



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
December 9, 2014

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

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

1. Interviews – Applicants for Advisory Commissions (90 min)
2. Discussion – SW Annexation (30 min)
3. Update – Master Plans – Sewer Base Rate (10 min)
4. Amplified Sounds / Commercial Use of Parks – Karl Hirst (10 min)

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

PREVIEW UPCOMING AGENDA ITEMS

5. Staff will present to the City Council a preview of upcoming agenda items.

AGENDA REVIEW

6. The City Council will review the items on the agenda.

CITY COUNCIL - NEW BUSINESS

7. 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

8. MINUTES of City Council Meeting – October 28, 2014

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

- 9. **MINUTES of City Council Meeting – November 11, 2014**
- 10. **MINUTES of City Council Meeting – November 18, 2014**

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

- 11. **UPCOMING EVENTS**
- 12. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
 - Arts Council.....1 vacancy
 - Beautification Advisory Commission.....1 vacancy
 - CDBG Advisory Commission3 vacancies
 - Historic Preservation Advisory Commission4 vacancies
 - Library Advisory Commission1 vacancy
 - Recreation Advisory Commission.....1 vacancy
 - Recreation Allocation Advisory Commission.....7 appointments
 - CDBG Advisory Commission1 vacancy
 - Senior Citizen Advisory Commission2 vacancies
 - Summerfest Advisory Commission.....4 vacancies
 - Transportation Advisory Commission1 vacancy
- 13. **RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS**
- 14. **REPORT – Recreation Advisory Commission**
- 15. **MAYOR PRO TEM – January 1 – June 30, 2015**

CITY MANAGER’S APPOINTMENTS

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

PERSONAL APPEARANCES – 15 MINUTES

- 17. **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

- 18. **MOTION - Adopt 2015 Annual City Council Meeting Schedule**

RECOMMENDATION: The City Recorder recommends the City Council, by motion, adopt the 2015 Annual City Council Meeting Schedule.

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: Section 52-4-6 of the Utah Code Annotated requires the City to ". . . give public notice at least once each year of its annual meeting schedule . . ." and to ". . . specify the date, time and place of such meetings . . ." in said notice. Posting the notice at

the principal office of the public body and publication of said notice in at least one newspaper of general circulation within the geographic jurisdiction shall satisfy public notice.

Generally, the City Council will meet on the second and fourth Tuesdays of each month, except when these dates conflict with holidays, elections, or conferences.

The City Council has the ability to add, delete, or change any of the meetings on this proposed schedule prior to approving it. The City Council may also add, delete, or change the schedule--with proper public notice--once it has been approved.

SCHEDULED ITEMS

19. RESOLUTION – Accept Fiscal Year 2013-2014 Audit

REQUEST: The City Manager recommends the City Council, by resolution, accept the Fiscal Year 2013-2014 audit as presented.

PRESENTER: Richard Manning and Brandon Nelson

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: In accordance with State law, the City is required to have a complete financial audit performed by an independent auditing firm on an annual basis.

Over the past several months, the accounting firm of Keddington & Christensen, LLC has been reviewing the City’s financial records and has now completed their audit. All of the audit information is included in the Comprehensive Annual Financial Report (CAFR). Representatives from Keddington & Christensen, LLC will review the CAFR in their presentation to the City Council during the meeting. The City ended the fiscal year at June 30, 2014, in relatively sound financial condition and has received an auditor’s opinion with no qualifications (a “clean” opinion)

6:20 P.M. PUBLIC HEARING – Edge Homes Rezone

20. ORDINANCE - Rezoning approximately 3.78 acres located generally at 1100 North 1200 West from the HS zone the PRD zone

The applicant withdrew his application on November 13, 2014, and requested the item not be considered.

6:20 P.M. PUBLIC HEARING – University Place

21. ORDINANCE - Amending Section 22-11-47 of the Orem City Code by enacting subsection (N) relating to nuisance complaints by residents within the PD 34 zone and amending a portion of Appendix ‘BB’ of the Orem City Code relating to road locations, road types and street cross sections in the PD-34 zone at 575 East University Parkway

RECOMMENDATION: The Planning Commission recommends the City Council amend, by ordinance, Section 22-11-47 of the Orem City Code by enacting subsection (N) relating to nuisance complaints in the PD-34 zone at 575 East University Parkway.

The request to amend Appendix ‘BB’ relating to the road locations, road types, and street cross sections was continued by the Planning Commission and is not ready for City Council consideration. Staff recommends this portion of the amendment be continued.

PRESENTER: Jason Bench

POTENTIALLY AFFECTED AREA: Hillcrest Neighborhood

BACKGROUND: The University Mall has historically been exclusively a commercial development. However, the owner of the Mall, Woodbury Corporation, recently created a PD zone for the Mall property which would add residential uses to the development.

A site plan was approved in March 2014 for 461 residential units just east of Costco and two residential apartment buildings are currently under construction with two additional residential buildings to follow as phase two. Costco management is concerned that the new residents of the Mall development may complain about noises that are typically associated with Costco’s business such as truck deliveries and the operation of refrigeration trucks.

In order to alleviate Costco’s concerns, Woodbury has requested an amendment to the PD-34 zone that states that any noises, sights or smells that are customarily associated with a permitted commercial use will not be considered a violation of the City’s disturbing the peace ordinance or the City’s nuisance ordinances with respect to individuals who live in the PD-34 zone. This amendment would only apply to residents of the PD-34 zone and would not affect the ability of any resident outside the PD-34 zone from making a complaint under the City’s disturbing the peace or nuisance ordinances.

The proposed text amendment is as follows:

22-11-47

N. Because the PD-34 zone contains a mix of uses with commercial and residential uses located in proximity to each other, it is expected that individuals who choose to live in the PD-34 zone will have a higher tolerance for the noises, sights, and smells that are traditionally associated with commercial uses than individuals who live in traditional residential zones. Therefore, notwithstanding any other provision in City ordinances to the contrary, any noise, sight or smell that is clearly incidental to and customarily associated with a permitted use in the PD-34 zone (including but not limited to noise emanating from the operation of refrigerated truck units at any time of day or night) shall not be considered a violation of the City’s disturbing the peace ordinance (Section 9-2-9) or a violation of the City’s nuisance ordinances (Article 11-1) as they may affect residents who live in the PD-34 zone. However, nothing herein shall be construed to affect the applicability of the City’s disturbing the peace ordinance or nuisance ordinances as to noises, sights and smells emanating from the PD-34 zone that affect individuals who do not live within the PD-34 zone.

Advantages

- Provides an added protection to a commercial property owner or lessee located in the University Place development from nuisance complaints from residences within the PD-34 development.

- Puts all residents within the University Place development on notice that noises, sights, and smells customarily associated with commercial uses permitted in the PD-34 zone are an inherent part of this type of development.
- The text amendment only applies to those who live within the PD-34 zone and does not apply to residents and property owners outside of the University Place (PD-34) zone.

Disadvantages

- None determined

6:20 P.M. PUBLIC HEARING – Outdoor Advertising

- 22. ORDINANCE - Amending Sections 22-14-29 and 14-3-3 of the City of Orem pertaining to electronic message sign requirements**
ORDINANCE - Amending Sections 14-3-3 and 14-3-4 of the Orem City Code pertaining to outdoor advertising requirements (billboards)

RECOMMENDATION: The Planning Commission recommends the City Council:

- 1. By ordinance, amend Section 22-14-29 and 14-3-3 of the Orem City Code pertaining to electronic message sign requirements**
- 2. By ordinance, amend Sections 14-3-3 and 14-3-4 of the City Code pertaining to outdoor advertising requirements**

PRESENTER: Jason Bench

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: This item was considered by the Council on November 11, 2014. A motion to approve the ordinance amendments failed by a vote of 3-2. A City Council member who voted for the motion requested the item be reconsidered on December 9, 2014 in order to have the full City Council consider the requested amendments.

This application proposes amendments to three sections of the City Code pertaining to billboards.

The current ordinance allows electronic message center (EMC) signs on any billboard. The location of an EMC (LED) sign was an issue with the YESCO billboard at 2000 South Sandhill Road with the proximity of homes to that sign. There are other billboards in the City that are also close to residences on the east side of I-15.

Due to the concerns the City Council has previously expressed about the negative impact electronic signs may have on nearby residences, Staff propose to amend Section 22-14-29 to prohibit electronic message center (LED) signs on the east side of I-15 and within 500 feet of I-15. This would provide some protection to homes that are located near I-15.

Staff also recently became aware of a problem that could arise due to the application of Utah Code Section 10-9a-513. That section allows a billboard owner to relocate a billboard into any commercial, industrial or manufacturing zone within 5,280 feet of its previous location.

Staff is concerned that billboard companies might use the above-cited section to get around the City's prohibition of new billboards on the east side of I-15. Billboard companies with a billboard on the west side of I-15 (where new billboards are allowed) might apply to relocate their billboard to the east side of I-15 (where new billboards are not allowed but where Section 10-9a-513 would allow them to be relocated) and then turn around and apply for a new billboard on the very same site where the original billboard was located.

If this were to occur, it would effectively circumvent the City's ban on east side I-15 billboards. Staff therefore proposes to amend Chapter 14 to prohibit all new billboards in the City. This may not stop the relocation of billboards to the east side of I-15, but it will prevent the relocated billboards from being replaced since an owner who relocates a billboard will not be able to construct a new billboard at the original site of the relocated billboard. There are nine potential billboard locations on the east side of I-15 where relocations could occur.

Representatives of Reagan Outdoor Advertising and YESCO are not in favor of the proposed changes and have offered alternative language that will be provided to the Council. The Planning Commission did not wish to adopt the proposal of the billboard companies, but encouraged staff to consider some of their proposed language in future amendments.

The proposed amendments are as follows:

22-14-29. **Electronic Message Signs.** Notwithstanding any other provision in the City Code to the contrary, Electronic Message Signs (as defined in Orem City Code Section 14-3-2), shall not be allowed on any billboard located on the east side of I-15 and within 500 feet of I-15. This section shall control over any other section of City Code including, but not limited to, Section 14-3-3.

Advantages

- Eliminates conflict between the billboards with electronic display and nearby residences
- Does not prohibit electronic display on the west side of I-15
- Prevents new billboards from being located within the City, but does not prohibit the relocation of a billboard as allowed by State Code

Disadvantages

- None identified

6:30 P.M. PUBLIC HEARING – Street Vacation

23. ORDINANCE–Vacating a portion of 1200 West Street located between 701 North and 709 North

REQUEST: Nutraceutical Corporation requests that the City Council, by ordinance, vacate a portion of 1200 West Street located between 701 North and 709 North, consisting of approximately .13 acres..

PRESENTER: Jason Bench

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: Several years ago, a portion of 1200 West located on either side of 800 North was relocated to the east to increase the separation between 1200 West and the I-15 800 North on-ramp. This left a section of the old 1200 West Street that now dead ends into 800 North and is unused except by those businesses that are still located adjacent to that old section of 1200 West. This portion of the old 1200 West can be seen in the attached Exhibit "A."

Nutraceutical Corporation and DalTile (Ronald H Dee Trust) own property just west of the old 1200 West between 709 North and 701 North respectively. Nutraceutical has requested that the City vacate a portion of the old 1200 West that is adjacent to their property and the property adjacent to DalTile. Nutraceutical would like to combine the vacated street area with their existing lot and put it to productive use. The City has been maintaining the area that is proposed to be vacated in landscaping. Once this portion of 1200 West is vacated, then the responsibility of maintaining the property would no longer be the City's but would become the responsibility of the new owners.

Typically, when a public street that the City acquired by dedication or prescription is vacated, title to the vacated street area automatically vests in the adjoining property owners. Title to this portion of the old 1200 West street would automatically vest in Nutraceutical and DalTile.

State law provides that the City Council may vacate a public street if it determines (1) there is good cause for the vacation; and (2) the vacation will not be detrimental to the public interest.

RECOMMENDATION: Development Services recommends that the City Council vacate approximately 0.13 acres of 1200 West Street located between 701 North and 709 North subject to a public utility easement across the entire tract except for a small portion that could be used for signs.

24. RESOLUTION – - Approve and Sign a Resolution of the City Council of the City of Orem, Utah, Encouraging Partnership with the State of Utah to Address Transportation Funding

RECOMMENDATION: The City Manager recommends that the Orem City Council approve and sign "A Resolution of the City Council of the City of Orem, Utah, Encouraging Partnership with the State of Utah to Address Transportation Funding."

PRESENTER: Jamie Davidson

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: In September 2014, the Utah League of Cities and Towns (ULCT) at the business session of the organization's annual conference (September 12, 2014) passed a resolution encouraging the State of Utah to pursue a comprehensive funding strategy for

statewide transportation needs, including the needs of the state's cities and towns. The resolution noted the following:

1. Due to declining motor fuel purchases, improving fuel efficiency, and decreasing purchasing power because of inflation, the current use of motor fuel taxes to achieve transportation needs in Utah is outmoded & insufficient. The current motor fuel tax has not been increased since 1997.
2. The one (1) percent local option sales tax is the workhorse for Utah's cities to provide the services that citizens expect. The Utah Legislature has the sole authority to adjust the local option sales tax and last increased the one (1) percent local option in 1983 (though the increase was not fully implemented until 1991).
3. Cities are using a greater share of their general funds on traditional transportation related projects — such as road construction, operations, maintenance — because of a rapidly growing population and aging infrastructure which in turn prevents cities from adequately funding other core governmental services like public safety. Likewise, the state legislature supplements the motor fuel tax with general fund revenue which diverts money from other services.
4. At the same time, citizens are demanding a new paradigm of transportation — including bike lanes, transit, complete streets, trails, and multi-use paths —but cities have insufficient revenue sources to meet the public demand. In fact, the state's Unified Transportation Plan identifies a local government shortfall of approximately \$3 billion in revenue between today and 2040 in order to meet local transportation needs.
5. Along the Wasatch Front, half of the PM 2.5 emissions that degrade air quality come from mobile sources such as motor vehicles. For most Utahns, cleaner air is a top priority issue for the State of Utah because it impacts public health, transportation, natural resources, economic development, and tourism. The traditional transportation infrastructure incentivizes cars and thus contributes to the air quality problem.
6. In Utah, nearly one in ten adults and an increasing number of children suffer from asthma, 57 percent of adults are overweight, 22 percent are obese, and one in ten children is overweight. In addition, one in fourteen Utahns suffer from diabetes and it is the sixth leading cause of death in Utah. A new transportation paradigm can encourage active transportation because of enhanced opportunity, connectivity, and safety, which could result in better personal and public health.
7. Investing in both old and new transportation has a profound economic impact in Utah. For example, if the State of Utah invested an additional \$11.3 billion dollars on transportation between now and 2040 per the Unified Transportation Plan, it would save Utah's households and businesses more than \$84.8 billion in expenses, generate 182,618 jobs, and contribute more than \$183.6 billion in additional gross domestic product for the State.
8. While residents may be demanding a new paradigm of transportation —including bike lanes, transit, complete streets, trails, and multi-use paths — cities are limited to the revenue option of the one (1) percent local option and the motor fuel tax which are insufficient to meet new public expectations.

As a result of the ULCT resolution, the organization's members, including the City of Orem, were asked to work together to recommend the following to the Utah State Legislature by way of formal city resolution:

1. The Utah State Legislature empower cities and towns with the financial tools to fulfill the new paradigm of transportation that the state's citizens expect.
2. Encourage the Utah State Legislature to study and consider the following:
 - A. A statewide, local option ¼ cent sales tax dedicated to transportation. This statewide, local option sales tax could provide additional critical transportation infrastructure funding for cities to invest in the new transportation paradigm and reduce the impact of growth or aging transportation infrastructure on municipal general funds. It is estimated that a ¼ cent sales tax for transportation could generate approximately \$3 billion between now and 2040 and could meet the priority needs identified in the state's Unified Transportation Plan.
 - B. Clarify and expand the definition for what transportation funds can be used to reflect both the diversity of transportation options in cities and the demand from citizens for more active transportation options. Under current state law, B&C revenues via the motor fuel tax may only be spent on B&C roads and on transportation modes within B&C rights of way. The new definition could include transit, sidewalks, trails, bridges, signage, road safety, tunnels, bicycle paths, and other modalities outside of B&C rights of way. Investing in trails, sidewalks, and bike paths will result in Utahns living more active and healthy lifestyles and thus decreasing healthcare costs and improving quality of life. Investing in transit, trails, and bike paths will also help improve the air quality because it will reduce the quantity of motor vehicles on the roads.
 - C. A change in the statewide motor fuel tax, including an indexing component so that the motor fuel tax could keep pace with inflation.

ADJOURN TO A MEETING OF THE REDEVELOPMENT AGENCY OF THE CITY OF OREM

RECONVENE CITY COUNCIL MEETING

COMMUNICATION ITEMS

25. **BUDGET REPORT – October 2014**
26. **NOTES – Joint City Council/Alpine School District Meeting – November 19, 2014**

CITY MANAGER INFORMATION ITEMS

27. **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 CLOSED-DOOR MEETING – Pursuant to Section 52-4-205(1)(d), Purchase, Exchange, or Lease of Real Property

DRAFT

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
October 28, 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 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; Scott Gurney, Fire Department Director; Charlene Crozier, Library Director; Gary Giles, Police Department Director; Chris Tschirki, Public Works Director; Jason Bench, Planning Division Manager; Karl Hirst, Recreation Director; Steven Downs, Assistant to the City Manager; and Taraleigh Gray, Deputy City Recorder

Mayor Brunst welcomed those in attendance and reported on the recent sale of Midtown Village. The Ritchie Group closed on the development and had been approved for enough financing to purchase the entire project and pay for the SID bond. He said Midtown should be considered a delayed project, not a failed project. The finished project would bring in millions in sales, property, and franchise taxes.

Mr. Downs shared a video created to highlight life in Orem. Mr. Downs said the video would be shared on social media websites to enhance the Orem brand within the community.

UPDATE – IBI State Street Corridor Master Plan

Dave Nicholas, IBI Group, gave a project overview of the State Street Corridor Master Plan. He explained that within the State Street Corridor Master Plan process, IBI had established a steering committee and had created another committee to look at project identity and brand analysis. The purpose in meeting with the Council was to begin engagement and to receive input and insight. He presented a project overview, the public outreach plan, emerging trends, the master plan elements, and mobility concepts. He said that State Street was both a “through” corridor and a “to” corridor, and the emphasis of IBI would be centered on growth.

Mr. Davidson said that as the City had investigated MindMixer they had determined there was value in that type of engagement above and beyond this process. It was the City’s entry into the MindMixer world but the intent was to utilize that kind of tool on other projects.

DRAFT

1 Mr. Nicholas said that IBI had a twenty-six week schedule, with new information being released
2 every two weeks. He addressed the issue of project identity and brand analysis and shared a
3 video which was produced as part of the selection and competition process. The video
4 emphasized reimagining State Street for better land use as well as transportation and
5 neighborhood expansion, keeping in mind the notion that Orem was a place of growth.
6

7 Mr. Nicholas discussed several emerging trends that would likely impact the State Street
8 Corridor Master Plan. He said that all this data applies nationally as well as to Orem.

- 9 • Baby Boomers & Millennials were at key moments in their life cycles and would be
10 considering residential downsizing and health care needs.
- 11 • Debt for Millennials had skyrocketed but incomes had stagnated. That factor influenced
12 transportation choices.
- 13 • Low-tech, heavy industry was losing jobs to high-tech, virtual manufacturing.
- 14 • Vibrant, active, mixed-use urban places encouraged connections between knowledge
15 workers.
- 16 • A large portion of the workforce would be freelancers, contractors, and temp-workers and
17 would erode the morning commute.
- 18 • Considering transportation costs, suburban “drive-till-you-qualify” living was
19 unaffordable.
- 20 • People were driving less.
- 21 • Bicycle, transit and pedestrian trips had been increasing while car trips had decreased.
- 22 • People were using apps to choose the least expensive transportation option for a trip.
- 23 • Fifty-three percent of Millennials lived in suburbs but expressed a preference to living in
24 a city or village.
- 25 • New homebuyer demographics demanded smaller, denser, more urban housing types.
- 26 • When given shorter commutes and more walkability, Americans were willing to forego
27 the big suburban home.
- 28 • Walkability was becoming more important for suburbanites.
- 29 • Experiential brick-and-mortar retail would thrive while tradition retail would lose to low-
30 cost and online retailers. Some online retailers are now creating brick-and-mortar stores
31 to provide an experience to their customers.

32
33 Mayor Brunst said Millennials did not think about lawns, cars, and mass transit in the same way
34 that Baby Boomers did. Even hotels were being redesigned for that new mindset.
35

36 Mr. Nicholas said the Millennial group and the way they thought would shape the way the
37 United States did business for the next fifty years.
38

39 Kelly Pfof, Lewis & Young, said the national trends gave a framework, and MindMixer would
40 help to know what was resonating locally.
41

42 Mr. Whitchurch said Salt Lake City had the second highest population of Millennials in the
43 country.
44

45 Mr. Macdonald reflected that Utah cities did not necessarily follow the trends of other large
46 cities across the nation.
47

DRAFT

1 Mrs. Black said that in the branding committee meeting it was noted some of the Millennial
2 predictions were based on singles or a couple with no children. It was said that Millennials were
3 ten years behind Baby Boomers in what they did. She suggested that in ten years the Millennials
4 might have different thought processes and would not be riding bikes when they had three or
5 four children.

6
7 Mr. Nicholas said that the Master Plan was organized under the categories of vision, mobility,
8 land use, and urban design and implementation. They would also consider economics and land
9 use in the Master Plan. He said IBI was founded on the principles of city building and that they
10 believed that land use plus transportation would equal better urban design and economic
11 diversity. He said that they did not look at State Street as a transportation project or a corridor
12 project, but as a strategic planned growth, redevelopment project. Mr. Nicholas said that a large
13 part of the plan was the transportation component. IBI looked at the idea of a multiway
14 boulevard, or mixed-use street. A multiway boulevard was a mixed-use street where the nodes
15 were cleaned up and more mobility was incorporated. The core principles behind a multiway
16 boulevard included separating through and local traffic; adding additional transportation nodes;
17 improving safety and security; establishing a pedestrian realm; and increasing economic
18 development. He said that it would be a pedestrian-friendly space, with about 40 percent of it
19 being vehicle-only space. Mr. Nicholas shared several case studies of mixed-use boulevards,
20 some with dedicated transit lanes or through lanes separate from local lanes. Property values rose
21 with multiway boulevards.

22
23 Mayor Brunst said Orem had a unique situation where State Street was not a series of homes or
24 townhomes, but businesses that wanted to stay in business. There was an instance where two city
25 trees had grown to cover a business sign. He said the City would want to be considerate of
26 businesses when planning the landscaping.

27
28 Mr. Nicholas said that IBI saw State Street, Orem Boulevard, and the crossing of the two as a
29 trifecta that could create the urban fabric and pattern of streets that could turn into a more
30 walkable environment and a more attractive environment for businesses with additional street
31 frontage. He said that Orem could look to Orem Boulevard as a corridor controlled by the City
32 that could be utilized in concert with State Street for a broader picture solution. Mr. Nicholas
33 said they were looking at mid-block connections to the neighborhoods east and west of State
34 Street. He emphasized that they were looking at the project as a lateral plan and not just a linear
35 corridor.

36
37 Mayor Brunst said it would be nice to have some kind of computer program whereby officials
38 and citizens could rearrange the street configurations and landscaping on State Street and Orem
39 Boulevard to see different possible scenarios.

40
41 Mrs. Black said the citizens would appreciate seeing the possibilities.

42
43 Mr. Sumner asked if UDOT had any plans for State Street. Mr. Nicholas said there was a
44 meeting scheduled for November 20th to begin exploring with UDOT the presented ideas.

DRAFT

1 Mr. Davidson said the purpose of getting the group together was to include all the partners, such
2 as UTA, UDOT, and Provo City. UDOT was concerned about capacity. UTA envisioned a day
3 when State Street would be part of transit.
4

5 Mr. Sumner asked if State Street business owners would be part of the conversation. Mr.
6 Davidson said that was part of the effort the team members were engaged in.
7

8 Mr. Whitchurch said those stakeholders would be involved in the branding as well. The goal was
9 to broaden the input from the community. IBI wanted to get as many people involved in the
10 dialogue as possible to keep the project cohesive.
11

12 Brandon Stocksdale, Orem long-range planner, said they were looking at different ways to
13 engage people. He said they had used public and social media and also had printed notices for
14 businesses along State Street and were holding public open houses.
15

16 Mrs. Black asked if traditional charrettes would be used. Mr. Nicholas said the format would be
17 roundtable workshop discussions about the different categories such as land use, mobility, etc.
18

19 Mrs. Black asked if there was anything in the framework about nodes. Mr. Nicholas said that
20 they would be looking at nodes and districts and considering density.
21

22 Mr. Davidson said the purpose in bringing the presentation to the Council was to encourage and
23 request City Council involvement. He said he would hate to come to the Council with a plan they
24 had not been party to. The City staff wanted the Council to be involved and engaged, and asked
25 for active participation in the master-plan effort.
26

27 Mayor Brunst asked for detailed information in advance about the stakeholder meetings so the
28 Council could plan their schedules accordingly.
29

30 Mr. Nicholas said he had emailed some information to the City Council but added that he would
31 send out the information as a calendar item.
32

33 Mr. Davidson suggested that not all Councilmembers attend all the same meetings as they would
34 be discussing different topics. Councilmembers would be advised about the topics in advance.
35

36 DISCUSSION – Neighborhood Plans

37

38 Brandon Stocksdale, Orem long-range planner, provided a presentation regarding the City's
39 Neighborhood Plan Program. He said that the Planning Department's goal was to be proactive
40 about how the future of Orem would look and how it would protect the elements that have made
41 Orem great. He said they wanted to take the citywide planning goals and look at them on a
42 neighborhood level.
43

44 Mr. Stocksdale said the purpose of the program was to:

- 45 • Support the City Council's Areas of Focus
 - 46 • Promote community planning by identifying local needs and concerns
 - 47 • Improve City communication with residents
 - 48 • Apply citywide plans to the neighborhood level
- 49

DRAFT

1 Mr. Stocksdale said the desired outcomes of the program were:

- 2 • To increase positive residential involvement in the planning process
- 3 • To identify and resolve concerns at the local level
- 4 • To support citywide comprehensive planning through neighborhood buy-in and
- 5 ownership
- 6 • To introduce the MindMixer communication platform to citizens and businesses

7
8 Mr. Stocksdale said that the overall goal was to create a neighborhood plan about 25-30 pages
9 long that somebody with no planning experience could pick up and understand what their
10 neighborhood was, what its needs were, and what its future could look like based on citizen
11 involvement and citizen goals.

12
13 Mr. Stocksdale said each neighborhood plan would:

- 14 • Introduce the neighborhood – describe it and its background
- 15 • Describe the existing characteristics such as land use, schools, etc.
- 16 • Examine goals for the future of the neighborhood
- 17 • Examine the urban design of the neighborhood
- 18 • Examine implementation strategies for the plan

19
20 Mr. Stocksdale presented the tentative priority order to proceed through the plans.

21
22 Mayor Brunst asked why it was prioritized the way it was.

23
24 Mr. Stocksdale said they wanted to get a firm grasp on the State Street study. He said they
25 wanted to be able to take elements of that study and apply it on local levels. It was a tentative
26 plan and could be revised according to needs. The neighborhoods were grouped into ten groups.
27 He said they planned to work on two groups per year and to finish in five years.

28
29 Mayor Brunst said the Councilmembers were assigned to each neighborhood and should be
30 intimately involved with the neighborhoods during this process.

31
32 Mrs. Black said there were many neighborhoods that did not have NIA chairs. She said this
33 would be a good time to get chairs, when they would have a lot of things to do.

34
35 Mr. Stocksdale said that anyone who wanted to participate on the committees would be welcome
36 and that they hoped to include residents, business owners, school representatives, and religious
37 leaders as well as City staff on each of the neighborhood committees.

38
39 Mayor Brunst commented that Orem had a diverse community of religious groups, including
40 quite a large and involved Catholic Church and a small Community Church. He said he had
41 spoken to the leaders of these churches who had said that they would like to be involved on a
42 community level.

43
44 Mr. Stocksdale discussed the various methods that would be involved in the Public Outreach
45 Plan. These included:

- 46 • MindMixer
- 47 • SurveyMonkey

DRAFT

- 1 • Project (Neighborhood) Blog
- 2 • Orem City Facebook
- 3 • Neighborhood Canvassing
- 4 • Chalkboard/Idea Board
- 5 • School Bulletins
- 6 • NIA Leadership
- 7 • Utility Bills / City Newsletter
- 8 • Mailings / Fliers

9
10 Mr. Stocksdale said that there were a lot of changes happening in Orem and that this was an
11 opportunity for balance, bringing positive change while preserving what was most important.

12
13 Mr. Bybee took a moment to express appreciation to Taraleigh Gray, Deputy City Recorder, who
14 would be leaving the Recorder’s Office at the end of October.

15
16 **5:30 P.M. STUDY SESSION- PUBLIC SAFETY TRAINING ROOM**

17
18 CONDUCTING Mayor Richard F. Brunst, Jr.

19
20 ELECTED OFFICIALS Councilmembers Hans Andersen, Margaret Black, Tom
21 Macdonald, Mark E. Seastrand, David Spencer, and Brent
22 Sumner

23
24 APPOINTED STAFF Jamie Davidson, City Manager; Brenn Bybee, Assistant
25 City Manager; Richard Manning, Administrative Services
26 Director; Greg Stephens, City Attorney; Steve Earl, Deputy
27 City Attorney; Bill Bell, Development Services Director;
28 Scott Gurney, Fire Department Director; Charlene Crozier,
29 Library Director; Gary Giles, Police Department Director;
30 Chris Tschirki, Public Works Director; Jason Bench,
31 Planning Division Manager; Karl Hirst, Recreation
32 Director; Steven Downs, Assistant to the City Manager;
33 and Taraleigh Gray, Deputy City Recorder

34
35 Preview Upcoming Agenda Items
36 City Council and staff reviewed upcoming agenda items.

37
38 Agenda Review
39 City Council and staff reviewed the items on the agenda.

40
41 City Council New Business
42 The Council adjourned at 5:55 p.m. to the City Council Chambers for the regular meeting.

43
44
45 **6:00 P.M. REGULAR SESSION**

46
47 CONDUCTING Mayor Richard F. Brunst, Jr.

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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; Scott Gurney, Fire Department Director; Charlene Crozier, Library Director; Gary Giles, Police Department Director; Chris Tschirki, Public Works Director; Jason Bench, Planning Division Manager; Karl Hirst, Recreation Director; Steven Downs, Assistant to the City Manager; and Taraleigh Gray, Deputy City Recorder

INVOCATION /

INSPIRATIONAL THOUGHT

Floyd Ostler

PLEDGE OF ALLEGIANCE

Jacob Siebach

APPROVAL OF MINUTES

Mr. Seastrand **moved** to approve the minutes from the October 14, 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**, 7-0.

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

Upcoming Events

The Mayor referred the Council to the upcoming events listed in the agenda packet. He specially noted the upcoming groundbreaking for the completion of Midtown Village due to the recent purchase of the property and he presented information regarding the plans for the project.

Appointments to Boards and Commissions

There were no appointments.

Recognition of New Neighborhoods in Action Officers

No new Neighborhood in Action officers were recognized.

Presentation

Sunil Naidu, president of the Utah Government Finance Officers Association and representing the National GFOA, presented a Certificate of Achievement, recognizing that the City of Orem had gone beyond the minimum requirements of generally accepted accounting principles and prepared a Comprehensive Annual Financial Report that evidenced the spirit of transparency and full disclosure. He commended Richard Manning and the Administrative Services Department and Brandon Nelson and the entire accounting division for the countless hours they spent doing quality work throughout the year and for preparing the CAFR which met national standards. The

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1 City of Orem had received this award for the twenty-sixth consecutive year. He presented the
2 award to Brandon Nelson, Accounting Division Manager.

3 4 Report – Library Advisory Commission

5 Julene Butler introduced the members of the Library Advisory Commission who were present at
6 the meeting and thanked Councilmember Tom Macdonald for his participation on the
7 commission. She also commended Charlene Crozier and the entire library staff.

8
9 Ms. Butler addressed the question of whether libraries were still needed in the age of the internet.
10 She said that libraries provided much more than just information to the citizens of the
11 community. She said their presentation was based on an article in the January 2014 issue of
12 Forbes Magazine, titled, “Why Public Libraries Matter and How They Can Do More.” The
13 article identified three missions of the library:

14
15 Mission 1: Promote Reading – not simply be there for people who express interest.

16 Mission 2: Offer Access to Information – including internet connectivity.

17 Mission 3: Anchor the community and offer citizens a place to gather and to learn.

18
19 Ms. Butler complimented the library staff for providing relevant and highly current services to
20 the citizens of Orem.

21
22 Mayor Brunst said he noticed that he often had a hard time to find a parking space. He had
23 always been impressed to see how many families were walking out with books and how busy the
24 Library was during the week. He said he thought Orem had one of the most active and well-
25 supported libraries around.

26
27 Terry Smith, a member of the LAC, discussed collection and circulation, which continued to be
28 robust with all ages having high usage. There were over 245,000 items in print; over
29 45,000 items in audio; more than 33,000 items in video; more than 2800 other items; and a total
30 of over 329,000 items in the library. She said that circulation this past year was over 1 million
31 items. She said the excellent collection served not just the reader but also the life-long learner.

32
33 Ms. Smith said the library helped the user discover new information sources. She said the library
34 was a well-used, well-loved part of the city.

35
36 James Jones, a member of the LAC, spoke about electronic resources that the library offered to
37 the city. He said the Orem Library ebook collection had been increasing. Recently the Library
38 received a grant to purchase an additional \$10,000 worth of ebooks. He said research showed
39 that people who read ebooks actually read more print books also. He said that ematerial
40 circulation was up 200 percent. Mr. Jones said that computer labs and the internet connections
41 were a great resource for students. He said that the computer access in the public schools usually
42 closed shortly after school hours ended, so having the computers in the library allowed students
43 to complete projects.

44
45 Darla Baker, a member of the LAC, said the Orem Public Library sees thousands of visitors each
46 week with diverse needs and sometimes interesting requests, including a request for a librarian to
47 hold a kitten during story time, which request was granted.

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1 Ms. Baker addressed the various programs at the library, including:

- 2 • Weekly Storytime and Laptime for Children
- 3 • Summer Reading for children and teens
- 4 • Concerts featuring all types of music
- 5 • Plays and puppets
- 6 • Author visits and readings
- 7 • Community presentations and discussions
- 8 • Film screenings
- 9 • Unique events and opportunities

10
11 Ms. Baker said that in the 2013-2014 fiscal year almost 60,000 attended the programs offered by
12 the library.

13
14 Ms. Butler commented on how the library provided an anchor for the community. She said
15 people gathered at the library from all around the valley. Recently, Orem Public Library was
16 recognized as the #1 public library in Utah Valley.

17
18 Ms. Butler said the library also provided an opportunity for people to serve, and that several
19 hundred people volunteered at the library, which helped keep the library budget down. She said
20 that each returned book was cleaned and volunteers were very helpful with this and other tasks.

21
22 Ms. Butler said that, last year, over \$36,000 worth of materials were donated to the library,
23 which also helped keep the budget down. She said that people also donated money to the library.

24
25 Ms. Butler reported that the Utah State Library Board ranked the Center for Story as its highest
26 priority for library capital funding this year. She said that the Utah Department of Heritage and
27 Arts and would present that ranking and that information to the governor and to the legislature in
28 the upcoming months. She reported that over \$4,010,000 already been raised for the project,
29 which was originally estimated to cost \$4.4 million, but she acknowledged that the price had
30 probably gone up over time. She said that the library was continuing to raise funds for that
31 project.

32
33 Ms. Butler thanked the City Council and the residents for their continued support of the Orem
34 Public Library.

35
36 Mayor Brunst commented that he was very proud of the community and the quality of life and
37 said that the library was a big part of that.

38 Report – Annual Judges Report

39
40
41 Municipal Judge Reed Parkin provided the annual Judges Report to the Council. He said that the
42 court was in good standing with excellent court staff. He reviewed the three branches of local
43 government – Executive (the Mayor), Legislative (the Council), and Judicial (the Judge.)

44
45 Judge Parkin reviewed the following:

- 46 • Fines
- 47 • Retention system for judges

DRAFT

- State Legislature’s Judicial Performance Evaluation Commission

Mr. Seastrand said one of the main reasons for the justice court was to make the process faster, friendlier, and less intimidating.

Judge Parkin said that a justice court gave the opportunity to determine the flavor of a community. The court was local, convenient, and safe. He said the municipal court staff recognized they were in the service business.

Mrs. Black said she remembered that Judge Parkin had recently received an honor and asked him to report what the honor was.

Judge Parkin said he had been recognized as the Justice Court Judge of the Year, and he was honored by the recognition and gesture.

Mayor Brunst thanked Judge Parkin for the work he was doing and the quality and high level of service he gave.

CITY MANAGER’S APPOINTMENTS

Appointments to Boards and Commissions

There were no City Manager appointments.

PERSONAL APPEARANCES

Aaron Orullion said he was a member of the State Street Corridor Master Plan Redevelopment Committee. He reported surveying businesses on State Street and learned that all wanted to see a different concept and a change. He said the redevelopment would be funded by grants and private businesses. He voiced concern about the job and business losses Orem had recently experienced. He said the CDA redevelopment effort at the University Mall would cost the citizens no money. He voiced concern about the misinformation and scare tactics used by the groups circulating referendum actions. He said the CDA referendum would negatively affect the redevelopment of State Street because businesses did not want to be bothered by the hassle of the referendum efforts. He encouraged the public to attend the open house meetings sponsored by the Woodbury Corporation.

Jacob Siebach said he was disappointed by the efforts made to curtail the petition for the referendum. He said that the Council members had made their views known by their votes and should not be trying to influence the petition. He voiced support for the referendum actions made available to the citizens. He asked for the Council to support the petition for the referendum by signing the petition and then to let their voices be heard at the polls.

Curtis Wood asked about the staffing of the interlocal ethics commission and if that type of thing always had to start with lawyers. He said there had to be a way to look at the ethics issue and deal with it. He said in the military the inspector general was used. Regarding the CDA, Mr. Wood said the Council had done its due diligence. He said it would be a terrific project and asked that the Council members not sign the referendum petition.

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1 John Whitaker represented and read a statement from the Utah Valley Chamber of Commerce.
2 He said the UVCofC supported the CDA and the redevelopment project as a whole. It would
3 create office space allowing businesses to stay in Orem as well as bring new businesses in. It
4 would bring high quality housing, new retail, and a wonderful park. The multiuse community
5 gathering place would bring the community together. There would be no new taxes, but it would
6 increase the tax dollars being infused into the taxing entities. No one would have tax dollars
7 taken away. The property tax rebate was only a portion of the increase in property taxes over
8 twenty years. The development would increase sales tax and franchise tax revenues. They hoped
9 the citizens of Orem would not support the petition drive but would instead support the
10 innovating and exciting project for the benefit of all of Orem.

11 12 **CONSENT ITEMS**

13
14 Mr. Andersen **moved** to cancel the November 25, 2014, City Council meeting and reschedule the
15 City Council meeting on November 18, 2014. Mr. Seastrand **seconded** the motion. Those voting
16 aye: Hans Andersen, Margaret Black, Richard F. Brunst, Mark E. Seastrand, David Spencer, and
17 Brent Sumner. Those voting nay: Tom MacDonald The motion **passed**, 6-1.

18 19 **SCHEDULED ITEMS**

20 21 6:20 P.M. PUBLIC HEARING

22 REZONE AND ZONE ORDINANCE AMENDMENT - Enacting Section 22-11-54
23 (PD-41 zone) and Appendix “JJ” (concept plan); and Amending Section 22-5-3(A) and the
24 zoning map of the City of Orem by rezoning property located at 1200 West Center Street
25 from the R8 zone to the PD-41 zone

26
27 Jason Bench, Planning Division Manager, presented an applicant request proposing to create the
28 PD-41 zone and to apply the PD-41 zone to a parcel of property located at 1200 West Center
29 Street, consisting of approximately 12.07 acres. The property was currently owned by Richard
30 and Sharon Christensen with whom the applicant had a contract to develop the property. He said
31 that the application had been invested more than six months ago, before the City Council moved
32 to postpone PD zones along Center Street.

33
34 Mr. Bench noted that neighborhood meetings were held on January 30, 2014 and August 13,
35 2014 regarding the proposed rezone and the addition of commercial pads to the original concept
36 plan. There were approximately 25-30 people at both meetings. Some of the major concerns
37 were access to the residential neighborhood to the north on 1140 West and whether or not the
38 applicant had sufficient on-site parking. An email was received from the president of the Peach
39 Haven HOA located east of the project indicating support for the proposal.

40
41 According to the General Plan, “Planned Development zones are intended to allow freedom of
42 design in order to obtain development which will be an asset to the City.” Further, they are to “be
43 located in commercial and industrial land use locations.” The General Plan designation for this
44 area was Community Commercial and the requested zone change is more in alignment with the
45 General Plan than the current R8 zone especially given the property location and access from
46 I-15.

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1 Mr. Bench said that the property had been vacant for many years and the last development
2 proposal to come before the Council for the property was the Sunset Ridge project which was
3 proposed in 2007 and which included an office building, restaurant pad, and 75 multifamily
4 housing units. That proposal was denied by the City Council on a 4-3 vote because the Council at
5 the time wanted more commercial uses on the property, citing the uniqueness of the property as
6 one of the last large vacant properties adjacent to I-15.

7
8 The proposed PD-41 zone would allow up to 17 units per acre, broken up into a 168-unit
9 residential component and a two-pad commercial area.

10
11 Some of the key elements of the proposed PD-41 zone would include:

- 12 • A mix of residential and commercial uses
- 13 • A maximum building height of forty-five feet for the residential area and fifty-five feet
14 for the commercial pads
- 15 • A common wall for the two commercial units
- 16 • An eight foot buffered sidewalk along Center Street
- 17 • Signage for each commercial pad and for the residential development with frontage on
18 Center Street
- 19 • Two required parking stalls per residential unit and commercial parking to comply with
20 Section 22-15 of the Orem City Code
- 21 • One access to be provided to Center Street, one access connecting to 1140 West to the
22 North, and a new access connecting to 1200 West (right in / right out, with a concrete
23 median on 1200 West) which will be required by development agreement and which will
24 also require the applicant to acquire property from UDOT and to install the access
- 25 • New precast fencing to be installed on the west and north side of the project

26
27 As part of its analysis of this request, the City's Economic Development Department hired a
28 consultant (Van Drimmelen & Associates, Inc.) to conduct an analysis of the highest and best
29 use for the property. The study concluded that the top three uses for the property were:

- 30 1. Office uses
- 31 2. Retail development
- 32 3. Multifamily residential development

33
34 A traffic study performed in connection with the rezone request indicated that if the proposed
35 development only had access from Center Street and 1200 West, the access onto Center Street
36 would have a traffic failure condition (Level of Service - F). The size of the proposed
37 development did not create traffic levels high enough to warrant installation of a traffic signal.
38 Therefore, to eliminate the traffic failure condition, the City Engineer recommended that a third
39 access be added.

40
41 In order to mitigate some of the impacts that would result from development under the PD-41
42 zone, it was anticipated that Wasatch Advantage Group and the Christensens would sign a
43 development agreement in which they would agree to:

- 44 1. Construct a new access to 1200 West or limit the project to 50 units;
- 45 2. Connect 1140 West;
- 46 3. Contribute \$10,000 toward the signal improvement at 1200 West and Center Street,
47 including a U-turn motion; and

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- 1 4. Create a “Gateway Landscaped Area” at the northeast corner of 1200 West and Center
2 Street consisting of landscaping, a water feature and a City of Orem sign.
3

4 The advantages of the project included:

- 5 • The proposed project would develop an undeveloped property into one that provides
6 economic benefits for the City and serves as a major gateway to the City.
7 • The development would promote traffic circulation through the project including access
8 points on Center Street, 1200 West and 1140 West.
9 • Design elements for the project promoted aesthetically attractive improvements with
10 increased attention to landscaping and building appearance.
11

12 The disadvantages of the project included:

- 13 • The proposed uses may not be the “highest and best” use for the property.
14 • The project develops one of the last remaining vacant properties adjacent to and highly
15 visible from I-15 and a major entrance to the City.
16 • Access from the development onto 1140 West Street would increase local traffic in the
17 area; however, the project contained three access points that would distribute the traffic
18 on Center Street, 1200 West and 1140 West.
19

20 Mr. Bench said the Planning Commission did recommend approval of the proposal with a vote of
21 6-0.
22

23 Mayor Brunst commented that retail establishments that had occupied the area in years past had
24 failed. Mr. Seastrand said that those businesses had been demolished because of the
25 reconfiguration of 1200 West. Mr. Bench said that the 7-11 on that site had done well, but it was
26 on the corner and the rest of the property had been vacant for quite some time.
27

28 Mr. Sumner asked for clarification on how the traffic flow of commercial and retail would
29 compare to the predicted traffic flow with the residential component. Mr. Bench referred him to
30 the applicant’s transportation engineer.
31

32 Adam Lankford of Wasatch Advantage Group, the developer, introduced Brian Christensen, who
33 represented the Christensen family, owners of the property, and John Dorney of Horrocks
34 Engineers, the traffic engineers on the project. Mr. Lankford said the project was a joint venture
35 with Wasatch Advantage Group and the Christensen family.
36

37 Mayor Brunst asked Mr. Christensen to address why they had decided to go with Wasatch
38 Advantage Group in developing the property.
39

40 Mr. Christensen said his father purchased the property around 1974. Nothing happened for 10-15
41 years in spite of some inquiries. In 2008 a proposal was brought before the Council with a mixed
42 use component, which was turned down. Since that time, Bruce Dickerson was contacted to
43 bring anyone and everyone interested to visit the site. Many prospective people viewed the site
44 and reported not liking the access points. He said that several apartment developers had
45 approached them about the property. The Christensens were interested in long-term ownership
46 and long-term income. He said the joint venture with Wasatch fit well with the Christensens’
47 goals and would finally develop the property.

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1 Mr. Lankford provided a slide presentation further explaining the joint venture. He said the
2 Christensens would put the land in and Wasatch would do the development. He said they would
3 hold the project together and move forward as a team.
4

5 Mr. Lankford said that Wasatch owned and managed about 16,000 units throughout the west. He
6 said they were a Utah company and that they had been operating since the 1980s. He said they
7 were currently in negotiations to invest in other projects in Orem.
8

9 Mr. Lankford said that Wasatch wanted to attract “renters by choice.” These were people who
10 could buy a home but chose to rent a low-maintenance, highly-managed place to live. There
11 would be no sub-leasing or co-renting. He said their ten-year tenant average was over two years.
12

13 Mr. Lankford said they looked at each of their developments as a long-term investment, which is
14 good for the city because they put away capital from month one to invest in capital
15 improvements annually. He said they used better materials because they held the property longer.
16

17 Mr. Lankford said the services to renters would include:

- 18 • Full-time professional staff of five or six on the premises until 7 p.m.
 - 19 • A three-hour work request
 - 20 • Nightly services that would monitor parking and noise after hours
- 21

22 Mayor Brunst asked what the elevation change was from the east end to the west end of the hill.
23 Mr. Christensen said it was 130 feet.
24

25 Mr. Lankford said it would be left native, and the slope would be left as it was as much as
26 possible.
27

28 Mr. Lankford explained the evolution of the site-plan, including their work with UDOT to get
29 the access at 1200 West. He said they had put a lot of work into buffering the line between the
30 residential development and the existing single-family homes. He said the site would include 49
31 percent open space.
32

33 Mr. Lankford said the architecture would include three materials -- stucco, cement board and
34 stone. Interiors would have 9-foot ceilings, kitchens with granite, garden tubs, and upgraded
35 moulding, and hardware. He said each townhome would have a front porch and oversized
36 windows. The Clubhouse would be a 3,000 square foot facility with media room and exercise
37 facility, and would also serve as the leasing office and maintenance office.
38

39 Mr. Lankford said the proposed commercial component would blend with the rest of the project
40 in terms of colors, architecture, and signage. He said it might include gas stations and/or
41 restaurants. The proposed water feature would include a “Welcome to Orem” sign.
42

43 Mr. Lankford voiced his opinion on the “highest and best use study.” He said two different
44 appraisers might come up with two different results from “highest and best use studies.” He said
45 such studies were typically used by developers to determine the best return on their investment.
46 He said that Wasatch had determined, based on their own assets and experience, that their plan
47 was the best for the site and for the market. He said residential use would produce the least

DRAFT

1 amount of traffic for the existing residential homes. The site constraints made it difficult to build
2 only one or two large buildings.

3
4 Mr. Lankford said that the study did not take into consideration current traffic or current access
5 issues with the property. He said those were the biggest problems with this property, and that
6 was why Wasatch found the study problematic. He said it also did not consider the slope of the
7 site. He said the study focused on for-sale residential rather than for-rent or for-lease, which was
8 what Wasatch was proposing.

9
10 Mr. Dorney, traffic engineer, said the existing conditions were LOS C-D based on today's
11 volumes, which was considered good. He said that many different combinations of traffic access
12 had been considered. A shopping center usage would generate twice as much traffic as the
13 presented site plan would. He said that UDOT had accepted the plan in that they had given
14 verbal approval for the sale of property to create the third access point.

15
16 Mayor Brunst asked about U-turns. Mr. Dorney said the critical movement was turning left at the
17 south access to eastbound Center Street, which was more accessible at different times of the day.
18 He said the signal at 1200 West would have to be retimed to make the U-turn a safe maneuver.

19
20 Mrs. Black asked Mr. Dorney to point out the left-hand turn. Mr. Dorney explained that there
21 would be left turns allowed out of the south access. He said that at certain times of the day the
22 left turns would be easier than at other times. He said that, instead, people could turn right and go
23 to the light at 1200 West and people could make a U-turn to head back eastbound.

24
25 Mr. Spencer asked if the access at 1020 West was considered. Mr. Dorney said 1020 West was in
26 the heart of the neighborhood and they tried to avoid adding traffic there. There would be less
27 impact and quicker access at 1200 West. Mr. Lankford said that they originally had no access
28 points into the neighborhood, but they needed to add one.

29
30 Mr. Dorney said there would be no left-hand turns onto southbound 1200 West. It would be a
31 right-in and right-out. This was part of their agreement with UDOT to prevent back-ups and
32 delays onto Center Street. The main entrance would be on Center Street and that would
33 accommodate those who wanted to go from the development, south onto 1200 West or east on
34 Center Street.

35
36 There was discussion about whether or not people would choose to go through the neighborhood
37 to avoid the traffic on Center Street, especially at 5:00. Mr. Dorney said that the statistics were
38 based on 5:00 traffic. He said that any project on the property would have an access challenge
39 and they felt this project offered the least impact. He pointed out that the developer would be
40 paying for the change to the traffic signal.

41
42 Mayor Brunst acknowledged the office building on the south side which faced similar traffic
43 issues. He said this was no different than facing difficulty in turning left onto State Street at
44 certain times of day.

45
46 Mr. Spencer asked about the commercial component. Mr. Lankford said it could be two or one
47 tenant. He said it could be a small hotel.

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1 Mr. Sumner asked about the residential component, considering all the apartment complexes that
2 are being built in Orem.

3
4 Mr. Christensen said that they had concerns, also, as did Wasatch. He said they were currently
5 building in Pleasant Grove and every time they put up one ad they would get thirty phone calls.
6 He said he knew there was a need. He said that Orem was a wonderful place to live and people
7 were going to want to live in Orem. He said he thought these units would rent a lot more easily
8 than some of the other projects.

9
10 Mr. Lankford said that apartments seemed to be the hot thing to jump into, but he felt that with
11 their management and their product they could out-compete their competitors as they had year
12 after year. He said they were not looking for students or to pack in tenants as cheap as possible.
13 He reiterated that they were marketing to the “renter by choice.”

14
15 Mr. Sumner asked how they would handle it if six students piled into one apartment.

16
17 Mr. Lankford said people would not be able to do six students per apartment. He said they would
18 be limited to two cars per unit. He said the managers would be aware of who the renters were.
19 He said they had the right to evict any who would try to co-lease. They could not turn students
20 away from renting, but they would do background and financial checks. He said they did not
21 have a lot of students in their other projects. The units would be from 700-1400 square feet and
22 \$950-\$1550 in rent.

23
24 Mr. Spencer asked about the Williams farm property and if there were incentives to live there.
25 Mr. Lankford said nothing was finalized, but they often used corporate leases.

26
27 Mr. Macdonald said he looked at the project at 12300 South in Draper. He said that some of the
28 apartment complexes in Orem which were, in theory, long-hold had not been kept up very well.
29 He said the apartments in Draper looked different and were managed better than some of those
30 projects he had seen in Orem.

31
32 Mayor Brunst said he had visited the property in Draper as well, and that that type of project
33 would be beneficial in Orem.

34
35 Mrs. Black said she struggled with the lack of commercial space at that prime location. She
36 noticed the residential was the first focus, with the commercial to come as opportunity arose. She
37 said the commercial should have a higher priority. She asked if they had considered doing one
38 more commercial pad out front.

39
40 Mr. Lankford said the commercial aspect was not an afterthought. They had been pursuing
41 different tenants. The developer would build the entire space, including the road for the
42 commercial aspect. They would be building a super pad for the commercial tenants. He said the
43 decision was based on auto circulation and how they would get cars and people around the
44 commercial aspect. He said the project would not be built in phases, but would be built all at
45 once in about fourteen months.

DRAFT

1 Mayor Brunst said the property had sat there for forty years. He asked how many inquiries had
2 come along in that time and not committed.

3
4 Mr. Christensen said at least 40 people had come and gone over the course of the ownership of
5 the property. He did not know why it never had the right appeal, given its prime location. He said
6 they had not had one commercial tenant come forward in the last ten years except one that was
7 tied to residential.

8
9 Mayor Brunst said he was familiar with what Wasatch had done. He said they had done multiple
10 projects and were heavily invested in the City of Orem.

11
12 Mr. Seastrand said a request for a PD zone should not be just to increase density. The idea was
13 that it had to be unique. He asked why the current R8 zoning would not work for the property.

14
15 Mr. Lankford said this type of property would call out for higher density or retail given the
16 location.

17
18 Mr. Seastrand asked if the traffic concerns would be mitigated with lower density.

19
20 Mr. Lankford said individual lots would not be the best land use. He said single family homes
21 would be harder to sell on that arterial.

22
23 Mr. Seastrand reiterated that it appeared that part of the reason for the request for the PD zone to
24 increase the density, and that was not the purpose of a PD zone.

25
26 Mr. Lankford said the planned residential density was fourteen units per acre. The overall PD
27 would allow seventeen units per acre but they were not trying to maximize. The developer was
28 looking to create a long-term successful project, not to create higher density and increase income
29 alone.

30
31 Mr. Christensen said a \$250,000 homebuyer would not want to live there. He said that in order to
32 make the site work with single lots they would have to build very small homes. He said that in
33 the plan there were fewer numbers of buildings bordering the south side of the current residential
34 area than there would be if they built single-family homes.

35
36 Mr. Seastrand said he thought part of the issue was the impact on the existing neighborhood. He
37 said there were aspects of the proposed project that concerned him.

38
39 Mayor Brunst opened the public hearing.

40
41 Floyd Ostler recommended that the access to the north be cut off. The roads there were for the
42 purpose of residential. He said people had bought their homes under the current zoning.

43
44 Dennis Cullimore, President of the Peach Haven HOA, said the HOA had not sent an email and
45 if an email was received it represented only one homeowner. He voiced concern about the traffic
46 to the neighborhood to the north. He also had concern over the impact the development would

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1 have on the twelve-foot retaining wall. He also wanted whatever was developed to improve the
2 look of the entry into Orem from I-15.

3
4 Elaine Mackey said the best way to get out of the area is to go through the neighborhood. She
5 said she was tired of the field and ready for a change, but not ready to bring that many people
6 through the neighborhood. People in the neighborhood were looking to move if the PD zone was
7 approved. She wanted to know where the heavy equipment would go in and out during
8 construction. She was also concerned about visitors to the new apartments parking in front of her
9 home.

10
11 Lee Mackey said he had lived in Orem for sixty-seven years. He said he did not like the way
12 things were going. He asked if the survey had considered the increased traffic when the Vineyard
13 developments were completed. He said he suspected a lot more people would be coming up
14 Center Street.

15
16 Matt Cook suspected lower density would not have the same traffic impact. His concern was
17 what kind of tenants there would be. He was concerned that the developer would accept just any
18 kind of tenant to make sure the units were not empty. He voiced concern about overflow parking.
19 He worried about the safety issue and also about privacy.

20
21 Larry Driscoll said there were many children in the area. He challenged the Council to observe
22 the volume and speed of traffic and then envision it in the snow. He said EMS responded to
23 many accidents at 800 West Center. The neighbors were against the traffic issues, not the
24 development of the vacant property. He asked the Council how many lives the development was
25 worth in the future.

26
27 Marty Bradbury said that 168×2.5 was 420, not 361. He said traffic was a major concern. He
28 wondered if the Council would be addressing the citizens' questions and concerns. He asked
29 about the fence heights. He encouraged the Council to consider the number of people in the
30 homes versus the number of people in the units.

31
32 Bryce McCallister voiced concerns about the traffic with the project. He discussed the previous
33 accidents that had involved homes in the neighborhood to the North. He said he was
34 disappointed in the City Planning Commission. He hoped the Council would consider the
35 changes taking place and that someone would be looking out for the Orem residents.

36
37 Gena Cook said she worried about visibility with a landscaped roundabout. She voiced concern
38 about the safety of her children. She wondered about the high density and the added burden it
39 would place upon the schools.

40
41 Mark Gehring said he had great concerns about the traffic patterns that would be brought into the
42 neighborhood. He felt zoning was to protect people's rights. He said he was looking at the
43 possibility of moving if the PD zone was approved.

44
45 Rebecca Green voiced concerns about traffic and density. She was in favor of development, but
46 did not want to see such high density being developed. She said that she would be losing five

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1 feet of her privacy with the switch in easement. She said the development in Vineyard would
2 turn Center Street into another 800 North.

3
4 Mayor Brunst closed the public hearing and brought the discussion back to the Council.

5
6 Mr. Lankford addressed a list of questions he gathered from the public comments. He said the
7 connection to the neighborhood to the north was part of the City's master transportation plan.
8 The first site plan did not include a connection to the neighborhood. He said the retaining wall on
9 the east slope would not be disrupted. He said construction and staging would be onsite and the
10 project would be built in one phase. Access to the project would likely begin on Center Street.
11 Construction would not be able to start until specific times of day. They would use watering to
12 keep down the dirt. The developers had their own internal standard which would not be
13 compromised. All parking would be handled on site. He said that if there was a neighborhood
14 parking issue, people could call the night manager and it would be taken care of. There would be
15 assigned parking for residents and visitor parking throughout the project.

16
17 Mr. Macdonald asked if there was a neighborhood near the Draper project, and asked for
18 clarification on the number of parking stalls. Mr. Lankford said that there was a neighborhood by
19 the Draper project, and he said there were 361 parking stalls planned, including garages,
20 driveways, covered parking and visitor parking. Mr. Macdonald said that with 2 stalls per unit
21 that left only about 25 stalls for visitors. Mr. Lankford suggested that the one-bedroom units
22 would only need one stall, but Mr. Macdonald said the one-bedrooms would probably also need
23 two stalls.

24
25 Mr. Seastrand asked if the numbers excluded the retail parking. Mr. Lankford said the retail had
26 its own parking.

27
28 Mr. Andersen asked if the parking was side-by-side. Mr. Lankford said about 10 percent was
29 tandem driveway parking and the rest was side-by-side.

30
31 Mr. Macdonald asked if the driveway parking was considered a stall. Mr. Lankford said there
32 were three townhome sixplexes that had driveways, and those were counted as visitor parking for
33 that unit. He said there were two-car garages.

34
35 Mr. Lankford said that the precast wall would be six or seven feet tall, based on what the
36 residents wanted. He said they would plant trees all along the fence line.

37
38 Mr. Lankford said the school impact had not been investigated.

39
40 Mr. Dorney said they did consider future growth when considering the traffic. He said they
41 considered regional growth and also followed Orem City's guidelines. Growth all around the
42 entire project was considered.

43
44 Mr. Spencer said in the original plan the traffic study failed. In reality if the developer worked
45 backwards to make it not fail, he wondered how many units would be possible without the access
46 on 1140 West.

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1 Mr. Lankford said the two commercial pads added the extra traffic burden. He said that if the
2 third access was closed and all the traffic had to go through the front they would have to get rid
3 of nearly all the residential units. He said they had tried many different iterations. The access on
4 the east would not work because left- and right-hand turns would conflict, waiting for each other.
5

6 Mr. Spencer asked if there could be overflow parking near the walk park. Mr. Lankford said the
7 slope would prohibit it there. He said that with the parking at their current properties they don't
8 get complaints from the neighboring homes, but that the on-site manager would address any
9 complaints.
10

11 Mr. Sumner asked if the third access point would have to be kept open with all three of the
12 potential uses.
13

14 Mr. Dorney said they would. He said the residential would generate the least amount of traffic.
15 He said they maximized a high-usage commercial property in the study, like a gas station and
16 fast-food drive-through, so any other uses would have less traffic. He said just the retail would
17 generate about 6,000 trips per day, and the residential would generate just under 1,600.
18

19 Mr. Seastrand had some questions about how many trips per day would be generated by the
20 office space option as opposed to the other two options, and about how the estimates were made.
21 He said it appeared that the office space option was the best in terms of traffic.
22

23 Paul Goodrich, Orem City transportation engineer, said they took the developer's proposal and
24 projected traffic for a.m. and p.m., going in and out at peak hours. He said putting any more
25 traffic at that location would fail. He said the access on 1200 West had to be limited – right-in
26 and right-out – due to the location, and that was why they needed the third access. He said in
27 order for an office tower to work it could not be a very big office.
28

29 Mr. Seastrand said, counting the allowable traffic during peak hours and the total projected
30 numbers, it would seem there would be 10 hours of peak traffic in order to accommodate the
31 7600 car trips under the current configuration.
32

33 Mr. Lankford said that the access to the north would not be needed without the retail.
34

35 Mr. Lankford said that on the one hand they were talking about land uses and on the other hand
36 they were talking about a plan that mixed two uses, so when they talked about the least number
37 of trips per day being residential that would be if the entire site were residential. He said once
38 retail or office was introduced the numbers would go up substantially.
39

40 Mr. Goodrich said in the campus area, neighborhood parking permits had been instituted to
41 mitigate parking issues. The same action could be taken for the neighborhood to the north.
42

43 Mayor Brunst asked if 1140 West and 1020 West had always been planned to go through on the
44 Master Plan.
45

46 Mr. Goodrich said that they were stub streets and were planned to go through eventually. He said
47 he did not have the Master Plan in front of him and he did not remember if they were planned to

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1 connect all the way to Center Street. He said whenever there had been a street connection master
2 plan for something to go through, if it were changed it was because of a rezone. He said that the
3 project should not happen if only two access points were incorporated
4

5 Mr. Spencer asked what the number would be if they compromised on the number of apartments.
6 He said the current residents were not happy with the high-density housing and he wondered if
7 the residents would be happy if there were a compromise down to 140 and parking permits were
8 issued for the roads in that neighborhood.
9

10 Mr. Lankford said they liked to be around 200 units for the high level of management they offer
11 and they were already under that number. He said that 49 percent of the site was open space and
12 they had a density of 14 instead of 17.
13

14 Mt. Spencer said retail should be a part of the site since it is a major thoroughfare off the
15 freeway.
16

17 Mrs. Black asked about a fourth access point.
18

19 Mr. Goodrich said that 105 North was very steep, which was one of the safety concerns the
20 neighbors in the area had, and a fourth access point would use cause more traffic on that street.
21

22 Mr. Lankford said they had a landscape median to make it look more private. He suggested they
23 could perhaps add a large speed bump, landscaped island, private lane sign, or a crash gate to
24 help mitigate the traffic concern.
25

26 Mr. Goodrich said a crash gate would stop all access.
27

28 Mayor Brunst acknowledged the difficulties with the hill and the traffic. He knew the traffic
29 circulation was higher with a commercial component, and the City did want commercial
30 development at this location. He said he felt it was a project that could be beneficial overall. He
31 said that Alpine School District was aware of the housing developments happening in Vineyard,
32 and did not think it would pose a problem with regard to schools.
33

34 Mr. Seastrand said he appreciated the reputation that Wasatch had. He said there were not many
35 properties left to develop into commercial property and he would rather see something more
36 towards commercial development.
37

38 Mr. Andersen wondered, should there be overflow, if people could park down in Area B.
39

40 Mr. Lankford said there would be cross-access agreements, especially during off-hours.
41

42 Mrs. Black said there would not be many off hours if there were a service station or a restaurant.
43

44 Mr. Macdonald wondered if the development should be moved back if Center Street were going
45 to eventually have three lanes each way.
46

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1 Mr. Goodrich said Mountainland Association of Governments (MAG) had Center Street as a
2 six- lane highway in ten-plus years. He wasn't sure that a six lane road would work there just
3 based on the other existing developments along Center Street. He said MAG was in the study
4 process with communities throughout the county to look at transportation plans and that Orem
5 had just begun a lengthy process to determine what transportation improvements were needed.
6 He said traffic on Center Street had gone down since 2006.

7
8 Mr. Davidson said it was important to note bridges across Utah Lake, as well as other great ideas
9 that had no basis in reality, were part of that long term plan

10
11 Mr. Spencer asked if anyone had wanted to purchase the property.

12
13 Mr. Christensen said there were a couple of offers by agents who just wanted to flip the property,
14 so they did not sell.

15
16 Mr. Davidson said that he understood that one of the barriers to the development of this parcel
17 was whether or not the Christensen family wanted to sell the property.

18
19 Mr. Christensen said they had had the property sold at the time the previous project came to the
20 City Council. They were going to be the co-developer but not the owner. He said he would be
21 willing to sell if someone were to make an offer.

22
23 Mayor Brunst this was twelve acres and Wasatch had just purchased seventy-five acres within
24 Orem City boundaries to develop into office and industrial space. He said their willingness to put
25 in mixed retail and residential on this site was not out of sync with what the City of Orem was
26 trying to put forth as far as future development of office space. He said he believed the
27 developers would work with the city and with the residents to make the project as unobtrusive as
28 possible. He said he understood that change was difficult for neighborhoods.

29
30 Mayor Brunst **moved** that the City Council approve the request to enact Section 22-11-54
31 (PD-41 zone) of the Orem City Code with the corresponding Appendix JJ (concept plan) and
32 amend section 22-5-3(A) and the zoning map of the City of Orem by rezoning property located
33 at 1200 West Center Street from the R8 zone to the PD-41 zone. Mr. Spencer **seconded** the
34 motion. Those voting aye: Hans Andersen, Richard F. Brunst, Tom Macdonald, David Spencer,
35 and Brent Sumner. Those voting nay: Margaret Black, and Mark E. Seastrand. The motion
36 **passed** 5-2.

37
38 The Council took a break at 9:40 p.m. and reconvened at 9:48 p.m.

39
40 ORDINANCE AMENDMENTS – Amending Various Chapters of the Orem City Code to
41 Comply with Utah Law, Federal Law, Recent Case Law, to Remove Obsolete Provisions,
42 and to Correct Scrivener's Errors

43
44 Mayor Brunst invited Heather Schriever to present the proposed ordinance amendments.

45
46 Ms. Schriever pointed out that the Councilmembers had already seen the information regarding
47 the proposed amendments and, because the hour was late, she was not going to take too much

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1 time but would just quickly outline them. She said that the City Attorney's office had been
2 collecting certain provisions within the City Code for a couple of years that needed to be
3 amended.

4
5 The City Code needed to be updated in order to:

- 6 • Remove obsolete provisions
- 7 • Bring the City Code into compliance with changes in state law
- 8 • Resolve inconsistencies within the City Code
- 9 • Make substantive changes
- 10 • Correct formatting and scrivener's errors

11
12 Obsolete provisions that needed to be removed were:

- 13 • Article 2-15 because the Youth Council Advisory Committee no longer existed
- 14 • Article 2-16 because the Media Review Commission no longer operated
- 15 • Section 9-3-2 because the City no longer required submission of videos and movies for
16 review

17
18 Ms. Schriever proposed an oral modification to page 1 of the ordinance under §2-15-2(A) so that
19 it would read, "*The Orem Youth City Council shall consist of representatives from Orem High*
20 *Schools.*" She said the Council would no longer be limited to only 9 students so that more
21 students could be involved.

22
23 Greg Stephens, City Attorney, said he had heard from some Mountain View students that they
24 had never heard of the Youth City Council. He invited them to join. Mayor Brunst suggested that
25 somebody from the City Council go to Mountain View to talk to the students and teachers.

26
27 The following changes would bring the Code into conformance with state law.

- 28 • Section 2-27-6 Court Facilities & Hours of Operation – to adopt state holidays for the
29 Justice Court
- 30 • Article 2-30 Records Access & Management -- to bring the City Code in compliance with
31 GRAMA; to add definitions, expand definitions, clarify additional records that were
32 entitled to protection and to update citations; to give the City an additional 5 days to reply
33 to GRAMA requests, which is in compliance with state law; and to change the appeal
34 procedure so that the Utah Code would cover appeals of the City Manager's termination
- 35 • Section 7-2-8 Discharge of Fireworks – to update the Fire Code to establish when a
36 hazardous environmental condition exists and limiting the type of emission sources that
37 could be used in Orem on certain days
- 38 • Section 12-5-13 Towing & Parking Enforcement Companies – to update the definition of
39 abandoned vehicles
- 40 • Chapter 18 Taxation – including changes to City Tax Code Article 18-1 to reflect the
41 correct levy of 1%, to include an exemption for sales and uses that have been taxed in
42 other jurisdictions under the Local Sales and Use Tax Act, and to include language to
43 define when a sale was consummated within the City of Orem; changes to Article 18-2
44 which would renumber and reorganize that ordinance; and changes to Article 18-4
45 reflecting the levy rate change to 3.5 percent made in 2008.

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1 Mr. Sumner asked how many GRAMA requests were received and the cost involved in the
2 GRAMA requests.

3
4 Ms. Schriever said with police, financial, City Recorder, and City management requests, there
5 were thousands.

6
7 Mayor Brunst asked what the cost was of those requests.

8
9 Ms. Schriever said she spent 20-25 percent of her time dealing with GRAMA requests. She cited
10 the recent request for all correspondence over the past six years dealing with UTOPIA. She had
11 to review over 5,000 emails. She said the City could charge fees for collection of the records,
12 conversion of the records into a different format but not for the attorney or records specialist to
13 review for proper classification. She said the fee could not be charged for the first half hour and
14 it had to be limited to the lowest salary of the person in that department who would be able to
15 perform that work. Most people asked the City to waive their fees, which was at the discretion of
16 the City Manager.

17
18 Mr. Andersen asked where the UTOPIA request ended up.

19
20 Ms. Schriever said it went to the *Salt Lake Tribune*. She said they paid between \$800 and \$1,000.

21
22 Mr. Davidson said the fees adopted in the City's annual fee schedule.

23
24 Ms. Schriever proposed an oral modification to page 9 of the ordinance, under §2-30-7(A)(10).
25 This modification would clarify that if the Council were to adopt and enact an ordinance
26 approving a Municipal Ethics Commission, the documents submitted to that ethics commission
27 would be treated in the same manner as the state organization treats their records. She proposed
28 that §2-30-7(A)(11) be amended to read: *Records received by or generated by or for the political*
29 *subdivision Ethics Review Commission established in Utah Code Annotated §11-49-201 or a*
30 *local Municipal Ethics Commission established pursuant to Utah Code Annotated §10-3-3(11),*
31 *except for the Commission Summary Data Report that is required in Utah Code Annotated §11-*
32 *49-202 or required by applicable ordinance and any other document that is classified as public*
33 *in accordance with Utah Code Annotated Title 11 Chapter 49, "Political Subdivisions: Ethics*
34 *Review Commission" or applicable local ordinance.*

35
36 Proposed changes to resolve inconsistencies with the Orem City Code concerned §5-6-1 and
37 §22-2-1. The Coded needed to be changed to say that there could be two dogs and two cats per
38 dwelling, as opposed to per person or per lot.

39
40 Ms. Schriever proposed an oral modification to page sixteen of the ordinance to correct a
41 typographical error in §5-6-1. It indicated that people could have up to four cats, but it should
42 read, *except as otherwise provided in this chapter, there shall not be more than two dogs or two*
43 *cats four months of age or older per dwelling.*

44
45 Ms. Schriever said that the amendments to Chapter 22 would need to go through the Planning
46 Commission, so they would be completed at a later date.

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1 Ms. Schriever said that the substantive change proposed was for §19-7-5(D), Regulation of
2 Nonconsensual Towing and Booting Practices. The change would benefit small business owners
3 who would need to have cars towed from their smaller lots in order to provide parking for their
4 customers. The proposed amendment would allow the property owner to have vehicles towed
5 from a private parking lot if it had been there more than forty-eight hours instead of after seven
6 days.

7
8 Mayor Brunst asked how this would affect student housing.

9
10 Ms. Schriever explained that there were provisions in state law that that dealt with student
11 housing, trailer courts and multiple-family dwellings which would preempt any municipal
12 changes and which would regulate towing companies and private land owners.

13
14 Mr. Macdonald asked if business owners could still post limits for parking, such as for customers
15 only or for only thirty minutes, and Ms. Schriever said they could do that as long as it was in
16 compliance with state law and city ordinances. She also pointed out that this only applied to lots
17 with more than four parking spaces.

18
19 Ms. Schriever proposed changes that would correct formatting and scrivener's errors. These
20 included:

- 21 • Making citation forms consistent
- 22 • Correcting paragraph numbering
- 23 • Correcting punctuation

24
25 Mr. Macdonald **moved**, by ordinance, to amend the various chapters of the Orem City Code as
26 explained to comply with Utah Law, Federal Law, recent case law, to remove obsolete
27 provisions, and to correct scrivener's errors, along with the oral modifications made during the
28 meeting. Mr. Seastrand **seconded** the motion. Those voting aye: Those voting aye: Hans
29 Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David
30 Spencer, and Brent Sumner. The motion **passed** unanimously.

31
32 ORDINANCE – Enacting Article 2-35, Establishing a Municipal Ethics Commission;
33 Providing for the membership thereof pursuant to an interlocal agreement; Establishing the
34 process for the filing of a complaint and the investigation and adjudication of the
35 complaint

36
37 Mrs. Schriever said this ordinance would give residents of Orem a forum in which to file ethics
38 complaints against the mayor, the city council, and the city manager. The City of Orem was
39 given the authority to do this in 2012. Shortly thereafter Orem was asked to take the lead in the
40 creation of an interlocal Municipal Ethics Commission made up of other cities throughout the
41 county. Payson, Pleasant Grove and Spanish Fork have adopted the proposed ordinance and the
42 interlocal agreement and other cities are considering enacting this ordinance.

43
44 Ms. Schriever said there would be three city attorneys on the commission, randomly selected.
45 Attorneys from the city where a complaint originated would not sit on the commission when that
46 complaint was being adjudicated.

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1 Ms. Schriever said the following reasons were given as justification for composing the
2 commission of city attorneys:

- 3 1. The city attorneys already had established expertise in ethics acts.
- 4 2. City attorneys were already familiar with the adjudicator process and would be able to
5 conduct the commission in an efficient manner.
- 6 3. City attorneys would also help absorb the cost in creating the interlocal commission.

7
8 Mayor Brunst asked if the commission could include attorneys other than the actual City
9 Attorney and Ms. Schriever said it could include assistants, deputies, or even the City Prosecutor.

10
11 Ms. Schriever said commission would only hear complaints that implicated the Municipal
12 Officers' and Employees' Ethics Act or Orem City Code §2-6-8 and alleged complaints against
13 members of the City Council (including the Mayor) and the City Manager. This would not apply
14 to other appointed positions, commissions, directors or other city employees.

15
16 Ms. Schriever said the commission would be an investigative body and would only make
17 recommendations to the City Council and all final determinations regarding sanctions would be
18 made by the City Council by a majority vote.

19
20 Mr. Stephens said there was no provision in state law that said that if you violated the Ethics Act
21 you could be removed from office. He said he thought there was a difficulty with elected
22 officials being removed from office without going through some type of court proceeding. He
23 said that if the final decision was that somebody should be removed from office, there should be
24 some type of court approval of that rather than just the City Council deciding.

25
26 Ms. Schriever said the Council would still have the authority to censure or to reprimand, or to
27 impose any other sanction within reason that the Council thought would help the city official to
28 take more appropriate steps in the future.

29
30 Mr. Andersen asked why not go five years instead of fifty years on the interlocal agreement.

31
32 Ms. Schriever said that enacting an interlocal agreement was an arduous process. To this point
33 this one had taken two years to prepare. She said that fifty years was the statutory cap for
34 interlocal agreements and was the default. She said if the city wanted they could opt out of the
35 interlocal at any time.

36
37 Mr. Andersen asked the costs involved. Ms. Schriever said the only cost was attorney time when
38 an attorney was called upon. She said the ordinance contemplated a \$50 administrative fee that
39 the complainant would have to file.

40
41 Mr. Sumner asked who could file a complaint.

42
43 Ms. Schriever said the ordinance provided for a number of people who could file a complaint.
44 She said that generally it was residents or property owners within Orem. She said there were
45 procedures to deal with meritless complaints.

46
47 Mayor Brunst allowed time for public comment.

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1 Bob Wright distributed a written statement. He said he was in favor of a municipal ethics
2 commission between cities because the present City ethics ordinance was not being enforced. He
3 said he believed the City Attorney should be held responsible under the oath of office as an
4 attorney to uphold and enforce the State ethics law and City ordinance. He said there were no
5 teeth in the new municipal ethics commission by referring their findings back to the City Council
6 for action when, very likely, the City Council was the offender.

7
8 Jacob Siebach said that in what he read it talked about policies in broad language but not
9 specifics. He asked if Orem City Code §2-6-8 would be specifically included. Ms. Schriever said
10 it would. Mr. Siebach wondered why citizens were not involved in this process. He thought
11 citizens might be willing to offer their services for free. He asked why there were not more cities
12 involved. He asked if there would be a public hearing about this.

13
14 Mayor Brunst brought the discussion back to the council.

15
16 Mayor Brunst **moved**, that the City Council, by ordinance, enact Article 2-35 establishing a
17 Municipal Ethics Commission providing for the membership thereof pursuant to an interlocal
18 agreement, establishing the process for the filing of a complaint and the investigation and
19 adjudication of the complaint. Mr. Seastrand **seconded** the motion. Those voting aye: Margaret
20 Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent
21 Sumner. Those voting nay: Hans Andersen. The motion **passed**, 6-1.

22 23 RESOLUTION - Approving an Interlocal Agreement for the Operation and Administration 24 of the Municipal Ethics Commission

25
26 Ms. Schriever said this resolution would give the Mayor the authority to enter into the interlocal
27 agreement which outlined the operation of the Municipal Ethics Commission as already
28 discussed.

29
30 Mayor Brunst **moved**, that the Council accept the resolution approving an interlocal agreement
31 for the operation and administration of the Municipal Ethics Commission Mr. Seastrand
32 **seconded** the motion. Those voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald,
33 Mark E. Seastrand, David Spencer, and Brent Sumner. Those voting nay: Hans Andersen. The
34 motion **passed**, 6-1.

35 36 **COMMUNICATION ITEMS**

37
38 Mr. Bench provided a preview of an upcoming agenda item scheduled for November 11, 2014,
39 regarding billboard signs.

40
41 Mayor Brunst drew the Council's attention to the September, 2014 monthly financial statement
42 provided in the agenda packet.

43 44 **CITY MANAGER INFORMATION ITEMS**

45
46 Mr. Davidson encouraged people to become Facebook friends with the City of Orem. He drew
47 attention to the Facebook contest for redesigning the City logo for the holiday seasons. He

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1 encouraged the Council to vote for a seasonal logo. He said citizens could get online and vote
2 and the winner would receive a Thanksgiving dinner from Smith's.

3
4 Mr. Davidson also notified the Council of potential upcoming legislation regarding
5 transportation. He informed the Council that staff would be bringing forth a resolution that
6 would encourage the state legislature to carefully consider the future of transportation in the
7 state.

8
9 Mr. Stephens addressed Mr. Andersen's previous request to display a nativity scene on City
10 property. He said that it was not an easy topic to summarize. He referred to the constitutions of
11 the United States and of the State of Utah. He said different rules applied depending on whether
12 or not the display would constitute private speech on City property or government speech on
13 City property. He said private speech would be if they opened it up to private citizens to put their
14 displays on City property. Government speech would be if the City itself put a display on City
15 property. Mr. Stephens said Mr. Andersen had previously proposed a resolution that would
16 establish a limited public forum on the City Hall lawn. This would be a type of private speech.
17 Anyone meeting the resolution requirements could place a monument on the lawn. The
18 resolution was based on a resolution that was passed by Bloomington, New Mexico, and was
19 used to place a Ten Commandments monument on their property. That was challenged in federal
20 district court and the court determined that the Ten Commandments monument violated the
21 Establishment Clause. Mr. Stephens said that Bloomington was appealing that decision. Mr.
22 Stephens said that these types of allowances of private speech on public property are generally
23 allowed and upheld, however, once one is established it is critical that these areas are accessible
24 to a variety of speakers on a broad range of topics, regardless of the speaker's message. He said
25 that once it was established, the City could not control the type of speech. Mr. Stephens said that
26 some jurisdictions who had done this had had interesting proposals for displays on government
27 property. He shared instances where people had erected statues of Satanic figures; Festivus
28 Poles, usually fashioned out of beer cans and inspired by the TV show, "Seinfeld;" atheist
29 messages next to nativity scenes; a flying spaghetti monster display; and a winter solstice
30 display. Mr. Stephens said that nobody could tell what might happen if they opened it up for
31 private speech and the City could get things that made them uncomfortable.

32
33 Mr. Macdonald asked if the City Council could reverse its decision if they started getting
34 requests for displays that made them uncomfortable.

35
36 Mr. Stephens said that, from a legal perspective, there would be a problem with allowing
37 displays until there was one that they didn't like. Mr. Stephens then discussed whether or not the
38 City could put up their own display. He said the issue was whether or not it constituted the
39 government endorsing a religion. He said that federal court cases that tended to be upheld were
40 ones that were broad, general, secular Christmas displays. He said that the Utah constitution was
41 actually more strict and required that no public money or property be appropriated for or applied
42 to any religious worship, exercise, or instruction, or for the support of any ecclesiastical
43 establishment. He said that Utah courts have had a more broad interpretation and might allow a
44 nativity as long as there were secular Christmas symbols as well, such as Santas and candy
45 canes, but it would also require opening things up for all viewpoints. Mr. Stephens said that
46 another thing that was of concern in this situation was that there were statements from city
47 representatives who had said that they wanted to put up a religious display because "we are

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1 Christian.” He said that if the City were subsequently sued and the question were whether the
2 display had a secular or a religious purpose, given some of the things that had been said, it would
3 be hard for the City to argue that it did not have a religious purpose
4

5 Mr. Davidson said there were no current plans to enhance or add to any holiday displays. He said
6 that, consistent with the counsel and direction Mr. Stephens had given, it was the
7 recommendation of staff that the City move forward with what they had done in the past.
8

9 **ADJOURNMENT**

10
11 Mr. Seastrand **moved** to adjourn the meeting. Mr. Spencer **seconded** the motion. Those voting
12 aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand,
13 David Spencer, and Brent Sumner. The motion **passed** unanimously.
14

15 The meeting adjourned at 10:38 p.m.

It is expected that the
November 11, 2014
City Council minutes
will be ready on
Monday, December 8th
and will be added to the
DropBox file then.
The Council will be
notified if/when they are
available.

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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
November 18, 2014

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

CONDUCTING Mayor Richard F. Brunst, Jr.

ELECTED OFFICIALS Councilmembers Hans Andersen, Margaret Black, 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; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Scott Gurney, Fire Department Director; Charlene Crozier, Library Director; Gary Giles, Police Department Director; Jason Bench, Planning Division Manager; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

EXCUSED Tom Macdonald, Mark E. Seastrand

PREVIEW UPCOMING AGENDA ITEMS

City Council and staff reviewed upcoming agenda items.

AGENDA REVIEW

City Council and staff reviewed the items on the agenda.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson addressed the following:

- The board of the Alpine School District (ASD) moved the vote on the University Place CDA from December to November 25, 2014. He suggested the joint meeting on November 19th between the Council and the board not focus solely on the CDA.
- Chief Giles would provide information later about possibly locating HAWK traffic signals—similar to the one at Utah Valley University (UVU)—at Orchard Elementary School and Canyon View Jr. High. Mr. Davidson noted the cost to install one signal was close to \$100,000. Because of the expense, one installation would need to work for both schools. The ASD was willing to provide half of the cost, if the City would pay the balance.
- The MindMixer site for the State Street project was a public forum, with participation from residents. Pictures could be attached as well.
- The City Council/Executive Staff Christmas party would be held at the Sleepy Ridge Golf Course Clubhouse at 6:00 p.m. on Tuesday December 2, 2014.

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- Transportation funding alternatives were becoming a bigger topic of conversation with the State Legislature. The Utah League of Cities and Towns (ULCT) would like the City to pass a resolution encouraging the Legislature to look at alternative funding opportunities. A transportation coalition had been put together, and it would be in Orem's best interest to be an active participant in that group.

CITIZEN COMMISSION PROCESS

The Council and staff discussed a process for choosing members to serve on the City's advisory commissions. The consensus was to hold interviews during the work session portion of the meeting on December 9th meeting for vacancies in the Recreation Area Allocation Committee (RAAC), Recreation Advisory Commission, Library Advisory Commission, CDBG Advisory Commission, and the Summerfest Advisory Committee.

The Council adjourned at 5:52 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, 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; Scott Gurney, Fire Department Director; Charlene Crozier, Library Director; Gary Giles, Police Department Director; Jason Bench, Planning Division Manager; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

EXCUSED

Council members Tom Macdonald and Mark E. Seastrand

Mayor Richard F. Brunst called the meeting to order at 6:01 p.m.

INVOCATION /

INSPIRATIONAL THOUGHT Yolana Shelley

PLEDGE OF ALLEGIANCE Thomas Olvera

APPROVAL OF MINUTES

There were no new minutes for approval.

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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

There were no appointments.

Recognition of New Neighborhoods in Action Officers

No new Neighborhood in Action officers were recognized.

Report – Orem Arts Council

Debra Escalante from the Orem Arts Council introduced the members who were in attendance: Kathie Debenham, Debby Lauret, Peggy Philbrick, Cody Hale, and Adam Robertson.

Ms. Escalante said the Art Council members had been working to achieve goals from the strategic plan that was adopted in 2013. She reviewed three strategies:

- Refine and strengthen the role of the Orem Arts Council
- Develop and support the development of cultural arts facilities
- Expand awareness of and involvement in the arts

They identified a need for branding to make the residents of Orem aware of the arts and arts programs. The Arts Council was working on the development of two logos. One was for the Arts Council itself to help in the recognition of Arts Council events. The other logo would be for the arts district. They had met with the City's planning department about the possibility of an overlay zone for the arts district area.

The Arts Council wanted to know the priorities of Orem residents, so a survey had been distributed. Ms. Escalante reviewed the statistics from the 400 responses they had received. The Arts Council realized as they evaluated the survey responses that many of the people were requesting more events similar to the ones they had been attending when the survey was distributed, so the Arts Council was striving to get the survey out to a broader spectrum of residents.

Residents indicated they would like to see more:

- Gallery space
- Festivals, fairs, or events
- More live theater, musical concerts, and outdoor concerts
- Classes in the arts
- Community theater
- Dance
- Family-centered arts events
- Art creation space, where residents could come and “create art”
- Art oriented retail
- Art in public spaces
- Literary and storytelling events

DRAFT

- Living history exhibits

Ms. Escalante reviewed other projects the Arts Council had been involved in, including:

- Continue to offer free arts events, such as the eight summer concerts
- Work with David Fulmer of UVU in creating that band which collaborates between community musicians and music students at UVU
- Building community awareness of the arts and upcoming events
- Ensure that the SCERA and the Hale remain successful
- Work toward the CARE tax renewal
- Foster cooperation with other cities and other arts councils
- Agency grants
- Promote an understanding of the fiscal and economic benefits as well as the cultural nature of the arts

OAC Goals for 2015

- Be more assertive in moving out and taking responsibility for things the Arts Council can do to help grow the arts
- Involve the arts district needs in the discussion about State Street
- University liaison
- Identifying and pursuing funding. Grants usually require matching funds which would require support from the Council.
- Work with City to develop signage
- Promote arts and entertainment in other ways such as the City's newsletter or alerts to residents
- Continue to collect information through the survey

Mrs. Black asked about the possibility of using MindMixer to distribute an arts survey, and Mr. Davidson said he would have to check with staff about the licensing.

CITY MANAGER'S APPOINTMENTS

Appointments to Boards and Commissions

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.

No one signed up to speak.

CONSENT ITEMS

There were no consent items.

1 **SCHEDULED ITEMS**

2
3 6:20 P.M. PUBLIC HEARING – PD-21 Concept Plan Amendment
4 ORDINANCE – Amending Appendix O and various portions of Section 22-11-33 of the
5 Orem City Code pertaining to development regulations in the PD-21 zone at 1200 South
6 Geneva Road
7

8 Jason Bench reviewed with the Council a request to amend portions of Section 22-11-33 of the
9 Orem City Code pertaining to development regulations in the PD-21 zone at 1200 South Geneva
10 Road. He said the PD-21 zone was enacted in 2000 to create a mixed-use student-oriented
11 development. The original concept plan of 6,000 students and multiple supporting commercial
12 business had evolved into a less dense development consisting of apartments and limited
13 commercial development. The requirement of student-only occupancy had also been removed.
14 Instead of one owner, as first envisioned, the PD-21 zone now encompassed seven property
15 owners.

16
17 The PD-21 zone was split into two areas known as “Area 1” and “Area 2.” Area 1 was the
18 existing Wolverine Crossing and Area 2 was the property to the east which was the subject of
19 this request. It was anticipated that the remainder of the property along University Parkway,
20 under separate ownership, would be called “Area 3.” A developer had recently applied for
21 changes to develop Area 3.
22

23 The applicant requested several text changes and a concept plan change for Area 2. Most of the
24 text changes affected all property in the PD-21 zone while the concept plan change affected only
25 Area 2. The applicant proposed the following changes:

- 26 • Reduce the setback adjacent to 1000 South to ten feet – the same setback that applied to
27 1250 South. No setback was currently required from 1000 South
- 28 • Require buildings higher than 20 feet to be set back at least 20 feet from a property line
29 unless otherwise specified
- 30 • Eliminate any setback requirement for buildings less than 20 feet high unless otherwise
31 specified
- 32 • Remove the requirement for alternative street pavements such as cobblestone, pavers, or
33 brick on all private streets while still encouraging such alternative street pavements;
- 34 • Reduce the parking requirement in Area 2 from 0.65/stalls per occupancy unit
35 to 0.62/stalls per occupancy unit
- 36 • Limit occupancy in Area 2 by not allowing dwellings in Area 2 to be occupied by “up to
37 six unrelated individuals” as was currently allowed in the PD-21 zone
- 38 • Add cement fiber board siding as an approved material
- 39 • Allow a fence up to twelve feet in height on the east side of the development along the
40 railroad right-of-way
- 41 • Limit fencing to a maximum height of seven feet in other areas
- 42 • Allow two wall signs in Area 2 to be located on residential buildings and oriented to I-15
43 or University Parkway to allow identification of the project (similar to the wall signs that
44 were approved for Midtown Village to identify that project). This was requested because
45 Area 2 had no public street frontage
- 46 • Permit one monument sign along 1000 South

DRAFT

- 1 • Allow a cross-street architectural sign in Area 2 (similar to the one already existing in
2 Wolverine Crossing)
- 3 • Allow a single interior sign in Area 2 with a height up to 27 feet with on premise or
4 noncommercial messages (similar to existing Wolverine Crossing sign)
- 5 • Modify the approved style of building elevations as shown in Appendix “O”
- 6 • Amend the concept plan for Area 2 as shown in Appendix “O”

7
8 The amended concept plan proposed by the applicant would also affect the future development
9 of the property to the south. An application had been filed on the south property and the City
10 Council would see that request at a future meeting. The current proposed concept plan for Area 2
11 showed a limited access at the southeast corner of the project. “Limited” in that case meant a
12 gate that would prevent access between the two properties with the exception of emergency
13 vehicles. Staff recommended the drive lane between the southeast corner of the applicant’s
14 project and the northeast corner of the adjacent property remain open to allow the free-flow of
15 traffic. The concept plan should reflect that recommendation.

16
17 Staff initially had concerns with the proposed parking reduction for Area 2. However, at the
18 Planning Commission, the applicant agreed to a change that would eliminate the ability to have
19 six unrelated individuals live in a dwelling in Area 2 which was currently allowed in the PD-21
20 zone. The number of individuals who could live in a dwelling in Area 2 would therefore become
21 the same as in any other residential area in the City. That reduced staff’s concerns about the
22 adequacy of parking in Area 2.

23
24 Mr. Bench said if the paver types were not shown on the preliminary plat, the developer would
25 not be required to install them. However, if they were shown on the plat, it would become a
26 requirement.

27
28 Mrs. Black said it was a requirement in the PD zone to have an attractive, upgraded look and
29 wondered why the language would be removed.

30
31 Curtis Miner, applicant, said it had not been a requirement but rather a suggestion. The short
32 answer was that suggestions in zoning documents were always problematic, so it was removed to
33 avoid confusion. The long answer was that the PD-21 had originally had a retail component that
34 was built as part of the first five buildings. The pavers were part of the look and feel of that retail
35 development. Since the retail was finished, there was no need to carry on that look.

36
37 At the request of the Mayor, Mr. Bench went over the number of units. He then reviewed the
38 new elevation and He said the site plan was very similar to the original one proposed. Mr. Bench
39 pointed out areas that would be used for landscaping instead of parking to keep the project
40 beautiful.

41
42 Mr. Sumner asked who the units would be marketed to and what the suggested rent would be.

43
44 Ben Lowe, applicant, said the area had originally been intended for students but allowed for any
45 type of multifamily. He said they would be targeting recent graduates, young families, working
46 professionals, and nontraditional students. They wanted to offer more housing for young
47 professionals. The rents would be quite high.

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1 Mr. Andersen asked how the parking would be handled.

2
3 Mr. Lowe said good parking affects their marketability. Each site was different. Their plan
4 included two stalls per unit, where the previous plan was at 1.75 stalls per unit. Typically, stalls
5 were not reserved as long as they were allocated across the site.

6
7 Mrs. Black asked who would get the garages, and Mr. Lowe said they would be rented separately
8 and had to be used for cars. Storage units would be constructed into the building itself and would
9 also be available to rent. The covered carports were available to anyone. As for guest parking,
10 with the percentage of one- and two-bedroom units, there should be plenty of empty stalls. But
11 that could be revisited if it became a problem.

12
13 Mayor Brunst asked about the proposed landscaping.

14
15 Mr. Lowe said those full landscaping plans would be turned in at a later time. The landscaping
16 was planned to be robust, retain previous roadway alignments, and include trees in the parking
17 area.

18
19 At the request of the Mayor, Mr. Lowe reviewed what was included in the amenity package. He
20 said they were confident the following would pencil out:

- 21 • 8,000 square foot clubhouse
- 22 • Bowling lanes
- 23 • Theater room
- 24 • Videogame room
- 25 • Two-story climbing wall
- 26 • Pilates area
- 27 • Two hot tubs
- 28 • Resort level pool area
- 29 • Dog park
- 30 • Electric vehicle charging station
- 31 • Bike share program

32
33 Mr. Sumner expressed concern with the facility being in the middle of UVU. If there were three
34 students in each apartment, there could be a parking problem. Mr. Lowe said they would not rent
35 by the bedroom which changed what the demographic could be. There were a very small
36 percentage of three-bedroom apartments. They would not allow shared bedrooms. Their rents
37 would be quite a bit higher than Wolverine Crossing's. If problems developed with parking they
38 could deal with it.

39
40 Mrs. Black wondered about the rental agreement if there would be three renters. Mr. Lowe said
41 there would be a single contract, and they had rigid qualifications from a credit standpoint. Few
42 students would qualify. Mr. Lowe said they also would not rent just for the summer.

43
44 Mr. Sumner asked if the changes could spill over to Area 3. Mr. Bench said the parking was
45 specific to Area 2. However, setback changes could be applicable to Area 3.

46
47 Mrs. Black wondered if any of the approvals made that night would affect the whole zone.

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1 Mr. Bench said the proposed parking was for Area 2, the signage for Areas 1 and 2, and the
2 family occupancy was only tied to Area 2. Area 3 would still have the .65 parking requirement.

3
4 Mayor Brunst expressed concern about the exits. Mr. Bench said the applicants would rather
5 have a crash gate while staff preferred that it stay open for interconnectivity.

6
7 Mr. Lowe said the preference would be a crash gate, mainly for the parking issue. Future
8 residents of Area 3 could spill into Area 2 parking. He said he believed the way the zone was
9 written for Area 3 it was “under parked” based upon the occupancy units.

10
11 Mayor Brunst asked about the signage, and Mr. Lowe said they were not planning to do an over-
12 the-road sign but rather a monument sign.

13
14 Mrs. Black inquired about a digital sign, and Mr. Lowe assured her that no digital signage was
15 planned. Those were more for student housing. They would have no problem removing that from
16 the proposal. They did have plans for directional signs, logo signs, and backlit signs.

17
18 Mr. Sumner noted that the Council had approved hundreds of “professional” housing similar to
19 the project. He asked about what studies had been done to look at the vacancy rate.

20
21 Mr. Lowe said they were a little nervous there was a lot of supply coming online in Orem. They
22 were confident that the prime location. Their professional market study people were even more
23 confident than he was. The amenity package, proximity to the transit oriented development
24 (TOD), and the visibility from I-15 set them apart from the others that had been approved.

25
26 Mr. Bench pointed out that the site plan would only go to the Planning Commission.

27
28 Mr. Sumner asked if Area 3 would be student housing. Mr. Bench said the plans were still pretty
29 grandiose, but it would be a mix of hotel, student housing, and retail.

30
31 Mrs. Black asked when construction was projected to begin. Mr. Lowe said construction would
32 start in the spring, once the snow melts.

33
34 Mayor opened the public hearing.

35
36 Curtis Wood, resident, said he had no problems with the project under discussion. He expressed
37 concern about the number of apartments being approved in Orem. Where the City was billed as
38 Family City USA, it had gotten away from that.

39
40 Mayor closed the public hearing.

41
42 Mr. Spencer asked, if the zoning stayed the way it was, how many units the applicant could have
43 requested. Mr. Bench said the number would stay the same.

44
45 Mayor Brunst **moved**, by ordinance, to amend Section 22-11-33 of the City Code pertaining to
46 development regulations in the PD-21 zone at 1200 South Geneva Road, with the following
47 changes:

DRAFT

- 1 • The entrance and exit areas on the south be left open to phase 3
- 2 • The digital signs be taken out
- 3 • The overhead sign be taken out for Area 2

4 Mrs. Black **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F.
5 Brunst, David Spencer, and Brent Sumner. The motion **passed** unanimously.

6 7 **COMMUNICATION ITEMS**

8
9 Mr. Davidson turned the time over to Mr. Bench to address a request regarding two streets—375
10 West and 325 West—that dead ended into Amiron Village. Some neighbors would like to cut a
11 gate in the fence. They had found the fence was a deterrent for neighborhood interactions, and
12 they wanted interconnectivity. The fence was there when Amiron Village was constructed. Mr.
13 Bench noted there were neighbors still opposed to opening the fence. The request could be
14 approved administratively but since it had come to the Planning Commission years ago it should
15 go back to them.

16
17 Mr. Davidson recognized Mr. Andersen’s birthday.

18 19 **CITY MANAGER INFORMATION ITEMS**

20
21 The City Manager’s items were discussed during the study session.

22 23 **ADJOURNMENT**

24
25 Mr. Sumner **moved** to adjourn the meeting. Mr. Andersen **seconded** the motion. Those voting
26 aye: Hans Andersen, Margaret Black, Richard F. Brunst, David Spencer, and Brent Sumner. The
27 motion **passed** unanimously.

28
29 The meeting adjourned at 7:04 p.m.

CITY OF OREM
CITY COUNCIL MEETING
 DECEMBER 9, 2014



REQUEST:	MOTION - Adopt 2015 Annual City Council Meeting Schedule
APPLICANT:	City of Orem
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair
- Posted on State Public Noticing Website

SITE INFORMATION:

- General Plan Designation:
N/A
- Current Zone:
N/A
- Acreage:
N/A
- Neighborhood:
N/A
- Neighborhood Chair:
N/A

PREPARED BY:
 Donna Weaver
 City Recorder

RECOMMENDATION:

The City Recorder recommends the City Council, by motion, adopt the 2015 Annual City Council Meeting Schedule.

BACKGROUND:

Section 52-4-6 of the Utah Code Annotated requires the City to ". . . give public notice at least once each year of its annual meeting schedule . . ." and to ". . . specify the date, time and place of such meetings . . ." in said notice. Posting the notice at the principal office of the public body and publication of said notice in at least one newspaper of general circulation within the geographic jurisdiction shall satisfy public notice.

Generally, the City Council will meet on the second and fourth Tuesdays of each month, except when these dates conflict with holidays, elections, or conferences.

The City Council has the ability to add, delete, or change any of the meetings on this proposed schedule prior to approving it. The City Council may also add, delete, or change the schedule--with proper public notice--once it has been approved.

NOTICE OF ANNUAL MEETING SCHEDULE
OREM CITY COUNCIL

Public Notice is hereby given that the 2015 Annual Meeting Schedule of the Orem City Council is as follows:

Regular Meeting Dates

January 13, 27
February 10, 24
March 10, 24
April 14, 28
May 12, 26
June 9, 23
July 14, 28
August 25
September 8, 22
October 13, 27
November 10, 17
December 8

City Council meetings are held in the Orem City Council Chambers in the Orem City Center, 56 North State Street, Orem, Utah, commencing at 6:00 p.m.

The City Council may hold a study session briefing at 5:00 p.m. in the Public Safety Training Room.

The City Council does have the ability to adjust this meeting schedule as necessary.

PUBLISHED IN THE *DESERET MORNING NEWS*
SUNDAY, DECEMBER 21, 2014

PUBLISHED IN THE *SALT LAKE TRIBUNE*
SUNDAY, DECEMBER 21, 2014



January 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																													
<div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;">Dec 2014</p> <table border="1" style="font-size: small;"> <tr><td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td></tr> <tr><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td></tr> <tr><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td></tr> <tr><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td></tr> <tr><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td></tr> <tr><td>28</td><td>29</td><td>30</td><td>31</td><td></td><td></td><td></td></tr> </table> </div> <div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;">Feb 2015</p> <table border="1" style="font-size: small;"> <tr><td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td></tr> <tr><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td></tr> <tr><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td></tr> <tr><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td></tr> <tr><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td></tr> </table> </div> </div>				S	M	T	W	T	F	S		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31				S	M	T	W	T	F	S	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	1 CLOSED  New Year's Day	2	3
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Alpine School District - Christmas Break																																																																																			
4	5	6 Transportation Advisory Commission Meeting	7 PLANNING COMMISSION MEETING Senior Advisory Commission Meeting	8	9	10																																																																													
11	12	13 CITY COUNCIL MEETING Public Works Advisory Commission Meeting	14 Library Advisory Commission Meeting	15 Orem Youth Council Meeting	16 Orem Arts Council Meeting	17																																																																													
18	19 CLOSED  Martin Luther King Day	20	21 PLANNING COMMISSION MEETING Summerfest Advisory Committee Meeting	22	23	24																																																																													
25	26 Beautification Advisory Commission Meeting North Pointe Special Services Meeting Legislative Session Begins	27 CITY COUNCIL MEETING	28 Board of Adjustment Meeting Local Officials' Day at the Legislature	29	30	31																																																																													



February 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2  Groundhog Day	3 Transportation Advisory Commission Meeting	4 PLANNING COMMISSION MEETING Senior Advisory Commission Meeting	5 Recreation Advisory Commission Meeting	6	7
8	9	10 CITY COUNCIL MEETING Public Works Advisory Commission Meeting	11	12	13	14  Valentine's Day
15	16 CLOSED  Presidents' Day	17	18 PLANNING COMMISSION MEETING Summerfest Advisory Committee Meeting	19 Orem Youth Council Meeting	20 Orem Arts Council Meeting	21
22	23 Beautification Advisory Commission Meeting North Pointe Special Services Meeting	24 CITY COUNCIL MEETING	25 Board of Adjustment Meeting	26	27	28

Jan 2015

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Mar 2015

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March 2015

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8  Daylight Saving Time Begins	9	10 CITY COUNCIL MEETING Public Works Advisory Commission Meeting	11 Heritage Commission Meeting Library Advisory Commission Meeting	12 Legislative Session Ends	13	14																																																																												
15	16	17  St. Patrick's Day	18 PLANNING COMMISSION MEETING Summerfest Advisory Committee Meeting	19 Orem Youth Council Meeting	20 Orem Arts Council Meeting  First Day of Spring	21																																																																												
22	23 Beautification Advisory Commission Meeting North Pointe Special Services Meeting	24 CITY COUNCIL MEETING	25 Board of Adjustment Meeting	26	27	28																																																																												
29  Mark Seastrand	30	31	<div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; border-radius: 10px; padding: 5px;"> <p style="text-align: center;">Feb 2015</p> <table border="1" style="width: 100%; text-align: center;"> <tr><th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th></tr> <tr><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td></tr> <tr><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td></tr> <tr><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td></tr> <tr><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td></tr> </table> </div> <div style="border: 1px solid black; border-radius: 10px; padding: 5px;"> <p style="text-align: center;">Apr 2015</p> <table border="1" style="width: 100%; text-align: center;"> <tr><th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th></tr> <tr><td></td><td></td><td></td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td></tr> <tr><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td></tr> <tr><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td></tr> <tr><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td></td><td></td></tr> </table> </div> </div>		S	M	T	W	T	F	S	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	S	M	T	W	T	F	S				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30			
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April 2015

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May 2015

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24	25 CLOSED Memorial Day and Program	26 CITY COUNCIL MEETING	27 Board of Adjustment Meeting	28	29 <div style="border: 1px solid black; padding: 2px; display: inline-block;">Last Day of School</div>	30																																																																																				
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June 2015

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14  Flag Day	15	16	17 PLANNING COMMISSION MEETING	18	19 Orem Arts Council Meeting	20																																																																																											
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28 Freedom Festival Patriotic Service	29	30	<div style="display: flex; justify-content: space-around;"> <table border="1" style="font-size: small;"> <caption>May 2015</caption> <thead> <tr><th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th></tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td></td><td>1</td><td>2</td></tr> <tr><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> <tr><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td></tr> <tr><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td></tr> <tr><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td></tr> <tr><td>31</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table> <table border="1" style="font-size: small;"> <caption>Jul 2015</caption> <thead> <tr><th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th></tr> </thead> <tbody> <tr><td></td><td></td><td></td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td></tr> <tr><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td></tr> <tr><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td></tr> <tr><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td>31</td><td></td></tr> </tbody> </table> </div>				S	M	T	W	T	F	S						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31							S	M	T	W	T	F	S				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
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	<p>Beautification Advisory Commission Meeting</p> <p>North Pointe Special Services Meeting</p>	<p>CITY COUNCIL MEETING</p>	<p>Board of Adjustment Meeting</p>																																																																																													



August 2015

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9	10	11 Public Works Advisory Commission Meeting  Primary Election	12	13	14	15																																																																																				
16	17	18 7th/10th Day - ASD	19 First Day of School	20	21 Orem Arts Council Meeting Senior Citizens Day	22																																																																																				
23	24 Beautification Advisory Commission Meeting North Pointe Special Services Meeting	25 CITY COUNCIL MEETING	26 Board of Adjustment Meeting	27	28	29																																																																																				
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September 2015

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		1 Transportation Advisory Commission Meeting	2 PLANNING COMMISSION MEETING Senior Advisory Commission Meeting	3 Recreation Advisory Commission Meeting	4	5																																																																																																									
			Timpanogos Storytelling Conference																																																																																																												
			Volunteer Night	Timpanogos Storytelling Festival																																																																																																											
6	7 CLOSED  Labor Day	8 CITY COUNCIL MEETING Public Works Advisory Commission Meeting	9 Heritage Commission Meeting Library Advisory Commission Meeting	10	11  Patriot Day	12																																																																																																									
13	14	15	16 PLANNING COMMISSION MEETING	17 Orem Youth Council Meeting Constitution Day	18 Orem Arts Council Meeting	19																																																																																																									
		Utah League of Cities and Towns Annual Conference																																																																																																													
20	21	22 CITY COUNCIL MEETING	23 Board of Adjustment Meeting  First Day of Autumn	24	25	26																																																																																																									
27	28 Beautification Advisory Commission Meeting North Pointe Special Services Meeting	29  David Spencer	30	<table border="1"> <thead> <tr> <th colspan="7">Aug 2015</th> </tr> <tr> <th>S</th> <th>M</th> <th>T</th> <th>W</th> <th>T</th> <th>F</th> <th>S</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>1</td> </tr> <tr> <td>2</td> <td>3</td> <td>4</td> <td>5</td> <td>6</td> <td>7</td> <td>8</td> </tr> <tr> <td>9</td> <td>10</td> <td>11</td> <td>12</td> <td>13</td> <td>14</td> <td>15</td> </tr> <tr> <td>16</td> <td>17</td> <td>18</td> <td>19</td> <td>20</td> <td>21</td> <td>22</td> </tr> <tr> <td>23</td> <td>24</td> <td>25</td> <td>26</td> <td>27</td> <td>28</td> <td>29</td> </tr> <tr> <td>30</td> <td>31</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Aug 2015							S	M	T	W	T	F	S							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31						<table border="1"> <thead> <tr> <th colspan="7">Oct 2015</th> </tr> <tr> <th>S</th> <th>M</th> <th>T</th> <th>W</th> <th>T</th> <th>F</th> <th>S</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>1 2 3</td> </tr> <tr> <td>4</td> <td>5</td> <td>6</td> <td>7</td> <td>8</td> <td>9</td> <td>10</td> </tr> <tr> <td>11</td> <td>12</td> <td>13</td> <td>14</td> <td>15</td> <td>16</td> <td>17</td> </tr> <tr> <td>18</td> <td>19</td> <td>20</td> <td>21</td> <td>22</td> <td>23</td> <td>24</td> </tr> <tr> <td>25</td> <td>26</td> <td>27</td> <td>28</td> <td>29</td> <td>30</td> <td>31</td> </tr> </tbody> </table>	Oct 2015							S	M	T	W	T	F	S							1 2 3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
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October 2015

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11	12  Columbus Day	13 CITY COUNCIL MEETING Public Works Advisory Commission Meeting	14	15 Orem Youth Council Meeting	16 Orem Arts Council Meeting  Boss's Day	17																																																																																		
				Fall Break - Alpine School District																																																																																				
18	19	20	21 PLANNING COMMISSION MEETING  Tom Macdonald	22	23	24																																																																																		
25	26 Beautification Advisory Commission Meeting North Pointe Special Services Meeting	27 CITY COUNCIL MEETING	28 Board of Adjustment Meeting Heritage Commission Meeting (If needed)	29	30	31  Halloween																																																																																		



November 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																				
1 Daylight Saving Time Ends	2 Brent Sumner	3 Transportation Advisory Commission Meeting Election Day	4 PLANNING COMMISSION MEETING Senior Advisory Commission Meeting	5 Historical Preservation Commission Meeting Recreation Advisory Commission Meeting	6	7																																																																																				
8	9 North Pointe Special Services Meeting	10 CITY COUNCIL MEETING Public Works Advisory Commission Meeting	11 Library Advisory Commission Meeting Veterans Day and Program	12	13	14																																																																																				
15	16	17 CITY COUNCIL MEETING	18 PLANNING COMMISSION MEETING	19 Orem Youth Council Meeting	20 Orem Arts Council Meeting	21																																																																																				
22	23 Lights On Celebration Hans Andersen	24	25 Board of Adjustment Meeting	26 CLOSED Thanksgiving Day	27 CLOSED	28																																																																																				
Thanksgiving Break - Alpine School District																																																																																										
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<p style="text-align: center;">20</p>	<p style="text-align: center;">21</p>	<p style="text-align: center;">22</p> <div style="text-align: center;">  <p style="color: blue; font-size: small;">First Day of Winter</p> </div>	<p style="text-align: center;">23</p>	<p style="text-align: center;">24</p> <p style="text-align: center;">CLOSED</p> <div style="text-align: center;">  <p style="color: blue; font-size: small;">Christmas Eve</p> </div>	<p style="text-align: center;">25</p> <p style="text-align: center;">CLOSED</p> <div style="text-align: center;">  <p style="color: blue; font-size: small;">Christmas Day</p> </div>	<p style="text-align: center;">26</p>																																																	
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<p style="text-align: center;">27</p>	<p style="text-align: center;">28</p>	<p style="text-align: center;">29</p>	<p style="text-align: center;">30</p> <p style="text-align: center;">Board of Adjustment Meeting</p>	<p style="text-align: center;">31</p> <div style="text-align: center;">  <p style="color: blue; font-size: small;">New Year's Eve</p> </div>	<div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p style="text-align: center;">Jan 2016</p> <table border="1" style="width: 100%; text-align: center;"> <tr> <th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td>1</td><td>2</td> </tr> <tr> <td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td> </tr> <tr> <td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td> </tr> <tr> <td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td> </tr> <tr> <td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td> </tr> <tr> <td>31</td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table> </div>		S	M	T	W	T	F	S						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31						
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CITY OF OREM
CITY COUNCIL MEETING
DECEMBER 9, 2014



REQUEST:	RESOLUTION – Accept Fiscal Year 2013-2014 Audit
APPLICANT:	City of Orem
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair

SITE INFORMATION:

General Plan Designation:

N/A

Current Zone:

N/A

Acreage:

N/A

Neighborhood:

N/A

Neighborhood Chair:

N/A

PREPARED BY:

Richard Manning
Administrative Services
Director

RECOMMENDATION: The City Manager recommends the City Council, by resolution, accept the Fiscal Year 2013-2014 audit as presented.

BACKGROUND: In accordance with State law, the City is required to have a complete financial audit performed by an independent auditing firm on an annual basis.

Over the past several months, the accounting firm of Keddington & Christensen, LLC has been reviewing the City's financial records and has now completed their audit. All of the audit information is included in the Comprehensive Annual Financial Report (CAFR). Representatives from Keddington & Christensen, LLC will review the CAFR in their presentation to the City Council during the meeting. The City ended the fiscal year at June 30, 2014, in relatively sound financial condition and has received an auditor's opinion with no qualifications (a "clean" opinion).

DRAFT

RESOLUTION NO. _____

A RESOLUTION BY THE OREM CITY COUNCIL ACCEPTING THE
AUDIT FOR FISCAL YEAR ENDING JUNE 30, 2014 AS
COMPLETED AND PRESENTED BY KEDDINGTON &
CHRISTENSEN, LLC

WHEREAS; State Law requires the City of Orem complete a financial audit performed by an independent auditing firm on an annual basis; and

WHEREAS Keddington & Christensen, LLC has, by contractual agreement, completed the audit for the Fiscal year ending June 30, 2014; and

WHEREAS Keddington & Christensen, LLC has reviewed the completed audit with the City Council and City staff; and

WHEREAS the City Council wishes to accept the audit performed by Keddington & Christensen, LLC.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The audit for the Fiscal Year ending June 30, 2014, as completed and presented by Keddington & Christensen, LLC is accepted.
2. This resolution shall take effect immediately upon passage
3. All ordinances, resolutions or policies in conflict herewith are repealed.
4. This resolution shall take effect immediately upon passage.

PASSED, APPROVED this 9th day of **December** 2014.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

DRAFT

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

CITY OF OREM
CITY COUNCIL MEETING
 DECEMBER 9, 2014



REQUEST:	ORDINANCE - Rezoning approximately 3.78 acres located generally at 1100 North 1200 West from the HS zone the PRD zone
APPLICANT:	Edge Homes
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 129 notifications to properties within the 500' of the proposed rezoned property on October 28, 2014.

SITE INFORMATION:

General Plan Designation:

Regional Commercial

Current Zone:

HS

Acreage:

3.78

Neighborhood:

Timpview

Neighborhood Chair:

Brian & Lisa Kelly

The applicant withdrew his application on November 13, 2014, and requested the item not be considered.

**PLANNING COMMISSION
 RECOMMENDATION**

Vote: 6-0 for denial

PREPARED BY:

Clinton A. Spencer
 Planner

CITY OF OREM
CITY COUNCIL MEETING
 DECEMBER 9, 2014



REQUEST:	6:20 P.M. PUBLIC HEARING – University Place ORDINANCE - Amending Section 22-11-47 of the Orem City Code by enacting subsection (N) relating to nuisance complaints by residents within the PD-34 zone and amending a portion of Appendix ‘BB’ of the Orem City Code relating to road locations, road types and street cross sections in the PD-34 zone at 575 East University Parkway
APPLICANT:	Woodbury Corporation
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
- Posted at utah.gov/pmn
- Mailed 50 CC notices on November 12, 2014

SITE INFORMATION:

General Plan Designation:
Regional Commercial
 Current Zone:
PD-34
 Acreage:
100.27
 Neighborhood:
Hillcrest
 Neighborhood Chair:
Dewon Holt

PLANNING COMMISSION RECOMMENDATION
Vote: Approve 6-0

PREPARED BY: DAVID STROUD, AICP PLANNER
--

RECOMMENDATION:

******The request to amend Appendix ‘BB’ relating to the road locations, road types, and street cross sections was continued by the Planning Commission and is not ready for City Council consideration. Staff recommends this portion of the amendment be continued to 6:20 p.m. on January 27, 2015.******

The Planning Commission recommends the City Council amend, by ordinance, Section 22-11-47 of the Orem City Code by enacting subsection (N) relating to nuisance complaints in the PD-34 zone at 575 East University Parkway.

BACKGROUND: The University Mall has historically been exclusively a commercial development. However, the owner of the Mall, Woodbury Corporation, recently created a PD zone for the Mall property which would add residential uses to the development.

A site plan was approved in March 2014 for 461 residential units just east of Costco and two residential apartment buildings are currently under construction with two additional residential buildings to follow as phase two. Costco management is concerned that the new residents of the Mall development may complain about noises that are typically associated with Costco’s business such as truck deliveries and the operation of refrigeration trucks.

In order to alleviate Costco’s concerns, Woodbury has requested an amendment to the PD-34 zone that states that any noises, sights or smells that are customarily associated with a permitted commercial use will not be considered a violation of the City’s disturbing the peace ordinance or the City’s nuisance ordinances with respect to individuals who live in the PD-34 zone. This amendment would only apply to residents of the PD-34 zone and would not affect the ability of any resident outside the PD-34 zone from making a complaint under the City’s disturbing the peace or nuisance ordinances.

The proposed text amendment is as follows:

22-11-47

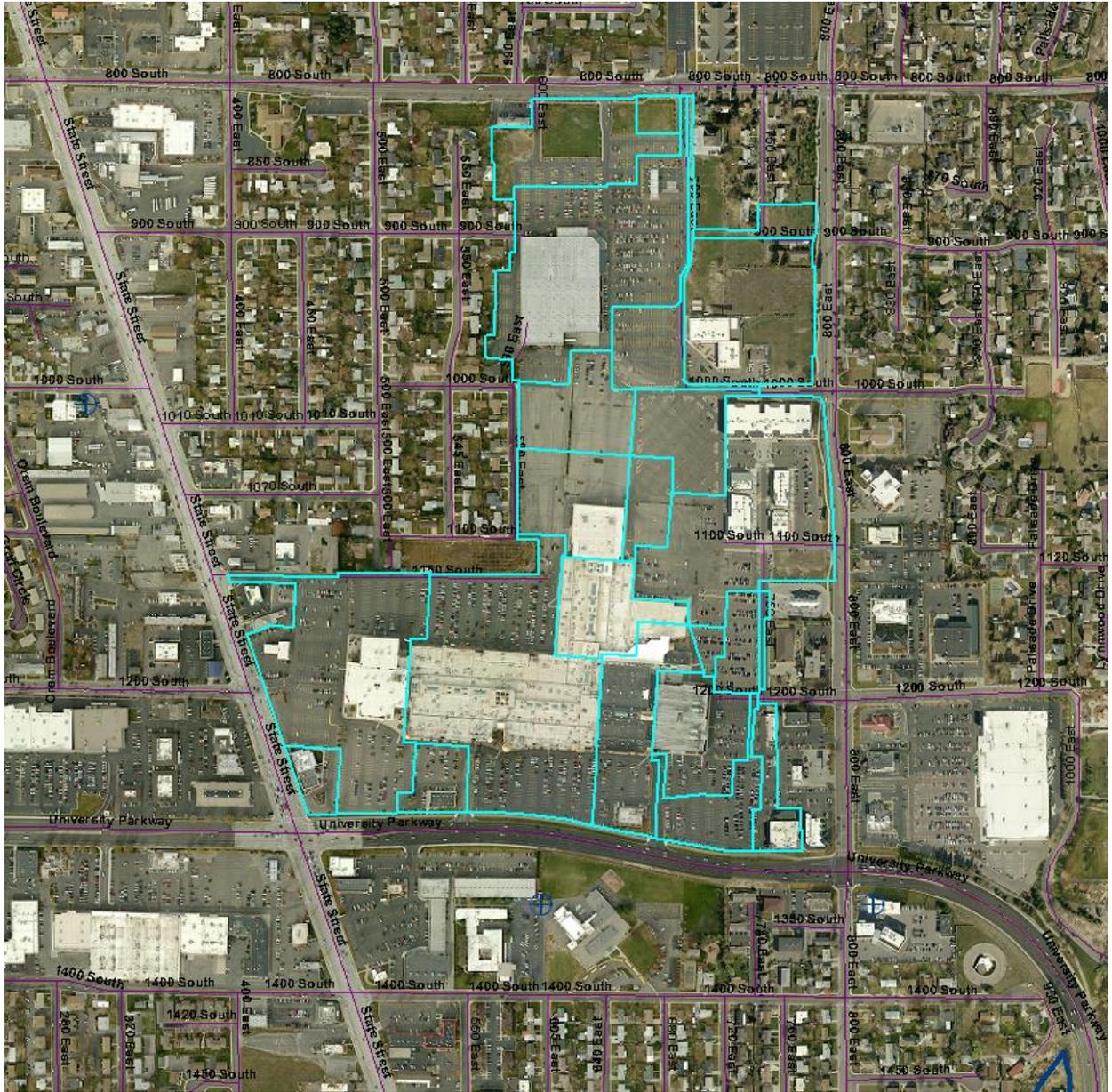
N. Because the PD-34 zone contains a mix of uses with commercial and residential uses located in proximity to each other, it is expected that individuals who choose to live in the PD-34 zone will have a higher tolerance for the noises, sights, and smells that are traditionally associated with commercial uses than individuals who live in traditional residential zones. Therefore, notwithstanding any other provision in City ordinances to the contrary, any noise, sight or smell that is clearly incidental to and customarily associated with a permitted use in the PD-34 zone (including but not limited to noise emanating from the operation of refrigerated truck units at any time of day or night) shall not be considered a violation of the City's disturbing the peace ordinance (Section 9-2-9) or a violation of the City's nuisance ordinances (Article 11-1) as they may affect residents who live in the PD-34 zone. However, nothing herein shall be construed to affect the applicability of the City's disturbing the peace ordinance or nuisance ordinances as to noises, sights and smells emanating from the PD-34 zone that affect individuals who do not live within the PD-34 zone.

Advantages

- Provides an added protection to a commercial property owner or lessee located in the University Place development from nuisance complaints from residences within the PD-34 development.
- Puts all residents within the University Place development on notice that noises, sights, and smells customarily associated with commercial uses permitted in the PD-34 zone are an inherent part of this type of development.
- The text amendment only applies to those who live within the PD-34 zone and does not apply to residents and property owners outside of the University Place (PD-34) zone.

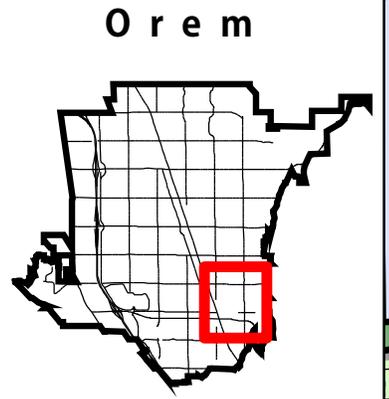
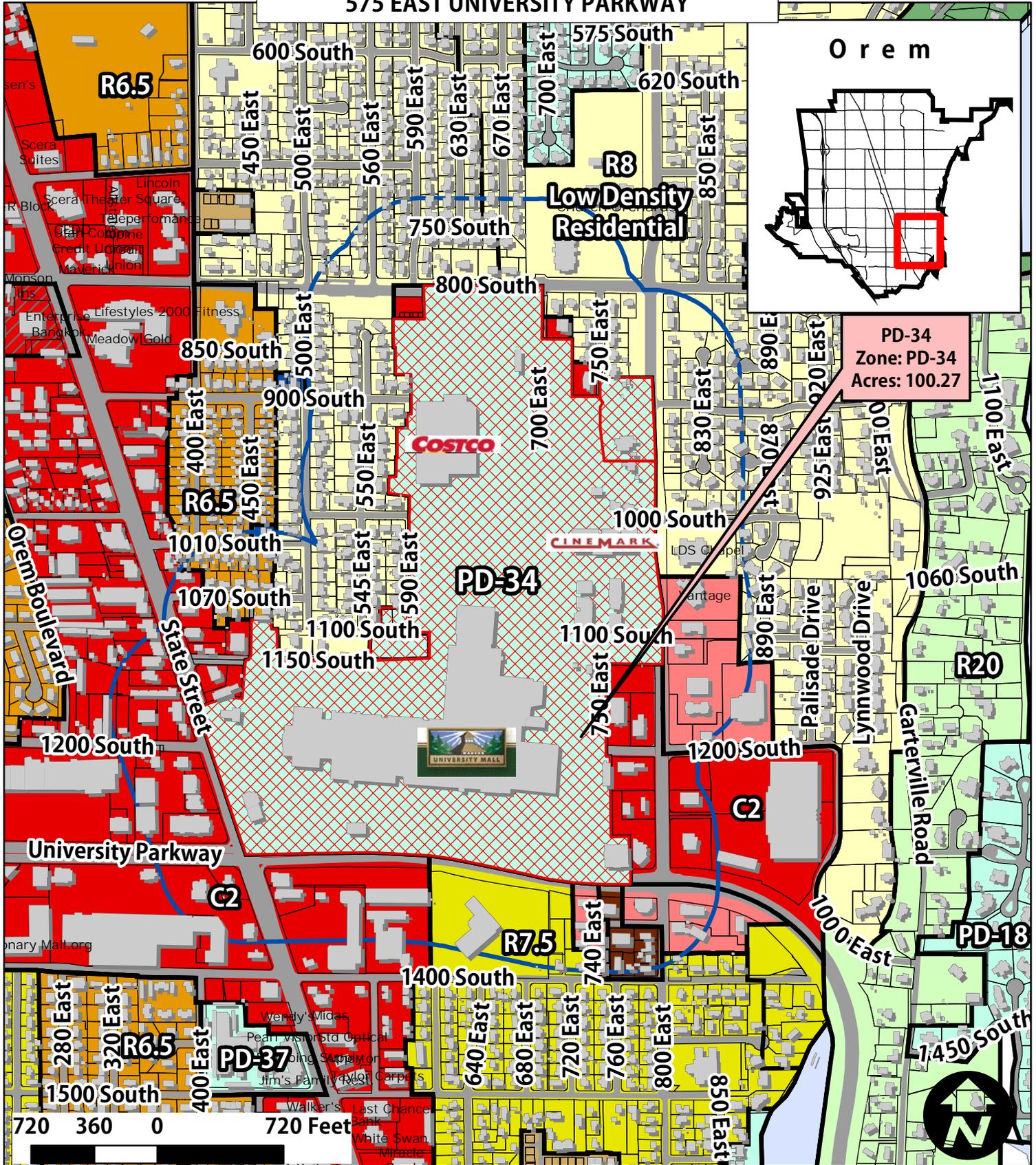
Disadvantages

- None determined



University Place PD-34

575 EAST UNIVERSITY PARKWAY



PD-34
Zone: PD-34
Acres: 100.27

◆ University Place PD-34:
100.27 Acres; PD-34 Zone

NIA CONTACT:
Hillcrest Neighborhood
Dewon Holt

- Legend**
- Buildings
 - PD-34
 - Notification Boundary
 - Parcels

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 22-11-47 OF THE OREM CITY CODE BY ENACTING SUBSECTION (N) PERTAINING TO NUISANCE COMPLAINTS IN THE PD-34 ZONE AT 575 EAST UNIVERSITY PARKWAY

WHEREAS on October 27, 2014, Woodbury Corporation filed an application with the City of Orem requesting the City amend Section 22-11-47 of the Orem City Code by enacting subsection (N) as it pertains to nuisance complaints from residents in the PD-34 zone at 575 East University Parkway; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on November 19, 2014, and the Planning Commission recommended approval of the application; and

WHEREAS a public hearing considering the subject application was held by the City Council on December 9, 2014; and

WHEREAS the City posted the City Council agenda in the City offices at 56 North State Street and at www.orem.org, a public hearing notice at www.utah.gov/pmn, and notices were mailed to all property owners within the PD-34 zone; 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 special conditions applicable to the request.

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 permitted commercial uses in the PD-34 zone to continue operations that are clearly incidental to and customarily associated with such uses without being subject to complaints by residents who live in the PD-34 zone for violation of the City's disturbing the peace or nuisance ordinances.
2. The City Council hereby amends Article 22-11-47 by enacting section (N) to read as shown on Exhibit 'A' which is attached hereto and incorporated herein by reference.
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.

DRAFT

PASSED, APPROVED and ORDERED PUBLISHED this 9th day of December 2014.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

Exhibit A

22-11-47

N. Because the PD-34 zone contains a mix of uses with commercial and residential uses located in proximity to each other, it is expected that individuals who choose to live in the PD-34 zone will have a higher tolerance for the noises, sights, and smells that are traditionally associated with commercial uses than individuals who live in traditional residential zones. Therefore, notwithstanding any other provision in City ordinances to the contrary, any noise, sight or smell that is clearly incidental to and customarily associated with a permitted use in the PD-34 zone (including but not limited to noise emanating from the operation of refrigerated truck units at any time of day or night) shall not be considered a violation of the City's disturbing the peace ordinance (Section 9-2-9) or a violation of the City's nuisance ordinances (Article 11-1) as they may affect residents who live in the PD-34 zone. However, nothing herein shall be construed to affect the applicability of the City's disturbing the peace ordinance or nuisance ordinances as to noises, sights and smells emanating from the PD-34 zone that affect individuals who do not live within the PD-34 zone.

Orem City Public Hearing Notice



Planning Commission
Wednesday, November 19, 2014
4:30 PM, City Council Chambers
56 North State Street

City Council
Tuesday, December 9, 2014
6:20 PM, City Council Chambers
56 North State Street

Woodbury Corporation requests the City amend Section 22-11-47 in regards to nuisance complaints from property owners or residents within the PD-34 zone at 575 East University Parkway. The applicant also requests the road master plan be amended. The new road plan is available in the Development Services office. **For more information, special assistance or to submit comments, contact David Stroud at 229-7095 or drstroud@orem.org.**

22-11-47

N. Because the PD-34 zone contains a mix of uses with commercial and residential uses located in proximity to each other, it is expected that individuals who choose to live in the PD-34 zone will have a higher tolerance for the noises, sights, and smells that are traditionally associated with commercial uses than individuals who live in traditional residential zones. Therefore, notwithstanding any other provision in City ordinances to the contrary, any noise, sight or smell that is clearly incidental to and customarily associated with a permitted use in the PD-34 zone (including but not limited to noise emanating from the operation of refrigerated truck units at any time of day or night) shall not be considered a violation of the City's disturbing the peace ordinance (Section 9-2-9) or a violation of the City's nuisance ordinances (Article 11-1) as they may affect residents who live in the PD-34 zone. However, nothing herein shall be construed to affect the applicability of the City's disturbing the peace ordinance or nuisance ordinances as to noises, sights and smells emanating from the PD-34 zone that affect individuals who do not live within the PD-34 zone.

UNIVERSITY MALL SHOPPING
CENTER LC
--OR CURRENT RESIDENT--
UNKNOWN
OREM, UT 84097

UTAH TRANSIT AUTHORITY
%PROPERTY MANAGEMENT
PO BOX 30810
SALT LAKE CITY, UT 84130

KRISTIE SNYDER
56 N STATE STREET
OREM, UT 84057

CENTURY LINK
75 EAST 100 NORTH
PROVO, UT 84606

NELSON BROTHERS UNIVERSITY
DOWNS LLC
130 VANTIS # 150
ALISO VIEJO, CA 92656

CROPPER, ALICE LANEZ
565 E 900 S
OREM, UT 84097

JENSEN, CRAIG R & BLAIR A (ET AL)
--OR CURRENT RESIDENT--
577 E 900 SOUTH
OREM, UT 84097

UNIVERSITY MALL VILLAGE
--OR CURRENT RESIDENT--
643 E UNIVERSITY PKY
OREM, UT 84097

JENSEN, CRAIG R & BLAIR A (ET AL)
714 E LIZZIE LA
SAINT GEORGE, UT 84790

UNIVERSITY MALL VILLAGE
--OR CURRENT RESIDENT--
730 E 1100 SOUTH
OREM, UT 84097

MAG
586 EAST 800 NORTH
OREM, UT 84097

UNIVERSITY MALL SHOPPING
CENTER LC
--OR CURRENT RESIDENT--
648 E 800 SOUTH
OREM, UT 84097

UNIVERSITY MALL SHOPPING
CENTER LC
--OR CURRENT RESIDENT--
716 E 800 SOUTH
OREM, UT 84097

UNIVERSITY MALL VILLAGE
--OR CURRENT RESIDENT--
760 E 1100 SOUTH
OREM, UT 84097

MAYOR RICHARD BRUNST
900 EAST HIGH COUNTRY DRIVE
OREM, UT 84097

UNIVERSITY MALL SHOPPING
CENTER LC
--OR CURRENT RESIDENT--
960 S 700 EAST
OREM, UT 84097

UNIVERSITY MALL VILLAGE
--OR CURRENT RESIDENT--
1050 S 750 EAST
OREM, UT 84097

CORDNER, COLLEEN F & RAYMOND
G
1112 S 500 E
OREM, UT 84097

WASHBURN MANAGEMENT LC
--OR CURRENT RESIDENT--
1163 S STATE ST
OREM, UT 84097

FIRST SEC BANK OF UTAH
--OR CURRENT RESIDENT--
1175 S STATE ST
OREM, UT 84097

FIRST SEC BANK OF UTAH
%WELLS FARGO BANK C/O
DELOITTE TAX LLP
PO BOX 2609
CARLSBAD, CA 92018

UNIVERSITY MALL SHOPPING
CENTER LC
%MACYS, ATTN: PROPERTY/REAL
ESTATE TAX
7 W 7TH ST
CINCINNATI, OH 45202

ROCKY MOUNTAIN POWER
70 NORTH 200 EAST
AMERICAN FORK, UT 84003

PROCTOR, JAMES J & LUWAIN B
575 E 1000 S
OREM, UT 84097

UNIVERSITY MALL SHOPPING
CENTER LC
--OR CURRENT RESIDENT--
601 E UNIVERSITY PKWY
OREM, UT 84097

UNIVERSITY MALL VILLAGE
--OR CURRENT RESIDENT--
703 E UNIVERSITY PKY
OREM, UT 84097

UNIVERSITY MALL SHOPPING
CENTER LC
--OR CURRENT RESIDENT--
730 E 950 SOUTH
OREM, UT 84097

UNIVERSITY MALL SHOPPING
CENTER LC
--OR CURRENT RESIDENT--
781 E 900 SOUTH
OREM, UT 84097

BURT, NATHAN & ELIZABETH
855 S 550 E
OREM, UT 84097

UNIVERSITY MALL VILLAGE
--OR CURRENT RESIDENT--
1010 S 800 EAST
OREM, UT 84097

GAKS ENTERPRISES LLC
--OR CURRENT RESIDENT--
835 S 700 EAST
OREM, UT 84097

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057

UNIVERSITY MALL VILLAGE
--OR CURRENT RESIDENT--
1051 S 750 EAST
OREM, UT 84097

UNIVERSITY MALL SHOPPING
CENTER LC
--OR CURRENT RESIDENT--
884 S 750 EAST
OREM, UT 84097

FAE HOLDINGS 421336R LLC
%R C WILLEY
2301 S 300 W
SALT LAKE CITY, UT 84115

CORDNER, COLLEEN F & RAYMOND
G
--OR CURRENT RESIDENT--
1115 S 500 EAST
OREM, UT 84097

ELLIS, DOUGLAS W & RUTH CLEGG
957 S 550 E
OREM, UT 84097

UTAH DEPARTMENT OF
TRANSPORTATION
4501 S 2700 W
SALT LAKE CITY, UT 84119

GAKS ENTERPRISES LLC
1168 N 1000 E
OREM, UT 84097

WASHBURN MANAGEMENT LC
1044 S 400 W
OREM, UT 84058

QUESTAR GAS COMPANY
1640 NORTH MTN. SPRINGS PKWY.
SPRINGVILLE, UT 84663

DEWON HOLT
HILLCREST NEIGHBORHOOD CHAIR
1442 S 605 EAST
OREM, UT 84057

UNIVERSITY MALL VILLAGE
--OR CURRENT RESIDENT--
1087 S 750 EAST
OREM, UT 84097

UTOPIA
2175 S REDWOOD ROAD
WEST VALLEY CITY, UT 84119

UTAH CNTY SOLID WASTE DISTRICT
C/O RODGER HARPER
2000 WEST 200 SOUTH
LINDON, UT 84042

UTAH TRANSIT AUTHORITY
--OR CURRENT RESIDENT--
1145 S 750 EAST
OREM, UT 84097

UNIVERSITY MALL SHOPPING
CENTER LC
2733 E PARLEYS WY STE 300
SALT LAKE CITY, UT 84109

UNIVERSITY MALL SHOPPING
CENTER LC
2733 E PARLEYS WAYE STE 300
SALT LAKE CITY, UT 84109

BURTON LUMBER & HARDWARE CO
1170 S 4400 W
SALT LAKE CITY, UT 84104

COMCAST
9602 SOUTH 300 WEST
SANDY, UT 84070



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: 06-30-2015

Name: University Mall Shopping Center, LC Phone: 801-485-7770
 Address: 575 East University Parkway, Suite N260 FAX: _____
 City: Orem State: UT Zip: 84097 e-mail: k_olson@woodburycorp.com

PROJECT INFORMATION

Project Name: PD 34 Zone Text & Exhibit Amendments
 Project Address: 575 E. University Parkway, Orem

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 \$800 + \$20/lot or unit <input type="checkbox"/> Preliminary deep lot sign fee \$25 <input type="checkbox"/> Final \$600 + \$20/lot or unit + recording fees <input type="checkbox"/> Vacation/Amendment \$800 + \$20/lot or unit + \$25 sign fee + recording fees <input type="checkbox"/> Final PRD \$600 + \$30/lot or unit + recording fees <input type="checkbox"/> Lot Line Adjustment \$400 + \$25 sign fee, not including recording fees	<input type="checkbox"/> Sign, Text \$900 <input type="checkbox"/> Subdivision, Text \$900 <input checked="" type="checkbox"/> Zoning, Text \$900 <input type="checkbox"/> New PD Zone, Text \$2000 +25 sign fee for PD zone <input type="checkbox"/> Rezone \$1200 + \$25 sign fee <input type="checkbox"/> New PD Zone, Rezone \$1200 +25 sign fee for PD zone <input type="checkbox"/> Development agreement Utah County fees \$ _____	<input type="checkbox"/> Land Use Map Change \$1000 + \$25 sign fee <input type="checkbox"/> Text Change \$1000 ***** <input type="checkbox"/> MAILINGS Neighborhood Notice \$ _____ ***** <input checked="" type="checkbox"/> PUBLIC NOTICE Newspaper notice \$ <u>75.00</u> prior to PC meeting \$ <u>100.00</u> prior to CC meeting	<input checked="" type="checkbox"/> Site Plan Admin. Approval \$500 <input type="checkbox"/> Site Plan \$1,500 + \$25 sign fee for following PD Zones: 1,4,5,15,16,21 or adjacent to a residential zone <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 \$800.00 + \$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 \$1200 <input type="checkbox"/> Annexation \$1500 + \$25 sign fee + legal noticing fee <input type="checkbox"/> Driveway Entrance Modification \$175 <input type="checkbox"/> Resubmittal Fee \$500/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 lperritt@orem.org.**

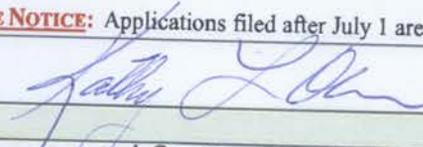
APPLICANT NOTES, SIGNATURE, AND CONTACT PERSON

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: Kathy Olson Phone: 801-485-7770

OFFICE USE ONLY

Date Filed: 10-27-14 Fees Paid: \$1075.00 Received By: TB

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

PD-34 Text Changes

1. DRC application date: 10/27/2014
2. Obtained Development Review Committee clearance on: 10/30/2014
3. Newspaper notice for PC and sent to City Recorder: 10/28/2014
4. Executive Staff review on: 11/12/2014
5. Neighborhood notice of PC and CC sent on: 11/12/2014
6. Planning Commission recommended approval on: 11/19/2014
7. Newspaper notice for CC sent to City Recorder on: 11/14/2014
8. City Council approved/denied request on: 12/9/2014

CITY OF OREM
CITY COUNCIL MEETING
 DECEMBER 9, 2014



REQUEST:	6:20 P.M. PUBLIC HEARING – Outdoor Advertising ORDINANCE - Amending Sections 22-14-29 and 14-3-3 of the City of Orem pertaining to electronic message sign requirements ORDINANCE - Amending Sections 14-3-3 and 14-3-4 of the Orem City Code pertaining to outdoor advertising requirements (billboards)
APPLICANT:	Development Services
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
- Posted at utah.gov/pmn

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 5-0

PREPARED BY: DAVID STROUD, AICP PLANNER
--

RECOMMENDATION: The Planning Commission recommends the City Council:

1. By ordinance, amend Section 22-14-29 and 14-3-3 of the Orem City Code pertaining to electronic message sign requirements
2. By ordinance, amend Sections 14-3-3 and 14-3-4 of the City Code pertaining to outdoor advertising requirements

BACKGROUND: This item was considered by the Council on November 11, 2014. A motion to approve the ordinance amendments failed by a vote of 3-2. A City Council member who voted for the motion requested the item be reconsidered on December 9, 2014 in order to have the full City Council consider the requested amendments.

This application proposes amendments to three sections of the City Code pertaining to billboards.

The current ordinance allows electronic message center (EMC) signs on any billboard. The location of an EMC (LED) sign was an issue with the YESCO billboard at 2000 South Sandhill Road with the proximity of homes to that sign. There are other billboards in the City that are also close to residences on the east side of I-15.

Due to the concerns the City Council has previously expressed about the negative impact electronic signs may have on nearby residences, Staff propose to amend Section 22-14-29 to prohibit electronic message center (LED) signs on the east side of I-15 and within 500 feet of I-15. This would provide some protection to homes that are located near I-15.

Staff also recently became aware of a problem that could arise due to the application of Utah Code Section 10-9a-513. That section allows a billboard owner to relocate a billboard into any commercial, industrial or manufacturing zone within 5,280 feet of its previous location.

Staff is concerned that billboard companies might use the above-cited section to get around the City's prohibition of new billboards on the east side of I-15. Billboard companies with a billboard on the west side of I-15 (where new billboards are allowed) might apply to relocate their billboard to the east side of I-15 (where new billboards are not allowed but where

Section 10-9a-513 would allow them to be relocated) and then turn around and apply for a new billboard on the very same site where the original billboard was located.

If this were to occur, it would effectively circumvent the City's ban on east side I-15 billboards. Staff therefore proposes to amend Chapter 14 to prohibit all new billboards in the City. This may not stop the relocation of billboards to the east side of I-15, but it will prevent the relocated billboards from being replaced since an owner who relocates a billboard will not be able to construct a new billboard at the original site of the relocated billboard. There are nine potential billboard locations on the east side of I-15 where relocations could occur.

Representatives of Reagan Outdoor Advertising and YESCO are not in favor of the proposed changes and have offered alternative language that will be provided to the Council. The Planning Commission did not wish to adopt the proposal of the billboard companies, but encouraged staff to consider some of their proposed language in future amendments.

The proposed amendments are as follows:

22-14-29. Electronic Message Signs. Notwithstanding any other provision in the City Code to the contrary, Electronic Message Signs (as defined in Orem City Code Section 14-3-2), shall not be allowed on any billboard located on the east side of I-15 and within 500 feet of I-15. This section shall control over any other section of City Code including, but not limited to, Section 14-3-3.

Advantages

- Eliminates conflict between the billboards with electronic display and nearby residences
- Does not prohibit electronic display on the west side of I-15
- Prevents new billboards from being located within the City, but does not prohibit the relocation of a billboard as allowed by State Code

Disadvantages

- None identified

REDLINE / STRIKEOUT

14-3-3

Billboard Signs:

1. Billboard signs are ~~only permitted in the M2 zone and PD 36 zone within three hundred feet (300') of the I-15 corridor in accordance with applicable state law~~ **not permitted in any zone**. All ~~other~~ lawfully existing billboards shall be nonconforming uses. ~~No new billboards or outdoor advertising signs shall be permitted outside the M2 zone or PD 36 zone in the areas described above.~~ However, off-premise public information signs and logo signs located in the State owned right-of-way shall be allowed as described in Utah Code Section 72-7-504.
2. A lawfully existing billboard sign on or adjacent to State Street, Interstate 15 or 800 North may be reconstructed or relocated by the owner of the billboard (but no other person or entity) on the same lot or adjacent property under the same ownership.
3. If any billboard sign may not be continued because of the widening, construction, or reconstruction along an interstate, federal aid primary highway existing as of June 1, 1991, national highway systems highway, or state highway, such billboard sign may be remodeled or relocated under the circumstances and conditions allowed by Utah Code Sections 72-7-510 and 72-7-513, as amended.
4. A billboard sign that is not reconstructed within one year of its removal or destruction shall be considered abandoned and may not be reconstructed or relocated.
5. A billboard sign that is erected, relocated or reconstructed under this section 14-3-3 shall:
 - a. Comply with the outdoor advertising regulations of the Utah State Department of Transportation;
 - b. Not exceed a maximum height of thirty-five (35') from the base of the sign, or twenty-five feet (25') above I-15 grade level at a point perpendicular to the sign, whichever is greater;
 - c. Not have an area exceeding six hundred seventy-five (675) square feet per sign face in the M2 zone or three hundred (300) square feet in any other zone;
 - d. Be allowed two faces or back-to-back sign faces, provided there is no more than five feet (5') separating the sign faces;
 - e. Not be located any closer than five hundred feet (500') from any other billboard or off-premise sign. Notwithstanding the foregoing, if an existing billboard is currently within five hundred feet of another billboard, it may be reconstructed or relocated within five hundred feet of such other billboard provided that it is not moved any closer to such billboard.
 - f. Not be located any closer than fifty feet (50') from any other freestanding pole sign;
 - g. Not be erected in a clear vision area of a corner lot unless the sign face is at least ten feet (10') above the adjacent street grade;
 - h. Not unreasonably obstruct any traffic control device;
 - i. Not overhang public property or public right-of-way;
 - j. Not be within two hundred feet (200') of any residential zone;
 - k. Not be enlarged or expanded beyond the size of the original billboard sign. ~~However, the size of a new billboard sign that is allowed adjacent to I-15 pursuant to an exchange under subsection 3 above, may have up to six hundred seventy five square feet of sign face provided that at least an equal amount of signage has been removed as part of the exchange;~~
 - l. Not be increased in height if relocated pursuant to subsection 2 above; and
 - m. Be constructed and maintained with neutral color.
6. ~~Billboard signs may be changed manually or electronically in any zone~~

Electronic Message Center (EMC) Signs:

1. A sign permit is required for an EMC sign.
2. EMC signs shall not be flashing signs.
3. EMC signs may have motion.
4. Brightness on EMC signs shall not exceed 0.3 lumens above ambient light.
5. EMC signs are only allowed as part of a monument sign, pole sign, wall sign or legal billboard. However, notwithstanding anything herein to the contrary, as provided in Section 22-14-29, EMC signs are not allowed on any billboard located on the east side of I-15 and within 500 feet of I-15.
6. Except as otherwise prohibited, EMC signs are permitted in the PO, C1, C2, C3, HS, CM, M1, M2, commercial PD zones and on any billboard.

14-3-4

	R & OS	PO, C1 & BP	C2, C3	M & HS
Billboard**	N	N	N	P**N

****Allowed only in the M2 Zone adjacent to I-15.**

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ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 22-14-29 AND SECTION 14-3-3 OF THE OREM CITY CODE PERTAINING TO ELECTRONIC MESSAGE SIGN REQUIREMENTS

WHEREAS on July 14, 2014, the Department of Development Services filed an application with the City of Orem requesting the City amend Section 22-14-29 of the Orem City Code as it pertains to regulations governing outdoor advertising requirements; and

WHEREAS on September 8, 2014, Development Services filed an application with the City of Orem requesting the City amend Section 14-3-3 of the Orem City Code as it pertains to regulations governing electronic message sign requirements; and

WHEREAS a public hearing considering the subject applications was held by the Planning Commission on August 6, 2014 and on October 1, 2014, and the Planning Commission recommended approval of the proposed amendments; and

WHEREAS a public hearing considering the subject applications was held by the City Council on November 11, 2014; and

WHEREAS a motion to approve the proposed amendments failed to obtain the needed four votes for approval; and

WHEREAS in accordance with City policies, a member of the City Council requested that the City Council reconsider the proposed amendments; and

WHEREAS the City Council held a public hearing to reconsider the subject applications on December 9, 2014; and

WHEREAS the City posted the City Council agenda in the City Offices at 56 North State Street, at www.orem.org, and a public hearing notice was posted at www.utah.gov/pmn; 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; the effect upon surrounding neighborhoods; and the special conditions applicable to the request.

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 protect residences that are located close to existing billboards on the east side of I-15 from the negative impacts of electronic message center signs.

DRAFT

2. The City Council hereby amends Article 22-14 by enacting section (29) to read as follows:

22-14-29. Electronic Message Signs.

Notwithstanding any other provision in the City Code to the contrary, Electronic Message Signs (as defined in Orem City Code Section 14-3-2), shall not be allowed on any billboard located on the east side of I-15 and within 500 feet of I-15. This section shall control over any other section of City Code including, but not limited to, Section 14-3-3.

3. The City Council hereby amends a portion of Section 14-3-3 to read as follows:

Electronic Message Center (EMC) Signs:

1. A sign permit is required for an EMC sign.
2. EMC signs shall not be flashing signs.
3. EMC signs may have motion.
4. Brightness on EMC signs shall not exceed 0.3 lumens above ambient light.
5. EMC signs are only allowed as part of a monument sign, pole sign, wall sign or legal billboard. However, notwithstanding anything herein to the contrary, as provided in Section 22-14-29, EMC signs are not allowed on any billboard located on the east side of I-15 and within 500 feet of I-15.
6. Except as otherwise prohibited, EMC signs are permitted in the PO, C1, C2, C3, HS, CM, M1, M2, and commercial PD zones.

4. This ordinance shall take effect immediately upon passage and publication in a newspaper in general circulation in the City of Orem.

5. All other ordinances and policies in conflict herewith, either in whole or in part, are hereby repealed.

PASSED, APPROVED and ORDERED PUBLISHED this 9th day of **December** 2014.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

DRAFT

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 14-3-3, AND SECTION 14-3-4 OF THE OREM CITY CODE PERTAINING TO OUTDOOR ADVERTISING REQUIREMENTS

WHEREAS on September 8, 2014, Development Services filed an application with the City of Orem requesting the City amend Section 14-3-3 and Section 14-3-4 of the Orem City Code as it pertains to regulations governing outdoor advertising requirements; and

WHEREAS a public hearing considering the subject applications was held by the Planning Commission on October 1, 2014, and the Planning Commission recommended approval of the proposed amendments; and

WHEREAS a public hearing considering the subject applications was held by the City Council on November 11, 2014; and

WHEREAS a motion to approve the proposed amendments failed to obtain the needed four votes for approval; and

WHEREAS in accordance with City policies, a member of the City Council requested that the City Council reconsider the proposed amendments; and

WHEREAS the City Council held a public hearing to reconsider the subject applications on December 9, 2014; and

WHEREAS the City posted the City Council agenda in the City Offices at 56 North State Street, at www.orem.org, and a public hearing notice was posted at www.utah.gov/pmn; 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; the effect upon surrounding neighborhoods; and the special conditions applicable to the request.

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 prevent the proliferation of billboards on the east side of I-15.
2. The City Council hereby amends a portion of Section 14-3-3 to read as follows:

Billboard Signs:

1. Billboard signs are not permitted in any zone. All lawfully existing billboards shall be nonconforming uses. However, off-premise public information signs and logo signs located in the State owned right-of-way shall be allowed as described in Utah Code Section 72-7-504.

DRAFT

2. A lawfully existing billboard sign on or adjacent to State Street, Interstate 15 or 800 North may be reconstructed or relocated by the owner of the billboard (but no other person or entity) on the same lot or adjacent property under the same ownership.

3. If any billboard sign may not be continued because of the widening, construction, or reconstruction along an interstate, federal aid primary highway existing as of June 1, 1991, national highway systems highway, or state highway, such billboard sign may be remodeled or relocated under the circumstances and conditions allowed by Utah Code Sections 72-7-510 and 72-7-513, as amended.

4. A billboard sign that is not reconstructed within one year of its removal or destruction shall be considered abandoned and may not be reconstructed or relocated.

5. A billboard sign that is erected, relocated or reconstructed under this section 14-3-3 shall:

a. Comply with the outdoor advertising regulations of the Utah State Department of Transportation;

b. Not exceed a maximum height of thirty-five (35') from the base of the sign, or twenty-five feet (25') above I-15 grade level at a point perpendicular to the sign, whichever is greater;

c. Not have an area exceeding six hundred seventy-five (675) square feet per sign face in the M2 zone or three hundred (300) square feet in any other zone;

d. Be allowed two faces or back-to-back sign faces, provided there is no more than five feet (5') separating the sign faces;

e. Not be located any closer than five hundred feet (500') from any other billboard or off-premise sign. Notwithstanding the foregoing, if an existing billboard is currently within five hundred feet of another billboard, it may be reconstructed or relocated within five hundred feet of such other billboard provided that it is not moved any closer to such billboard.

f. Not be located any closer than fifty feet (50') from any other freestanding pole sign;

g. Not be erected in a clear vision area of a corner lot unless the sign face is at least ten feet (10') above the adjacent street grade;

h. Not unreasonably obstruct any traffic control device;

i. Not overhang public property or public right-of-way;

j. Not be within two hundred feet (200') of any residential zone;

k. Not be enlarged or expanded beyond the size of the original billboard sign;

l. Not be increased in height if relocated pursuant to subsection 2 above; and

m. Be constructed and maintained with neutral color.

3. The City Council hereby amends a portion of Section 14-3-4 to read as follows:

	R & OS	PO, C1 & BP	C2, C3	M & HS
Billboard	N	N	N	N

4. This ordinance shall take effect immediately upon passage and publication in a newspaper in general circulation in the City of Orem.

5. All other ordinances and policies in conflict herewith, either in whole or in part, are hereby repealed.

PASSED, APPROVED and ORDERED PUBLISHED this 9th day of December 2014.

DRAFT

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

PLANNING COMMISSION MINUTES – AUGUST 6, 2014

AGENDA ITEM 3.6 is a request by Development Services to amend **SECTION 22-14 BY ENACTING SUBSECTION (29) PERTAINING TO PERMITTED LOCATIONS OF ELECTRONIC MESSAGE BILLBOARDS** of the Orem City Code.

Staff Presentation: Mr. Stroud said in light of the recent request by YESCO to rezone a parcel under their ownership from residential to commercial, Staff has reviewed the ordinance applicable to billboards. The current ordinance allows any billboard, regardless of the zone in which it is located, to be permitted to change the face manually or electronically. This became an issue with the YESCO billboard and the proximity of homes to the sign. There are other billboards in the City which are close to residences. Staff feels that this should not be permitted due to the negative effects the sign may have on nearby residences.

The proposed change would eliminate the possibility of any billboard on the east side of I-15 and within 500 feet of I-15 from changing the display by electronic means. This proposed change does not affect the ability to raise the height of a static billboard because of installation of UDOT improvements such as a sound wall or bridge structure. The proposed amendment is as follows:

22-14-29. Electronic Message Signs. Notwithstanding any other provision in the City Code to the contrary, Electronic Message Signs (as defined in Orem City Code Section 14-3-2), shall not be allowed on any billboard located on the east side of I-15 and within 500 feet of I-15. This section shall have control over any other section of City Code including, but not limited to, Section 14-3-3.

Advantages

- Eliminates conflict between the electronic display and nearby residences
- Does not prohibit electronic display on the west side of I-15

Disadvantages

- None identified

Recommendation: The Project Coordinator recommends the Planning Commission forward a positive recommendation to the City Council the request to amend Section 22-14 of the Orem Code by enacting subsection (29) as shown above.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

When no one did, 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.

Nate Seacrest, Reagan Signs, indicated that this ordinance change has not been reviewed thoroughly. He suggested tabling this issue in order to have a proper review.

Mr. Helm agreed with Mr. Seacrest and said this felt like a knee jerk reaction to the recent billboard sign issue. He had met with the citizens and staff members educating them on measuring light. This change would impact them in the future with signs already located on the east side of the freeway.

Vice Chair Walker asked what are other cities doing. Mr. Stroud said he had not researched what other cities have done.

Vice Chair Walker asked if the ordinance could be rewritten to state the billboards on the east side of the freeway in an industrial area are allowed. Mr. Earl said the area could be narrowed down.

Vice Chair Walker indicated that electronic signs are not evil. He suggested having a temporary ban and address these concerns later. Mr. Earl suggested not using a temporary measure, but have staff meet with representatives of the various sign companies and work on the ordinance, prior to going before the City Council. The city needs to start the discussion about electronic signs and converting to LED signs.

Vice Chair Walker asked if continuing this would cause a rush on billboards. Mr. Earl said no, since the item has come before Planning Commission it will freeze action until the City Council makes a decision.

Mr. Whetten said he voted in favor of the previous billboard item because Yesco promised to work with the neighbors. He is fine with the LED during the day, but during the evening there is a need to protect the neighborhoods.

Ms. Larsen suggested a ban on the east side and within 500 feet of I-15. Mr. Earl indicated there are some on State Street that are not within 500 feet of I-15. Ms. Larsen noted there are residential areas west of I-15 and Vineyard is close to I-15. Mr. Stroud said the Highway Services zone is also east of I-15.

Mr. Bench said the Planning Commission could require the sign change to non-static from dusk to dawn similar to the sound ordinance with construction. Mr. Whetten asked if they could require an agreement that will include a review process for each sign individually. Mr. Earl said the Planning Commission could continue this item and have staff meet with the professionals to more narrowly define the issues of concern. He would rather not have the City regulate more than necessary.

Ms. Buxton expressed interest in what other cities are doing.

Ms. Larsen asked how many signs were on the east side of I-15. Mr. Stroud said about five signs. Ms. Jeffreys asked how this would affect those signs that are currently LED. Mr. Stroud said it would be legal conforming. Ms. Larsen asked how many of the five signs are LED. Mr. Stroud said there is one YESCO sign, the Central Bank sign with time and temperature does not qualify. Ms. Buxton wondered how this will affect State Street.

5:25 p.m. Mr. Whetten leaves.

Planning Commission Action: Chair Moulton moved to continue the item until the September 3, 2014 Planning Commission meeting. Ms. Buxton seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker. The motion passed unanimously.

PLANNING COMMISSION MINUTES – OCTOBER 1, 2014

AGENDA ITEM 3.2 is a request by Development Services to enact **SECTION 22-14-29 AND AMEND SECTION 14-3-3 AND SECTION 14-3-4 PERTAINING TO OUTDOOR ADVERTISING REQUIREMENTS** of the Orem City Code.

Staff Presentation: David Stroud said this request was continued from the August 6, 2014, Planning Commission meeting to allow staff time to meet with those billboard companies interested in this item. This proposed request contains amendments to two sections of the Orem Code; one in Chapter 22 and another in Chapter 14.

The application to amend Section 22-14-29 would prohibit electronic message center (LED) signs on the east side of I-15 and within 500 feet of I-15. Following the meeting at which the Planning Commission first considered this amendment, staff met with a representative of Reagan Outdoor Advertising and YESCO to review the proposed change. The billboard representatives are not in favor of the proposed change and have offered an alternative, which is attached with this report.

In light of the recent request by YESCO to rezone a parcel under their ownership from residential to commercial, staff have reviewed the ordinance applicable to billboards and proposed a change to Chapter 14 of the City Code. The current ordinance allows any billboard, regardless of the zone in which it is located, to be permitted to change the face manually or electronically. This became an issue with the YESCO billboard and the proximity of homes to the sign. There are other billboards in the City which are close to residences. Staff feels that this should not be permitted due to the negative effects electronic message center signs may have on nearby residences.

Staff also proposes an additional amendment to Chapter 14 to prohibit all new billboards in the City. Utah Code Section 10-9a-513 allows a billboard owner to relocate a billboard into any commercial, industrial or manufacturing zone within 5,280 feet of its previous location. Pursuant to this section, Reagan Outdoor Advertising has applied to relocate a billboard from property in Utah County on the west side of I-15 to property immediately south of Steven Henager College on the east side of I-15. The City's current sign ordinance allows new billboards on the west side of I-15, but doesn't allow any new billboards on the east side of I-15.

Staff is concerned that others might attempt to use the above-cited section of Utah Code to get around the prohibition of new billboards on the east side of I-15. Like the case with Reagan, other billboard companies with a billboard on the west side of I-15 (where new billboards are allowed), might apply to relocate their billboard to the east side of I-15 (where new billboards are not allowed) and then turn around and apply for a new billboard on the very same site where the original billboard was located. If this were allowed to occur, it would effectively circumvent the City's ban on new billboards on the east side of I-15.

Staff, therefore, proposes to institute a ban on all new billboards in the City. This may not stop the relocation of billboards to the east side of I-15, but it will prevent the relocated billboards from being replaced since an owner who relocates a billboard will not be able to construct a new billboard at the original site of the relocated billboard. There are eight potential billboard locations on the east side of I-15 where relocations could occur.

The proposed amendments are as follows:

22-14-29. Electronic Message Signs. Notwithstanding any other provision in the City Code to the contrary, Electronic Message Signs (as defined in Orem City Code Section 14-3-2), shall not be allowed on any billboard located on the east side of I-15 and within 500 feet of I-15. This section shall have control over any other section of City Code including, but not limited to, Section 14-3-3.

14-3-3

Billboard Signs:

1. Billboard signs are ~~only permitted in the M2 zone and PD-36 zone within three hundred feet (300') of the I-15 corridor in accordance with applicable state law~~ **not permitted in any zone.** All ~~other~~ lawfully existing billboards shall be nonconforming uses. ~~No new billboards or outdoor advertising signs shall be permitted outside the M2 zone or PD-36 zone in the areas described above.~~ However, off-premise public information signs and logo signs located in the State owned right-of-way shall be allowed as described in Utah Code Section 72-7-504.

2. A lawfully existing billboard sign on or adjacent to State Street, Interstate 15 or 800 North may be reconstructed or relocated by the owner of the billboard (but no other person or entity) on the same lot or adjacent property under the same ownership.

3. If any billboard sign may not be continued because of the widening, construction, or reconstruction along an interstate, federal aid primary highway existing as of June 1, 1991, national highway systems highway, or state highway, such billboard sign may be remodeled or relocated under the circumstances and conditions allowed by Utah Code Sections 72-7-510 and 72-7-513, as amended.

4. A billboard sign that is not reconstructed within one year of its removal or destruction shall be considered abandoned and may not be reconstructed or relocated.

5. A billboard sign that is erected, relocated or reconstructed under this section 14-3-3 shall:

a. Comply with the outdoor advertising regulations of the Utah State Department of Transportation;

b. Not exceed a maximum height of thirty-five (35') from the base of the sign, or twenty-five feet (25') above I-15 grade level at a point perpendicular to the sign, whichever is greater;

c. Not have an area exceeding six hundred seventy-five (675) square feet per sign face in the M2 zone or three hundred (300) square feet in any other zone;

d. Be allowed two faces or back-to-back sign faces, provided there is no more than five feet (5') separating the sign faces;

e. Not be located any closer than five hundred feet (500') from any other billboard or off-premise sign. Notwithstanding the foregoing, if an existing billboard is currently within five hundred feet of another billboard, it may be reconstructed or relocated within five hundred feet of such other billboard provided that it is not moved any closer to such billboard.

f. Not be located any closer than fifty feet (50') from any other freestanding pole sign;

g. Not be erected in a clear vision area of a corner lot unless the sign face is at least ten feet (10') above the adjacent street grade;

h. Not unreasonably obstruct any traffic control device;

i. Not overhang public property or public right-of-way;

j. Not be within two hundred feet (200') of any residential zone;

k. Not be enlarged or expanded beyond the size of the original billboard sign. ~~However, the size of a new billboard sign that is allowed adjacent to I-15 pursuant to an exchange under subsection 3 above, may have up to six hundred seventy five square feet of sign face provided that at least an equal amount of signage has been removed as part of the exchange;~~

l. Not be increased in height if relocated pursuant to subsection 2 above; and

m. Be constructed and maintained with neutral color.

6. ~~Billboard signs may be changed manually or electronically in any zone~~

Electronic Message Center (EMC) Signs:

1. A sign permit is required for an EMC sign.

2. EMC signs shall not be flashing signs.

3. EMC signs may have motion.

4. Brightness on EMC signs shall not exceed 0.3 lumens above ambient light.

5. EMC signs are only allowed as part of a monument sign, pole sign, wall sign or legal billboard.

However, notwithstanding anything herein to the contrary, as provided in Section 22-14-29, EMC signs are not allowed on any billboard located on the east side of I-15 and within 500 feet of I-15.

6. Except as otherwise prohibited, EMC signs are permitted in the PO, C1, C2, C3, HS, CM, M1, M2, commercial PD zones and on any billboard.

14-3-4

	R & OS	PO, C1 & BP	C2, C3	M & HS
Billboard**	N	N	N	P**N

~~**Allowed only in the M2 Zone adjacent to I-15.~~

Advantages

- Eliminates conflict between the billboards with electronic display and nearby residences
- Does not prohibit electronic display on the west side of I-15
- Prevents new billboards from being located within Orem City, but does not prohibit the relocation of a billboard as allowed by State Code

Disadvantages

- None identified

Recommendation: The Project Coordinator recommends the Planning Commission forward a positive recommendation to the City Council regarding the request to amend Section 22-14-29, Section 14-3-3, and Section 14-3-4 of the Orem City Code pertaining to outdoor advertising requirements.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

When no one did, 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.

Nate Seacrest, Reagan Advertising, said they have a current application to relocate their sign which was submitted prior to any of these changes and would predate any petty ordinance change. Mr. Earl said that staff understands Reagan's position on that application, but they would have a contrary view. He indicated he would be happy to discuss with Mr. Seacrest Orem City staff's reasoning after the meeting.

Mike Helm, Yesco, said they have a digital billboard at 2000 South on the east side of I-15. He wondered if that were to be relocated, based on State statute, would it be allowed to remain digital. Mr. Earl said if it was to go to the west side it could be digital. The east side could not be digital. Currently, this sign is nonconforming as to the digital component. Mr. Helm said it is digital now and wondered if it could still be digital. Mr. Earl said it could remain on the current site as it is now, if it were legal, however, that point is still in dispute.

Jared Johnson, attorney for Yesco, said the Planning Commission asked staff to meet with them and provide some sort of alternative or a reasonable approach to this ordinance. That was provided, but it is not reflected in the staff recommendation. One point that was provided in the draft was a brightness standard for electronic signs. Both approaches to this change include the use of electronic message centers on outdoor advertising displays. He highly recommended the brightness standard be incorporated. It is a national standard that was extensively researched by an independent lighting sciences group and has been used widely throughout the Wasatch Range and other State government DOT's and dozens of municipalities throughout the United States.

Mr. Stroud indicated a copy was included in the Planning Commissioner's staff report.

Mr. Earl said State law indicates that if the illumination standard is adopted for off-premise signs, on premise signs would need to be included. This is something that can be considered separately. Mr. Johnson said the International Sign Association, which is the on premise sign association; National Trade Agency and National Association of Outdoor Advertising or Billboard signs have adopted the same standard for identical brightness, which has a formula for the size of the sign to make a measurement of the distance. If the formula is included, it will be adequate for on and off premise signs for every size.

Chair Moulton said this should be considered separately. Mr. Earl said that State law will not allow them to add that because this proposal is only dealing with billboards. That specific part cannot be included without applying it to all signs.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Mr. Iglesias asked Mr. Helm if he had plans to relocate the sign on 2000 South. Mr. Helm said no he was just forward thinking.

Mr. Earl indicated there are two alternatives before the Planning Commission before the Planning Commission, one by staff and another one by Reagan. The Planning Commission can recommend either recommendation or not change the ordinance.

Chair Moulton asked Mr. Johnson to give a short presentation of the sign companies' recommendations.

Mr. Johnson said they have provided language that shows what has been used in other municipalities. He worked extensively with both Reagan and Yesco and around two dozen Utah municipalities. In his work they looked at the technology of LED or digital billboards and what the effects and what regulations might be. They provided language that would allow the digital use and impose a brightness standard and one based on the size of the sign, which could apply to on premise signs. This brightness standard has been adopted in a number of municipalities in Utah, with .3 foot candles and an above ambient light standard. It is a simple standard to implement and easy to regulate. It uses equipment that cities already have. It has been very successful and addresses the concern of interstate locations of digital billboards, but also primary highways that have some proximity to residential areas, also. It also requires that the signs that are used within the city would have the necessary equipment installed that would help them be regulated. The sign should be equipped with a photo-cell with the ability to adjust brightness. That would concern most of the concerns that would come up. The other area they addressed in the ordinance is taking into consideration the proximity to residential areas and having a curfew of being turned off from 11:00 pm to 6:00 am. In cases of questionable areas, the picture is static from 11:00 pm to 6:00 am, which makes the billboard have no more impact than it had with floodlights. The sign companies would like to use their structures to the highest and best use. Digital sign installation to billboards has been a way to meet the demand for additional space on advertising signs without building additional structures. The use of displays for off premise billboards conforms to State law, in that they are static messages without animation or flash or scroll. They put static messages with an eight second hold time and have an instant transition; those signs will match State requirements for the type of road the billboard sign is located on. They do not feel it is necessary to take on side of the interstate and say signs should never be changed over.

Mr. Earl said it might be easiest to separate this into two proposals. The first proposal is the one before the Planning Commission tonight. Staff can bring back the illumination regulations to a different meeting as the second proposal.

Chair Moulton asked for input on banning on east side of the freeway.

Ms. Buxton said she is conflicted. She likes the LED and thinks that this is the future of billboards, but there is a nuisance factor to some degree especially when in proximity of residents. She does not want to permanently say no, because the technology may improve in the future. Ms. Jeffreys noted that if the technology changes, can the ordinance be changed.

Ms. Buxton noted the City asked the sign companies for input and should not totally ignore their ideas. She asked Mr. Johnson why the standards of eight-second hold time. Mr. Johnson said the time is in reference to recommendations by Federal Highways Association who has the ultimate control over advertisement on federally funded highways. In 2007 a memo was issued to all states to let them know what effective control was and they started with the eight second hold time. Ms. Buxton asked if it was based on the speed of the road. Mr. Johnson said no, but the study is based on 55-75 mph freeways.

Ms. Larsen said as she has driven around the valley looking at electronic billboards, she notices that in Orem there are a lot of residential areas abutting the east side of the interstate. Other areas have the freeway adjacent to more industrial areas. She expressed concern about having electronic billboards on both sides, when the east side of I-15 is more residential. She agreed that electronic billboards are the wave of the future. If the City allows the type of sign like on 1200 South along the entire east side of I-15 and allow companies to relocate those on the west side to the east and then replace the ones on the east, that will make double billboards and if they are all electronic even in the residential zones; she opposes this.

Chair Moulton said he agreed with Ms. Larsen. He said it would be very smart for the City to consider many of the items in the proposal from the sign companies, especially in relation to light levels and help with enforcing of the rule. He thinks for now the City should not allow any new billboards on the east side.

Chair Moulton asked if the Planning Commission can direct Staff to bring these points back in a separate ordinance. Mr. Earl said yes.

Mr. Iglesias said that in his business he uses the billboards a lot, but as a resident of Orem he supports less billboards on the east side. There are a lot of residents on the east side and all the feedback has been negative. He supported eliminating all new billboards for now.

Chair Moulton called for a motion on this item.

Planning Commission Action: Chair Moulton said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to recommend the City Council enact Section 22-14-29, and amend Section 14-3-3 and Section 14-3-4 pertaining to outdoor Advertising requirements of the Orem City Code. Ms. Jeffreys seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously

REAGAN OUTDOOR ADVERTISING BILLBOARD PROPOSAL

- O) Electronic Display Off-Premise Sign. An off-premise sign may be erected and utilize an electronic display provided such off-premise sign complies with all other sections of Orem City Ordinance including such spacing, lighting and curfew requirements as contained herein below. An existing off-premise sign may be modified, without affecting such sign’s nonconforming use or non-complying structure status, to include an electronic display so long as the proposed modification complies with each of the following requirements:
1. The applicant must comply with the other requirements of the Orem City Code.
 2. The electronic display may only use light emitting diode (LED) displays, or a similar technology approved by the planning and zoning department.
 3. A changeable message sign face that utilizes lighting technologies (such as light emitting diodes) to create changeable messages shall be equipped with a light sensor that automatically adjusts the illuminance of the changeable message sign face as ambient lighting changes.
 4. The interval between message changes on an electronic display shall not be more frequent than eight (8) seconds and the actual message rotation process must be accomplished in one quarter (1/4) second or less.
 5. Electronic display sign faces which contain, include, or are illuminated by any flashing, intermittent, full motion video, scrolling, strobing, racing, blinking, changes in color, fade in or fade out or any other imitation of movement or motion, or any other means not providing constant illumination are prohibited.
 6. Off-premise signs, that are closer than 500 linear feet, as measured along the same side of the right-of-way, to an off-premise sign that has been upgraded to include an electronic display, do not qualify to be upgraded.
 7. Only one sign face of the same “layered” off-premise sign(s) (i.e.-two or more off-premise signs mounted in vertical tiers on the same support structure, so that such sign faces are effectively visible at the same time from any vantage point, as reasonably determined by the city) may be upgraded to include an electronic display.
 8. Only one sign face of the same “side-by-side” off-premise sign(s) (i.e.-two or more off-premise signs mounted horizontally on the same support structure, so that such sign faces are effectively visible at the same time from any vantage point, as reasonably determined by the city) may be upgraded to include an electronic display.
 9. Both faces of a double-sided off premise sign, facing opposite directions (i.e. mounted back to back on the same support structure, so that such sign faces are not visible at the same time from any vantage point), qualify to be upgraded to electronic displays.
 10. The text, images and graphics of the sign shall be static and complete within themselves, without continuation in content to the next image or message or to any other sign.
 11. In no event shall an electronic display sign face increase the nighttime ambient illumination when replacing an existing illuminated billboard face and in no event shall an electronic display sign face, on a new off-premise sign or replacing a non-illuminated billboard face, increase nighttime ambient illumination by more than 0.3 foot-candles. In both instances, this measurement will be determined when measured perpendicular to the electronic display sign face at a distance based on the sign face size in accordance with the following formula:

Changeable message sign face size (in sq, ft)	Measurement Distance (in ft)
0-100	100
101-350	150
651-1000	250

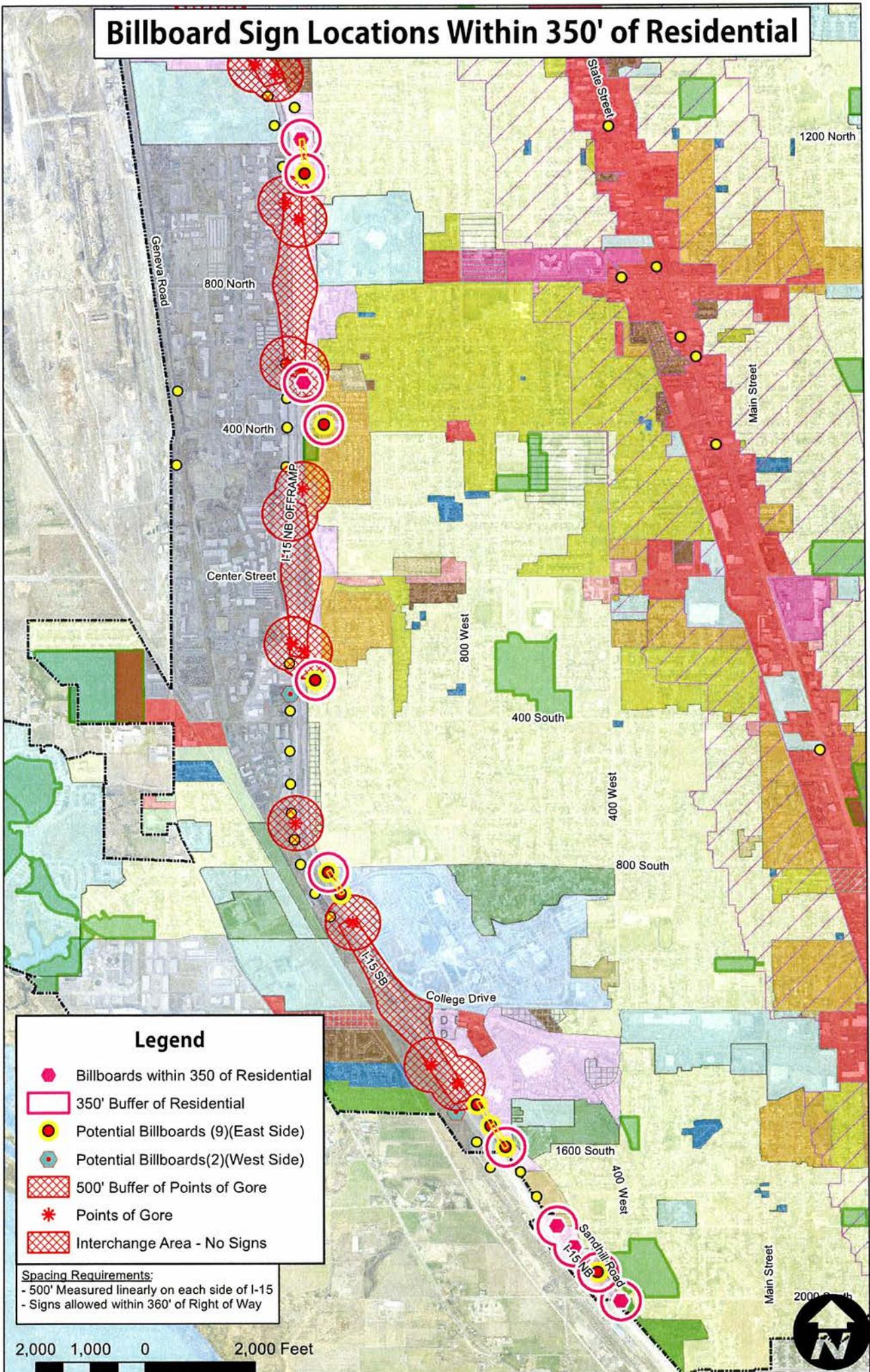
12. The applicant shall certify its compliance with the above illuminance within a week of operating the electronic display and shall produce a copy of the certification upon request.
13. Any off-premise sign face upgraded under this Section O, to a sign located within three hundred fifty feet (350') and oriented toward a legally occupied residential dwelling, measured from the electronic display face to the residential dwelling, shall be required to adhere to a curfew as described below:

- (i) If an off-premise sign with an electronic display face is within three hundred fifty (350) feet of a legally occupied dwelling that is within a forty five (45) degree radius area measured from the center point of the electronic display face, then this electronic display face shall display only one (1) static illuminated message nightly from eleven (11) pm until 6:00 am; or
- (ii) If an off-premise sign with an electronic display face is within one hundred fifty (150) feet of a legally occupied dwelling that is within a ninety (90) degree radius area measured from the center point of the electronic display face then this electronic display face shall be shut off nightly from eleven (11) pm until 6:00 am.

The curfew conditions in subsections 14(i) and 14(ii) above, are not applicable to the extent that the message displayed is and emergency public safety warning or alert, such as an "AMBER Alert".

14. These restrictions shall apply to any and all off-premise signs located within Orem City whether such signs are erected pursuant to the above or in a planned development zone.
15. An upgrade may not increase the height or the size of the display area of the sign.
16. This Section O does not authorize the location of a new off-premise sign in a location not permitted or allowed under the existing and applicable ordinances.

Billboard Sign Locations Within 350' of Residential



Legend

- Billboards within 350 of Residential
- 350' Buffer of Residential
- Potential Billboards (9)(East Side)
- Potential Billboards(2)(West Side)
- 500' Buffer of Points of Gore
- * Points of Gore
- Interchange Area - No Signs

Spacing Requirements:

- 500' Measured linearly on each side of I-15
- Signs allowed within 360' of Right of Way

2,000 1,000 0 2,000 Feet



Project Timeline

Text Amendments – Billboard Regulations

Section 22-14-29, Section 14-3-3 and Section 14-3-4

1. DRC application date: 7/14/2014 and 9/8/2014
2. Obtained Development Review Committee clearance on: 7/14/2014 and 9/11/2014
3. Newspaper notice for PC sent to City Recorder: 7/16/2014 and 9/10/2014
4. Executive Staff review on: 7/16/2014 and 9/17/2014
5. Notice to billboard companies sent on: 9/11/2014
6. Planning Commission recommended approval on: 10/1/2014
7. Newspaper notice for CC sent to City Recorder on: 10/16/2014
8. City Council approved/denied request on: 11/11/2014

CITY OF OREM
CITY COUNCIL MEETING
 DECEMBER 9, 2014



REQUEST:	6:30 P.M. PUBLIC HEARING – Street Vacation ORDINANCE–Vacating a portion of 1200 West Street located between 701 North and 709 North
APPLICANT:	None
FISCAL IMPACT:	Nutraceutical Corporation-Alison Strauss

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on the State noticing website
- Faxed to newspapers
- E-mailed to newspapers
- Mailed 129 notifications to properties within the 500' of the proposed rezoned property on October 28, 2014.

SITE INFORMATION:

General Plan Designation:
Regional Commercial
 Current Zone:
HS
 Acreage:
.13
 Neighborhood:
Geneva Heights
 Neighborhood Chair:
Hal and Kay Jonston

PREPARED BY:
 Cliff Peterson
 Planner

REQUEST: Nutraceutical Corporation requests that the City Council, by ordinance, vacate a portion of 1200 West Street located between 701 North and 709 North, consisting of approximately .13 acres.

BACKGROUND: Several years ago, a portion of 1200 West located on either side of 800 North was relocated to the east to increase the separation between 1200 West and the I-15 800 North on-ramp. This left a section of the old 1200 West Street that now dead ends into 800 North and is unused except by those businesses that are still located adjacent to that old section of 1200 West. This portion of the old 1200 West can be seen in the attached Exhibit "A."

Nutraceutical Corporation and DalTile (Ronald H Dee Trust) own property just west of the old 1200 West between 709 North and 701 North respectively. Nutraceutical has requested that the City vacate a portion of the old 1200 West that is adjacent to their property and the property adjacent to DalTile. Nutraceutical would like to combine the vacated street area with their existing lot and put it to productive use. The City has been maintaining the area that is proposed to be vacated in landscaping. Once this portion of 1200 West is vacated, then the responsibility of maintaining the property would no longer be the City's but would become the responsibility of the new owners.

Typically, when a public street that the City acquired by dedication or prescription is vacated, title to the vacated street area automatically vests in the adjoining property owners. Title to this portion of the old 1200 West street would automatically vest in Nutraceutical and DalTile.

State law provides that the City Council may vacate a public street if it determines (1) there is good cause for the vacation; and (2) the vacation will not be detrimental to the public interest.

RECOMMENDATION: Development Services recommends that the City Council, by ordinance, vacate approximately 0.13 acres of 1200 West Street located between 701 North and 709 North subject to a public utility easement across the entire tract except for a small portion that could be used for signs.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL VACATING A PORTION OF 1200 WEST STREET FROM APPROXIMATELY 701 NORTH TO 709 NORTH

WHEREAS Nutraceutical Corporation owns property at 709 North 1200 West; and

WHEREAS a portion of 1200 West was relocated to the east to connect to a new signalized intersection at 800 North; and

WHEREAS Nutraceutical Corporation has requested that the City vacate a portion of the old 1200 West Street adjacent to its parcel and adjacent to the parcel owned by DalTile located at 701 North which area is shown in Exhibit "A" and which is more particularly described in Exhibit "B" both of which exhibits are attached hereto and by reference are made a part hereof; and

WHEREAS Nutraceutical wishes to use the vacated portion of the old 1200 West for landscaping and for signage; and

WHEREAS the City wishes to keep a public utility easement over the entire area of the proposed street vacation; and

WHEREAS, the City Council held a public hearing on December 9, 2014, to consider the proposed vacation; and

WHEREAS the City Council finds that there is good cause for the vacation for the portion of the old 1200 West Street which is shown and described in Exhibits "A" and "B;" and

WHEREAS the City Council finds that the vacation will not be detrimental to the public interest; and

WHEREAS the City Council has determined that it is in the best interest of the City to vacate the area of the old 1200 West that is shown and described in Exhibits "A" and "B."

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City hereby vacates a portion of the old 1200 West Street located between 701 North and 709 North the location of which is shown in Exhibit "A" and which area is more particularly described in Exhibit "B" subject to the following conditions and reservations:

A. The City reserves and retains a public utility easement over the entire vacated street area shown and described in Exhibits "A" and "B."

B. Nutraceutical Corporation and DalTile, or the successor owner(s) of the property located at 701 North 1200 West and 709 North 1200 West shall create and record a new

DRAFT

subdivision plat that (1) combines the vacated street area with one or both of the parcels located at 701 N 1200 West and 709 North 1200 West, and (2) incorporates and shows a public utility easement along and over the vacated street area.

2. The City Manager is authorized to execute all documents related to vacating the described portion of 1200 West Street and to carry out the intent of this ordinance.

3. All other ordinances, resolutions, and policies in conflict herewith, either in whole or in part, are hereby repealed.

4. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.

PASSED, APPROVED and ORDERED PUBLISHED this 9th day of **December** 2014.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

EXHIBIT "A"

WALKER MONUMENT
PARC: 17:031:0028

NUTRACEUTICAL CORP.
PARC: 17:031:0157

RONAL H. DEE TRUST
DALTILE
PARC: 17:031:0159

1200 West Street Vacation. Subject to a Public Utility Easement over the entire area.

1200 West Street (New Alignment)

680 North Street

Clear Vision Area

Orem City, 680 North 1200 West.
Street Vacation
Exhibit "A"

X:\Property\800 North 1200 West Street Vacation\Possible Street Vacation.dwg

CITY OF OREM
DEVELOPMENT SERVICES
ENGINEERING DIVISION
56 NORTH STATE ST
OREM, UT 84057



EXHIBIT B

Area of 1200 West Street to be vacated:

A parcel of real property located in the SE Quarter of Section 9, T. 6 S., R 2 E., S.L.B. & M., and more particularly described as follows:

Beginning at a point which is North 1710.53 feet and West 55.65 feet from the South One-Quarter Corner of Section 9, Township 6 South, Range 2 East, Salt Lake Base and Meridian: thence North $0^{\circ}40'56''$ West 252.23 feet; thence North $87^{\circ}22'05''$ East 2.42; thence southeasterly along a 80.35 foot radius curve to the left 87.53 feet (chord bears South $32^{\circ}04'15''$ East 83.27 feet); thence southeasterly along a 15.00 foot radius curve to the right 23.08 feet (chord bears South $19^{\circ}12'11''$ East 20.87 feet); thence South $24^{\circ}52'32''$ West 24.98 feet; thence southwesterly along a 470.21 foot radius curve to the left 145.60 feet (chord bears South $16^{\circ}00'18''$ West 145.02 feet) to the point of beginning.

Contains 5,498 square feet or 0.13 acres, more or less

Subject to a Public Utility Easement over the entire above described parcel.

CITY OF OREM
NOTICE OF
CITY COUNCIL
PUBLIC HEARING

The City Council will hold a public hearing on, Tuesday, December 9, 2014, at 6:30 p.m. in the City of Orem Council Chambers, located at 56 North State Street, Orem to consider a request to vacate a portion of 1200 West Street located between 701 North and 709 North. The purpose of the street vacation is that this .13 acre parcel is not needed for public street purposes and it is in the best interest of the City and the adjacent property owners to vacate this parcel to the adjacent west property owners. The parcel is more particularly described as follows:

PARCEL DESCRIPTIONS

BEGINNING AT A POINT WHICH IS NORTH 1710.53 FEET AND WEST 55.65 FEET FROM THE SOUTH ONE-QUARTER CORNER OF SECTION 9, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 00°40'56" WEST 252.23 FEET; THENCE NORTH 87°22'05" EAST 2.42 FEET; THENCE SOUTHEASTERLY ALONG A 80.35 FOOT RADIUS CURVE TO THE LEFT 87.53 FEET (CHORD BEARS SOUTH 32°04'15" EAST 83.27 FEET); THENCE SOUTHEASTERLY ALONG A 15.00 FOOT RADIUS CURVE TO THE RIGHT 23.08 FEET (CHORD BEARS SOUTH 19°12'11" EAST 20.87 FEET); THENCE SOUTH 24°52'32" WEST 24.98 FEET; THENCE SOUTHWESTERLY ALONG A 470.21 FOOT RADIUS CURVE TO THE LEFT 145.60 FEET (CHORD BEARS SOUTH 16°00'18" WEST 145.02 FEET) TO THE POINT OF BEGINNING.

CONTAINS 5,498 SQUARE FEET OR 0.13 ACRES, MORE OR LESS.

A map of the proposed street vacation is available at the City Recorder's Office, Suite 200, 56 North State, Orem, Utah.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.

**If you need a special accommodation to participate in the City
Council Meetings, please call the City Recorder's Office.
(Voice 229-7074)**

PUBLISHED IN THE *DESERET MORNING NEWS*
FRIDAY, NOVEMBER 21, 2014

PUBLISHED IN THE *SALT LAKE TRIBUNE*
FRIDAY, NOVEMBER 21, 2014

Orem City Public Hearing Notice

City Council Meeting

Tuesday, December 9, 2014,
6:20 PM, City Council Chambers, 56
North State Street.



Allison Strauss requests the City vacate a portion of 1200 West street. The applicant proposes to maintain the vacated property as well as construct a new sign for their business. See the map on the reverse side of this notice and the contact information below. Please call before the meeting with any questions or concerns regarding this project.

For more information, special assistance or to submit comments, contact Clinton A. Spencer, Planner, AICP, at caspencer@orem.org or 801-229-7267.



North

PROVO CITY COMM. DEV.
PO BOX 1849
PROVO, UT 84603

QUESTAR GAS COMPANY
PO BOX 45360 RIGHT OF WAY
SALT LAKE CITY, UT 84145

UTAH DEPARTMENT OF
TRANSPORTATION
PO BOX 148440
SALT LAKE CITY, UT 84114

AA ALPINE SUPERIOR STORAGE LLC
74 E 500 S
AMERICAN FORK, UT 84003

KRISTIE SNYDER
56 N STATE STREET
OREM, UT 84057

DTS/AGRC MANAGER
STATE OFFICE BLDG, RM 5130
SALT LAKE CITY, UT 84114

LINDON CITY
PLANNING DEPARTMENT
100 NORTH STATE STREET
LINDON, UT 84042

CENTURY LINK
75 EAST 100 NORTH
PROVO, UT 84606

ROCKY MOUNTAIN POWER
70 NORTH 200 EAST
AMERICAN FORK, UT 84003

HOLT, MARJORIE & MICHAEL K
155 N 1165 E
LINDON, UT 84042

MOUNTAIN FUEL SUPPLY COMPANY
180 E 100 S
SALT LAKE CITY, UT 84139

MOUNTAIN FUEL SUPPLY
79 S STATE ST
SALT LAKE CITY, UT 84147

HOUSING AUTHORITY UTAH
COUNTY
LYNELL SMITH
240 EAST CENTER
PROVO, UT 84606

ROCKY MOUNTAIN LAND HOLDINGS
INC
245 N UNIVERSITY AV
PROVO, UT 84601

TOWN OF VINEYARD
240 E. GAMMON ROAD
VINEYARD, UT 84058

HAL & KAY JOHNSTON
GENEVA HEIGHTS NEIGHBORHOOD
CHAIR
522 W 740 NORTH
OREM, UT 84057

W AND J PROPERTIES LLC
529 W 300 S
OREM, UT 84058

MY THREE SONS INVESTMENT LLC
270 E 930 S
OREM, UT 84058

MAG
586 EAST 800 NORTH
OREM, UT 84097

ANDERSON, MARK V
--OR CURRENT RESIDENT--
601 N 1200 WEST
OREM, UT 84057

ALPINE SCHOOL DISTRICT
ATTN: SUPERINTENDENT
575 NORTH 100 EAST
AMERICAN FORK, UT 84003

JPHILLIPS SHERWIN LLC (ET AL)
--OR CURRENT RESIDENT--
621 N 1200 WEST
OREM, UT 84057

TROTTER, RAY C & TAMERA K
675 N 1172 W
OREM, UT 84057

ARRIETA, JOSE ARMANDO & ALMA
D
614 N 1200 W
OREM, UT 84057

W AND J PROPERTIES LLC
--OR CURRENT RESIDENT--
701 N 1130 WEST
OREM, UT 84057

DEE, RONALD H & CHARLENE C
--OR CURRENT RESIDENT--
701 N 1200 WEST
OREM, UT 84057

UTAH DEPARTMENT OF
TRANSPORTATION
--OR CURRENT RESIDENT--
690 N 1200 WEST
OREM, UT 84057

AA ALPINE SUPERIOR STORAGE LLC
--OR CURRENT RESIDENT--
710 N 1340 WEST
OREM, UT 84057

HOLT, MARJORIE & MICHAEL K
--OR CURRENT RESIDENT--
717 N 1130 WEST
OREM, UT 84057

NUTRACEUTICAL CORPORATION
--OR CURRENT RESIDENT--
709 N 1200 WEST
OREM, UT 84057

WALKER MONUMENT & VAULT LLC
737 N 1200 W
OREM, UT 84057

UTAH DEPARTMENT OF
TRANSPORTATION
--OR CURRENT RESIDENT--
750 N 1175 WEST
OREM, UT 84057

RODRIGUEZ, ROSA
--OR CURRENT RESIDENT--
722 N 1130 WEST
OREM, UT 84057

MONTANDON, SUSAN K
794 COVENTRY LA
ALPINE, UT 84004

MAYOR RICHARD BRUNST
900 EAST HIGH COUNTRY DRIVE
OREM, UT 84097

S&J INVESTMENTS #3 LC
--OR CURRENT RESIDENT--
766 N 1200 WEST
OREM, UT 84057

PATTEN, CHAD BILLINGS
--OR CURRENT RESIDENT--
1101 W 675 NORTH
OREM, UT 84057

MONTANDON, SUSAN K
--OR CURRENT RESIDENT--
1116 W 675 NORTH
OREM, UT 84057

KNIGHT, DIANE R & LARRY B
1119 N 1000 E
OREM, UT 84097

HERBAS, KENNY LUCIO & FRANKLIN
A JR
1132 W 640 N
OREM, UT 84057

BAILEY, JOHN BRYANT &
JORDANNA MARY
1135 W 640 N
OREM, UT 84057

DAVIS, TRACY L
1142 W 600 N
OREM, UT 84057

KNIGHT, DIANE R & LARRY B
--OR CURRENT RESIDENT--
1147 W 675 NORTH
OREM, UT 84057

DURAN, CARLOS & DAWN
1149 W 640 N
OREM, UT 84057

VAIL, HAROLD & DESIREE
1150 W 640 N
OREM, UT 84057

REES, SANDRA B
1155 W 675 N
OREM, UT 84057

MY THREE SONS INVESTMENT LLC
--OR CURRENT RESIDENT--
1156 W 675 NORTH
OREM, UT 84057

JOHNSON, DARIN M & ELIZABETH A
1158 W 600 N
OREM, UT 84057

MY THREE SONS LLC
--OR CURRENT RESIDENT--
1160 W 675 NORTH
OREM, UT 84057

LARSEN, LANCE M & PAMELA J
1163 W 640 N
OREM, UT 84057

SK INVESTING LLC (ET AL)
--OR CURRENT RESIDENT--
1164 W 675 NORTH
OREM, UT 84057

HEAVY STONE RINGS LLC
1165 W 675 N
OREM, UT 84057

NORIEGA, ROBERTO ARIEL (ET AL)
1168 W 640 N
OREM, UT 84057

MCMULLIN, ROBERT
--OR CURRENT RESIDENT--
1168 W 675 NORTH
OREM, UT 84057

HANSEN, KIM T & CAROLYN R
1172 W 600 N
OREM, UT 84057

TROTTER, RAY C & TAMERA K
--OR CURRENT RESIDENT--
1172 W 675 NORTH
OREM, UT 84057

HEAVY STONE RINGS LLC
1175 W 675 N
OREM, UT 84057

CHRISTENSEN, MARVIN KAY JR &
BONNIE JO
1177 W 640 N
OREM, UT 84057

RICE, MARK
1186 W 640 N
OREM, UT 84057

DURRANT, SHELBY A & BRITANY A
(ET AL)
1189 W 640 N
OREM, UT 84057

TG OREM LLC
--OR CURRENT RESIDENT--
1207 W 800 NORTH
OREM, UT 84057

NUTRACEUTICAL CORPORATION
1400 KEARNS BLVD 2ND FLR
PARK CITY, UT 84060

RODRIGUEZ, ROSA
1503 SANTON PL # 5
LONG BEACH, CA 90804

PATTEN, CHAD BILLINGS
1621 E 2000 N
LEHI, UT 84043

QUESTAR GAS COMPANY
1640 NORTH MTN. SPRINGS PKWY.
SPRINGVILLE, UT 84663

S&J INVESTMENTS #3 LC
1733 N 400 E
OREM, UT 84097

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057

JPHILLIPS SHERWIN LLC (ET AL)
1962 E STAG HILL CIR
DRAPER, UT 84020

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

SK INVESTING LLC (ET AL)
2360 CARTERVILLE RD
PROVO, UT 84604

ANDERSON, MARK V
2390 S REDWOOD RD
SALT LAKE CITY, UT 84119

UTAH DEPARTMENT OF
TRANSPORTATION
4501 S 2700 W
SALT LAKE CITY, UT 84119

TG OREM LLC
4700 HIGHLAND DR STE D
SALT LAKE CITY, UT 84117

MCMULLIN, ROBERT
5625 W 12000 S
PAYSON, UT 84651

DEE, RONALD H & CHARLENE C
7726 BENGAL HEIGHTS
SALT LAKE CITY, UT 84121

COMCAST
9602 SOUTH 300 WEST
SANDY, UT 84070



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: 06-30-2015
Name: Nutraceuticals Corporation	Address: 1400 Kearns Dr. 2nd Floor	City: Park City	Phone: 435-655-6000 FAX: e-mail: astrauss@nutracorp.com
State: UT		Zip: 84060	

PROJECT INFORMATION	
Project Name:	Nutracorp Orem
Project Address:	709 N & 711 N 1200 W. Orem

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 \$800 + \$20/lot or unit <input type="checkbox"/> Preliminary deep lot sign fee \$25 <input type="checkbox"/> Final \$600 + \$20/lot or unit + recording fees <input type="checkbox"/> Vacation/Amendment \$800 + \$20/lot or unit + \$25 sign fee + recording fees <input type="checkbox"/> Final PRD \$600 + \$30/lot or unit + recording fees <input type="checkbox"/> Lot Line Adjustment \$400 + \$25 sign fee, not including recording fees	<input type="checkbox"/> Sign, Text \$900 <input type="checkbox"/> Subdivision, Text \$900 <input type="checkbox"/> Zoning, Text \$900 <input type="checkbox"/> New PD Zone, Text \$2000 +25 sign fee for PD zone <input type="checkbox"/> Rezone \$1200 + \$25 sign fee <input type="checkbox"/> New PD Zone, Rezone \$1200 +25 sign fee for PD zone <input type="checkbox"/> Development agreement Utah County fees \$	<input type="checkbox"/> Land Use Map Change \$1000 + \$25 sign fee <input type="checkbox"/> Text Change \$1000 ***** <input type="checkbox"/> MAILINGS Neighborhood Notice \$ ***** <input type="checkbox"/> PUBLIC NOTICE Newspaper notice \$ prior to PC meeting \$ prior to CC meeting \$	<input checked="" type="checkbox"/> Site Plan Admin. Approval \$500 <input type="checkbox"/> Site Plan \$1,500 + \$25 sign fee for following PD Zones: 1,4,5,15,16,21 or adjacent to a residential zone <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 \$800.00 + \$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 checked="" type="checkbox"/> Street Vacation \$1200 <input type="checkbox"/> Annexation \$1500 - \$25 sign fee - legal noticing fee <input type="checkbox"/> Driveway Entrance Modification \$175 <input type="checkbox"/> Resubmittal Fee \$500/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 8 1/2" 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 lperritt@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: Alison Strauss	Phone: 435-655-6039
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OFFICE USE ONLY		
Date Filed: 10/20/14 12/2/14	Fees Paid: 500 + 1850	Received By: [Signature]

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.

CITY OF OREM
CITY COUNCIL MEETING
 DECEMBER 9, 2014



REQUEST:	RESOLUTION - Approve and Sign a Resolution of the City Council of the City of Orem, Utah, Encouraging Partnership with the State of Utah to Address Transportation Funding
APPLICANT:	City Manager
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:
N/A
- Acreage:
N/A
- Neighborhood:
N/A
- Neighborhood Chair:
N/A

PREPARED BY:

James P. Davidson,
City Manager

RECOMMENDATION: The City Manager recommends that the Orem City Council approve and sign “A Resolution of the City Council of the City of Orem, Utah, Encouraging Partnership with the State of Utah to Address Transportation Funding.”

BACKGROUND: In September 2014, the Utah League of Cities and Towns (ULCT) at the business session of the organization’s annual conference (September 12, 2014) passed a resolution encouraging the State of Utah to pursue a comprehensive funding strategy for statewide transportation needs, including the needs of the state’s cities and towns. The resolution noted the following:

1. Due to declining motor fuel purchases, improving fuel efficiency, and decreasing purchasing power because of inflation, the current use of motor fuel taxes to achieve transportation needs in Utah is outmoded & insufficient. The current motor fuel tax has not been increased since 1997.
2. The one (1) percent local option sales tax is the workhorse for Utah’s cities to provide the services that citizens expect. The Utah Legislature has the sole authority to adjust the local option sales tax and last increased the one (1) percent local option in 1983 (though the increase was not fully implemented until 1991).
3. Cities are using a greater share of their general funds on traditional transportation related projects — such as road construction, operations, maintenance — because of a rapidly growing population and aging infrastructure which in turn prevents cities from adequately funding other core governmental services like public safety. Likewise, the state legislature supplements the motor fuel tax with general fund revenue which diverts money from other services.
4. At the same time, citizens are demanding a new paradigm of transportation — including bike lanes, transit, complete streets, trails, and multi-use paths —but cities have insufficient revenue sources to meet the public demand. In fact, the state’s Unified Transportation Plan identifies a local government shortfall of approximately \$3 billion in revenue between today and 2040 in order to meet local transportation needs.
5. Along the Wasatch Front, half of the PM 2.5 emissions that degrade air quality come from mobile sources such as motor vehicles. For most Utahns, cleaner air is a top priority issue for the State of Utah

because it impacts public health, transportation, natural resources, economic development, and tourism. The traditional transportation infrastructure incentivizes cars and thus contributes to the air quality problem.

6. In Utah, nearly one in ten adults and an increasing number of children suffer from asthma, 57 percent of adults are overweight, 22 percent are obese, and one in ten children is overweight. In addition, one in fourteen Utahns suffer from diabetes and it is the sixth leading cause of death in Utah. A new transportation paradigm can encourage active transportation because of enhanced opportunity, connectivity, and safety, which could result in better personal and public health.
7. Investing in both old and new transportation has a profound economic impact in Utah. For example, if the State of Utah invested an additional \$11.3 billion dollars on transportation between now and 2040 per the Unified Transportation Plan, it would save Utah's households and businesses more than \$84.8 billion in expenses, generate 182,618 jobs, and contribute more than \$183.6 billion in additional gross domestic product for the State.
8. While residents may be demanding a new paradigm of transportation—including bike lanes, transit, complete streets, trails, and multi-use paths—cities are limited to the revenue option of the one (1) percent local option and the motor fuel tax which are insufficient to meet new public expectations.

As a result of the ULCT resolution, the organization's members, including the City of Orem, were asked to work together to recommend the following to the Utah State Legislature by way of formal city resolution:

1. The Utah State Legislature empower cities and towns with the financial tools to fulfill the new paradigm of transportation that the state's citizens expect.
2. Encourage the Utah State Legislature to study and consider the following:
 - A. A statewide, local option $\frac{1}{4}$ cent sales tax dedicated to transportation. This statewide, local option sales tax could provide additional critical transportation infrastructure funding for cities to invest in the new transportation paradigm and reduce the impact of growth or aging transportation infrastructure on municipal general funds. It is estimated that a $\frac{1}{4}$ cent sales tax for transportation could generate approximately \$3 billion between now and 2040 and could meet the priority needs identified in the state's Unified Transportation Plan.
 - B. Clarify and expand the definition for what transportation funds can be used to reflect both the diversity of transportation options in cities and the demand from citizens for more active transportation options. Under current state law, B&C revenues via the motor fuel tax may only be spent on B&C roads and on transportation modes within B&C rights of way. The new

definition could include transit, sidewalks, trails, bridges, signage, road safety, tunnels, bicycle paths, and other modalities outside of B&C rights of way. Investing in trails, sidewalks, and bike paths will result in Utahns living more active and healthy lifestyles and thus decreasing healthcare costs and improving quality of life. Investing in transit, trails, and bike paths will also help improve the air quality because it will reduce the quantity of motor vehicles on the roads.

- C. A change in the statewide motor fuel tax, including an indexing component so that the motor fuel tax could keep pace with inflation.

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OREM, UTAH, ENCOURAGING PARTNERSHIP WITH THE STATE OF UTAH TO ADDRESS TRANSPORTATION FUNDING

WHEREAS, the creation and maintenance of transportation infrastructure is a core responsibility of state and local government; and

WHEREAS, a safe and efficient transportation system creates the foundation for economic growth and improved quality of life; and

WHEREAS, Utah's population is expected to grow by 60 percent by 2040; and

WHEREAS, improving transportation in Utah and enhancing transit will help local and state budgets and lead to improved air quality and public health outcomes; and

WHEREAS, research from the Utah Department of Transportation indicates that road maintenance efforts save cities from road rehabilitation that costs six times as much as maintenance, and saves cities from road reconstruction that costs ten times as much as maintenance; and

WHEREAS, the current transportation funding model is outdated and insufficient, the City of Orem now encourages the State of Utah to work with the City and other local governments to reevaluate transportation funding.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, AS FOLLOWS:

1. Sales Tax for Transportation. The Orem City Council supports proposals which meet local transportation needs while providing for future growth. Cities have begun using more general fund monies to pay for transportation needs putting other municipal needs at risk. The Orem City Council supports studying a transportation funding option which would allow for the statewide implementation of a quarter cent (\$0.0025) local options sales tax to be used for transportation.

2. Motor Fuel Taxation. The Orem City Council supports studying motor fuel taxes. Motor fuel taxes provide most of the transportation dollars for state and local governments through a revenue sharing formula known as "B and C" road funding. However, motor fuel taxes are not equitably borne by road transportation users with the advent of higher MPG vehicles, electric and hybrid vehicles, and other fuel-saving technologies.

Additionally, since the motor fuel tax has not been adjusted since 1997 and is not indexed, the purchasing power of the current funding is inadequate. The Orem City Council respectfully

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requests the Utah Legislature to carefully examine this issue as they are solely responsible for the administration of these taxes.

3. Investment in Transit. The Orem City Council supports continued investment in public transit as outlined in Utah's Unified Transportation Plan. The pending construction of a bus-rapid transit system in Orem is one example of a robust public transportation system. Transit can help relieve traffic and improve air quality. As most transit also involves a degree of walking it can be a factor in improving public health as well.

4. Expanded Transportation Options. The Orem City Council supports the expansion of the uses for which transportation funding can be spent to reflect the individual needs and discretion of local governments. Local governments are formed by local residents and empowered to solve local issues including transportation. Transportation, air quality, and public health can be enhanced when alternative methods of transportation are considered and included as eligible for transportation funding. Examples of items that should be included in an enhanced definition of transportation include trails, transit, bicycle lanes, sidewalks, safety equipment, signage, sidewalks, landscaping, lighting, and other needs.

5. Coordinating Efforts. The Orem City Council encourages City staff to work with state elected officials, the Utah Transportation Coalition, and the Utah League of Cities and Towns in developing solutions for transportation funding.

6. Distribution of this Resolution. A copy of this Resolution shall be sent to the Governor of Utah, the President of the Utah State Senate, the Speaker of the Utah House of Representatives, Senator Alvin B. Jackson, Senator Margaret Dayton, Senator Curtis S. Bramble, Representative Keven J. Stratton, Representative Val L. Peterson, Representative-Elect Brad Daw, Representative Keith Grover, the Utah County Commission, Adam Trupp, the Executive Director of the Utah Association of Counties, Ken Bullock, the Executive Director of the Utah League of Cities and Towns, Carlos Braceras, the Executive Director of the Utah Department of Transportation, and Representative H. David Burton, the Chairman of the Board of Trustees of the Utah Transit Authority.

7. Effective Date. This Resolution shall become effective immediately upon passage.

PASSED and APPROVED this 9th day of **December** 2014.

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Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED OCTOBER 2014

Percent of Year Expired: 33%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2015	% To Date FY 2014	Notes
10 GENERAL FUND								
Revenues	44,858,356	3,716,284	11,196,367			25%		
Appr. Surplus - Prior Year	1,746,664		1,746,664			100%		
Std. Interfund Transactions	4,646,102		4,646,102			100%		
Total Resources	51,251,122	3,716,284	17,589,133		33,661,989	34%	31%	
Expenditures	51,251,122	5,797,049	18,334,306	1,135,333	31,781,483	38%	39%	
20 ROAD FUND								
Revenues	2,305,000	621	236,929			10%		
Appr. Surplus - Prior Year	953,808		953,808			100%		
Total Resources	3,258,808	621	1,190,737		2,068,071	37%	47%	
Expenditures	3,258,808	37,971	1,476,846	560,260	1,221,702	63%	60%	
21 CARE TAX FUND								
Revenues	1,710,000	160,331	306,919			18%		
Appr. Surplus - Prior Year	1,881,958		1,881,958			100%		
Total Resources	3,591,958	160,331	2,188,877		1,403,081	61%	80%	
Expenditures	3,591,958	1,551	1,018,654	23,040	2,550,264	29%	21%	
30 DEBT SERVICE FUND								
Revenues	10,217,116	4,331,357	4,672,050			46%		
Appr. Surplus - Prior Year	13,221		13,221			100%		
Total Resources	10,230,337	4,331,357	4,685,271		5,545,066	46%	30%	1
Expenditures	10,230,337	3,402,911	3,478,425		6,751,912	34%	10%	1
45 CIP FUND								
Revenues	240,000		56,864			24%		
Appr. Surplus - Prior Year	875,159		875,159			100%		
Total Resources	1,115,159		932,023		183,136	84%	89%	
Expenditures	1,115,159	299,934	385,028	620,850	109,281	90%	21%	2
51 WATER FUND								
Revenues	12,611,377	1,206,203	6,467,616			51%		
Appr. Surplus - Current Year	300,000		300,000			100%		
Appr. Surplus - Prior Year	4,427,227		4,427,227			100%		
Total Resources	17,338,604	1,206,203	11,194,843		6,143,761	65%	58%	
Expenditures	17,338,604	1,105,326	6,038,774	1,721,511	9,578,319	45%	34%	
52 WATER RECLAMATION FUND								
Revenues	7,027,851	613,653	2,665,518			38%		
Appr. Surplus - Prior Year	1,666,509		1,666,509			100%		
Total Resources	8,694,360	613,653	4,332,027		4,362,333	50%	45%	
Expenditures	8,694,360	431,150	2,862,708	1,045,436	4,786,216	45%	42%	
55 STORM SEWER FUND								
Revenues	3,110,500	248,244	1,092,375			35%		
Appr. Surplus - Prior Year	386,367		386,367			100%		
Total Resources	3,496,867	248,244	1,478,742		2,018,125	42%	51%	
Expenditures	3,496,867	108,635	1,452,826	91,187	1,952,854	44%	59%	3
56 RECREATION FUND								
Revenues	1,667,200	49,731	632,829			38%		
Appr. Surplus - Current Year	158,888		158,888			100%		
Appr. Surplus - Prior Year	4,857		4,857			100%		
Total Resources	1,830,945	49,731	796,574		1,034,371	44%	25%	4
Expenditures	1,830,945	176,658	779,473	127,612	923,860	50%	46%	
57 SOLID WASTE FUND								
Revenues	3,397,000	288,756	1,154,044			34%		
Appr. Surplus - Prior Year	24,450		24,450			100%		
Total Resources	3,421,450	288,756	1,178,494		2,242,956	34%	34%	
Expenditures	3,421,450	234,599	1,120,162	150,735	2,150,553	37%	36%	

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED OCTOBER 2014

Percent of Year Expired: 33%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2015	% To Date FY 2014	Notes
58 STREET LIGHTING FUND								
Revenues	1,485,000	74,390	911,784			61%		
Appr. Surplus - Prior Year	231,180		231,180			100%		
Total Resources	1,716,180	74,390	1,142,964		573,216	67%	63%	
Expenditures	1,716,180	49,479	316,939	231,223	1,168,018	32%	34%	
61 FLEET MAINTENANCE FUND								
Std. Interfund Transactions	652,000		652,000			100%		
Total Resources	652,000		652,000			100%	100%	
Expenditures	652,000	43,717	286,456	43,395	322,149	51%	45%	
62 PURCHASING/WAREHOUSING FUND								
Revenues		15	60			100%		
Appr. Surplus - Current Year	33,000		33,000			100%		
Std. Interfund Transactions	330,000		330,000			100%		
Total Resources	363,000	15	363,060		-60	100%	100%	
Expenditures	363,000	27,957	160,563	712	201,725	44%	41%	
63 SELF INSURANCE FUND								
Revenues	500,000	57,626	176,901			35%		
Std. Interfund Transactions	1,175,000		1,175,000			100%		
Total Resources	1,675,000	57,626	1,351,901		323,099	81%	81%	
Expenditures	1,675,000	14,281	973,789	2,847	698,364	58%	68%	
74 CDBG FUND								
Revenues	814,408	13,906	49,907			6%		
Appr. Surplus - Prior Year	471,313		471,313			100%		
Total Resources	1,285,721	13,906	521,220			41%	26%	
Expenditures	1,285,721	31,472	210,926	863	1,073,932	16%	17%	
CITY TOTAL RESOURCES	108,205,331	10,686,727	48,454,902		58,985,928	45%	42%	
CITY TOTAL EXPENDITURES	108,205,331	11,713,211	38,578,936	5,523,781	64,102,614	41%	37%	

NOTES TO THE BUDGET REPORT FOR THE MONTH ENDED OCTOBER 2014:

- 1) The current year percentages are significantly different than the prior year due to the payoff of the Midtown Village SID bonds (\$2,977,129) and additional funds received (\$150,000) on the Northgate SID that were used to make an additional principal payment.
- 2) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$620,850) being significantly more than in the prior fiscal year (\$51,581) at this date in time. Primarily due to the MAG ITS capital project.
- 3) The current year expenditures are lower in comparison to the prior year due to the current year encumbrances (\$91,187) being significantly less than in the prior fiscal year (\$448,551) at this date in time. Primarily due to the Williams Farm capital project.
- 4) The current year revenues are higher in comparison to the prior year due to the opening of the new pool area which appears to have had a positive impact on fitness center pass sales.

<p>Note: In earlier parts of a fiscal year, expenditures may be greater than the collected revenues in a fund. The City has accumulated sufficient reserves to service all obligations during such periods and does not need to issue tax anticipation notes or obtain funds in any similar manner. If you have questions about this report, please contact Richard Manning (229-7037) or Brandon Nelson (229-7010).</p>
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It is expected that the notes from the November 19, 2014 joint City Council / ASD meeting will be ready on Monday, December 8th and will be added to the DropBox file then.

The Council will be notified if/when they are available.



AGENDA
REDEVELOPMENT AGENCY
OF THE CITY OF OREM
December 9, 2014

CALL TO ORDER

APPROVAL OF MINUTES

1. **MINUTES of Redevelopment Agency Meeting of November 11, 2014**

SCHEDULED ITEMS

2. **RESOLUTION – Approve an Interlocal Cooperation Agreement between the Redevelopment Agency of the City of Orem and the Alpine School District**

RECOMMENDATION: The Economic Development Division Manager recommends that the Redevelopment Agency of the City of Orem, by resolution, enter into the Interlocal Cooperation Agreement with the Alpine School District.

BACKGROUND: The Redevelopment Agency of the City of Orem desires to enter into this agreement to receive a portion of property tax increment generated within the University Place Community Development Area back from the Alpine School District. Tax Increment arising from the development of the Project may be used to pay for public infrastructure improvements, Agency requested improvements and upgrades, both off-site and on-site improvements, land incentives, desirable Project Area improvements, and other items as approved by the Agency.

Adoption of the Draft Project Area Plan will assist the City of Orem with business attraction and expansion, new job growth, increased tax revenues, and is anticipated to act as a catalyst to future development and reinvestment in the surrounding area.

3. **RESOLUTION – Approve an Interlocal Cooperation Agreement between the Redevelopment Agency of the City of Orem and Utah County**

RECOMMENDATION: The Economic Development Division Manager recommends that the Redevelopment Agency of the City of Orem, by resolution, enter into the Interlocal Cooperation Agreement with Utah County.

The Redevelopment Agency of the City of Orem desires to enter into this agreement to receive a portion of property tax increment generated within the University Place Community Development Area back from Utah County. Tax Increment arising from the

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

development of the Project may be used to pay for public infrastructure improvements, Agency requested improvements and upgrades, both off-site and on-site improvements, land incentives, desirable Project Area improvements, and other items as approved by the Agency.

4. RESOLUTION – Approving and Adopting the Project Area Budget for the University Place Community Development Project Area Plan

RECOMMENDATION: The Economic Development Division Manager recommends that the Redevelopment Agency of the City of Orem, by resolution, approve and adopt the Project Area Budget for the University Place Community Development Project Area Plan.

BACKGROUND: The Redevelopment Agency of the City of Orem, Utah (Agency) has approved the creation of the University Place Community Development Project Area Plan (Plan) by Resolution RDA-R-2014-0004 establishing a Project Area that includes University Mall. The City Council of the City of Orem has approved the Plan.

The Agency has entered into certain interlocal agreements with the Central Utah Water Conservancy District, the Orem Metropolitan Water District, the Alpine School District, and Utah County (collectively “Taxing Entities”) wherein the Taxing Entities have separately and individually agreed to remit to the Agency annually a portion of the tax increment generated within the Project Area for the purpose of providing funds to the Agency to carry out the Project Area Plan. A summary of the terms of those interlocal agreements are as follows:

Taxing Entity	Agreement Duration	Percent of Increment to Agency
City	20 Years	75%
County	20 Years	75%
School District	20 Years	65%
Water District	20 Years	75%
CUWCD	20 Years	75%

Pursuant to Utah state law, it is now appropriate for the Agency to approve and adopt the Project Area Plan Budget.

ADJOURN AND RECONVENE CITY COUNCIL MEETING

It is expected that the
November 11, 2014,
RDA minutes
will be ready on
Monday, December 8th
and will be added to the
DropBox file then.
The Council will be
notified if/when they are
available.

CITY OF OREM
REDEVELOPMENT AGENCY MEETING
DECEMBER 9, 2014



REQUEST:	RESOLUTION – Approve an Interlocal Cooperation Agreement between the Redevelopment Agency of the City of Orem and the Alpine School District.
APPLICANT:	City of Orem Economic Development Division
FISCAL IMPACT:	\$38,713,892 of future tax increment funds (estimate from the model)

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: Ryan L. Clark EDD Manager

RECOMMENDATION:

The Economic Development Division Manager recommends that the Redevelopment Agency of the City of Orem, by resolution, enter into the Interlocal Cooperation Agreement with the Alpine School District.

BACKGROUND:

The Redevelopment Agency of the City of Orem desires to enter into this agreement to receive a portion of property tax increment generated within the University Place Community Development Project Area back from the Alpine School District. Tax Increment arising from the development of the Project Area may be used to pay for public infrastructure improvements, Agency requested improvements and upgrades, both off-site and on-site improvements, land incentives, desirable Project Area improvements, and other items as approved by the Agency.

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RESOLUTION NO. _____

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF OREM, UTAH APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE AGENCY AND ALPINE SCHOOL DISTRICT

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “Interlocal Act”), and the provisions of Title 17C of the Utah Code as amended, known as the Limited Purpose Government Entities – Community Development and Renewal Agencies Act (the “CDRA Act”), public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

WHEREAS, the Redevelopment Agency of the City of Orem, Utah (the “Agency”) and the Alpine School District (the “School District”) are “public agencies” for purposes of the Interlocal Act; and

WHEREAS, after careful analysis and consideration of relevant information, the Agency desires to enter into an Interlocal Cooperation Agreement with the School District whereby the School District would remit to the Agency a portion of the property tax increment generated within the University Place Community Development Project Area, (the “Project Area”) which would otherwise flow to the School District, for the purpose of encouraging development activities through the payment for certain public infrastructure, land assembly, and other uses that directly benefit the Project Area as permitted under the CDRA Act; and

WHEREAS, Section 11-13-202.5 of the Interlocal Act requires that certain Interlocal Cooperation Agreements be approved by resolution of the legislative body of a public agency.

THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF OREM, UTAH AS FOLLOWS:

1. The Interlocal Cooperation Agreement between the Agency and the School District, substantially in the form attached hereto as Exhibit A (the “Agreement”), is approved and shall be executed for and on behalf of the Agency by the Chair and countersigned by its Secretary.
2. Pursuant to Section 11-13-202.5 of the Interlocal Act, the Agreement has been submitted to legal counsel of the Agency for review and approved as to form and legality.
3. Pursuant to Section 11-13-209 of the Interlocal Act, a duly executed original counterpart of the Agreement shall be filed immediately with the Secretary, the keeper of records of the Agency.

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4. The Agency is hereby directed to publish or cause to be published a notice of the Agreement in accordance with Section 11-13-219 of the Interlocal Act and make a copy of the Agreement available for public inspection and copying at the Agency’s offices during regular business hours for a period of at least 30 days following publication of the notice.

5. The Agreement shall be effective immediately upon execution.

6. This Resolution shall take effect upon adoption.

PASSED AND APPROVED this 9th day of **December** 2014.

Richard F. Brunst, Jr.
Agency Chairman

ATTEST:

Donna R. Weaver, Secretary

BOARD MEMBERS VOTING “AYE”

BOARD MEMBERS VOTING “NAY”

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EXHIBIT A – INTERLOCAL AGREEMENT

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INTERLOCAL COOPERATION AGREEMENT

THIS INTERLOCAL COOPERATION AGREEMENT is made and entered into this ____ day of _____, 2014, by and between **THE REDEVELOPMENT AGENCY OF THE CITY OF OREM, UTAH** a community development and renewal agency and political subdivision of the State of Utah (the “Agency”), and **THE APLINE SCHOOL DISTRICT**, a political subdivision of the State of Utah (the “School District”) (collectively the “Parties” or in the singular “Party”) in contemplation of the following facts and circumstances:

- A. **WHEREAS**, the Agency was created and organized pursuant to an ordinance dated August 14, 1984 (O-84-0031) and continues to operate under the provisions of the Limited Purpose Government Entities - Community Development and Renewal Agencies Act, Title 17C of the Utah Code (the “Act”), and is authorized and empowered under the Act to undertake, among other things, various community development activities pursuant to the Act, including, among other things, assisting the City of Orem, Utah (the “City”) in development activities; and
- B. **WHEREAS**, this Agreement is made pursuant to the provisions of the Act and the Interlocal Cooperation Act (Utah Code Title 11, Chapter 13) (the “Interlocal Act”); and
- C. **WHEREAS**, the Agency has created the University Place Community Development Project Area (the “Project Area”), through the adoption of the University Place Community Development Project Area Plan (the “Project Area Plan”), located within the City, which Project Area is described in Exhibit “A” attached hereto and incorporated herein by this reference; and
- D. **WHEREAS**, the Project Area includes the University Mall, which is part of a planned revitalization and redevelopment. The Agency has not entered into any participation or development agreements with developers but anticipates that prior to development of the Project Area, the City and the Agency may enter into one or more Development/Participation Agreements with one or more developer(s) which will provide certain terms and conditions upon which the Project Area will be developed using, in part, increased property taxes, referred to as “Tax Increment” (as that term is defined in the Act), generated from the Project Area; and
- E. **WHEREAS**, historically, the Project Area has generated a total of \$1,590,821 per year in property taxes for the various taxing entities, including the City, Utah County (“County”), the School District, the Central Utah Water Conservancy District (the “CUWCD”), and the Orem Metropolitan Water District (the “Orem Water District”) \$1,123,806 of which is attributed to the School District; and
- F. **WHEREAS**, upon full development as contemplated in the Project Area Plan, property taxes produced by the Project Area for the City, the County, the School District, the CUWCD, and the Orem Water District are projected to total approximately \$6,510,910 per year \$4,599,513 of which would be attributed to the School District; and
- G. **WHEREAS**, the Agency has requested the City, the County, the School District, the CUWCD, and the Orem Water District to participate in the promotion of development in the Project Area by agreeing to remit to the Agency for a specified period of time specified portions of the increased property tax which will be generated by the Project Area; and
- H. **WHEREAS**, the School District and the Agency have determined that it is in the best interests of the School District to provide certain financial assistance through the use of Tax Increment in connection with the development of the Project to carry out the Project Area Plan; and

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- I. **WHEREAS** Utah Code §17C-4-201(1) authorizes the School District to consent to the payment to the Agency of a portion of the School District's share of Tax Increment generated from the Project Area for the purposes set forth therein; and
- J. **WHEREAS**, Utah Code § 11-13-215 further authorizes the School District to share its tax and other revenues with the Agency; and
- K. **WHEREAS**, the Agency has retained Lewis Young Robertson & Burningham, Inc., an independent financial consulting firm with substantial experience regarding community development and tax increment projects across the State of Utah, to prepare the Project Area Plan and to provide a report regarding the need and justification for the remittance of tax increment revenues within the Project Area. A copy of the report is included in the Project Area Plan attached as Exhibit "B"; and
- L. **WHEREAS**, the Project Area Plan has been adopted by the Agency through resolution passed on September 23, 2014 and made effective through Ordinance No. O-2014-0034 passed by the City; and
- M. **WHEREAS**, the Agency has also prepared a draft of the University Place Community Development Project Area Budget (the "Project Area Budget"), a copy of which is attached as Exhibit "C", which Project Area Budget, generally speaking, outlines the anticipated generation, payment and use of Tax Increment within the Project Area;
- N. **WHEREAS**, the Parties desire to set forth in writing their agreements regarding the nature and timing of such assistance;

NOW, THEREFORE, the parties agree as follows:

- 1. **Additional Tax Revenue.** The School District has determined that significant additional property tax revenue (*i.e.*, Tax Increment) will likely be generated by the development of the Project Area as described in further detail in the Project Area Plan and Project Area Budget. Each of the parties acknowledge, however, that the development activity required for the generation of the Tax Increment is not likely to occur within the foreseeable future or to the degree possible or desired without Tax Increment participation in order to induce and encourage such development activity.
- 2. **Offset of Development Costs and Expenses.** The School District has determined that it is in the best interests of the School District to pay specified portions of the Tax Increment to the Agency in order for the Agency to offset costs and expenses which will be incurred by the Agency in the construction and installation of infrastructure improvements and other development related costs needed to serve the Project Area, to the extent permitted by the Act, as amended from time to time.
- 3. **Base Year and Base Year Value.** The base year, for purposes of calculation of the Base Taxable Value (as that term is defined in the Act), shall be 2013, meaning the Base Taxable Value shall, to the extent and in the manner defined by the Act, be equal to the equalized taxable value shown on the 2013 Utah County assessment rolls for all property located within the Project Area (which is currently estimated to be \$129,187,998, but is subject to final adjustment and verification by the School District and Agency).

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4. **Agreement with Developers.** The Agency is authorized to enter into one or more agreements with developers which may provide for the payment of certain amounts of Tax Increment to the developer based upon the developer's meeting of certain performance measures as outlined in said agreement. Such agreement shall be consistent with the terms and conditions of this Agreement, shall require as a condition of the payment to the developer that the developer, or its approved successors in title as owners of the property, shall pay any and all taxes and assessments which shall be assessed against the property in accordance with levies made by applicable municipal entities in accordance with the laws of the State of Utah applicable to such levies.
5. **Payment Trigger.** The first year ("Year One") of payment of Tax Increment from the School District to the Agency shall be determined by the Agency, but shall be no later than 2018. Each subsequent year, beginning with the first year after Year One, shall be defined in sequence as Year Two through Year Twenty.
6. **Total Payment to Agency.** The School District shall remit to the Agency, beginning with property tax receipts in Year One, and continuing through Year Twenty, 65% of the annual Tax Increment generated from the Project Area. The County is authorized and instructed to pay all of the Tax Increment to the Agency annually, and the Agency will then distribute to the School District the 35% portion of the Tax Increment, and the Agency will retain the 65% balance.
7. **Property Tax Increase.** This Agreement provides for the payment of the increase in real and personal property taxes collected from the Project Area by the County that would otherwise accrue to the benefit of the School District. Real and personal property taxes which are the subject of this Agreement shall not include taxes collected from the Project Area by the County, acting in its capacity as the tax collection agency for the School District, which are to be paid to or utilized by abatement districts, special service or improvement districts or other entities for which the County acts as the tax collection agency, nor shall it include any component of real property taxes retained by the County as payment for costs incurred in the collection of real property taxes for itself or other applicable agencies. It is expressly understood that the real property taxes which are the subject of this Agreement are only those real and personal property taxes actually collected from the Project Area.
8. **No Independent Duty.** The School District shall be responsible to remit to the Agency only Tax Increment actually received. The School District shall have no independent duty to pay any amount to the Agency other than the Tax Increment described in paragraph 6 of this Agreement on an annual basis from and including Year One through and including Year Twenty.
9. **Authority to Bind.** Each individual executing this Agreement represents and warrants that such person is authorized to do so, and, that upon executing this Agreement, this Agreement shall be binding and enforceable in accordance with its terms upon the Party for whom such person is acting.
10. **Further Documents and Acts.** Each of the Parties hereto agrees to cooperate in good faith with the others, and to execute and deliver such further documents and perform such other acts as may be reasonably necessary or appropriate to consummate and carry into effect the transactions contemplated under this Agreement.
11. **Notices.** Any notice, request, demand, consent, approval or other communication required or permitted hereunder or by law shall be validly given or made only if in writing and delivered to an officer or duly authorized representative of the other Party in person or by Federal Express, private commercial delivery or courier service for next business day delivery, or by United States mail, duly certified or registered (return receipt requested), postage prepaid, and addressed to the Party for whom intended, as follows:

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If to School District:
Alpine School District
Attn: Board of Education
575 North 100 East
American Fork, UT 84003
Facsimile: (801) 610-8560

If to Agency:
Redevelopment Agency of Orem City
Attn: Agency Board
56 N. State Street
Orem, UT 84057
Facsimile: (801) 229-7031

Any Party may from time to time, by written notice to the others as provided above, designate a different address which shall be substituted for that specified above. Notice sent by mail shall be deemed served or delivered seventy-two (72) hours after mailing. Notice by any other method shall be deemed served or delivered upon actual receipt at the address or facsimile number listed above. Delivery of courtesy copies noted above shall be as a courtesy only and failure of any Party to give or receive a courtesy copy shall not be deemed to be a failure to provide notice otherwise properly delivered to a Party to this Agreement.

12. **Entire Agreement.** This Agreement is the final expression of and contains the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior understandings with respect thereto. This Agreement may not be modified, changed, supplemented or terminated, nor may any obligations hereunder be waived, except by written instrument signed by the Party to be charged or by its agent duly authorized in writing or as otherwise expressly permitted herein. This Agreement and its exhibits constitute the entire agreement between the parties hereto pertaining to the subject matter hereof, and the final, complete and exclusive expression of the terms and conditions thereof. All prior agreements, representations, negotiations and understandings of the parties hereto, oral or written, express or implied, are hereby superseded and merged herein.
13. **No Third Party Benefit.** The Parties do not intend to confer any benefit hereunder on any person, firm or corporation other than the Parties hereto. There are no intended third party beneficiaries to this Agreement.
14. **Construction.** Headings at the beginning of each paragraph and subparagraph are solely for the convenience of the parties and are not a part of the Agreement. Whenever required by the context of this Agreement, the singular shall include the plural and the masculine shall include the feminine and vice versa. Unless otherwise indicated, all references to paragraphs and subparagraphs are to this Agreement. In the event the date on which any of the parties is required to take any action under the terms of this Agreement is not a business day, the action shall be taken on the next succeeding business day.
15. **Partial Invalidity.** If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each such term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

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16. **Amendments.** No addition to or modification of any provision contained in this Agreement shall be effective unless fully set forth in writing executed by each of the parties hereto.
17. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.
18. **Waivers.** No waiver of any breach of any covenant or provision herein contained shall be deemed a waiver of any preceding or succeeding breach thereof or of any other covenant or provision herein contained. No extension of time for performance of any obligation or act shall be deemed an extension of the time for performance of any other obligation or act.
19. **Governing Law.** This Agreement and the exhibits attached hereto shall be governed by and construed under the laws of the State of Utah. In the event of any dispute hereunder, it is agreed that the sole and exclusive venue shall be in a court of competent jurisdiction in Utah County, Utah, and the Parties hereto agree to submit to the jurisdiction of such court.
20. **Declaration of Invalidity.** In the event that a court of competent jurisdiction declares that the School District cannot pay and/or that the Agency cannot receive payments of the Project Area Property Tax, declares that the Agency cannot pay the Project Area Property Tax to developers, or takes any other action which has the effect of eliminating or reducing the payments of Project Area Property Tax received by the Agency, then the Agency's obligation to pay the Project Property Tax Payments to developers shall be reduced or eliminated accordingly, and the Agency and the School District shall take such steps as are reasonably required to not permit the payment and/or receipt of the Property Tax to be declared invalid.
21. **No Separate Legal Entity.** No separate legal entity is created by this Agreement.
22. **Duration.** This Agreement shall terminate after the final payment of Tax Increment to the Agency for Year Twenty.
23. **Assignment.** No Party may assign its rights, duties or obligations under this Agreement without the prior written consent first being obtained from all Parties. Notwithstanding the foregoing, such consent shall not be unreasonably withheld or delayed so long as the assignee thereof shall be reasonably expected to be able to perform the duties and obligations being assigned.
24. **Termination.** Upon any termination of this Agreement resulting from the uncured default of any Party, the order of any court of competent jurisdiction, or termination as a result of any legislative action requiring such termination, any funds held by the Agency, and for which the Agency shall not be required to disburse to developers in accordance with the agreements which govern such disbursement, shall be returned to the Party originally remitting same to the Agency and upon such return, and this Agreement shall be deemed terminated and of no further force or effect.
25. **Interlocal Cooperation Act.** In satisfaction of the requirements of the Interlocal Act in connection with this Agreement, the Parties agree as follows:
 - a. This Agreement shall be authorized and adopted by resolution of the legislative body of each Party pursuant to and in accordance with the provisions of Section 11-13-202.5 of the Interlocal Act;
 - b. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party pursuant to and in

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accordance with the provisions of Section 11-13-202.5(3) of the Interlocal Act;

- c. A duly executed original counterpart of this Agreement shall be filed immediately with the keeper of records of each Party pursuant to Section 11-13-209 of the Interlocal Act;
- d. The CEO of the Agency is hereby designated the administrator for all purposes of the Interlocal Act, pursuant to Section 11-13-207 of the Interlocal Act; and
- e. Should a Party to this Agreement desire to terminate this Agreement, in part or in whole, each Party to the Agreement must adopt, by resolution, an amended Interlocal Cooperation Agreement stating the reasons for such termination. Any such amended Interlocal Cooperation Agreement must be in harmony with any development/participation agreement(s) entered into by the Agency as described in this Agreement.
- f. Immediately after execution of this Agreement by both Parties, each of the Parties shall cause to be published notice regarding this Agreement pursuant to Section 11-13-219 of the Interlocal Act.
- g. This Agreement makes no provision for the parties acquiring, holding and disposing of real and personal property used in the joint undertaking as such action is not contemplated as part of this Agreement nor part of the undertaking. Any such provision would be outside the parameters of the current undertaking. However, to the extent that this Agreement may be construed as providing for the acquisition, holding or disposing of real and/or personal property, all such property shall be owned by the Agency upon termination of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day specified above.

School District: ALPINE SCHOOL DISTRICT

Attest:

By: _____
John C. Burton
President, Board of Education

Keeper of Records for the School District

Approved as to form:

Attorney for the School District

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Agency: REDEVELOPMENT AGENCY OF THE CITY OF OREM

Attest:

By: _____
Richard F. Brunst, Jr.
Its: Chair

Secretary

Approved as to form:

Attorney for Agency

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EXHIBIT "A" to INTERLOCAL AGREEMENT

Legal Description of Project

An area of real property located in the NE Quarter of Section 26 and the SE Quarter of Section 23, T. 6 S. R. 2 E. S.L.B. & M., more particularly described as follows:

Commencing at a point which is S. 89°18'03" E. 142.38 feet along the Section Line and from the North 1/4 Corner of Section 26, T. 6 S., R. 2 E., S.L.B. & M. to the point of beginning, (which point is +/- on the Westerly Right of Way Line of State Street); thence along said Westerly Right of Way Line S. 18°29'52" E, 582.92 feet to the Northerly Right of Way Line +/- of University Parkway; thence along said Northerly Right of Way Line for the next eight calls, N. 88°20'55" E. 489.31 feet; thence S 89°21'02" E. 315.94 feet; thence along a Curve to the Right, the Radius is 766.62 feet, the Arc Length is 177.24 feet, the Chord Bearing is S. 86°40'38" E. the Chord Length is 176.85 feet; thence along a Compound Curve to the Right, the Radius is 10889.46 feet, the Arc Length is 265.96 feet, the Chord Bearing is S. 81°07'54" E. the Chord Length is 265.95 feet; thence S. 78°55'57" E. 202.90 feet; thence along a Curve to the Left, the Radius is 3599.59 feet, the Arc Length is 484.04 feet, the Chord Bearing is S. 81°28'08" E. the Chord Length is 483.68 feet; thence S. 89°37'22" E. 339.25 feet; thence along a curve to the Left, the Radius is 33.72 feet, the Arc Length is 51.39 feet, the Chord Bearing is N. 43°36'28" E. the Chord Length is 46.56 feet; thence along the Westerly side of 800 East Street for the next five calls, N. 0°02'59" E. 981.25 feet; thence West 15.02 feet; thence N. 3°35'49" W. 339.03 feet; thence East 35.20 feet; thence N. 0°23'52" W. 1938.15 feet; thence along the Southerly Right of Way Line +/- of 800 South for the next three calls, N. 88°49'10" W. 602.03 feet; thence S. 30°13'24" W. 25.21 feet; thence West 696.26 feet; thence South 133.07 feet; thence West 176.56 feet; thence South 326.41 feet; thence East 95.74 feet; thence South 219.18 feet; thence West 14.74 feet; thence South 81.45 feet; thence West 56.34 feet; thence S. 1°34'18" W. 277.32 feet; thence West 38.62 feet; thence South 97.40 feet; thence S. 83°14'59" E. 119.41 feet; thence South 90.25 feet; thence S. 85°48'17" E. 26.30 feet; thence S. 0°45'03" W. 685.85 feet; thence N. 89°17'31" W. 773.46 feet; thence N. 0°27'31" W. 7.77 feet; thence N. 88°59'39" W. 33.40 feet; thence N. 0°44'23" W. 53.42 feet; thence N. 89°22'23" W. 111.23 feet; thence S. 0°58'02" W. 203.19 feet; thence N. 88°44'39" W. 344.36 feet to the Easterly Right of Way Line +/- of State Street; thence S. 18°25'51" E. 554.20 feet along said Right of Way Line to the point of beginning.

Containing 133.6 Acres more or less.

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EXHIBIT "B"
To
INTERLOCAL AGREEMENT

Project Area Plan

INTENTIONALLY OMITTED

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EXHIBIT "C"
To
INTERLOCAL AGREEMENT

Project Area Budget

INTENTIONALLY OMITTED

CITY OF OREM
REDEVELOPMENT AGENCY MEETING
DECEMBER 9, 2014



REQUEST:	RESOLUTION – Approve an Interlocal Cooperation Agreement between the Redevelopment Agency of the City of Orem and Utah County.
APPLICANT:	City of Orem Economic Development Division
FISCAL IMPACT:	\$6,465,039 of future tax increment funds (estimate from the model)

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: Ryan L. Clark EDD Manager

RECOMMENDATION:

The Economic Development Division Manager recommends that the Redevelopment Agency of the City of Orem, by resolution, enter into the Interlocal Cooperation Agreement with Utah County.

BACKGROUND:

The Redevelopment Agency of the City of Orem desires to enter into this agreement to receive a portion of property tax increment generated within the University Place Community Development Project Area back from Utah County. Tax Increment arising from the development of the Project Area may be used to pay for public infrastructure improvements, Agency requested improvements and upgrades, both off-site and on-site improvements, land incentives, desirable Project Area improvements, and other items as approved by the Agency.

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RESOLUTION NO. _____

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF OREM, UTAH APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE AGENCY AND UTAH COUNTY

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “Interlocal Act”), and the provisions of Title 17C of the Utah Code as amended, known as the Limited Purpose Government Entities – Community Development and Renewal Agencies Act (the “CDRA Act”), public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

WHEREAS, the Redevelopment Agency of the City of Orem, Utah (the “Agency”) and Utah County (the “County”) are “public agencies” for purposes of the Interlocal Act; and

WHEREAS, after careful analysis and consideration of relevant information, the Agency desires to enter into an Interlocal Cooperation Agreement with the County whereby the County would remit to the Agency a portion of the property tax increment generated within the University Place Community Development Project Area, (the “Project Area”) which would otherwise flow to the County, for the purpose of encouraging development activities through the payment for certain public infrastructure, land assembly, and other uses that directly benefit the Project Area as permitted under the CDRA Act; and

WHEREAS, Section 11-13-202.5 of the Interlocal Act requires that certain Interlocal Cooperation Agreements be approved by resolution of the legislative body of a public agency.

THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF OREM, UTAH AS FOLLOWS:

1. The Interlocal Cooperation Agreement between the Agency and the County, substantially in the form attached hereto as Exhibit A (the “Agreement”), is approved and shall be executed for and on behalf of the Agency by the Chair and countersigned by its Secretary.
2. Pursuant to Section 11-13-202.5 of the Interlocal Act, the Agreement has been submitted to legal counsel of the Agency for review and approved as to form and legality.
3. Pursuant to Section 11-13-209 of the Interlocal Act, a duly executed original counterpart of the Agreement shall be filed immediately with the Secretary, the keeper of records of the Agency.

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4. The Agency is hereby directed to publish or cause to be published a notice of the Agreement in accordance with Section 11-13-219 of the Interlocal Act and make a copy of the Agreement available for public inspection and copying at the Agency's offices during regular business hours for a period of at least 30 days following publication of the notice.

5. The Agreement shall be effective immediately upon execution.

6. This Resolution shall take effect upon adoption.

PASSED, APPROVED and ORDERED PUBLISHED this 9th day of December 2014.

Richard F. Brunst, Jr., Agency Chair

ATTEST:

Donna R. Weaver, Secretary

BOARD MEMBERS VOTING "AYE"

BOARD MEMBERS VOTING "NAY"

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EXHIBIT A – INTERLOCAL AGREEMENT

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INTERLOCAL COOPERATION AGREEMENT

THIS INTERLOCAL COOPERATION AGREEMENT is made and entered into this ____ day of _____, 2014, by and between **THE REDEVELOPMENT AGENCY OF THE CITY OF OREM, UTAH** a community development and renewal agency and political subdivision of the State of Utah (the “Agency”), and **UTAH COUNTY**, a political subdivision of the State of Utah (the “County”) (collectively the “Parties” or in the singular “Party”) in contemplation of the following facts and circumstances:

- A. **WHEREAS**, the Agency was created and organized pursuant to an ordinance dated August 14, 1984 (O-84-0031) and continues to operate under the provisions of the Limited Purpose Government Entities - Community Development and Renewal Agencies Act, Title 17C of the Utah Code (the “Act”), and is authorized and empowered under the Act to undertake, among other things, various community development activities pursuant to the Act, including, among other things, assisting the City of Orem, Utah (the “City”) in development activities; and
- B. **WHEREAS**, this Agreement is made pursuant to the provisions of the Act and the Interlocal Cooperation Act (Utah Code Title 11, Chapter 13) (the “Interlocal Act”); and
- C. **WHEREAS**, the Agency has created the University Place Community Development Project Area (the “Project Area”), through the adoption of the University Place Community Development Project Area Plan (the “Project Area Plan”), located within the City, which Project Area is described in Exhibit “A” attached hereto and incorporated herein by this reference; and
- D. **WHEREAS**, the Project Area contains the University Mall, which is anticipated to be revitalized, with encouragement and planning by the Agency, into residential, retail, hotel, and office uses. The Agency has not entered into any participation or development agreements with developers but anticipates that prior to development of the Project Area, the City and the Agency may enter into one or more Development/Participation Agreements with one or more developer(s) which will provide certain terms and conditions upon which the Project Area will be developed using, in part, increased property taxes, referred to as “Tax Increment” (as that term is defined in the Act), generated from the Project Area; and
- E. **WHEREAS**, historically, the Project Area has generated a total of \$1,590,821 per year in property taxes for the various taxing entities, including the City, the County, Alpine School District (the “School District”), the Central Utah Water Conservancy District (the “CUWCD”), and the Orem Metropolitan Water District (the “Orem Water District”); and
- F. **WHEREAS**, upon full development as contemplated in the Project Area Plan, property taxes produced by the Project Area for the City, the County, the School District, the CUWCD, and the Orem Water District are projected to total approximately \$6,510,910 per year; and
- G. **WHEREAS**, the Agency has requested the City, the County, the School District, the CUWCD, and the Orem Water District to participate in the promotion of development in the Project Area by agreeing to remit to the Agency for a specified period of time specified portions of the increased property tax which will be generated by the Project Area; and
- H. **WHEREAS**, the County and the Agency have determined that it is in the best interests of the County to provide certain financial assistance through the use of Tax Increment in connection with the development of the Project to carry out the Project Area Plan; and

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- I. **WHEREAS** Utah Code §17C-4-201(1) authorizes the County to consent to the payment to the Agency of a portion of the County's share of Tax Increment generated from the Project Area for the purposes set forth therein; and
- J. **WHEREAS**, Utah Code § 11-13-215 further authorizes the County to share its tax and other revenues with the Agency; and
- K. **WHEREAS**, the Agency has retained Lewis Young Robertson & Burningham, Inc., an independent financial consulting firm with substantial experience regarding community development and tax increment projects across the State of Utah, to prepare the Project Area Plan and to provide a report regarding the need and justification for the remittance of tax increment revenues within the Project Area. A copy of the report is included in the Project Area Plan attached as Exhibit "B"; and
- L. **WHEREAS**, the Project Area Plan has been adopted by the Agency through resolution passed on September 23, 2014 and made effective through Ordinance No. O-2014-0034 passed by the City; and
- M. **WHEREAS**, the Agency has also prepared a draft of the University Place Community Development Project Area Budget (the "Project Area Budget"), a copy of which is attached as Exhibit "C", which Project Area Budget, generally speaking, outlines the anticipated generation, payment and use of Tax Increment within the Project Area;
- N. **WHEREAS**, the Parties desire to set forth in writing their agreements regarding the nature and timing of such assistance;

NOW, THEREFORE, the parties agree as follows:

1. **Additional Tax Revenue.** The County has determined that significant additional property tax revenue (*i.e.*, Tax Increment) will likely be generated by the development of the Project Area as described in further detail in the Project Area Plan and Project Area Budget. Each of the parties acknowledge, however, that the development activity required for the generation of the Tax Increment is not likely to occur within the foreseeable future or to the degree possible or desired without Tax Increment participation in order to induce and encourage such development activity.
2. **Offset of Development Costs and Expenses.** The County has determined that it is in the best interests of the residents of the County to pay specified portions of the Tax Increment to the Agency in order for the Agency to offset costs and expenses which will be incurred by the Agency in the construction and installation of infrastructure improvements and other development related costs needed to serve the Project Area, to the extent permitted by the Act, as amended from time to time.
3. **Base Year and Base Year Value.** The base year, for purposes of calculation of the Base Taxable Value (as that term is defined in the Act), shall be 2013, meaning the Base Taxable Value shall, to the extent and in the manner defined by the Act, be equal to the equalized taxable value shown on the 2013 Utah County assessment rolls for all property located within the Project Area (which is currently estimated to be \$129,187,998, but is subject to final adjustment and verification by the County and Agency).

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4. **Agreement with Developers.** The Agency is authorized to enter into one or more agreements with developers which may provide for the payment of certain amounts of Tax Increment to the developer based upon the developer's meeting of certain performance measures as outlined in said agreement. Such agreement shall be consistent with the terms and conditions of this Agreement, shall require as a condition of the payment to the developer that the developer, or its approved successors in title as owners of the property, shall pay any and all taxes and assessments which shall be assessed against the property in accordance with levies made by applicable municipal entities in accordance with the laws of the State of Utah applicable to such levies.
5. **Payment Trigger.** The first year ("Year One") of payment of Tax Increment from the County to the Agency shall be determined by the Agency, but shall be no later than 2018. Each subsequent year, beginning with the first year after Year One, shall be defined in sequence as Year Two through Year Twenty.
6. **Total Payment to Agency.** The County shall pay to the Agency, beginning with property tax receipts in Year One, and continuing through Year Twenty, 75% of the County's annual Tax Increment generated from the Project Area. The County will retain the remaining 25% of the annual Tax Increment generated from the Project Area.
7. **Property Tax Increase.** This Agreement provides for the payment of the increase in real and personal property taxes collected from the Project Area by the County that would otherwise accrue to the benefit of the County. Real and personal property taxes which are the subject of this Agreement shall not include taxes collected from the Project Area by the County, acting in its capacity as the tax collection agency for the County, which are to be paid to or utilized by abatement districts, special service or improvement districts or other entities for which the County acts as the tax collection agency, nor shall it include any component of real property taxes retained by the County as payment for costs incurred in the collection of real property taxes for itself or other applicable agencies. It is expressly understood that the real property taxes which are the subject of this Agreement are only those real and personal property taxes actually collected by the County from the Project Area.
8. **No Independent Duty.** The County shall be responsible to remit to the Agency only Tax Increment actually received by the County. The County shall have no independent duty to pay any amount to the Agency other than the Tax Increment described in paragraph 6 of this Agreement on an annual basis from and including Year One through and including Year Twenty.
9. **Authority to Bind.** Each individual executing this Agreement represents and warrants that such person is authorized to do so, and, that upon executing this Agreement, this Agreement shall be binding and enforceable in accordance with its terms upon the Party for whom such person is acting.
10. **Further Documents and Acts.** Each of the Parties hereto agrees to cooperate in good faith with the others, and to execute and deliver such further documents and perform such other acts as may be reasonably necessary or appropriate to consummate and carry into effect the transactions contemplated under this Agreement.
11. **Notices.** Any notice, request, demand, consent, approval or other communication required or permitted hereunder or by law shall be validly given or made only if in writing and delivered to an officer or duly authorized representative of the other Party in person or by Federal Express, private commercial delivery or courier service for next business day delivery, or by United States mail, duly certified or registered (return receipt requested), postage prepaid, and addressed to the Party for whom intended, as follows:

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If to County:
Utah County
Attn: Board of County Commissioners
100 E. Center Street
Provo, UT 84606
Facsimile: (801) 851-8136

If to Agency:
Redevelopment Agency of Orem City
Attn: Agency Board
56 N. State Street
Orem, UT 84057
Facsimile: (801) 229-7031

Any Party may from time to time, by written notice to the others as provided above, designate a different address which shall be substituted for that specified above. Notice sent by mail shall be deemed served or delivered seventy-two (72) hours after mailing. Notice by any other method shall be deemed served or delivered upon actual receipt at the address or facsimile number listed above. Delivery of courtesy copies noted above shall be as a courtesy only and failure of any Party to give or receive a courtesy copy shall not be deemed to be a failure to provide notice otherwise properly delivered to a Party to this Agreement.

12. **Entire Agreement.** This Agreement is the final expression of and contains the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior understandings with respect thereto. This Agreement may not be modified, changed, supplemented or terminated, nor may any obligations hereunder be waived, except by written instrument signed by the Party to be charged or by its agent duly authorized in writing or as otherwise expressly permitted herein. This Agreement and its exhibits constitute the entire agreement between the parties hereto pertaining to the subject matter hereof, and the final, complete and exclusive expression of the terms and conditions thereof. All prior agreements, representations, negotiations and understandings of the parties hereto, oral or written, express or implied, are hereby superseded and merged herein.
13. **No Third Party Benefit.** The Parties do not intend to confer any benefit hereunder on any person, firm or corporation other than the Parties hereto. There are no intended third party beneficiaries to this Agreement.
14. **Construction.** Headings at the beginning of each paragraph and subparagraph are solely for the convenience of the parties and are not a part of the Agreement. Whenever required by the context of this Agreement, the singular shall include the plural and the masculine shall include the feminine and vice versa. Unless otherwise indicated, all references to paragraphs and subparagraphs are to this Agreement. In the event the date on which any of the parties is required to take any action under the terms of this Agreement is not a business day, the action shall be taken on the next succeeding business day.
15. **Partial Invalidity.** If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each such term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.
16. **Amendments.** No addition to or modification of any provision contained in this Agreement shall be

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effective unless fully set forth in writing executed by each of the parties hereto.

17. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.
18. **Waivers.** No waiver of any breach of any covenant or provision herein contained shall be deemed a waiver of any preceding or succeeding breach thereof or of any other covenant or provision herein contained. No extension of time for performance of any obligation or act shall be deemed an extension of the time for performance of any other obligation or act.
19. **Governing Law.** This Agreement and the exhibits attached hereto shall be governed by and construed under the laws of the State of Utah. In the event of any dispute hereunder, it is agreed that the sole and exclusive venue shall be in a court of competent jurisdiction in Utah County, Utah, and the Parties hereto agree to submit to the jurisdiction of such court.
20. **Declaration of Invalidity.** In the event that a court of competent jurisdiction declares that the County cannot pay and/or that the Agency cannot receive payments of the Project Area Property Tax, declares that the Agency cannot pay the Project Area Property Tax to developers, or takes any other action which has the effect of eliminating or reducing the payments of Project Area Property Tax received by the Agency, then the Agency's obligation to pay the Project Property Tax Payments to developers shall be reduced or eliminated accordingly, and the Agency and the County shall take such steps as are reasonably required to not permit the payment and/or receipt of the Property Tax to be declared invalid.
21. **No Separate Legal Entity.** No separate legal entity is created by this Agreement.
22. **Duration.** This Agreement shall terminate after the final payment of Tax Increment to the Agency for Year Twenty.
23. **Assignment.** No Party may assign its rights, duties or obligations under this Agreement without the prior written consent first being obtained from all Parties. Notwithstanding the foregoing, such consent shall not be unreasonably withheld or delayed so long as the assignee thereof shall be reasonably expected to be able to perform the duties and obligations being assigned.
24. **Termination.** Upon any termination of this Agreement resulting from the uncured default of any Party, the order of any court of competent jurisdiction, or termination as a result of any legislative action requiring such termination, any funds held by the Agency, and for which the Agency shall not be required to disburse to developers in accordance with the agreements which govern such disbursement, shall be returned to the Party originally remitting same to the Agency and upon such return, and this Agreement shall be deemed terminated and of no further force or effect.
25. **Interlocal Cooperation Act.** In satisfaction of the requirements of the Interlocal Act in connection with this Agreement, the Parties agree as follows:
 - a. This Agreement shall be authorized and adopted by resolution of the legislative body of each Party pursuant to and in accordance with the provisions of Section 11-13-202.5 of the Interlocal Act;
 - b. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party pursuant to and in accordance with the provisions of Section 11-13-202.5(3) of the Interlocal Act;

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- c. A duly executed original counterpart of this Agreement shall be filed immediately with the keeper of records of each Party pursuant to Section 11-13-209 of the Interlocal Act;
- d. The CEO of the Agency is hereby designated the administrator for all purposes of the Interlocal Act, pursuant to Section 11-13-207 of the Interlocal Act; and
- e. Should a Party to this Agreement desire to terminate this Agreement, in part or in whole, each Party to the Agreement must adopt, by resolution, an amended Interlocal Cooperation Agreement stating the reasons for such termination. Any such amended Interlocal Cooperation Agreement must be in harmony with any development/participation agreement(s) entered into by the Agency as described in this Agreement.
- f. Immediately after execution of this Agreement by both Parties, each of the Parties shall cause to be published notice regarding this Agreement pursuant to Section 11-13-219 of the Interlocal Act.
- g. This Agreement makes no provision for the parties acquiring, holding and disposing of real and personal property used in the joint undertaking as such action is not contemplated as part of this Agreement nor part of the undertaking. Any such provision would be outside the parameters of the current undertaking. However, to the extent that this Agreement may be construed as providing for the acquisition, holding or disposing of real and/or personal property, all such property shall be owned by the Agency upon termination of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day specified above.

County: UTAH COUNTY

Attest:

By: _____
Gary J. Anderson
County Commission Chairman

County Recorder

Approved as to form:

Attorney for the County

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Agency: REDEVELOPMENT AGENCY OF THE CITY OF OREM

Attest:

By: _____
Richard F. Brunst, Jr.
Its: Chair

Secretary

Approved as to form:

Attorney for Agency

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EXHIBIT "A" to INTERLOCAL AGREEMENT

Legal Description of Project

An area of real property located in the NE Quarter of Section 26 and the SE Quarter of Section 23, T. 6 S. R 2 E. S.L.B. & M., more particularly described as follows:

Commencing at a point which is S. 89°18'03" E. 142.38 feet along the Section Line and from the North 1/4 Corner of Section 26, T. 6 S., R. 2 E., S.L.B. & M. to the point of beginning, (which point is +/- on the Westerly Right of Way Line of State Street); thence along said Westerly Right of Way Line S. 18°29'52" E, 582.92 feet to the Northerly Right of Way Line +/- of University Parkway; thence along said Northerly Right of Way Line for the next eight calls, N. 88°20'55" E. 489.31 feet; thence S 89°21'02" E. 315.94 feet; thence along a Curve to the Right, the Radius is 766.62 feet, the Arc Length is 177.24 feet, the Chord Bearing is S. 86°40'38" E. the Chord Length is 176.85 feet; thence along a Compound Curve to the Right, the Radius is 10889.46 feet, the Arc Length is 265.96 feet, the Chord Bearing is S. 81°07'54" E. the Chord Length is 265.95 feet; thence S. 78°55'57" E. 202.90 feet; thence along a Curve to the Left, the Radius is 3599.59 feet, the Arc Length is 484.04 feet, the Chord Bearing is S. 81°28'08" E. the Chord Length is 483.68 feet; thence S. 89°37'22" E. 339.25 feet; thence along a curve to the Left, the Radius is 33.72 feet, the Arc Length is 51.39 feet, the Chord Bearing is N. 43°36'28" E. the Chord Length is 46.56 feet; thence along the Westerly side of 800 East Street for the next five calls, N. 0°02'59" E. 981.25 feet; thence West 15.02 feet; thence N. 3°35'49" W. 339.03 feet; thence East 35.20 feet; thence N. 0°23'52" W. 1938.15 feet; thence along the Southerly Right of Way Line +/- of 800 South for the next three calls, N. 88°49'10" W. 602.03 feet; thence S. 30°13'24" W. 25.21 feet; thence West 696.26 feet; thence South 133.07 feet; thence West 176.56 feet; thence South 326.41 feet; thence East 95.74 feet; thence South 219.18 feet; thence West 14.74 feet; thence South 81.45 feet; thence West 56.34 feet; thence S. 1°34'18" W. 277.32 feet; thence West 38.62 feet; thence South 97.40 feet; thence S. 83°14'59" E. 119.41 feet; thence South 90.25 feet; thence S. 85°48'17" E. 26.30 feet; thence S. 0°45'03" W. 685.85 feet; thence N. 89°17'31" W. 773.46 feet; thence N. 0°27'31" W. 7.77 feet; thence N. 88°59'39" W. 33.40 feet; thence N. 0°44'23" W. 53.42 feet; thence N. 89°22'23" W. 111.23 feet; thence S. 0°58'02" W. 203.19 feet; thence N. 88°44'39" W. 344.36 feet to the Easterly Right of Way Line +/- of State Street; thence S. 18°25'51" E. 554.20 feet along said Right of Way Line to the point of beginning.

Containing 133.6 Acres more or less.

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EXHIBIT "B"
To
INTERLOCAL AGREEMENT

Project Area Plan

[INTENTIONALLY OMITTED]

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EXHIBIT "C"
To
INTERLOCAL AGREEMENT

Project Area Budget

[INTENTIONALLY OMITTED]

CITY OF OREM
REDEVELOPMENT AGENCY MEETING
DECEMBER 9, 2014



REQUEST:	RESOLUTION – Approving and Adopting the Project Area Budget for the University Place Community Development Project Area Plan.
APPLICANT:	City of Orem Economic Development Division
FISCAL IMPACT:	\$57,277,129 of future tax increment funds (estimate from the model)

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:
 Ryan L. Clark
 EDD Manager

RECOMMENDATION:

The Economic Development Division Manager recommends that the Redevelopment Agency of the City of Orem, by resolution, approve and adopt the Project Area Budget for the University Place Community Development Project Area Plan.

BACKGROUND:

The Redevelopment Agency of the City of Orem, Utah (Agency) has approved the creation of the University Place Community Development Project Area Plan (Plan) by Resolution RDA-R-2014-0004 establishing a Project Area that includes University Mall. The City Council of the City of Orem has approved the Plan.

The Agency has entered into certain interlocal agreements with the City of Orem, the Central Utah Water Conservancy District, the Orem Metropolitan Water District, the Alpine School District, and Utah County (collectively “Taxing Entities”) wherein the Taxing Entities have separately and individually agreed to remit to the Agency annually a portion of the tax increment generated within the Project Area for the purpose of providing funds to the Agency to carry out the Project Area Plan. A summary of the terms of those interlocal agreements are as follows:

Taxing Entity	Agreement Duration	Percent of Increment to Agency
City	20 Years	75%
County	20 Years	75%
School District	20 Years	65%
Water District	20 Years	75%
CUWCD	20 Years	75%

Pursuant to Utah state law, it is now appropriate for the Agency to approve and adopt the Project Area Plan Budget.

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RESOLUTION NO. _____

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF OREM, UTAH ADOPTING THE PROJECT AREA BUDGET FOR THE UNIVERSITY PLACE COMMUNITY DEVELOPMENT PROJECT AREA

WHEREAS, the City of Orem created the Redevelopment Agency of the City of Orem, Utah (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"); and

WHEREAS, the Agency has approved and adopted the University Place Community Development Project Area Plan (the "Project Area Plan" or "Plan") by Resolution RDA-R-2014-0004; and

WHEREAS, the Agency has entered into certain interlocal agreements with the City of Orem, the Central Utah Water Conservancy District, the Orem Metropolitan Water District, the Alpine School District, and Utah County (collectively "Taxing Entities") wherein the Taxing Entities have separately and individually agreed to remit to the Agency annually a portion of the tax increment generated within the Project Area for the purpose of providing funds to the Agency to carry out the Project Area Plan; and

WHEREAS, it is now appropriate for the Agency to adopt the Project Area Budget which sets forth the anticipated costs and revenues of the project pursuant to Utah Code § 17C-4-204.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF OREM, UTAH AS FOLLOWS:

1. The Agency adopts the Project Area Budget a copy of which is attached hereto as Exhibit A.
2. This Resolution shall take effect upon its execution.

IN WITNESS WHEREOF, the Governing Board of the Redevelopment Agency of the City of Orem, Utah has approved, passed and adopted this Resolution this 9th day of December, 2014.

Richard F. Brunst, Jr.
Agency Chairman

ATTEST:

Donna R. Weaver, Secretary

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BOARD MEMBERS VOTING "AYE"

BOARD MEMBERS VOTING "NAY"

Exhibit A

PROJECT AREA BUDGET UNIVERSITY PLACE COMMUNITY DEVELOPMENT AREA (CDA)

OREM REDEVELOPMENT AGENCY, UTAH



DECEMBER 2014



LEWIS YOUNG
ROBERTSON & BURNINGHAM, INC.

GATEWAY PLAZA BUILDING - 41 N. RIO GRANDE, STE 101 - SALT LAKE CITY, UT 84101
(P) 801-595-0700 - (TF) 800-591-1100 - (F) 801-595-2600 - WWW.LEWISYOUNG.COM



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Section 1: Introduction

The Redevelopment Agency of the City of Orem, Utah (the “Agency”), following thorough consideration of the needs and desires of The City of Orem (the “City”) and its residents, as well as understanding the City’s capacity for new development, has carefully crafted the Project Area Plan (the “Plan”) for the University Place Community Development Project Area (the “Project Area”). The Plan and Project Area Budget (the “Budget”) are the end result of a comprehensive evaluation of the types of appropriate land-uses and economic development opportunities for the property within the Project Area which is located on the northeast corner of State Street and University Parkway.

This is predicated upon certain elements, objectives and conditions outlined in the Plan and is intended to be used as a financing tool to assist the Agency in meeting Plan objectives discussed herein and more specifically referenced and identified in the Plan. The Budget outlines the proposed sources and uses of funds needed to make the Plan successful.

The Project is being undertaken as a community development project pursuant to certain provisions of Chapters 1 and 4 of the Utah Community Development and Renewal Agencies Act (the “Act”, Utah Code Annotated (“UCA”) Title 17C). The requirements of the Act, including notice and hearing obligations, have been observed at all times throughout the establishment of the Project Area.

Terms defined in the Plan will have the same definition applied where said terms are used in this Budget.

Section 2: Description of Community Development Project Area

The Project Area is located on the northeast corner of State Street and University Parkway. Most of the Project Area will be a master planned development surrounding the University Mall with intention to revitalize the area. The planned development includes residential, office, retail, and civic uses. The Project Area is comprised of 133.6 acres total, including approximately 85 affected parcels, equaling 129.6 acres of property (4.0 acres are rights of way and other variances in acreage associated with County records of individual parcels).

TABLE 2.1: DESCRIPTION OF PROJECT AREA

Existing Land Uses	% of Area
Commercial	93%
Residential	2%
Agricultural	1%
Other	4%

The Project Area encompasses all of the parcels detailed in [APPENDIX A](#).

A map and legal description of the Project Area are attached hereto in [APPENDIX B](#).

Section 3: General Overview of project area budget

The purpose of this Budget is to provide the financial framework necessary to implement the Plan. The following information will detail the sources and uses of tax increment and other necessary details needed for public officials, interested parties, and the public in general to understand the mechanics of this Budget.

Base Year Value

The Agency has determined that the base year property tax value for the Budget will be the total taxable value (including real and personal property) for the 2013 tax year which is currently estimated to be \$129,187,998. Using the 2013 tax rates established within the Project Area the property taxes levied equate to \$1,590,821 annually. Accordingly, this amount will continue to flow thru to each taxing entity proportional to the amount of the tax rate being levied.

Payment Trigger

This Budget will have a twenty (20) year duration from the date of the first tax increment receipt. The collection of tax increment will be triggered at the discretion of the Agency prior to March 1 of the tax year in which they intend to begin the collection of increment. The following year in which this increment will be remitted to the Agency will be Year 1. In no case will the Agency trigger increment collection after March 1, 2018.

Projected Tax Increment Revenue – Total Generation

Development within the Project Area will commence upon favorable market conditions which will include both horizontal and vertical infrastructure and development. The Agency anticipates that development will begin in the Project Area in 2014. The contemplated development will generate significant additional property and sales and use tax above what is currently generated within the Project Area.

Property Tax Increment will begin to be generated in the tax year (ending Dec 31st) following construction completion and Tax Increment will actually be paid to the Agency in March or April after collection. It is projected that property Tax Increment generation within the Project Area could begin as early as tax year 2015 or as late as 2018. It is currently estimated that during the 20-year life of the Budget, property Tax Increment could be generated within the Project Area in the approximate amount of \$84.3 million or \$50.2 million in terms of net present value (NPV).¹ This amount is over and above the \$31.8 million of base taxes that the property would generate over 20 years at the \$1,590,821 annual amount it currently generates.

¹ Net Present Value of future cash flows assumes a 4% discount rate. The same 4% discount rate is used in all remaining NPV calculations. This total is prior to accounting for the flow-through of tax increment to the respective taxing entities.

Section 4: Property Tax Increment

Property Tax Increment Shared with RDA

While property Tax Increment generated within the Project Area is expected to be approximately \$84.3 million over 20 years, only a portion of this increment will be shared with the Agency. It is anticipated that all taxing entities that receive property tax generated within the Project Area, as detailed above, will share at least a portion of that increment generation with the Agency. All taxing entities, except Alpine School District, will contribute 75% of their respective tax increment for 20 years during the project life. Alpine School District will contribute 65% of their tax increment for 20 years during the project life. The City, County and the State will **not** contribute any portion of their incremental sales tax to implement the Project Area Plan. Table 4.1 shows the amount of tax increment shared with the Agency assuming the participation levels discussed above.

The tax increment will be calculated using the current year's tax rate adopted by each taxing entity, as adjusted by the County in accordance with applicable state law.

TABLE 4.1: SOURCES OF TAX INCREMENT FUNDS

Entity	Percentage	Length	Total	NPV at 4%
Utah County	75%	20 Years	\$6,465,039	\$3,848,291
Alpine School District	65%	20 Years	\$38,713,892	\$23,044,3301
City of Orem	75%	20 Years	\$9,607,695	\$5,718,945
Orem Metropolitan Water District	75%	20 Years	\$200,267	\$119,208
Central Utah Water Conservancy District	75%	20 Years	\$2,290,236	\$1,363,255
Total Sources of Tax Increment Funds			\$57,277,129	\$34,094,000

Uses of Tax Increment

The majority of the tax increment collected by the Agency will be used to offset certain public infrastructure costs necessary to accommodate development in the Project Area. Approximately 5% will be used to offset the administration costs of the Agency, with the remaining funds to be used for development incentives, infrastructure and improvements. Public infrastructure costs will include improvements to transportation, parking, culinary water, sanitary sewer, storm drain systems, and park/open space areas.

TABLE 4.2: USES OF TAX INCREMENT

Uses	Total	NPV at 4%
CDA Administration @ 5%	\$2,863,856	\$1,704,700
RDA Development Incentive Fund @ 5%	\$2,863,856	\$1,704,700
Project Area Infrastructure and Improvements @ 90%	\$51,549,416	\$30,684,600
Total Uses of Tax Increment Funds	\$57,277,129	\$34,094,000

Projected Tax Increment Remaining with Taxing Entities

It is anticipated that all taxing entities, except Alpine School District, will receive 25% of their respective property tax increment generated within the Project Area during the duration of the Budget and all tax increment thereafter. Alpine School District will receive 35% of their property tax increment generated within the Project Area during the life of the project and all tax increment thereafter. The City, County and the State will retain their entire portion of incremental sales tax. The table below describes the forecasted property tax benefit that each taxing entity will retain during the duration of the Project Area Budget. This is in addition to the base taxes currently being generated within the Project Area.

TABLE 4.3: RETAINED PROPERTY TAX INCREMENT

Entity	Total	NPV at 4%
Utah County	\$2,155,013	\$1,282,764
Alpine School District	\$20,845,942	\$12,408,470
City of Orem	\$3,202,565	\$1,906,315
Orem Metropolitan Water District	\$66,756	\$39,736
Central Utah Water Conservancy District	\$763,412	\$454,418
Total Revenue	\$27,033,688	\$16,091,703

A multi-year projection of tax increment along with development assumptions is including in [APPENDIX C](#).

Base Year Property Tax Revenue

The taxing entities are currently receiving, and will continue to receive, property tax revenue from the current assessed value of the property within the Project Area (“Base Taxes”). The current assessed value is estimated to be \$129,187,998. Based upon the 2013 tax rates in the area, the collective taxing entities are receiving \$1,590,821 in property tax annually from this Project Area. This equates to approximately \$31.8 million over the 20 year life of the Project Area. In addition to the Base Taxes received by the taxing entities, an additional \$27.0 million of property tax increment is expected to be retained by the taxing entities over 20 years, totaling approximately \$58.9 million of property tax revenue.

TABLE 4.4: TOTAL BASE YEAR AND PROPERTY TAX INCREMENT TO TAXING ENTITIES (OVER 20 YEARS)

Entity	Total Base Year Property Tax	Total Retained Tax Increment	Total Base and Retained Taxes
Utah County	\$3,252,954	\$2,155,013	\$5,407,967
Alpine School District	\$22,476,128	\$20,845,942	\$43,322,070
City of Orem	\$4,834,215	\$3,202,565	\$8,036,780
Orem Metropolitan Water District	\$100,767	\$66,756	\$167,522
Central Utah Water Conservancy District	\$1,152,357	\$763,412	\$1,915,769
Total Revenue	\$31,816,420	\$27,033,688	\$58,850,108

Total Annual Property Tax Revenue for Taxing Entities at Conclusion of Project

As described above, the collective taxing entities are currently receiving approximately \$1,590,821 in property taxes annually from this Project Area. At the end of the life of the project area, the taxing entities will receive all of their respective tax increment thereafter. At the end of 20 years an additional \$4,920,089 in property taxes annually is anticipated, totaling approximately \$6,510,910 in property taxes annually for the area. But for the assistance provided by the RDA through tax increment revenues, this increase of approximately 309 percent in property taxes generated for the taxing entities would not be possible.

TABLE 4.5: TOTAL BASE YEAR AND END OF PROJECT LIFE ANNUAL PROPERTY TAXES

Entity	Annual Base Year Property Taxes	Annual Property Tax Increment at Conclusion of Project	Total Annual Property Taxes
Utah County	\$162,648	\$503,037	\$665,684
Alpine School District	\$1,123,806	\$3,475,707	\$4,599,513
City of Orem	\$241,711	\$747,563	\$989,273
Orem Metropolitan Water District	\$5,038	\$15,583	\$20,621
Central Utah Water Conservancy District	\$57,618	\$178,200	\$235,818
Total Revenue	\$1,590,821	\$4,920,089	\$6,510,910

Section 5: Cost/Benefit Analysis

Additional Revenues

Sales tax

Incremental sales and use tax will flow more quickly to the Agency considering sales tax is generated as soon as an entity begins transacting business. In addition, the sales and use tax is paid either monthly or quarterly to the City, County, and State. It is estimated that incremental sales tax would begin flowing to the City, County, and State as early as 2015 and as late as 2018. The estimated new incremental sales tax generated within the project² for the 20-year life of this Master Budget for the City, County and State is approximately \$28.7 million. The sales tax benefit to the City over the life of the project is approximately \$11.4 million or \$6.5 million NPV.

Other Tax Revenues

The development within the Project Area will also generate energy sales and use taxes for natural gas and electric.

Table 5.1 shows the total revenues generated by the project. This total includes the anticipated property tax increment shared with the Agency by the taxing entities, the City's portion of incremental property tax, and the City's portion of sales tax, and energy sales and use tax.

TABLE 5.1: TOTAL REVENUES

Entity	Incremental Revenues (above Base)				Total
	Property Tax	Sales Tax	Franchise Taxes	Transient Room Taxes	
Utah County	\$8,620,052	\$3,979,367	\$0	\$2,875,756	\$15,475,175
Alpine School District	\$59,559,834	\$0	\$0	\$0	\$59,559,834
City of Orem	\$12,810,260	\$11,369,619	\$8,237,640	\$676,649	\$33,094,167
Orem Metropolitan Water District	\$267,023	\$0	\$0	\$0	\$267,023
Central Utah WCD	\$3,053,648	\$0	\$0	\$0	\$3,053,648
State of Utah	\$0	\$13,359,302	\$0	\$0	\$13,359,302
Total Revenue	\$84,310,817	\$28,708,288	\$8,237,640	\$3,552,405	\$124,809,149

Additional Costs

The development anticipated within the Project Area will also likely result in additional costs to general government operations. These costs, along with the estimated budget to implement the Project Area Plan are identified below. These estimates are calculated by apportioning the taxing entity's variable costs per assessed value served and then using this ratio to estimate the additional costs which would be associated with the new assessed value produced as a result of development in the project area.

² Includes only the estimated new sales to the City, County, and State, respectively.

TABLE 5.2: TOTAL EXPENDITURES

Entity	Incremental Expenditures (above Base)			Net Incremental Benefit
	CDA Budget	General Government Operations	Total	
Utah County	\$6,465,039	\$1,205,564	\$7,670,603	\$7,804,572
Alpine School District	\$38,713,892	\$1,706,223	\$40,420,115	\$19,139,719
City of Orem	\$9,607,695	\$19,005,187	\$28,612,882	\$4,481,285
Orem Metropolitan Water District	\$200,267	\$35,487	\$235,755	\$31,268
Central Utah WCD	\$2,290,236	\$44,243	\$2,334,480	\$719,169
State of Utah	\$0	\$0	\$0	\$13,359,302
Total Revenue	\$57,277,129	\$21,996,705	\$79,273,834	\$45,535,315

The total net benefit to the taxing entities of implementing the project area is approximately \$45.5 million.

Appendix A: Parcel List

Parcel Number	Owner	Acres
180560007	University Mall Shopping Center	0.195
180560008	University Mall Shopping Center	0.220
180560009	University Mall Shopping Center	0.030
180560016	City of Orem	0.300
180560017	Mercer, Amron L	0.290
180560018	Housing Authority of Utah County	0.300
180560019	Catania SFH LLC	0.310
180560020	University Mall Shopping Center	0.283
180560022	Catania SFH LLC	0.270
180560023	Catania SFH LLC	0.260
180560026	City of Orem	0.270
180560028	Gulati, Chaitawee	0.270
180560029	Woodbury Corporation	0.260
180560033	City of Orem	0.210
180560037	City of Orem	0.280
180560038	Catania SFH LLC	0.290
180560055	Larry and Lynn Campground Management	0.300
180560099	Avans, Gulavadee	0.648
180560102	Gaks Enterprises LLC	0.415
180560103	Catania SFH LLC	0.270
180560104	City of Orem	0.197
180560106	City of Orem	0.274
180560109	University Mall Shopping Center	1.263
180560110	City of Orem	0.148
180560111	City of Orem	0.168
180560112	City of Orem	0.230
180560113	University Mall Shopping Center	0.262
180560115	University Mall Shopping Center	0.571
180560117	City of Orem	0.146
180560118	City of Orem	0.270
180560119	University Mall Shopping Center	0.399
180560121	University Mall Shopping Center	0.527
180560123	City of Orem	0.096
180560132	City of Orem	0.002
180560133	University Mall Shopping Center	0.306
180560134	University Mall Shopping Center	0.926
180560135	University Mall Shopping Center	0.931
180570033	First Security Bank of Utah	0.600
180570117	KC Propco LLC	0.450
180570127	Cordner, Raymond G & Colleen F	0.063
180570129	Washburn Management LC	0.517
180570132	City of Orem	0.099
180570133	City of Orem	0.013
180570134	City of Orem	0.143
180570135	City of Orem	0.077
180570136	City of Orem	0.300
180570137	City of Orem	0.096
180570138	Glazier Properties LLC	0.882
180570141	Cordner, Colleen F	1.136



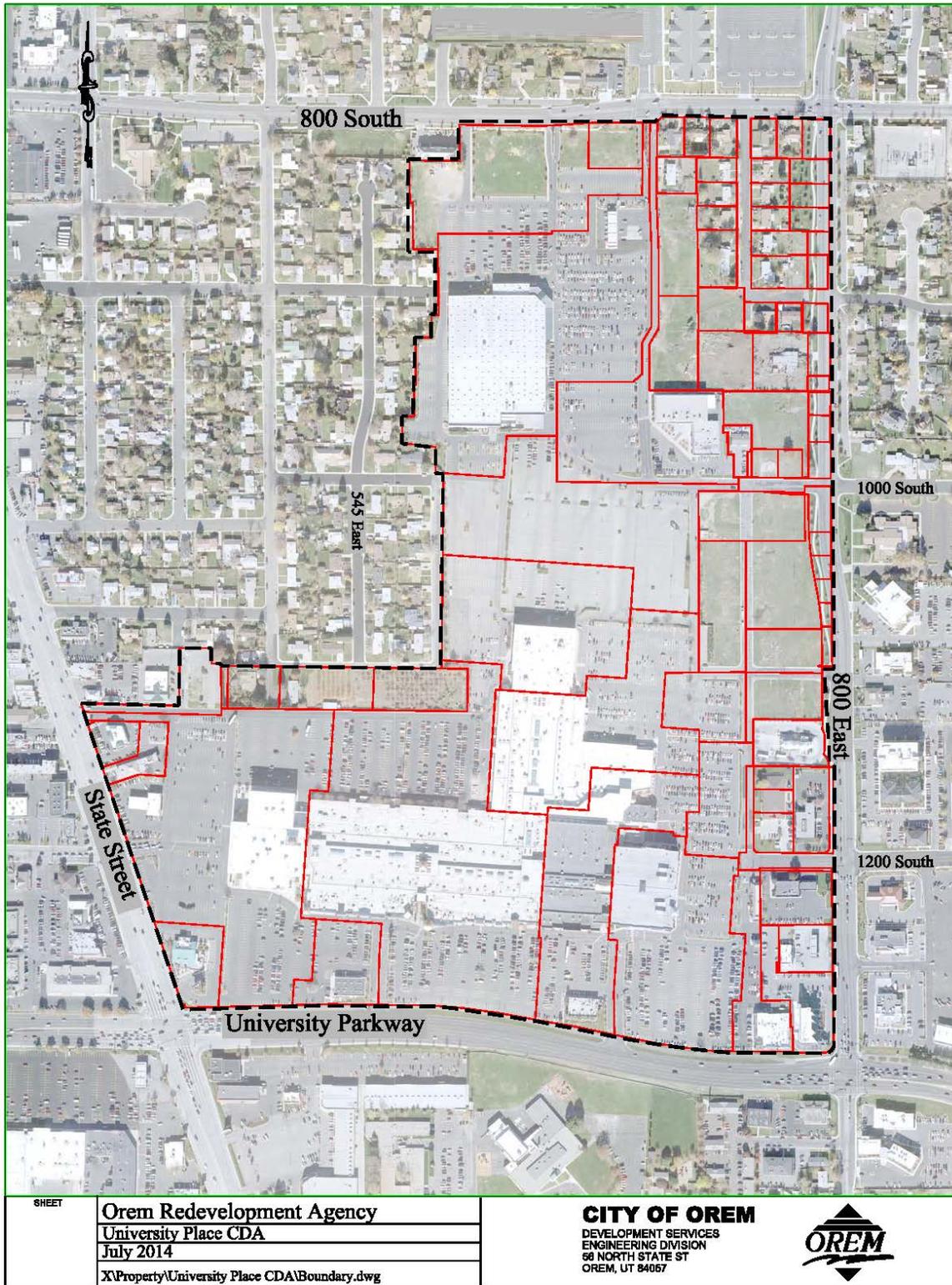
Parcel Number	Owner	Acres
180570142	University Mall Shopping Center	1.143
180570147	Orem City Corporation	0.017
180570502	Utah Department of Transportation	0.006
190180502	Utah Department of Transportation	0.003
190190017	Zions First National Bank	0.030
190190019	Zions First National Bank	0.030
352540001	Bank of American Fork	1.427
352540002	Maverik Country Stores Inc	0.722
352540003	Circle K Properties Inc	0.008
360860015	KC Propco LLC	0.260
360860016	KC Propco LLC	0.260
360860019	City of Orem	0.114
450610001	University Mall Shopping Center	0.210
551760001	Zions First National Bank	1.110
570310001	Utah Transit Authority	0.956
570430001	University Mall Shopping Center	5.494
570430002	University Mall Shopping Center	0.983
570430003	University Mall Shopping Center	12.745
570430004	University Mall Shopping Center	1.238
570430005	University Mall Shopping Center	1.697
570430006	University Mall Shopping Center	16.639
570430007	University Mall Shopping Center	6.140
570430008	University Mall Shopping Center	7.140
570430009	UNMN LLC	1.700
570430013	University Mall Shopping Center	6.331
570430014	University Mall Shopping Center	7.580
570430015	University Mall Shopping Center	5.285
570430016	University Mall Shopping Center	1.209
570430017	University Mall Shopping Center	13.170
570430018	University Mall Shopping Center	1.157
570430019	University Mall Shopping Center	0.707
570680010	University Mall Village	1.731
570680011	University Mall Village	7.035
570680012	University Mall Village	1.758
570680020	University Mall Village	1.477
570680021	University Mall Village	1.805
570680022	University Mall Village	0.947
570680023	University Mall Village	1.067
570680024	University Mall Village	1.498
Total		129.591

Appendix B: Map and Legal Description

An area of real property located in the NE Quarter of Section 26 and the SE Quarter of Section 23, T. 6 S. R. 2 E. S.L.B. & M., more particularly described as follows:

Commencing at a point which is S. 89°18'03" E. 142.38 feet along the Section Line and from the North 1/4 Corner of Section 26, T. 6 S., R. 2 E., S.L.B. & M. to the point of beginning, (which point is +/- on the Westerly Right of Way Line of State Street); thence along said Westerly Right of Way Line S. 18°29'52" E, 582.92 feet to the Northerly Right of Way Line +/- of University Parkway; thence along said Northerly Right of Way Line for the next eight calls, N. 88°20'55" E. 489.31 feet; thence S 89°21'02" E. 315.94 feet; thence along a Curve to the Right, the Radius is 766.62 feet, the Arc Length is 177.24 feet, the Chord Bearing is S. 86°40'38" E. the Chord Length is 176.85 feet; thence along a Compound Curve to the Right, the Radius is 10889.46 feet, the Arc Length is 265.96 feet, the Chord Bearing is S. 81°07'54" E. the Chord Length is 265.95 feet; thence S. 78°55'57" E. 202.90 feet; thence along a Curve to the Left, the Radius is 3599.59 feet, the Arc Length is 484.04 feet, the Chord Bearing is S. 81°28'08" E. the Chord Length is 483.68 feet; thence S. 89°37'22" E. 339.25 feet; thence along a curve to the Left, the Radius is 33.72 feet, the Arc Length is 51.39 feet, the Chord Bearing is N. 43°36'28" E. the Chord Length is 46.56 feet; thence along the Westerly side of 800 East Street for the next five calls, N. 0°02'59" E. 981.25 feet; thence West 15.02 feet; thence N. 3°35'49" W. 339.03 feet; thence East 35.20 feet; thence N. 0°23'52" W. 1938.15 feet; thence along the Southerly Right of Way Line +/- of 800 South for the next three calls, N. 88°49'10" W. 602.03 feet; thence S. 30°13'24" W. 25.21 feet; thence West 696.26 feet; thence South 133.07 feet; thence West 176.56 feet; thence South 326.41 feet; thence East 95.74 feet; thence South 219.18 feet; thence West 14.74 feet; thence South 81.45 feet; thence West 56.34 feet; thence S. 1°34'18" W. 277.32 feet; thence West 38.62 feet; thence South 97.40 feet; thence S. 83°14'59" E. 119.41 feet; thence South 90.25 feet; thence S. 85°48'17" E. 26.30 feet; thence S. 0°45'03" W. 685.85 feet; thence N. 89°17'31" W. 773.46 feet; thence N. 0°27'31" W. 7.77 feet; thence N. 88°59'39" W. 33.40 feet; thence N. 0°44'23" W. 53.42 feet; thence N. 89°22'23" W. 111.23 feet; thence S. 0°58'02" W. 203.19 feet; thence N. 88°44'39" W. 344.36 feet to the Easterly Right of Way Line +/- of State Street; thence S. 18°25'51" E. 554.20 feet along said Right of Way Line to the point of beginning.

Containing 133.6 Acres more or less.



Appendix C: Multi-Year Budget and Development Assumptions

Orem Redevelopment Agency

University Place CDA

Table A.4.1: Development Absorption Schedule and Assumptions

SF Conversion

43560

Land Value Assumptions	Acreage	Per SF Land Value	Base Land Value	Total Finished Land Value	Unit	Property Tax Exemption
Block 1-22 Phases						
1A Existing Mall and Project Area Base Value	129.59	22.89	129,187,998	129,187,998	per square foot	0%
1B North Mall (Bldgs H, L, &J)			-	-	per square foot	0%
1C Mervyns Bldg			-	-	per square foot	0%
2 A-D Macy's and Add'l Retail Pads			-	-	per square foot	0%
3 B RCW Expansion			-	-	per square foot	0%
4 A Anchor			-	-	per square foot	0%
4 B Parking Structure (1 level underground)			-	-	per square foot	0%
5 A-B Grocery and Restaurant Pad			-	-	per square foot	0%
5 D Demolish/Relocate Existing Retail			-	-	per square foot	0%
6 A New Retail Pad			-	-	per square foot	0%
6 C Parking Deck			-	-	per square foot	0%
6 D & 7 B Office Building			-	-	per square foot	0%
6 D & 7 B Office Ground Floor Retail			-	-	per square foot	0%
7 C Parking Deck (4 Story)			-	-	per square foot	0%
7 D-E Retail/Restaurant			-	-	per square foot	0%
7 E Demolish Big O Tires and Texas Road House			-	-	per square foot	0%
8 A Parking Deck			-	-	per square foot	0%
8 B Retail			-	-	per square foot	0%
9 A&D Retail			-	-	per square foot	0%
9 B-C Band Shell/Civic/Central Park			-	-	per square foot	100%
9 E Demolish Existing Retail			-	-	per square foot	0%
10 A Townhouses			-	-	per square foot	45%
11&12 A Office			-	-	per square foot	0%
11&12 Office Ground Floor Retail			-	-	per square foot	0%
13 A Hotel			-	-	per square foot	0%
13 B Parking Structure			-	-	per square foot	0%
13 C & 14 A&B Retail			-	-	per square foot	0%
15 A Tennis & Pool Club			-	-	per square foot	100%
15 B Parking Deck (3 Lvl, Shared with 11A)			-	-	per square foot	0%
15 C Liner Flats (3 Story, 95 Units)			-	-	per square foot	45%
15 D Clubhouse			-	-	per square foot	100%
16 A Apartments (148)			-	-	per square foot	45%
16 B Neighborhood Office/Retail			-	-	per square foot	0%
16 C Parking Deck (Shared w/ 12A Office & Hotel)			-	-	per square foot	0%
16 D Park			-	-	per square foot	100%
16 E Office			-	-	per square foot	0%
17 B Cinema Expansion			-	-	per square foot	0%
18 A&B Multifamily Residential	21.13	14.00	-	12,885,971	per square foot	45%
18 C&D Multifamily Residential			-	-	per square foot	45%
18 E Demolition (Loss of Commercial Land to Residential Land)	(21.13)	11.52	-	(10,604,533)	per square foot	0%
19 A&B Multifamily Residential			-	-	per square foot	45%
19 C Future Non-Zoned Residential			-	-	per square foot	45%
20 A Costco			-	-	per square foot	0%
21 A Retail Pad			-	-	per square foot	0%
22 A Senior Housing			-	-	per square foot	45%
23 OTHER/ROADS/ETC.			-	-		0%
TOTAL	129.59		129,187,998	131,469,436		

Orem Redevelopment Agency

University Place CDA

Building Value Assumptions	Units or Building SF	Woodbury Value Per Unit or Per SF to Build	Total Finished Value
Block 1-22 Phases			
1A Existing Mall and Project Area Base Value			-
1B North Mall (Bldgs H, L, &J)			-
1C Mervyns Bldg			-
2 A-D Macy's and Add'l Retail Pads	16,600	155.00	2,573,000
3 B RCW Expansion	30,000	155.00	4,650,000
4 A Anchor	140,000	184.00	25,760,000
4 B Parking Structure (1 level underground)	748	12,000.00	8,976,000
5 A-B Grocery and Restaurant Pad	35,000	155.00	5,425,000
5 D Demolish/Relocate Existing Retail	(15,354)	103.25	(1,585,300)
6 A New Retail Pad	6,000	155.00	930,000
6 C Parking Deck	467	12,000.00	5,604,000
6 D & 7 B Office Building	307,000	180.00	55,260,000
6 D & 7 B Office Ground Floor Retail	42,000	180.00	7,560,000
7 C Parking Deck (4 Story)	863	12,000.00	10,356,000
7 D-E Retail/Restaurant	36,000	155.00	5,580,000
7 E Demolish Big O Tires and Texas Road House	(18,595)	123.36	(2,293,900)
8 A Parking Deck	1,722	12,000.00	20,664,000
8 B Retail	7,200	155.00	1,116,000
9 A&D Retail	7,500	155.00	1,162,500
9 B-C Band Shell/Civic/Central Park	170,500	75.81	12,925,653
9 E Demolish Existing Retail	(140,226)	39.15	(5,489,800)
10 A Townhouses	90,000	118.00	10,620,000
11&12 A Office	300,000	180.00	54,000,000
11&12 Office Ground Floor Retail	32,000	180.00	5,760,000
13 A Hotel	72,000	158.00	11,376,000
13 B Parking Structure	455	12,000.00	5,460,000
13 C & 14 A&B Retail	39,588	155.00	6,136,140
15 A Tennis & Pool Club	102,000	60.00	6,120,000
15 B Parking Deck (3 Lvl, Shared with 11A)	420	12,000.00	5,040,000
15 C Liner Flats (3 Story, 95 Units)	50,000	118.00	5,900,000
15 D Clubhouse	30,000	155.00	4,650,000
16 A Apartments (148)	148,000	160.00	23,680,000
16 B Neighborhood Office/Retail	5,000	121.00	605,000
16 C Parking Deck (Shared w/ 12A Office & Hotel)	1,294	12,000.00	15,528,000
16 D Park	30,000	25.18	755,367
16 E Office	100,000	180.00	18,000,000
17 B Cinema Expansion	7,000	184.00	1,288,000
18 A&B Multifamily Residential	193,492	163.00	31,539,196
18 C&D Multifamily Residential	232,224	136.00	31,582,464
18 E Demolition (Loss of Commercial Land to Residential Land)			-
19 A&B Multifamily Residential	100,000	150.00	15,000,000
19 C Future Non-Zoned Residential	325,716	150.00	48,857,400
20 A Costco			-
21 A Retail Pad	9,600	155.00	1,488,000
22 A Senior Housing	124,800	150.00	18,720,000
23 OTHER/ROADS/ETC.			
TOTAL			481,278,720

Additional Assumptions

Annual Inflation	3%	Personal Property Rate	
Discount Rate	4%	Office	22.0%
Personal Property Rate	15.0%	Industrial	15.0%
Sales Tax Rate	0.50%	Average	18.5%

Summary	
Type	SF
Retail	413,488
Lost Retail	(174,175)
Net Retail	239,313
Hotel	72,000
Residential	1,396,232
Office	707,000
Civic/Other	200,500
Total	2,615,045
Parking Stalls	5,969
Res Common Space	132,000

Orem Redevelopment Agency

University Place CDA

Absorption Schedule (SF)	Year 2014	Year 2015	Year 2016	Year 1 2017	Year 2 2018	Year 3 2019	Year 4 2020	Year 5 2021	Year 6 2022	Year 7 2023
1A Existing Mall and Project Area Base Value										
1B North Mall (Bldgs H, L, &J)										
1C Mervyns Bldg										
2 A-D Macy's and Add'l Retail Pads	4,800		7,800					4,000		
3 B RCW Expansion	30,000									
4 A Anchor			140,000							
4 B Parking Structure (1 level underground)			748							
5 A-B Grocery and Restaurant Pad		5,000	30,000							
5 D Demolish/Relocate Existing Retail			(15,354)							
6 A New Retail Pad			6,000							
6 C Parking Deck		467								
6 D & 7 B Office Building		107,000								200,000
6 D & 7 B Office Ground Floor Retail		26,000								16,000
7 C Parking Deck (4 Story)										863
7 D-E Retail/Restaurant										36,000
7 E Demolish Big O Tires and Texas Road House										(18,595)
8 A Parking Deck								1,722		
8 B Retail								7,200		
9 A&D Retail		2,250		5,250						
9 B-C Band Shell/Civic/Central Park		119,500		51,000						
9 E Demolish Existing Retail			(140,226)							
10 A Townhouses								90,000		
11&12 A Office				200,000				100,000		
11&12 Office Ground Floor Retail				16,000				16,000		
13 A Hotel					72,000					
13 B Parking Structure					455					
13 C & 14 A&B Retail		25,000	5,500		9,088					
15 A Tennis & Pool Club					102,000					
15 B Parking Deck (3 Lvl, Shared with 11A)					420					
15 C Liner Flats (3 Story, 95 Units)					50,000					
15 D Clubhouse					30,000					
16 A Apartments (148)						148,000				
16 B Neighborhood Office/Retail						5,000				
16 C Parking Deck (Shared w/ 12A Office & Hotel)						1,294				
16 D Park						30,000				
16 E Office						100,000				
17 B Cinema Expansion			7,000							
18 A&B Multifamily Residential		193,492								
18 C&D Multifamily Residential					232,244					
18 E Demolition (Loss of Commercial Land to Residential Land)										
19 A&B Multifamily Residential						50,000	50,000			
19 C Future Non-Zoned Residential							325,716			
20 A Costco										
21 A Retail Pad						9,600				
22 A Senior Housing							124,800			

Orem Redevelopment Agency

University Place CDA

Table A.11: Infrastructure Cost Estimates

Infrastructure Cost Estimates			
Category	Phase	Description	Est. Cost
Demolition	Phase 5	Demolition/Existing Retail to be Relocated	\$48,365
Demolition	Phase 7	Demo Big O Tires, Jared's, and Texas Road House	\$55,785
Demolition	Phase 9	Demolish Existing Retail	\$580,102
Demolition	Phase 18	Demolish Existing Residential	\$95,880
Parking Structure	Phase 4	700 Stall Parking Deck	\$8,976,000
Parking Structure	Phase 6C	467 Stall Parking Deck	\$5,604,000
Parking Structure	Phase 7C	863 Stall Parking Deck (4 Story)	\$10,356,000
Parking Structure	Phase 8A	1722 Stall Parking Deck	\$20,664,000
Parking Structure	Phase 13B	455 Stall Parking Deck	\$5,460,000
Parking Structure	Phase 15B	420 Stall Parking Deck (3 Story)	\$5,040,000
Parking Structure	Phase 16C	1294 Stall Parking Deck (Shared with Office and Hotel)	\$15,528,000
Infrastructure	Phases 3-7, 13, 14	Road and Utility Infrastructure	\$5,435,568
Infrastructure	Phases 7, 8, 9, 13, 14	Main Street Construction	\$3,910,567
Recreation Amenities	Phases 7, 9, 18	Parks	\$6,999,909
Total			\$88,754,176