13 Mr. Bybee brought the discussion back to the decision matrix and suggested the Council discuss
14 the items which had received a ranking below a four.

15
16 Mr. Spencer said the numbers would be skewed based on the Council's misinterpretation of the
17 matrix.

18
19 Mr. Macdonald said he would like some opinions from the professionals. He said he did not
20 know what would happen if the City did not provide fiber and asked if the wheels would really
21 fall off the City if the City did not have fiber.

22
23 Mr. Spencer said the former Council back in 2002 said the exact same thing. Now twelve years
24 later a different City Council was in the same boat.

25
26 Mrs. Black asked what expert Mr. Macdonald was looking for. She said she suspected some
27 experts would likely say 'yes' to the situation, and others would say 'no,' depending upon their
28 individual opinions on the issue.

29
30 Mr. Spencer said the Council could look at the feasibility studies.

31
32 Mrs. Black said she did not know where the Council would find an unbiased expert to lend the
33 advice Mr. Macdonald was looking for.

34
35 The Council discussed the possibility of researching where the seven cities that had been original
36 members of UTOPIA were in regard to fiber infrastructure.

37
38 Mr. Seastrand said it would be good to have someone who was a venture capitalist—someone
39 who thought like Macquarie—to look at the deal. He said he believed there were a number of
40 venture capitalists who could render that insight, for example Sorenson Capital or Peterson
41 Capital.

42
43 Mr. Macdonald added that Sorenson Capital took a look at iProvo before Google did.

44
45 Mayor Brunst said another outside opinion could come from Matt Heaton, who started Blue
46 Host. Mayor Brunst said Mr. Heaton had expressed interest in meeting with the City Council to
47 make a presentation.

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1 Mr. Macdonald said it would take a fair amount of time to listen to presentations. For that reason,
2 it would be good to have someone the Council could use to vet the different presentations and
3 bring back only the best options. Mr. Macdonald said he did not expect the City Manager to do
4 the sorting either. The options before the Council should be sifted because there were some that
5 could not deliver services the City Council was looking for.
6

7 Mrs. Black said she was concerned Mr. Davidson was not being invited to share information.
8 She expressed her desire to invite Mr. Davidson to share what information he did have.
9

10 Mr. Davidson said staff had been reaching out to many different consultants. With a decision
11 point fast approaching, the time to explore the different consultants was only seventeen days,
12 which was simply not enough time. Though employing an outside consultant might be
13 worthwhile and could yield good results, Mr. Davidson expressed concern the City was spending
14 a lot of time “chasing a lot of rainbows.” The focus should be on the legitimate plan currently
15 before the Council. Mr. Davidson added that he did not think it was valuable to pursue all the
16 different providers.
17

18 Mayor Brunst said it was beneficial to learn the different viewpoints of where other providers
19 were coming from. He referred to a city in Colorado that was providing 1GB of internet service
20 for \$49.99/month.
21

22 Mr. Davidson said he had read the article about the city Mayor Brunst was referring to which
23 was Longmont, Colorado. Mr. Davidson explained that Longmont differed from Orem in that it
24 had an existing fiber ring along with its own telecom and public power companies. Longmont
25 did a general obligation bond to be able to build its own network.
26

27 Mr. Sumner asked if the groups that had only wireless services were legitimate players.
28

29 Mr. Davidson said it depended on what the Council wanted. If it wanted a ubiquitous build out,
30 then it would be more challenging. Wireless was a point-to-point technology that worked in
31 many communities, but if the connection could not be made, then the wireless might not work.
32 Mr. Davidson added that providing wireless services to mature communities posed problems
33 because of trees.
34

35 Mr. Sumner said reliability of wireless services was varied where he worked at Utah Valley
36 University.
37

38 Scott Wilson said Beehive Broadband used to use strictly wireless technology, but the company
39 could not get necessary bandwidth. That was why Beehive went to fiber. Trees did pose
40 significant challenges for wireless services.
41

42 Mr. Bybee said the Council could easily pare down the list of potential providers by crossing off
43 all the entities that were unwilling to provide a method or means of paying down the existing
44 debt. Mr. Bybee added that staff wanted to ensure the decision criteria was interpreted correctly.
45

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1 Mr. Davidson said Uptown Services, the group involved with Longmont Colorado, had indicated
2 they could look at the Macquarie Milestone One Report and provide a third-party opinion on the
3 proposal.

4
5 Mrs. Black asked if Longmont had a lot of its infrastructure in place.

6
7 Mayor Brunst said Longmont had a fiber ring similar to Orem. Longmont was one city going out
8 and bonding for itself. Longmont also intended to provide services without charging a utility fee.

9
10 Mr. Seastrand said Orem did not have the ability to do what Longmont was doing.

11
12 Mr. Davidson said Mr. Seastrand was correct. Orem could not do the same thing under current
13 State law. Mr. Davidson then said conversations were taking place to move forward in seeking
14 information from Uptown Services. He cautioned that the involvement Uptown Services had
15 with other communities was not an “apples-to-apples” comparison because many of those
16 communities were serviced by local public power. Orem did not provide its own electric power.

17
18 Mr. Macdonald said Uptown Services would have a conflict of interest if it provided services to
19 Orem in the long-term but, in the short term. Uptown could help Orem by looking through the
20 Milestone One Report. Most of the Council had read through the report and after reading were
21 unsure of exactly what the report entailed.

22
23 Mayor Brunst asked about the survey.

24
25 Mr. Bybee said the survey was being conducted by Y2 analytics and was well underway, having
26 already received 1,000 responses.

27
28 Mr. Spencer asked if there was a way to allow citizens to take the survey if their email was not
29 registered with the utility billing database.

30
31 Mr. Downs said that, in order for Y2 Analytics to keep the survey statistically significant, it
32 would not be possible to provide a way for those citizens not on the list to take it.

33
34 Mr. Macdonald said the response was fast. He suspected the reason for not permitting those not
35 on the list to take the survey was an effort to ensure the survey results were statistically viable.

36
37 Mr. Spencer said he thought there would be more dialog between the Council on feelings and
38 direction about what to do with the Macquarie decision. He expressed concern the Council had
39 not had much time to have that kind of conversation.

40
41 Mayor Brunst said it would be nice to have one hour to dedicate to a discussion about Macquarie
42 and the impending UTPOPIA and Milestone One decision.

43
44 Mr. Davidson said time was scheduled on June 17, 2014, to do that.

45
46 Mrs. Black asked what was happening with First Digital.

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1 Mr. Davidson said the president of First Digital had relayed to him that First Digital was not
2 quite ready to make its presentation to the Council.

3
4 Mr. Spencer reported that he was replying to citizen emails by requesting the citizens to give him
5 a phone call. Mr. Spencer said he had received a lot of phone calls and was doing his best to talk
6 to anyone he could about the current issues.

7
8 Mr. Davidson said videos of the question and answer period of the public information meeting
9 held on June 5, 2014, were being made available on the YouTube channel.

10
11 Mr. Sumner asked about Laura Lewis and if the City had a contract with Lewis & Young as the
12 financial advisors. Mr. Sumner said that he had reservations about a possible conflict of interest
13 with her representing both Orem and UTOPIA.

14
15 Mr. Davidson said she had been the City's financial advisor for more than fifteen years. Mr.
16 Davidson said the City had gone out to bid through a request for proposal (RFP) process for that
17 very reason and purpose. Lewis & Young had provided the best proposal for the City and with
18 that had come the continued relationship. Mr. Davidson said one decision point in continuing to
19 use Lewis & Young was the advantage it had in being well versed in what was happening with
20 UTOPIA.

21
22 Mr. Spencer asked how long the contract was.

23
24 Mr. Davidson said he thought it was for five years. He added that financial advisory services
25 were a narrow market, and that the world of public finance advisors was small.

26 27 **5:00 P.M. STUDY SESSION- PUBLIC SAFETY TRAINING ROOM**

28
29 CONDUCTING Mayor Richard F. Brunst, Jr.

30
31 ELECTED OFFICIALS Councilmembers Hans Andersen, Margaret Black, Tom
32 Macdonald, Mark E. Seastrand, David Spencer, and Brent
33 Sumner

34
35 APPOINTED STAFF Jamie Davidson, City Manager; Brenn Bybee, Assistant
36 City Manager; Richard Manning, Administrative Services
37 Director, Greg Stephens, City Attorney; Karl Hirst,
38 Recreation Director; Chris Tschirki, Public Works
39 Director; Scott Gurney, Interim Public Safety Director;
40 Charlene Crozier, Library Director; Brandon Nelson,
41 Accounting Division Manager; Steven Downs, Assistant to
42 the City Manager; and Taraleigh Gray, Deputy City
43 Recorder

44 45 **ANNUAL REVIEW – Gang Loitering Free Areas – Eric Ahlborn**

46 Eric Ahlborn, Police Officer, provided to the City Council an update on Gang Loitering within
47 Orem.

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Review – Upcoming Agenda Items – Staff

The City Council reviewed upcoming agenda items.

Jason Bench, Planning Division Manager, gave a brief summary of the Site Plan approval for the existing Midtown Village, which was set to go before the Council for approval on June 17, 2014.

Mr. Bench provided the Council with information regarding a possible upcoming annexation petition of the property in Southwest Orem.

Review Agenda Items

The Council and staff reviewed the items on the agenda.

City Council New Business

There was no new City Council new business.

The Council adjourned at 5:55 p.m. to the City Council Chambers for the regular meeting.

6:00 P.M. REGULAR SESSION

CONDUCTING

Mayor Richard F. Brunst, Jr.

ELECTED OFFICIALS

Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Richard Manning, Administrative Services Director, Greg Stephens, City Attorney; Steve Earl, Deputy City Attorney; Bill Bell, Development Services Director; Jason Bench, Planning Division Manager; Karl Hirst, Recreation Director; Scott Gurney, Interim Public Safety Director; Charlene Crozier, Library Director; Steven Downs, Assistant to the City Manager; and Taraleigh Gray, Deputy City Recorder

INVOCATION /

INSPIRATIONAL THOUGHT

Sam Lentz

PLEDGE OF ALLEGIANCE

Ben Finlay

APPROVAL OF MINUTES

Mr. Sumner **moved** to approve the minutes from the May 27, 2014, City Council Meeting. Mrs. Black **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed**, unanimously.

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MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

Upcoming Events

The Mayor referred the Council to the upcoming events listed in the agenda packet.

Appointments to Boards and Commissions

No new appointments to Boards and Commissions were made.

Recognition of New Neighborhoods in Action Officers

No new Neighborhood in Action officers were recognized.

Report – Senior Advisory Commission

Kay Bradford gave an overview of the activities and events held at the Orem Senior Center.

CITY MANAGER APPOINTMENTS

There were no City Manager appointments.

PERSONAL APPEARANCES

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

Wayne Burr, resident, said debt avoidance was good for individuals and for businesses and cities. It would be unwise for the citizens to pay the proposed utility fee as proposed by the Macquarie Milestone One Report. He asked the City Council to vote against the Public Private Partnership (PPP) with Macquarie.

Curtis Wood, resident, said he was speaking against Macquarie. He gave a guestimate on how long certain services would take over the Internet with the proposed 3mpbs. He said the system was marginally good enough for email, and said that was as good as dial up. The offer from Macquarie was not good, and everyone would have to sign up for the premium services to get usable service.

Sam Lentz, resident and business owner, said his address was not serviced by UTOPIA. He spoke in favor of the Macquarie proposal. He talked about the flyer sent out in the mail to residents from the taxpayers association. He said Macquarie's plan could actually save the resident's money. Mr. Lentz said he had confidence in the City Council to make the decision regarding the Macquarie PPP.

Jim Fillingim, resident, expressed concern about 2000 South and Main Street in Orem. There was no sidewalk, curb, or gutter to stop storm water. He spoke about his neighbor who had been washed out three times in the last two years. Mr. Fillingim said he was concerned that storm drain issues were not being addressed.

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1 Janine Fillingim, resident, spoke to the same concerns as noted by Mr. Fillingim. She suggested
2 that if the City needed to find money to address the storm water problems at 2000 South, then the
3 City should have officers writing more tickets on 2000 South. She said she had concerns about
4 people not stopping at the stop sign there at 2000 South Main Street.

5
6 Kate Barker, resident, said she was against how the City Council was going about addressing
7 fiber needs in Orem. She said she had researched UTOPIA and found disturbing facts. Ms.
8 Barker voiced concern that the City Manager did not have a vested interest in the City of Orem.

9 10 **CONSENT ITEMS**

11 12 MOTION – Canceling the August 12, 2014, City Council Meeting

13
14 Mr. Seastrand **moved** to cancel the August 12, 2014, City Council Meeting. Mr. Sumner
15 **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst,
16 Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed**,
17 unanimously.

18 19 **SCHEDULED ITEMS**

20 21 CONTINUED DISCUSSION – ORDINANCE - Amending the General Plan land use map 22 by changing the land use from medium density residential to regional commercial and 23 amending Section 22-5-3(A) and the zoning map of the Orem City Code by rezoning 0.35 24 acres from R6 to HS at 2008 South Sandhill Road.

25
26 Mr. Bench reviewed with the City Council the background information, noting that on May 27,
27 2014, the City Council had continued the item to allow the applicant time to work with the
28 neighborhood and consider proffering a development agreement which would outline specific
29 restrictions to help mitigate neighborhood concerns. Additional information concerning the
30 development agreement was provided at the public hearing. He said YESCO's request was that
31 the City Council rezone a small parcel of land it owns at 2008 South Sandhill Road and an
32 adjoining parcel owned by the City from the R6 zone to the Highway Services (HS) zone. The
33 two parcels included in the request comprise 0.35 acres (15,246 square feet.) The property
34 bordering the subject property on the north was also zoned HS.

35
36 Mr. Bench said the application consisted of two parts. The first was to amend the General Plan
37 land use map of the City from medium density residential to regional commercial. The second
38 part was to amend the zone map of the City by changing the zone from R6 to Highway Services
39 (HS).

40
41 YESCO was making the request because it desired to maintain an LED sign on its existing
42 billboard at this location. YESCO first erected a billboard on this property in approximately
43 1998. At that time the YESCO parcel consisted of 0.56 acres or 24,393 square feet. Up until
44 2005, the property was in unincorporated Utah County and was zoned Industrial-1.

45 In 2005, YESCO filed an application to have the property annexed into the City. At
46 approximately the same time, the City was negotiating with YESCO to acquire a part of the

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1 property so that the City could construct a storm water detention basin and a roundabout at the
2 intersection of 2000 South and Sandhill Road.

3
4 The City needed to acquire as much of the YESCO parcel as possible in order to construct the
5 desired improvements; YESCO was willing to work with the City to accomplish that goal.
6 YESCO's only interest at the time was to retain enough property to allow it to continue operating
7 a billboard on the property. YESCO agreed that it would sell as much of its original parcel to the
8 City as it could while still retaining enough property to meet a minimum lot size requirement.
9 The City suggested applying the R6 zone to the property as that zone required only a
10 6,000 square foot lot size and was the only zone that allowed a lot of less than 7,000 square feet.
11 The intent was to apply a zone that would allow the City to purchase the greatest amount
12 possible of YESCO property. YESCO agreed to this proposal with the belief that the R6 zone
13 would not in any way impede its ability to continue operating a billboard on the property.

14
15 In accordance with that understanding, the City Council annexed the YESCO property into the
16 City on September 27, 2005 and applied the R6 zone to the property. The minutes of the City
17 Council meeting of September 27, 2005 reflect the parties' intentions and state in part: "In order
18 to maximize the area that the City can purchase and use for storm water detention, the City and
19 YESCO desire that the parcel that YESCO will retain ownership of be as small as possible."

20
21 The City subsequently completed its purchase of all but 6,430 square feet of the YESCO
22 property and proceeded to construct the detention basin and the roundabout. YESCO continued
23 to maintain the billboard on the remaining parcel.

24
25 As part of UDOT's I-CORE I-15 project, UDOT constructed sound walls along the eastern edge
26 of I-15 that obstructed the view of YESCO's billboard to traffic on I-15. In January 2013,
27 YESCO applied for and received a permit from UDOT to increase the height of the billboard in
28 order to make it clearly visible over these sound walls. YESCO also requested and received a
29 permit to install a new LED sign on the south face of the billboard. Subsequent to receiving the
30 permit, YESCO proceeded to increase the height of the billboard and installed the new LED
31 sign.

32
33 In approximately March 2013, following installation of the LED sign on the south face of the
34 billboard, the City received complaints from residential neighbors about the LED sign. While
35 looking into the legality of the LED sign, the City discovered that on YESCO's permit
36 application to UDOT, YESCO had inadvertently indicated that its property was in a commercial
37 zone. When the City notified UDOT that the YESCO property was actually in the R6 zone,
38 UDOT indicated that it would not have issued a permit for the installation of an LED sign on the
39 billboard if it had known the property was in a residential zone. UDOT indicated that it would
40 not allow this type of upgrade on a billboard unless the property was located in a commercial or
41 industrial zone. However, UDOT indicated that the increase in the billboard height was still
42 appropriate as a billboard company has the right to make its billboard clearly visible in the event
43 that it becomes obstructed due to highway improvements.

44
45 Following the receipt of that information, City staff notified YESCO that it would either need to
46 remove the LED sign or have its property rezoned to a commercial or industrial zone. City staff
47 had also held ongoing discussions with YESCO representatives and neighbors in the area to see

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1 if some kind of compromise could be reached that would allow YESCO to keep the LED sign
2 while mitigating the sign's impact on neighbors. Some of the options that have been discussed
3 include (1) keeping the sign message static (no sign changes) during certain hours such as
4 between midnight and 6:00 a.m., (2) slowing the rate of ad changes so that the message changes
5 appear less abrupt, and (3) prohibiting an LED sign on the north face of the billboard. Those
6 discussions had continued up until shortly before the Planning Commission meeting although no
7 final agreement had been reached. In the event that a compromise agreement was reached, City
8 staff recommended that such agreement be memorialized in a development agreement prior to
9 any City Council action.

10
11 If the City Council rezoned the property to HS, UDOT would most likely allow YESCO to
12 maintain the LED sign. If the City Council denied the application and the property remained R6,
13 UDOT would likely require YESCO to remove the LED sign. However, even if the property
14 remained R6, YESCO will maintain the right to have a traditional billboard on the property at its
15 current height.

16
17 YESCO held a neighborhood meeting on April 9 with five neighbors or property owners in
18 attendance. The concerns of the neighbors included the height and the LED panel. Some
19 neighbors felt the billboard was too high. Others felt the LED sign may be acceptable and less
20 obtrusive if kept at the existing height.

21
22 The Planning Commission first heard this request on April 23, 2014, but continued the item to
23 May 7, 2014. Planning Commission members wanted to make a night visit to the site to see what
24 impact the LED sign had on neighbors. Mike Helm of YESCO met several members of the
25 Planning Commission (staggered times) on May 2, 2014, to view the sign at night and to
26 examine readings of a light meter while directed at the LED sign. They also went into the home
27 of a nearby resident to see the how the LED sign affected the enjoyment of her house.

28 29 Advantages

- 30 • A rezone of the property to HS would allow YESCO to maintain the LED sign on the
31 south face of the billboard and avoid the expense and investment loss that would arise
32 from removing the LED sign. This would also allow YESCO to realize the expectations it
33 had at the time of annexation that application of the R6 zone would not negatively affect
34 its ability to operate a billboard on the property.
- 35 • LED was generally less bright than standard lighting on billboards which may result in
36 less overall light pollution.
- 37 • Application of the HS zone to the property would not open the door to other commercial
38 uses since existing easements on the property would prevent any use other than the
39 billboard.
- 40 • YESCO had indicated that it was willing to commit not to install an LED sign on the
41 north face of the billboard.

42 43 Disadvantages

- 44 • Some neighbors found the existence of an LED sign on the south face of the billboard to
45 be less desirable than a traditional billboard face.

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- If the property was rezoned HS, an LED sign could also be installed on the north face of the billboard unless a development agreement prohibiting this is executed prior to City Council action.

Mrs. Black asked what the response was about having a static image from dusk until dawn. Her concern was that the problem with the changing images came about when it got dark, not just when people wanted to go to bed.

Mr. Helm said YESCO's proposal was because rush hour did not follow the sun. In the winter, it got dark between 4:30 p.m. and 5:00 p.m. which was during rush hour. Going to a static time that early would not pose a problem for YESCO and its clients.

Mrs. Black asked Mr. Helm if there was a time after rush hour that YESCO would go to a static image.

Mr. Helm said rush hour traffic often moved beyond the 6:30 p.m. hour. The value for people paying to have their ads on the sign was in the early evening hours when more people were on the road and would see the ads.

Mrs. Black said there was a big difference between 11:00 p.m. and 7:00 p.m.

Mayor Brunst asked the revenue difference between the static signs and the LED sign. He also asked how many LED signs YESCO had in Orem.

Mr. Helm said a static advertisement was one client buying the space for a certain period of time, whether it was one month, twelve months, or twenty-four months. The LED digital ads allowed YESCO to have six advertisers using that sign at once, and the revenue was essentially six times the revenue of a static sign. Mr. Helm said YESCO had two LED signs in Orem.

Mr. Spencer asked about UDOT's regulations in prohibiting billboards in residential zones.

Mr. Bench said LED signs were prohibited in residential zones.

Mr. Seastrand said it seemed the LED sign was more visible and more disruptive at night. He said he believed the residents in the area made a reasonable request to have the static image in the evening hours. Mr. Seastrand asked if there was any reason YESCO could be more accommodating with a static image in the evening hours.

Mr. Helm said that possibility had been discussed. YESCO's concern was to keep as much value as it could. Keeping the rotation of the ads ensured the sign's value. Mr. Helm added that the property was zoned residential when YESCO sold the property in 2005. At that same time there was neighboring property which was zoned HS. YESCO was merely asking to get the zoning back, so it could do business in the way it was able to before the property was annexed.

Mr. Macdonald inquired how much more light would come from an illuminated regular billboard sign than from a static image LED sign. He asked if neighbors would notice the difference.

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1 Mr. Helm said it would be a constant light. A lighted billboard would generate more light than
2 the static image LED.

3
4 Mr. Spencer said the last time the Council considered the request, the discussion centered upon
5 the intensity of the light. Mr. Spencer asked if the sign's brightness could be decreased in
6 percentage.

7
8 Mr. Helm said the signs controlled themselves. At night they were at 3-5 percent of total possible
9 brightness, and during the day the signs ran at 100 percent. YESCO intended to maintain the way
10 it had been regulating the brightness of the sign during the day and night.

11
12 Mayor Brunst asked how much revenue would be lost if YESCO was to make the sign static
13 from dusk on.

14
15 Mr. Helm said YESCO had not gotten into the numbers very far because the suggested ones did
16 not meet YESCO's sales director's expectation.

17
18 Mrs. Black said if the Council was to vote against rezoning the property, then YESCO would
19 have to go back to a regular billboard sign. She asked if YESCO was willing to do anything, or if
20 they had an "all or nothing" sort of mentality about the static images in the evening.

21
22 Mr. Helm said that moving the time was too restrictive to the clients who were renting the space.

23
24 Mrs. Black said she gathered that the Council was to either approve the rezone or deny the
25 rezone.

26
27 Mr. Macdonald said he would be comfortable with eight o'clock being the time the sign moved
28 from a rotating image to a static one.

29
30 Mr. Seastrand said the challenge was if the decision was made to deny, when the Council could
31 bring this back for reconsideration.

32
33 Mr. Earl said it would be a year before YESCO could bring it back to the Council. He suggested
34 giving YESCO direction on what to include in the development agreement, and then allow
35 YESCO to consider and decide whether or not to come back before the Council.

36
37 Mayor Brunst said Orem could not have built the roundabout without the property which was
38 sold to the City by YESCO.

39
40 Mr. Seastrand asked if the property was in Orem's boundary at the time the City made the
41 purchase transaction.

42
43 Mr. Bench said it was annexed from county property as I-1. It came into the City as R6.

44
45 Mayor Brunst opened the public hearing.

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1 Leslie Nelson said when she had trouble with lights coming into her bedroom from streetlights
2 she installed black out curtains to skirt the issue. People were worried of change and people
3 might be over reacting. The concerns of the Council were classic things heard as far as the
4 tension between government intervention and citizen rights. She said she thought people should
5 be in favor of controls that protect citizens, but that people should also be mindful of what
6 YESCO had done for the City.

7
8 Sheldon Ercanbrack said the only concern he had was that the sign would potentially devalue his
9 property.

10
11 Mikaela Dufur said she appreciated that Orem supported businesses and hoped Orem appreciated
12 family. She would like to see YESCO consider what the City Council had to recommend. She
13 asked the Council to consider a conservative approach to the issue, so as to protect family and
14 property rights in the neighborhood.

15
16 Mike Whimpey read a letter from the Marshall family about their negative view of the sign. He
17 said he did not feel YESCO was negotiating with the neighbors in good faith.

18
19 Garr Judd, Lakeview neighborhood cochair, asked for the Council to hear a few more comments
20 from members of his neighborhood.

21
22 Darin Fielding said he was not against LED signs, but they were not meant to be in a residential
23 area. He said there was a big difference between signs in industrial areas and signs in residential
24 areas, and the inherent purpose of LED signs was to grab attention. Mr. Fielding said there was
25 no problem when the sign was a regular sign. He said he did not want to shut himself out of the
26 world just to block out the nuisance light coming from the sign.

27
28 Mark Bowden said one good thing about the LED sign was that he did not have to use a
29 flashlight to feed his horses at night because the sign was so bright. He voiced appreciation for
30 the efforts of Mr. Helm in his attempt to come to an agreement. Mr. Bowden said Orem did not
31 do spot zoning. He asked the City Council to help the neighborhood and stand behind them.

32
33 Elyse Herring wondered why the property wasn't originally zoned commercial. She said the
34 neighborhood was constantly fighting against encroachments and asked the City Council to take
35 that into account as it made a decision.

36
37 Teresa Kurr suggested that YESCO increase the time in between ad transitions so YESCO could
38 still have a rotating image and the neighbors wouldn't be as bothered by it.

39
40 Mayor Brunst closed the public hearing.

41
42 Mr. Sumner said there was nothing that could be done about the sign height. He asked Mr. Helm
43 if it was possible to increase the time between ad transitions.

44
45 Mr. Helm said it was possible, though it was not in YESCO's business model to do so. Mr. Helm
46 said the only way YESCO could grow its business was to install these kinds of LED signs due to
47 the caps that are placed on billboard signs within municipalities.

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1 Mr. Spencer said his concern was that YESCO had been given an extension of two weeks. With
2 that extension YESCO should have come back with its best offer. Mr. Spencer said YESCO
3 should have come back with more concessions to the neighborhoods, but it did not do that.

4
5 Mr. Helm said YESCO was negotiating in good faith. He said YESCO had been negotiating on
6 the same terms for some time.

7
8 Mr. Seastrand expressed appreciation to Mr. Helm for doing the best he could. Mr. Seastrand
9 asked if it was possible to relocate the sign where it was not in a residential zone.

10
11 Mr. Earl said they could relocate the LED on any other billboard. The only other location they
12 could go to was the west side of the freeway.

13
14 Mr. Seastrand asked if YESCO had looked at relocating.

15
16 Mr. Helm said they had not. The property the current sign was located on was owned by
17 YESCO, making it ideal because YESCO did not have to pay a lease.

18
19 Mrs. Black said there were other options to take the LED sign.

20
21 Mr. Helm agreed. If YESCO had to take the LED sign down they would have to find another
22 place for it.

23
24 Mayor Brunst said the freeway reconstruction had compounded the problem because the sign
25 had to be raised above the new freeway. In doing so, the sign now shined over the entire
26 neighborhood.

27
28 Mr. Andersen asked if Mr. Helm would go back and talk to his boss.

29
30 Mr. Helm said he was always willing. He could go back and tell them that 11:00 p.m. to
31 6:00 a.m. was not well received by the Council and would see what his boss had to say.

32
33 Mr. Andersen said he was sympathetic to YESCO. He said YESCO had helped the City with the
34 property purchase to make way for the round-about and the detention basin, and then the City
35 had zoned the property and created the problem.

36
37 Mr. Helm said he wasn't with YESCO at the time the property was annexed. He was aware that
38 others had asked why it had not been addressed when the property was annexed.

39
40 Mr. Andersen said he doubted the City's foul was intentional, but it did boil down to the City
41 zoning the property R6 at the time.

42
43 Mr. Earl said Mr. Helm was YESCO's contact point the City had been working with for over a
44 year. Mr. Earl said he believed Mr. Helm acted in good faith, as had the neighbors. Part of the
45 benefit of perspective was that Mr. Helm had seen the concerns of the neighbors and had been at
46 the City Council meeting to get the feel and flavor of what had been going on. Mr. Helm's
47 superiors had not had that benefit. Mr. Earl said his perception was that, while Mr. Helm might

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1 be somewhat sympathetic to some of the requests, when those requests were taken back to
2 YESCO superiors they did not have the same feel or understanding. When Mr. Helm would
3 report to his superiors what the neighbors wanted, the superiors were probably thinking the
4 requests Mr. Helm was presenting were unreasonable. Mr. Earl said his guess was that if the
5 Council had some kind of firm line stating that the Council would only rezone the property if
6 YESCO agreed to certain parameters, then it might help the YESCO superiors to see the
7 situation a little bit better.

8
9 Mr. Helm said Mr. Earl was right. It was hard for the superiors to understand when they had not
10 been sitting in meetings for the past eight or nine months.

11
12 Mayor Brunst asked if Mr. Helm thought his superiors were willing to understand the situation or
13 if they were of the opinion that they wanted the rezone one way or another.

14
15 Mr. Helm said his job was to represent YESCO and to take the voice of the community and
16 represent them to YESCO as well. He said his thought was that, with YESCO wanting eleven
17 o'clock and the citizens wanting dusk to be when the sign went static, those were two broad
18 times, especially depending on the time of year. Mr. Helm said if that was the way involved
19 parties in the discussion were willing to move, then the community would have to come that way
20 too. Mr. Helm said that, unfortunately, he was the messenger, and sometimes the messenger got
21 shot.

22
23 Mr. Earl said one of the things discussed at an earlier meeting was if there was an earlier curfew,
24 such as seven or eight o'clock, the City could have a caveat that would dictate that it would be no
25 later than seven or eight o'clock at night. It would be the earlier of an hour after sunset, or seven
26 or eight o'clock, whichever was later.

27
28 Mayor Brunst said he thought there had been good comments on the issue and asked for a
29 motion from the Council.

30
31 Mr. Andersen **moved** to allow Mr. Helm to go back and talk to YESCO and see if they were
32 willing to go to an eight o'clock time as far as static images on the LED sign.

33
34 Mayor Brunst said he believed Mr. Andersen was making a motion to continue.

35
36 Mr. Andersen said yes, he was motioning to continue the item.

37
38 Mr. Earl said he thought there needed to be a line in the sand about whether the Council was
39 willing to rezone the property at all.

40
41 Mayor Brunst asked Mr. Earl if the Council could make a motion to allow the rezone with
42 restrictions. He said he understood that, before, the City Council expected to have an agreement
43 ahead of time showing the restrictions. The Council did not have that agreement, so coming
44 forward from the Council could vote either way.

45
46 Mr. Earl said he thought everyone involved would need to know if the Council was willing to
47 rezone the property at all, and under what circumstances the Council would allow the rezone. At

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1 that point, the discussion should be continued to incorporate the Council's requests in a
2 development agreement. If YESCO was willing to sign that agreement, then the agreement
3 would be brought back to the Council. If YESCO was not willing to sign, then the Council
4 would know they were not willing to agree to it.

5
6 Mayor Brunst said he was open so long as the LED sign did not change from sunset to sunrise,
7 no matter what time of year it was.

8
9 Mr. Macdonald said he would be sympathetic to YESCO in wanting to catch commuter traffic.
10 He said he did not know if that was in harmony with members of the neighborhood. He said he
11 understood that YESCO could not turn on the sign at 7:30 a.m. and miss all the commuter traffic.
12 Mr. Macdonald said he would be okay with set hours that were something between 6:00 a.m. to
13 8:00 p.m. He said he would be okay with passing it, and if YESCO did not like it, then the City
14 would not rezone the property, and YESCO would deal with UDOT on the LED permit issue.

15
16 Mr. Andersen asked if he could second what Mr. Macdonald had said.

17
18 Mayor Brunst said he did not think Mr. Macdonald had made a motion.

19
20 Mr. Macdonald said he did not make a motion but said Mr. Andersen could turn it into a motion.

21
22 Mayor Brunst said he was waiting for more comments from the Council before he would
23 entertain a motion.

24
25 Mrs. Black said she was a little bothered by eight o'clock because on a winter's night eight
26 o'clock was pretty late.

27
28 Mr. Seastrand said there was some discussion about changing the interval that the ads cycled
29 through from eight seconds to a longer period, such as once every ten minutes after a certain
30 hour. He asked Mr. Helm if that would mitigate YESCO's and the neighborhood's concerns.

31
32 Mrs. Black said she did not want anything changing clear to eleven o'clock.

33
34 Mayor Brunst said the ad intervals were run by computer, so if YESCO were to change as the
35 seasons changed then it would not be that difficult to do.

36
37 Mr. Helm said that was something they could program.

38
39 Mr. Spencer said the sign went down to 250 nits at night and asked what the opportunity was in
40 taking the sign down to 100 nits.

41
42 Mr. Helm said there was a point where the sign became so dim that it could not be seen. YESCO
43 did not want the sign to appear any more lit than a regular faced sign. Mr. Helm said that when
44 measuring the sign's light in nits, the lights on the north face were brighter than the LED lights
45 on the south.

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1 Mr. Spencer said his concern was that when the sign was not LED, there had been no complaints
2 from the neighbors.

3
4 Mayor Brunst **moved** to amend the General Plan land use by changing from medium density
5 residential to regional commercial, and to amend Section 22-5-3A and the Zoning Map of the
6 Orem City Code by rezoning .35 acres from R6 to HS at 2008 South Sandhill Road, with the
7 signs staying static from sunset to sunrise each day, depending on the season. Mrs. Black
8 **seconded** the motion.

9
10 Greg Stephens, City Attorney, said the Council would need to approach the action in a different
11 manner. As far as the zone went, the City Council was either approving the zone change or not.
12 The way the Council could put conditions on it would be through a development agreement.

13
14 Mayor Brunst said he thought that was the case, but the Council did not have the development
15 agreement.

16
17 Mr. Stephens said there was a development agreement where YESCO agreed to the two things,
18 and it appeared the Council wanted additional factors in the development agreement. He said if
19 the Council wanted to consider those, he said he would suggest the Council continue the
20 discussion to another meeting, and indicate to YESCO the factors that the Council would insist
21 on in a development agreement before it would consider the zone change. The development
22 agreement would be amended before the meeting and signed by YESCO.

23
24 Mayor Brunst said he thought the Council needed to have the development agreement in place
25 and withdrew his motion. He asked the Council if there were other items or concerns to add to
26 the agreement and asked for a motion to continue this to two weeks in the future.

27
28 Mrs. Black asked if the Council needed to specify what needed to be in the agreement.

29
30 Mayor Brunst said that was what he had just asked for.

31
32 Mrs. Black asked if Mayor Brunst wanted the Council to bring up those concerns.

33
34 Mayor Brunst said he would. The idea was to have a motion to continue with the idea that the
35 Council would like to see certain items in the agreement. He said he was not sure two weeks
36 from the meeting would be the date.

37
38 Mr. Bench said it would have to be continued to June 17, 2014, which was the next City Council
39 meeting.

40
41 Mayor Brunst said there were two items in the agreement as it stood:

- 42 • North side of the sign would stay static
- 43 • Static ad on LED side from 11:00 p.m. to 6:00 a.m.

44
45 Mrs. Black said he had suggested sunset to sunrise instead of 11:00 p.m. to 6:00 a.m. static time.

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1 Mr. Macdonald said he had suggested a timeframe of 8:00 p.m. to 6:00 a.m. static time. He said
2 he understood YESCO's need to hit the commuter traffic.

3
4 Mayor Brunst said the Council was not voting on the agreement right then. Instead the Council
5 was only making suggestions as to what it wanted to see in the development agreement.

6
7 Mr. Davidson suggested that each respective member of the City Council should voice what
8 they were comfortable with including. Based on the Council's feelings, the applicant could
9 gauge where he needed to go.

10
11 Mayor Brunst asked if Mr. Davidson was intending for the Council to voice those opinions at the
12 meeting or over email.

13
14 Mr. Davidson said it would be best to voice the opinions and concerns at the meeting.

15
16 Mr. Andersen said he would go with what Mr. Macdonald, 8:00 p.m. to 6:00 a.m.

17
18 Mr. Spencer said he was not in favor of the rezone at all. He said he thought the sign should go
19 back to a non-LED sign.

20
21 Mr. Seastrand said he was of the same opinion. The discussion back and forth had gone on long
22 enough. If YESCO did not want to find a way to work it, then Mr. Helm should go back and tell
23 his superiors that was okay, and that the Council would just leave the property zoned as it was.

24
25 Mr. Sumner said he was comfortable with the 11:00 p.m. to 6:00 a.m., which was what YESCO
26 agreed on.

27
28 Mrs. Black said she was torn between not rezoning and the sunrise to sunset.

29
30 Mayor Brunst called for a motion.

31
32 Mr. Helm said it was reasonable for YESCO to ask for somewhere in the middle of the already
33 agreed 11:00 p.m. to 6:00 a.m. and the sunset to sunrise suggestion.

34
35 Mayor Brunst said he was not interested in going on forever with the discussion process.

36
37 Mrs. Black said the Council was not in to compromise. The Council would either decide to not
38 do it, or they would decide to allow the LED sign with the limited evening hours. She said more
39 Council members were leaning toward denying the request than approving the request.

40
41 Mr. Spencer **moved** to deny the zone change request. Mr. Seastrand **seconded** the motion. Those
42 voting aye: Margaret Black, Mark E. Seastrand, and David Spencer. Those voting nay: Hans
43 Andersen, Richard F. Brunst, Tom Macdonald, and Brent Sumner. The motion **failed**, 3-4.

44 Mayor Brunst **moved** to continue the item to June 17, 2014. Mr. Andersen **seconded** the motion.
45 Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E.
46 Seastrand, David Spencer, and Brent Sumner. The motion **passed**, 7-0.

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6:00 P.M. PUBLIC HEARING

ORDINANCE - Amending the Current Fiscal Year 2013-2014 Budget

Brandon Nelson, Accounting Division Manager, presented a staff request to amend the current Fiscal Year 2013-2014 Budget. The Fiscal Year 2013-2014 City of Orem budget has many adjustments that occur throughout the fiscal year. These adjustments include grants received from Federal, State, and other governmental or private entities/organizations; Water Reclamation facility ultra violet disinfection system funding; funding SCBA equipment for the Fire Department; increasing the allowance for bad debt for UTOPIA pledge payments; providing operating funds for the Recreation Fund; and various other smaller technical corrections or minor budget adjustments that needed to be made.

Mr. Nelson invited questions from the Council in relation to the budget amendment.

Mr. Macdonald asked for Mr. Nelson to share with the Council the overall net increase or net decrease.

Mr. Nelson said the net increase was \$3,706,205.28.

Mayor Brunst asked for an explanation regarding UTOPIA contingency pledge payments.

Mr. Nelson said when the City paid that UTOPIA pledge under the agreement those payments were to be repaid, so it was booked as an accounts receivable transaction. However, due to situations over the last few years, the City had placed what was termed as an allowance against that accounts receivable transaction. The City had not written off anything, but rather it had placed an allowance so the City could say whether or not it expected to receive the accounts receivable in any sort of near term, such as within the next five years. The City had booked an allowance against a large portion of the account receivable from UTOPIA. The amount that was being asked to be amended was the remaining net allowance.

Mayor Brunst said he understood any money the City spent toward the pledges had to be set up a loan to UTOPIA. He asked Mr. Nelson if there were specific loan documents showing time periods and interest rates for the pledge payments.

Mr. Nelson said that the transactions showed as an account receivable, not as a loan.

Mayor Brunst opened the public hearing.

Bob Wright, resident, said he was puzzled why the City was considering the change at the end of June. He asked what the purpose was for making changes for half of the month.

Mr. Nelson said many of the items on the amendment would be carried over into the next fiscal year. Large portions were related to grants that had yet to be expended. The UTOPIA piece was a huge part of that number as well.

Leonard Lee, said he had received a letter in the mail talking about the concept of moving the excess of water sewer and storm water to the General Fund. He was concerned that brought forth

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1 a red flag. He said he did not think it was good fiscal practice to use fees to support the general
2 fund.

3
4 Mayor Brunst closed the public hearing and entertained a motion.

5
6 Mrs. Black **moved**, by ordinance, to amend the Fiscal Year 2013-2014 Budget. Mr. Seastrand
7 **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst,
8 Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed**,
9 7-0.

10 11 6:00 P.M. PUBLIC HEARING

12 ORDINANCE - Approving and Adopting a Budget for Fiscal Year 2014-2015, Adopting 13 Compensation Programs, Adopting Fees and Charges, Setting the Property Tax, Franchise 14 Tax, Municipal Energy Sales and Use Tax, Telecommunications License Tax, Transient 15 Room Tax, and E-911 Fee Rates

16
17 Jamie Davidson, City Manager, presented a staff recommendation that the City Council, by
18 ordinance, approve and adopt the Fiscal Year 2014-2015 Budget, adopt the compensation
19 programs, adopt the fees and charges schedule, set the property tax, franchise tax, municipal
20 energy sales and use tax, telecommunications license tax, transient room tax, and E 911 fee rates.

21
22 On April 29, 2014, the City Council received a draft of the Tentative Budget for the Fiscal Year
23 2014-2015. Budget work sessions were held on April 29, May 13, and May 27, 2014, to discuss
24 the budget. In addition, two public hearings were held to review CDBG budget requests.

25
26 The purpose of the public hearing was to consider the budget for Fiscal Year 2014-2015 along
27 with the compensation program and the fees, charges and tax rates of the City.

28
29 The national and local economies had shown signs of improvement over the past year. The Fiscal
30 Year 2014-2015 Budget was a balanced budget that was formulated with that environment in
31 mind as it did not include requests for tax increases and included only minor increases in utility
32 rates.

33
34 Property taxes were not increased, the franchise tax and municipal energy sales and use tax rates
35 remained at 6 percent and the transient room tax stayed at 1 percent. The telecommunications
36 license tax was 3.5 percent and the E-911 fee was \$0.61 per month. With the exception of some
37 minor adjustments to miscellaneous fees and charges, the only proposed fee increases were in the
38 Water Fund and Storm Sewer Fund.

39
40 A \$0.25 per month water rate increase for a ¾” meter service (and a proportionate increase for
41 all other meter sizes) was proposed in the Water Fund. That rate increase was needed to cover
42 the increasing cost of using the City’s allocation of Jordanelle water and increased operating
43 costs at the Utah Valley Water Treatment Plant that have been passed on to the City.

44
45 A \$0.25 per month increase was proposed in the Storm Sewer Fund to aid in the funding of
46 capital improvements to the City’s storm water system.

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1 Since the presentation of the Tentative Budget, the following changes were proposed:
2

3 **General Fund**

- 4 • Increased Development Services Department costs due to moving fire station facilities
5 maintenance costs to the Facilities Division\$53,200
 - 6 • Reduced Fire Department costs due to moving fire station facilities maintenance costs
7 to the Facilities division(\$53,200)
- 8

9 Areas of Focus & Budget Guiding Principles

10 Brenn Bybee, Assistant City Manager, reviewed the City Council’s 2014 Areas of Focus and
11 Budget Guiding Principles.

12

13 Areas of Focus

- 14 • Communication
 - 15 • Employee Development
 - 16 • UTOPIA
 - 17 • City Facilities
 - 18 • State Street
 - 19 • Financial Sustainability
 - 20 • Harmony
- 21

22 Budget Guiding Principles

- 23 • City Council—Incorporate policies and vision of the City Council.
- 24 • Self-Sustaining—Enterprise funds should be self-sustaining.
- 25 • One-Time Money—One-time revenues used for one-time expenses.
- 26 • Ongoing Money—Use sustainable, ongoing revenue sources to pay for ongoing
27 expenses.
- 28 • Asset Management—Develop capital facility master plans for buildings, utilities, and
29 other significant City infrastructure.
 - 30 ○ Master plans should include strategic operations, maintenance, and replacement
31 guidelines with supporting financial plans. Financial plans should justify rate
32 structures that support the implementation of a master plan. Adopt rate structures
33 that support the implementation of a master plan for a five-year period and
34 redevelop plans every five years.
- 35 • Compensation—Develop and follow a market-driven compensation plan that will entice
36 and retain good, quality employees.
- 37 • Vehicle replacement—Fund an annual vehicle replacement plan that prioritizes the
38 replacement of qualified vehicles.
- 39 • Revenue Sources—Evaluate the health of revenue sources on a regular basis.
- 40 • The General Fund should be supported by diverse, stable revenue sources that do not
41 collectively cause dramatic fluctuations over time.
- 42 • Reserves—Develop and maintain healthy enterprise fund reserves to sustain impacts of
43 emergencies. Manage the General Fund reserves consistent with state law.
- 44 • Planning—Plan ahead with the big picture in mind.

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- 1 • Provide a means for employees across department lines to consult with each other during
2 planning processes. Seek community input through a variety of means, for example, a
3 regular citizen survey.
- 4 • Debt—Debt will only be issued for projects that cannot be reasonably afforded through a
5 pay-as-you-go savings plan.
- 6 • For example, a pay-as-you-go scenario may be rejected if to do so would require cutting
7 services or increasing service fees higher than practical.

9 Comprehensive Overview of FY 2015 Budget

10 Richard Manning, Administrative Services Director, discussed the City's revenues compared to
11 other comparison cities in the area with regard to the estimated fee & tax impact on the average
12 home.

13
14 Mr. Manning gave an overview of the Budget Citywide.

15

Revenues	Inter-Fund Transfers In	Appropriation of Surplus	Total
\$78,434,750	\$13,800,737	\$158,088	\$92,393,575

16

Personnel	Operations	Capital	Total
\$39,199,809	\$47,496,602	\$5,697,164	\$92,393,575

17
18 Mr. Manning explained the State's requirement for the City to notify citizens of any fund
19 transfers from public funds. He said, from an accounting perspective, the fund transfers had not
20 changed anything. For example, the City paid for water, and water paid the General Fund. Mr.
21 Manning said the transfers would cancel out.

22
23 Mr. Macdonald asked what the total capital assets were that the City covered.

24
25 Mr. Manning estimated that Water was approximately \$300 million in assets, Streets was
26 approximately \$250 million, and Sewer Plant was about \$18 million. Mr. Manning said he was
27 unsure of the value of the Sewer Pipe asset.

28
29 Mr. Macdonald suspected the Capital Budget was not adequate to maintain what the City had.
30 Mr. MacDonald expressed concern to this end.

31
32 Mr. Andersen asked if the Sleepy Ridge Golf Course was kept green with water paid for by the
33 City.

34
35 Mr. Manning said it was not. The City owned the land where the golf course sat, but the City was
36 not paying to maintain it.

37
38 Mr. Manning explained the Citywide Expenditures, which were grouped by Department,
39 Personnel, Operations, and Capital, with corresponding percentages as follows:

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FUND	PERSONNEL	OPERATIONS	CAPITAL	TOTAL	PERCENT
General	\$ 32,182,606	\$ 16,012,879	\$ 1,008,500	\$ 49,203,985	53.3%
Road	54,528	876,242	1,374,230	2,305,000	2.5%
CARE Tax	-	1,710,000	-	1,710,000	1.9%
Debt Service	-	7,341,116	-	7,341,116	7.9%
Capital Improvement Projects	-	38,615	201,385	240,000	0.3%
Water	2,130,800	8,991,194	1,189,383	12,311,377	13.3%
Water Reclamation	2,029,606	3,945,353	1,052,892	7,027,851	7.6%
Storm Sewer	819,237	1,647,665	643,598	3,110,500	3.4%
Recreation	1,196,674	629,414	-	1,826,088	2.0%
Solid Waste	-	3,273,127	123,873	3,397,000	3.7%
Fleet Maintenance	373,899	243,101	35,000	652,000	0.7%
Purchasing & Warehousing	252,729	110,271	-	363,000	0.4%
Self-Insurance	65,635	1,609,365	-	1,675,000	1.8%
Timpanogos Storytelling Festival	-	295,000	-	295,000	0.3%
Orem Foundation Trust	-	10,000	-	10,000	0.0%
Community & Neighborhood Services	94,095	619,150	68,303	781,548	0.8%
Senior Citizens	-	51,250	-	51,250	0.1%
Telecommunications Billing	-	60,000	-	60,000	0.1%
CITY TOTALS	\$ 39,199,809	\$ 47,463,742	\$ 5,697,164	\$ 92,360,715	100.0%
CITY PERCENT	42.4%	51.4%	6.2%	100.0%	

1 Mr. Manning reported that the City typically took care of things by funds, which were each like
 2 small businesses. The only reason for Operations to exceed the budgeted amount was due to debt
 3 service (shown as operating cost), the large contributions made by Solid Waste, and the
 4 purchasing of water which was a very large expense.

5
 6 Mr. Manning drew the Council’s attention to the chart listing departmental stewardship. The
 7 information was broken down by Department, Personnel, Operations, Capital, Total, and
 8 Percentages, as follows:

DEPARTMENT	PERSONNEL	OPERATIONS	CAPITAL	TOTAL	PERCENT
Mayor and City Council	\$ 273,355	\$ 185,800	\$ -	\$ 459,155	0.5%
City Manager	2,134,575	1,475,987	68,303	3,678,865	4.0%
Administrative Services	1,960,365	9,850,981	-	11,811,346	12.8%
Legal Services	843,637	135,650	-	979,287	1.1%
Development Services	2,308,426	930,764	181,500	3,420,690	3.7%
Police Department	10,943,495	1,630,466	32,000	12,605,961	13.6%
Fire Department	6,747,323	1,037,784	50,000	7,835,107	8.5%
Public Works	9,147,573	17,128,926	4,591,488	30,867,987	33.4%
Recreation	1,828,533	876,017	-	2,704,550	2.9%
Library	2,596,652	829,620	-	3,426,272	3.7%
Non-Departmental *	415,875	13,381,747	773,873	14,571,495	15.8%
CITY TOTALS	\$ 39,199,809	\$ 47,463,742	\$ 5,697,164	\$ 92,360,715	100.0%
CITY PERCENTS	42.4%	51.4%	6.2%	100.0%	

* Expenditures of the CARE Tax Fund (\$1,710,000) & Solid Waste Fund (\$3,397,000) are included within the Non-Departmental expenditures since there is no specific department related to their operations.

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1 Each department had a stewardship for the overall total budget. The CARE expenditures did not
2 easily fall under one domain, and neither did the Solid Waste Fund, which was why they were
3 included in Non-Departmental expenditures.

4
5 Mr. Manning covered the General Fund values compared to previous years. He explained that, as
6 grants funds came in, those grants were added to the budget. The figures being presented were
7 merely a budget projection only.

8
9 Mr. Manning discussed the General Fund revenues by type and provided the following
10 percentage breakdowns:

- 11 • 3.29% - Building & Business Charges
- 12 • 0.67% - Grants
- 13 • 2.47% - Fines & Forfeitures
- 14 • 7.13% - Inter-Fund Transfers
- 15 • 2.36% - Miscellaneous
- 16 • 66.23% - Taxes
- 17 • 17.85% - Charges for Inter-Fund Services

18
19 The charge for services between funds was a fairly significant amount. The City would charge
20 the enterprise fund for business-like services which were provided by the General Fund.

21
22 Mr. Manning discussed the General Fund by department. He said Personnel expenses compared
23 to Operations expenses were tilted more to the Personnel side. Police and Fire were dominant
24 pieces of the general fund as they were core services provided by the City.

25
26 Mr. Manning provided the following percentage breakdowns of the General Fund by
27 Department:

- 28 • 25.62% - Police Department
- 29 • 15.92% - Fire Department
- 30 • 10.61% - Public Works
- 31 • 19.24% - Non-Departmental
- 32 • 1.68% - Recreation
- 33 • 6.34% - Library
- 34 • 0.93% - Mayor/City Council
- 35 • 5.89% - City Manager
- 36 • 4.82% - Administrative Services
- 37 • 1.99% - Legal Services
- 38 • 6.95% - Development Services

39
40 Mr. Manning further explained the General Fund by Department and broke down the information
41 by Department, Number of Employees, Personnel, Operations, and Capital as follows:

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GENERAL FUND

FY 2014 - 2015

	# OF				
	EMP. *	PERSONNEL	OPERATIONS	CAPITAL	TOTAL
Mayor and City Council	7	\$ 273,355	\$ 185,800	\$ -	\$ 459,155
City Manager	20	2,040,480	856,837	-	2,897,317
Administrative Services	20	1,642,001	730,229	-	2,372,230
Legal Services	8	843,637	135,650	-	979,287
Development Services	25	2,308,426	930,764	181,500	3,420,690
Police Department	115	10,943,495	1,630,466	32,000	12,605,961
Fire Department	69	6,747,323	1,037,784	50,000	7,835,107
Public Works	36	3,739,503	1,386,756	95,000	5,221,259
Recreation	5	631,859	195,353	-	827,212
Library	35	2,596,652	524,620	-	3,121,272
Non-Departmental **	0	415,875	8,398,620	650,000	9,464,495
TOTALS	340	\$ 32,182,606	\$ 16,012,879	\$ 1,008,500	\$ 49,203,985

* Number of benefitted employees

** The Non-Departmental personnel costs relate to insurance benefits of retired employees

1
2 Mr. Manning reviewed organizational changes within the city. He said Information Technology
3 was being moved from Administrative Services to the City Manager department; the Fire
4 Facilities maintenance was being moved from the Public Safety to Development Services; and
5 the Police and Fire Departments, previously having operated under a single Public Safety
6 department, were being moved to create a separate Police department and separate Fire
7 department.

8
9 Mr. Manning went over each of the departments within the City by presenting to the City
10 Council organizational flow charts indicating the key leadership positions and responsibilities
11 within each department.

12
13 Mr. Manning explained the departmental key challenges that were addressed in the FY 2014-15
14 Budget, and attributed them to the City Council's Areas of Focus as follows:

15
16 **City Manager**

- 17 • Additional funding provided for State mandated retirement - (*Financial Sustainability*)
- 18 • Funding recommended for pay for performance compensation first since
19 FY 09 - (*Employee Development*)

20
21 **Administrative Services**

- 22 • Additional funding provided for State mandated retirement - (*Financial Sustainability*)
- 23 • Funding recommended for pay for performance compensation first since
24 FY 09 - (*Employee Development*)

25
26 **Legal Services**

- 27 • \$40,000 had been put in the Legal Services budget to address the issue of falling behind
28 with case work. The City Attorney's office would be able to use that \$40,000 added in
29 the budget to fill in that gap.

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1 Development Services

- 2 • Complete Impact fee studies - *(City Facilities & Financial Sustainability)*
- 3 • Complete engineering for funded capital projects - *(City Facilities)*
- 4 • City Center security improvements funded - *(City Facilities)*

6 Police Department

- 7 • Launch stand-alone Police Department - *(Employee Development & Harmony)*
- 8 • Developing Online Traffic School Program - *(Communication & Financial Sustainability)*
- 9 • Increased vehicle and safety equipment replacement - *(City Facilities)*

12 Fire Department

- 13 • Launch stand-alone Fire Department - *(Employee Development & Harmony)*
- 14 • Provides annual set-aside for safety equipment - *(Financial Sustainability)*
- 15 • Funding for emergency mass communications software - *(Communication)*
- 16 • Funding for upgrading of extrication equipment - *(Financial Sustainability)*

18 Public Works (General Fund Portion)

- 19 • Increased Jordanelle water assessment met through \$0.25 base rate increase - *(Financial Sustainability)*
- 20 • Finalizing utility master plan updates and impact fee study - *(City Facilities & Financial Sustainability)*
- 21 • Funding for new Palisade park - *(City Facilities)*
- 22 • Additional vehicle replacement- *(City Facilities)*

26 Library

- 27 • Placing focus on building maintenance - *(City Facilities & Financial Sustainability)*
- 28 • Replacing carpet in Children's area of the library - *(City Facilities)*

30 Mr. Manning said the Recreation fund included the Fitness Center and the Scera Pool, in
31 addition to the outdoor programs and basketball. Each sports program stood alone and was very
32 small. The City tracked the individual programs to see how each fared.

34 Mayor Brunst asked if the cemetery sexton was able to keep up with the upward trend of funeral
35 and burial needs at the cemetery.

37 Chris Tschirki, Public Works Director, said there had been an increase in funerals and burials,
38 though he thought the increase was probably not more than five percent above the previous year.
39 Mr. Tschirki said the current cemetery sexton had assumed the role of sexton after the previous
40 sexton retired; however, the position left vacant by the current sexton had not been refilled. Due
41 to that fact, the Cemetery had been operating with one less person over the last year and a half.

43 Mr. Manning said there was a societal push to move funerals to Saturdays which had created
44 some issues for the cemetery as well.

46 Mr. Manning said that a significant portion of the City's budget was considered non-
47 departmental, which was made up of areas that did not fit well in any other place in the budget,

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1 such as UTOPIA Operations, Retiree & Other Benefits, Vehicle Replacement Program, Fund
2 Charges, Fund Transfers, and other expenditures.

3
4 Mr. Manning reported the budget process had begun approximately eighteen months prior to
5 when it would be rolled. One of the handicaps the City faced in the budget planning process was
6 the late notice of the Certified Tax Rate. The City received notice of the Certified Tax Rate on
7 June 9, 2014. The City had anticipated \$5 million in revenues from property taxes, but the actual
8 rate ended up being \$4,722,754 which was approximately \$277,256 less than projected.

9
10 Mr. Manning indicated the City forecasted \$17 million in sales tax revenue. The City was
11 trending to \$18.7 million in sales tax for Fiscal Year 2015, so the City budgeted \$18 million. The
12 City was aware of losing a fairly large sales tax contributor, but even with that consideration,
13 budgeting \$18 million in sales tax was a conservative estimate. He said the budgeted amount
14 took into account the difference in projected property tax value and a newly negotiated fire
15 services contract with Vineyard City which had increased to \$77,000. The City felt positive that
16 the short fall would be covered with those considerations. The City could roll forward being
17 decently assured that the budget would suffice as long as the economy followed the track it was
18 on.

19
20 Mr. Manning said the Road Fund was made up of revenues received from the collection of gas
21 tax paid at the pump. The City received approximately \$2.3 million each year, and the City used
22 those funds primarily for preventative road maintenance because that was the best return the City
23 could have on that money.

24
25 Mr. Manning said the CARE Tax Fund showed revenue budgeted for expenses in FY 16, and the
26 City Council would budget whatever the number truly turned out to be.

27
28 Mr. Manning then said the Debt Service Fund was where debts associated with the General Fund
29 got paid.

30
31 The Capital Improvements Fund included the capital maintenance area of the General Fund.
32 Dedicated revenue to this end was very little.

33
34 Mayor Brunst asked what the appropriation of surplus meant.

35
36 Mr. Nelson said the appropriation of surplus for the Capital Improvement Fund was the “savings
37 account” dollars—money that was budgeted for projects which was not used and therefore
38 carried over to the following fiscal year.

39
40 Mr. Manning said gave an overview of the Capital Projects budgeted for in the FY 2015:

41

Project Description	Budget
Center Street/Geneva Rd to I-15	\$67,000
City Center Council Chamber Improvements	\$60,000
Miscellaneous Projects	\$74,385
Total	\$201,385

42

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1 Mr. Manning said there was \$12 million in revenue in the Water Fund. That money would be
2 spent primarily on the purchase of water, as well on supplying, distributing, and maintaining
3 capital to keep things going. Over the years meter reading had moved back and forth between the
4 Water Fund and the General Fund; currently the meter reading was with the Water Fund.

5
6 Mr. Manning said staff was addressing the following concerns with regard to the Water Fund:

- 7 • Annual Jordanelle water allotment increase met with \$0.25/3/4 inch meter base increase -
8 *(Financial Sustainability)*
- 9 • Continuing to replace 4-inch lines with 8-inch lines - *(City Facilities)*
- 10 • Canyon Springs pump & wet well rehabilitation - *(City Facilities)*

11
12 Mr. Manning gave an overview of the Water Capital Projects budgeted for in the FY 2015:
13

Project Description	Budget
Canyon Springs – Phase 2 Homestead	\$250,000
4-Inch Waterline Replacements to 8-Inch	\$250,000
Equipment Replacement	\$569,000
Miscellaneous Water Projects	\$120,383
Total	\$201,385

14
15 Water Reclamation was the other part of the Water Fund. The following concerns were being
16 addressed with regard to Water Reclamation:

- 17 • Replace Jet Vac Truck for line cleaning - *(City Facilities)*
- 18 • Update master plan - *(City Facilities & Financial Sustainability)*
- 19 • Sewage lift station upgrades - *(City Facilities)*
- 20 • Installing improved SCADA equipment - *(City Facilities & Communication)*

21
22 Mr. Manning gave an overview of the Water Reclamation Projects budgeted for in the FY 2015:
23

Project Description	Budget
Vehicle Replacement	\$308,000
Methane Chiller & Scrubber	\$250,000
Equipment Replacement	\$165,000
Routine Maintenance – Beverly Area	\$150,000
Pip Liner Projects	\$100,000
GPS Rover	\$29,000
Mini-Scout Camera	\$15,000
Miscellaneous Water Reclamation Projects	\$35,892
Total	\$1,052,892

24
25 Mr. Manning said Storm Sewer/Storm Water was a relatively new utility for the City. Mr.
26 Manning detailed the projects intended to be addressed:

27
28 Storm Sewer Capital

Project Description	Budget
Replace Street Sweeper	\$250,000
Replace Utility Truck	\$75,000
Replace Riding Lawnmower	\$15,750

DRAFT

Miscellaneous Projects	\$302,848
Total	\$201,385

1
2 Mr. Manning covered the Recreation Fund, and said there had been declining attendance at the
3 Fitness Center. Challenges addressed by the proposed budget included the following:

- 4 • Temporary plan to cover revenue short-falls - (*Financial Sustainability*)
- 5 • Open new in-door recreational pool - (*City Facilities*)

6
7 Mr. Spencer asked what “group use” was. Mr. Manning replied “group use” referred to the
8 instance when the Scera Pool was opened up for parties after the typical public hours were over.

9
10 There were no Solid Waste Fund fee increases being proposed. The City intended to maintain the
11 current programs. The challenges addressed in the proposed budget included:

- 12 • Collection fees held at current levels - (Financial Sustainability)
- 13 • Continue collection programs through Waste Management - (Financial Sustainability &
14 Communication)

15
16 Mr. Manning reviewed the following:

- 17 • Fleet maintenance was all internal. Purchasing was similar in that it was internal and
18 static in what it did. Self-insurance funding came from various departments that paid fair
19 shares of risk exposure.
- 20 • Community and Neighborhood Services funds varied depending on grant funds allocated
21 over the course of the year.
- 22 • Senior Citizens Fund was a lot like recreation in that the funds were very small.

23
24 Mr. Manning outlined the big things the City had funded through the FY 14 budget

- 25 • Fire – SCBA \$600,000
- 26 • Council Chambers AV \$47,150
- 27 • 2% Salary (Apr - Jun 2014) \$105,000
- 28 • GBS Benefits Consultant \$36,000
- 29 • Sustainability Study \$60,000
- 30 • Integrated Library System (base) \$100,000

31
32 Mr. Manning reviewed the proposed fees and charges, which were presented as follows:

Development Services		
Fee	From	To
Annexation Request	\$1,000	\$1,500
City Code Amendment	\$600	\$900
Conditional Use Permits	\$600	\$800
Review Plats – Extra Reviews (2-7)	\$1,000	\$1,500
PRD Preliminary	\$700	\$800
PRD Final	\$400	\$600
Plat Amendments	\$600	\$800
Site Plan Administrative Approval	\$400	\$500
Zoning Ordinance Amendment	\$800	\$1,200
Zoning Ordinance Amendment New PD Zone	\$1,000	\$2,000

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Development Services		
Fee	From	To
Road Bore Fees (0-2 Years)		\$5,000
Road Bore Fees (2-5 Years)		\$250
Road Bore Fees (5+ Years)		\$150

1

Public Works – Water (for Jordanelle)		
Fee	From	To
¾ - inch meter	\$13.69	\$13.94
1 - inch meter	\$34.69	\$35.32
1 ½ - inch meter	\$97.65	\$99.44
2 - inch meter	\$160.63	\$163.57
3 - inch meter	\$244.61	\$249.08
4 - inch meter	\$412.55	\$420.08
6 - inch meter	\$1,042.31	\$1,061.35
8 - inch meter	\$1,392.21	\$1,417.63
10 - inch meter	\$2,088.32	\$2,126.45

2

Public Works - Cemetery		
Fee	From	To
Cemetery Lot	\$1,000	\$1,200
Cemetery Lot ½ Space for Edge of Road	\$550	\$600
Adult Burial	\$500	\$600
Jr. Burial	\$400	\$600
Saturday Internment (in addition to regular fee)	\$300	\$400
Headstone Inspection and Setting Fee	-	\$35
Burial Right Transfer & Other Transactions	\$50	\$15
Storm Sewer ESU (monthly fee)	\$5	\$5.25

3

Recreation		
Fee	From	To
Dance (Class Fee)	\$3	\$4
Firearms Handling (Class Fee)	\$10	\$15
Hunter Education Course	\$10	\$15
Lifeguard Training	\$100	\$150
Martial Arts (1-hour class)	\$20	\$25
Racquetball League/Player	\$20	\$30
Regular 1-hour Class	\$24	\$30
Scout Pow Wow Rifle (Individual Fee)	-	\$15
Swim Class (Summer Recreation Team 1-hour)	\$100	\$110
UVU Swim Team (Semester Fee)	\$40	\$60
Water Safety Instruction (Per Person)	\$100	\$150
Orem Sr. Center Staff Fees (Hourly Fee)	-	\$14
Co-ed Softball (Team Fee)	\$350	\$375
Co-ed Softball Fall Double Header (Team Fee)	-	\$480
Men's Double Header – Summer (Team Fee)	\$600	\$625
Men's Softball – Single Games (Fall & Summer)	\$350	\$375
Women's – Softball (Fall & Summer)	\$350	\$375
Flag Football Men's (Team)	-	4450

DRAFT

Tennis Group Lessons	\$32	\$35
Tennis Private Lessons (Per Hour)	\$35	\$40
Tennis Semi-Private Lessons/Class (Cost Divided)	\$50	\$60
Lacrosse Tournament (Team)	-	\$400
Youth Basketball (Alpine School District Fee/Player)	-	\$10
Youth Basketball High School Level (Team Fee)	\$475	\$525
Basketball Little & Super Hoopsters (Individual Fee)	\$30	\$33
Machine Pitch (Individual Fee)	\$35	\$38
Softball Girl's Accelerated (Team Fee)	\$500	\$550
Youth Fishing (Individual Fee)	\$20	\$25
Youth Wrestling (Individual Fee)	-	\$35
Rec Center Business Pass 5-250 (Per Person)	\$75	\$85
Rec Center Business Pass 251-500 (Per Person)	\$70	\$80
Rec Center Business Pass 501-750 (Per Person)	\$65	\$75
Rec Center Business Pass 751-1,000 (Per Person)	\$60	\$70
Rec Center Business Pass 1,001+ (Per Person)	\$55	\$65
Rec Center Business Pass Resident Fee 5-250	\$50	\$60
Rec Center Business Pass Resident Fee 251-500	\$45	\$55
Rec Center Business Pass Resident Fee 501-750	\$40	\$50
Rec Center Business Pass Resident Fee 751-1,000	\$35	\$45
Rec Center Business Pass Resident Fee 1,001+	\$30	\$40

1
2 Karl Hirst, Recreation Director, said that prior to the budget for FY 15, there was no fee schedule
3 defined for the self-determining recreation and athletic groups within the City. He went over the
4 proposed fees for the cosponsored groups as follows:
5

Fee	To
Fee Cosponsored Group 2	
Baseball Participation Fee (Per Participant)	\$4
Baseball Field Preparation (Per Participant)	\$10
Soccer Participation Fee (Per Participant)	\$4
Fee Cosponsored Group 3	
Swimming Short Course (Per Lane Fee)	\$2
Swimming Long Course (Per Lane Fee)	\$4
Meet Splash Fee (Non-Orem Participant)	\$2
Football Per Game Fee	\$35
Football - Per Field / Per Season (2-Games Per Reservation)	\$475
Baseball Field Rental (First Game)	\$40
Baseball Field Rental (Subsequent Games)	\$20
Soccer Field Fee	\$25
Lacrosse Field Use	\$25
Fee Cosponsored Group 4	
Swimming Short Course (Per Lane Fee)	\$8
Swimming Long Course (Per Lane Fee)	\$12
Football Per Game Fee	\$45
Football - Per Field / Per Season (2-Games Per Reservation)	\$700
Lacrosse Field Use	\$35
Soccer Per Game Fee	\$35

DRAFT

Fee	To
Fee Cosponsored Group 2	
Soccer Yearly Rental (2-weeknights & Saturday)	\$1,700
Soccer Yearly Rental (5-weeknights & Saturday)	\$2,500

1
2 Mr. Spencer said he saw the baseball fields were packed on Memorial Day. The fields could be
3 like that every Saturday if the City adjusted the proposed fees for cosponsored groups.

4
5 Mr. Hirst said other cities could beat out Orem in field price because Orem was structured
6 differently than other cities.

7
8 Mr. Macdonald asked if the fees being presented were the same as what was presented when the
9 prior discussions took place regarding the cosponsored groups.

10
11 Mr. Hirst said the fees were the same, though a few things had been added such as season rental
12 options and yearly options.

13
14 Mr. Manning addressed Mr. Spencer's question about Group 5 Baseball, saying it was the same
15 rate as was the current fee for Group 5 Baseball field rental, which was \$30 per field per hour.

16
17 Mayor Brunst said he was concerned about swimming charges. He suggested going in at half for
18 groups three, four, and five and working the way up to the proposed fees.

19
20 Mr. Spencer proposed that the fees assessed to groups one, two, and three for all sports be paid
21 by CARE tax.

22
23 Mrs. Black said staff had presented a memorandum with different options to handle the fees.
24 Those options were reported as follows:

- 25 • Option 1 – Adopt fees as proposed.
- 26 • Option 2 – Adopt fees as proposed, but implement the fees through a phase-in period of
27 two to three years, depending on the impact of the program over time
- 28 • Option 3 – Put the fees on hold and allow the CARE process to proceed into 2015. The
29 revenue from the fees would not be included in the budget. The participation fee would
30 stay in place. If CARE funds were approved, then some of the cost related to youth sports
31 would be covered.
- 32 • Option 4 – Not do anything.

33
34 Mr. Spencer said he thought the participation fee should be paid by every participant.

35
36 Mr. Hirst noted the CARE tax would not be available until July 2015.

37
38 Mr. Spencer said if the CARE tax was truly for recreation, he thought it should go toward
39 cosponsored groups.

40
41 Mr. Davidson said Mr. Spencer's idea was philosophical and would have to be shared with the
42 CARE committee, so the committee knew how the City Council was approaching CARE tax
43 with regard to cosponsored groups.

DRAFT

1 Mrs. Black and Mr. Spencer asked about approving a partial amount of the proposed fees.

2
3 Mayor Brunst suggested approving the fees at 50 percent of what was presented for groups one,
4 two, and three and see what would come with the discussion in the future.

5
6 Mr. Davidson said he assumed the Council would look to the following budget year to bridge the
7 difference between what was being imposed at the meeting.

8
9 Mr. Hirst said Mayor Brunst was proposing a two-year ramp up period that the Council would
10 cut short should CARE money become available.

11
12 Mr. Davidson asked if cutting every proposed fee was a feasible plan.

13
14 Mr. Hirst said soccer group three could pose a problem. He suggested maintaining the proposed
15 \$4 participation fee. The \$25 fee for field prep was basically equal to the \$4 participation fee.

16
17 Mr. Macdonald said there could be a not-to-exceed amount. The fitness center was originally
18 built with the idea that it would be self-sufficient but, in reality, it was not. Mr. Macdonald said
19 his understanding was that Mr. Hirst was trying to get the recreation center back to being self-
20 sufficient

21
22 Mr. Davidson said the ramp-up idea was perfectly appropriate with the exception of the soccer
23 field fee.

24
25 Mr. Manning summarized the Council's request to approve 50 percent of the proposed fees for
26 cosponsored groups one, two, and three, with the exception that soccer group three field
27 preparation fee would be left at \$25, as proposed.

28
29 Mr. Seastrand added that the idea of the \$4 participation fee for soccer would stay the same as
30 well.

31
32 Mr. Davidson recapped the "big rocks" achieved with the FY 2015:

- 33 • 2% Market increase, \$450,000 built into base
- 34 • 1% Merit increase \$120,000 for January 2015
- 35 • Health Insurance up 4.5% instead of projected 8% \$185,000
- 36 • \$295,600 Utah Retirement System Increases in FY 15
- 37 • Enterprise Fund Cost Allocation (Water, Water Reclamation, Storm Sewer and Street
38 Lighting) – *Financial Sustainability*
 - 39 ○ *State-Mandated Utility Fund Transfers:* \$865,000
- 40 • Emergency Communications and Citizen Outreach – *Communication*
 - 41 ○ *Mass Communication Software:* \$27,000
 - 42 ○ *Citizen Newsletter:* \$18,000
- 43 • Justice Court and Legal Services Staffing Concerns – *Employee Development*
 - 44 ○ *Legal Professional Services:* \$40,000
 - 45 ○ *Additional Justice Court Personnel:* \$22,300
- 46 • Engineering Equipment – *City Facilities*
 - 47 ○ *GPS Rovers:* \$59,000

DRAFT

- 1 • Traffic and Signal Maintenance – *City Facilities*
- 2 ○ *Signal Maintenance:* \$15,000
- 3 ○ *Signage Maintenance:* \$7,500
- 4 • Public Safety Life-Safety Equipment and Support* – *Financial Sustainability*
- 5 ○ *Additional Ambulance/EMS Supplies:* \$17,000
- 6 ○ *Fire Turnout Gear Additions:* \$6,000
- 7 ○ *Police Body Armor Additions:* \$4,000
- 8 ○ **Funded, in part, by FY 2014*
- 9 • Ongoing Fleet Replacement – *Financial Sustainability*
- 10 ○ *Additional Fleet Investment (>\$600K):* \$50,000
- 11 • Employee Health Insurance and Retirement Contributions – *Employee Development*
- 12 ○ *Anticipated Health Ins. Increase:* \$189,000
- 13 ○ *Additional Mandatory URS Contribution:* \$295,000
- 14 ○ *Benefits Consultant – ACA:* \$36,000
- 15 • Market Competitive Compensation* – *Employee Development*
- 16 ○ *FY 2015 Market Adjustment:* \$450,000
- 17 ○ *FY 2015 Merit Adjustment:* \$125,000
- 18 ○ *Employee Professional Development:* ~\$25,000
- 19 ○ **Funded, in part, by FY 2014*
- 20 • Critical IT/Network/System Replacement* – *Financial Sustainability*
- 21 ○ *Additional Software Licensing:* \$5,000
- 22 • UTOPIA Debt Service Payments and OPEX – UTOPIA
- 23 ○ *Additional UTOPIA Debt Service Commitment:* \$57,000
- 24 • Recreation Fund Operational Support – *Financial Sustainability*
- 25 ○ *Fitness Center Operational Support:* \$125,000
- 26 • Maintenance and Repair of Critical City Facilities (roof, HVAC, carpeting, elevators,
27 etc.) – *City Facilities*
- 28 ○ *Children’s Library Carpet:* \$97,000
- 29 ○ *City Building Roof Repairs:* \$75,000
- 30 ○ *City Building HVAC Improvements:* \$18,000
- 31 ○ *Elevator Maintenance:* \$11,000
- 32 ○ *Public Safety Bldg. Floor Drains:* \$5,000
- 33 ○ *Fire Alarm Improvements:* \$3,500
- 34 • Parks Operational and Equipment Support – *City Facilities*
- 35 ○ *Palisade Park Personnel:* \$88,000
- 36 ○ *Palisade Equipment and Additional OPEX Needs:* \$66,000
- 37 ○ *Playground Equipment Replacement:* \$50,000
- 38 ○ *Additional Park Needs – City Wide:* \$25,000
- 39 • Fees for Service Adjustments (development, cemetery, water, storm sewer, recreation,
40 etc.) – *Financial Sustainability*
- 41 ○ *Water (3/4” meter) :* + \$0.25 / month
- 42 ○ *Storm Sewer (per ESU):* + \$0.25 / month
- 43

44 Mayor Brunst thanked Mr. Davidson for his presentation of the “big rocks” of the FY 2015
45 budget.

46
47 Mayor Brunst then opened the public hearing.

DRAFT

1 Bob Wright expressed concern about a doubled franchise tax assessment on utilities. He said the
2 garbage rates should be reduced due to cost saving implementation of the recycling program. Mr.
3 Wright expressed appreciation for the discussion revolving around the recreation fees and agreed
4 that the CARE tax could and should be used for the purpose of augmenting the recreation fees.
5

6 Teresa Kurr suggested that the City Council consider approving a punch-card system at the
7 fitness center to allow citizens a discounted rate in-between annual pass and regular admission.
8 She encouraged the Council to drive by her home and walk on her lawn because the type of lawn
9 she had required much less water and upkeep. Ms. Kurr said using this type of lawn could be a
10 cost-saving measure for the City.

11
12 Mayor Brunst closed the public hearing.

13
14 Mrs. Black clarified that CARE funds for recreation could be used for facilities or ongoing
15 maintenance cost.

16
17 Mr. Spencer asked Mr. Tschirki to clarify the idea that a \$25 utility increase in utilities would be
18 needed for a fifty year plan for the water lines in the City.

19
20 Mr. Tschirki said the City was short by about \$5 million per year the revenues to maintain and/or
21 replace water lines within Orem. The \$25 utility increase was one way to fill the gap and provide
22 means for the necessary asset maintenance/replacement.

23
24 Mayor Brunst said if the City was to address needs on a graduated process, then the needs were
25 more easily met. If the City failed to address the needs of the infrastructure for a period of time,
26 then things would begin to collapse. He said the approach would be to plan for the future and
27 realize the needs the City did have, and then begin working on an annual basis to meet those
28 needs.

29
30 Mr. Tschirki said he would have more information available during next year's budget process
31 with the results of the master plans, which should be complete sometime in January 2015.

32
33 Mr. Macdonald said he understood the need was higher, but staff just did not know exactly how
34 much higher it was. Master plans would be pay as you go, and that would be the best way to
35 approach the asset needs.

36
37 Mrs. Black complimented the Public Works Department for its approach to forward thinking.

38
39 Mr. Hirst suggested the Council approve the \$4 participation fee for group three football, rather
40 than approving 50 percent of the proposed field prep fee of \$35.

41
42 Mr. Seastrand **moved**, by ordinance, to approve and adopt the Fiscal Year 2014-2015 Budget,
43 adopt the compensation programs, set the property tax, franchise tax, municipal energy sales and
44 use tax, telecommunications license tax, transient room tax, E911 fee rates, and adopt the fees
45 and charges schedule with the following modifications:

- 46 • \$4 participation fee for soccer groups 2 and 3
- 47 • \$4 participation fee on football group 3

DRAFT

1 • Adopt 50 percent of the recommended recreation fees as outlined in the presentation.
2 Mrs. Black **seconded** the motion. Those voting aye: Margaret Black, Richard F. Brunst, Tom
3 Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner. Those voting nay: Mr.
4 Andersen. The motion **passed**, 6-1.

6:20 P.M. PUBLIC HEARING

6 ORDINANCE - Annexing property located generally at 1450 South 1080 East, and by
7 ordinance, designating the annexed property low density residential on the General Plan
8 land use map, and amending Article 22-5-3(A) and the zoning map of the City by zoning
9 the property R20

11
12 Mr. Bench presented an applicant request to annex property located generally at 1450 South
13 1080 East in Orem. The applicant owned property located along and to the east of Carterville
14 Road. Most of the applicant's property was in the City, but the easternmost part of the
15 applicant's property was in unincorporated Utah County. The applicant desired to develop his
16 property in the near future and would like to annex that portion of his property currently in the
17 county so that the whole of his property could be developed in the City. Annexation of this part
18 of the applicant's property would also have the beneficial effect of eliminating a peninsula of
19 unincorporated county that currently jutted into City boundaries.

20
21 The property was adjacent to R20 zoning and the PD-18 zone. The applicant requested the
22 R20 zone be applied to the property with the General Plan land use designation of low density
23 residential. It was possible the applicant would request the PD-18 zone in the future or just
24 develop under the R20 zone. Discussions had taken place with the Berkshires' home owner
25 association about becoming part of that development since 1080 East was located in the
26 PD-18 zone. However, at the present time, there was no agreement to become part of the
27 PD-18 zone.

28
29 The City Council accepted the petition of annexation on February 22, 2014. That then set into
30 motion a timeline of protest and public comment periods with May 28, 2014, as the last day to
31 file a protest. No protests had been received. Utah County was also required to certify the
32 petition and provide evidence to the City of the certification. That took place on April 29, 2014.

33
34 There were no questions from the Council.

35
36 Mayor Brunst opened the public hearing. When no one came forward Mayor Brunst closed the
37 public hearing.

38
39 Mrs. Black **moved**, by ordinance, to annex approximately 1.69 acres of property located
40 generally at 1450 South 1080 East and by ordinance designate the property low density
41 residential on the General Plan land use map and amend Article 22-5-3(A) and the zoning map of
42 the City by zoning the property R20. Mr. Macdonald **seconded** the motion. Those voting aye:
43 Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David
44 Spencer, and Brent Sumner. The motion **passed**, 7-0.

DRAFT

6:30 P.M. PUBLIC HEARING

RESOLUTION - Site Plan Approval of Taco Bell at 195 West Center Street in the PD-1 Zone

Mr. Bench presented to Council an applicant request proposing a new location for Taco Bell which was currently located at 97 West Center Street. Issues with the current lease had led the owner of Taco Bell to propose relocation further west along Center Street. The proposed location was on an approved lot in the Orem Retail Center Subdivision Plat A, located in front of Target. The site was located in the PD-1 zone which required any site plan to be approved by the City Council.

The proposed building would be 1,960 square feet and 36 parking stalls would be provided. The size of the proposed building would be comparable to the existing building, if not slightly larger. Elevations would be constructed of EIFS (stucco), stone, and aluminum louvers. The PD-1 zone prohibited use of sheet metal or corrugated metal. The louvers are aluminum, but staff believed this material was used as an architectural feature and was a permitted material. The proposed height of the building was 22 feet.

There would be no formal cross-parking easements with Target, but access easements would be provided on a revised plat. Access to the site would be provided by the current drive approaches on Center Street and Orem Boulevard.

Landscaping included that which existed along Center Street with additional landscaping located around the new building. The trash enclosure would have similar materials as the building.

Mr. Macdonald asked about the vacant building between Wendy's and the proposed location of the new Taco Bell.

Mr. Bench said it had been vacant for some time.

Mr. Seastrand observed that there was no additional access from Center Street aside from the existing access points.

Mayor Brunst opened the public hearing. No one came forward to speak, so Mayor Brunst closed the public hearing.

Mayor Brunst **moved**, by resolution, to approve the site plan of Taco Bell at 195 West Center Street in the PD-1 zone. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed**, 7-0.

COMMUNICATION ITEMS

There were no communication items.

DRAFT

1 **CITY MANAGER INFORMATION ITEMS**

2

3 There were no City Manager information items.

4

5 **ADJOURNMENT TO REDEVELOPMENT AGENCY OF THE CITY OF OREM**
6 **MEETING**

7

8 Mr. Seastrand **moved** to adjourn to a Redevelopment Agency of the City of Orem meeting. Mrs.
9 Black **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F.
10 Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion
11 **passed** unanimously.

12

13 The meeting adjourned at 9:38 p.m.

DRAFT

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
June 17, 2014

3:00 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM

CONDUCTING Mayor Richard F. Brunst, Jr.

ELECTED OFFICIALS Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Richard Manning, Administrative Services Director; Greg Stephens, City Attorney; Chris Tschirki, Public Works Director; Bill Bell, Development Services Director; Jason Bench, Planning Division Manager; Karl Hirst, Recreation Director; Scott Gurney, Interim Public Safety Director; Charlene Crozier, Library Director; Steven Downs, Assistant to the City Manager; Paul Goodrich, Transportation Engineer; and Taraleigh Gray, Deputy City Recorder

PRESENTATION – Open Meetings Training

Mayor Brunst called the work session to order at 3:07 p.m.

Greg Stephens, City Attorney, said the City was required by State Law to provide an Open Meetings Training once every year.

He began his presentation by reviewing the policy behind the open and public meetings act:

- Cities exist “to aid in the conduct of the people’s business.”
- Cities must take their actions openly.
- Cities must conduct their deliberations openly.

Mr. Stephens reviewed pertinent State law regarding a “meeting” and what qualified as one.

Mayor Brunst asked what would happen when there was a chance gathering where four or more members of the Council were present and City business came up in the conversation.

Mr. Stephens replied that a “meeting” did not include chance gatherings or social gatherings. For instance, if four Council members happened to all be at Costco on a Saturday afternoon, and they engaged in conversation, that would not be considered a meeting. However, Mr. Stephens suggested it would be better to not discuss City business at that time.

DRAFT

1 Mr. Stephens said meetings were open to the public unless closed in accordance with the Act.
2 Mr. Stephens then reviewed closed meeting requirements, what constituted a social gathering,
3 and electronic messaging.

4
5 Mayor Brunst asked if Councilmembers could text people in the crowd.

6
7 Mr. Stephens replied by saying the Council members could run into risk if they did text members
8 of the crowd during the meeting. If a Council member needed a drink of water, and was texting
9 someone to get him or her water, Mr. Stephens said he did not think that was a problem. The
10 Council should keep in mind that texts and emails being transmitted between council members
11 were subject to the Government Records Access and Management Act, (GRAMA).

12
13 Mayor Brunst asked about personal email.

14
15 Mr. Stephens said if the Council was discussing City business over personal or City email, both
16 email accounts could be discoverable through GRAMA.

17
18 Mr. Stephens reviewed electronic meetings, noticing requirement, emergency meetings. He then
19 reviewed 2014 Senate Bill 169, which became effective on May 13, 2014, noting it required
20 electronic presentations to be made available as part of the public record. He said the recorder's
21 office was coordinating the collection and retention of the information shared at the Council
22 meetings regarding any items on the agenda. Mr. Stephens concluded by explaining the necessity
23 for roll call votes.

24 25 DISCUSSION – Citizen Survey Presentation

26
27 Scott Riding, Y2 Analytics, began the presentation by notifying the Council of six key things to
28 keep in mind with as he reviewed the draft results of the citizen survey:

- 29 1. The presented draft of the study underrepresented the college student population in Orem.
30 Y2 Analytics had UVU permission, but a student sample was pending UVU Institutional
31 Review Board approval.
- 32 2. Current Orem Internet capabilities and ISP ratings were comparable to statewide
33 numbers.
- 34 3. UTOPIA and the associated Macquarie deal was divisive, with the opposition possessing
35 more closely-held opinions, though overall favor/opposition was close.
- 36 4. Supporters of the deal tended to see Internet as a utility, have higher incomes, and were
37 dissatisfied with current ISPs.
- 38 5. Opponents of the deal tended to see Internet as a luxury and were extremely satisfied
39 with current Internet Service Providers (ISPs).
- 40 6. The most important criteria for any deal were openness and partner competence.

41 42 *Survey Methodology – Minimizing Error*

43
44 Mr. Riding said Y2 Analytics believed the survey represented the population holding energy
45 accounts with the City. He provided the following points Y2 Analytics followed to minimize
46 error while the survey was conducted.

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- 1 • Sampling frame consisted of a combined universe of every household in the Orem City
2 utilities accounts and the City newsletter database.
- 3 • Duplicate email addresses were discarded. In total, Y2 Analytics emailed 13,251
4 invitations, of which 607 bounced due to either incorrect email addresses or high spam
5 filter settings resulting in a deliverability rate of 95 percent.
- 6 • Of the 12,644 delivered invitations, at the time of the presentation 2,671 citizens had
7 responded with 2,172 completed online surveys. That result yielded a response rate of
8 just over 21 percent. Each email address could respond only once.
- 9 • 2,172 interviews among an estimated adult population of 61,612 resulted in a margin of
10 error for the survey of plus or minus 2 percentage points. Responses were weighted to
11 better approximate city demographic composition.
- 12 • Due to the demographic composition of the City utility database, Y2 Analytics was in the
13 process of obtaining a supplemental sample of UVU students.

14
15 Mr. Riding presented a sample of the email invitations sent to the Citizens. The survey was
16 introduced as an official City-sponsored survey with academic support. He said there was a
17 mechanism available for those who wanted to unsubscribe to do so. Of the 12,644 emails sent
18 out, only 101 of those emails unsubscribed from the list.

19
20 Mr. Riding reported that at the end of the survey, citizens were asked if they wanted to
21 participate in the future, and a supermajority of survey participants (76 percent) said yes.

22
23 Dr. Quinn Monson, Y2 Analytics, said that rate of willingness to participate in the future was
24 well above the average response of 50-60 percent willing to participate again.

25
26 Mr. Macdonald said the survey was only sent to people with email addresses, and therefore the
27 people without email addresses might be less inclined to want UTOPIA. He asked if Dr. Monson
28 had considered that in the analysis.

29
30 Mr. Monson acknowledged Mr. Macdonald's concern and said the coverage rate of Orem
31 citizens who had internet access at home was approximately 90 percent at home. Y2 Analytics
32 felt confident that it was not missing many people.

33
34 Mrs. Black said missing all the students could pull the results in the opposite direction.

35
36 Dr. Monson agreed with Mrs. Black and said it may be a wash after the two demographics were
37 considered.

38 39 *Respondent Demographics – Representative of Utility Accounts*

40
41 Mr. Riding discussed demographics. He said the study underrepresented the youngest adult
42 population in Orem. Y2 Analytics was hoping the student responses would supplement that.

43
44 Mayor Brunst said what Orem was looking for was the citizen's response to the proposed
45 Macquarie / UTOPIA deal. He suspected it would really affect those that own real estate or
46 businesses within the City. He said students did not typically own real estate and asked how that
47 played into the study.

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1
2 Mr. Monson said Y2 Analytics could do an analysis on whatever sub-group the Council was
3 most interested in.

4
5 Mrs. Black noted there were thirty years for people to pay.

6
7 Mayor Brunst said students did not own real estate now, and the students could very well move
8 out of Orem.

9
10 Mr. Riding said Y2 Analytics was charged with representing Orem as a whole. There was a clear
11 hole that Y2 Analytics was pursuing, and that was the young population.

12
13 Bob Wright, resident, said he was a paying Orem utility customer, and he did not receive the
14 email invitation to complete the survey.

15
16 Dr. Monson said it could be that Mr. Wright's email address was not in the City's database for
17 utility customers, or that Mr. Wright's email provider filtered the invitation as some type of
18 spam.

19
20 Mr. Macdonald said his survey invitation ended up in his email spam folder.

21 22 *City Direction & Priorities – More Unsure, UTOPIA Divisive*

23
24 Mr. Riding said that compared to a Dan Jones survey conducted in December, 2011, city
25 residents were less sure of the current direction of Orem. The survey included a question where
26 the respondents were given a list of eleven funding options within the city. Police, Fire, parks,
27 and roads came in as the highest priorities. Internet network, on average, was prioritized at
28 number seven. Mr. Riding mentioned that the size of the bubbles represented on the graph
29 indicated the volatility of the priority. The bigger the bubble, the more divided respondents were
30 on priority placement. Mr. Riding further explained the variability of budget priorities and said
31 the average ranking did not tell the entire story—Internet network funding was actually the most
32 divisive of the infrastructure priorities.

33 34 *Residential Internet Use and ISP Performance*

35
36 Mr. Riding said the study found that a supermajority of respondents (85 percent) considered
37 Internet access to be essential to their home life. Most people knew who their network providers
38 were. With regard to Orem residential ISP market share, the study found that Comcast and
39 CenturyLink combined held well over 60 percent of the home ISP market. Mr. Riding said the
40 residential ISP choice reasoning came down to price, speed, availability, and service. Mr. Riding
41 said many respondents mentioned UTOPIA was not available in their area. Mr. Riding reported
42 the study indicated that in Orem, the primary concern of Internet users was reliability. Among
43 less-than-daily Internet users, the highest concern was affordability. Mr. Riding said the mode
44 Internet speed in Orem households was 5-25 Mbps. The mode Internet speed among UTOPIA
45 households in Orem was 51-99 Mbps. Mr. Riding said the net satisfaction with Orem residential
46 ISPs was positive 42, while the statewide figure of net satisfaction was positive 49. The best
47 satisfaction scores went to fiber customers, with the net satisfaction score of positive 75. Mr.

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1 Riding said a study conducted by the Utah League of Cities and Towns found that across Utah,
2 the best satisfaction scores were correlated with faster Internet speeds.

3 4 *Business Internet Use and ISP Performance*

5
6 Mr. Riding said the business numbers were closely related to the residential findings. With
7 regard to business, the study reflected the following:

- 8 • 14 percent surveyed said they own business in Orem.
- 9 • 89 percent surveyed said Internet access was essential.
- 10 • 60 percent of the business ISP market was made up of Comcast and CenturyLink.
- 11 • Price, availability, and service were all cited as top reasons to choose specific ISPs.
- 12 • The primary concern of business Internet users was reliability.
- 13 • The mode business Internet speed in Orem was 5-25 Mbps.
- 14 • The mode business Internet speed among UTOPIA customers was 100-999 Mbps.
- 15 • Net satisfaction with Orem business ISPs was positive 39.
- 16 • The best satisfaction scores were given by fiber customers, with a net satisfaction rate of
17 positive 71.

18 19 *UTOPIA Context*

20
21 Mr. Riding reported the survey provided respondents with basic facts about UTOPIA to ensure
22 the respondents had some information about the current status. The survey provided the
23 following information:

24 “In 2002 Orem City joined with 10 other Utah Cities to install a high-speed fiber optic
25 network called UTOPIA. Many private-sector service providers use the UTOPIA
26 infrastructure to offer internet, voice, and other services to Orem residents. About 10
27 percent of city residents are UTOPIA customers, but only 34 percent of households and
28 businesses in the city can connect to the network today.

29
30 “Orem City owes an inflation-adjusted \$2.9 million per year to pay off construction of the
31 network plus an additional \$400,000 in yearly operating expenses.”

32
33 Citizens were provided with a text box to provide commentary on UTOPIA in Orem. The
34 commentary provided was mostly nuanced and thoughtful.

35
36 Mayor Brunst asked if Mr. Riding would provide a list of comments.

37
38 Mr. Monson said Y2 Analytics would provide the submitted comments verbatim. There were an
39 upwards of 10,000 comments provided by the respondents. The respondents were almost
40 perfectly split between high speed internet being a luxury or utility: 49 percent said it was a
41 luxury, and 51 percent said it was a basic need.

42
43 Mr. Riding said this was a cross cutting concern issue, so not a lot of consistency on the answers.
44
45
46
47

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Macquarie Proposal

1
2
3 Mr. Riding provided to the Council the information given to respondents regarding the current
4 Macquarie proposal. Mr. Riding reported the survey represented that though neither side had a
5 clear majority; opposition had a stronger depth of opinion with regard to citizens' favor or
6 opposition for Orem to enter into the public private partnership. Reasons for favoring the
7 Macquarie deal included concerns about debt, competitiveness, and service. Reasons for
8 opposing the Macquarie deal were respondents not wanting to pay for a service they did not
9 want. Mr. Riding explained that the study reflected a majority of the residents (71 percent)
10 believed the proposed utility fee was unfair. Most residents (68 percent) preferred an address-by-
11 address approach, where the networks build out would happen by way of demand, not by force.
12 Mr. Riding said there was a statistical tool that could be used to tease out some of the basic
13 components of peoples' opinions, which is called statistical modeling.

14
15 Dr. Monson said Y2 Analytics would update models as it finished the data collection. He
16 emphasized things in survey were more or less predictive of peoples' attitudes with the proposed
17 deal. His intent was to find out what was most likely to explain peoples support or opposition to
18 the proposed deal. Those that were extremely satisfied with the service they were currently
19 using, the less likely they were to be in favor of the proposal. People were more likely to support
20 the proposal when they saw high-speed Internet as a priority. Dr. Monson said the support for
21 proposal was a lot more diffuse, and the reason given were a lot more varied, making the in-
22 favor study result much more difficult to predict. Dr. Monson said opposition was much easier to
23 predict with the questions Y2 Analytics used. Dr. Monson said what was absent from the model
24 was a person's basic political ideology.

25
26 Mr. Riding said political ideology referred to the scale from conservative to liberal, and in the
27 case of the study, political ideology was less of a concern than were the specifics of the deal. Mr.
28 Riding added that occurrence was typically rare in political analysis.

29
30 Dr. Monson said the institutional review board and he believed they would have an expedited
31 process to sending out the survey to students. Dr. Monson said the data so far reflected a vast
32 majority of responses that came within the first few days. The Council could break down the
33 results along any dimension in the survey that the Council wanted to.

34
35 Mayor Brunst acknowledged the survey was done on an email basis. He said Mr. Macdonald's
36 question was important about the Orem citizens who may not use computers who were not part
37 of the survey.

38
39 Dr. Monson said that group would be a relatively small proportion of residents in Orem.

40
41 Mr. Riding added that 3 percent of residents reported not having internet access at home.

42
43 Mr. Davidson said it was important to note that given the timeliness of the information, there was
44 additional evaluation that would take place.

45
46 Mayor Brunst said the Council would like to have the information as soon as possible.
47

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1 Dr. Monson said the survey would close at Midnight that night.

2
3 Mr. Spencer asked if the analysis came in on June 17, 2014.

4
5 Dr. Monson said yes, the draft analysis was pulled on the morning of June 17, 2014.

6
7 Mr. Davidson said the reliability of the results was plus or minus 2 percent.

8
9 Mr. Spencer asked how many students would be surveyed.

10
11 Mr. Riding said Y2 Analytics was hoping to match the proportion of students to the census data,
12 which was roughly 23 percent.

13
14 Mayor Brunst asked if Mr. Riding could break out the renters from the homeowners within the
15 student respondent information. He said he would like to see that as the Macquarie deal affected
16 the long-term residents.

17
18 Mr. Davidson said the information being presented could be shared to the Council immediately.
19 He added that the response rate was very encouraging.

20
21 Mr. Monson said the response rate spoke to the citizens who were very engaged in the topic.

22
23 Mr. Riding said people thought a lot about the comments they provided through the survey.

24
25 Mr. Macdonald said it was interesting to see the strongly-opposed and the strongly-in-favor
26 individuals that the Council was hearing from.

27
28 Mayor Brunst asked if there was an anger scale included in the survey.

29
30 Mr. Riding said Mayor Brunst was referring to “sentiment” and that it could be done.

31
32 Bob Wright asked about a survey for university students. They were not property owners.

33
34 Mr. Monson said that was up to the Council to take into account.

35
36 Sam Lentz said he suspected student populations would be replaced with students also feeling
37 the same way, wanting to have high-speed internet access.

38
39 Mr. Macdonald said the student responses would not skew the overall survey response as much
40 as suspected.

41 42 CONTINUED DISCUSSION – UTOPIA Fiber Options

43
44 Mayor Brunst said Mr. Spencer had asked for time that the Council could discuss UTOPIA fiber
45 options without a presentation or agenda. An hour was allotted to have this kind of open
46 discussion. Mayor Brunst opened the discussion.

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1 Mr. Macdonald asked if the discussion could be around any subject.

2
3 Mayor Brunst said he intended for the discussion to revolve around any subject regarding
4 UTOPIA and the Macquarie proposal.

5
6 Mr. Sumner said residential would pay \$20, and apartments would pay \$10. He asked how that
7 would work.

8
9 Mayor Brunst agreed, saying the apartment building would be assessed the fee per door. The fee
10 would show on the utility bill similar to the fees for water.

11
12 Mrs. Black said a lot of renters paid utilities.

13
14 Mr. Davidson said he knew conversations were taking place with the owners of high-density
15 apartments with the State Apartment Association and Macquarie relative to that issue.

16
17 Mr. Sumner said each door would have to pay the fee one way or another.

18
19 Mr. Seastrand said it was likely that a lot of those were already paying for services through the
20 fees the apartment owners assessed. For those that were already being assessed a fee for internet
21 use, they may have a reduction.

22
23 Mr. Davidson said that, for example, a conversation was had with another group that was
24 interested in providing service. Often those organizations were provided services in a “bulk”
25 format, and he would imagine that in some ways those fees would be assessed somewhere in the
26 rent.

27
28 Mr. Spencer voiced concern about the need for users to purchase or secure their own wireless
29 routers. He disagreed that citizens should have to buy a router on top of having to pay the utility
30 fee.

31
32 Mr. Davidson said he suspected it would be no different than incumbent providers. Typically
33 incumbents provided services and users had the option to either rent a router from the incumbent
34 or to provide their own routers to use with the service the incumbent was providing.

35
36 Mr. Spencer said the proposal alluded to it being a free service for the \$20 utility fee.

37
38 Mr. Seastrand said it sounded like Macquarie would provide a \$50 credit for installation
39 provided.

40
41 Mayor Brunst said he believed it would be the same case for those who wanted upgrade then
42 people would have to pay for that.

43
44 Referring to the utility fee assessed to apartments, Mr. Sumner said it sounded like a
45 bookkeeping job for the owner of the apartments.

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1 Mr. Seastrand said that, as he weighed through the key issues that caused him trouble, it boiled
2 down to the mandatory cost for every resident, and the thirty-year time frame. The option of
3 going forward would provide greater analysis of information the Council did not have, and the
4 information from Milestone Two could impact his two main concerns. He asked if the Council
5 had anticipated going into Milestone Two with expectations to the basic proposal; he wondered
6 if there was hope to see some opt-out options within the Milestone Two process.

7
8 Mayor Brunst said his perspective was that Macquarie was waiting for the cities to determine
9 what the cities thought the transport fee should be. That transport fee would change with the take
10 rates. Mayor Brunst said he had concerns about the proposed fee. Inflation would factor into the
11 utility fee every year. Macquarie had quoted a potential utility fee that had the inflation figured
12 into the cost as \$27.80 per month, instead of the \$18-20 utility fee that would be indexed
13 annually.

14
15 Mrs. Black said she thought the \$27.80 included inflation.

16
17 Mayor Brunst said it was quoted at \$27.80 which would be a set figure. Macquarie proposed
18 both the static fee of \$27.80 and the \$18-20 fee which would go up with inflation compounded
19 annually. Mayor Brunst asked what the Council was looking at in terms of those individuals who
20 wanted to opt out. He said all the only information he could find was that 8 percent of the
21 statewide general population was on food stamps.

22
23 Mr. Davidson said information by zip code was received before the meeting, but that information
24 had not yet made its way to the Council.

25
26 Mr. Bybee said the percentage of Orem residents receiving public assistance was roughly
27 14 percent.

28
29 Mayor Brunst said there was also a risk of some cities not signing up with Macquarie, which
30 could potentially make the proposed utility fee go up. He said that fee could increase as much as
31 20 percent. He suspected the reality on the utility fee would likely be closer to \$25 per month
32 than the proposed \$20 per month. Mayor Brunst said he wanted a performance guarantee from
33 the ISPs as to how they would perform.

34
35 Mr. Seastrand suggested that it was a combination of expectations on the part of the ISPs and
36 Macquarie. It should be a complete and defined approach.

37
38 Mayor Brunst said he wanted to have outside legal counsel take a look at what Macquarie was
39 proposing.

40
41 Mrs. Black asked when that would take place.

42
43 Mayor Brunst said it would likely be during Milestone Two.

44
45 Mr. Macdonald said if the cities could not get over a utility fee assessment the cities ought not to
46 progress to Milestone Two.

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1 Mayor Brunst said he had concerns over step-in rights.

2

3 Mr. Spencer asked what step-in rights were.

4

5 Mayor Brunst said his understanding was that if the City was not enforcing the utility fee, then
6 Macquarie could step over the City and collect the fees from the customer directly. Mayor Brunst
7 said freedom of choice was a strong issue for citizens. He believed it was a stumbling block
8 within this proposal. His concern was that in every other city that took on a fiber project, the
9 citizens had a choice. Mayor Brunst said Mr. Davidson and he had met with Vivint. Vivint
10 wanted to meet with the entire Council to share its ideas. First Digital and CentraCom also
11 expressed interest in meeting with the City Council.

12

13 Mrs. Black asked how that worked. She said she thought Orem was part of the eleven cities. She
14 questioned how Orem got to keep looking at fiber network alternatives aside from the UTOPIA
15 interlocal cooperative to which Orem was part.

16

17 Mayor Brunst said Mr. Davidson went to the UTOPIA board to ask for permission for Orem to
18 look at other network alternatives. In the same realm, UTOPIA had given permission to First
19 Digital to work with the Board as an alternative as well.

20

21 Mr. Davidson said this was a situation where Orem was part of an interlocal. Orem did not have
22 ultimate control as to what the organization did.

23

24 Mr. Stephens said UTOPIA had its own purchasing and acquisition procedures, which were
25 different than what Orem would do by itself.

26

27 Mayor Brunst asked if there was a law that stipulated that interlocal cooperatives had to follow
28 what the city would do.

29

30 Mr. Davidson said there was recent legislation that dealt with special service districts. He wasn't
31 sure if the bill passed, but he said the idea behind the bill was that special service districts had to
32 follow the most stringent of policies as adopted by the participating cities.

33

34 Mayor Brunst said from that perspective UTOPIA should be looking at multiple bids. To that
35 affect, Orem had been looking at alternatives.

36

37 Mrs. Black asked what the Council was trying to accomplish with the extra meetings regarding
38 fiber network alternatives.

39

40 Mayor Brunst said the thought was to look at alternatives. He asked why Orem would take the
41 first bid.

42

43 Mrs. Black asked how that would work with the interlocal cooperative that Orem as part of. She
44 did not understand why Orem could move ahead and look at alternatives.

45

46 Mayor Brunst said UTOPIA agreed that Orem could move ahead and look at alternatives.

47

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1 Mr. Seastrand asked about what options there were if Orem was not to move forward and others
2 did.

3
4 Mayor Brunst said there was precedence in a few areas. UIA did not sign up every UTOPIA city.
5 Those cities that had opted out of UIA had continued with service from UTOPIA, and nothing
6 had changed that way.

7
8 Mr. Davidson said there were a few things to consider. Any Macquarie relationship that
9 UTOPIA cities entered into would not be entered into as UTOPIA. It would be entered into a
10 new entity. It was more like an “opt-in” arrangement than an “opt-out” arrangement. The
11 conversation he had with Dave Shaw, legal Counsel for UTOPIA, indicated there would be a
12 cost, but there was no definitive answer as to what the cost would be. There was reasonable
13 assumption that UTOPIA was not going to do that for nothing. Mr. Davidson said UTOPIA
14 would continue to operate. The assets were under the ownership of UTOPIA and UIA. He said it
15 was an interesting arrangement where the assets would be negotiated into use by a third entity, if
16 the cities chose to move forward with the Macquarie entity. Mr. Davidson spoke to Mr.
17 Seastrand point and said Macquarie developed the initial proposal on set of baseline
18 assumptions. If those assumptions changed, then the fee would change. Mr. Davidson submitted
19 to Council that the fundamental question was tied to the utility fee. Regardless of what the price
20 was, if the Council was not supportive of moving forward with a fee, Mr. Davidson asked what
21 the point of moving forward to Milestone Two was.

22
23 Mr. Macdonald said that if, hypothetically, on June 27, 2014, Orem decided not to be part of the
24 party, but then on July 2, 2014, Orem decided it wanted to be part of the party, Macquarie would
25 take Orem with its wallet and would allow it to join. He said he was not positive there was a
26 “gun to his head” on the June 27, 2014, deadline. Mr. Macdonald said the survey came back how
27 he thought it would. He acknowledged the divisiveness of the issue. He acknowledged the
28 argument about fiber being compared to sewer lines fifty years ago. A decade ago UTOPIA was
29 started. The current City Council could either fix it or kick it down the road. Mr. Macdonald said
30 he did not want to kick the can down the road. Mr. Macdonald said the Macquarie deal was big.
31 None of the Council had done billion dollar deals, and the current proposal was a huge deal. The
32 Council really did not have many other options to consider. Mr. Macdonald said he was not sure
33 about the swap Orem would have to pay, either.

34
35 Mrs. Black asked if the swap was in writing.

36
37 Mr. Macdonald said that it was in question.

38
39 Mr. Davidson said it was in question based on how Orem would go forward with the
40 relationship. His understanding was that there would be negotiation.

41
42 Mr. Macdonald said there was other options. He said he would love the City Manager’s team to
43 vet those other options. The need for fiber infrastructure was a huge deal that took time.
44 Macquarie promised a great revenue stream, but the Council from ten years ago received similar
45 promises. Mr. Macdonald said he would rather the Council not consider proposals presented by
46 entities clearly not large enough to do what the City needed. What Macquarie had a reasonable
47 business proposition, but it was an expensive long-term deal. He expressed concerned that

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1 passing onto Milestone Two would lead citizens to initiate a referendum which might then
2 “unpass” the Council’s decision. Mr. Macdonald said he was concerned that the Council was
3 being compelled to make a decision without all the facts it needs to make that decision. Mr.
4 Macdonald said he did not know if the City would have a \$100 million business after the thirty
5 years. He said there were citizens in Orem who chose not to by green bananas because it was a
6 long term investment. Those citizens sure would not want to be buying into the 30 year
7 agreement. Mr. Macdonald said he would like to find out if the City said no if Macquarie would
8 let Orem back in the game.

9
10 Mr. Seastrand said the problem would lie with the changing of the dials—such as the
11 re-consideration of the proposed utility fee, depending upon how many cities chose to
12 participate.

13
14 Mrs. Black said she thought there was danger in saying no.

15
16 Mr. Davidson said the City found itself in the most enviable situation as it related to parity. For
17 example, the flexibility that Orem had, as opposed to other cities, might be stronger.

18
19 Mayor Brunst said he was not aware of anyone else in the United States doing it as a group of
20 cities. In each case, cities were doing on their own. In each case the citizens were able to vote on
21 it.

22
23 Mr. Andersen asked if UTOPIA had ever put up a for sale sign.

24
25 Mayor Brunst said not that he was aware, but there had been offers.

26
27 Mr. Davidson said he did not think UTOPIA had ever gone to a formal RFP, though multiple
28 conversations had taken place with interested parties.

29
30 Mr. Andersen wondered if UTOPIA could put a for sale sign up after the assessment of a utility
31 fee.

32
33 Mr. Davidson said the fundamental difference was that UTOPIA made a decision back in 2002.
34 The assets were not owned by individual cities but by UTOPIA. There was a requirement on the
35 part of Orem to find a way to continue to work through UTOPIA to find a way to separate and
36 extricate Orem from that group.

37
38 Mr. Andersen said Laura Lewis said cost per house was \$10.31. He asked what she meant by that
39 figure.

40
41 Mayor Brunst said it was the current cost for Orem to pay the debt per year. Laura Lewis
42 represented that debt cost on a “per-address” basis.

43
44 Mr. Andersen asked for clarification on the sharing of revenues as proposed by Macquarie.

45
46 Mr. Davidson said that would be a component of the Milestone Two evaluation. His
47 understanding was that the cities would get well north 50 percent in upsell revenue sharing.

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1 Mrs. Black said it would be a percentage of the transport fee, not the cost of what customers
2 were paying.

3
4 Mr. Davidson said this would be based on customers and participants.

5
6 Mayor Brunst said there were three parties using the transport fee for money.

7
8 Mr. Davidson restated that the details of the transport fee had been represented as a Milestone
9 Two analysis.

10
11 Mr. Andersen referred to a PowerPoint presentation and asked what percentage of the City was
12 actually wired with UTOPIA.

13
14 Mr. Davidson said it was 34 percent.

15
16 Mr. Spencer said he was concerned that Macquarie would have first claim on all revenues. He
17 was concerned that there were no other options. Mr. Spencer said he wished that UTOPIA would
18 put it out for formal proposal, so it could compare apples to apples, so UTOPIA would have a
19 benchmark.

20
21 Mr. Davidson said the body that made the decision was not Orem, but rather UTOPIA and UIA.

22
23 Mr. Spencer said he was concerned about the utility fee and wondered if it would be too much to
24 ask of the citizens.

25
26 Mayor Brunst said 10 years ago the City Council decided to fund UTOPIA. He shared a personal
27 story that demonstrated how much could change in ten years.

28
29 Mayor Brunst said 10 percent of UTOPIA was business related, that fiber was a competitive
30 market with competition getting stiffer.

31
32 Mrs. Black said she was not ready to make any definitive comments about the Macquarie
33 proposal. She said Orem was in an interlocal agreement. She expressed concerned that Orem
34 kept talking about other things it was looking at, but the City was part of a group, and that group
35 needed to work together to solve the problem. Mrs. Black said she thought one of the real
36 problems in Orem was the lack of ubiquity in the build out. She expressed concern about fairness
37 issues. Ubiquity was important for her to look at and consider as it could give everyone the
38 opportunity to enjoy the fiber network. Open access was another aspect that fostered
39 competition. She said ubiquity and open-access were important points that needed to be
40 considered with any proposal. Mrs. Black went on to say that parity was another issue. Orem had
41 it good as far as how much was built out comparative to what Orem owed. Other cities were not
42 in that same position.

43
44 Mayor Brunst said he would like to see UTOPIA available to all citizens, but not forced on all
45 citizens.

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1 Mr. Spencer said he appreciated Mrs. Black's comments. He said it was not a fair comparison,
2 and UTOPIA should do a fair proposal.

3
4 Mr. Macdonald said he thought that if Orem stayed with the Macquarie proposal, the only time
5 given to Orem to vet out any other potential proposal was June 27, 2014, so the only way to get
6 additional time would be to not continue to Milestone Two.

7
8 Mr. Davidson said, if the Council's intent was to go to a formal bid process, he wondered what
9 the purpose was of meeting with the other groups.

10
11 Mr. Spencer said the Council would see if the other groups were interested.

12
13 Mr. Davidson said he was confident the other groups would submit formal proposals should it go
14 out in a formal process. If the decision of the Council was not to move to the next Milestone,
15 then the opportunity to assess other interested parties would open up. The City would then move
16 down a parallel track, with one side assessing proposals while the other side worked through the
17 legal ramifications of UTOPIA in trying to allow Orem to use alternative providers who would
18 use UTOPIA assets to provide services to the City of Orem.

19
20 Mayor Brunst said when Macquarie came to UTOPIA it was important for UTOPIA to go and
21 vet out other proposals and alternatives. He said he did not think it was right to go with only one
22 proposal.

23
24 Mr. Spencer said the cities would not necessarily get a "do-over."

25
26 Mrs. Black said if the City denied moving forward with Macquarie, she thought it would not
27 yield a do-over.

28
29 Mr. Macdonald said he had a differing opinion, that Orem would have the opportunity to jump
30 back on the boat if need be.

31
32 Mayor Brunst said the citizens were number one. It was their money, and their obligation. Mayor
33 Brunst said he hoped to keep the citizens involved.

34 35 **5:00 P.M. STUDY SESSION- PUBLIC SAFETY TRAINING ROOM**

36
37 CONDUCTING Mayor Richard F. Brunst, Jr.

38
39 ELECTED OFFICIALS Councilmembers Hans Andersen, Margaret Black, Tom
40 Macdonald, Mark E. Seastrand, David Spencer, and Brent
41 Sumner

42
43 APPOINTED STAFF Jamie Davidson, City Manager; Brenn Bybee, Assistant
44 City Manager; Richard Manning, Administrative Services
45 Director, Greg Stephens, City Attorney; Steve Earl, Deputy
46 City Attorney; Karl Hirst, Recreation Director; Chris
47 Tschirki, Public Works Director; Scott Gurney, Interim

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Public Safety Director; Charlene Crozier, Library Director; Steven Downs, Assistant to the City Manager; and Taraleigh Gray, Deputy City Recorder

Review Agenda Items

The Council and staff reviewed the agenda items.

City Council New Business

There was no new City Council new business.

The Council adjourned at 5:55 p.m. to the City Council Chambers for the regular meeting.

6:00 P.M. REGULAR SESSION

CONDUCTING

Mayor Richard F. Brunst, Jr.

ELECTED OFFICIALS

Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Richard Manning, Administrative Services Director, Greg Stephens, City Attorney; Steve Earl, Deputy City Attorney; Bill Bell, Development Services Director; Jason Bench, Planning Division Manager; Karl Hirst, Recreation Director; Scott Gurney, Interim Public Safety Director; Charlene Crozier, Library Director; Steven Downs, Assistant to the City Manager; and Taraleigh Gray, Deputy City Recorder

INVOCATION /

INSPIRATIONAL THOUGHT

Glenn Parker

PLEDGE OF ALLEGIANCE

Lovena Rowndy

APPROVAL OF MINUTES

Mr. Sumner **moved** to approve the minutes from the following meetings:

- May 22, 2014, Special City Council Meeting
- May 23, 2014, Special City Council Meeting
- June 5, 2014, Special City Council Education Meeting

Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed**, unanimously.

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1 **MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL**

2 3 Upcoming Events

4 The Mayor referred the Council to the upcoming events listed in the agenda packet.

5 6 Appointments to Boards and Commissions

7 No new appointments to Boards and Commissions were made.

8 9 Recognition of New Neighborhoods in Action Officers

10 No new Neighborhood in Action officers were recognized.

11 12 Motion – Mayor Pro Tem – July 1 through December 31, 2014

13 Mayor Brunst **moved** to appoint Hans Andersen as Mayor Pro Tem. Mr. Spencer **seconded** the
14 motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald,
15 Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed** unanimously.

16 17 **CITY MANAGER APPOINTMENTS**

18
19 There were no City Manager appointments.

20 21 **PERSONAL APPEARANCES**

22
23 Time was allotted for the public to express their ideas, concerns, and comments on items not on
24 the agenda. Those wishing to speak should have signed in prior to the meeting, and comments
25 were limited to three minutes or less.

26
27 Sam Lentz said he had organized a group called “Fiber for Orem,” meant to counter the wave of
28 opposition to the Macquarie proposal. The group was advocating four objectives in Orem:

- 29 1. Ubiquitous fiber optic network that offered access to every Orem address
- 30 2. Robust plan to solve the City’s debt crisis
- 31 3. Increased market competition for existing service providers
- 32 4. Equitable treatment for existing fiber customers.

33 Mr. Lentz expressed concern about the taxpayer’s association opposition to the Macquarie
34 proposal. He presented the idea that the City could offset the utility fee by using part of the
35 City’s revenue share in the upsell of services.

36
37 Glenn Parker voiced concern about UTOPIA. He shared an audit report regarding UTOPIA that
38 said there was no planning on how to get from point A to point B. Mr. Parker said the Council
39 should consider that and if the proposed plan would really work.

40
41 James Child said he was concerned the UTOPIA thing was a Ponzi scheme. He said he felt very
42 uncomfortable about the deal.

43
44 Kate Barker spoke about comparing Orem to Lehi and Sandy City with regard to the UTOPIA
45 participation. She voiced concern that the Orem City Manager brought over other management
46 help from Lehi. She questioned the survey that was carried out and said it was misleading and
47 misrepresentative.

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1 Dan Barker expressed concern with the Macquarie UTOPIA deal. He was concerned about the
2 City agreeing to more debt. Mr. Barker said there were other options for getting fiber to the
3 citizens.

4
5 Margot Anderson voiced concern about loud noise in her neighborhood. She also expressed
6 concern about water running all through the day to water lawns.

7
8 Afton Miller said she was trying to understand how so many people could see things so
9 differently. She said the idea of going into more debt to solve existing debt was a strange
10 concept. She did not think it was right that the poor and the needy should be paying for those
11 services for other people. She voiced concern that if people did not pay the utility fee, then water
12 services would be shut off. She said she did not think it was right for everyone to pay for a
13 luxury only a few people would use.

14
15 Curtis Wood said that in the November the election he told the Council that the people did not
16 want more taxes. He said the UTOPIA was another tax. He did not know why another tax idea
17 was being brought forth to fix a really bad idea. He said the UTOPIA deal could not stand on its
18 own. He asked the Council to stop considering new taxes.

19
20 Fred Slosch, a Heber City resident, said he received medical advice to not go with the seniors on
21 the excursion down to the Tuachan Theater. He voiced frustration that he was not permitted to
22 find a replacement to take his place on the trip. He asked for time with the Council to discuss
23 some concerns he had with the Senior Citizen center.

24
25 Bob Church, former City prosecutor, presented an award to Orem City Attorney, Greg Stephens.
26 Mr. Church said Lynn Higgins, Nation Guard Representative, was present to explain the award.

27
28 Mr. Higgins said the Department of Defense took very seriously the task given to National Guard
29 members. The Department of Defense recognized employers who went the extra mile to assist
30 National Guard members to serve their country. Mr. Higgins read the nomination written by Mr.
31 Church.

32
33 Bob Church presented the Patriot Award for outstanding support of soldiers, given by the
34 Department of Defense to Mr. Stephens. Mr. Church said he had appreciated Mr. Stephens'
35 support.

36 37 **CONSENT ITEMS**

38 39 RESOLUTION – Accept Annexation Petition for Further Consideration – Lakeside 40 Addition – 1500 South Geneva Road

41
42 Jason Bench, Planning Division Manager, presented to Council a petition for annexation. On
43 June 6, 2014, Ryan McDougal filed an application for the annexation of 227.59 acres into Orem.

44
45 Should the Council accept this petition, the 30-day certification time period would begin. Upon
46 certification of the application, the City Council would begin a mandatory 30-day noticing and
47 protest period.

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1 The certification process involved the City Recorder, City Attorney, County Clerk and surveyor
2 to determine if the petition met the requirement of Subsections 10-2-403(2), (3), and (4) UCA.
3 The County Clerk had 30 days to respond.
4

5 Upon acceptance of the application, an additional 30-day noticing and protest period would
6 begin. If a protest was received during the 30-day period, the City Council may deny the
7 annexation petition or take no action until it had received the County Commission's notice of its
8 decision on the protest.
9

10 If no protest was received, the public hearing would tentatively be scheduled for the
11 September 9, 2014, City Council meeting. At that time, the City Council would decide whether
12 or not to annex the property and what the zoning designation of the property would be.
13

14 Mr. Bench outlined some items to consider during the review period:

- 15 • Complete the impact fee study for water, sewer, and storm water
- 16 • Work with Utah County concerning annexation boundary
- 17 • Cost of initial infrastructure – Impact fees were designed to cover cost over time
- 18 • General Plan Map
- 19 • Zoning
- 20

21 Mayor Brunst asked Mr. Bench if the property had been attempted to be annexed previously.
22

23 Mr. Bench said it had not, so far as he was aware.
24

25 Mr. Seastrand **moved**, by resolution, to accept his petition for annexation of 227.59 acres at
26 1500 South Geneva Road. Mrs. Black **seconded** the motion. Those voting aye: Hans Andersen,
27 Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, and
28 Brent Sumner. The motion **passed**, unanimously.
29

30 SCHEDULED ITEMS

31 6:20 P.M. PUBLIC HEARING

32 ORDINANCE – Amending portions of Section 22-11-36 and Appendix “R” of the Orem 33 City Code pertaining to the PD-23 zone at 320 South State Street 34

35
36 Councilmember Macdonald and Mayor Brunst recused themselves from the discussion and vote
37 and left the discussion at 6:42 p.m. Mr. Sumner, Mayor Pro Tem, conducted the discussion on
38 the item.
39

40 Mr. Bench presented an applicant request to consider amending various portions of Section
41 22-11-36 and Appendix “R” of the Orem City Code pertaining to the PD-23 zone at 320 South
42 State Street. The PD-23 zone (Midtown Village) was approved by the City several years ago.
43 The Recession of 2007 occurred and effectively put a stop to the project. A development group
44 had interest in purchasing the project from Big-D Construction if certain modifications were
45 made to the ordinance which included changes to the concept plan. A summary of the substantial
46 changes are as follows.
47

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1 The first request was to change the name from Midtown Village to Midtown 360, which would
2 provide for a change in branding and a perception of a renewed and different project.

3
4 Mrs. Black asked what the motivation was for the name change.

5
6 Mr. Bench said part of the development would allow a 360 degree view of the development. The
7 applicant was requesting the address be changed from 320 South State Street to 360 South State
8 Street.

9
10 Mr. Bench explained the second proposed change having to do with the main floor use. The
11 applicant was requesting the following:

- 12 • Eliminate the requirement that the main floors of each building be devoted to retail uses.
- 13 • Allow 20% of the main floor area of the north and south towers to be used for
14 noncommercial purposes and allow any commercial use (not just retail) on the remaining
15 80%.
- 16 • Eliminate any commercial use requirement on the main floor of the west buildings.
- 17 • Proposing to include a recreation area and other amenities for the tenants on the ground
18 floor of the south building.

19
20 Mr. Bench explained the third proposed change for parking which would permit 1.65 stalls for
21 each residential unit above the base density. The base density for the proposed project was
22 129 residential units. The request to allow 1.65 stalls per unit above the base density was a
23 change from the 2.0 stalls currently required.

24
25 The proposed concept plan contained 1,123 parking stalls. The parking was jointly shared
26 between 532 (403 units plus 129 base units) residential units and 96,800 square feet of
27 nonresidential uses. Pep Boys, to the north, had signed a perpetual access and parking easement
28 agreement with Midtown Village with regards to 40 stalls on the south side to the Pep Boys
29 property which the 360 Place development may use if needed.

30
31 Using the standard requirement of 1 stall per 250 square feet of commercial space, 388 parking
32 stalls were needed for the commercial/nonresidential uses plus the 129 base residential units.
33 Using 1.65 stalls for each unit over the base density residential unit (403) an additional 665
34 parking stalls for the residential units were required. Nonresidential parking plus the required
35 residential parking equals 1,053 stalls, not including the Pep Boys parking stalls. In addition, the
36 applicant was providing an additional sixty parking stalls for the project for the possibility of
37 sixty units housing up to three singles. However, since the development was mixed use, parking
38 demand for residential was higher at night with the commercial demand greater during the day.
39 The concept of shared parking works because the demand for commercial and residential uses
40 occurs at different times. University Mall was recently approved with 1.49 stalls per residential
41 unit because of the similar shared parking concept. Overall, the project meets the proposed
42 parking requirements.

43
44 Mr. Sumner asked if there would be an area between Pep Boys and the Midtown 360 project.

45
46 Mr. Bench said there would be a connection point.

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1 Mr. Seastrand asked what the original parking density was.

2
3 Mr. Bench said it was parked at 2.0 stalls per unit originally. The applicant was proposing to
4 decrease the parking to 1.65 parking stalls per unit.

5
6 Mr. Seastrand asked how the parking compared to other projects.

7
8 Mr. Bench said the University Place parking was at 1.49 stalls per unit.

9
10 Mr. Bench outlined the fourth proposed change. The maximum building height of 65 percent of
11 the building rooflines was proposed to increase from 60 feet to 70 feet with exception of elevator
12 shafts, stairwells, or mechanical systems, which may have a maximum height of 111 feet.
13 Mr. Bench explained the fifth proposed change regarding setbacks. The setbacks of the two
14 buildings along Orem Boulevard were proposed to change from 80 feet to 20 feet as measured
15 from the curb along Orem Boulevard. The walls on the west side of the two existing buildings
16 would then be finished with windows and balconies and other improvements to complete the
17 west facades of the existing north and south structures. The applicant was requesting that
18 buildings greater than 80 feet (previously 60) be setback at least 80 feet (previously 160 feet)
19 from a residential zone.

20
21 Mr. Andersen said he was not aware there were any homes in the area.

22
23 Mr. Bench said there were neighborhoods located directly behind the adjacent commercial
24 property.

25
26 Mr. Bench covered the sixth proposed change. The applicant was requesting the Council to allow
27 concrete masonry unit (CMU) block to be used as an exterior finish material, as well as metal to
28 be used for up to 20 percent of the exterior finish materials.

29
30 In response to a query from Mrs. Black about the proposed use of metal as an exterior finish,
31 Brett Harrison of Harrison Architecture said the group was looking to update the color palate of
32 the entire project. The applicant was asking to use metal for up to 20 percent of the exterior
33 finish.

34
35 Mr. Bench said the seventh proposed change had to do with signage. Signage, for the most part,
36 would conform to Chapter 14 of the Orem City Code. However, one monument sign was being
37 sought be located at one entrance on State Street and one entrance on Orem Boulevard. These
38 signs would be up to eight feet high and 15 feet wide. One sign could also be located above the
39 top residential level of the north and south building but shall not have an electronic message. It
40 was anticipated this sign will be used to advertise the name of the development. A “crown” sign
41 that would be located at the top of either the north or south tower that would identify the project.
42 This sign would consist of lettering on a flat face and would be allowed to be up to 15 feet in
43 height and 50 feet in width. One additional vertical wall sign for each building that would be
44 used to identify the project or the address of the project. These signs could be 40 feet in height
45 and four feet in width.

46

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1 Mr. Bench explained the eighth proposed change, regarding sidewalks. The last several PD zones
2 on State Street had been approved with a separated sidewalk measuring eight feet for the
3 landscape strip and sidewalk. Staff had asked the applicant to do the same in the PD-23 zone.
4 That also included the frontage on Orem Boulevard with exception to the sidewalk which may be
5 six feet wide.

6
7 Mr. Bench said the ninth proposed change had to do with large residential units. The applicant
8 was requesting that the Council allow up to 60 residential units, having at least 1,700 square feet
9 to have up to five unrelated individuals living in the unit.

10
11 Mr. Bench shared the proposed elevations of the development.

12
13 Mrs. Black asked if the color would go away and how the applicant planned to make the project
14 more inviting.

15
16 Mr. Harrison said the grade level would include planter strips. Awnings would be provided on
17 the building that would give a better street appeal. The signage would pull in more color and
18 would pop off the gray color scheme. The movement away from the colors and maintaining a
19 neutral color palate was to keep up with what was currently trending.

20
21 Mrs. Black said there would be changes in extension.

22
23 Jayson Newitt, with the Ritchie Group, added to Mrs. Black's comment by saying the units
24 would be higher-end units. The project represented significant investment and risk on the part of
25 the developer. Because of that, the developer wanted to ensure that the product matched with the
26 targeted market by trying to come up with a design that would attract a higher-end client.

27
28 Mr. Seastrand asked what type of clientele was being targeted.

29
30 Mr. Newitt said the units were designed to be market-rate apartments, with nicer finishes,
31 stainless steel appliances, and granite or quartz countertops. Very few apartments have the kind
32 of existing infrastructure that already existed with the Midtown development. Mr. Newitt said
33 students were not being targeted, though some students would likely live there. Most of the
34 tenants would be young professionals with young families. There could also be some element of
35 older tenants such as the fifty-five and over age group.

36
37 Mr. Seastrand said he was concerned the parking needs would not be met with the proposed sixty
38 larger units that would house up to five unrelated adults. He asked how many people the
39 applicant thought would live at the development.

40
41 Mr. Newitt said there were 920 bedrooms.

42
43 Mr. Sumner asked if there was any policing in place for parking overflow in the neighborhoods.

44
45 Mr. Newitt said parking was an important element of the project, and the worst thing to do would
46 be to under-park the project. The developer had hired Hales Engineering to ensure that the

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1 project was properly parked. A third-party operator would be on site to tend to the tenants'
2 needs.

3
4 Mr. Seastrand asked if the telephone poles would stay where they were.

5
6 Mr. Newitt said that, after talking to Rocky Mountain Power, it was determined it would be cost
7 prohibitive to bury those transmission lines.

8
9 Mr. Seastrand asked what the height would be on the proposed buildings along Orem Blvd.

10
11 Mr. Bench said the proposed 70 foot elevator would go to 111 feet. The existing tower height
12 was 96 feet.

13
14 Mr. Seastrand asked what the difference was in units from the original to the current proposal.

15
16 Mr. Bench said the last approved proposal was 317 units, and the current proposal was 549 units.

17
18 Mr. Seastrand asked what the breakdown was in terms of the number of bedrooms per unit.

19
20 Ryan Ritchie, a colleague of Mr. Newitt, indicated the breakdown was 13.6 percent of the total
21 units were 3-bedroom units, 42 percent was 2-bedroom units, and 44.4 percent was 1-bedroom
22 units.

23
24 Mr. Sumner asked what the rent would be on a one-bedroom unit.

25
26 Mr. Ritchie said it would be between \$850 and \$950 per month. The square foot price would be
27 between \$1.45 and \$1.50 per square foot.

28
29 Mrs. Black asked how much the rent would be for the three- and two-bedroom units.

30
31 Mr. Ritchie said the units in the south tower averaged in size approximately 1,650 square feet.
32 The units on the second floor in the south tower would include about 37 “junior-ones” which
33 would be about 650 square feet. On floors three through eight in the south tower, the units would
34 average 1,450 square feet. The west tower would include one and two bedroom units, and the
35 space per unit would average about 950 square feet.

36
37 Mr. Ritchie said the rental cost would range between \$900 per month and \$1,500 per month.
38 There were some anomalies, including the existing limited supply of penthouse spaces, which
39 would rent for approximately \$2,000 per month.

40
41 Mr. Andersen asked if a parking study had been completed.

42
43 Ryan Hales, Hales Engineering, explained the results of the traffic impact and parking studies
44 conducted on the development.

45
46 Mr. Spencer asked if Paul Goodrich, Transportation Engineer, had had a chance to review the
47 transportation study.

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1 Mr. Goodrich said it was difficult getting developers to provide off-site improvements. In terms
2 of traffic volume, the biggest capacity problems typically happened at intersections. The problem
3 with widening the right turn pocket was that the inbound lane from State Street was too narrow
4 for existing standards, and UDOT would likely require it to be brought up to standard. Mr.
5 Goodrich estimated it would probably be \$100,000 or more to improve that. He said the City had
6 a request for proposal going out for a transportation master plan to address the needs of Orem in
7 a ten-year plan. The City hoped to identify a priority list of what streets were in the worst state of
8 repair.

9
10 Mr. Spencer asked if there was money in the fund to address the needs on 400 South with regard
11 to the Midtown project.

12
13 Mr. Davidson said the thing to consider was where exactly the improvement fit on the list of
14 improvements needing to be made. The intersection was a concern regardless of the development
15 project. The improvements could not be required of the developer.

16
17 Mrs. Black asked Mr. Goodrich if the addition of the development would put the street higher on
18 the priority list.

19
20 Mr. Goodrich said they would like to have the study a little bit ahead to know where to move
21 forward with the plan.

22
23 Mr. Seastrand asked if the parking study was adequate.

24
25 Mr. Goodrich said it was.

26
27 Mr. Spencer asked about completion timeline for the project.

28
29 Mr. Newitt said the goal was to start finishing units in south tower in the fall, and work on the
30 north tower at the same time. The completion would happen in phases. The south tower would be
31 first, then the north tower structure, followed by north tower units. The developer would then
32 analyze market conditions for moving forward with the west tower. The goal was to go forward
33 so the entire project could be done in two-and-a-half to three years.

34
35 Mr. Seastrand asked about the developer's intentions with the bond on the project.

36
37 Mr. Newitt said the intention was to pay that off in November 2014.

38
39 Mr. Sumner opened the public hearing.

40
41 Bob Wright, resident, said citizens would be very happy that the project was starting to move
42 toward completion. He said he could understand the desire to change the name of the project, due
43 to the negative publicity the project had had for years, as it sat unfinished. He said the bond
44 should be paid off first, and he was glad to hear the development group intended to pay off the
45 bond in full by November.

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1 Mark Hornberger, resident, said he was speaking against what was being proposed. He said the
2 only reason Midtown got approved was because it was supposed to be luxury living. The current
3 proposal would not solve the problem of the great and spacious building. Increasing the density
4 and lowering the parking did not suit the big picture. He voiced concern about the improvements
5 needed along 400 South, and that the City Council was setting precedence for other
6 developments along State Street.

7
8 Mr. Sumner closed the public hearing.

9
10 Mr. Bench said there was a master development agreement in progress, and that the applicant
11 requested that this discussion be continued to July 8, 2014, City Council meeting.

12
13 Mrs. Black said she wanted to see that the bond pay off details were spelled out in the
14 development agreement.

15
16 Mr. Seastrand said he was nervous about the height of the elevator shafts and the increased
17 density. He asked if the applicant could address why the original concept plan did not work for
18 the developer.

19
20 Mr. Newitt said the existing project was a challenging one. Many prospective developers had
21 passed the opportunity to complete it due to the risk. There were a lot of unknowns in the project.
22 The developer had hired consultants to determine what would work best with what was there. A
23 feasibility study was completed to look at the right mix of units. Due to lack of market demand,
24 building luxury condominiums as originally planned did not make sense. As for the elevator
25 shaft height, per ADA requirement, access to the space on the roof should be available to all. The
26 developer was trying to be respectful with heights but also provide the required access.

27
28 Mr. Sumner asked how much green space would be included in the project.

29
30 Mr. Newitt said landscape plans were currently being worked on, so he did not have any exact
31 percentages to provide.

32
33 Mr. Spencer asked if Mr. Goodrich could estimate traffic flow on Orem Boulevard with
34 additional development to the south.

35
36 Mr. Goodrich said there was more concern about the overall State Street corridor study. He could
37 have more information available at the meeting on July 8, 2014.

38
39 Mrs. Black said her comment went back to depths and variation in the architecture. She voiced
40 concern about the twenty-foot setback from the street. She did not want some gray wall going
41 along the whole length of Orem Boulevard. Mrs. Black said she would appreciate having
42 elevations at the next meeting to better provide an idea of the classiness the developer was
43 proposing.

44
45 Mr. Spencer **moved** to continue the discussion to July 8, 2014. Mr. Andersen **seconded** the
46 motion. Those voting aye: Hans Andersen, Margaret Black, Mark E. Seastrand, David Spencer,
47 and Brent Sumner. The motion **passed**, 5-0.

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1 Mr. Seastrand said he was not comfortable with the height increases and set back, as well as the
2 increase in density. He said he was happy to see things happening but he was not ready to let the
3 development group do whatever it wanted to do.

4
5 Mr. Sumner said he was still concerned about the traffic study.

6
7 Mr. Andersen said he was glad the applicant was intending to improve the eye sore of the
8 county. He voiced approval that the applicant was going to turn something that had been bad into
9 something that was good.

10
11 Mr. Newitt said he was sensitive to the City Council's comments. He reported that a
12 neighborhood meeting had been held, and Mr. Hornberger had not attended. The density and
13 traffic issues were discussed at the neighborhood meeting. Mr. Newitt informed the City Council
14 that they were the fourth entity that had had this project under contract.

15
16 Mrs. Black asked for landscaping concepts to be shared at the following City Council meeting.

17
18 Mr. Seastrand said the two large black walls were what the public did not like to see.

19
20 Mayor Brunst and Councilmember Macdonald returned to the discussion at 8:04 p.m.

21
22 CONTINUED DISCUSSION – ORDINANCE - Amending the General Plan land use map
23 by changing the land use from medium density residential to regional commercial and
24 amending Section 22-5-3(A) and the zoning map of the Orem City Code by rezoning 0.35
25 acres from R6 to HS at 2008 South Sandhill Road.

26
27 Mr. Bench informed the Council that on May 27, 2014, they had continued the YESCO item to
28 allow the applicant time to work with the neighborhood and consider proffering a development
29 agreement that would outline specific restrictions to help mitigate neighborhood concerns. The
30 item was continued again on June 10, 2014, to allow time to finalize the development agreement
31 and come back with one final recommendation. Additional information concerning the
32 development agreement would be provided at the public hearing.

33
34 YESCO requested that the City Council rezone a small parcel of land it owns at 2008 South
35 Sandhill Road and an adjoining parcel owned by the City from the R6 zone to the Highway
36 Services (HS) zone. The two parcels included in the request comprise 0.35 acres (15,246 square
37 feet.) The property bordering the subject property on the north was also zoned HS.

38
39 The application consisted of two parts. The first was to amend the General Plan land use map of
40 the City from medium density residential to regional commercial. The second part was to amend
41 the zone map of the City by changing the zone from R6 to Highway Services (HS).

42
43 YESCO was making the request because it desired to maintain an LED sign on its existing
44 billboard at the present location. YESCO first erected a billboard on the property in
45 approximately 1998. At that time the YESCO parcel consisted of 0.56 acres or 24,393 square
46 feet. Up until 2005, the property was in unincorporated Utah County and was zoned Industrial-1.

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1 In 2005, YESCO filed an application to have the property annexed into the City. At
2 approximately the same time, the City was negotiating with YESCO to acquire a part of the
3 property so that the City could construct a storm water detention basin and a roundabout at the
4 intersection of 2000 South and Sandhill Road.

5
6 The City needed to acquire as much of the YESCO parcel as possible in order to construct the
7 desired improvements; YESCO was willing to work with the City to accomplish this goal.
8 YESCO's only interest at the time was to retain enough property to allow it to continue operating
9 a billboard on the property. YESCO agreed that it would sell as much of its original parcel to the
10 City as it could while still retaining enough property to meet a minimum lot size requirement.
11 The City suggested applying the R6 zone to the property as that zone required only a 6,000
12 square foot lot size and was the only zone that allowed a lot of less than 7,000 square feet. The
13 intent was to apply a zone that would allow the City to purchase the greatest amount possible of
14 YESCO property. YESCO agreed to this proposal with the belief that the R6 zone would not in
15 any way impede its ability to continue operating a billboard on the property.

16
17 In accordance with that understanding, the City Council annexed the YESCO property into the
18 City on September 27, 2005 and applied the R6 zone to the property. The minutes of the City
19 Council meeting of September 27, 2005 reflected the parties' intentions and state in part: "In
20 order to maximize the area that the City can purchase and use for storm water detention, the City
21 and YESCO desire that the parcel that YESCO will retain ownership of be as small as possible."

22
23 The City subsequently completed its purchase of all but 6,430 square feet of the YESCO
24 property and proceeded to construct the detention basin and the roundabout. YESCO continued
25 to maintain the billboard on the remaining parcel.

26
27 As part of UDOT's I-CORE I-15 project, UDOT constructed sound walls along the eastern edge
28 of I-15 that obstructed the view of YESCO's billboard to traffic on I-15. In January, 2013,
29 YESCO applied for and received a permit from UDOT to increase the height of the billboard in
30 order to make it clearly visible over these sound walls. YESCO also requested and received a
31 permit to install a new LED sign on the south face of the billboard. Subsequent to receiving the
32 permit, YESCO proceeded to increase the height of the billboard and installed the new LED
33 sign.

34
35 In approximately March 2013, following installation of the LED sign on the south face of the
36 billboard, the City received complaints from residential neighbors about the LED sign. While
37 looking into the legality of the LED sign, the City discovered that on YESCO's permit
38 application to UDOT, YESCO had inadvertently indicated that its property was in a commercial
39 zone. When the City notified UDOT that the YESCO property was actually in the R6 zone,
40 UDOT indicated that it would not have issued a permit for the installation of an LED sign on the
41 billboard if it had known the property was in a residential zone. UDOT indicated that it would
42 not allow this type of upgrade on a billboard unless the property was located in a commercial or
43 industrial zone. However, UDOT indicated that the increase in the billboard height was still
44 appropriate as a billboard company has the right to make its billboard clearly visible in the event
45 that it becomes obstructed due to highway improvements.

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1 Following the receipt of this information, City staff notified YESCO that it would either need to
2 remove the LED sign or have its property rezoned to a commercial or industrial zone. City staff
3 has also held ongoing discussions with YESCO representatives and neighbors in the area to see
4 if some kind of compromise could be reached that would allow YESCO to keep the LED sign
5 while mitigating the sign's impact on neighbors. Some of the options that have been discussed
6 include (1) keeping the sign message static (no sign changes) during certain hours such as
7 between midnight and 6:00 a.m.; (2) slowing the rate of ad changes so that the message changes
8 appear less abrupt; and (3) prohibiting an LED sign on the north face of the billboard. Those
9 discussions have continued up until shortly before the Planning Commission meeting although
10 no final agreement had been reached. In the event that a compromise agreement was reached,
11 City staff recommended that such agreement be memorialized in a development agreement prior
12 to any City Council action.
13

14 If the City Council rezoned the property to HS, UDOT would most likely allow YESCO to
15 maintain the LED sign. If the City Council denied the application and the property remained R6,
16 UDOT will likely require YESCO to remove the LED sign. However, even if the property
17 remains R6, YESCO will maintain the right to have a traditional billboard on the property at its
18 current height.
19

20 YESCO held a neighborhood meeting on April 9 with five neighbors or property owners in
21 attendance. The concerns of the neighbors included the height and the LED panel. Some
22 neighbors felt the billboard was too high. Others felt the LED sign may be acceptable and less
23 obtrusive if kept at the existing height.
24

25 The Planning Commission first heard the request on April 23, 2014, but continued the item to
26 May 7, 2014. Planning Commission members wanted to make a night visit to the site to see what
27 impact the LED sign had on neighbors. Mike Helm of YESCO met several members of the
28 Planning Commission (staggered times) on May 2, 2014, to view the sign at night and to
29 examine readings of a light meter while directed at the LED sign. They also went into the home
30 of a nearby resident to see the how the LED sign affected the enjoyment of her house.
31

32 Advantages

- 33 • A rezone of the property to HS would allow YESCO to maintain the LED sign on the
34 south face of the billboard and avoid the expense and investment loss that would arise
35 from removing the LED sign. This would also allow YESCO to realize the expectations it
36 had at the time of annexation that application of the R6 zone would not negatively affect
37 its ability to operate a billboard on the property.
- 38 • LED was generally less bright than standard lighting on billboards which may result in
39 less overall light pollution.
- 40 • Application of the HS zone to the property would not open the door to other commercial
41 uses since existing easements on the property would prevent any use other than the
42 billboard.
- 43 • YESCO had indicated that it was willing to commit not to install an LED sign on the
44 north face of the billboard.
45
46
47

1 Disadvantages

- 2 • Some neighbors found the existence of an LED sign on the south face of the billboard to
3 be less desirable than a traditional billboard face.
4 • If the property was rezoned HS, an LED sign could also be installed on the north face of
5 the billboard unless a development agreement prohibiting that was executed prior to City
6 Council action.

7
8 Mr. Bench turned time to Mike Helm, YESCO Media, to address City Council concerns.

9
10 Mayor Brunst said discussion from previous Council meetings regarding the item revolved
11 around the time of day that the south side of the LED sign would display a static image. Mayor
12 Brunst said Mr. Helm was going to meet with the residents and come back with a plan on what
13 would be acceptable.

14
15 Mr. Helm thanked the Council for continuing the discussion on the item. He gave a history of the
16 item, dating back to September 2013. Since that time there had been eleven meetings, including
17 neighborhood meetings, Planning Commission meetings, evening meetings to measure light
18 readings, and City Council meetings. After the Council meeting on May 27, 2014, a meeting was
19 held with citizens on June 2, 2014. Mr. Helm reported sending an email to each Council member
20 to discuss the citizen response; however, Mr. Helm said he only heard back from Mr. Spencer.

21
22 Mayor Brunst, Mrs. Black, Mr. Sumner, and Mr. Macdonald indicated they never received an
23 email from Mr. Helm.

24
25 Mr. Helm said Jared Johnson, with YESCO, was present at the meeting. He worked for the
26 branch of YESCO that manufactured the LED signs and had extensive knowledge on lighting
27 issues. Mr. Johnson had worked with numerous Utah municipalities on local ordinances to
28 regulate LED-type signs. Mr. Helm said Justin Matkin, YESCO legal counsel, was also present
29 at the meeting. Mr. Helm said he had informed the Council at the previous Council meeting that
30 YESCO could do the 11:00 p.m. to 6:00 a.m. curfew. He reported that the council felt that dusk
31 until dawn was more appropriate. Mr. Helm said he took that information back to YESCO, and
32 YESCO was willing to take the time to 10:00 p.m. to 6:00 a.m., but anything beyond that time
33 would hamper YESCO's ability to market the sign the way it needed to.

34
35 Jared Johnson said he was with YESCO Electronics. He reported working in the Utah billboard
36 industry for over a decade and had worked on a number of billboard issues and local zoning
37 ordinances. He reported working on at least five of the Utah County municipalities that had taken
38 action on digital outdoor advertising, in addition to working with Salt Lake County
39 municipalities on similar issues prior to that. Mr. Johnson said, when YESCO met with the
40 neighbors affected by the South face of the sign, they had discussed several aspects of the sign's
41 use, including how the sign was illuminated, what YESCO could/could not control, what was
42 automatically controlled, and how the sign was monitored through the network operations center.
43 That information seemed to be good information that led YESCO to the recommendation for
44 approval given by the Planning Commission. Mr. Helm had relayed additional information in
45 further meetings with neighbors. Mr. Johnson said he had attended the Council work session
46 prior to the meeting. He respectfully asked the Council to acknowledge the effort that had been
47 made on the part of YESCO to address the concerns of the neighbors residing south and east of

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1 the existing LED sign. Mr. Johnson reported YESCO had come to a point that a curfew on the
2 use of the sign between 8:00 a.m. and 6:00 p.m. would be acceptable, along with all the other
3 requirements for regulation, such as the continued static usage on the North sign, and automatic
4 dimming capability that was already being used on the sign.

5
6 Mayor Brunst said he thought Mr. Johnson meant 8:00 p.m. and 6:00 a.m. Mayor Brunst
7 clarified that what the Council had requested was from sunset to sunrise, but there was also an
8 option discussed that was the 8:00 p.m. to 6:00 a.m. idea.

9
10 Mr. Johnson said he wanted to explain that having a great deal of experience with this type of
11 product, YESCO knew that to limit the ability to use the advertising space to the hours suggested
12 by the Council would make the space unmarketable. The Council's request put YESCO in a
13 place to where it could accept advertising space that would shut off at the peak driving hours.
14 The purpose of the sign was to be there for the traveling public on the highway. YESCO was
15 willing to take the sign to a restriction where the sign would be turned off between 10:00 p.m.
16 and 6:00 a.m., making it the most restricted digital billboard in the state of Utah.

17
18 Mayor Brunst said summertime sunset was different than winter time.

19
20 Mr. Johnson said summertime sunset was approximately 9:30 p.m. at the latest. Sunset in the
21 winter was approximately 4:30 p.m. on the shortest day. He went on to say that the sign in
22 question was one that was legally allowed to be illuminated. YESCO was willing to restrict the
23 illumination to within just a few hours of what the Council had requested at the previous
24 meeting.

25
26 Mr. Seastrand asked how many digital billboards were in a residential zone.

27
28 Mr. Johnson said he did not know the zoning of all YESCO's signs.

29
30 Mr. Seastrand said the residential zoning was the challenge the Council was dealing with. The
31 flashing in a residential zone created a problem that was not an issue in commercial zones. His
32 interpretation was that LED signs did not belong in residential zones, due to the flashing and
33 changing of the light on those signs.

34
35 Mr. Johnson said there was no statute in State law that said an LED sign could not be in a
36 residential zone.

37
38 Mr. Seastrand questioned, if that was the case, why YESCO would not be allowed to leave the
39 sign as it was, and why YESCO was asking for a zone change.

40
41 Mr. Johnson said that, when he finished his comments, Mr. Matkin would share his findings with
42 the Council on a review of that information. Mr. Johnson said there was no prohibition. YESCO
43 felt the same way the Council did. There were a number of cities within Utah County that had
44 regulated digital signs where the signs were closer to residential areas than the sign in question
45 was, with the caveat that the sign be held static beginning at 10:00 p.m. or 11 p.m. YESCO had
46 altered the sign in question from a previous back-to-back sign that had four 400-watt metal flood
47 lights reflecting off that sign. YESCO altered the sign by angling it away from the residential

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1 uses to diminish the amount of light that would pass in the direction of residential use. The angle
2 was important as the direction of the light that comes from an LED sign could be predicted.
3 Changing the angle on the face was a method used to ensure the light was directed away from the
4 neighborhood. Mr. Johnson said there was a lot of information provided to the neighbors in
5 attendance at the neighborhood meeting. He said YESCO had tried to put information together
6 for the Council and had tried to review the original agreement between YESCO and the City in
7 order to provide the City with the property necessary for the construction of the retention bin and
8 roundabout.

9
10 Mr. Matkin provided documents to the City Council. He said the story of the property went back
11 to 2005, in connection with the annexation of the property into Orem City, pursuant to a property
12 acquisition agreement. The property, when annexed, was zoned industrial. The only reason the
13 property had been zoned residential was because YESCO had voluntarily agreed to sell portions
14 of it to the City to construct the roundabout and sewer and storm drain easements. If YESCO had
15 not cooperated with the City in the sale of the property, the property would still be zoned
16 industrial, and this issue would not be present today. Mr. Matkin said the property was pigeon-
17 holed into a small residential zone because that was what fit at the time. The fact that the
18 property was zoned R6 was kind of an anomaly. The property had been there for nearly twenty
19 years, so the idea that the property was somehow residential in character was legal fiction.
20 YESCO was coming before the Council in order to right the inconsistency that had existed for
21 years and turn it back to Highway Services. The property acquisition agreement received from
22 the City had outlined the intent that Orem City would get the property it needed for the
23 roundabout, and YESCO would be able to continue to exist and maintain, for current and future
24 uses, the billboard. The property had always been a billboard site, and YESCO was asking that
25 the City allow it to continue the property in question as such. Mr. Matkin said lighting had
26 decreased since the improvements to the sign had been made. Mr. Matkin addressed the question
27 about State statute. He said it was ambiguous in that there was no specific provision making a
28 distinction between residential signs and industrial signs for purposes of LED lighting. YESCO's
29 position was that, because the land was zoned industrial at the time the sign was initially
30 constructed, it was a legal use. YESCO believed that the downzoning of the property since
31 original construction was irrelevant for purposes of continuance and maintenance of the sign.
32 YESCO was asking the City to honor the original intent, which was a win-win in 2005.

33
34 Mayor Brunst asked what the income difference was on the regular sign on the north side, and
35 the LED sign on facing south.

36
37 Mr. Johnson said he did not know the answer to Mayor Brunst's question, and did not understand
38 the relevance of Mayor Brunst's question.

39
40 Mr. Helm said the digital face had six faces available, rather than just the one spot available on
41 the north side.

42
43 Mayor Brunst said he was just curious how much the ad space rented for on the LED sign
44 compared to the static sign.

45
46 Mr. Johnson said the cost of construction and maintenance of the sign supporting an LED face
47 was significantly higher.

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1 Mayor Brunst said he was talking profit and was trying to see how much actual profit the extra
2 hours could generate for YESCO.

3
4 Mr. Johnson said the significance of the hours was that the market had a standard way of
5 purchasing advertising space for billboards. The market recognized a twenty-four-hour site, or a
6 business-hour site. It was not unusual when buying advertising space to allow the client to
7 determine what site would best suit their advertisement. By not being able to extend the
8 advertising space to the end of the business day, which for the service industry was 12:00 p.m. to
9 midnight, it became a nonmarketable space.

10
11 Mayor Brunst said if the LED sign was not there, YESCO could still advertise on the regular
12 space, though the profit from that space was less.

13
14 Mr. Macdonald said YESCO had represented that they were, in good faith, trying to come back.
15 Originally, YESCO had wanted the LED sign operating 24-7. The Council members had
16 indicated they wanted it daylight to daylight, and to that YESCO came back with 11:00 p.m. to
17 6:00 a.m. Mr. Macdonald said he did not think going to 10:00 p.m. was in the spirit of what the
18 Council had suggested.

19
20 Mr. Macdonald then **moved** to deny the request to amend the General Plan land use map by
21 changing the land use from medium density residential to regional commercial and amend
22 Article 22-5-3(A) and the zoning map of the City by changing the zone on 0.35 acres at 2008
23 South Sandhill Road from R6 to HS. Mrs. Black **seconded** the motion. Those voting aye:
24 Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, and
25 Brent Sumner. Those voting nay: Mr. Andersen. The motion **passed**, 6-1.

26 27 **COMMUNICATION ITEMS**

28
29 There were no communication items.

30 31 **CITY MANAGER INFORMATION ITEMS**

32
33 Mr. Davidson made the Council aware of the Colonial Heritage Festival which would be held
34 July 3-5, 2014 at SCERA Park.

35 36 **ADJOURN TO A CLOSED-DOOR MEETING – City Manager Evaluation**

37
38 Mrs. Black **moved** to adjourn to a closed door meeting to discuss the character, professional
39 competence, or physical or mental health of an individual pursuant to Utah Code Section 52-4-
40 205(1)(a)). The meeting would be held in room #107, and the Council would adjourn when it
41 was over. **seconded** the motion. Those voting aye: Councilmembers Hans Andersen, Margaret
42 Black, Richard F. Brunst, Jr, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent
43 Sumner. The motion **passed** unanimously.

44
45 The meeting adjourned at 8:32 p.m.

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1 **CLOSED-DOOR SESSION**

2

3 A closed-door session was held at 8:41 p.m. to discuss the character, professional competence, or
4 physical or mental health of an individual pursuant to Section 52-4-205(1)(a) of the Utah State
5 Code Annotated. Those in attendance were: Mayor Richard F. Brunst, Councilmembers Hans
6 Andersen, Margaret Black, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner.

7

8 The meeting adjourned at 9:26 p.m.



George Cepull is a 40 year resident of Orem. George worked as a Section Manager in the Culinary Water and retired in 2002 after 28 years of service. In addition to his long and wonderful career, what George has accomplished since retiring from the City of Orem is inspiring.

After George retired he and his wife Penny were active in mountain climbing and set a goal to climb all fifty four peaks in Colorado that are over 14,000 feet in elevation. They spent a lot of time together trying to accomplish this goal. In 2010, tragedy struck George and he had to have his right leg amputated above the knee. They were only able to hike about forty eight or forty nine of the peaks, still an incredible accomplishment. While all of this was happening in George's life he discovered one of his divine gifts. Starting with small sketches of his

grandchildren, he has become an accomplished artist. He has learned to create beautiful art work with various mediums.

Since his retirement he has become friends with some great people who have connections to Alpine School District. Through this association he was commissioned to create paintings of school mascots for a couple of the elementary schools in his area. These paintings now hang in the foyers of those schools. George also developed a relationship with some of the children of the schools and he offered to teach art classes. As a result he now volunteers a couple of times a week in two or three schools and teaches small children how to create masterpieces. Several of these classes are for Autistic and Special Needs kids who have responded when teachers were certain they couldn't be reached.

George also volunteers at the Missionary Training Center in Provo. He says it has inspired him to be a better person. He also continues to visit the in-patient rehab at Utah Valley Regional Medical Center to talk to new amputees and let them know there is light at the end of the tunnel.

Lawrence Burton, a long-time friend, said of George:

“George is truly a remarkable person. I know that a lot of people would simply sit down and let life pass under the circumstances that he has endured. He has not. He has become a stronger and more determined individual. He paints. He talks. He serves. He shares his story of how he has overcome adversity. He inspires other people to know that adversity does not have to be debilitating. It can make you stronger and can bring joy and happiness to many other people. He frequently gives inspirational presentations to church and civic groups around the area. He does not do this for money; he does it simply for the joy of helping other people overcome adversity.

George and Penny make a wonderful couple. They complement each other. George has told me that if it had not been for Penny he would have failed. She encouraged, supported, and most of all loved George. She recognized his potential and has helped them reach remarkable heights together. He has had a major setback in his life and he did not let it destroy him. He is a perfect example of being handed a huge lemon and making lemonade. He continues to make lemonade for every person who comes in contact with him. I am grateful to be among those who are called friends by George and Penny Cepull. Their friendship is truly a gift to me and I am very thankful to know them both.”

CITY OF OREM
CITY COUNCIL MEETING
 JULY 22, 2014



REQUEST:	6:20 P.M. PUBLIC HEARING ORDINANCE - Amending Section 22-11-48(D) of the Orem City Code pertaining to basement requirements in the PD-35 zone and amending Appendix CC (the concept plan for the PD-35 zone)
APPLICANT:	Reed Swenson
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on the State noticing website
- Faxed to newspapers
- E-mailed to newspapers
- Mailed 282 notifications to properties within the 500' of the PD-35 zone on June 25, 2014.

SITE INFORMATION:

General Plan Designation:
Medium Density Residential
 Current Zone:
PD-35
 Acreage:
3.31
 Neighborhood:
Windsor
 Neighborhood Chair:
Cregg Jacobsen

**PLANNING COMMISSION
 RECOMMENDATION**
 Vote: 4-0 for approval

PREPARED BY:
 Clinton A. Spencer
 Planner

REQUEST:

Reed Swenson requests the City Council, by ordinance, amend Section 22-11-48(D) of the Orem City Code pertaining to basement requirements in the PD-35 zone and amend Appendix CC (the concept plan for the PD-35 zone).

BACKGROUND:

The PD-35 zone was approved in 2013 as a twin home planned development. The PD-35 zone does not currently allow basements in the two-story attached units, similar to the PRD zone. The sixteen single-story units are allowed to have basements and the applicant is proposing to allow the ten two-story twin homes to the west in the PD-35 zone to also have basements.

Appendix CC is the concept plan for the PD-35 zone and contains a note that basements are not allowed in the two-story units. The applicant is also proposing to amend this note to indicate that the two-story twin homes are allowed to have basements.

Advantages:

- Allowing basements provides a larger living space that is not visible from the exterior and makes the units more marketable
- Allowing basements would provide more storage space and would make it less likely that tenants would use the garage for storage

Disadvantages:

- None determined

RECOMMENDATION:

The Planning Commission recommends that the City Council approve the amendments to Section 22-11-48(D) of the Orem City Code and Appendix CC of the PD-35 concept plan. Based on the advantages outlined above, staff supports the recommendations proposed by the Planning Commission.

The proposed amendments are outlined below:

22-11-48(D)

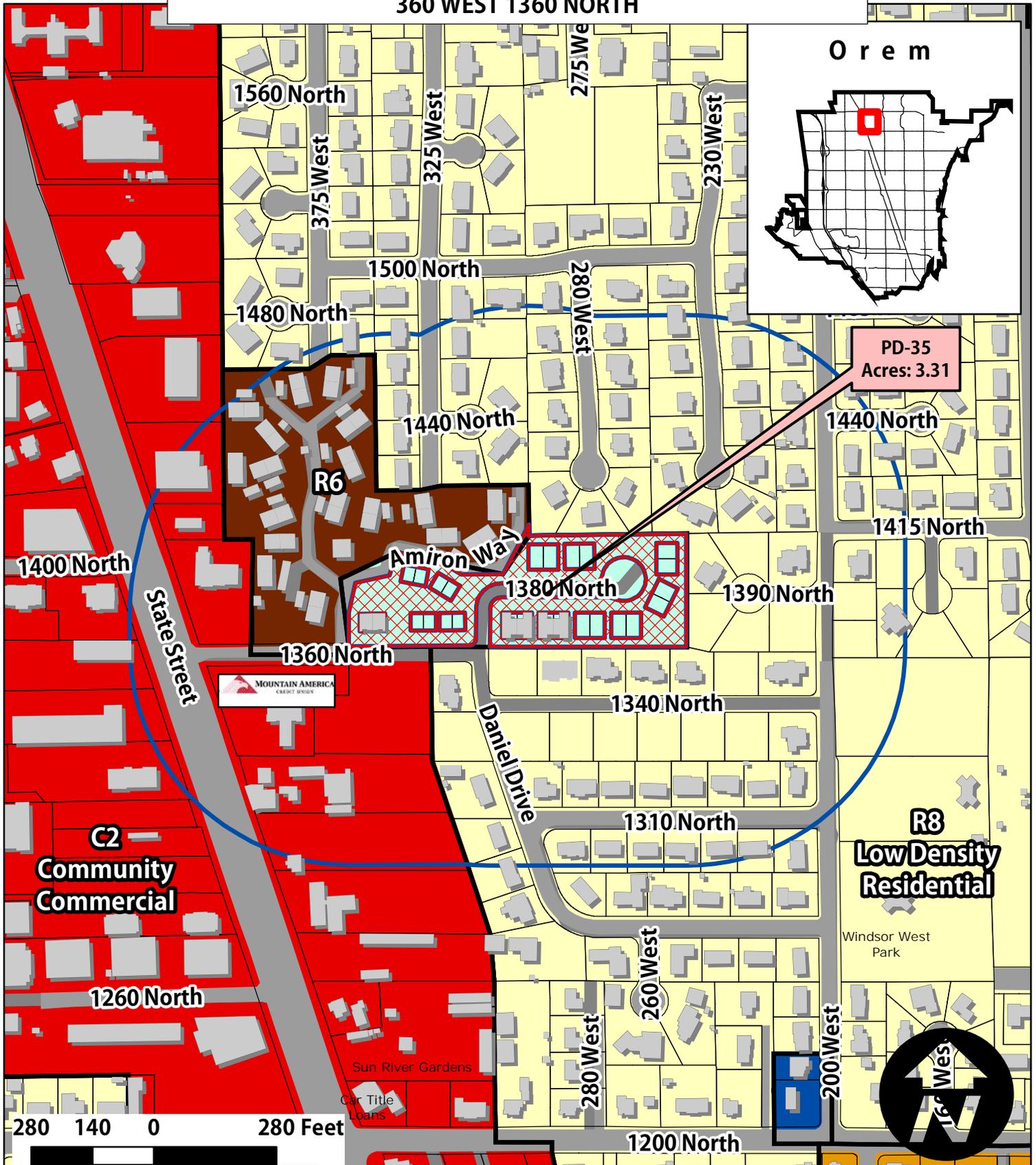
D. Development Standards. The standards and requirements set forth in Article 22-7 of the Orem City Code shall apply to the PD-35 zone, except as expressly

modified below:

1. Height. The maximum height for all structures shall be thirty (30) feet.
2. Basements. Basements are allowed in all residential units and the restrictions pertaining to basements contained in Article 22-7 shall not apply in the PD-35 zone.
3. Setbacks. All buildings shall be set back at least twenty-five (25) feet from 1360 North Street, 1380 North Street and 320 West Street. All buildings shall be set back at least twenty (20) feet from all other property not part of the PD-35 zone. All garages shall be set back a minimum of nineteen (19) feet from the public sidewalk.
4. Parking. A minimum of two (2) parking spaces shall be provided for each dwelling, one of which shall be covered. A minimum of one-quarter (1/4) additional parking space shall be provided for each unit for guest parking within the area designated in the concept plan as “two-story twin home development.” Driveways shall not be counted toward the guest parking requirement.
5. Density. Density shall not exceed seven (7) units per acre.
6. Fencing. A six (6) foot high fence constructed of decorative concrete, decorative masonry, or vinyl shall be installed and maintained on the perimeter of the PD-35 zone, except that a fence is not required along 1360 North Street or 320 West Street nor shall it violate the provisions of Section 22-14-19 of the Orem City Code pertaining to clear vision areas. The fence adjacent to the Amiron Village private driveway shall be concrete or masonry. The fencing along the Gold Crest Estates Subdivision may remain as is or, if replaced, shall comply with the requirements of this subsection (6).

PD-35 Zoning Text Amendment

360 WEST 1360 NORTH



◆ PD-35 Zoning Text Amendment:
3.31 Acres.

NIA CONTACT:
Windsor Neighborhood
Cregg Jacobsen

Legend

- Buildings
- PD35
- Notification Boundary
- Parcels

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ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 22-11-48(D) OF THE OREM CITY CODE PERTAINING TO BASEMENT REQUIREMENTS IN THE PD-35 ZONE AND AMENDING APPENDIX CC (PAGES CC.1 AND CC.3) PERTAINING TO THE CONCEPT PLAN FOR THE PD-35 ZONE.

WHEREAS on May 5, 2014, Reed Swenson filed an application with the City of Orem requesting that the City amend Section 22-11-48(D) of the Orem City Code pertaining to basement requirements in the PD-35 zone and amending Appendix CC (Pages CC.1 and CC.3) pertaining to the concept plan for the PD-35 zone; and

WHEREAS the proposed amendments to Section 22-11-48(D) and Appendix CC would allow basements in all buildings in the PD-35 zone; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on July 2, 2014 and the Planning Commission forwarded a positive recommendation to the City Council; and

WHEREAS a public hearing considering the subject application was held by the City Council on July 22, 2014; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; the orderly development of land in the City; and the effect upon the surrounding neighborhood.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council finds that this request is in the best interest of the City because it will allow greater flexibility in the development of property in the PD-35 zone, will provide a larger living space not visible from the exterior, and will reduce the likelihood that occupants of units in the PD-35 zone will use their garages as storage space.

2. The City Council hereby amends Section 22-11-48(D) of the Orem City Code pertaining to basement requirements in the PD-35 zone to read as follows:

D. **Development Standards.** The standards and requirements set forth in Article 22-7 of the Orem City Code shall apply to the PD-35 zone, except as expressly modified below:

1. Height. The maximum height for all structures shall be thirty (30) feet.
2. Basements. Basements are allowed in all residential units and the restrictions pertaining to basements contained in Article 22-7 shall not apply in the PD-35 zone.
3. Setbacks. All buildings shall be set back at least twenty-five (25) feet from 1360 North Street, 1380 North Street and 320 West Street. All buildings shall be set back at least twenty (20) feet

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from all other property not part of the PD-35 zone. All garages shall be set back a minimum of nineteen (19) feet from the public sidewalk.

4. Parking. A minimum of two (2) parking spaces shall be provided for each dwelling, one of which shall be covered. A minimum of one-quarter (1/4) additional parking space shall be provided for each unit for guest parking within the area designated in the concept plan as “two-story twin home development.” Driveways shall not be counted toward the guest parking requirement.

5. Density. Density shall not exceed seven (7) units per acre.

6. Fencing. A six (6) foot high fence constructed of decorative concrete, decorative masonry, or vinyl shall be installed and maintained on the perimeter of the PD-35 zone, except that a fence is not required along 1360 North Street or 320 West Street nor shall it violate the provisions of Section 22-14-19 of the Orem City Code pertaining to clear vision areas. The fence adjacent to the Amiron Village private driveway shall be concrete or masonry. The fencing along the Gold Crest Estates Subdivision may remain as is or, if replaced, shall comply with the requirements of this subsection (6).

3. The City Council hereby amends Appendix CC (Pages CC.1 and CC.3) of the Orem City Code pertaining to the concept plan for the PD-35 zone as shown in Exhibit A, attached hereto and incorporated herein as reference.

4. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this resolution.

5. All ordinances or policies in conflict herewith are hereby repealed.

6. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.

PASSED and APPROVED this **22nd** day of **July** 2014.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

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COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"



W I N D S O R C O V E



TWO STORY TWIN HOME WITH BASEMENT

CC.3

June 26, 2014

PUBLIC NOTICE

To Whom It May Concern:

Reed Swenson requests the City approve the plat vacation of Windsor Cove Planned Development Subdivision, and final plat of Windsor Cove, Plats A and B. This proposal will locate the approved townhomes and twin homes on different plats.

The Planning Commission will hear this item at a public meeting at **4:30pm on Wednesday, July 2, 2014**, in the City Council Chambers at 56 North State Street. This meeting is open to the public and you are invited to attend.

Also, Reed Swenson requests the City approve amending 22-11-48(D) and Appendix CC of the Orem City Code to allow two story townhomes in the PD-35 zone to have basements.

The Planning Commission will hear this item at a public meeting at **4:30pm on Wednesday, July 2, 2014**, in the City Council Chambers at 56 North State Street. This meeting is open to the public and you are invited to attend.

The City Council will hear this item at a public meeting at **6:20pm on Tuesday, July 22, 2014**, in the City Council Chambers at 56 North State Street. This meeting is open to the public and you are invited to attend.

If you have questions or concerns regarding this item, it is recommended that you contact City staff prior to the public meeting.

For more information, please contact Clinton Spencer at 229-7267, caspencer@orem.org, or see www.orem.org for more information as it becomes available.

**The public is invited to participate in all public meetings.
If you need special accommodations to participate, please contact the City at
Phone: 229-7058.**

Orem City Public Hearing Notice – 2 Items

Item 1:

Planning Commission Meeting

Wednesday, July 2, 2014,
4:30 PM, City Council Chambers, 56 North
State Street.



Reed Swenson requests the City approve the plat vacation of Windsor Cove Planned Development Subdivision, and final plat of Windsor Cove, Plats A and B. This proposal will locate the approved townhomes and twin homes on different plats. Please see the map on the reverse side of this notice and contact information below.

Item 2:

Planning Commission Meeting

Wednesday, July 2, 2014,
4:30 PM, City Council Chambers, 56 North State Street.

Reed Swenson requests the City approve amending 22-11-48(D) and Appendix CC of the Orem City Code to allow two story townhomes in the PD-35 zone to have basements. See the map on the reverse of this notice. Please call before the meeting with any questions or concerns regarding this project.

City Council Meeting for the above Zoning Amendment

Tuesday, July 22, 2014
6:20PM, City Council Chambers, 56 North State Street.

For more information, special assistance or to submit comments, contact Clinton A. Spencer, Planner, AICP, at caspencer@orem.org or 801-229-7267.

BOWEN, BARBARA (ET AL)
PO BOX 160
PLEASANT GROVE, UT 84062

PROVO CITY COMM. DEV.
PO BOX 1849
PROVO, UT 84603

MS BUSINESS PROPERTIES GROUP 2
LLC
PO BOX 699
PLEASANT GROVE, UT 84062

FARNELL, LINDA A
PO BOX 8
BELMONT, CA 94002

LIDDIARD, KELLY D & MELANIE B
(ET AL)
PO BOX 996
PLEASANT GROVE, UT 84062

DTS/AGRC MANAGER
STATE OFFICE BLDG, RM 5130
SALT LAKE CITY, UT 84114

JENKINS, JANICE KAY
61 E 1600 N
OREM, UT 84057

ROCKY MOUNTAIN POWER
70 NORTH 200 EAST
AMERICAN FORK, UT 84003

KRISTIE SNYDER
56 N STATE STREET
OREM, UT 84057

LINDON CITY
PLANNING DEPARTMENT
100 NORTH STATE STREET
LINDON, UT 84042

COMMON AREA
100 E CENTER ST
PROVO, UT 84606

CENTURY LINK
75 EAST 100 NORTH
PROVO, UT 84606

MILLHAVEN CONSTRUCTION LLC
150 W 1450 N
PROVO, UT 84604

MILLHAVEN CONSTRUCTION LLC
--OR CURRENT RESIDENT--
171 W 1415 NORTH
OREM, UT 84057

KENNARD, ELAINE
107 W 600 N UNIT 102
TOOELE, UT 84074

HINCKLEY, STEPHEN
179 W 1440 N
OREM, UT 84057

NIELSEN, JACK K & TRUDY T
190 W 1440 N
OREM, UT 84057

TAGGART, STEVEN W & TERESA L
176 W 1415 N
OREM, UT 84057

MILLHAVEN CONSTRUCTION LLC
--OR CURRENT RESIDENT--
209 W 1390 NORTH
OREM, UT 84057

MARQUES, JOAO
--OR CURRENT RESIDENT--
213 W 1310 NORTH
OREM, UT 84057

ROBERTSON, DAVID L & LAUNI
204 CHARLES ST SE
VIENNA, VA 22180

DAVEY, CHRISTOPHER M
222 W 1310 N
OREM, UT 84057

MILLHAVEN CONSTRUCTION LLC
--OR CURRENT RESIDENT--
225 W 1390 NORTH
OREM, UT 84057

FECHTER, JACOB W & ANNA L
216 W 1390 N
OREM, UT 84057

MILLHAVEN CONSTRUCTION LLC
--OR CURRENT RESIDENT--
228 W 1390 NORTH
OREM, UT 84057

PERLDREN ENTERPRISES LC
%PERL, TOM
229 W 620 S
OREM, UT 84058

JPMORGAN CHASE BANK
--OR CURRENT RESIDENT--
227 W 1310 NORTH
OREM, UT 84057

LEES, JARED
--OR CURRENT RESIDENT--
234 W 1390 NORTH
OREM, UT 84057

SMITH, RICHARD R & KAREN ANN
236 W 1310 N
OREM, UT 84057

MILLHAVEN CONSTRUCTION LLC
--OR CURRENT RESIDENT--
231 W 1390 NORTH
OREM, UT 84057

TOWN OF VINEYARD
240 E. GAMMON ROAD
VINEYARD, UT 84058

HOUSING AUTHORITY UTAH
COUNTY
LYNELL SMITH
240 EAST CENTER
PROVO, UT 84606

TACO AMIGO INC
239 E STATE ST
PLEASANT GROVE, UT 84062

JENSEN, R DEVAN & PATRICIA R
248 W 1310 N
OREM, UT 84057

O'BANNON, RONIE L
257 W 1310 N
OREM, UT 84057

SHIPP, DANIEL S & LKHAMSUREN
SHARAVNYAMBUU
241 W 1310 N
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
261 W 1380 NORTH
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
262 W 1380 NORTH
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
257 W 1380 NORTH
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
265 W 1380 NORTH
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
266 W 1380 NORTH
OREM, UT 84057

ELLINGSON, TEGWYN E & ALISA B
264 W 1310 N
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
271 W 1380 NORTH
OREM, UT 84057

MENDOZA, JUAN JOSE & WENDY
276 W 1310 N
OREM, UT 84057

ST JULIEN, MICHAEL & TAUSHA
271 W 1310 N
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
282 W 1380 NORTH
OREM, UT 84057

POLANCO, GUILLERMO
283 W 1310 N
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
279 W 1380 NORTH
OREM, UT 84057

GUDMUNDSON, JOHN BRUCE &
KAREN LEE
290 W 1310 N
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
290 W 1380 NORTH
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
287 W 1380 NORTH
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
296 W 1380 NORTH
OREM, UT 84057

REDING, MICHELLE C
299 W 1310 N
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
293 W 1380 NORTH
OREM, UT 84057

CHAN BOSTROM, SUETWAN
302 W 1310 N
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
302 W 1380 NORTH
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
299 W 1380 NORTH
OREM, UT 84057

FAIRCHILD, DON M & KAREN S
303 W 1500 N
OREM, UT 84057

SONDRUP, THERON B & WINONA C
305 W 1440 N
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
303 W 1380 NORTH
OREM, UT 84057

HOYT, NORENE R
308 W 1440 N
OREM, UT 84057

JOHNSON, PHILLIP V & MARY
NICOLE
308 W AMIRON WY # C
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
307 W 1380 NORTH
OREM, UT 84057

BARAL INVESTMENTS-LC
--OR CURRENT RESIDENT--
308 W AMIRON WAY UNIT# A
OREM, UT 84057

WRIGHT, DAN L
--OR CURRENT RESIDENT--
308 W AMIRON WAY UNIT# B
OREM, UT 84057

WRIGHT, DAN L
308 W AMIRON WY APT B
OREM, UT 84057

STINSON, DEENA K
--OR CURRENT RESIDENT--
308 W AMIRON WAY UNIT# D
OREM, UT 84057

PETERSON, CAMERON & LISA
312 KAIWAHINE ST
KIHEI, HI 96753

JOHNSON, PHILLIP V & MARY
NICOLE
--OR CURRENT RESIDENT--
308 W AMIRON WAY UNIT# C
OREM, UT 84057

JENSEN, KIRK R
314 W AMIRON WY APT B
OREM, UT 84057

COPE, LILIANA ISABEL
314 W AMIRON WY APT C
OREM, UT 84057

SMITH, NICK F & COLETTE
314 W AMIRON WY APT A
OREM, UT 84057

SMITH, NICK F & COLETTE
--OR CURRENT RESIDENT--
314 W AMIRON WY UNIT# A
OREM, UT 84057

JENSEN, KIRK R
--OR CURRENT RESIDENT--
314 W AMIRON WY UNIT# B
OREM, UT 84057

ZEPEDA, LILIAN E
314 W AMIRON WY APT D
OREM, UT 84057

ZEPEDA, LILIAN E
--OR CURRENT RESIDENT--
314 W AMIRON WY UNIT# D
OREM, UT 84057

RASMUSSEN, ALAN JOSEPH &
LORAIN
315 DANIEL DR
OREM, UT 84057

COPE, LILIANA ISABEL
--OR CURRENT RESIDENT--
314 W AMIRON WY UNIT# C
OREM, UT 84057

MILES, EVELYN M
320 E 600 S
MONROE, UT 84754

MONSON, CECILLE D
325 DANIEL DR
OREM, UT 84057

RASMUSSEN, ALAN JOSEPH &
LORAIN
--OR CURRENT RESIDENT--
315 W DANIEL DR
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
326 W 1360 NORTH
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
328 W 1360 NORTH
OREM, UT 84057

MONSON, CECILLE D
--OR CURRENT RESIDENT--
325 W DANIEL DR
OREM, UT 84057

SKARDA RENTAL LLC
--OR CURRENT RESIDENT--
328 W AMIRON WY UNIT# A
OREM, UT 84057

JOHNSON, ALEXANDER & MALINDA
--OR CURRENT RESIDENT--
328 W AMIRON WY UNIT# B
OREM, UT 84057

JOHNSON, ALEXANDER & MALINDA
328 W AMIRON WAY B
OREM, UT 84057

MILESTONE PROPERTY
MANAGEMENT LLC
--OR CURRENT RESIDENT--
328 W AMIRON WAY UNIT# D
OREM, UT 84057

COLEMAN, ERIN M
332 W AMIRON WY APT B
OREM, UT 84057

JENKINS, JANICE KAY
--OR CURRENT RESIDENT--
328 W AMIRON WAY UNIT# C
OREM, UT 84057

COLEMAN, ERIN M
--OR CURRENT RESIDENT--
332 W AMIRON WY UNIT# B
OREM, UT 84057

LOTT, LYNN C & CARLA
--OR CURRENT RESIDENT--
332 W AMIRON WY UNIT# C
OREM, UT 84057

BW PROPERTIES LLC
--OR CURRENT RESIDENT--
332 W AMIRON WY UNIT# A
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
334 W 1360 NORTH
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
336 W 1360 NORTH
OREM, UT 84057

BW PROPERTIES LLC
--OR CURRENT RESIDENT--
332 W AMIRON WAY UNIT# D
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
344 W 1360 NORTH
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
346 W 1360 NORTH
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
340 W 1360 NORTH
OREM, UT 84057

ATM INVESTMENTS LC (ET AL)
--OR CURRENT RESIDENT--
348 W AMIRON WY UNIT# B
OREM, UT 84057

FISHER, GEOFFREY & JENNIFER
--OR CURRENT RESIDENT--
348 W AMIRON WAY UNIT# C
OREM, UT 84057

BOWEN, BARBARA (ET AL)
--OR CURRENT RESIDENT--
348 W AMIRON WY UNIT# A
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
350 W 1360 NORTH
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
356 W 1360 NORTH
OREM, UT 84057

COPE, WINNIFRED
--OR CURRENT RESIDENT--
348 W AMIRON WAY UNIT# D
OREM, UT 84057

BARTON INVESTMENT LLC
367 W 900 N
SALT LAKE CITY, UT 84103

BATTY, GARTH E
383 W 1480 N
OREM, UT 84057

AA DEVELOPMENT INC
--OR CURRENT RESIDENT--
360 W 1360 NORTH
OREM, UT 84057

MILESTONE PROPERTY
MANAGEMENT LLC
%LIGGETT, SCOTT AND PEARSON,
BRENT
466 W BIRCH CIR
MAPLETON, UT 84664

LONG, D B & SANDRA
488 N 400 W
AMERICAN FORK, UT 84003

MEDIA HUB LLC
412 E 1550 N
OREM, UT 84097

HMC INVESTMENT CORPORATION
551 E STATE RD # 101
AMERICAN FORK, UT 84003

MARKHAM MILLER PROPERTIES 3
LLC (ET AL)
%ROPER, GAIL H
558 S 130 W
OREM, UT 84058

WRIGHT, RONALD JOHN & BARBARA
490 S 1920 W
PROVO, UT 84601

MAG
586 EAST 800 NORTH
OREM, UT 84097

SANDVIK FAMILY LIMITED
PARTNERSHIP THE (ET AL)
601 CHURCHILL DR
SAINT GEORGE, UT 84790

ALPINE SCHOOL DISTRICT
ATTN: SUPERINTENDENT
575 NORTH 100 EAST
AMERICAN FORK, UT 84003

COPE, WINNIFRED O
%ANDERSON, KAY
683 W 925 S
OREM, UT 84058

LOTT, LYNN C & CARLA
701 N 300 W
LEHI, UT 84043

BRIAN & LISA KELLY
TIMPVUE NEIGHBORHOOD CHAIR
668 W 1325 NORTH
OREM, UT

SKARDA RENTAL LLC
827 N 900 E
PLEASANT GROVE, UT 84062

MAYOR RICHARD BRUNST
900 EAST HIGH COUNTRY DRIVE
OREM, UT 84097

LI, TONY & TINA
789 N 350 W
LINDON, UT 84042

HUNDLEY, RICHARD E JR (ET AL)
1091 N 780 E
OREM, UT 84097

QUINTERO, ROBERT ALEXANDER &
HILLARY WELLS
1119 E 100 S
LINDON, UT 84042

MARQUES, JOAO
1293 N 200 W
OREM, UT 84057

WASHBURN, CLINT R
--OR CURRENT RESIDENT--
1315 N DANIEL (300 W) DR
OREM, UT 84057

WALKER, TROY W
1304 N STATE
OREM, UT 84057

WASHBURN, CLINT R
1315 DANIEL DR
OREM, UT 84057

SANDVIK FAMILY LIMITED
PARTNERSHIP THE (ET AL)
--OR CURRENT RESIDENT--
1331 N STATE ST
OREM, UT 84057

HERRERA, GRACIELA B
1319 N 200 W
OREM, UT 84057

ASH, LINDA (ET AL)
%RICHARDSON, KATHRYN
1320 N STATE ST
OREM, UT 84057

MILLHAVEN CONSTRUCTION LLC
--OR CURRENT RESIDENT--
1360 N 200 WEST
OREM, UT 84057

MAGLEBY, PAUL M
1345 N DANIEL DR
OREM, UT 84057

OREM CITY CORPORATION
--OR CURRENT RESIDENT--
1356 N 200 WEST
OREM, UT 84057

JACK'S TIRE INVESTMENT COMPANY
INC
--OR CURRENT RESIDENT--
1369 N STATE ST
OREM, UT 84057

PINNELL, MATTHEW & ASHLEE
1360 N AMIRON WY
OREM, UT 84057

CLARK-HOLMAN LLC
--OR CURRENT RESIDENT--
1363 N STATE
OREM, UT 84057

WOAHN, BENJAMIN L & AUBREY J
1385 N 160 W
OREM, UT 84057

MS BUSINESS PROPERTIES GROUP 2
LLC
--OR CURRENT RESIDENT--
1376 N STATE
OREM, UT 84057

MILLHAVEN CONSTRUCTION LLC
--OR CURRENT RESIDENT--
1382 N 160 WEST
OREM, UT 84057

LONG, D B & SANDRA
--OR CURRENT RESIDENT--
1385 N AMIRON WAY UNIT# C
OREM, UT 84057

GANOWSKY, WILLIAM B & ARLENE
S
--OR CURRENT RESIDENT--
1385 N AMIRON WY UNIT# A
OREM, UT 84057

BW PROPERTIES LLC
--OR CURRENT RESIDENT--
1385 N AMIRON WY UNIT# B
OREM, UT 84057

MILLHAVEN CONSTRUCTION LLC
--OR CURRENT RESIDENT--
1394 N 200 WEST
OREM, UT 84057

STROM PROPERTIES LLC
--OR CURRENT RESIDENT--
1385 N AMIRON WAY UNIT# D
OREM, UT 84057

MILLHAVEN CONSTRUCTION LLC
--OR CURRENT RESIDENT--
1386 N 200 WEST
OREM, UT 84057

LI, TONY & TINA
--OR CURRENT RESIDENT--
1399 N AMIRON WAY UNIT# A
OREM, UT 84057

TACO AMIGO INC
--OR CURRENT RESIDENT--
1395 N STATE ST
OREM, UT 84057

VALENTIN, HUGO (ET AL)
1399 N AMIRON WY # C
OREM, UT 84057

LI, TONY & TINA
--OR CURRENT RESIDENT--
1399 N AMIRON WAY UNIT# D
OREM, UT 84057

SCOTT, EVAN D
--OR CURRENT RESIDENT--
1399 N AMIRON WY UNIT# B
OREM, UT 84057

VALENTIN, HUGO (ET AL)
--OR CURRENT RESIDENT--
1399 N AMIRON WAY UNIT# C
OREM, UT 84057

GANOWSKY, WILLIAM B & ARLENE
S
--OR CURRENT RESIDENT--
1409 N AMIRON WY UNIT# B
OREM, UT 84057

AA DEVELOPMENT INC
1402 W STATE RD
PLEASANT GROVE, UT 84062

GONZALEZ, DAVID & TERRI L
--OR CURRENT RESIDENT--
1409 N AMIRON WY UNIT# A
OREM, UT 84057

BARTON INVESTMENT LLC
--OR CURRENT RESIDENT--
1416 N STATE ST
OREM, UT 84057

ZELIG, TIBOR & ARDATH
--OR CURRENT RESIDENT--
1409 N AMIRON WAY UNIT# C
OREM, UT 84057

COPE, WINNIFRED O
--OR CURRENT RESIDENT--
1409 N AMIRON WAY UNIT# D
OREM, UT 84057

HUNDLEY, RICHARD E JR (ET AL)
--OR CURRENT RESIDENT--
1417 N AMIRON WAY UNIT# C
OREM, UT 84057

CROFT, LYNN D & CAROL J
--OR CURRENT RESIDENT--
1417 N AMIRON WY UNIT# A
OREM, UT 84057

CROFT, LYNN D & CAROL J
--OR CURRENT RESIDENT--
1417 N AMIRON WY UNIT# B
OREM, UT 84057

PETERSON, CAMERON & LISA
--OR CURRENT RESIDENT--
1420 N AMIRON WY UNIT# A
OREM, UT 84057

LIDDIARD, KELLY D & MELANIE B
(ET AL)
--OR CURRENT RESIDENT--
1417 N AMIRON WAY UNIT# D
OREM, UT 84057

THOMAS, RENEE & ERIC
1420 N 280 W
OREM, UT 84057

GONZALEZ, DAVID & TERRI
--OR CURRENT RESIDENT--
1420 N AMIRON WAY UNIT# D
OREM, UT 84057

PERLDREN ENTERPRISES LC
--OR CURRENT RESIDENT--
1420 N AMIRON WY UNIT# B
OREM, UT 84057

FARNELL, LINDA A
--OR CURRENT RESIDENT--
1420 N AMIRON WAY UNIT# C
OREM, UT 84057

CASKEY, ALLEN R & CARRIE SUE (ET
AL)
1422 N 230 W
OREM, UT 84057

HART, ALEX J (ET AL)
1421 N 200 W
OREM, UT 84057

WRIGHT, RONALD JOHN & BARBARA
--OR CURRENT RESIDENT--
1421 N 230 WEST
OREM, UT 84057

MOSS, JOVITA
--OR CURRENT RESIDENT--
1425 N 325 WEST
OREM, UT 84057

CORRY, WILLIAM NIEL & TERESA
1423 N 280 W
OREM, UT 84057

GREER, RAYMOND R & DELONA L
1424 N 280 W
OREM, UT 84057

DONER, ROBERT B & PATRICIA M
1428 N 325 W
OREM, UT 84057

KAY, NORMA L
1426 N 200 W
OREM, UT 84057

JOHNSON, BRUCE & ERIN
1427 N 230 W
OREM, UT 84057

TIEDEMAN, JEFFREY B & MARYLOU
1430 N 230 W
OREM, UT 84057

HMC INVESTMENT CORPORATION
--OR CURRENT RESIDENT--
1428 N STATE ST
OREM, UT 84057

COOK, MATTHEW O & TANA F
1429 N 200 W
OREM, UT 84057

KENNARD, ELAINE
--OR CURRENT RESIDENT--
1433 N AMIRON WAY UNIT# C
OREM, UT 84057

SCOTT, TYSON & TYSON C (ET AL)
--OR CURRENT RESIDENT--
1433 N AMIRON WY UNIT# A
OREM, UT 84057

BARAL INVESTMENTS LC
--OR CURRENT RESIDENT--
1433 N AMIRON WY UNIT# B
OREM, UT 84057

JOHNSON, MARISA N & NATHAN D
1435 N AMIRON WY APT D
OREM, UT 84057

MOULTON, JAMES R & JOANNE M
--OR CURRENT RESIDENT--
1433 N AMIRON WAY UNIT# D
OREM, UT 84057

PALMER, DWAIN K & NORIE
1435 N 280 W
OREM, UT 84057

PINERIDGE PROPERTIES LLC
--OR CURRENT RESIDENT--
1435 N AMIRON WAY UNIT# C
OREM, UT 84057

BW PROPERTIES LLC
--OR CURRENT RESIDENT--
1435 N AMIRON WY UNIT# A
OREM, UT 84057

BW PROPERTIES LLC
--OR CURRENT RESIDENT--
1435 N AMIRON WY UNIT# B
OREM, UT 84057

KNIGHT, ALAN D & DIANE W
1437 N 325 W
OREM, UT 84057

JOHNSON, MARISA N & NATHAN D
--OR CURRENT RESIDENT--
1435 N AMIRON WAY UNIT# D
OREM, UT 84057

DEFRIEZ, CLYDE L & CAROLYN
1436 N 200 W
OREM, UT 84057

STROM PROPERTIES LLC
--OR CURRENT RESIDENT--
1438 N AMIRON WY UNIT# A
OREM, UT 84057

HIRSCHMANN, ERIC W & KARNA B
1438 N 280 W
OREM, UT 84057

ADAMS, LAUREL K
1438 N AMIRON WY APT C
OREM, UT 84057

ROBERTSON, DAVID L & LAUNI
--OR CURRENT RESIDENT--
1438 N AMIRON WAY UNIT# D
OREM, UT 84057

STROM PROPERTIES LLC
--OR CURRENT RESIDENT--
1438 N AMIRON WY UNIT# B
OREM, UT 84057

ADAMS, LAUREL K
--OR CURRENT RESIDENT--
1438 N AMIRON WY UNIT# C
OREM, UT 84057

FREDERICKSON, JOHN P & KARYN P
1442 N 230 W
OREM, UT 84057

NIELSEN, D RANDALL & LESLIE E
1439 N 200 W
OREM, UT 84057

PETERSON, SHAWN & MELINDA
1441 N 230 W
OREM, UT 84057

BARAL INVESTMENTS-LC
--OR CURRENT RESIDENT--
1445 N AMIRON WY UNIT# A
OREM, UT 84057

BW PROPERTIES LLC
--OR CURRENT RESIDENT--
1445 B AMIRON WY UNIT# B
OREM, UT 84057

BW PROPERTIES LLC
--OR CURRENT RESIDENT--
1445 D AMIRON WY UNIT# D
OREM, UT 84057

BW PROPERTIES LLC
--OR CURRENT RESIDENT--
1448 N AMIRON WY UNIT# A
OREM, UT 84057

BOWEN, BARBARA (ET AL)
--OR CURRENT RESIDENT--
1445 N AMIRON WAY UNIT# C
OREM, UT 84057

SKARDA, CHRISTOPHER
1448 N AMIRON WY APT B
OREM, UT 84057

CROFT, LYNN D & CAROL J
--OR CURRENT RESIDENT--
1448 N AMIRON WAY UNIT# D
OREM, UT 84057

SKARDA, CHRISTOPHER
--OR CURRENT RESIDENT--
1448 N AMIRON WY UNIT# B
OREM, UT 84057

COPE, WINNIFRED
--OR CURRENT RESIDENT--
1448 N AMIRON WAY UNIT# C
OREM, UT 84057

GOLDING, MARION E & CYNTHIA A
1452 N 280 W
OREM, UT 84057

MARTIN, DAVID L & KRISTINE R
1449 N 325 W
OREM, UT 84057

JACKMAN, DREW FREDRICK &
MERRI LU WILKEY
1451 N 280 W
OREM, UT 84057

CHADWICK, LINDA
1455 N AMIRON WY APT C
OREM, UT 84057

KNUDSEN, TYLER & TINA
1453 N 230 W
OREM, UT 84057

PEACOCK, ALEN L & WENDY L
1455 N 200 W
OREM, UT 84057

CHADWICK, LINDA
--OR CURRENT RESIDENT--
1455 N AMIRON WAY UNIT# C
OREM, UT 84057

JENNINGS, VICKI J
--OR CURRENT RESIDENT--
1455 N AMIRON WY UNIT# A
OREM, UT 84057

MILES, EVELYN M
--OR CURRENT RESIDENT--
1455 N AMIRON WY UNIT# B
OREM, UT 84057

RODRIGUEZ, HUGO ROBERTO &
NANNETTE R
1456 N 230 W
OREM, UT 84057

PINNELL, MATTHEW & ASHLEE
--OR CURRENT RESIDENT--
1455 N AMIRON WAY UNIT# D
OREM, UT 84057

CHENEY, JOHN CRAIG
1455 S STATE ST # C
OREM, UT 84097

KO, CHOONYEOB
1461 N AMIRON WY
OREM, UT 84057

OMER, DEAN & G CLARA
1458 N 325 W
OREM, UT 84057

MCEWEN, DELFINA
1461 N 325 W
OREM, UT 84057

KO, CHOONYEOB
--OR CURRENT RESIDENT--
1461 N AMIRON WY UNIT# B
OREM, UT 84057

TEETERS, THOMAS ARTHUR
1461 N AMIRON WY APT A
OREM, UT 84057

TEETERS, THOMAS ARTHUR
--OR CURRENT RESIDENT--
1461 N AMIRON WY UNIT# A
OREM, UT 84057

WOODS, KAREN B
1464 N AMIRON WAY D
OREM, UT 84057

MARKHAM MILLER PROPERTIES 3
LLC (ET AL)
--OR CURRENT RESIDENT--
1462 N STATE ST
OREM, UT 84057

STINSON, DEENA K
1464 N 280 W
OREM, UT 84057

FINDLAY, JASON D & MICHELLE
1464 N AMIRON WY APT B
OREM, UT 84057

REED, LYNN & LANET
--OR CURRENT RESIDENT--
1464 N AMIRON WY
OREM, UT 84057

REED, LYNN & LANET
1464 N AMIRON WY # A
OREM, UT 84057

WOODS, KAREN B
--OR CURRENT RESIDENT--
1464 N AMIRON WY UNIT# D
OREM, UT 84057

FINDLAY, JASON D & MICHELLE
--OR CURRENT RESIDENT--
1464 N AMIRON WY UNIT# B
OREM, UT 84057

MITCHELL, SHIRLEE G (ET AL)
--OR CURRENT RESIDENT--
1464 N AMIRON WAY UNIT# C
OREM, UT 84057

KIM, CHRISTOPHER & SEONGMI
1469 N 200 W
OREM, UT 84057

YOUNG, ALMA JAY & GLENDA T
1465 N 280 W
OREM, UT 84057

MACE, ROURKE G & KATHRYN T
1467 N 230 W
OREM, UT 84057

LEES, JERRY D & GLORIA O
1473 N 325 W
OREM, UT 84057

SPERRY, MARK & LORI
1470 N 230 W
OREM, UT 84057

CHENEY, JOHN CRAIG
--OR CURRENT RESIDENT--
1472 N 325 WEST
OREM, UT 84057

TAYLOR, DAVID SCOTT
1478 N 280 W
OREM, UT 84057

HATCH, JAMES B & JULIA A
1474 N 375 W
OREM, UT 84057

GIBSON, AARON S & SUE J
1477 N 280 W
OREM, UT 84057

HUNTER, PAMELA A
1483 N 200 W
OREM, UT 84057

MIKKELSEN, WILLIAM C & LANA K
--OR CURRENT RESIDENT--
1481 N 230 WEST
OREM, UT 84057

MIKKELSEN, WILLIAM C & LANA K
1481 N 230 W
OREM, UT 84097

EDWARDS, BRADLEY C & SHAUNA H
1491 N 280 W
OREM, UT 84057

GARDINER, LISA L (ET AL)
--OR CURRENT RESIDENT--
1484 N 230 WEST
OREM, UT 84057

DEROEST, JOEL S & HEIDI H
1486 N 325 W
OREM, UT 84057

QUESTAR GAS COMPANY
1640 NORTH MTN. SPRINGS PKWY.
SPRINGVILLE, UT 84663

LEES, JARED
1538 N 1180 W
OREM, UT 84057

UNITED RESOURCES INC (ET AL)
1636 N 240 W
OREM, UT 84057

JACK'S TIRE INVESTMENT COMPANY
INC
1795 N MAIN ST
NORTH LOGAN, UT 84341

JENNINGS, VICKI J
1655 N 680 W
OREM, UT 84057

CREGG JACOBSEN
WINDSOR NEIGHBORHOOD CHAIR
1684 N 400 WEST
OREM, UT 84057

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057

ASPEN NEIGHBORHOOD CHAIR
1833 N 760 WEST
OREM, UT 84057

BW PROPERTIES LLC
1900 N 1400 E
PROVO, UT 84604

GARDINER, LISA L (ET AL)
2786 W 880 N
PROVO, UT 84601

UTAH CNTY SOLID WASTE DISTRICT
C/O RODGER HARPER
2000 WEST 200 SOUTH
LINDON, UT 84042

UTOPIA
2175 S REDWOOD ROAD
WEST VALLEY CITY, UT 84119

GANOWSKY, WILLIAM B & ARLENE
S
3590 GALVESTON AV
SIMI VALLEY, CA 93063

GARFF, PETER N & SHARON
3368 ENCHANTED HILLS DR
SALT LAKE CITY, UT 84121

JPMORGAN CHASE BANK
3415 VISION DR
COLUMBUS, OH 43219

MILLHAVEN CONSTRUCTION LLC
5314 N 250 W STE 330
PROVO, UT 84604

FISHER, GEOFFREY & JENNIFER
4007 W HONEYLOCUST LA
CEDAR HILLS, UT 84062

MLLHAVEN CONSTRUCTION LLC
5314 RIVER RUN DR
PROVO, UT 84604

MOUNTAIN AMERICA FEDERAL
CREDIT UNION
7181 S CAMPUS DR
WEST JORDAN, UT 84084

MOSS, JOVITA
5978 CLAIREMONT DR
OWINGS, MD 20736

ZELIG, TIBOR & ARDATH
%ZELIG, MARK
6925 S UNION PARK CTR STE 550
MIDVALE, UT 84047

CROFT, LYNN D & CAROL J
9484 S 3090 W
SOUTH JORDAN, UT 84095

GONZALEZ, DAVID & TERRI L
9178 HILLSIDE DR
CEDAR HILLS, UT 84062

CLARK-HOLMAN LLC
9237 WEDGEFIELD DR
SANDY, UT 84093

STROM PROPERTIES LLC
11529 N BULL RIVER CIR
HIGHLAND, UT 84003

COMCAST
9602 SOUTH 300 WEST
SANDY, UT 84070

SCOTT, EVAN D
9943 FLYROD DR
PASO ROBLES, CA 93446

SCOTT, TYSON & TYSON C (ET AL)
27237 E SKYE DR
FARMINGTON HILLS, MI 48334

PINERIDGE PROPERTIES LLC
11919 WESTFIELD COVE
LEHI, UT 84043

MOULTON, JAMES R & JOANNE M
12244 TIMBERLINE DR
HIGHLAND, UT 84003



DRC APPLICATION

www.orem.org

Development Services Department • 56 North State Street, Orem, Utah 84057 • (801) 229-7183 • FAX (801) 229-7191

APPLICANT INFORMATION

FORM EXPIRES: 06-30-2014

Name: AA DEVELOPMENT Phone: 801-785-3528
 Address: 533 West State St. FAX: 801-785-3531
 City: Pleasant Grove State: Utah Zip: 84062 e-mail: REEDSSWENSON@yahoo.com

PROJECT INFORMATION

Project Name: WINDSOR COVE Lots (1-10)
 Project Address: 360 W to 326 W 1360 North

Nature of Request (Check all that apply) and Filing Fee Amount

SUBDIVISION PLATS/LOT LINE ADJUSTMENT	ORDINANCE AMENDMENTS	OREM GENERAL PLAN AMENDMENTS	MISCELLANEOUS	APPEALS/OTHER
<input type="checkbox"/> Preliminary/PRD \$700 + \$20/lot or unit	<input type="checkbox"/> Sign \$600	<input type="checkbox"/> Land Use Map Change \$1000 + \$25 sign fee	<input type="checkbox"/> Site Plan Admin. Approval \$400	<input type="checkbox"/> To City Council \$400
<input type="checkbox"/> Preliminary deep lot sign fee \$25	<input type="checkbox"/> Subdivision \$600	<input type="checkbox"/> Text Change \$1000	<input type="checkbox"/> Site Plan \$1,500 + \$25 sign fee for following PD Zones: 1,4,5,15,16,21	<input type="checkbox"/> To Planning Commission \$400
<input type="checkbox"/> Final \$400 + \$20/lot or unit + recording fees	<input checked="" type="checkbox"/> Zoning, Text \$600		<input type="checkbox"/> Concrete/Masonry Fence \$50	<input type="checkbox"/> Street Vacation \$800
<input type="checkbox"/> Vacation/Amendment \$600 + \$20/lot or unit + \$25 sign fee + recording fees	<input type="checkbox"/> New PD Zone, Text \$1000 +25 sign fee for PD zone		<input type="checkbox"/> Daycare Fence Approval \$100	<input type="checkbox"/> Annexation \$1000 + \$25 sign fee
<input type="checkbox"/> Final PRD \$400 + \$30/lot or unit + recording fees	<input type="checkbox"/> Rezone \$800 + \$25 sign fee		<input type="checkbox"/> Temporary Site Plan Approval \$100	<input type="checkbox"/> Driveway Entrance Modification \$175
<input type="checkbox"/> Lot Line Adjustment \$400 + \$25 sign fee, not including recording fees	<input type="checkbox"/> New PD Zone, Rezone \$800 +25 sign fee for PD zone		<input type="checkbox"/> Conditional Use Permit \$600.00 + \$25 sign fee	<input type="checkbox"/> Resubmittal Fee \$100/review After three reviews
			<input type="checkbox"/> Fence Modification/Waiver \$100	<input type="checkbox"/> Other \$200
			<input type="checkbox"/> Condominium Conversion \$300.00 + \$55/Unit (\$25 sign fee; + \$30 building inspection fee/Unit)	

FILING FEES AND REQUIRED COPIES

FILING FEES: The filing fee for each "Nature of Request" checked above is required at the time the application is filed with the City. The fee amount is listed above. One DRC Application may be used for more than one Nature of Request.

REQUIRED COPIES: Two (2) full size copies 24" by 36", one (1) copy reduced to an 11" by 17", one (1) copy reduced to an 8½" by 11" shall be submitted with each application for Subdivision Plats, Conditional Use Permits, Site Plans, and Condominium Conversions. **Provide a complete set of PDF drawings with application – email PDF drawings to lpmeritt@orem.org.**

APPLICANT NOTES, SIGNATURE, AND CONTACT PERSON

PLANNING COMMISSION/CITY COUNCIL MEETINGS: Once the Development Review Committee determines your application is complete the Staff will forward it to the Planning Commission and City Council. **The applicant's attendance at the Planning Commission and City Council meetings is required.** The City Council is the final approving authority on the following items: Conditional Use Permits; Appeals; City Code amendments; General Plan Amendments; Fence Modifications; and site plans in the following zones: PD-1, PD-4, PD-5, PD-15, PD-16, and PD-21.

NEIGHBORHOOD MEETING: The applicant shall hold a neighborhood meeting in accordance with the City Code for the following requests: **General Plan Amendments; Zoning Ordinance Amendment, Map; Commercial developments adjacent to residential zones; all non-residential uses in a residential zone.**

DRC APPLICATION: This DRC Application must be **complete** at the time it is submitted to the City or it may not be accepted.

FILING FEE NOTICE: Applications filed after July 1 are subject to fee changes.

Applicant's Signature:

Contact Person Name: REED SWENSON Phone: 801-787-7902

OFFICE USE ONLY

Date Filed: 5/5/14 Fees Paid: 600. Received By:

Please Note: The deadline for filing this application to be considered at the next DRC Meeting is Monday at noon. If Monday is a Holiday the deadline is extended to the following Tuesday at noon. Once filed with the City, you may contact any of the following individuals to learn of the status of this application: Jason Bench, 229-7238; David Stroud, 229-7095; or Clinton Spencer, 229-7267.

Project Timeline

Project: PD-35 Text & Appendix CC Amendments

1. Neighborhood Meeting held by applicant on: N/A
2. DRC Application Date: 5/8/14
3. Obtained Development Review Committee Clearance on: 5/12/14 by: CAS
4. Publication notice for PC sent to Records office on: 6/3/14 by: CAS
5. Neighborhood notice (300') for Planning Commission mailed on: 6/25/14 by: CAS
6. Planning Division Manager received neighborhood notice on: 6/26/14
7. Property posted for PC on: 6/26/14 by: CAS Removed on : _____
8. Planning Commission recommended approval / denial on : 7/2/14
9. Publication notice for CC sent to Records office on: 6/3/14 by: CAS
10. Neighborhood notice (300') for City Council mailed on: 6/25/14 by: CAS
11. Planning Division Manager received neighborhood notice on: 6/26/14
12. Property Posted for City Council on: 6/26/14 by: CAS Removed: _____
13. City Council Approved / Denied on: _____

CITY OF OREM
CITY COUNCIL MEETING
 JULY 22, 2014



REQUEST:	6:20 P.M. PUBLIC HEARING – Deep Lots ORDINANCE – Amending Section 17-8-1(C)(7) pertaining to residential building setbacks and height requirements on deep lots
APPLICANT:	Matthew Erdmann
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on the State noticing website
- Faxed to newspapers
- E-mailed to newspapers

SITE INFORMATION:

- General Plan Designation:
N/A
- Current Zone:
N/A
- Acreage:
N/A
- Neighborhood:
N/A
- Neighborhood Chair:
N/A

PLANNING COMMISSION RECOMMENDATION
Vote: Approve 4-0

PREPARED BY:
DAVID STROUD, AICP PLANNER

REQUEST: Matthew Erdmann requests that the City Council, by ordinance, amend Section 17-8-1(C)(7) pertaining to residential building setbacks and height requirements on deep lots.

BACKGROUND: The applicant owns a deep lot in the R8 zone that contains over 19,000 square feet. The applicant would like to build a two-story house on this lot, but is prevented from doing so by the City’s current ordinance which states that a house on a deep lot in the R5, R6, R6.5, R7.5 and R8 zones may not exceed one story above grade.

The applicant proposes to amend the ordinance to allow a two-story house up to thirty-five feet in height (the same height generally allowed in residential zones) on a deep lot that is at least 15,000 square feet in size provided that all setbacks to adjacent property lines are at least twenty-five (25) feet.

There are currently 98 residential deep lots in the City that have at least 15,000 square feet. Only 17 of those 98 lots are vacant.

The proposed changes do not affect deep lots in the R12, R20, OS5, and ROS zones. These zones allow a home on a deep lot to be up to 35 feet in height with multiple stories if all setbacks are equal to the height of the house. The proposed amendment is as follows:

17-8-1(C)(7)

A house on a deep lot in the R5, R6, R6.5, R7.5, and R8 zones shall not exceed one story above grade. **However, a deep lot with a net area (excluding the area of any “flag stem”) of at least 15,000 square feet shall not be restricted to a single-story provided all setbacks to adjacent property lines are at least twenty-five (25) feet.**

Advantages

- Applies to a small number of deep lots
- Increased setbacks place a home farther away from adjacent homes than smaller deep lots
- Houses on lots of 15,000 square feet will typically have setbacks greater than 25 feet due to the size of the parcel

Disadvantages

- None identified

RECOMMENDATION: The Planning Commission recommends the City Council, by ordinance, amend Section 17-8-1(C)(7) pertaining to residential building setbacks and height requirements on deep lots.



705 S

710 S

714 S

718 S

715 S

716 S

719 S

734 S

734 S

850 East

730 S

735 S

740 S

900 East

746 S

749 S

746 S

74 S

766 S

752 S

775 S

72 S

763 S

774 S

78 S

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 17-8-1(C)(7) OF THE OREM CITY CODE PERTAINING TO RESIDENTIAL BUILDING SETBACK AND HEIGHT REQUIREMENTS ON DEEP LOTS

WHEREAS on May 23, 2014, Matthew Erdmann filed an application with the City of Orem requesting the City amend Section 17-8-1(C)(7) of the Orem City Code as it pertains to residential building setback and height requirements on deep lots; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on July 2, 2014, with a recommendation of approval to the City Council; and

WHEREAS a public hearing considering the subject application was held by the City Council on July 22, 2014; and

WHEREAS the City posted the City Council agenda in the City Offices at 56 North State Street, www.orem.org, and a public hearing notice at www.utah.gov/pmn/index.html; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; the orderly development of land in the City; and the effect upon surrounding neighborhoods.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council hereby finds this request is in the best interest of the City because it will allow more effective development of large deep lots without negatively impacting surrounding properties.

2. The City Council hereby amends Section 17-8-1(C)(7) of the Orem City Code to read as follows:

A house on a deep lot in the R5, R6, R6.5, R7.5, and R8 zones shall not exceed one story above grade. However, a deep lot with a net area (excluding the area of any “flag stem”) of at least 15,000 square feet shall not be restricted to a single-story provided all setbacks to adjacent property lines are at least twenty-five (25) feet.

3. This ordinance shall take effect immediately upon passage and publication in a newspaper in general circulation in the City of Orem.

4. All other ordinances and policies in conflict herewith, either in whole or in part, are hereby repealed.

PASSED and APPROVED this 22nd day of July 2014.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

DRAFT PLANNING COMMISSION MINUTES – JULY 2, 2014

AGENDA ITEM 3.4 is a request by Mathew Erdman to amend **SECTION 17-8-1(C)(7) PERTAINING TO RESIDENTIAL BUILDING SETBACK AND HEIGHT REQUIREMENTS ON DEEP LOTS** of the Orem City Code.

Staff Presentation: The applicant owns a deep lot located in the R8 zone. The current deep lot standards require a deep lot in the R5, R6, R6.5, R7.5, R8, and R12 zones to be 125% of the zone requirements. In the R8 zone, this requires a deep lot to be at least 10,000 square feet. The lot owned by the applicant is over 19,000 square feet which is not large enough to create two deep lots. The Code also requires that a home on a deep lot in the R5, R6, R6.5, R7.5, and R8 zones not exceed one-story above grade and 27 feet high. The applicant proposes three changes to Section 17-8-1(C)(7) of the Code.

The first change is that the revised deep lot regulations will only apply to deep lots in the R5, R6, R6.5, R7.5, and R8 zones of at least 15,000 square feet, exclusive of the “flag stem.” The second change would permit a house to be constructed up to 35 feet high and more than one story on a deep lot of at least 15,000 square feet. Third, should a home exceed 27 feet and/or one story, the setbacks to all adjacent property lines shall be at least 25 feet.

The proposed changes do not affect deep lots in the R12, R20, OS5, and ROS zones. These zones currently allow a home on a deep lot to exceed 27 feet in height up to 35 feet and multiple stories if all setbacks are equal to the height of the house.

The proposed amendment is as follows:

17-8-1(C)(7)

A house on a deep lot in the R5, R6, R6.5, R7.5, and R8 zones shall not exceed one story above grade. [However, a deep lot with a net area \(excluding the area of any “flag stem”\) of at least 15,000 square feet shall not be restricted to a single-story provided all setbacks to adjacent property lines are at least twenty-five \(25\) feet.](#)

Advantages

- Applies to a small number of deep lots
- Increased setbacks place a home farther away from adjacent homes than smaller deep lots
- Lot size of 15,000 square feet will typically have setbacks greater than 25 feet due to the size of the parcel

Disadvantages

- None identified

Recommendation: The Project Coordinator recommends the Planning Commission forward a positive recommendation to the City Council to amend Section 17-8-1(C)(7) of the Orem Code pertaining to residential building setback and height requirements on deep lots.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

When no one had questions, Chair Moulton invited the applicant to come forward. Matthew Erdmann introduced himself.

Mr. Erdmann said there are multiple sites that have two stories and are not restricted by any setbacks. A two story home would not encroach in this neighborhood with the setbacks to provide an option with lots of this size. Mr. Stroud said the footprint of the house to the south, which is Mr. Erdmann’s in-laws, is 2,500 square feet.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Ms. Larsen asked if you can build to 35 feet in any zone. Mr. Stroud said yes, he indicated that most two story homes are around 29 to 31 feet.

Mr. Iglesias said he is not a fan of flag lots, since there is one in his neighborhood. He noted that it is frustrating when a neighborhood is built and a house that is different is built. He does like the increased square footage. Chair Moulton asked if someone could put a second story on an existing home on a deep lot. Mr. Stroud noted the property will need 15,000 square feet.

Mr. Earl said the change to only allowing one story on deep lots was because deep lots traditionally only had to have a 25-foot on two sides and eight on the other sides. The concern then was that placing a house on a deep lot there could be a two-story house only eight feet from the backyard. That was the reason for the single-story limitation change. Mr. Earl noted that the fact that the ordinance would require 25-foot setback from each lot line helps to mitigate that concern. It is the same as any backyard setback on any traditional lot. There will be the same amount of separation that is required on any lot.

Ms. Buxton said the home should feel like the same density as a normal subdivision. The setbacks are key to making it feel more normal.

Chair Moulton closed the public hearing.

Mr. Stroud indicated the change to the height came out in 2007. The City Council also increased the lot size also.

Ms. Larsen said that deep lots less than 15,000 square feet still can only have a single-story.

Chair Moulton said he also is not a fan of deep lots, however is okay with this proposal because of the stipulations.

Ms. Buxton said it is good to help people to develop their property.

Matt Erdmann said he understands the concern for changing the neighborhood. The principle would apply to any vacant lot, where someone could place a home to a property line next to a two-story home, which will create site or encroachment issues on the neighbors. This is not unique to a deep lot situation. It is totally allowed on all other lots. His home has two-story townhomes right across his property line looking into his backyard. It feels closer than 25 feet. He had questioned the setback, but was told it was a different zone, which had different standards. With a 15,000 square foot lot, the density would be lower than the existing neighborhood. There are other two-story homes in this neighborhood and would not encroach on the neighbors.

Chair Moulton called for a motion on this item.

Planning Commission Action: Ms. Buxton said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to recommend the City Council amend Section 17-8-1(C)(7) pertaining to building height and setback requirements for deep lots of the Orem City Code. Ms. Larsen seconded the motion. Those voting aye: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton.



OREM DRC APPLICATION

Development Services Department • 56 North State Street, Orem, Utah 84057 • (801) 229-7183 • FAX (801) 229-7191

www.orem.org

APPLICANT INFORMATION

FORM EXPIRES: 06-30-2014

Name: Matthew Erdmann

Phone: 801-494-3646

Address: 1545 N. 1100 W.

FAX: _____

City: Orem

State: UT

Zip: 84057

e-mail: matterdmann09@gmail.com

PROJECT INFORMATION

Project Name: Section 17-8-1 (C)(J)

Project Address: _____

Nature of Request (Check all that apply) and Filing Fee Amount

SUBDIVISION PLATS/LOT LINE ADJUSTMENT	ORDINANCE AMENDMENTS	OREM GENERAL PLAN AMENDMENTS	MISCELLANEOUS	APPEALS/OTHER
<input type="checkbox"/> Preliminary/PRD \$700 + \$20/lot or unit <input type="checkbox"/> Preliminary deep lot sign fee \$25 <input type="checkbox"/> Final \$400 + \$20/lot or unit + recording fees <input type="checkbox"/> Vacation/Amendment \$600 + \$25 sign fee + recording fees <input type="checkbox"/> Final PRD \$400 + \$30/lot or unit + recording fees <input type="checkbox"/> Lot Line Adjustment \$400 + \$25 sign fee, not including recording fees	<input type="checkbox"/> Sign \$600 <input type="checkbox"/> Subdivision \$600 <input checked="" type="checkbox"/> Zoning, Text \$600 <input type="checkbox"/> New PD Zone, Text \$1000 +25 sign fee for PD zone <input type="checkbox"/> Rezone \$800 + \$25 sign fee <input type="checkbox"/> New PD Zone, Rezone \$800 +25 sign fee for PD zone	<input type="checkbox"/> Land Use Map Change \$1000 + \$25 sign fee <input type="checkbox"/> Text Change \$1000	<input type="checkbox"/> Site Plan Admin. Approval \$400 <input type="checkbox"/> Site Plan \$1,500 + \$25 sign fee for following PD Zones: 1,4,5,15,16,21 <input type="checkbox"/> Concrete/Masonry Fence \$50 <input type="checkbox"/> Daycare Fence Approval \$100 <input type="checkbox"/> Temporary Site Plan Approval \$100 <input type="checkbox"/> Conditional Use Permit \$600.00 + \$25 sign fee <input type="checkbox"/> Fence Modification/Waiver \$100 <input type="checkbox"/> Condominium Conversion \$300.00 + \$55/Unit (\$25 sign fee; + \$30 building inspection fee/Unit)	<input type="checkbox"/> To City Council \$400 <input type="checkbox"/> To Planning Commission \$400 <input type="checkbox"/> Street Vacation \$800 <input type="checkbox"/> Annexation \$1000 + \$25 sign fee <input type="checkbox"/> Driveway Entrance Modification \$175 <input type="checkbox"/> Resubmittal Fee \$100/review After three reviews <input type="checkbox"/> Other \$200

FILING FEES AND REQUIRED COPIES

FILING FEES: The filing fee for each "Nature of Request" checked above is required at the time the application is filed with the City. The fee amount is listed above. One DRC Application may be used for more than one Nature of Request.

REQUIRED COPIES: Two (2) full size copies 24" by 36", one (1) copy reduced to an 11" by 17", one (1) copy reduced to an 8½" by 11" shall be submitted with each application for Subdivision Plats, Conditional Use Permits, Site Plans, and Condominium Conversions. **Provide a complete set of PDF drawings with application – email PDF drawings to lpmeritt@orem.org.**

APPLICANT NOTES, SIGNATURE, AND CONTACT PERSON

PLANNING COMMISSION/CITY COUNCIL MEETINGS: Once the Development Review Committee determines your application is complete the Staff will forward it to the Planning Commission and City Council. **The applicant's attendance at the Planning Commission and City Council meetings is required.** The City Council is the final approving authority on the following items: Conditional Use Permits; Appeals; City Code amendments; General Plan Amendments; Fence Modifications; and site plans in the following zones: PD-1, PD-4, PD-5, PD-15, PD-16, and PD-21.

NEIGHBORHOOD MEETING: The applicant shall hold a neighborhood meeting in accordance with the City Code for the following requests: **General Plan Amendments; Zoning Ordinance Amendment, Map; Commercial developments adjacent to residential zones; all non-residential uses in a residential zone.**

DRC APPLICATION: This DRC Application must be **complete** at the time it is submitted to the City or it may not be accepted.

FILING FEE NOTICE: Applications filed after July 1 are subject to fee changes.

Applicant's Signature: <u>Matthew Erdmann</u>	Contact Person Name: <u>Matthew Erdmann</u>	Phone: <u>801-494-3646</u>
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OFFICE USE ONLY

Date Filed: <u>5-23-14</u>	Fees Paid: <u>600</u>	Received By: <u>[Signature]</u>
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Please Note: The deadline for filing this application to be considered at the next DRC Meeting is Monday at noon. If Monday is a Holiday the deadline is extended to the following Tuesday at noon. Once filed with the City, you may contact any of the following individuals to learn of the status of this application: Jason Bench, 229-7238; David Stroud, 229-7095; or Clinton Spencer, 229-7267.

Project Timeline

Ordinance Amendment 17-8-1(C)(7)

1. DRC application date: 5/23/2014
2. Obtained Development Review Committee clearance on: 5/29/2014
3. Executive Staff review on: 6/11/2014
4. Newspaper notice for PC sent to City Recorder: 6/5/2014
5. Planning Commission recommended approval on: 7/2/2014
6. Newspaper notice for CC sent to City Recorder on: 7/1/2014
7. City Council approved/denied request on: 7/22/2014

CITY OF OREM
CITY COUNCIL MEETING
 JULY 22, 2014



REQUEST:	6:20 P.M. PUBLIC HEARING – PO ZONE ORDINANCE - Amending Sections 22-8-8 and 22-8-12 of the Orem City Code pertaining to development standards for the Professional Office (PO) zone
APPLICANT:	Don Mitchell with American West Bank
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on the State noticing website
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair

SITE INFORMATION:

General Plan Designation:
 N/A
 Current Zone:
PO
 Acreage:
19.97
 Neighborhood:
 N/A
 Neighborhood Chair:
 N/A

**PLANNING COMMISSION
 RECOMMENDATION**

Vote: 4-0 for approval

PREPARED BY:
 Clinton A. Spencer
 Planner

REQUEST:

Don Mitchell representing American West Bank requests the City Council, by ordinance, amend Sections 22-8-8 and 22-8-12 of the Orem City Code pertaining to development standards for the Professional Office (PO) zone.

BACKGROUND:

The applicant owns property in the PO zone at 1020 East 800 North. This area of the PO zone consists of 1.19 acres and is currently developed with a bank building which was approved in 2000 and a building occupied by Northern Engineering which was approved in 2004. Both of these buildings were approved as part of the same lot.

In 2004, the original owner recorded a deed at the county that illegally subdivided the property into two (2) smaller lots and sold one of these lots to another entity. The owner did not go through the required subdivision process of getting a plat approved by the Planning Commission and the two small lots do not conform to the one acre minimum lot size requirement of the PO zone.

A prospective purchaser would now like to purchase one of the lots and make some additions to the existing building. However, the City cannot approve a revised site plan or building permit for the proposed additions to the building because of the illegally subdivided and nonconforming lots.

The current owners of the two lots would like to resolve this situation by proposing an amendment to the PO zone that would allow a minimum lot size of 18,000 square feet instead of the current one acre requirement. This would allow the owners to legally subdivide the property into two lots and obtain a plat approval from the Planning Commission. After obtaining this approval, either owner could then legally add on to their existing buildings provided all other ordinance requirements are met.

The applicant also requests that the City Council amend the PO zone to allow up to forty percent (40%) of the roof area of a building to be flat and to allow metal architectural panels on twenty percent (20%) of the exterior finish area. This is to accommodate the desired building addition by a prospective purchaser. The PO zone currently does not allow flat roofs and does not allow metal as an approved finishing material.

The Planning Commission recommended approval of the 18,000 square foot minimum lot size requirement and allowing twenty percent (20%) of the exterior finish materials to be metal architectural paneling. However, the Planning Commission felt that allowing forty percent (40%) of the roof area to be flat was too much and that it would detract from the residential look and feel of the buildings. The Planning Commission felt that allowing twenty percent (20%) of the roof area to be flat would be more reasonable. In addition, the Planning Commission did not want the flat roof area to be prominent and therefore recommended that any flat roof area be limited to half the height of the highest point of the building.

Advantages:

- Provides more building elevation options.
- Allowing lots to be subdivided into 18,000 square foot lots would allow greater flexibility in ownership of properties in the PO zone.
- Provides more opportunity for properties to be rezoned to the PO zone which includes higher landscaping standards, especially along 800 North.
- Allowing 20% of the roof area to be flat allows additional design options, but maintains the intent of the PO zone of making buildings compatible with residential neighborhoods.

Disadvantages:

- Allowing forty percent (40%) of the roof structure to be flat and including metal as an approved finish material may make buildings in the PO zone less compatible with adjacent residential zones.

RECOMMENDATION:

The Planning Commission recommends that the City Council approve allowing 18,000 square foot lots and metal architectural panels for up to twenty percent (20%) of the exterior finish materials. The Planning Commission recommends that the City Council allow up to twenty percent (20%) of the roof area to be flat with the condition that no flat roof area may be higher than fifty percent (50%) of the height of the building. Staff supports the recommendations proposed by the Planning Commission.

The proposed amendments are outlined below reflecting both the Planning Commission recommendation and the applicant’s request to allow flat roofs.

22-8-8 Zone Development Standards.

	<u>PO</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>HS</u>
Minimum Lot area in square feet unless listed as acres.	18000*****	7000	7000	3 acres*	½ acre
Setbacks (Minimum). From Dedicated Streets:	20**	20'	20'*****	30**	20'

From an adjoining Property in a non residential zone:	0	0	0	0	0
From an adjoining property in residential zone:	****25'	10'	10'	40'	10'
	<u>PO</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>HS</u>
Structure Heights. Minimum:	8'	8'	8'	8'	8'
Maximum:	35'	48'	60'	35'***	60' '

* Parcels smaller than three (3) acres shall only be allowed pursuant to Section 22-8-14(D).

** Building setbacks from 800 North in the PO and C3 zones shall be according to "Appendix I." §22-8-9 ZONING

*** Exception: The maximum height for structures located in the C3 zone which are set back no less than one hundred fifty feet (150') from a residential zone shall be sixty feet (60').

**** No portion of any building shall be located closer to a residentially zoned property than a distance equal to the height of that portion of the building (applicable to all commercial zones listed above).

***** Building setbacks and landscaping requirements for lots located adjacent to State Street shall be measured from the back of an existing or required sidewalk.

*******The PO zone may not be applied to an area of less than one acre.**

NOTE: In all commercial zones, except the PO and C3 zones, the height limitation shall not apply to belfries, cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances. In no case shall the height of belfries, cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances exceed a height of seventy-five feet (75') measured from the average finished grade of the yard in which the structure is located. In no case shall that portion which exceeds the sixty foot (60') height exceed fifty percent (50%) of the gross floor area of the uppermost floor of the building.

Planning Commission Recommendation:

22-8-12. Additional Provisions for the PO Zone.

The following additional standards and regulations shall apply to the PO Zone.

A. **Architectural Styling.** All structures shall have exterior elevations designed with a residential architectural styling. At least eighty percent (80%) of the roof area of all structures shall have a ~~The~~ minimum roof pitch ~~shall be~~ of eight feet (8') of rise to twelve feet (12') of run. Up to twenty percent (20%) of the roof area may be flat provided that any flat roof is no higher than fifty percent (50%) of the height of the building. No more than thirty-five percent (35%) of the exterior of each structure shall be composed of glass, windows, and doors.

B. **Floors Above Grade Level.** The maximum number of floors above the natural grade shall be two (2). No portion of any structure within one hundred feet (100') of a residential zone shall be more than one (1) floor (the single-floor roofline shall not exceed twenty-four feet [24'] above the natural grade level).

C. **Exterior Finishing Materials.** The exterior finishing materials for walls shall not include ~~steel~~, T-111, aluminum, or vinyl. However, up to twenty percent (20%) of the exterior finishing materials may consist of metal architectural

panels. Soffits, facias, and other similar architectural features may be finished with painted metal. No asphalt roofing shingles shall be allowed.

Applicant Request:

22-8-12. Additional Provisions for the PO Zone.

The following additional standards and regulations shall apply to the PO Zone.

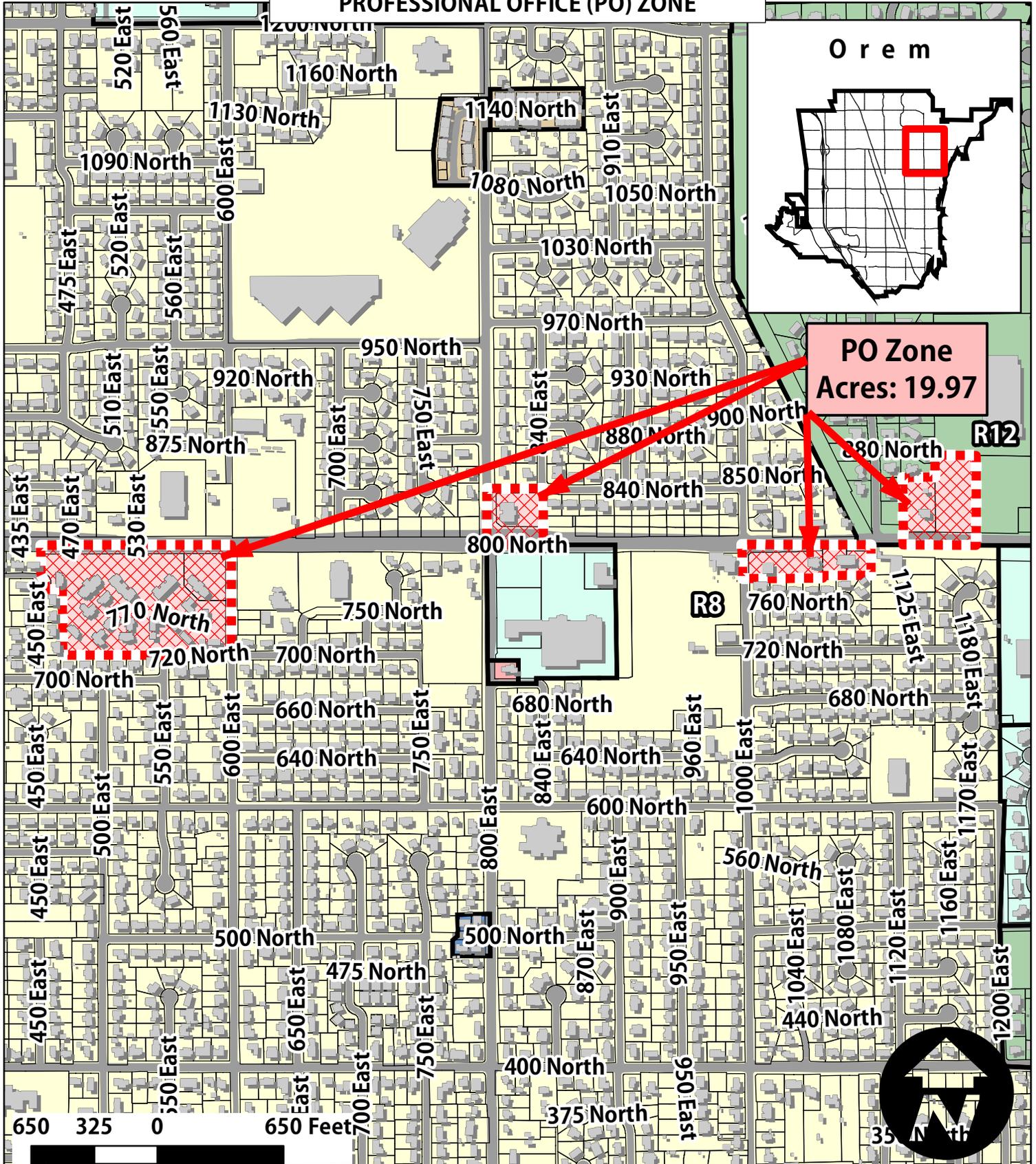
A. **Architectural Styling.** All structures shall have exterior elevations designed with a residential architectural styling. **At least sixty percent (60%) of the roof area of all structures shall have a minimum roof pitch of eight feet (8') of rise to twelve feet (12') of run.** No more than thirty-five percent (35%) of the exterior of each structure shall be composed of glass, windows, and doors.

B. **Floors Above Grade Level.** The maximum number of floors above the natural grade shall be two (2). No portion of any structure within one hundred feet (100') of a residential zone shall be more than one (1) floor (the single-floor roofline shall not exceed twenty-four feet [24'] above the natural grade level).

C. **Exterior Finishing Materials.** The exterior finishing materials for walls shall not include ~~steel~~, T-111, aluminum, or vinyl. **However, up to twenty percent (20%) of the exterior finishing materials may consist of metal architectural panels.** Soffits, facias, and other similar architectural features may be finished with painted metal. No asphalt roofing shingles shall be allowed.

City of Orem - Zoning

PROFESSIONAL OFFICE (PO) ZONE



Ordinance
if the Council
chooses to
approve the
Planning
Commission's
request.

DRAFT

RESOLUTION NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL APPROVING WITH MODIFICATIONS THE REQUEST OF DON MITCHELL TO AMEND SECTIONS 22-8-8 AND 22-8-12 OF THE OREM CITY CODE PERTAINING TO DEVELOPMENT STANDARDS FOR THE PROFESSIONAL OFFICE (PO) ZONE.

WHEREAS on May 12, 2014, Don Mitchell of American West Bank filed an application with the City of Orem requesting that the City amend Sections 22-8-8 and 22-8-12 of the Orem City Code pertaining to development standards for the Professional Office (PO) zone; and

WHEREAS the amendments to Section 22-8-8 proposed by Don Mitchell would make the following changes:

1. Allow a minimum lot size of 18,000 square feet in the PO zone;
2. Allow forty percent (40%) of the roof area of a building to be flat, and
3. Allow up to twenty percent (20%) of the exterior finishing materials to consist of metal architectural panels; and

WHEREAS a public hearing to consider the subject application was held by the Planning Commission on July 2, 2014 and the Planning Commission recommended approval of the proposal to allow a minimum lot size of 18,000 square feet in the PO zone and to allow up to twenty percent (20%) of the exterior finishing materials to be architectural metal panels; and

WHEREAS the Planning Commission recommended that change number two be amended to allow up to twenty percent (20%) of the roof area to be flat provided that no flat roof area exceeds half the height of the building; and

WHEREAS a public hearing considering the subject application was held by the City Council on July 22, 2014; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; the orderly development of land in the City; and the effect upon surrounding neighborhoods.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council finds that the first and third requests to allow a minimum lot size of 18,000 square feet and to allow up to 20% metal exterior finishing materials in the PO zone are reasonable and in the best interest of the City and will allow greater flexibility in the development and improvement of property in the PO zone.

DRAFT

2. The City Council finds that the second request to allow forty percent (40%) of the roof area to be flat is not reasonable and not in the best interest of the City because it would detract from the aesthetic appeal of buildings in the PO zone. However, the City Council finds that allowing up to twenty percent (20%) of the roof area to be flat would be reasonable and would not detract from the aesthetic appeal of buildings in the PO zone provided that no flat roof is higher than fifty percent (50%) of the height of the building.

3. The City Council hereby amends Section 22-8-8 of the Orem City Code pertaining to development standards in the PO zone to read as follows:

22-8-8. Zone Development Standards.	PO	C1	C2	C3	HS
Minimum Lot area in square feet unless listed as acres.	18000*****	7000	7000	3 acres*	½ acre
Setbacks (Minimum). From Dedicated Streets:	20**	20'	20*****	30**	20'
From an adjoining Property in a non residential zone:	0	0	0	0	0
From an adjoining property in residential zone:	****25'	10'	10'	40'	10'
Structure Heights. Minimum:	8'	8'	8'	8'	8'
Maximum:	35'	48'	60'	35***	60' '

* Parcels smaller than three (3) acres shall only be allowed pursuant to Section 22-8-14(D).
 ** Building setbacks from 800 North in the PO and C3 zones shall be according to "Appendix I."§22 8-9 ZONING
 *** Exception: The maximum height for structures located in the C3 zone which are set back no less than one hundred fifty feet (150') from a residential zone shall be sixty feet (60').
 **** No portion of any building shall be located closer to a residentially zoned property than a distance equal to the height of that portion of the building (applicable to all commercial zones listed above).
 ***** Building setbacks and landscaping requirements for lots located adjacent to State Street shall be measured from the back of an existing or required sidewalk.
 *****The PO zone may not be applied to an area of less than one acre.

NOTE: In all commercial zones, except the PO and C3 zones, the height limitation shall not apply to belfries, cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances. In no case shall the height of belfries, cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances exceed a height of seventy-five feet (75') measured from the average finished grade of the yard in which the structure is located. In no case shall that portion which exceeds the sixty foot (60') height exceed fifty percent (50%) of the gross floor area of the uppermost floor of the building.

DRAFT

4. The City Council amends Section 22-8-8 of the Orem City Code pertaining to development standards in the PO zone to read as follows:

22-8-12. Additional Provisions for the PO Zone.

The following additional standards and regulations shall apply to the PO Zone.

C. **Exterior Finishing Materials.** The exterior finishing materials for walls shall not include T-111, aluminum, or vinyl. However, up to twenty percent (20%) of the exterior finishing materials may consist of metal architectural panels. Soffits, facias, and other similar architectural features may be finished with painted metal. No asphalt roofing shingles shall be allowed.

5. The City Council amends Section 22-8-8(A) of the Orem City Code pertaining to development standards in the PO zone to read as follows:

A. **Architectural Styling.** All structures shall have exterior elevations designed with a residential architectural styling. At least eighty percent (80%) of the roof area of all structures shall have a minimum roof pitch of eight feet (8') of rise to twelve feet (12') of run. Up to twenty percent (20%) of the roof area may be flat provided that no flat roof area is higher than fifty percent (50%) of the height of the building. No more than thirty-five percent (35%) of the exterior of each structure shall be composed of glass, windows, and doors.

6. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

7. All ordinances, resolutions or policies in conflict herewith are hereby repealed.

8. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.

PASSED and APPROVED this 22nd day of July 2014.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

DRAFT

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

Ordinance
if the Council
chooses to
approve the
applicant's
request.

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTIONS 22-8-8 AND 22-8-12 OF THE OREM CITY CODE PERTAINING TO DEVELOPMENT STANDARDS FOR THE PROFESSIONAL OFFICE (PO) ZONE.

WHEREAS on May 12, 2014, Don Mitchell of American West Bank filed an application with the City of Orem requesting that the City amend Sections 22-8-8 and 22-8-12 of the Orem City Code pertaining to development standards for the Professional Office (PO) zone; and

WHEREAS the amendments to Section 22-8-8 proposed by Don Mitchell would make the following changes:

1. Allow a minimum lot size of 18,000 square feet in the PO zone;
2. Allow forty percent (40%) of the roof area of a building to be flat, and
3. Allow up to twenty percent (20%) of the exterior finishing materials to consist of metal architectural panels; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on July 2, 2014 and the Planning Commission recommended approval of the proposals to allow 18,000 square foot lots and to allow up to twenty percent (20%) of the exterior finishing materials to be architectural metal panels; and

WHEREAS the Planning Commission recommended that up to twenty percent (20%) of the roof area be allowed to be flat provided that no flat roof area is higher than half the height of the building; and

WHEREAS a public hearing considering the subject application was held by the City Council on July 22, 2014; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; the orderly development of land in the City; and the effect upon surrounding neighborhoods.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council finds that the request to allow a minimum lot size of 18,000 square feet, to allow up to 20% metal exterior finishing materials and to allow forty percent (40%) of the roof area to be flat in the PO zone are reasonable and in the best interest of the City and will allow greater flexibility in the development and improvement of property in the PO zone.

2. The City Council hereby amends Section 22-8-8 of the Orem City Code pertaining to development standards in the PO zone to read as follows:

22-8-8. Zone Development Standards.

	PO	C1	C2	C3	HS
Minimum Lot area in square feet unless listed as acres.	18000*****	7000	7000	3 acres*	½ acre
Setbacks					
(Minimum).					
From Dedicated Streets:	20**	20'	20'*****	30'**	20'
From an adjoining Property in a non residential zone:	0	0	0	0	0
From an adjoining property in residential zone:	****25'	10'	10'	40'	10'
Structure Heights.					
Minimum:	8'	8'	8'	8'	8'
Maximum:	35'	48'	60'	35'***	60' '

- * Parcels smaller than three (3) acres shall only be allowed pursuant to Section 22-8-14(D).
- ** Building setbacks from 800 North in the PO and C3 zones shall be according to "Appendix I."§22-8-9 ZONING
- *** Exception: The maximum height for structures located in the C3 zone which are set back no less than one hundred fifty feet (150') from a residential zone shall be sixty feet (60').
- **** No portion of any building shall be located closer to a residentially zoned property than a distance equal to the height of that portion of the building (applicable to all commercial zones listed above).
- ***** Building setbacks and landscaping requirements for lots located adjacent to State Street shall be measured from the back of an existing or required sidewalk.
- *****The PO zone may not be applied to an area of less than one acre.

NOTE: In all commercial zones, except the PO and C3 zones, the height limitation shall not apply to belfries, cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances. In no case shall the height of belfries, cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances exceed a height of seventy-five feet (75') measured from the average finished grade of the yard in which the structure is located. In no case shall that portion which exceeds the sixty foot (60') height exceed fifty percent (50%) of the gross floor area of the uppermost floor of the building.

3. The City Council amends Section 22-8-8 of the Orem City Code pertaining to development standards in the PO zone to read as follows:

22-8-12. Additional Provisions for the PO Zone.

The following additional standards and regulations shall apply to the PO Zone.

- A. Architectural Styling. All structures shall have exterior elevations designed with a residential architectural styling. At least sixty percent (60%) of the roof area of all structures shall have a minimum roof pitch of eight feet (8') of rise to twelve feet (12') of run. No more than thirty-five percent (35%) of the exterior of each structure shall be composed of glass, windows, and doors.
- B. Floors Above Grade Level. The maximum number of floors above the natural grade shall be two (2). No portion of any structure within one hundred feet (100') of a residential zone shall be

more than one (1) floor (the single-floor roofline shall not exceed twenty-four feet [24']) above the natural grade level.

C. Exterior Finishing Materials. The exterior finishing materials for walls shall not include T-111, aluminum, or vinyl. However, up to twenty percent (20%) of the exterior finishing materials may consist of metal architectural panels. Soffits, facias, and other similar architectural features may be finished with painted metal. No asphalt roofing shingles shall be allowed.

4. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

5. All ordinances, resolutions or policies in conflict herewith are hereby repealed.

6. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.

PASSED and APPROVED this 22nd day of July 2014.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

1 **DRAFT – JULY 2, 2014 PLANNING COMMISSION MINUTES**

2 **AGENDA ITEM 3.3** is a request by Don Mitchell to **AMEND PORTIONS OF 22-8-8 AND 22-8-12 PERTAINING TO**
3 **DEVELOPMENT STANDARDS FOR THE PROFESSIONAL OFFICE (PO) ZONE** of the Orem City Code.

4
5 **Staff Presentation:** Mr. Spencer said the existing bank building received site plan approval in 2000. Then, in 2004
6 the location of the current Northern Engineering building was approved as part of the Farwest/Procube Office
7 Building site plan. At the time of approval the Northern Engineering building was part of the Farwest Subdivision,
8 Plat A Amended, which is a one (1) lot subdivision containing 1.19 acres. Over time the property was illegally
9 subdivided at the County into two (2) smaller lots by agreements between the building owners. The bank left and
10 now a new site plan was applied for on the site. Because of the illegally subdivided lots, the City cannot grant a
11 building permit for the proposed additions to the bank building. A new subdivision plat is required for the approval
12 of the new site plan application. The owners of both buildings desire to own the land their buildings are on.

13
14 Currently, the Professional Office (PO) zone requires a minimum lot size of one (1) acre. The applicant is proposing
15 a minimum lot size of 18,000 square feet when the lot is within a minimum one (1) acre PO zone. The proposal
16 maintains the requirement that the PO zone is to be applied to sites that are a minimum of one (1) acre but may
17 contain 18,000 square foot lots, and allows other sites directly adjacent to one (1) acre PO zones with lot sizes
18 18,000 square feet or larger to rezone to the PO zone. This is to preserve the original intent of the zone which
19 includes a higher landscaping standard (Appendix I) along 800 North where the majority of the PO zone exists.
20 This would allow the property being discussed to be subdivided between the owners and each lot would have
21 sufficient parking for their buildings. However, the entire site would still share access and parking stalls.

22
23 The other zone amendments to the PO zone pertain to the new site plan application. The proposed building addition
24 will include flat roofs and metal architectural panels. The PO ordinance currently does not allow for flat roofs and
25 does not allow metal as an approved finishing material. The site plan proposal shows building elevations with flat
26 roofs that cover up to forty percent (40%) of the total roofing.

27
28 The proposed amendments would require that at least sixty percent (60%) of the roofing structure pitch to be at a
29 minimum of eight feet of rise to twelve feet of run (8/12) and provides for a maximum of twenty percent (20%) of
30 exterior finishing materials to be metal.

31
32 Advantages:

- 33 • Provides more building elevation options
- 34 • Provides more opportunity for properties to rezone to the PO zone, which includes higher landscaping
35 standards, especially along 800 North

36
37 Disadvantages:

- 38 • Allowing forty percent (40%) of the roof structure to be flat and including metal as an approved material
39 may detract from the residential adjacency of the PO zone.

40
41 **Recommendation:** City staff recommends the Planning Commission consider the amendments to the PO zone as
42 requested by the applicant and forward a positive recommendation to the City Council.

43
44 The proposed amendments are outlined below:

45
46 **22-8-8. Zone Development Standards.**

47

	<u>PO</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>HS</u>
48 Minimum Lot area					
49 in square feet unless					
50 listed as acres.	1.1 acre	18000***** 7000	7000	3 acres*	½ acre
51 Setbacks					
52 (Minimum).					
53 From Dedicated					
54 Streets:	20'***	20'	20'*****30'***	20'	

56

57					
58	From an adjoining				
59	Property in a non				
60	residential zone:	0	0	0	0
61					
62	From an adjoining				
63	property in				
64	residential zone:	****25'	10'	10'	40'
65					
66		<u>PO</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>
67	Structure Heights.				<u>HS</u>
68	Minimum:	8'	8'	8'	8'
69					
70	Maximum:	35'	48'	60'	35'*** 60' '

- 71
- 72 * Parcels smaller than three (3) acres shall only be allowed pursuant to Section 22-8-14(D).
- 73 ** Building setbacks from 800 North in the PO and C3 zones shall be according to "Appendix I."§22-

74 8-9 ZONING

- 75 *** Exception: The maximum height for structures located in the C3 zone which are set back no less
- 76 than one hundred fifty feet (150') from a residential zone shall be sixty feet (60').
- 77 **** No portion of any building shall be located closer to a residentially zoned property than a distance
- 78 equal to the height of that portion of the building (applicable to all commercial zones listed above).
- 79 ***** Building setbacks and landscaping requirements for lots located adjacent to State Street shall be
- 80 measured from the back of an existing or required sidewalk.
- 81 *****The PO zone may not be applied to an area of less than one acre.
- 82

83 NOTE: In all commercial zones, except the PO and C3 zones, the height limitation shall not apply to belfries,
 84 cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas, or properly
 85 screened mechanical appurtenances. In no case shall the height of belfries, cupolas, domes not used for human
 86 occupancy, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances
 87 exceed a height of seventy-five feet (75') measured from the average finished grade of the yard in which the
 88 structure is located. In no case shall that portion which exceeds the sixty foot (60') height exceed fifty percent (50%)
 89 of the gross floor area of the uppermost floor of the building.

91 **22-8-12. Additional Provisions for the PO Zone.**

- 92 The following additional standards and regulations shall apply to the PO Zone.
- 93 A. **Architectural Styling.** All structures shall have exterior elevations designed with a residential
- 94 architectural styling. At least sixty percent (60%) of the roof area of all structures shall have a ~~The~~ minimum roof
- 95 pitch shall be of eight feet (8') of rise to twelve feet (12') of run. No more than thirty-five percent (35%) of the
- 96 exterior of each structure shall be composed of glass, windows, and doors.
- 97 B. **Floors Above Grade Level.** The maximum number of floors above the natural grade shall be two
- 98 (2). No portion of any structure within one hundred feet (100') of a residential zone shall be more than one (1) floor
- 99 (the single-floor roofline shall not exceed twenty-four feet [24'] above the natural grade level).
- 100 C. **Exterior Finishing Materials.** The exterior finishing materials for walls shall not include ~~steel,~~
- 101 T-111, aluminum, or vinyl. However, up to twenty percent (20%) of the exterior finishing materials may consist of
- 102 metal architectural panels. Soffits, facias, and other similar architectural features may be finished with painted metal.
- 103 No asphalt roofing shingles shall be allowed.

105 Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

107 Chair Moulton indicated he likes the metal better than the concrete. He does not have a problem with the 40% flat,
 108 but would hate the 40% to be the highest part of the roof and have the slope below the flat part. He asked if there
 109 was a restriction on the location of the 40% slope. Mr. Spencer said the PO zone allows buildings to be 35 feet tall.
 110 Chair Moulton said it fits in a residential zone if the peaks are the highest point of the roof with flat portions below
 111 that.

113 Mr. Iglesias said it would not be good to have buildings where the highest point is the 40% requirement, the result is
114 mostly flat roofs.
115

116 Chair Moulton invited the applicant to come forward. Don Mitchell, American West Bank, introduced himself.
117

118 Mr. Mitchell indicated that American West Bank purchased Far West Bank in 2007; they are trying to clean this up
119 and sell off Lot 1. The proposed buyer is a regional architect, who has made the drawings. They are hoping to
120 maintain a good use for the building and help get it sold.
121

122 Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to
123 come forward to the microphone.
124

125 When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had
126 any more questions for the applicant or staff.
127

128 Ms. Larsen said that the drawing looks more than 20% metal. She asked who makes the determination of how much
129 is enough. Mr. Spencer said the percentage is figured on the entire building and includes the entire building. Chair
130 Moulton asked if in the measuring process windows are subtracted out. Mr. Spencer said no.
131

132 Ms. Larsen said the other buildings in the PO zone have a nice softer look. This building looks like it has been
133 added on to and has destroyed the look of the building. She is not in favor of flat roofs or the change to the building.
134

135 Chair Moulton asked the commission about the size change within the zone. Ms. Larsen said she does not have a
136 problem with that as long as parking requirements are satisfied. She wondered if each lot will meet the parking
137 requirement even with the shared access. Mr. Spencer said the final plat will show a shared access, but each owner
138 will have enough parking for the building that is there.
139

140 Ms. Buxton said she has always liked the buildings. On the other hand, if someone wants to develop a different way
141 they should have the right to. She does not have a problem with the lot size, but does not want a flat roof.
142

143 Ms. Larsen asked if the flat part could be limited to the back of the building.
144

145 Chair Moulton said he is okay with:

- 146 1. Allowing 18,000 square foot lots within a minimum one acre PO zone, and
- 147 2. Allow 20% of the finishing material of the building to be metal architectural paneling.

148 However, he is not okay with the potential of having a flat roof. The Planning Commission agreed.
149

150 Ms. Larsen said flat roofs have an industrial/commercial look. This office is trying to blend into a neighborhood.
151 Ms. Buxton asked if they could support two of the changes, but not the 40% on roofs. Mr. Earl said if the Planning
152 Commission is okay with:

- 153 1. Allowing 18,000 square foot lots within a minimum one acre PO zone, and
- 154 2. Allowing 20% of the finishing material of the building to be metal architectural paneling.

155 They could be forward a positive recommendation on those. If the Planning Commission wants to forward a
156 negative recommendation or modify it in some way on allowing 40% of the buildings to have flat roofs (60%
157 required to be a minimum of 8' rise in 12' of run).
158

159 Chair Moulton wondered if allowing 40%, but require the 60% (pitch roof) be to the highest elevation. Ms. Larsen
160 suggested the visual from the street should be the pitched part and the flat could be in the rear of the building. She
161 suggested that 40% is too much. She would support a less percentage. Ms. Buxton said she did not think she could
162 come up with a percentage; she supported just forwarding what they are comfortable with.
163

164 Mr. Bell suggested that when making recommendations for the City Council, it would be better to specify how much
165 lower you want it to be. Mr. Earl suggested making a motion on those items that the Commission supported and
166 then make a motion on the remaining item and see if you can get four votes.
167

168 **Planning Commission Action:** Ms. Buxton moved to recommend the City Council amend Sections 22-8-8 and 22-
169 8-12 pertaining to development standards for the Professional Office (PO) zone with the following changes:

- 170 1. Allow 18,000 square foot lots within a minimum one acre PO zone; and
- 171 2. Allow 20% of the finishing material of the building to be metal architectural paneling.

172 Ms. Larsen seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Lynnette Larsen, and David
173 Moulton. The motion passed unanimously.

174
175 Chair Moulton said keeping the flat area to the back is interesting, however, he wondered about the impact on the
176 neighborhoods. Ms. Larsen then suggested an architectural element of 10% and built with no more than half the
177 height of the building. Ms. Buxton wondered if 10% is enough if the architect wants to make a statement. She does
178 not feel qualified to come up with a number, but they want to make sure it is not the main elevation.

179
180 Mr. Iglesias said that 12-feet does not seem high enough to make a statement, but maybe 15-feet. The hard part is
181 making a design decision. Ms. Buxton suggested saying one story. Mr. Earl asked what would happen if the
182 structure is a patio and only has one story. He suggested it needs to be at least 6 – 10 feet below the highest roof
183 line. Ms. Larsen asked how the building at 800 North 800 East was approved with the flat part. Mr. Spencer said it
184 was approved as part of the building, as a patio feature. Ms. Larsen said the code could say no flat roofs, but as each
185 individual building comes in, staff could look at the flat roof as a design element of the building. Chair Moulton
186 said that the Planning Commission would approve no flat roofs being allowed. Mr. Earl said there needs to be
187 standards in the PO zone. Ms. Buxton asked if the Planning Commission has to determine the standards. Mr. Earl
188 said the current standards is 100% pitched roof. If the Planning Commission wants to liberalize the standards, this
189 is the time.

190
191 Mr. Iglesias asked if 20% was too much for Ms. Larsen. Ms. Larsen said that 20% is okay, but not higher. Ms.
192 Buxton said the number of feet needs to be noted. Chair Moulton suggested stipulating it should be below the pitch
193 15 feet. Ms. Larsen then suggested half the building height. Chair Moulton liked 20% and half the building height.

194
195 Chair Moulton called for a motion on this item.

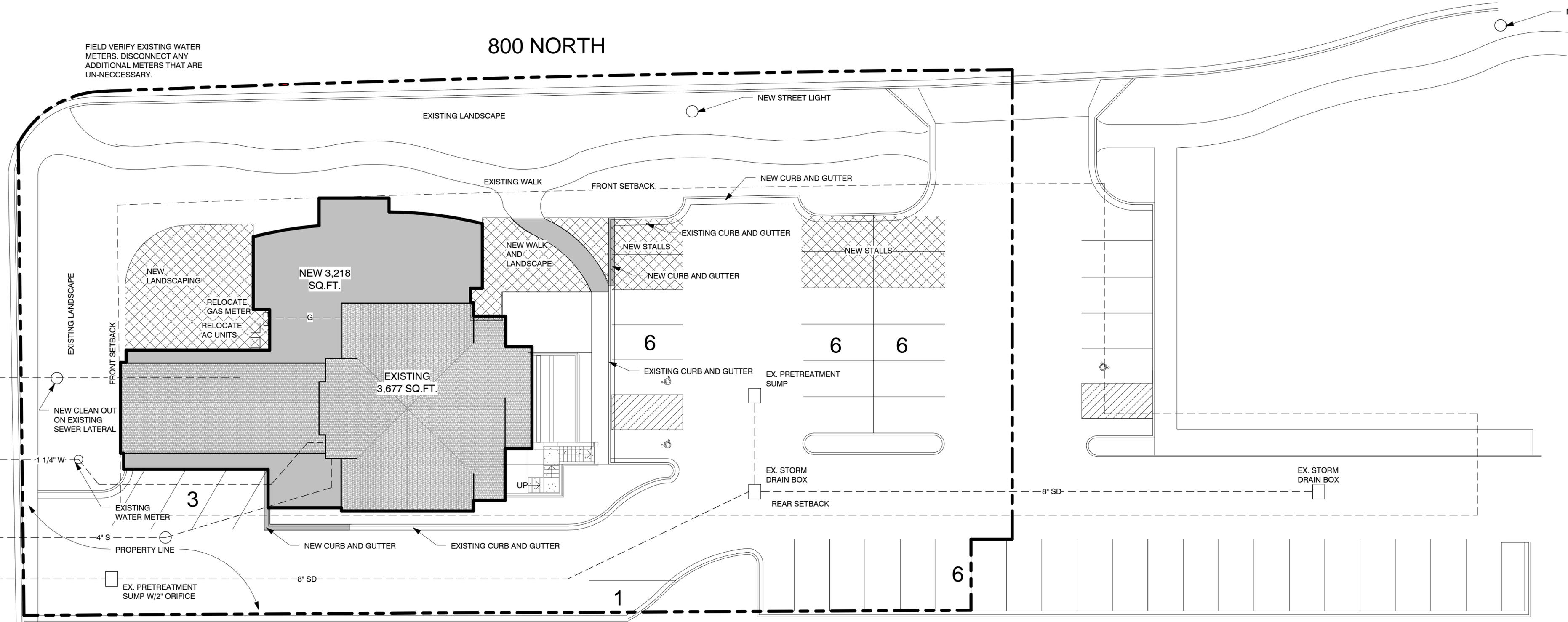
196
197 **Planning Commission Action:** Ms. Larsen moved to recommend the City Council that the City Council amend
198 portions of 22-8-8 and 22-8-12 pertaining to development standards for the Professional Office (PO) zone with the
199 suggestion to allow no more than 20% of the building to have a flat roof, which would not exceed more than half the
200 highest part of the building. Ms. Buxton seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias,
201 Lynnette Larsen, and David Moulton. The motion passed unanimously.

202
203

800 NORTH

FIELD VERIFY EXISTING WATER METERS. DISCONNECT ANY ADDITIONAL METERS THAT ARE UN-NECESSARY.

1000 EAST



NEW LANDSCAPING
RELOCATE GAS METER
RELOCATE AC UNITS

NEW 3,218 SQ.FT.

EXISTING 3,677 SQ.FT.

EXISTING WATER METER

PROPERTY LINE

EX. PRETREATMENT SUMP W/2" ORIFICE

EXISTING LANDSCAPE

EXISTING WALK

FRONT SETBACK

NEW WALK AND LANDSCAPE

NEW STALLS

NEW CURB AND GUTTER

6

EXISTING CURB AND GUTTER

EX. PRETREATMENT SUMP

6

6

EX. STORM DRAIN BOX

REAR SETBACK

8" SD

EX. STORM DRAIN BOX

1

6

NE



Proposed Buildings with 40% Flat Roofs





DRC APPLICATION

www.orem.org

Development Services Department • 56 North State Street, Orem, Utah 84057 • (801) 229-7183 • FAX (801) 229-7191

APPLICANT INFORMATION			FORM EXPIRES: 06-30-2014
Name:	Don Mitchell, Facilities Director, AmericanWest Bank		Phone: 509-344-5334
Address:	110 S. Ferrall St.		FAX:
City:	Spokane	State: WA Zip: 99202	e-mail: don.mitchell@awbank.net

PROJECT INFORMATION	
Project Name:	AmericanWest Bank Property
Project Address:	1020 East 800 North

Nature of Request (Check all that apply) and Filing Fee Amount				
SUBDIVISION PLATS/LOT LINE ADJUSTMENT	ORDINANCE AMENDMENTS	OREM GENERAL PLAN AMENDMENTS	MISCELLANEOUS	APPEALS/OTHER
<input type="checkbox"/> Preliminary/PRD \$700 + \$20/lot or unit <input type="checkbox"/> Preliminary deep lot sign fee \$25 <input type="checkbox"/> Final \$400 + \$20/lot or unit + recording fees <input type="checkbox"/> Vacation/Amendment \$600 + \$20/lot or unit + \$25 sign fee + recording fees <input type="checkbox"/> Final PRD \$400 + \$30/lot or unit + recording fees <input type="checkbox"/> Lot Line Adjustment \$400 + \$25 sign fee, not including recording fees	<input type="checkbox"/> Sign \$600 <input type="checkbox"/> Subdivision \$600 <input checked="" type="checkbox"/> Zoning, Text \$600 <input type="checkbox"/> New PD Zone, Text \$1000 +25 sign fee for PD zone <input type="checkbox"/> Rezone \$800 + \$25 sign fee <input type="checkbox"/> New PD Zone, Rezone \$800 +25 sign fee for PD zone	<input type="checkbox"/> Land Use Map Change \$1000 + \$25 sign fee <input type="checkbox"/> Text Change \$1000	<input type="checkbox"/> Site Plan Admin. Approval \$400 <input type="checkbox"/> Site Plan \$1,500 + \$25 sign fee for following PD Zones: 1,4,5,15,16,21 <input type="checkbox"/> Concrete/Masonry Fence \$50 <input type="checkbox"/> Daycare Fence Approval \$100 <input type="checkbox"/> Temporary Site Plan Approval \$100 <input type="checkbox"/> Conditional Use Permit \$600.00 + \$25 sign fee <input type="checkbox"/> Fence Modification/Waiver \$100 <input type="checkbox"/> Condominium Conversion \$300.00 + \$55/Unit (\$25 sign fee; + \$30 building inspection fee/Unit)	<input type="checkbox"/> To City Council \$400 <input type="checkbox"/> To Planning Commission \$400 <input type="checkbox"/> Street Vacation \$800 <input type="checkbox"/> Annexation \$1000 + \$25 sign fee <input type="checkbox"/> Driveway Entrance Modification \$175 <input type="checkbox"/> After three reviews Resubmittal Fee \$100/review <input type="checkbox"/> Other \$200

FILING FEES AND REQUIRED COPIES

FILING FEES: The filing fee for each "Nature of Request" checked above is required at the time the application is filed with the City. The fee amount is listed above. One DRC Application may be used for more than one Nature of Request.

REQUIRED COPIES: Two (2) full size copies 24" by 36", one (1) copy reduced to an 11" by 17", one (1) copy reduced to an 8½" by 11" shall be submitted with each application for Subdivision Plats, Conditional Use Permits, Site Plans, and Condominium Conversions. Provide a complete set of PDF drawings with application – email PDF drawings to lpmeritt@orem.org.

APPLICANT NOTES, SIGNATURE, AND CONTACT PERSON

PLANNING COMMISSION/CITY COUNCIL MEETINGS: Once the Development Review Committee determines your application is complete the Staff will forward it to the Planning Commission and City Council. **The applicant's attendance at the Planning Commission and City Council meetings is required.** The City Council is the final approving authority on the following items: Conditional Use Permits; Appeals; City Code amendments; General Plan Amendments; Fence Modifications; and site plans in the following zones: PD-1, PD-4, PD-5, PD-15, PD-16, and PD21.

NEIGHBORHOOD MEETING: The applicant shall hold a neighborhood meeting in accordance with the City Code for the following requests: **General Plan Amendments; Zoning Ordinance Amendment, Map; Commercial developments adjacent to residential zones; all non-residential uses in a residential zone.**

DRC APPLICATION: This DRC Application must be **complete** at the time it is submitted to the City or it may not be accepted.

FILING FEE NOTICE: Applications filed after July 1 are subject to fee changes.

Applicant's Signature:	Contact Person Name: Gary Riddle	Phone: 801-300-4512
------------------------	----------------------------------	---------------------

OFFICE USE ONLY		
Date Filed: 5/12/14	Fees Paid: 600	Received By:

Please Note: The deadline for filing this application to be considered at the next DRC Meeting is Monday at noon. If Monday is a Holiday the deadline is extended to the following Tuesday at noon. Once filed with the City, you may contact any of the following individuals to learn of the status of this application: Jason Bench, 229-7238; David Stroud, 229-7095; or Clinton Spencer, 229-7267.

Project Timeline

Project: Section 22-8 (PO) Zone Amendments

1. Neighborhood Meeting held by applicant on: N/A
2. DRC Application Date: 5/12/14
3. Obtained Development Review Committee Clearance on: 5/15/14 by: CAS
4. Publication notice for PC sent to Recorders office on: 6/3/14 by: CAS
5. Neighborhood notice (300') for Planning Commission mailed on: N/A by: _____
6. Planning Division Manager received neighborhood notice on: _____
7. Property posted for PC on: _____ by: _____ Removed on : _____
8. Planning Commission recommended approval / denial on : 7/2/14
9. Publication notice for CC sent to Recorders office on: 6/3/14 by: CAS
10. Neighborhood notice (300') for City Council mailed on: _____ by: _____
11. Planning Division Manager received neighborhood notice on: _____
12. Property Posted for City Council on: _____ by: _____ Removed: _____
13. City Council Approved / Denied on: _____



AGENDA
REDEVELOPMENT AGENCY
OF THE CITY OF OREM
July 22, 2014

CALL TO ORDER

APPROVAL OF MINUTES

1. **MINUTES – Redevelopment Agency Meeting of June 10, 2014**

SCHEDULED ITEMS

2. **RESOLUTION - Authorizing the Preparation of a Draft Community Development Project Area Plan and Budget**

REQUEST: The Executive Director requests that the RDA Board, by resolution, begin the process of creating a new Community Development Project Area (CDA) associated with the proposed University Place development.

BACKGROUND: Last year the City Council approved a rezone of the area that is proposed to be included in a new University Place Community Development Project Area (CDA). This area is defined visually in Exhibit A of the attached Resolution. Since the rezone of the University Place area, Woodbury Corporation (the site developer) began meeting with City officials about the prospect of creating a new CDA associated with this area. If the City decides to go further than this initial step, the entire process must be consistent with all applicable noticing laws and regulations as defined in Title 17C of the Utah Code, known as the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act. This law is what provides Utah’s local governments the authority to conduct economic development activities within their communities through their Redevelopment Agencies. This act also allows agencies to create Community Development Project Areas (or CDAs).

Generally, all project areas function under a few basic principles.

1. All provide an ongoing funding mechanism from property (and sometimes sales taxes) within a geographic area designated as a “project area.”
2. A base year value is established and taxing entities continue to receive their respective property tax collections from that base year value.
3. Any additional taxable value (or “tax increment”) and the associated property taxes generated from development within the project area are then made available to agencies to conduct economic development within the project area.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL REDEVELOPMENT AGENCY MEETINGS.

If you need a special accommodation to participate in the Redevelopment Agency meeting, please call the City Recorder’s Office at least 3 working days prior to the meeting.

(Voice 229-7074)

This agenda is also available on the City’s Internet webpage at orem.org

Some uses of tax increment include providing funds to upgrade private and public facilities, funding infrastructure improvements, purchasing land, providing development incentives, pledging funds to repay or secure bonds, etc. Each project area type is envisioned to address specific sets of circumstances and thus have different nuances, purposes, and abilities. The University Place CDA plan and budget would identify the details associated with any potential tax increment financing that might be used to replace, expand, or improve the infrastructure that directly benefits its particular Project Area.

In other words, the intent behind beginning this particular process of adopting a new CDA, would be to provide a means whereby Orem City's Redevelopment Agency can consider the merits of assisting in the economic development and redevelopment activities associated with the University Place area. This process would include drafting a plan and budget for the Project Area, which would then be brought back for official approval by the RDA Board before it would be implemented. The budget and plan associated with this CDA would also need to be officially approved by all affected taxing entities.

ADJOURN

DRAFT

REDEVELOPMENT AGENCY
of the
CITY OF OREM
June 10, 2014

CONDUCTING

Chair Richard F. Brunst, Jr.

BOARD OF DIRECTORS

Hans Andersen, Margaret Black, Tom Macdonald, Mark
Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, Brenn Bybee, Richard Manning, and
Taraleigh Gray

The Redevelopment Agency (RDA) Meeting convened at 9:38 p.m.

APPROVAL OF MINUTES – June 10, 2014

Mr. Seastrand **moved** to approve the minutes of the June 10, 2014, Redevelopment Agency Meeting. Mr. Macdonald **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed** unanimously.

SCHEDULED ITEMS

6:10 P.M. PUBLIC HEARING

RESOLUTION – Approve and Adopt the Budget for Fiscal Year 2014-2015 and amend the Fiscal Year 2013-2014 Budget

Mr. Manning presented a staff recommendation that the Board of Directors adopt the Fiscal Year 2014-2015 Final Budget and amend the Fiscal Year 2013-2014 Budget.

Revenue	FY 12	FY 13	Budget FY 14	Proposed FY 15
Increment Project Area #85-01	\$804,540	\$863,241	\$870,000	\$930,000
Haircut Project Area #85-01	\$151,707	\$164,761	\$165,000	\$175,000
Increment Project Area #85-02	\$435,451	\$432,314	\$435,000	-
Haircut Project Area #85-02	\$82,475	\$82,542	\$100,000	\$100,000
Increment Project Area #85-03A	\$499,121	\$504,689	\$505,000	-
Increment Project Area #85-03B	\$780,775	\$777,246	\$780,000	-
Haircut Project Area #85-03A	\$93,874	\$96,210	\$150,000	\$100,000
Haircut Project Area #85-03B	\$147,890	\$148,399	\$155,000	\$150,000
Increment Project Area #85-04	\$205,348	\$197,921	\$205,000	-
Haircut Project Area #84-04	\$38,676	\$37,739	\$45,000	\$50,000
Increment Project Area #87-10	\$216,546	\$187,633	\$360,000	\$245,000
Haircut Project Area #87-10	\$41,013	\$23,025	\$60,000	\$50,000
Increment Project Area #90-08	\$193,848	\$527,981	\$190,000	\$190,000
Haircut Project Area #90-08	\$23,602	\$93,683	\$25,000	\$24,000

Revenue	FY 12	FY 13	Budget FY 14	Proposed FY 15
Interest Earnings	\$75,394	\$53,184	-	-
Appropriation of Surplus	\$0	\$0	\$7,246,656	\$635,694
Fund Totals	\$3,790,260	\$4,190,568	\$11,291,656	\$2,649,694

1
2 Mr. Macdonald asked if there had been any changes since the tentative budget presentation, and
3 Mr. Manning said there were not.

4
5 Mayor Brunst opened the public hearing, but no one came forward to speak. The Mayor closed
6 the public hearing.

7
8 Mr. Seastrand **moved**, by resolution, to approve and adopt the Final Budget for Fiscal Year
9 2014-2015 and amend the Fiscal Year 2013-2014 Budget. Mr. Spencer **seconded** the motion.
10 Those voting aye: Mr. Andersen, Mrs. Black, Mr. Brunst, Mr. Macdonald, Mr. Seastrand, Mr.
11 Spencer, and Mr. Sumner. The motion **passed** unanimously.

12
13 ANNUAL REVIEW - Redevelopment Agency of the City of Orem (RDA) Bylaws

14
15 The Chief Executive Officer of the Redevelopment Agency of the City of Orem recommended
16 that the Board of Directors make no changes to the Bylaws.

17
18 Mayor Brunst **moved** to make no changes to the bylaws. Mr. Seastrand **seconded** the motion.
19 Those voting aye: Mr. Andersen, Mrs. Black, Mr. Brunst, Mr. Macdonald, Mr. Seastrand, Mr.
20 Spencer, and Mr. Sumner. The motion **passed** unanimously.

21
22 **ADJOURN TO SPECIAL SERVICE LIGHTING DISTRICT MEETING**

23
24 Mr. Seastrand **moved** to adjourn to a meeting of the Special Service Lighting District. Mr.
25 Macdonald **seconded** the motion. Those voting aye: Mr. Andersen, Mrs. Black, Mr. Brunst, Mr.
26 Macdonald, Mr. Seastrand, Mr. Spencer, and Mr. Sumner. The motion **passed** unanimously.

27
28 The meeting adjourned at 9:42 p.m.

CITY OF OREM
REDEVELOPMENT AGENCY MEETING
 JULY 22, 2014



REQUEST:	RESOLUTION - Authorizing the Preparation of a Draft Community Development Project Area Plan and Budget
APPLICANT:	Executive Director of the Orem RDA
FISCAL IMPACT:	\$35,000 (to be reimbursed by the Developer of the Project Area)

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on State website
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair

PREPARED BY:
 Brenn Bybee
 Assistant City Manager

REQUEST:

The Executive Director requests that the RDA Board, by resolution, begin the process of creating a new Community Development Project Area (CDA) associated with the proposed University Place development.

BACKGROUND:

Last year the City Council approved a rezone of the area that is proposed to be included in a new University Place Community Development Project Area (CDA). This area is defined visually in Exhibit A of the attached Resolution. Since the rezone of the University Place area, Woodbury Corporation (the site developer) began meeting with City officials about the prospect of creating a new CDA associated with this area. If the City decides to go further than this initial step, the entire process must be consistent with all applicable noticing laws and regulations as defined in Title 17C of the Utah Code, known as the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act. This law is what provides Utah’s local governments the authority to conduct economic development activities within their communities through their Redevelopment Agencies. This act also allows agencies to create Community Development Project Areas (or CDAs).

Generally, all project areas function under a few basic principles.

1. All provide an ongoing funding mechanism from property (and sometimes sales taxes) within a geographic area designated as a “project area.”
2. A base year value is established and taxing entities continue to receive their respective property tax collections from that base year value.
3. Any additional taxable value (or “tax increment”) and the associated property taxes generated from development within the project area are then made available to agencies to conduct economic development within the project area.

Some uses of tax increment include providing funds to upgrade private and public facilities, funding infrastructure improvements, purchasing land, providing development incentives, pledging funds to repay or secure bonds, etc. Each project area type is envisioned to address specific sets of circumstances and thus have different nuances, purposes, and abilities. The

University Place CDA plan and budget would identify the details associated with any potential tax increment financing that might be used to replace, expand, or improve the infrastructure that directly benefits its particular Project Area.

In other words, the intent behind beginning this particular process of adopting a new CDA, would be to provide a means whereby Orem City's Redevelopment Agency can consider the merits of assisting in the economic development and redevelopment activities associated with the University Place area. This process would include drafting a plan and budget for the Project Area, which would then be brought back for official approval by the RDA Board before it would be implemented. The budget and plan associated with this CDA would also need to be officially approved by all affected taxing entities.

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF OREM DESIGNATING THE PROPOSED UNIVERSITY PLACE COMMUNITY DEVELOPMENT PROJECT AREA, AUTHORIZING THE PREPARATION OF A DRAFT COMMUNITY DEVELOPMENT PROJECT AREA PLAN AND BUDGET, AND AUTHORIZING AND DIRECTING ALL NECESSARY ACTION BY THE AGENCY, CONSULTANTS, STAFF, AND COUNSEL.

WHEREAS the City of Orem (the “City”) created the Redevelopment Agency of the City of Orem (the “Agency”) pursuant to an ordinance dated August 14, 1984 (O-84-0031); and

WHEREAS the Agency continues to operate under applicable prior law and Title 17C of the Utah Code, as amended, known as the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act (the “Act”), for the purposes of conducting urban renewal, economic development, and community development activities within the City, as contemplated by the Act; and

WHEREAS the Agency desires to consider conducting community development activities in the area depicted on the map attached hereto as Exhibit A and incorporated herein by this reference (the “Proposed Project Area”), pursuant to Chapter 4 of the Act; and

WHEREAS the Agency desires to begin the process of adopting a project area plan for the Proposed Project Area by adopting this Resolution authorizing the preparation of a Draft Project Area Plan, pursuant to Section 17C-4-101(1) of the Act; and

WHEREAS the Agency also desires to prepare a Draft Project Area Budget, to be approved by the applicable taxing entities by separate interlocal agreements, pursuant to Section 17C-4-201 of the Act.

THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF OREM , UTAH AS FOLLOWS:

1. The Agency designates the Proposed Project Area as the proposed University Place Community Development Project Area, the boundaries of which are depicted on the map attached hereto as Exhibit A.
2. Agency consultants, counsel, and staff, as appropriate, are authorized and directed:
 - a. to prepare a Draft Community Development Project Area Plan as required by Section 17C-4-102(1) of the Act;
 - b. to prepare a Draft Community Development Project Area Budget; and
 - c. to take all other actions under the Act which may be necessary or proper for the successful establishment of the proposed community development project area, including,

DRAFT

without limitation, discussions with taxing entities, the preparation for all necessary hearings, and the preparation, publication, and mailing of statutorily required notices.

3. All acts, orders, resolutions and ordinances, and parts thereof, in conflict with this Resolution are hereby rescinded.

4. This Resolution takes effect immediately upon passage.

PASSED AND APPROVED this 22nd day of July 2014.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

EXHIBIT "A"

800 South

545 East

1000 South

800 East

1200 South

State Street

University Parkway

SHEET

Orem Redevelopment Agency

University Place CDA

July 2014

X:\Property\University Place CDA\Boundary.dwg

CITY OF OREM

DEVELOPMENT SERVICES
ENGINEERING DIVISION
56 NORTH STATE ST
OREM, UT 84057

