CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
October 28, 2014

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

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

1. **UPDATE – IBI State Street Corridor Master Plan - 45 min**
2. **DISCUSSION – Neighborhood Plans - 15 min**

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

PREVIEW UPCOMING AGENDA ITEMS

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

AGENDA REVIEW

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

CITY COUNCIL - NEW BUSINESS

5. **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

6. **MINUTES of City Council Meeting – October 14, 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

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

7. **UPCOMING EVENTS**
8. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

Arts Council.....1 vacancy
Beautification Advisory Commission.....1 vacancy
CDBG Advisory Commission.....1 vacancy
Historic Preservation Advisory Commission .....3 vacancies
Library Advisory Commission .....1 vacancy
One name submitted for 2nd review.
Recreation Allocation Advisory Commission.....7 appointments
CDBG Advisory Commission.....1 vacancy
Senior Citizen Advisory Commission .....1 vacancy
Summerfest Advisory Commission.....3 vacancies
One name submitted for 1st review.

9. **RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS**
Two names submitted for 2nd review.
10. **PRESENTATION – CAFR Award**
11. **REPORT – Library Advisory Commission**
12. **REPORT – Annual Judges Report**

CITY MANAGER'S APPOINTMENTS

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

PERSONAL APPEARANCES – 15 MINUTES

14. **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

15. **MOTION – Canceling the November 25, 2014, City Council Meeting, and scheduling a Council Meeting on November 18, 2014.**

SCHEDULED ITEMS

6:20 P.M. PUBLIC HEARING

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

REQUEST: The applicant requests that the City Council enact Section 22-11-54 (PD-41 zone) of the Orem City Code with the corresponding Appendix JJ (concept plan) and amend section 22-5-3(A) and the zoning map of the City of Orem by rezoning property located at 1200 West Center Street from the R8 zone to the PD-41 zone.

PRESENTER: Jason Bench

POTENTIALLY AFFECTED AREA: Suncrest

BACKGROUND: The applicant proposes to create the PD-41 zone and to apply the PD-41 zone to a parcel of property located at 1200 West Center Street and consisting of approximately 12.07 acres. The property is currently owned by Richard and Sharon Christensen with whom the applicant has a contract to develop the property.

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

The proposed PD-41 zone would allow the development of two commercial pad sites adjacent to Center Street as well as a large multi-family housing project consisting of 168 apartment units.

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

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

A traffic study performed in connection with the rezone request indicated that if the proposed development only had access from Center Street and 1200 West, the access onto Center Street would have a traffic failure condition (LOS F). To eliminate the traffic failure condition, the developer and City staff considered either providing a traffic signal at an access point on Center Street or making a connection to a neighborhood street to the north of the project.

The size of the proposed development did not create traffic levels high enough to warrant installation of a traffic signal. Therefore, the only way to eliminate the traffic failure condition was to make a connection to one of the streets to the north of the property.

In order to mitigate some of the impacts that would result from development under the PD-41 zone, it is anticipated that Wasatch Advantage Group and the Christensens will sign a development agreement in which they will agree to (1) construct a new access to 1200 West, (2) create a "Gateway Landscaped Area" at the northeast corner of 1200 West and Center Street consisting of landscaping, a water feature and a City of Orem sign, and (3) contribute $10,000 toward the upgrade of traffic signalization at 1200 West and Center Street. The construction of the new access to 1200 West and the creation of the Gateway Landscaped Area will require the Developer to acquire a parcel of property currently owned by UDOT. A draft of the development agreement that was sent to Wasatch and the Christensens for review is attached hereto as Exhibit "A."

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

1. Office uses
2. Retail development
3. Multi-family residential development

The property could potentially be developed with a large multi-story office building or an office park comprised of several office buildings. The report further stated that office uses would be most compatible with surrounding development and would be consistent with linkages and visibility/exposure from Center Street and I-15.

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

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

After reviewing the proposed rezone and ordinance amendment, staff has listed some advantages and disadvantages of the proposal.

Advantages:

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

Disadvantages:

- The proposed uses may not be the "highest and best" use for the property. Office uses were identified as the highest and best use for the property according to the report prepared by Van Drimmelen & Associates. Multi-family was listed as the third best use.
- The project develops one of the last remaining vacant properties adjacent to and highly visible from I-15 and a major entrance to the City.
- Access from the development onto 1140 West Street will increase local traffic in the area; however, the project contains three access points that will distribute the traffic on Center Street, 1200 West and 1140 West.

RECOMMENDATION: The Planning Commission recommends that the City Council approve the request to enact Section 22-11-54 (PD-41 zone) of the Orem City Code with the corresponding Appendix JJ (concept plan) and amend section 22-5-3(A) and the zoning map of the City of Orem by rezoning property located at 1200 West Center Street from the R8 zone to the PD-41 zone.

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

REQUEST: The City Attorney recommends that the City Council, by ordinance, makes the following amendments to the Orem City Code:

- Chapter 2
- Chapter 5
- Chapter 7
- Chapter 9
- Chapter 12
- Chapter 18
- Chapter 19

PRESENTER: Heather Schriever

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND:

Chapter 2

Orem City Code Article 2-15 established the Youth City Council Advisory Committee. This committee no longer functions and all applicable code provisions are being removed from Article 2-15.

Orem City Code Article 2-16 created a Media Review Commission. In 1988, the City entered into an interlocal agreement with Provo City to create this commission. The commission is no longer operating and there is no need to continue with it. As a result, Article 2-16 should be repealed.

Orem City Code § 2-27-6 sets forth the hours of operation for the Orem City Justice Court. This section of the Orem City Code should be amended to include a specific reference to days the court will be closed under Utah Code § 63G-1-301. This section of the Utah Code establishes legal holidays.

Orem City Code Article 2-30 Records Access and Management outlines the City's obligations and duties when maintaining records. Article 2-30 is amended to comply with amendments to the Utah Government Records Access and Management Act (GRAMA). The proposed amendments also change the appeal procedures applicable to a GRAMA request denial. The requester will now have the option of appealing the City Manager's denial of a GRAMA request to the district court or the State Records Committee pursuant to state law.

Chapter 5

Currently an inconsistency exists between Orem City Code § 5-6-1 which permits any "person" in the City to have no more than two dogs or cats four months of age or older and Orem City Code § 22-6-10.C.3 which limits the number of dogs or cats to two per "lot". Both code sections should be amended to limit the number of dogs and cats to two per dwelling as defined in Orem City Code § 22-2-1. This amendment will make these code sections consistent and will resolve confusion when enforcing the limitation. Amendments to Chapter 22 must go through the Planning Commission. As a result, the amendment to Chapter 22 will be done at a later date.

Chapter 7

In 2012, the Utah State Legislature enacted Utah Code § 15A-5-202.5 amending the International Fire Code. Subsection (1)(c) of Utah Code
§ 15A-5-202.5 now permits the City Council to prohibit the ignition or use of certain ignition sources within mountainous, brush-covered, or forest-covered areas or in a wildland urban interface area when the fire code official determines that there is a hazardous environmental condition present. The addition of Subsection C. to Orem City Code § 7-2-8 implements the new authority granted to the City Council under the Utah Code.

The addition of Subsection D to Orem City Code § 7-2-8 incorporates the type of firework restrictions (both type and timing) found in Utah Code §§ 53-7-220 through 225.

Chapter 9

Section 9-3-2 requires any person or entity to submit an X or R rated movie to the City Manager to review prior to its first exhibition in the City. The submitting of movies to the City Manager has not been occurring, and the City is concerned that this section of the Orem City Code runs contrary to the First Amendment of the United State Constitution and recommends that this provision be repealed.

Chapter 12

Section 12-5-13.A. should be amended to define an abandoned vehicle as "a vehicle that has been left on a highway for a period in excess of forty-eight (48) hours..." Under the current City Code, a vehicle is deemed abandoned only after it has been left on a highway for a period in excess of seventy-two (72) hours. This is an excessive amount of time for a vehicle to be left unattended on a highway and is inconsistent with similar provisions in state law. With this amendment, the City Code will now enforce the same criteria needed to establish that a vehicle is abandoned under Utah Code § 41-6a-1408, Abandoned vehicles – Removal by peace officer – Report – Vehicle identification.

Chapter 18

Chapter 18 of the Orem City Code provides for the levying of certain taxes including: the Sales & Use Tax; the Municipal Energy Sales and Use Tax; the Transient Room Tax; the Telecommunications License Tax; and the Cultural Arts and Recreation Enrichment Tax. A number of amendments to the Utah Code and Utah County Ordinances have been enacted that impact Chapter 18 of the Orem City Code. The City Attorney is recommending that the City Council approve the proposed amendments to Chapter 18 to bring it into compliance with the Utah Code and Utah County Ordinances. None of these amendments have any fiscal impact on the City's tax levy because these amendments (1) merely reflect changes that have already been implemented or (2) correct scrivener's errors.

The following amendments are proposed:

- Article 18-1 is amended to:
  (1) reflect the correct sales and use tax levy of 1%;
  (2) include an exemption for sales and uses that have been taxed in other jurisdictions; and
  (3) include language defining when a sale is consummated within the City
- Article 18-2 is amended to correct formatting and to properly alphabetize "taxable energy".
- Article 18-4 is amended to reflect the correct Telecommunications License Tax levy of 3.5% which went into effect on July 1, 2007. This is the amount that has been collected since July1, 2007. The ordinance is simply being amended to reflect the correct amount.
- Article 18-5 is amended to correct formatting – there are no substantive changes.

Chapter 19

Currently, a private property owner with more than four (4) parking spaces on the property may not have a vehicle towed unless the vehicle is deemed abandoned (i.e., the vehicle has been left unattended on the private property for more than seven (7) days without the

implied or express consent of the private property owner) or unless the private property owner has posted the requisite signage informing drivers of the parking rules. It is proposed that Orem City Code § 19-7-5.D. be amended to provide private property owners more control over their limited parking resources to allow the booting or towing of a vehicle which has been continuously parked on private property containing four (4) or more parking spaces for more than forty-eight (48) hours. This is a significant change to the towing ordinance that provides private property owners substantially more control over their private property.

Section 19-7-5.D.7 should be renumbered to Section 19-7-5.D.6.

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

RECOMMENDATION: City Administration recommends that the City Council, by ordinance, enact Article 2-35 establishing a Municipal Ethics Commission through interlocal agreement.

PRESENTER: Heather Schriever

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND:

Introduction:

In 2012, the Utah Legislature gave municipalities the authority to create local ethics commissions to review complaints against elected officials, officers, or employees of municipalities who are subject to the Municipal Officers' and Employees' Ethics Act (Utah Code § 10-3-130 et seq.). Payson City, Pleasant Grove City, Salem City, and Spanish Fork City together with the City of Orem would like to create a local Utah County Municipal Ethics Commission (Municipal Ethics Commission) through interlocal agreement.

Composition of the Commission:

The Municipal Ethics Commission will consist of three city attorneys randomly selected from the other participating cities. Each attorney will serve as a commission member until a complaint is resolved.

Jurisdiction:

The Municipal Ethics Commission will hear complaints that implicate the Municipal Officers' and Employees' Ethics Act or Orem City Code § 2-6-8 and alleged complaints against members of the City Council (including the Mayor) and the City Manager.

Procedures:

The ordinance and interlocal agreement as proposed adopt many of the procedures outlined in Utah Code § 11-49-101 et seq. which is the state statute establishing the Political Subdivisions Ethics Review Commission.

Findings and Recommendations:
The Local Commission will only hear complaints that implicate the Municipal Officers' and Employees' Ethics Act and alleged complaints against members of the City Council (including the Mayor) and the City Manager.

Procedures:
The ordinance and interlocal agreement as proposed basically adopt the procedures used by the State Ethics Commission.

Findings and Recommendations:
The Municipal Ethics Commission will investigate and then submit findings and recommendations to the City Council. It is then the City Council's decision to determine the appropriate remedy which could include: censure, reprimand, ethics training, or removal from office.

19. RESOLUTION - Approving an Interlocal Agreement for the Operation and Administration of the Municipal Ethics Commission

RECOMMENDATION: City Administration recommends that the City Council, by resolution, approve an interlocal agreement creating a Municipal Ethics Commission for the purpose of adjudicating complaints under the Municipal Officers' and Employees' Ethics Act (Utah Code § 10-3-130 *et seq.*) (the "Act") and any other applicable local ordinance.

PRESENTER: Heather Schriever

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: In 2012, the Utah Legislature gave municipalities the authority to create local ethics commissions to review complaints against elected officials, officers, or employees of municipalities who are subject to the Act. Payson City, Pleasant Grove city, Salem City, Spanish Fork City together with the City of Orem would like to create a local Utah County Municipal Ethics Commission (Municipal Ethics Commission) through interlocal agreement. Each of the participating cities have or will adopt a Municipal Ethics Commission Ordinance and have or will execute an interlocal agreement that provides for the operation and administration of the Municipal Ethics Commission.

The interlocal agreement will remain in effect for fifty (50) years and provides for additional cities to join the commission in the future.

COMMUNICATION ITEMS

20. Monthly Financial Statement – September 2014

CITY MANAGER INFORMATION ITEMS

21. 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.

ADJOURNMENT

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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
October 14, 2014

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

CONDUCTING	Mayor Richard F. Brunst, Jr.
ELECTED OFFICIALS	Councilmembers Hans Andersen, Margaret Black, 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; Steven Downs, Assistant to the City Manager; and Taraleigh Gray, Deputy City Recorder
EXCUSED	Councilmember Tom Macdonald

UPDATE – Emergency Management

JoAnna Larsen, Emergency Manager, presented an update on Emergency Management and preparedness efforts within the city. She provided the following information:

- Four Pillars of Emergency Management to build resiliency in Orem
  - Prepare Citizens - Citizens are truly the first responders when resources cannot reach all of the people.
    - CERT – Sister program with Provo City with a common pool of teachers
    - Ham Radio Classes – offered every quarter
    - Deployable Teams – CERT and Crowd Management teams
    - Preparedness Fairs/Community Education
    - City/Neighborhood Coordination, meetings and drill
  - Prepare Businesses
    - The second disaster is when businesses don't reopen following a disaster.
    - Be Ready Utah Business Continuity Introduction
    - Focus for Emergency Management 2015 – get message to Orem businesses about emergency preparedness
  - Prepare Schools
    - Partnership between Emergency Management, School Resource Officers, and School Leadership
    - School drills
    - PTO/PTA meetings
    - Quarterly interagency meetings

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        - Preparing of resources for a disaster
    - Prepare City
        - Quarterly Emergency Operations Center (EOC) set-up
        - Mass communication, both internal and external
        - NIMS training for City staff
        - Drill Down for Safety 2014
        - EOC positions training, an ongoing effort
        - Policy Group Training – proposed for January, 2015
- Mass Communication/Everbridge System
    - City staff spent nine months comparing mass communication options. Everbridge was chosen for the following reasons:
        - Industry leader
        - Ability to send 100,000 messages, guaranteed, in less than one hour
        - Redundant servers/SaaS-cloud based
        - Unlimited groups
        - Assistance in sending messages if needed
        - Internal and external uses
- On the Horizon
    - Ebola concerns
    - Always watching for trends or patterns of concern
- Emergency Management Concepts
    - Disasters – begin and end at the local level
        - Presidentially Declared Disasters
            - Threshold numbers determine declaration status.
            - If threshold not met, the financial burden of the disaster is 100 percent the City's responsibility.
            - Cost share mandates in declared disaster
                - 75% FEMA/Federal
                - 25% Orem (with possible State assistance)
            - Local cost share can be "in-kind" – volunteer hours can be counted towards match at anywhere between $10-12 per volunteer hour.
- Orem City Drill Down for Safety 2014
    - Goals of the Drill
        - Account for residents in participating neighborhoods using Block Captain system, standardized forms, and district/neighborhood leadership.
        - Test communication chains from the individual/family/block level to the city in less than two hours and fifteen minutes.
        - Establish formal and standardized communication procedures in order to ensure rapid, accurate communication and ability to coordinate between city and neighborhood leadership during a large-scale emergency or disaster.
        - Active Orem's EOC.
        - Test the City's new mass communication system (Everbridge).
        - Long term goal – Lay foundation for citizens to conduct rapid assessment and work with Emergency management to build a common operating picture from which to make critical life-saving decisions.
    - Results of the Drill

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- 12 neighborhoods and one district participated in the drill
- 29,761 residents accounted for
- Accounting done by runner and Ham radio. The last runner came in at two hours thirty minutes
- EOC was activated
- Everbridge notification sent:
  - 5,754 messages sent.
  - 1,297 confirmed receipt of the sent messages
- Lines of communication identified: Block captain > District Command Center > Neighborhood Command Center > City/Emergency Services and LDS Church Headquarters

- Major Strengths of the Drill
  - Community participation and buy-in
  - Ham radio success
  - Reverse 9-1-1 worked well
  - Coordination ongoing with neighborhood leadership.
  - Baseline established
  - Education and empowerment of citizens.
- Primary Areas for improvement
  - Outreach to all neighborhoods
  - Standardization of forms and reporting procedures
  - Improved training for participants
  - Faster flow of information
  - Safety – clarifying who can be used as a runner

Mr. Andersen asked when the next ham radio class would be offered. Mrs. Larsen said a class would be held at the end of October. A basic-level class would also be held in January 2015.

Mr. Andersen asked how many wards/stakes used ham radios versus runners. Mrs. Larsen said she knew of two that used the ham radio below the stake/ward level.

Mr. Seastrand asked what neighborhoods did not participate, so the Council could help build awareness of future drills.

Mrs. Larsen said the participating neighborhoods included Aspen, Cascade, Canyon View, Geneva Heights, Heather Ridge, Northridge, Orchard, Orem North, Sharon Park, Sunset Heights, and Windsor.

Mr. Davidson said the areas that participated were mainly comprised of single-ownership homes. The City was trying to manage expectations in the community by communicating the message that, in the event of a disaster, the City would do all it could but resources were still limited. There was no way the City would be able to respond to everything and be there at all times. If the citizenry understood and expected that, then residents could find ways to fend for themselves and not wait for the City to come and save them.

Mrs. Larsen said all leaders of every step in the response was to help solve issues on their levels; they were to address the issues that they could address.

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Mrs. Black said the main frustration was the lack of communication and coordination. She commended Mrs. Larsen for making giant strides in that respect.

Mrs. Larsen said everyone had a part to play in alleviating the burden of a disaster.

Mr. Seastrand asked (1) how to handle transportation issues; and (2) if it was a factor to be included in future drills.

Mrs. Larsen said City staff started the drill at a very low level. That was so the City and the citizens could rise together.

Mr. Davidson said, given the recent changes in leadership, the City was doing what it could to better educate and bring staff up to date. He reported on the FEMA training available in Maryland where some staff members went to be trained to gain perspective on responding to disastrous events.

Mr. Seastrand asked if there was any security system like CERT that the public would take part in.

Police Chief Gary Giles said there was not, but CERT teams would provide assistance to law enforcement in the event of a disaster. There was protocol in place to call officers back if coverage was needed, and the City had agreements with neighboring cities to provide assistance across city boarders.

UPDATE – Everbridge Mass Communication

Craig Gaines, Police Sergeant, reported on the new Mass Communication Software, Everbridge, being utilized by Orem City. He said Everbridge had greater functionality and discussed some of the benefits of the software:

- Message Confirmation – the system could have people confirm to the City that they were receiving the message. There was no confirmation with the old system. Great things with contacting the public in nonemergent and emergent situations.
- Internal Message Capability - internal messages within the City organization, allowed the City to get hold of its employees.
- Mass Messaging at Ease – system could send up to 100,000 messages in one hour.
- Opt-in for Addresses – allowed the public to opt-in for messages regarding any particular address. This could be helpful for parents who wished to monitor the alerts happening at their children's schools.

Mr. Gaines said there were some concerns with the new software including the opt-in option. He said the City would need to get the public to opt-in to the system. Some cell phone providers set blocks for third-party applications which had prevented some people from opting-in to the system.

Mrs. Black asked if information regarding opting-in was in the newsletter. She suggested it be part of the utility newsletter every time it went out.

Mr. Davidson said it was to be incorporated in the utility bill newsletter.

DRAFT

UPDATE – Intelligent Transportation Systems

Chris Tschirki, Public Works Director, provided staff and council with an update of Phase One of the Intelligent Transportation System (ITS) upgrade project within the City. He detailed the costs involved, including the fund match the City would utilize to complete the project. The following upgrades would be incorporated in Phase One:

- ITS Fiber Optic Upgrades
  - University Parkway: I-15 to State Street
  - State Street: University Parkway to Orem City Center
  - Center Street: Orem City Center to 800 East
  - 800 East: Center Street to University Parkway
  - Remaining Existing Orem/UDOT ITS Fiber Interconnect
- ITS Signal Cabinet Upgrades
- ITS Upgrade of Signal Detection and CCTV
- ITS Upgrade for System Detection and Data Collection and Orem's Traffic Operations Center (TOC)

Mr. Tschirki said the City of Orem managed and operated a safe, efficient, and cost-effective intelligent transportation system that reduced travel time, saved fuel, reduced emissions, and had an overall positive impact on the economy and environment. The City had outstanding relationships with MAG, UDOT, and neighboring cities, and had leveraged those relationships to save the citizens of Orem millions of dollars over the years. Orem would continue to improve its ITS by implementing a "Full Traffic Adaptive Coordinated Transportation Signal System."

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

CONDUCTING	Mayor Richard F. Brunst, Jr.
ELECTED OFFICIALS	Councilmembers Hans Andersen, Margaret Black, 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; Steven Downs, Assistant to the City Manager; and Taraleigh Gray, Deputy City Recorder
EXCUSED	Councilmember Tom Macdonald

Preview Upcoming Agenda Items

City Council and staff reviewed upcoming agenda items.

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Agenda Review

City Council and staff reviewed the items on the agenda.

City Council New Business

The Council adjourned at 5:53 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, 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; Steven Downs, Assistant to the City Manager; and Taraleigh Gray, Deputy City Recorder
EXCUSED	Councilmember Tom Macdonald
INVOCATION / INSPIRATIONAL THOUGHT	Richard Wilkinson
PLEDGE OF ALLEGIANCE	Camden McCombs

APPROVAL OF MINUTES

Mr. Andersen **moved** to approve the minutes from the September 23, 2014 City Council meeting. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

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.

DRAFT

CITY MANAGER'S APPOINTMENTS

Appointments to Boards and Commissions

There were no City Manager appointments.

Proclamation

Mayor Brunst read a proclamation declaring the Orem Youth Baseball teams Pony and Broncho as Utah State Champions. Mr. Seastrand **moved** to accept the proclamation. Mrs. Black **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed.**

Oath of Office

Greg Stephens introduced the Orem Youth Council. Taraleigh Gray, Deputy City Recorder, administered the oath to the following students from high schools throughout Orem: Pavel Bermudez, Paige Yokota, Maryorie Delgado, Jehicob Torres, Spencer Yeates, Kyrie Papenfuss, Hayden Weenig, Jonathan Shipp, Teric Abunuwara, Rebecca Donakey, and Victoria Thomas.

Presentation

Scott Gurney, Fire Department Director, introduced Orem firefighters to the City Council. Angela Kohl, firefighter, explained the department's effort in recognizing Breast Cancer Awareness Month. The Orem firefighters presented the City Council with pink t-shirts in support of the effort and fight for the cure.

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.

Karen McCandless said she came to thank the Council for adopting and passing the CDA for University Place. She believed the project would give vibrancy to Orem and appreciated the commitment and investment from Woodbury Corporation. Mrs. McCandless said she was disappointed that some people were not in favor of the creation of a CDA and disagreed with the view that the City should not use the legally available tools until there was a vote. CDAs were good economic tools and, if utilized, Orem's situation could only get better. Mrs. McCandless said she did not believe every major issue needed to go to a vote via referendum. She said she was in favor of the CDA and was grateful the majority of the City Council was also.

Ron Wilkinson, a long-time resident of Orem, said he was very involved in City affairs. When the University Mall came to Orem it made a tremendous impact on the local economy. Mr. Wilkinson believed that single event changed the economy in the area. He told of his time as president-elect of the Chamber of Commerce when eighty businesses were opened in a single year (1983). He said he believed that if the City would allow the Woodbury Corporation to invest in the mall, Orem would have the opportunity to give back to Woodbury what it had done for the City economically over the last forty years.

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Greg (did not give last name) said he agreed with Mr. Wilkinson but did not understand why new buildings were going in when other projects sat unfinished, namely Midtown Village.

James Fawcett spoke concerning the participation percentage of the Alpine School District with regard to the CDA at the University Place development. He said the site plan and concept plans that the Council adopted were nonexistent, and that the Council did not take the time to accurately evaluate the feasibility of University Place.

Dallas Powell said he traveled the country frequently and often would pass judgment on an area/city when he saw malls and retail centers which were declining. Mr. Powell said the truth was that the University Mall reflected a large image on Orem City. The University Mall was a reflection of economic growth, and it was now in decline. He spoke in favor of revitalizing the area with the CDA effort and said it would have an impact on attracting other businesses that came to the area.

Richard Wilkerson spoke regarding the Lakeview annexation. He said it had a far reaching affect as the Lakeview area was the last place where people could grow food for themselves. Mr. Wilkerson said he had provided the Council with information which he hoped would bring to light a food secure situation for the citizens of Orem.

Melodee Andersen spoke in opposition of the CDA at University Place. She said it was wrong for government to be forcing others to pay for someone else's tax burden. UTOPIA and Midtown were miserable failures because they "couldn't" fail. The Mall CDA sounded too good to be true. It promised to boost economy and generate more jobs. There were negative ramifications that it would bring. Mrs. Andersen said the City should not allow corporate welfare into Orem's midst. The City should let Woodbury do the project without a CDA subsidy.

Leslie Nelson said she was in favor of the CDA at University Place. She said a rebate was money sent back after you purchased the product. Mrs. Nelson said the Woodbury Corporation was asking for a tax rebate, and Mr. Anderson claimed that everyone was going to have to pay more in taxes to give it to them. A rebate was not a handout. Instead of giving a discount and corporate welfare, what Orem was doing would be rebating tax so Woodbury could invest in infrastructure.

Mayor Brunst said that members of the Council, once a vote was taken, should then support that vote and action. It was important in the role of City Councilmember and Mayor that the elected officials respect the office they held. As a body, once an action was passed, it was important that the City Council sustain and uphold the action as whole in moving forward with that action. Mayor Brunst asked that members of the Council refrain from using their positions on the City Council as a bully-pulpit. It was inappropriate to attack members of City Council or the Mayor from within the Council. Respect to all was vitally important to moving forward as a city. Mayor Brunst requested that they all respect the office to which they had been elected.

CONSENT ITEMS

There were no consent items.

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SCHEDULED ITEMS

6:20 P.M. PUBLIC HEARING
ORDINANCE – Amending Section 22-6-10(G)(14) of the City Code pertaining to conditional uses in historic homes in residential zones

Mr. Bench reported that the applicant owned a historic home at 815 East 800 South. Section 22-6-10(G)(14) of the City Code permitted eight commercial conditional uses in homes that were listed on both the local historic register and the national historic register if the home was located adjacent to a minor or principal arterial street and provided certain other requirements were met. Those requirements included:

- 6520 Legal Services
- 6591 Engineering and Architectural
- 6592 Educational and Scientific Research
- 6593 Accounting, Auditing, and Bookkeeping
- 6594 Urban Planning
- 6597 Family and Behavioral Counseling; (Except alcohol or drug counseling for more than on family at a time shall be prohibited)
- 6598 Genealogical
- 6599 Interior Design

The eight conditional uses that were allowed in historic homes were all professional office in nature. The applicant wanted to add eighteen new uses to the list of allowed uses in historic homes. Some of the new proposed uses were professional office in nature while others were retail uses. Of the proposed uses submitted by the applicant, four were not allowed in the Professional Office (PO) zone (these uses are indicated by an asterisk). Staff saw some difficulty allowing a commercial conditional use in a residential zone when the same use was not permitted in a professional office zone.

There were currently three homes in Orem that were listed on both the local and national historic register and therefore qualify for the uses permitted under Section 22-6-10(G)(14). The addresses of the affected lots were presented as follows:

- 206 West 1600 North
- 575 West 800 North
- 815 East 800 South (applicant's property)

There were other houses on the historic registers, but they were either located in a commercial zone or were not located on a principal or minor arterial street and therefore did not qualify for these limited commercial uses. Of the three historic homes that currently meet the requirements of 22-6-10(G)(14), only one location, that of the applicant, had been approved by the City Council for commercial use.

When the City Council first approved the limited commercial uses in historic homes in 2003, the discussion dealt with limiting the commercial uses to professional office-type uses. The uses were approved to allow landowners to increase their ability to make repairs on the historical structures.

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At a neighborhood meeting held prior to the adoption of 22-6-10(G)(14) in 2003, neighbors expressed a desire to see the preservation of historic homes and also indicated that they would rather see historic homes restored and used as an office than as a "run-down" residential duplex.

The Planning Commission recommended approval of eleven of the requested uses and recommended denial of the remaining seven uses. The uses for which the Planning Commission did not recommend approval are indicated in italics.

The underlined items below represent the conditional uses desired by the applicant.

22-6-10(G)14. Conditional uses shall be limited to the following Standard Land Use Codes:

Standard Land Use Code	Category
5393	***Arts, Crafts & Hobbies****
5931	***Antiques****
5941	***Books****
6120	Security & Commodity Brokers, Dealers & Exchanges
6130	Insurance Agents, Brokers & Related Services
6150	Real Estate Agents, Brokers & Related Services
6152	Title Abstracting
6154	Combination Real Estate, Insurance Loan & Law
6212	***Custom Tailoring****
6220	Photographic Services – Including Commercial
6231	***Beauty & Barber Shops***
6233	***Massage Therapy***
6330	Travel Arranging Services
6381	Internet Services
6392	Business & Management Consulting
6514	***Chiropractic & Osteopaths Services***
6520	Legal Services
6530	Professional Office
6591	Engineering & Architectural
6592	Educational & Scientific Research
6593	Accounting, Auditing & Bookkeeping
6594	Urban Planning
6597	Family & Behavioral Counseling; (Except alcohol or drug counseling for more than one (1) family at a time shall be prohibited)
6598	Genealogical; and
6599	Interior Design
6921	Adoption Agencies*

Italicized uses were ones staff saw as not compatible with a residential zone. Uses identifed with (*) were not permitted in the PO (Professional Office) zone.

Mrs. Black understood the Planning Commission originally voted against this when all eighteen uses were being considered. The Planning Commission reconsidered and made the motion to bring the uses listed in nonitalicized underline for the City Council to consider.

Mayor Brunst said the home sat on 800 East and 800 South. He invited the applicant representive to come forward.

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Mary Street thanked the City officials and staff who had worked with the applicant through the process. The applicant sought low-impact uses that would be conducive to the neighboring residential area, and that would promote economic vitality.

Mr. Sumner asked if the applicant felt comfortable with the eliminations.

Mrs. Street said the applicant sought uses that were considered low-impact. Chiropractic and osteopaths services, beauty and barber shops, custom tailoring, and massage therapy were compatible to the low-impact use as those were by-appointment services.

Mayor Brunst opened the public hearing.

Reva Bowen said she lived next door to the historic home. During the time the law office had occupied the property in question she had no problem. She encouraged the Council to be careful as they made the decision on what uses to allow. Mrs. Bowen said she wanted the Council to avoid approving uses that were retail in nature.

Mayor Brunst closed the public hearing.

Mr. Spencer asked Mr. Bench for a history on the dental office located just west of the historic house.

Mr. Bench explained that the dental office owner had wanted to expand but it was not permissible under the current ordinance. The current dental office was a legal nonconforming use.

Mr. Spencer said he had an issue with changing anything. He preferred to keep the historic homes use as they were with no change.

Mrs. Black said she felt comfortable with the uses the Planning Commission had presented, but she was conservative about anything that lent itself to retail creep. She suggested approving the underlined, unitalicized items and denying the uses in italics.

Mrs. Street said that, of the uses in italics, some were permitted in a professional office zone. She asked if the Council would consider the idea of permitting uses that were also permitted in a professional office zone.

Mr. Sumner asked if multiple businesses could occupy that space.

Mr. Bench said they could, but the businesses would have to adhere to parking-stall and number-of-employee requirements.

Mr. Seastrand said he liked the suggestion not to allow retail, but he would be open to professional office-type uses.

Mayor Brunst said he preferred to stay with what the Planning Commission had recommended.

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Mrs. Black **moved**, by ordinance, to amend Section 22-6-10(G)(14) of the City Code to permit additional conditional uses in historic homes in residential zones by allowing the eleven additional conditional uses, as recommended by the planning commission. Mayor Brunst **seconded** the motion. Those voting aye: Margaret Black, Richard F. Brunst, and Brent Sumner. Those voting nay: Hans Andersen, Mark E. Seastrand, and David Spencer. The motion **failed**, 3-3.

Mr. Seastrand **moved** that the City Council, by ordinance, amend Section 22-6-10(G)(14) of the City Code to permit additional conditional uses in historic homes in residential zones to allow the uses as recommended by the Planning Commission, in addition to Chiropractic, Beauty and Barber shop, and Massage Therapy uses. Mr. Andersen **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Mark E. Seastrand, and Brent Sumner. Those voting nay: David Spencer. The motion **passed**, 5-1.

RESOLUTION – CONDITIONAL USE PERMIT - Conditional use permit approval for a guest house at 1210 North 1280 East in the PD-18 zone.

Mr. Bench presented a request by Jerry Anderson for a conditional use permit for a guest house at 1210 North 1280 East in the PD-18 zone.

In the PD-18 zone, a conditional use permit is required for any guest house. The proposed guest house is a one story building standing sixteen feet (16') tall and includes a guest bedroom, bath and closet with a total of 940 square feet. City ordinances require that guest houses in the PD-18 zone be less than thirty-five feet (35') tall, architecturally match the existing home, and not be larger than 4,000 square feet. The proposed guest house complies with all current ordinance requirements. The PD-18 zone consists of the Tierra del Sol subdivision located at the address above as well as the Berkshires subdivision located at 1290 South 1400 East.

Advantages:

- Allows property owner the same opportunity as other property owners in the PD-18 zone to construct an accessory building on their property
- Complies with all PD-18 ordinance requirements

Disadvantages:

- None identified

Mayor Brunst allowed time for questions from the Council. There were no questions, so Mayor Brunst called for a motion.

Mr. Seastrand **moved**, by resolution, to approve a Conditional Use Permit for a guest house at 1210 North 1280 East in the PD-18 zone. Mr. Andersen **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed**, 6-0.

RESOLUTION – Approve and Sign Interlocal Agreement

Chris Tschirki said that, in conjunction with Provo, Pleasant Grove, American Fork, Springville, Spanish Fork, Lehi, Payson, Utah County, Lindon, Highland, Alpine, Mapleton, Salem, Cedar

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Hills, and Eagle Mountain, Orem desired to enter into an interlocal agreement to comply with the National Pollution Discharge Elimination System (NPDES) Phase II storm water permit. The permit was managed by the State of Utah Division of Water Quality on behalf of the United States Environmental Protection Agency. The purpose of the interlocal agreement was to create a uniform, efficient, and cost-effective manner to provide public education and outreach regarding storm water systems and their effect on the environment. Although the agreement would be effective for fifty years, any party to the agreement may terminate its participation for any reason, by providing a sixty day written notice of termination to the other parties. The cost of participation was based on population and number of schools in the party's jurisdiction. The breakdown was provided in Exhibit "A" of the agreement. The City of Orem's portion of the total $52,582 cost in FY 2014-2015 was $9,582. The annual fee schedule would be reviewed and modified each year as population and school counts changed.

Mayor Brunst asked if the other cities in the process had voted on the agreement.

Mr. Tschirki said they had. Orem was the last to vote, but all others were in favor of the interlocal agreement.

Mr. Seastrand asked (1) where the $9,582 would come from; and (2) if any sort of cost pay back would be generated.

Mr. Tschirki said it would come from the Storm Water fund. He did not believe there was a financial reward, but there would be lasting environmental benefits and a long-term benefit, societally.

Mayor Brunst asked what the method of providing public education would be.

Mr. Tschirki said various methods would be used. The County would prepare and deliver the program. Flyers and newsletters would be circulated. Someone would be hired part-time to provide the physical education to the different schools in the member cities.

Mr. Seastrand **moved**, by resolution, to approve and sign the "Interlocal Cooperation Agreement for NPDES Phase II Storm Water Public Education and Outreach Best Management Practice Compliance." Mrs. Black **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed**, 6-0.

COMMUNICATION ITEMS

Mr. Davidson addressed the change of email system for Orem City from Novell GroupWise to Microsoft Outlook. Mr. Davidson thanked Doug Fitt, Ernesto Lazalde, Roger Dunn, and the entire IT department for the hard work they had put into migrating from the old system to the new.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson reported he and Mayor Brunst had the opportunity to meet with financial advisors regarding the road bond refunding/refinancing effort.

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Mrs. Black asked when Center Street had originally been paved. Mr. Tschirki said he did not know the original date, but the last time it was reconstructed was 2001. He said traffic on that road was up 20 percent since 1996.

ADJOURNMENT

Mr. Seastrand voiced appreciation of Mayor Brunst's comments and call for civility. Mr. Seastrand asked for further clarification.

Mayor Brunst clarified that any member of the Council had the right to disagree and state their opinions. Mayor Brunst asked Councilmembers to refrain from using their positions as elected officials as a way to coerce or intimidate people, or to fight directly against the City Council in a disrespectful way. Mayor Brunst restated that, once a decision was made and voted upon, City Councilmembers should support and uphold that decision. Mayor Brunst asked that Councilmembers always strive to be truthful, accurate, and honest.

Mr. Seastrand asked about the procedure to be taken after finding that one Councilmember was in the wrong.

Mayor Brunst stated recompense was up to the individual Councilmember in how to go forward.

Mr. Seastrand **moved** to adjourn the meeting. Mayor Brunst **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed.**

The meeting adjourned at 7:33 p.m.

CITY OF OREM **CITY COUNCIL MEETING** OCTOBER 28, 2014	
REQUEST:	**6:20 P.M. PUBLIC HEARING** **REZONE AND ZONE ORDINANCE AMENDMENTS - Enacting Section 22-11-54 (PD-41 zone) and Appendix "JJ" (concept plan); and Amending Section 22-5-3(A) and the zoning map of the City of Orem by rezoning property located at 1200 West Center Street from the R8 zone to the PD-41 zone**
APPLICANT:	Wasatch Advantage Group
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 289 notifications to properties within the 500' of the proposed rezoned property on October 15, 2014.

SITE INFORMATION:
General Plan Designation:
Community Commercial
Current Zone:
R8
Acreage:
12.03
Neighborhood:
Suncrest
Neighborhood Chair:
Cynthia Manire

PLANNING COMMISSION RECOMMENDATION
Vote: 6-0 for approval

PREPARED BY:
Clinton A. Spencer Planner

REQUEST:
The applicant requests that the City Council enact Section 22-11-54 (PD-41 zone) of the Orem City Code with the corresponding Appendix JJ (concept plan) and amend section 22-5-3(A) and the zoning map of the City of Orem by rezoning property located at 1200 West Center Street from the R8 zone to the PD-41 zone.

BACKGROUND:
The applicant proposes to create the PD-41 zone and to apply the PD-41 zone to a parcel of property located at 1200 West Center Street and consisting of approximately 12.07 acres. The property is currently owned by Richard and Sharon Christensen with whom the applicant has a contract to develop the property.

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

The proposed PD-41 zone would allow the development of two commercial pad sites adjacent to Center Street as well as a large multi-family housing project consisting of 168 apartment units.

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

- A mix of residential and commercial uses
- A maximum building height of forty-five feet(45') for the residential area and fifty-five feet (55') for the commercial pads
- A maximum residential density of seventeen (17) units per acre.
- An eight foot (8') buffered sidewalk along Center Street
- Signage for each commercial pad and for the residential development with frontage on Center Street
- Two (2) required parking stalls per residential unit and commercial parking to comply with Section 22-15 of the Orem City Code

- One access to be provided to Center Street, one access connecting to 1140 West to the North, and a new access connecting to 1200 West (right in/ right out, with a concrete median on 1200 West) which will be required by development agreement and which will also require the applicant to acquire property from UDOT and to install the access
- New precast fencing to be installed on the west and north side of the project

A traffic study performed in connection with the rezone request indicated that if the proposed development only had access from Center Street and 1200 West, the access onto Center Street would have a traffic failure condition (LOS F). To eliminate the traffic failure condition, the developer and City staff considered either providing a traffic signal at an access point on Center Street or making a connection to a neighborhood street to the north of the project.

The size of the proposed development did not create traffic levels high enough to warrant installation of a traffic signal. Therefore, the only way to eliminate the traffic failure condition was to make a connection to one of the streets to the north of the property.

In order to mitigate some of the impacts that would result from development under the PD-41 zone, it is anticipated that Wasatch Advantage Group and the Christensens will sign a development agreement in which they will agree to (1) construct a new access to 1200 West, (2) create a "Gateway Landscaped Area" at the northeast corner of 1200 West and Center Street consisting of landscaping, a water feature and a City of Orem sign, and (3) contribute $10,000 toward the upgrade of traffic signalization at 1200 West and Center Street. The construction of the new access to 1200 West and the creation of the Gateway Landscaped Area will require the Developer to acquire a parcel of property currently owned by UDOT. A draft of the development agreement that was sent to Wasatch and the Christensens for review is attached hereto as Exhibit "A."

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

1. Office uses
2. Retail development
3. Multi-family residential development

The property could potentially be developed with a large multi-story office building or an office park comprised of several office buildings. The report further stated that office uses would be most compatible with surrounding development and would be consistent with linkages and visibility/exposure from Center Street and I-15.

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

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

After reviewing the proposed rezone and ordinance amendment, staff has listed some advantages and disadvantages of the proposal.

Advantages:

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

Disadvantages:

- The proposed uses may not be the "highest and best" use for the property. Office uses were identified as the highest and best use for the property according to the report prepared by Van Drimmelen & Associates. Multi-family was listed as the third best use.
- The project develops one of the last remaining vacant properties adjacent to and highly visible from I-15 and a major entrance to the City.
- Access from the development onto 1140 West Street will increase local traffic in the area; however, the project contains three access points that will distribute the traffic on Center Street, 1200 West and 1140 West.

RECOMMENDATION:
The Planning Commission recommends that the City Council approve the

request to enact Section 22-11-54 (PD-41 zone) of the Orem City Code with the corresponding Appendix JJ (concept plan) and amend section 22-5-3(A) and the zoning map of the City of Orem by rezoning property located at 1200 West Center Street from the R8 zone to the PD-41 zone.

RECOMMENDATION:

The Planning Commission recommends that the City Council approve the request to enact Section 22-11-54 (PD-41 zone) of the Orem City Code with the corresponding Appendix JJ (concept plan) and amend section 22-5-3(A) and the zoning map of the City of Orem by rezoning property located at 1200 West Center Street from the R8 zone to the PD-41 zone.

ORDINANCE NO. O-2014-

AN ORDINANCE BY THE OREM CITY COUNCIL ENACTING SECTION 22-11-54 (PD-41 ZONE), AND APPENDIX "JJ" (CONCEPT PLAN), AND AMENDING SECTION 22-5-3(A) AND THE ZONING MAP OF THE CITY OF OREM BY REZONING THE PROPERTY LOCATED AT 1200 WEST CENTER STREET FROM THE R8 TO THE PD-41 ZONE

WHEREAS on November 12, 2013, Adam Lankford filed an application with the City of Orem requesting that the City amend Section 22-5-3(A) and the zoning map of the City of Orem and enact Section 22-11-54 (PD-41 zone) and Appendix "JJ" (concept plan) by rezoning approximately 12.07 acres of property located at 1200 West Center Street from the R8 zone to the PD-41 zone; and

WHEREAS the proposed PD-41 zone and Appendix JJ establish development standards for the development of a high density residential project as well as two commercial pads adjacent to Center Street; and

WHEREAS a public meeting considering the subject application was held by the Planning Commission on September 17, 2014, and the Planning Commission recommended approval of the request; and

WHEREAS the City posted the City Council agenda in the Orem Public Library, on the Orem City webpage, and in the City Offices at 56 N State Street; and

WHEREAS a public hearing considering the subject application was held before the City Council on October 22, 2014; and

WHEREAS the matter having been submitted, and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; the orderly development of land in the City; the effect upon the surrounding neighborhood; the compliance of the request with the Orem General Plan; 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 finds that this request is in the best interest of the City because it will:

A. Promote the development of a vacant parcel of land in a way that will provide additional housing opportunities and commercial development in the City and thereby enhance the tax base of the City;

B. Will help beautify a major gateway to the City; and

C. Will improve traffic circulation by providing additional accesses to the property from 1200 West and 1140 West.

2. The City Council hereby enacts Section 22-11-54 and Appendix "JJ" as shown on Exhibit "A" which is attached hereto and incorporated herein by reference.

3. The City Council hereby amends Section 22-5-3(A) and the zoning map of the City of Orem, Utah by rezoning property located at 1200 West Center Street from the R8 zone to the PD-41 zone as shown on Exhibit "B" which is attached hereto and incorporated herein by reference.

4. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

5. All ordinances in conflict herewith are hereby repealed.

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

PASSED, APPROVED and ORDERED PUBLISHED this 28th day of October 2014.

_____
Richard F. Brunst, Jr., Mayor

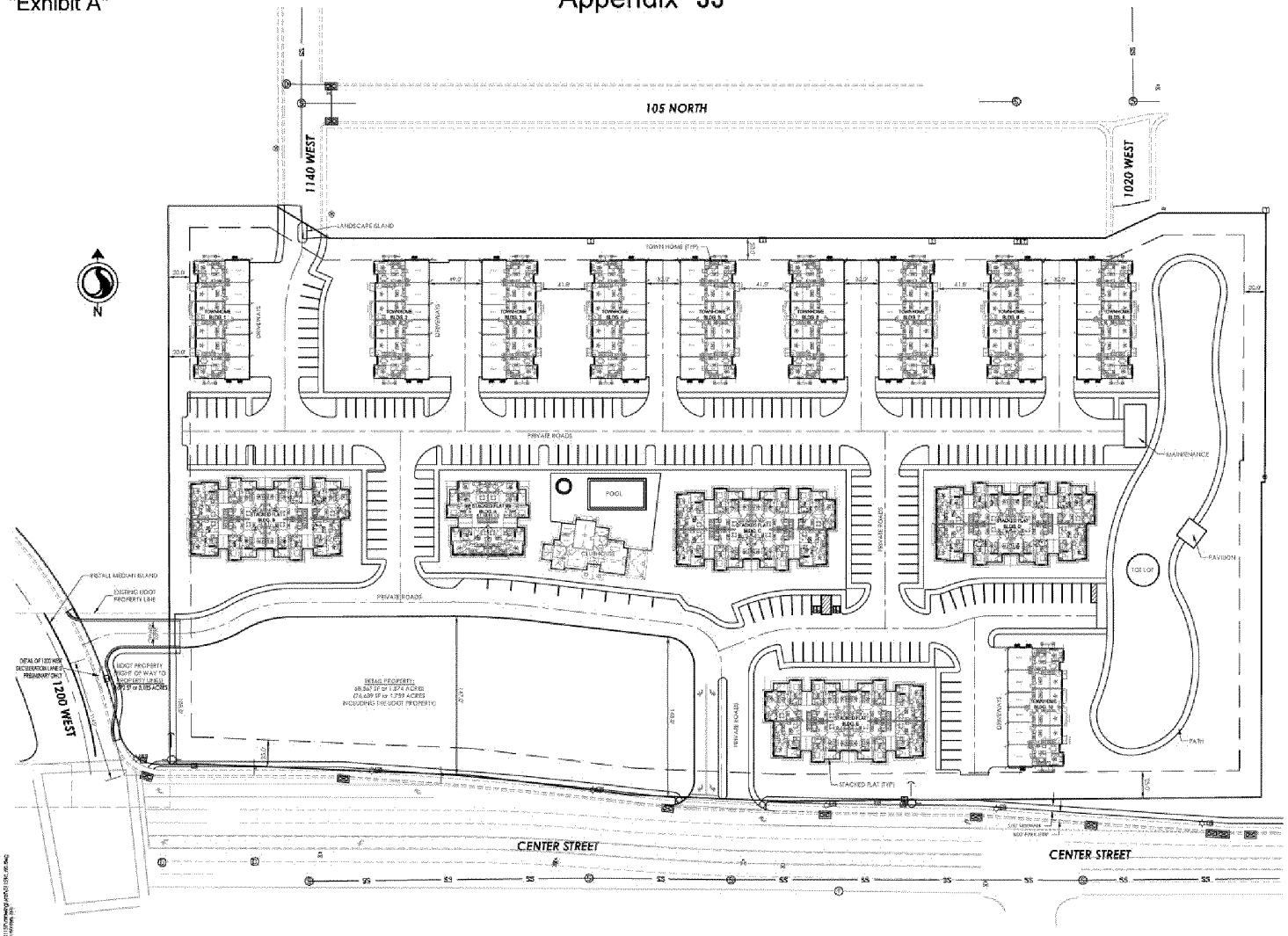
ATTEST:

_____
Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"	COUNCIL MEMBERS VOTING "NAY"

"Exhibit A"

Appendix "JJ"



Stantec

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Salt Lake City, Utah 84107
www.stantec.com

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Owner/Project

SITE TABULATION

TOTAL SITE:	526,265 SF	12.08 ACRES	100%
RETAIL PROP:	68,567 SF	1.57 ACRES	13.0%
APARTMENT SITE:	457,698 SF	10.51 ACRES	87.0%
APARTMENT SITE:	457,698 SF	10.51 ACRES	100%
BUILDINGS:	99,022 SF	2.27 ACRES	21.6%
ROADS/PARKING:	134,028 SF	3.08 ACRES	29.3%
OPEN SPACE:	224,648 SF	5.16 ACRES	49.1%

UNIT COUNTS:

TOWNHOMES:	60 UNITS
(10 BUILDINGS WITH 6 UNITS/BUILDING)	
STACKED FLATS:	108 UNITS
(4 BUILDINGS WITH 24 UNITS/BUILDING & 1 BUILDING WITH 12 UNITS/BUILDING)	
TOTAL UNITS:	168 UNITS

PARKING CALCULATIONS:

OPEN PARKING	231 STALLS
GARAGE PARKING	100 STALLS
TANDEM DRIVEWAY	30 STALLS
TOTAL PARKING:	361 STALLS
	(2.15 STALLS/UNIT)

Revision	By	Appd.	YY.MM.DD

Issued	By	Appd.	YY.MM.DD

Reference: 01190 drawing

	Dwn.	Chkd.	Dsgn.	YY.MM.DD

Permit-Seal

Client/Project

WASATCH ADVANTAGE GROUP
299 South Main Street, Suite 2400
Salt Lake City, UTAH 84111

CREM CENTER STREET APARTMENTS
Crem, Utah

Title

OVERALL SITE PLAN

Project No. 186201159

Scale 1"=60'

Drawing No. Sheet of Revision 0

"Exhibit A"

Appendix "JJ"

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TOTAL UNITS:	168 UNITS

PARKING CALCULATIONS:

OPEN PARKING	231 STALLS
GARAGE PARKING	100 STALLS
TANDEM DRIVEWAY	30 STALLS
TOTAL PARKING:	361 STALLS
	(2.15 STALLS/UNIT)

Revision	By	Appd	YY.MM.DD

Issued	By	Appd	YY.MM.DD

Permit-Seal

Client/Project

WASATCH ADVANTAGE GROUP
299 South Main Street, Suite 2400
Salt Lake City, UTAH 84111

OREM CENTER STREET APARTMENTS
Orem, Utah

Title

OVERALL SITE PLAN

Project No. 186201159

Scale 1"=40'

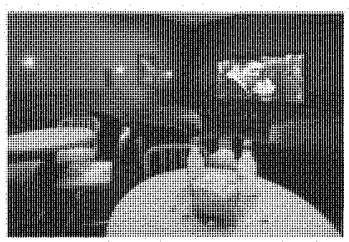
Drawing No.

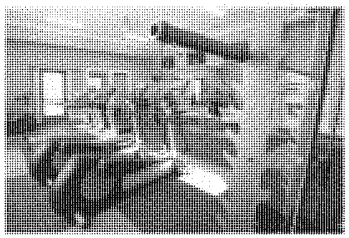
Sheet of

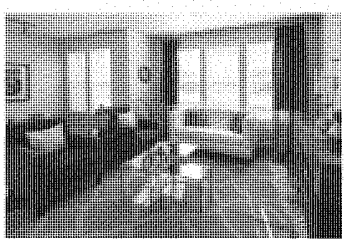
Revision 0

"Exhibit A"

Appendix "JJ"







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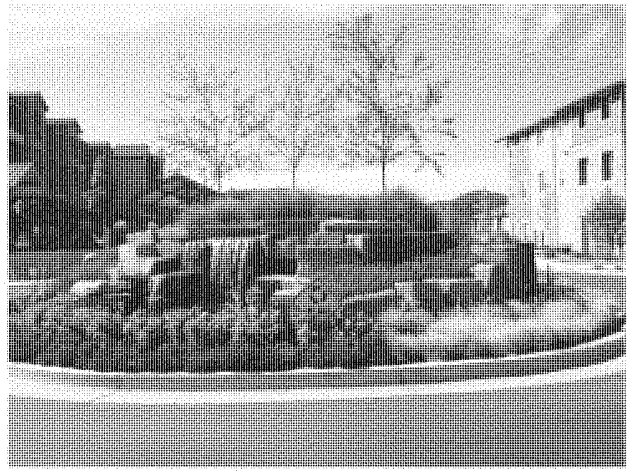
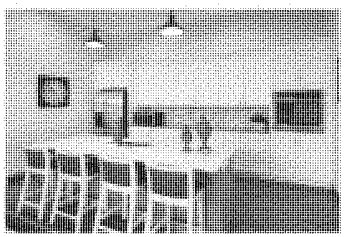
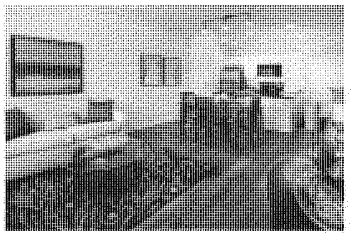
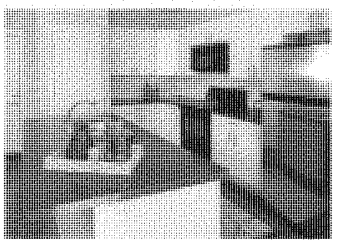




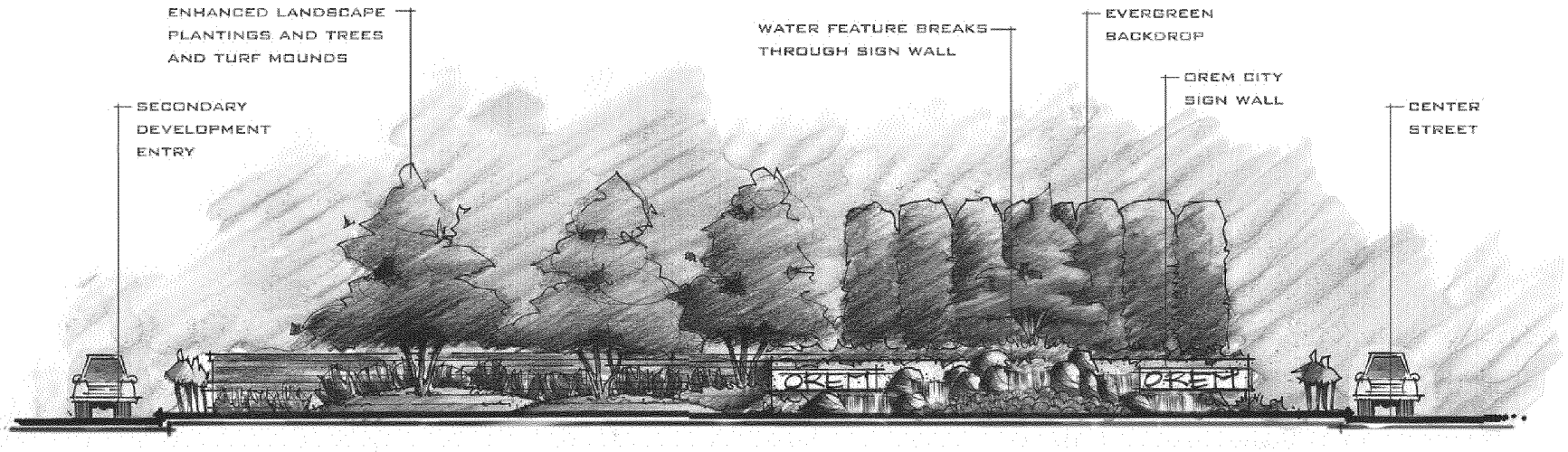




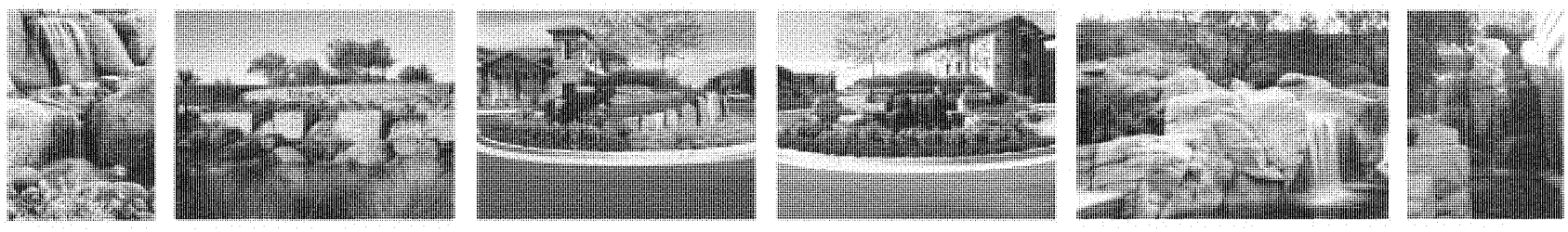
"Exhibit A"

C

Appendix "JJ"



OREM CITY MONUMENT SIGNAGE WATER FEATURE ELEVATION



OREM CITY MONUMENT SIGNAGE CHARACTER IMAGES

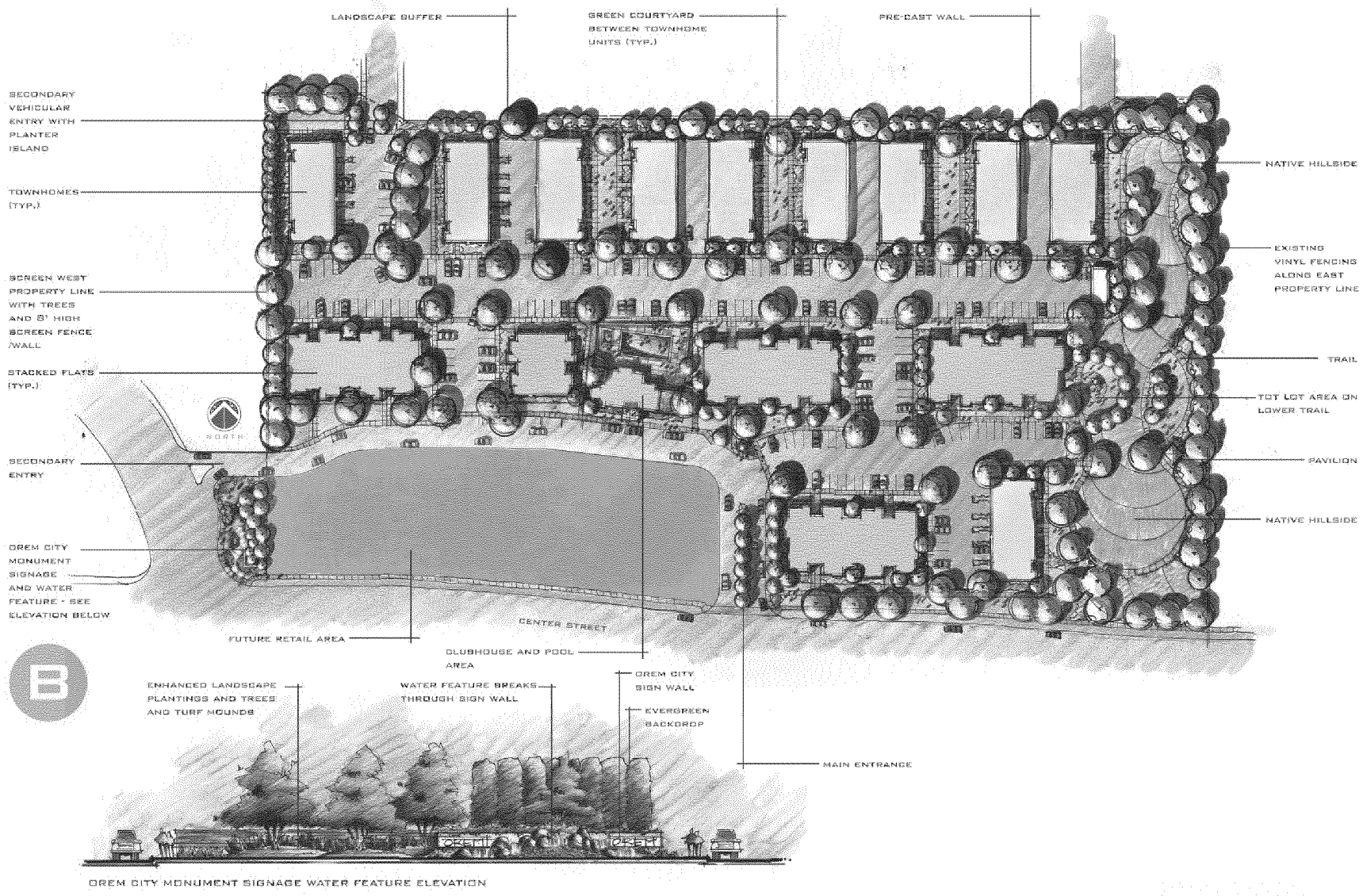
WASATCH OREM CENTER STREET COLOR SITE PLAN

WASATCH ADVANTAGE GROUP

LOFTSIXFOUR LANDSCAPE ARCHITECTURE

"Exhibit A"

Appendix "JJ"



OREM CITY MONUMENT SIGNAGE WATER FEATURE ELEVATION

WASATCH OREM CENTER STREET COLOR SITE PLAN

WASATCH ADVANTAGE GROUP

LOFTSIXFOUR landscape architecture

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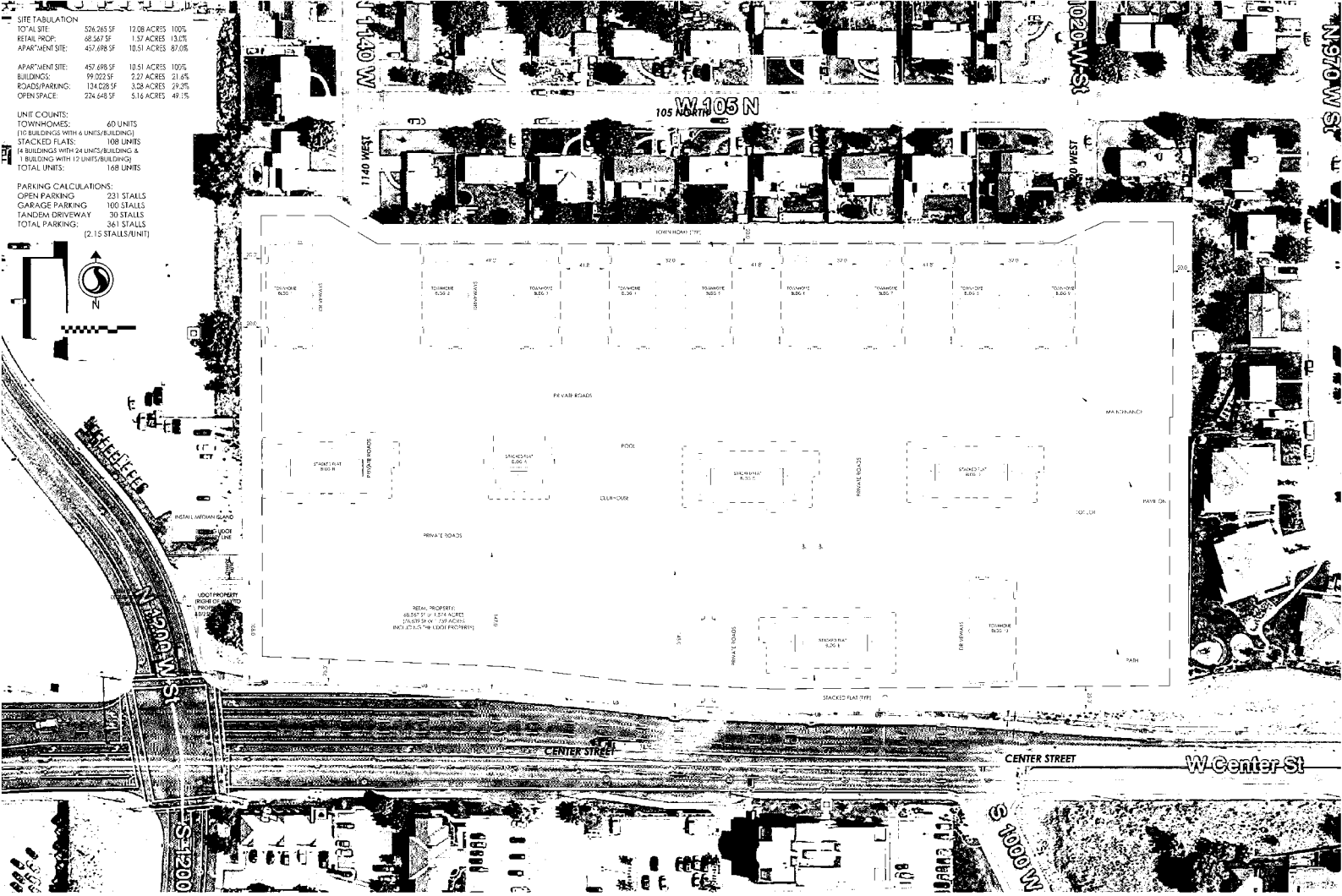

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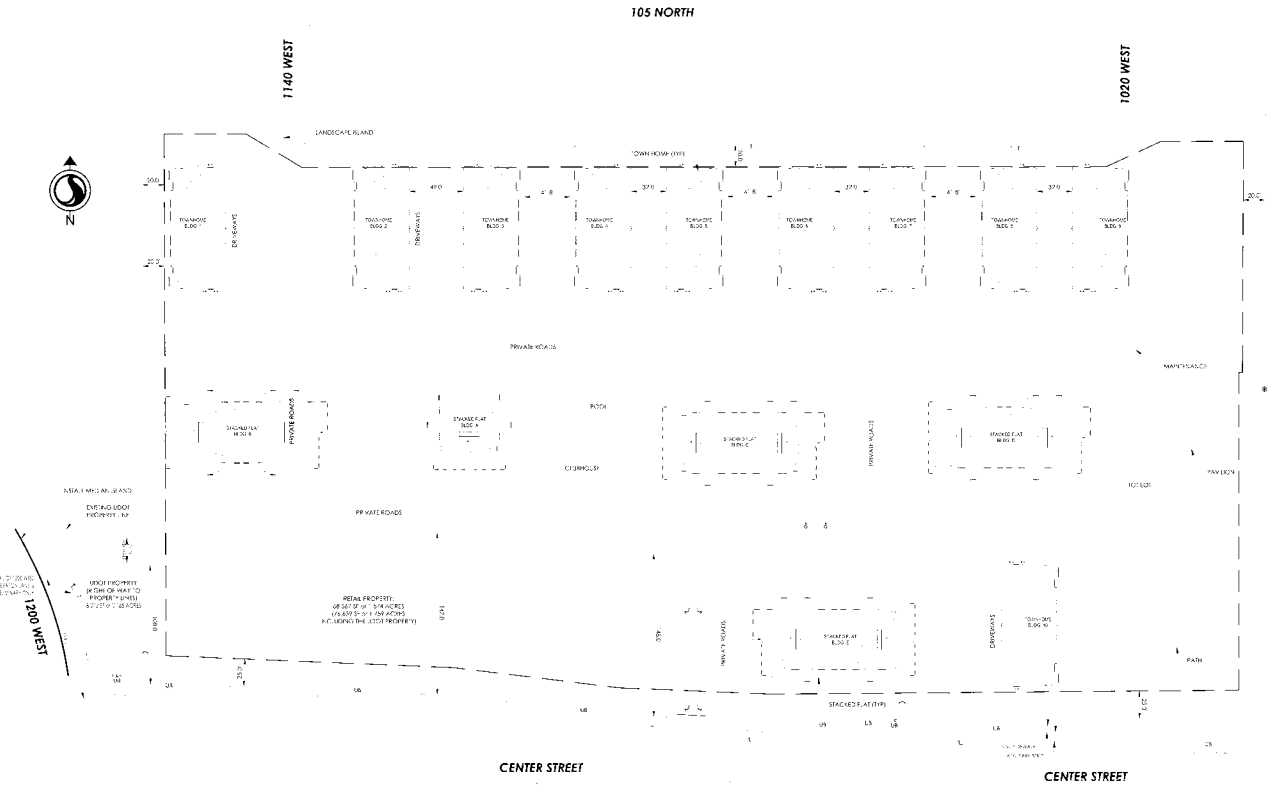

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Owner/Project

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Issued

Permit-Site

Client/Project
WASATCH ADVANTAGE GROUP
299 South Main Street, Suite 2400
Salt Lake City, UTAH 84111

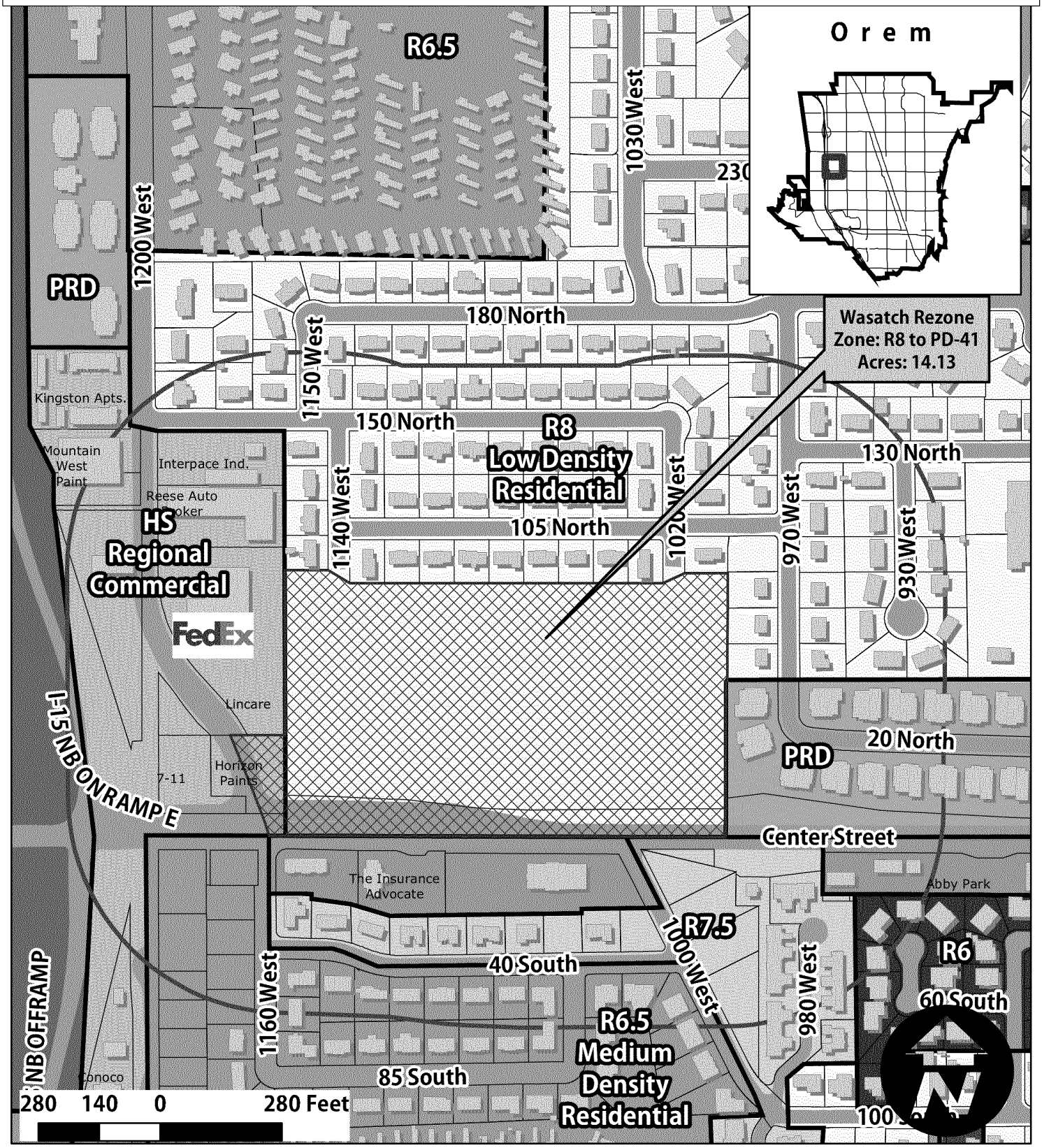
OREM CENTER STREET APARTMENTS
Orem, Utah

Title
OVERALL SITE PLAN

Project No. 186201159
Scale
Drawing No.
Sheet
of
Revision
0

Wasatch Advantage Rezone from R8/HS to PD-41

1100 WEST CENTER STREET

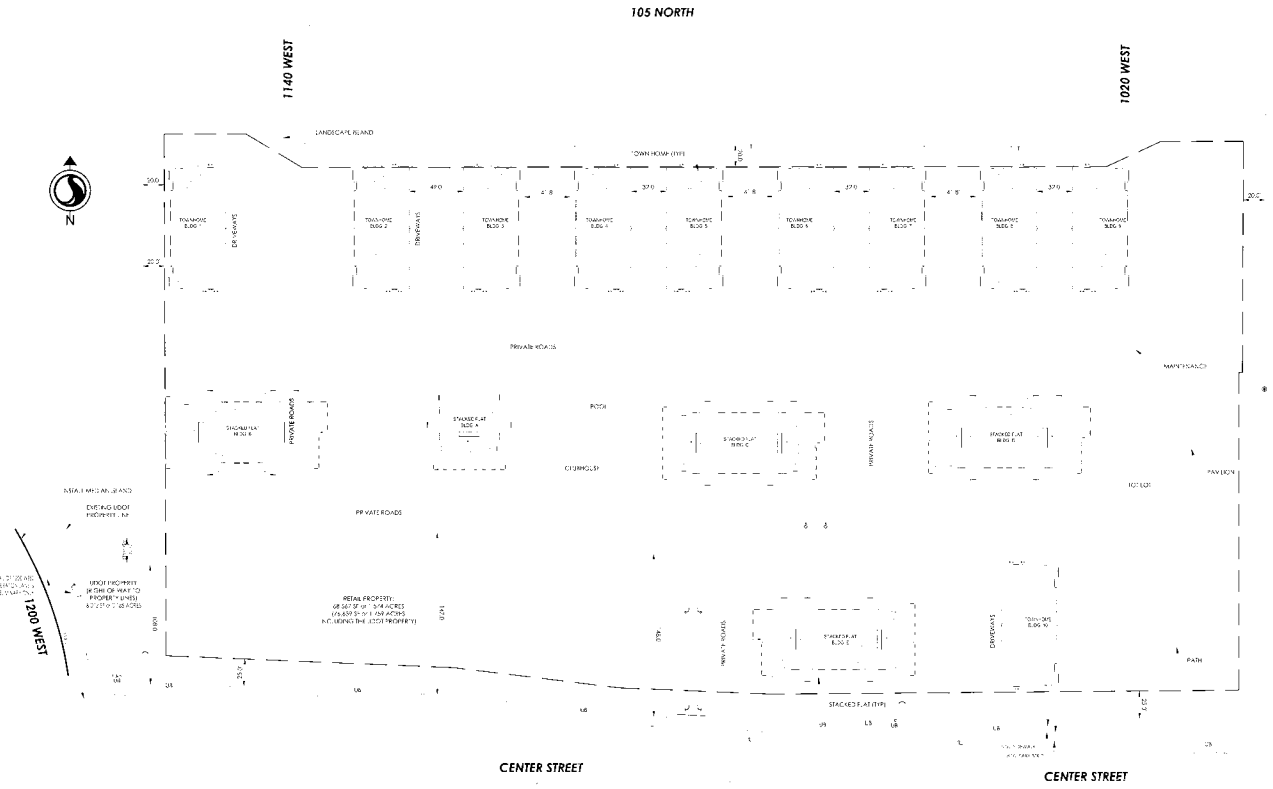


- Wasatch Advantage Rezone from R8 to PD-41: 14.13 Acres; R8 zone.

NIA CONTACT:
Suncrest Neighborhood
Cynthia Manire

Legend
- Buildings
- PD41
- Notification Boundary
- Parcels

Appendix "JJ"



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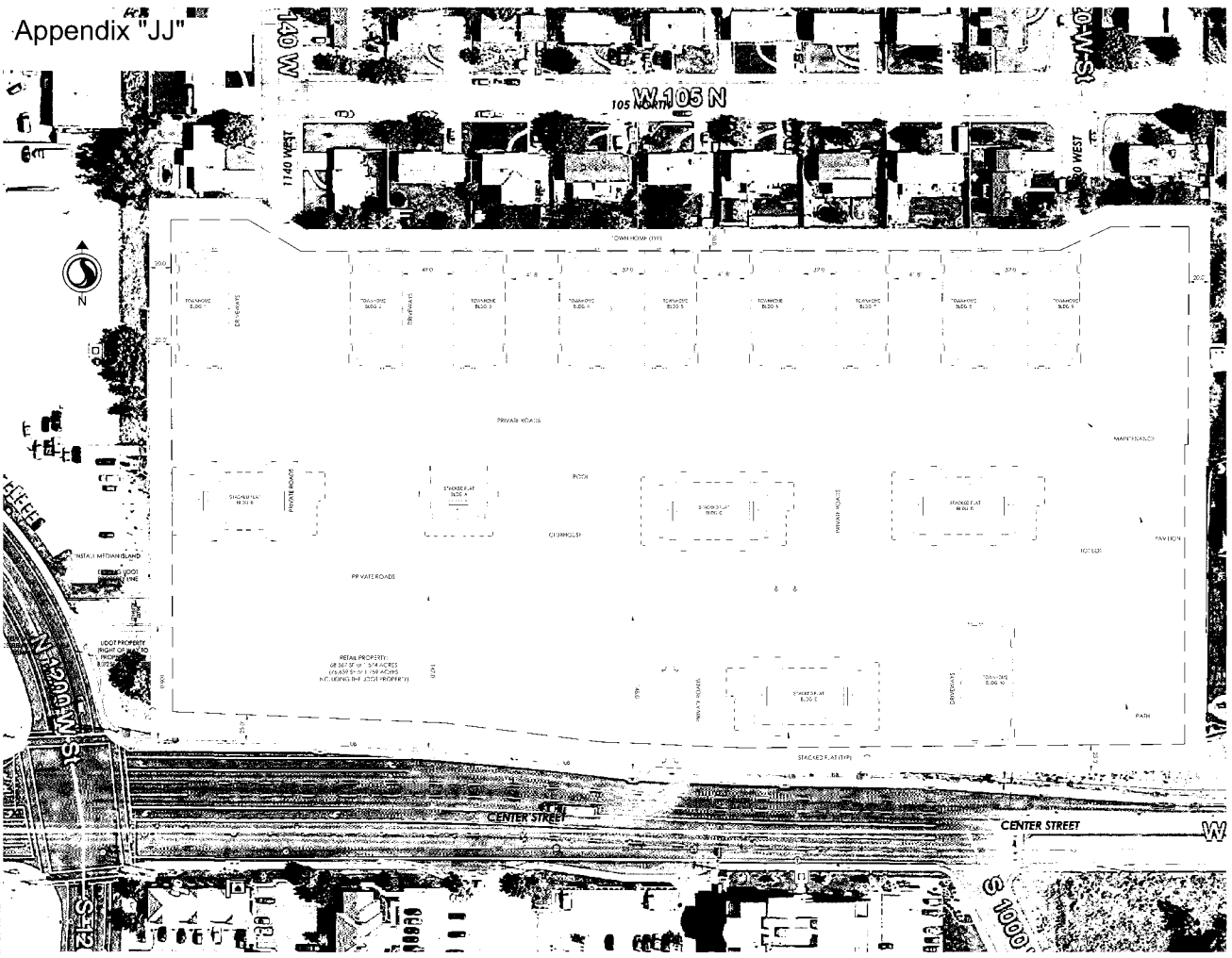

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Issued

Permit-Spa

Client/Project
WASATCH ADVANTAGE GROUP
299 South Main Street, Suite 2400
Salt Lake City, UTAH 84111

OREM CENTER STREET APARTMENTS
Orem, Utah

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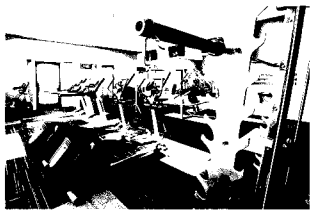
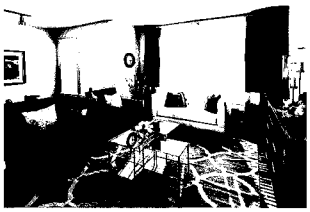
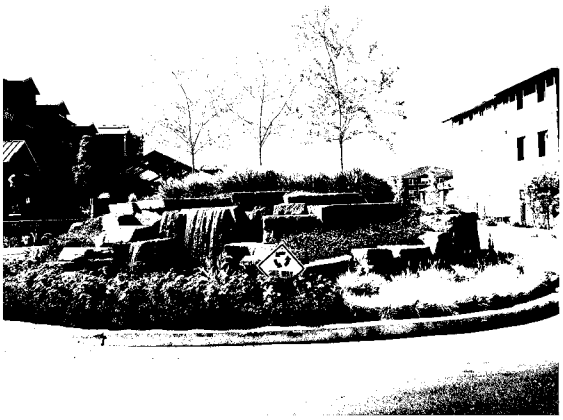
Project No. 186201159
Scale
Drawing No.
Sheet of
Revision 0

Appendix "JJ"

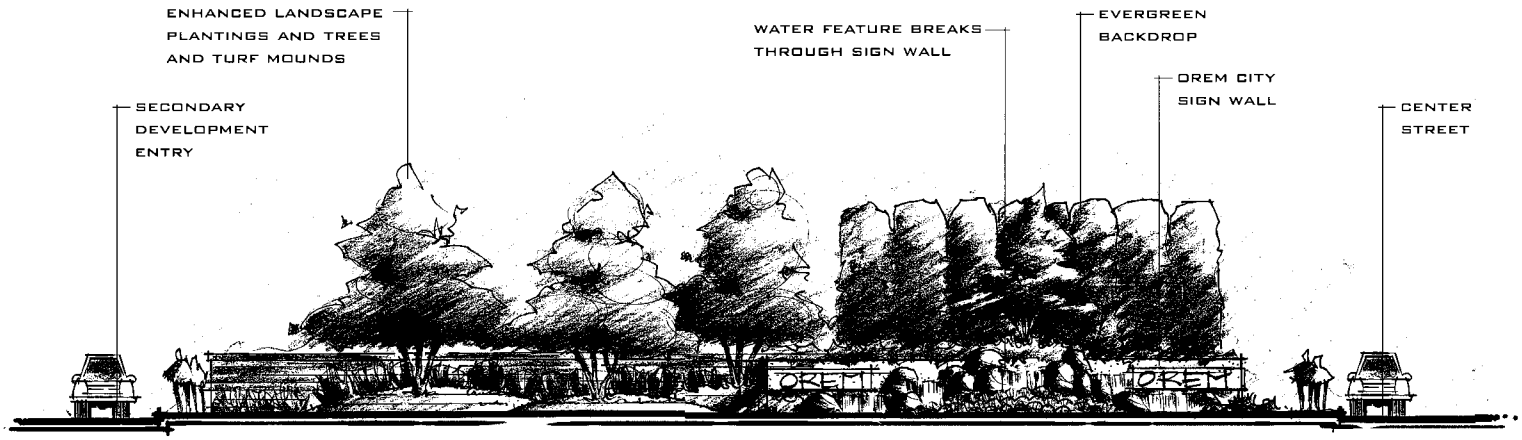





WASATCH ADVANTAGE GROUP

LOFTSIXFOUR

Appendix "JJ"



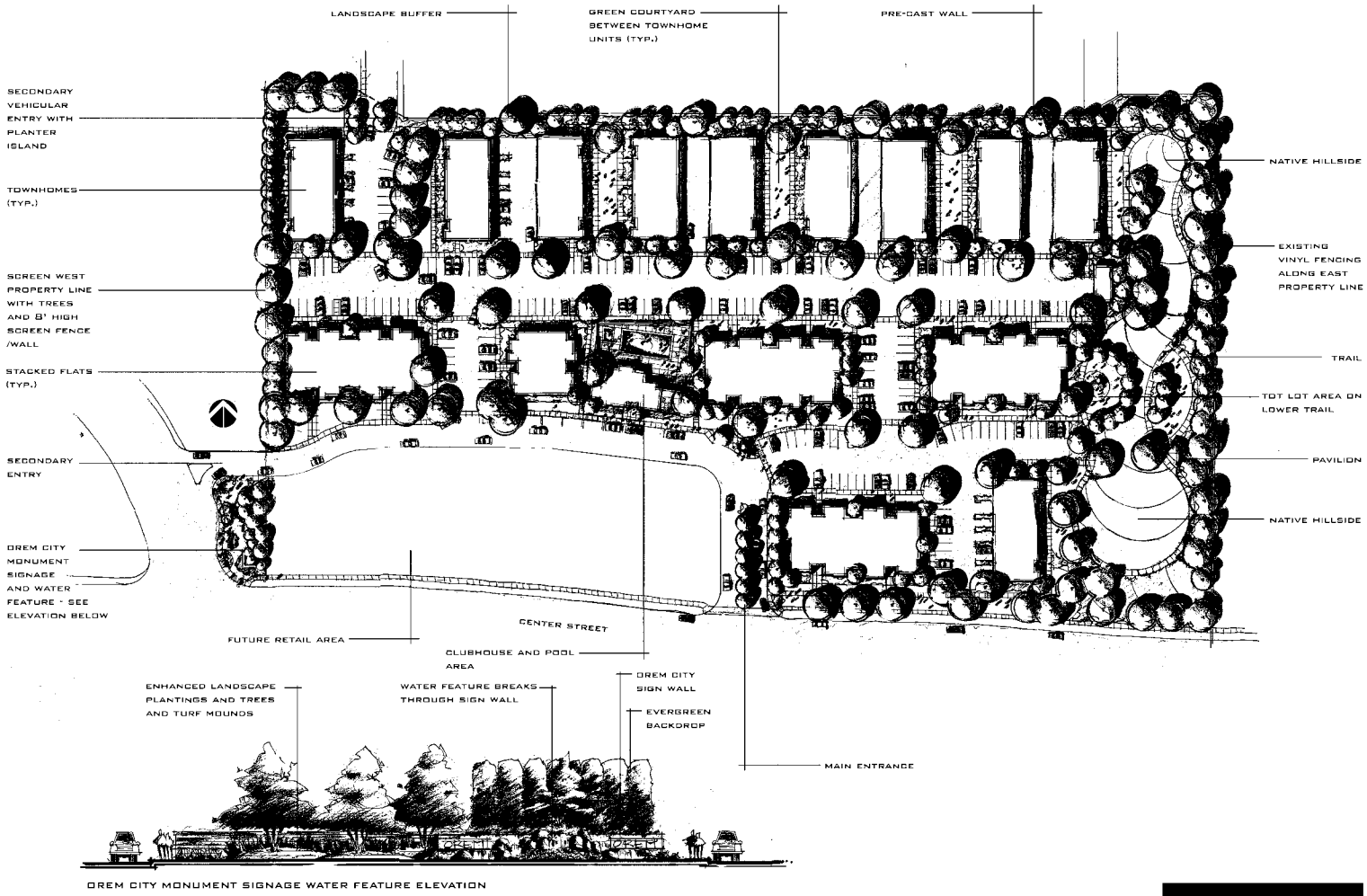
OREM CITY MONUMENT SIGNAGE WATER FEATURE ELEVATION

OREM CITY MONUMENT SIGNAGE CHARACTER IMAGES

WASATCH ADVANTAGE GROUP

LOFTSIXFOUR

Appendix "JJ"



OREM CITY MONUMENT SIGNAGE WATER FEATURE ELEVATION

WASATCH ADVANTAGE GROUP

LOFTSIXFOUR

PD-41 Zone – 1200 West Center Street

A. **Purpose**. The purpose of the PD-41 zone is to allow for the development of a mixed use project including high-density residential apartments and retail pads.

B. **Location.** The PD-41 zone shall apply only to a parcel of property located generally at the northeast corner of 1200 West and Center Street as shown in the concept plan.

C. **Concept Plan.** Property in the PD-41 zone shall be developed in substantial conformance with the concept plan included as Appendix "JJ" of the Orem City Code which is incorporated herein by reference. Area A shall consist of a high-density residential apartment complex and Area B shall consist of a commercial development.

D. **Permitted Uses.** The uses listed below shall be permitted uses in the PD-41 zone:
Area A:

Standard Land Use Code	
1112	Condominiums
1120	Apartments

Area B: All uses permitted in the C3 zone.

E. **Prohibited Uses**. Any use not specifically listed in subsection (D) above shall be prohibited.

F. **Final Plat**. A final plat that conforms to all development standards and requirements of Chapter 17 shall be approved and recorded by the City prior to any development in the PD-41 zone.

G. **Site Plan**. All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-41 zone. No development, construction, revisions, or additions shall take place on a site in the PD-41 zone, except for demolition and preliminary site grading, until the site plan has been approved, the final plat has been recorded, the necessary bonds have been posted, all fees have been paid, and the appropriate permits have been obtained.

1. **Additional Site Plan Requirements**. In addition to the requirements of Section 22-14-20, the site plan shall include details of amenities and their locations within the project.
2. **Phasing**. Development phases are permitted provided that all phases include, in accordance with City policies and procedures: 1) sufficient traffic circulation for the development phase to existing dedicated streets; 2) sufficient infrastructure, such as sewer and culinary water; 3) surface water detention, if applicable; and 4) appropriate amenities for that phase as specified on the site plan.

F. **Development Standards.** The following development standards shall apply to all development in the PD-41 zone.

1. **Density**. The maximum density for residential development in Area A shall be seventeen (17) units per acre.
2. **Height**. No building in the PD-41 zone shall exceed forty-five feet (45') in height in Area A and fifty-five (55) feet in Area B, not including parapets, architectural features or roof features, measured from finished grade.
3. **Setbacks**. All buildings and parking spaces shall be set back at least twenty (20) feet from all property lines. Porches, cantilevers, canopies and 'pop out' windows may encroach into the setback a maximum of two feet (2'). Landscaping shall be maintained in the required setback areas. In Area B no interior setbacks are required.
4. **Architectural Style**. All buildings in the PD-41 zone shall substantially conform to the architectural design and quality illustrated in the concept plan. The design of buildings in the PD-

41 zone shall incorporate diversity of detail and materials among individual buildings while maintaining a unique overall design theme for the entire development.

a. The following specific guidelines shall apply to residential development in Area A:

(1) Buildings shall demonstrate architectural variety through elements such as porches, rear loaded garages, window size, materials and color.

(2) Balconies up to six feet (6') in depth but not less than three (3) feet are required on at least fifty (50%) of all residential units for the entire site.

(3) Neither flat, three-tab cut asphalt shingles nor rolled roofing shall be allowed on any roof that has a slope of four feet of rise to twelve feet of run (4/12) or greater.

(4) At least two product types are required as shown by varying footprints.

(5) Three material types (stone, stucco and cement board) are required on each livable structure.

(6) The project shall include at least two color schemes.

b. The following specific guidelines shall apply to commercial development in Area B:

(1) All buildings in Area B will share a similar architectural character by utilizing the same materials, colors, features, forms, and design elements as appropriate to the scale of the various building sizes and depths. Architectural design of buildings shall incorporate a variety of parapet heights and vertical planes.

(2) Design elements shall be used to add interest and beauty on all visible sides of the buildings.

5. **Exterior Finishing Materials**. All buildings shall be completed on all sides with brick, stone, glass, stucco, synthetic stucco (EIFS only), cement board or plaster. Wood, sheet metal, and corrugated metal, may be approved for trim, soffits, fascia, mansards and similar architectural features.

6. **Buffered Sidewalks**. A buffered sidewalk separated from the street by a landscaped strip shall be installed and maintained adjacent to Center Street. The sidewalk shall be at least eight feet (8') in width. The landscaped strip shall be at least eight feet (8') in width and shall be bermed to a height of at least one foot above the grade of the adjacent sidewalk. The landscaped strip shall be maintained with grass and trees with trees being planted and maintained in the buffering landscaped strip and spaced no more than forty feet (40') apart. Trees in the buffering landscaped strip shall be selected from Appendix U of the Orem City Code and shall be at least two inches (2") in caliper when planted. At least a proportionate share of the required sidewalk and buffering landscaped strip improvements shall be constructed with each phase of development in the PD-41 zone. All interior sidewalks shall be at least five (5) feet in width.

7. **Drive Accesses.** Drive accesses shall be designed and built as shown in the concept plan. All drive accesses shall be constructed with at least two travel lanes with each travel lane being a minimum of (12) feet in width exclusive of areas available for parking.

8. **Parking**. At least two (2) parking stalls shall be provided for every residential unit with at least one covered stall per unit. Parking for Area B shall be the same as required in the C3 zone. All parking spaces shall comply with Article 22-15. The parking requirements shall be met for each phase of construction.

9. **Landscaping.** Landscaping shall be provided as generally shown in the concept plan. A landscaping plan shall be submitted to the City for approval as a part of the site plan.

a. All land within the PD-41 zone not covered by buildings, driveways, sidewalks, plazas, courtyards, structures, recreation facilities, parks and parking areas, shall be permanently landscaped with plants, shrubs, trees, rocks, grass, and similar landscaping materials and shall be maintained in accordance with good landscaping practices. At least seventy percent (70%) of the landscaped areas must be maintained in living, vegetative materials. All landscaping shall have a permanent, underground sprinkling system.

b. Deciduous trees at least two (2) inches in caliper measured six inches above ground level, and evergreen trees at least five (5) feet in height, are required at a ratio of one deciduous and one evergreen per every three thousand (3,000) square feet of landscaped area. Evergreen shrubs at least five (5) gallons in size are required at a ratio of one (1) per dwelling unit.

10. **Fences**. A pre-cast wall with a minimum height of six (6) feet and a maximum height of seven (7) feet shall be erected on the west and north property lines of the property included within the PD-41 zone, except that no fence shall be required along street frontages or on the eastern boundary of the PD-41 zone. The entire length of the perimeter fence shall be constructed using the same design, color and materials. Wood, chain link and vinyl fencing is prohibited.

11. **Signs.** Except as otherwise provided below, signage in the PD-41 zone shall comply with Chapter 14 of the Orem City Code. The following additions and modifications shall apply to signage in the PD-41 zone:

a. Two monument signs with a maximum height of six feet and a maximum area of forty-eight square feet shall be allowed in Area A and shall be located within fifty feet (50') of the entrance to the PD-41 zone from Center Street and 1200 West.

b. Notwithstanding any other provision in City Code to the contrary, pole signs shall be allowed in Area B as if Area B were in sign zone E.

12. **Lighting Plan.** Each site plan shall include a lighting plan that is designed to discourage crime, enhance the safety of the residents and guests of the project, prevent glare onto adjacent properties and enhance the appearance and design of the project. Exterior wall pack lighting shall be provided on each building. Parking lots and structures shall be well lit. Interior street pole lights shall have a decorative style and shall be dark-sky sensitive. No cobra-style light standards are allowed. The general design of the interior street pole lights shall follow the general theme of the development.

13. **Amenities**. Amenities shown on the concept plan shall be incorporated into the development.

14. **RV Storage.** The storage of Recreational Vehicles (RV's) shall not be permitted within the PD-41 zone.

15. **Solid Waste Receptacles and Storage Areas**. All outside storage areas and solid waste receptacles which are not located within a building shall be enclosed on three sides with a masonry wall at least six feet (6') in height and shall have a sight-obscuring gate.

16. **Storm Water Runoff Plan**. All development within the PD-41 zone shall have a storm water runoff plan designed to accommodate a twenty-five (25) year storm with a maximum allowable discharge rate of sixty gallons per minute, per acre (60 g.p.m/acre).

17. **Unit Owners' Association.** If all of the residential units are owned by the same person or entity, no unit owners' association shall be required. However, if all of the residential units are not owned by the same person or entity, a unit owners' association shall be formed and maintained to provide maintenance and upkeep of the common areas of the development.

18. **Soils Report.** A soils report prepared by a soils engineer shall be submitted concurrent with the submittal of any site plan to identify any special engineering needs of the site. All development shall be slab on grade unless a soils engineer determines that below grade development can be developed without present or future ground water problems and the City Engineer concurs in the analysis. Ground water drains shall be required if the soils report recommends them.

19. **Utilities**. All dwellings shall be served by the public sewer system and public water supply. All utilities shall be placed underground. No water or sewer lines shall be placed under covered parking areas. The provisions of Chapter 21 of the Orem City Code for water meter connections shall apply to development in the PD-41 zone.

20. **Mechanical Equipment**. All mechanical equipment shall be screened from view, either by enclosure or parapet wall. Any truck dock areas shall also be similarly screened from view.

21. Outdoor Storage and Display. Outdoor storage and display of products or materials is prohibited in Area B.

G. **Bonds.**

1. **Purpose**. Prior to the recording of any final plat (if applicable) in the PD-41 zone and prior to the issuance of any building permit on land included within a PD-41 development, the applicant shall post a bond with the City in an amount sufficient to cover the cost of all required improvements required for that phase (if applicable) of the approved site plan, preliminary plat, final plat, concept plan, the PD-41 ordinance and other applicable City ordinances, including but not limited to landscaping and sprinkling systems, asphalt, curb, gutter, sidewalk, fencing, piping of irrigation ditches, and any other item required as part of the approved site plan. The bond shall be a guarantee that the proper installation of all required improvements shall be completed within two (2) years of the date of approval of the site plan or recording of the final plat, whichever is later or at such time as the approving body may designate, and that the improvement shall remain free from defects for a period of one year after the City's final acceptance of the improvements. The bonds required by this section are for the sole benefit of the City. The bonds are not for the individual benefit of any citizen or identifiable class of citizens, including the owners or purchasers of lots or units within the PD-41 development. The bonds are not for the purpose of ensuring payment of contractors, subcontractors or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or material shall have a cause of action against the City or the bond for providing labor or materials.
2. **Type**. The bond shall be an irrevocable letter of credit, escrow bond, cash bond or combination bond in favor of the City. The requirements relating to each of these types of bonds are found in Section 17-6-6 of the Orem City Code. The City reserves the right to reject any of the bond types if it has a rational basis for doing so. The bond shall be delivered to the Department of Development Services.
3. **Amount**. The Development Services Director or his designee shall determine the amount of the required bond by estimating the cost of completing the required improvements. The amount of the bond shall be at least one hundred ten percent (110%) of the estimated costs of the required improvements.
4. **Nonwaiver**. This section does not waive the bonding, licensing, or permit requirements set forth in other City ordinances except that this section replaces the subdivision bond required in section 17-6-6 Orem City Code.
5. **Plat Recording**. The City shall not record any final plat until the developer of the PD-41 development has tendered the bond for public improvements and entered into an agreement with the City in which the developer agrees to install the public improvements as required by this section and agrees to indemnify and hold the City harmless from any claims, suits or judgments arising from the condition of property dedicated to the City, from the time that the property is dedicated to the City to the time when the public improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period).
6. **Completion of Improvements Extension.** An applicant may request an extension of up to two (2) years for the completion of public improvements from the Development Services Director. The Development Service Director may grant an extension of up to two years if the applicant demonstrates good cause for not completing the public improvements and demonstrates the present ability to complete the improvements.
7. **Personal Liability**. If for any reason the bonds providing for the guarantee of public improvements are insufficient to properly complete the improvements, the developer shall be liable to complete the improvements required by this section.

AGENDA ITEM 4.1 is a request by Adam Lankford, Wasatch Advantage Group, to enact **SECTION 22-11-54 PD-41 (1200 WEST CENTER STREET_ ZONE AND APPENDIX "JJ" AND REZONE PROPERTY AT 1200 WEST CENTER STREET FROM THE R8 ZONE TO THE PD-41 ZONE.**

Staff Presentation: Mr. Spencer said the applicant proposes to enter a long term agreement with the property owners (Christensen Family) to develop a 168 unit apartment development that also includes two commercial pad sites adjacent to Center Street. The current site has been vacant for many years. Most recently, the Sunset Ridge project was proposed in 2007, which included an office building, restaurant pad, and 75 multi-family housing units. That proposal was denied by the City Council on a 4-3 vote because the council at the time wanted more commercial uses on the property, citing the uniqueness of the property being one of the last large vacant properties adjacent to I-15.

Since then, the City's Economic Development Department hired a consultant (Van Drimmelen & Associates, Inc.) to conduct a Highest and Best Use Analysis for the property. Based on the findings in the analysis the top three uses for the property in order as identified in the report were:

1. Office Uses
2. Retail Development
3. Multi-family Residential Development

The Highest and Best Use Analysis concluded that the most apparent and compatible highest and best use of the subject property would mainly be for office development. The development could include a large multi-story office building or an office park comprised of multiple office buildings. The report further states office use would be most compatible with surrounding development and would be consistent with linkages and visibility/exposure from Center Street and I-15.

The applicant proposes to create the PD-41 zone ordinance and to apply the PD-41 zone to the above mentioned property. The proposed PD-41 zone would allow the development of two commercial pad sites as well as a large multi-family housing project.

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

- A mix of residential and commercial uses
- A maximum building height of forty-five (45') feet, and a residential density maximum of eighteen (18) units per acre.
- Buffered sidewalk along Center Street
- Parking standards require two (2) stalls per residential unit, and commercial parking to comply with Section 22-15 of the Orem City Code
- Accesses to Center Street, 1140 West to the North, and from the project to 1200 West (right in/ right out, with a concrete median on 1200 West) as required by development agreement to require the applicant to acquire the property from UDOT and install the access
- New precast fencing to be installed on the west and north side of the project

When any large property rezone request is made, the developer is required to complete a Traffic Impact Study (TIS) to determine what impacts the proposed development may be creating. The TIS for the Wasatch Group proposed rezone and development defined a traffic failure condition (LOS F) if the development only had access from Center Street and 1200 West. To eliminate the traffic failure condition the developer and city staff considered either proving a traffic signal at an access point on Center Street, or making a connection to a neighborhood street to the north of the proposed project.

The proposed development size did not create traffic levels high enough to warrant the installation of a traffic signal, therefore, connecting to proposed project to a neighboring street was the only way to eliminate the traffic failure condition.

A development agreement is required to be finalized between the City and the developer before the proposal goes before the City Council for consideration. The development agreement shall include the requirement to obtain

UDOT property to access 1200 West and install an additional access to the property. If UDOT does not transfer property to the developer the project will not have adequate access, and should not be approved.

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

Neighborhood Meeting:
Neighborhood meetings were held on January 30, 2014 and August 13, 2014 regarding the proposed rezone and the commercial pad revisions to the original concept plan. There were approximately 25-30 people at both meetings. Some of the major concerns were access to the residential neighborhood to the north on 1140 West, and whether or not the applicant had sufficient on-site parking. An email was also included from the president of the Peach Haven HOA located to the east of the project in favor of the proposal.

After reviewing the proposed rezone and ordinance amendment, staff has listed some advantages and disadvantages in respect to the proposal.

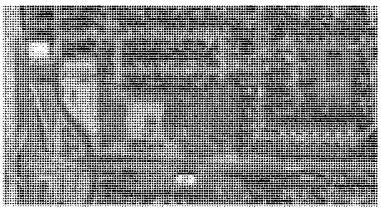
Advantages of the proposal:

- The proposed project would develop an undeveloped property into one that provides economic benefits for the City and serves as a major gateway to the City. However, the proposed uses are not necessarily the "highest and best" use for the property.
- The development will promote traffic circulation through the property and includes an additional access to 1200 West from the project.
- Design elements for the project promote aesthetically pleasing improvements with increased attention to landscaping and building appearance.

Disadvantages of the proposal:

- The project develops one of the last remaining vacant properties adjacent to and highly visible from I-15.
- Office uses have been identified as the "highest and best use" for the property according to the Highest and Best Use Analysis report for the property. Multi-family was the third best use.

RECOMMENDATION:
Staff recommends the Planning Commission consider the proposed amendments and make a recommendation to the City Council regarding this request. The Planning Commission should recommend the developer proffer a development agreement regarding the 1200 West access from the development.



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

Vice Chair Walker asked who controls access to Center Street. Mr. Spencer said Center Street is a city street. Vice Chair Walker then asked why only one access. Mr. Goodrich said Center Street is a principal arterial street. They want to restrict the accesses as much as possible. The City is applying access management principles, while taking into account the steep grade on Center Street. Vice Chair Walker noted that the commercial sites usually have their own accesses. Mr. Goodrich indicated the traffic backs up during peak hours quite a lot, which causes them to want fewer accesses from this property onto Center Street. If this development were not located near a freeway access, and on an arterial street, etc. they would have more accesses. That is one of the reasons for having the access to 1200 West. If someone wants to come off I-15 for a potential gas station or drive thru restaurant, they could get off and get access by 1200 West. Mr. Spencer said there is a requirement to install a concrete median, which will make the access to the property from 1200 West be a right-in/right-out turn only.

Ms. Jeffreys noted there will be left turn movement allowed onto Center Street. Mr. Goodrich said the there are two exit lanes and they are far enough back from the intersection and lined up with the Realtor's building access. That would be a full access location, where all turning movements will be allowed. He noted that left turns are possible at certain times of day. Because of the back-up issues on Center Street, the City has required the developer to pay for some upgrades to the traffic signal if certain heavy traffic times a right turn is possible and then make a U-turn at the light. Ms. Larsen asked how a light is upgraded to allow U-turns. Mr. Goodrich said they change out the left turn signal head to allow a different type of left turn traffic movement. Also, they do not allow northbound traffic to make a right turn at the same time someone is making a U-turn so that signal head will need changed out also with a red arrow. Ms. Larsen noted they could either turn left or do a U-turn.

Ms. Jeffreys asked how is developing the property a disadvantage when it is highly visible from I-15. Mr. Spencer said the disadvantage is that it is not being developed at its highest and best use as identified in the Economic Development Study. Ms. Jeffreys then wondered why there was so much residential and not commercial when the study recommended commercial. Ms. Buxton asked if there were more than three uses noted on the economic analysis. Mr. Spencer said they only provided the top three. Ms. Buxton noted then the residential was the lowest of the three uses. Vice Chair Walker said the reason for the list is sales tax. Mr. Spencer said the City would like to see something more office-like, because this is one of the last pieces along the I-15 corridor. However, the property owner has the right to request whatever they would like.

Ms. Jeffreys asked if there would be more traffic with single family homes or the commercial. Chair Moulton added he wondered what the traffic would be with office in comparison.

Chair Moulton invited the traffic engineer to come forward. John Dorney, Horrocks Engineers, introduced himself.

Mr. Dorney said they did a bunch of "what-if" scenarios like: shopping center, general office, etc. The general office had about 3,000 cars per day based on 238,000 square feet of office. The shopping center if it was single story would be about 5,000 cars per day. As proposed, the housing portion is about 1,500 cars per day as proposed and the proposed commercial is about 6,000 trips per day. Commercial uses highly increase the amount of traffic on the site. They were instructed to analyze the commercial uses of a convenience store and a gas station due to the proximity to the freeway. The total is 7,500 with both the residential and commercial.

Ms. Jeffreys asked about the office use that was studied. Mr. Dorney said they took some ratios of how many square feet per acre can fit on 12 acres based on the shape of the property. Ms. Jeffreys asked what the square feet is on the proposed development. Mr. Dorney indicated that gas stations do not use square footage, but are measured by pumps and fast food is only 3 1/2 thousand square feet of grocery display area. It is hard to compare these uses to an office building. Ms. Jeffreys asked if the 238,000 square feet was the office building only. Mr. Dorney indicated it was single story, took into account the road, parking and no residential. If the building went up, every story would double the 2,500 trips and most offices are 2-4 stories tall. The building heights are usually 45-feet tall and that is typically 3-4 stories. Ms. Larsen said the access for the two commercial pads will increase the traffic on 1200 West all the way to 400 North. She also wondered if they did impact studies in that area. She wondered if all the studies were with Center Street. Mr. Dorney said they established a study area based on Orem City Code and meet with city staff and they have met with Utah Department of Transportation (UDOT). They did many traffic designs on this property. They tried every combination they could think of and no combination would allow a level of service above "D", except for this configuration. If you want to go east on Center, you will need to go to the light and turn left and do a U-turn or turn right and go north on 1200 West. In order for UDOT to sell the property there needs to be specific restrictions on the access. UDOT does not want the development to mess up the I-15 ramp and if the traffic concerns are not solved, UDOT will not sell the property.

Ms. Larsen then asked Mr. Dorney if 1140 West was included on the traffic study on the commercial. Mr. Dorney said they did a trip generation study and worked with Mr. Goodrich. They have not done a full traffic study, because the applicant has not proposed that. The traffic study is based on what is proposed and the applicant modified their site plan 4-5 times and they have done iterations of studies each time. Mr. Goodrich said they let the applicant know they will need the connection to 1140 West in order to not have a traffic failure condition at the other access points. They asked that the design is such that the connection is circuitous and somewhat hidden from the commercial pads. The residential component is attracted to 1140 West and not the commercial components. The commercial components are more centered around the access onto 1200 West and Center Street. They did

reposition the buildings around to make the access more hidden. Ms. Jeffreys said 168 units will be coming through 1140 West. Mr. Goodrich said the study looks not at the daily volume, but break it down to the am/pm peak hours. The am peak hour coming out onto would be 97 vehicles out of all residential units in an hour, which are divided up between three accesses. Ms. Jeffreys said it probably would depend on what street the unit is nearest and they would not all go onto 1140 West. Mr. Dorney said the more traffic on Center Street, the more people will move to the other streets, if there is less traffic on Center they will be inclined to use Center Street. Mr. Goodrich presented a "what if" scenario of the entire property being built out residential. A resident shouted out that this proposal is not a single family development, but super high density. Mr. Goodrich said if it was developed single family, the developer would have to follow the Street Connection Master Plan, which would say the two stub streets would have to go through and connect to another street. It does not say where they have to connect, they could interconnect to each other, but they would not have the opportunity to force the developer to make a connection to Center Street. That would mean the 45-50 homes that could be built in that area would connect to those two streets; that could be a worst case scenario.

Ms. Buxton asked if the traffic study was factored into the Best Use Analysis. Mr. Clark said no, the best use study was done prior to this application.

Chair Moulton invited the applicants to come forward. Adam Lankford and Bryant Christensen introduced themselves.

Mr. Lankford, Wasatch Advantage Group, said they have been working on this for eight months, have held two neighborhood meetings, met with staff and UDOT. This is a joint venture with Wasatch Advantage Group and the Christensen family. He invited Mr. Christensen to discuss the history of the property.

Mr. Christensen said his family has owned the property since the 1970's. His father developed the three streets to the north. He remembers distinctly his dad stating that the remaining property should be commercial. The property has been empty since then except for a time there was a beaver farm. There have been many offers over the years even without marketing the land. Costco wanted to go there, but the slope of the land made it unworkable for them. In 2007 the property taxes went up and so the family decided it was time to develop the property. They decided to partner with Wasatch Advantage Group because they are long term owners, heavy on management, do not borrow lots of money and does not flip properties. This model is the best one the family has seen out of the many that has come over the years.

Mr. Lankford said that Wasatch Advantage Group owns and manages 16,000 units throughout the west. They are also developing William's Farm as a technology center and Center Corner Bakery in the Target parking lot is coming on also. They will own and manage this community with a professional staff. They will do a lot of community gathering events to create a sense of community within the development. The will enforce their rule of no co-renting of units and renters will be evicted for disobeying this rule. They have people on sight to handle the different problems that will arise. There is a growing number of people who want a low maintenance lifestyle, couples without children, single divorcees, etc. Wasatch has been doing this for around 28 years and do not build and flip developments. They are not maxing out the density with 14 units per acres. They started with 210 units with one access onto Center Street. They realized they needed another connection and so they have been working with UDOT for the 1200 West connection to improve circulation. They have received a letter of support from the Utah County Realtors across the street and an email from Peach Haven Subdivision to the east.

Mr. Lankford said they spent a lot of time thinking of the streetscape on Center Street. There is not a welcome to Orem area so the monument and water feature would be a nice addition. They have a lot of open space with the trail, tot lot and pavilion on the east of the property. They turned the townhomes sideways, making the width and height the same as a two story home. The townhomes will face each other and will have a green court between with many trees. They have built similar units in Draper and with the precast walls and the trees it was a nice buffer for the surrounding properties. The building materials will be small amounts of stucco with most of the product being stone and hardi-board. The windows will be oversized and the entire interior will be upgraded and very nice. There will be two roof lines to give variety to the design. The clubhouse is 3,000 square feet, offering office, exercise area, club room, etc. This plan is a good because it is going from single-family, multi-family to commercial on the outer edge. When considering the option of building to the highest use of the property, this does not take into account the traffic, the slope, etc. Wasatch Group does not think office or retail will work on this property because

of financing and the slope. They are developing an office tech center at Williams Farm, which can help stop the "bleeding" of businesses to Thanksgiving Point. Businesses are looking to go to University Mall with its growth.

Ms. Jeffreys asked if this was approved would it be done in one phase. Mr. Lankford said the residential will be first and commercial will come when they have tenants. They have had a lot of interest in the commercial, but they needed the other access for it to sell.

Ms. Jeffreys then asked if the Street Master Plan will require 1140 West to go through. Mr. Goodrich said if the zoning remains as it is then it will have to connect with another street.

Vice Chair Walker noted the City Master Plan has the property to be commercial or office. Mr. Spencer said the site plan that came through and was denied by the City Council, had a similar layout. The City Council at that time wanted more commercial units.

Ms. Larsen asked if they would sell the commercial lots. Mr. Lankford said they would keep them to insure the landscaping remains in good order.

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.

Archie Williams, Orem, said that the neighborhood was told by Mr. Christensen that there would be another row of residential homes and then the rest would be commercial. The Planning Commission needs to look at the safety factor. Currently there is an accident in this neighborhood every three days. The rent for these apartments is going to be $1700 per month. If they cannot rent out these apartments at that price, they will lower their standards to be able to fill up the apartments. He questioned how many people have to die before Orem City will install another light. He expressed concern about the type of people who will live there. The residents in the area are mostly elderly. He suggested going residential with a park or a church. He added the U-turn concept is a bad idea; it would cause too many accidents.

Floyd Ostler, Orem, said he thought this is the wrong location for this type of development, because Center Street is a main road into Orem. It is too close to the freeway. He indicated he had been there for 30 years and had a job across the street and so he has observed Center Street for many years. He often sees an Orem policeman pulling over people for speeding off the hill. He felt that a commercial use would be better for the area.

Damon Bahr, Orem, said he supported residential over commercial, however, he does not think this type of residential development is the best. He has lived in this area since 1986. The last four years he has lived in the Peach Haven development. Over the years he has seen the lowering of the socioeconomics of the area and there has been a dramatic change in the area because of highly transitional developments, like Newport Village. Newport Village, while those who live there are good people, has not provided stable residents. He would support a development similar to Peach Haven, which will increase the socioeconomics and spirituality of the area.

Larry Driscoll, Orem, apologized for shouting out earlier in the meeting. He indicated he bought his home 35 years ago and he too was told there would be one more street of residential and then the rest commercial. This is the third time he has been before the City to discuss development on this property. The Master plan for this property is commercial and he agrees. At the neighborhood meeting it was represented to the neighborhood there will be 140 units and now they are proposing 168 units. He understands that the greater the population the greater the difficulty to get around.

Bart Hendrickson, Orem, said he lives across the street to the south and also has a business further east on Center Street. He noted they have to have four wheel drive vehicles for winter if there is a back-up on Center Street. He wondered if the traffic study takes into account all the units that will be coming in on Geneva Road as Vineyard develops. The residents in this area have already taken a big hit with the widening of I-15.

Matt Cook, Orem, indicated he had been in Orem most of his life. He said there are big trucks coming in still, even though I-15 is completed. Traffic is already bad in this area. Stonehenge Fence Company has impacted the neighborhood in a negative way. Placing more people in the development will cause the traffic to have more congestion and will cause more people to choose to travel through the neighborhood. When residents of this

development party, the cars of guests will be parked throughout the neighborhood, similar to what happens all along 1200 West.

Steve Scholle, Orem, said he is a new homeowner and wants to live in this area forever. There are around 12-15 kids in his immediate neighborhood. There will be 1,500 cars in this development at least. The traffic study says 97 cars during peak hours, but 50-100 cars go by his home each day. The access on 1200 West reminds him of the access on State Street for Maceys, which is very unsafe. This will cause problems also.

Bryce McAllister, Orem, said the traffic onto 1140 West will impact the surrounding intersection. He added that there have been accidents where cars have gone into homes.

Elaine Mackey, Orem, said she lives at the bottom of the hill and during the winter, cars slid down the hill, making it an unsafe area.

Stan Baroot, Orem, said the traffic design is forcing traffic that wants to go east to travel over two lanes of traffic and make a U-turn. This is problematic during peak time and will cause the residents of this development to travel through the neighborhood. He was told that there will be windows on the north side of the townhomes. This will mean the residents will look down into his bedroom window.

Rebecca Green, Orem, said she has seen the traffic increase over the years. As development grows on Geneva Road, Center Street will need to be widened. She noted there are sirens all the time in the neighborhood. She does not want people looking into their backyard. There will be parking in the neighborhood, like the apartments along 1200 West.

A.J. Schomas, Draper, said these will fill up with students and so instead of three people per unit there will be six students. Young people drive fast and will cause accidents, making the surrounding neighborhood unsafe. The Planning Commission has a great decision to make and he hopes they will make the decision in favor of the neighbors and their safety.

Trisha Maxwell, Orem, reiterated that the residents of this development will not want to fight the traffic on Center Street and will use the residential outlets. The hill on Center Street will make this an undesireable development.

Merrill Dunn, Orem, said he has lived in Orem all his life and does not think that a large apartment development with a little commercial is a great entryway into the City. Affordable housing units would be better and would be a great asset to the community.

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

Ms. Buxton asked if what the differences in the setbacks from the townhomes are. Mr. Spencer said the minimum is 20 feet, 25 feet if they were two-story. Ms. Buxton said this is five feet closer than the regular single family homes.

Vice Chair Walker noted the Planning Commission is volunteers and this is only a recommendation, with the City Council making the final decision.

Vice Chair Walker added that the City has no control over what is going on in Vineyard. Promises made 30 years ago will change over time. This is not a bad plan; however, the City Council back in 2007 denied a similar plan because it did not have enough commercial. He liked residential because those two residential streets need to connect. He felt bad for the developers, since there is no support from the neighborhood. This development will not be a good place for students, the cost of the units are too high.

Ms. Buxton commended the neighbors for being very civilized and calm. She noted that when there is an open space of property, everyone envisions it as all single family homes. The streets will be impacted no matter what comes in, hopefully not too negatively. The best scenario is to have the traffic spread around and having more than one access will help in this. The Christensen family has the right to develop their property. This could be a lot worse.

Chair Moulton asked when this will go before the City Council. Mr. Spencer said either late October or early November.

Ms. Jeffreys said she thought the windows were facing east and west. Mr. Lankford indicated there will be a front porch on both ends of the buildings. When they return with site plan, they can look at buffering options to alleviate this problem. Ms. Jeffreys then asked if the units will have garages. Mr. Lankford said there are both garages and surface parking. He noted this is critical for them. They design their development with over two stalls per unit in order to have enough parking. There is designated visitor parking and individual units will have enough parking. Ms. Jeffreys asked if the other developments have parking in the surrounding neighborhoods. Mr. Lankford said they had not heard any complaints. Ms. Jeffreys then noted that the current traffic problem is caused by the current residents.

Mr. Spencer mentioned the original drawings had no entrance to the neighborhood, but the additional access was required to get the level of service to not fail. Orem City does not allow more than three singles to live in a dwelling, however the property owner will be onsite to monitor this.

Ms. Larsen said the townhouse is well buffered. She would not like a commercial building close to her property. The property will not stay vacant. She did express concern about turning into the development. Mr. Goodrich said the proposed access will have a deceleration lane. Ms. Larsen assumed that emergency vehicles would have to access from 1140 West. Mr. Goodrich indicated an emergency vehicle can go on the wrong side of the street and will do whatever is necessary to access the development. He noted this has to be a controlled access because of its close proximity to the intersection. They will have the developer build a raised medium on 1200 West that will force the right in and out.

Ms. Larsen then asked if overflow parking into the neighborhood happens, will they be able to have "permit only" parking. Mr. Goodrich said they had done that next to UVU and it could be done here.

Chair Moulton called for a motion on this item.

Planning Commission Action: Ms. Larsen said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to recommend the City Council enact Section 22-11-54 PD-41(1200 West Center Street) zone and Appendix "JJ" and amend Section 22-5-3(A) and the zoning map of the City of Orem by rezoning property located at 1200 West Center Street from the R8 zone to the PD-41 zone. Vice Chair Walker seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker. The motion passed unanimously.

Mr. William asked why the Planning Commission would vote against the neighborhood after every one of them spoke out against the development. He felt that they were not listening to their well-presented concerns. He felt the Planning Commission was in the pocket of the developers and did not even discuss their concerns. Vice Chair Walker countered by telling the neighbors he thought the development was good. He encouraged the neighbors to attend the City Council. The City Council members are their elected representatives and have the legislative power to make the final decision.

September 12, 2014

PUBLIC NOTICE

To Whom It May Concern:

Adam Lankford with Wasatch Advantage requests the City approve the rezone of property located at 1200 West Center Street from the R8 zone to the PD-41 zone. The applicant is proposing to develop the site with two (2) commercial pads and 168 apartment units. A copy of the proposed site plan is on the reverse of this notice.

The Planning Commission will hold a public meeting at **5:00pm on Wednesday, September 17, 2014**, in the City Council Chambers at 56 North State Street. This meeting is open to the public and you are invited to attend.

For more information, please contact Clinton Spencer at 229-7267, caspencer@orem.org, or see www.orem.org for more information as it becomes available.

ATTENTION: The notice has been delivered to all residences within an area extending approximately 300 feet from the subject property. If you are aware of other persons who would be interested in this matter, it would be appreciated if you make them aware of this public meeting. If you are not the owner of your residence, please notify the owner regarding this notice.

The public is invited to participate in all public meetings.
If you need special accommodations to participate, please contact the City at
Phone: 229-7058

Orem City Public Hearing Notice

Planning Commission
Wednesday, September 17, 2014
5:00 PM, City Council Chambers
56 North State Street

Adam Lankford with Wasatch Advantage Group requests the City change the zone for property located at 1100 West Center Street from the R8 zone to the PD-41 zone. The purpose of the change is to construct 168 townhome and condominium units and two commercial pad sites. A location map is on the reverse of this notice.

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

1140 West

Orem City Public Hearing Notice

City Council Meeting
Tuesday, October 28, 2014
6:20 PM, City Council Chambers
56 North State Street

Adam Lankford with Wasatch Advantage Group requests the City change the zone for property located at 1100 West Center Street from the R8 zone to the PD-41 zone. The purpose of the change is to construct 168 townhome and condominium units and two commercial pad sites. A location map is on the reverse of this notice.

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

1140 West

FARMER AND SONS LLC
%SQUIRES, ALAN
PO BOX 12386
LAS VEGAS, NV 89112

FAIRBANKS, WILLIAM M (ET AL)
PO BOX 1239
OREM, UT 84059

UTAH DEPARTMENT OF
TRANSPORTATION
PO BOX 148420
SALT LAKE CITY, UT 84114

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

HORNBERGER, LEON B (ET AL)
--OR CURRENT RESIDENT--
15 S 1000 WEST
OREM, UT 84058

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

MC STAY, REVA
22 S 980 W
OREM, UT 84058

KYROBIE, DEAN (ET AL)
23 S 1160 W
OREM, UT 84058

KEYES, NORMA
24 S 980 W
OREM, UT 84058

HORNBERGER, LEON B (ET AL)
--OR CURRENT RESIDENT--
29 S 1000 WEST
OREM, UT 84058

HAMILTON, MERLENE ANN
26 S 980 W
OREM, UT 84058

GROVER, MARK L & IVELISSE
28 S 930 W
OREM, UT 84058

MENDEZ, KARINA
36 S 980 W
OREM, UT 84058

CRIPPEN, YOLANDA JOSEFINA
LABARCA & JOHN ALAN (ET AL)
34 S 930 W
OREM, UT 84058

LEWIS, BONNIE BARLOW
39 N 970 W
OREM, UT 84057

RULE, DEBARA J
40 S 980 W
OREM, UT 84058

CHRISTENSON, DON J & KAREN L
41 N 970 W
OREM, UT 84057

BATEMAN, BRITANI & J MICHAEL
42 S 930 W
OREM, UT 84058

JAMES, NATHAN
44 S 980 W
OREM, UT 84058

YOUNG, SUE MARIE & LELAND
ANDERSON
--OR CURRENT RESIDENT--
45 N 970 WEST
OREM, UT 84057

FLAHERTY, JIM
45 S 980 W
OREM, UT 84058

HORNBERGER, LEON B (ET AL)
--OR CURRENT RESIDENT--
45 S 1000 WEST
OREM, UT 84058

WALTON, GARY R & MARILYN M
--OR CURRENT RESIDENT--
46 N 970 WEST
OREM, UT 84057

DOYLE, TIMOTHY EDWIN & JULIE
CHRISTINE
47 N 970 W
OREM, UT 84057

FIELDSTED, ROBERT MACK &
LOANN
48 N 970 W
OREM, UT 84057

PORTER, MATTHEW S & TIFFANY B
48 S 980 W
OREM, UT 84058

FRAMPTON, BRUCE T & CONNIE L
--OR CURRENT RESIDENT--
50 S 1200 WEST
OREM, UT 84058

LIVINGSTON, TYLER D
49 S 980 W
OREM, UT 84058

PETTY, KARL N & MIRIAM L
50 S 930 W
OREM, UT 84058

SCHWAB, NEPHI G & JEANETTE O
52 S 980 W
OREM, UT 84058

COOPER, LANCE J
51 S 1500 E
MAPLETON, UT 84664

BENNETT, TYLER L
51 W CENTER ST # 420
OREM, UT 84057

VALERIO, JERRY & SUSAN
55 N 970 W
OREM, UT 84057

WOLFGRAMM, GE ANNA M
53 S 980 W
OREM, UT 84058

ROWBERRY, ROBERT & LISA
53 S 1160 W
OREM, UT 84058

GOURLEY, JACOB & TRISHA
57 N 930 W
OREM, UT 84057

BARAJAS, PEDRO & ANNALEE W
56 N 970 W
OREM, UT 84057

KRISTIE SNYDER
56 N STATE STREET
OREM, UT 84057

SHUMWAY, KEN H & CYNTHIA B
58 N 930 W
OREM, UT 84057

LEONARD, TYLER
--OR CURRENT RESIDENT--
57 S 980 WEST
OREM, UT 84058

NIELSEN, BLAKE C & JILL M
58 S 1000 W
OREM, UT 84058

HORNBERGER, LEON B (ET AL)
--OR CURRENT RESIDENT--
59 S 1000 WEST
OREM, UT 84058

HADLEY, DALE C & RAYLENE J
58 S 980 W
OREM, UT 84058

CRANNEY, A GARR
61 S 980 W
OREM, UT 84058

REYNOLDS, RDEEN
62 S 980 W
OREM, UT 84058

HORNBERGER, LEON B (ET AL)
%HORNBERGER, MARK
64 W 530 S
OREM, UT 84058

CAMPOS, RIQUET & MARITZA D
--OR CURRENT RESIDENT--
65 S 980 WEST
OREM, UT 84058

MARTIN, DEVIN & JANELLE
68 N 970 W
OREM, UT 84057

HAWES, JARED & MARY ANN
--OR CURRENT RESIDENT--
67 N 970 WEST
OREM, UT 84057

DYE, RUSSELL & SUZANNE
69 S 1050 W
OREM, UT 84058

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

BIRD, KRIS E & MARY A
69 N 930 W
OREM, UT 84057

PETTINGILL, REED ALAN & PAMELA ANN
72 S 1000 W
OREM, UT 84058

CENTURY LINK
75 EAST 100 NORTH
PROVO, UT 84606

EARL, ANTHONY J
70 N 930 W
OREM, UT 84057

REVOIR, RICHARD W & CHRISTINE K
79 N 970 W
OREM, UT 84057

WAITE, JAROM & JENNA
80 N 970 W
OREM, UT 84057

JACOBSON HOLDINGS LLC
--OR CURRENT RESIDENT--
75 N 1200 WEST
OREM, UT 84057

STRATTON, CYNTHIA
82 N 930 W
OREM, UT 84057

DAVIES, DANIEL W & CARYL A (ET AL)
83 S 1050 W
OREM, UT 84058

COOPER, LANCE J
--OR CURRENT RESIDENT--
80 N 1200 WEST
OREM, UT 84057

ERICKSEN, MICHAEL J & TIFFANI J
92 N 970 W
OREM, UT 84057

BUTTARS, NOLAN L & BRENDA
--OR CURRENT RESIDENT--
93 N 930 WEST
OREM, UT 84057

FURR, KEITH W & JULENE G
--OR CURRENT RESIDENT--
91 N 970 WEST
OREM, UT 84057

COOK, MATTHEW S & GINA A
95 N 1140 W
OREM, UT 84057

MC ALLISTER, BRYCE B & ANGELA
99 N 1020 W
OREM, UT 84057

WILLIAMS, BENJAMIN M & REBECCA
94 N 930 W
OREM, UT 84057

CHRISTENSEN, VALERY & ADAM E
105 N 930 W
OREM, UT 84057

DAVIS, RONNIE K & ANDREA C
106 N 930 W
OREM, UT 84057

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

BASTIAN, DAVID M & FRANCINE S
108 N 970 W
OREM, UT 84057

PAUL, JAMES M & ANNE S
108 N 1140 W
OREM, UT 84057

ZARATE, RUBEN
102 N 1140 W
OREM, UT 84057

HOLLY J AND LAUNA D ERNEST
FAMILY LLC
--OR CURRENT RESIDENT--
113 N 1200 WEST
OREM, UT 84057

TWELVE HUNDRED WEST OREM
PROPERTIES LC
115 S ASPEN DR
MAPLETON, UT 84664

MACKEY, KENNETH LEE & PHYLLIS
ELAYNE
107 N 1140 W
OREM, UT 84057

WILLIAMS, ARCHIE A JR & JUDY
ANN
119 N 1140 W
OREM, UT 84057

NOWERS, NANETTE M
131 N 970 W
OREM, UT 84057

WYNDER, CHARLES BLAINE &
JACQUELINE WARR
109 N 1020 W
OREM, UT 84057

WHITBY, JENNIFER & NADINE
137 N 1020 W
OREM, UT 84057

GUMMOW, GREGORY
138 N 1140 W
OREM, UT 84057

WASHBURN, KEVIN ALLAN &
JUDITH ANN
119 N 970 W
OREM, UT 84057

DENNETT, GLENNA M
142 N 970 W
OREM, UT 84057

MACKEY, KENNETH JOSHUA
143 N 970 W
OREM, UT 84057

PENA, MARTHA (ET AL)
--OR CURRENT RESIDENT--
136 N 1020 WEST
OREM, UT 84057

WUMANER, AINIWAERJIANG
155 N 970 W
OREM, UT 84057

CONTRERAS, LUIS & GRISELDA E
156 N 970 W
OREM, UT 84057

STONEHENGE FENCE LLC
--OR CURRENT RESIDENT--
140 N 1200 WEST
OREM, UT 84057

PAUL, HENRY E & KRISTINA
166 N 1150 W
OREM, UT 84057

NUNLEY, HENRY C III & LAUREL S
167 N 970 W
OREM, UT 84057

PATTERSON, GREGORY ROY & L JEAN
--OR CURRENT RESIDENT--
148 N 1020 WEST
OREM, UT 84057

FERRE, MARK JOHN & KATHERINE SUE
173 N 1150 W
OREM, UT 84057

VOEKS, STEVEN S & BARBARA R
176 N 1150 W
OREM, UT 84057

NOVAK, AARON M & BRIN
163 N 920 W
OREM, UT 84057

TOM & GEORGIA PETT
OREM PARK NEIGHBORHOOD CHAIR
213 S 850 WEST
OREM, UT 84058

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

HOLLY J AND LAUNA D ERNEST FAMILY LLC
169 W BURTON AV
SALT LAKE CITY, UT 84115

CHRISTENSEN, RICHARD S & SHARON W
265 E 3450 N
PROVO, UT 84604

CYNTHIA MANIRE
SUNCREST NEIGHBORHOOD CHAIR
270 N 400 WEST #2
OREM, UT 84057

MUMMA TANIA
176 N 1200 W
OREM, UT 84057

ANTOINE BUNKER FARMS LTD
375 S 300 E
HEBER CITY, UT 84032

WEITZE, KEITH W
462 W 1428 S
OREM, UT 84058

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

MAG
586 EAST 800 NORTH
OREM, UT 84097

BUTTARS, NOLAN L & BRENDA
589 LAKESHORE DR
PROVO, UT 84601

EVERHOME MORTGAGE COMPANY
301 W BAY ST
JACKSONVILLE, FL 32202

CARYL SEASTRAND
OREM PARK NEIGHBORHOOD VICE CHAIR
729 W 165 SOUTH
OREM, UT 84058

FURR, KEITH W & JULENE G
730 S 200 W
OREM, UT 84058

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

PATTERSON, GREGORY ROY & L JEAN
861 E MASON BENSON RD
GRAPEVIEW, WA 98546

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

FRAMPTON, BRUCE T & CONNIE L
705 SIERRA VIEW DR
MAPLETON, UT 84664

CAREY, ERNEST L (ET AL)
917 W 20 N
OREM, UT 84057

BOONE, JOSEPH F & ALISYN
918 W 20 N
OREM, UT 84057

DE LLAMAS, DALE F (ET AL)
740 BOWL DR
OREM, UT 84097

OAKS, HAROLD R & IMA JEAN
923 W 20 N
OREM, UT 84057

OSTLER, FLOYD L
924 W 20 N
OREM, UT 84057

MATAU, CHRISTOPHER V
921 W 130 N
OREM, UT 84057

LOY, N JOY
926 W 20 N
OREM, UT 84057

BROWN, ROBERT W & DENISE
930 W 81 N
OREM, UT 84057

TROWBRIDGE, WILLIAM V &
CATHERINE F
925 W 20 N
OREM, UT 84057

ELDREDGE, BRAD
--OR CURRENT RESIDENT--
927 W CENTER ST
OREM, UT 84058

BUSATH, RICHARD B & CONNIE B
931 W 20 N
OREM, UT 84057

ALLMAN, NORMAN WILLIAM &
PATRICIA ANN
936 W 130 N
OREM, UT 84057

GRIMMER, DON E & VALERIE
--OR CURRENT RESIDENT--
945 W 117 NORTH
OREM, UT 84057

GEORGE, SAMUEL L & SUE ANN
948 W 130 N
OREM, UT 84057

RANSTROM, PAUL & MEGAN
957 W 130 N
OREM, UT 84057

RASMUSSEN, THOMAS R & DIANE F
963 W 20 N
OREM, UT 84057

EVERHOME MORTGAGE COMPANY
--OR CURRENT RESIDENT--
1008 W 105 NORTH
OREM, UT 84057

HUTCHINSON, THOMAS P & SANDRA
K
1019 W 180 N
OREM, UT 84057

HARDY, MARVIN LEE & PENNY
LYNN
928 W 20 N
OREM, UT 84057

DICKERSON FAMILY LLC
--OR CURRENT RESIDENT--
931 W CENTER ST
OREM, UT 84058

MINERT, BRIAN DOUGLAS & DEBRA
ANN D
942 W 20 N
OREM, UT 84057

GRIMMER, DON E & VALERIE
945 W 130 N
OREM, UT 84057

WALTON, GARY R & MARILYN M
950 W 20 N
OREM, UT 84057

RICHARDSON, DORTHENE
959 W 20 N
OREM, UT 84057

FARMER AND SONS LLC
--OR CURRENT RESIDENT--
967 W CENTER ST
OREM, UT 84058

PAM'S HOME LLC
1008 W 150 N
OREM, UT 84057

HENDRICKSON, BART & TONYA
1021 W 40 S
OREM, UT 84058

R & J JACOB PROPERTIES LLC
1031 W 180 N
OREM, UT 84057

GREER, JAMES M & MARY RUTH
935 W 20 N
OREM, UT 84057

FRAZIER, BLAINE & RENAE
944 W 20 N
OREM, UT 84057

ALG PROPERTIES LLC
--OR CURRENT RESIDENT--
947 W 20 NORTH
OREM, UT 84057

BAHR, DAMON L & KIM B
951 W 20 N
OREM, UT 84057

FARMER AND SONS LLC
--OR CURRENT RESIDENT--
961 W CENTER ST
OREM, UT 84058

MORGAN, AARON & KARI L
1007 W 180 N
OREM, UT 84057

SMITH, JOHN E & RENEE L
1009 W 105 N
OREM, UT 84057

WEITZE, KEITH W
--OR CURRENT RESIDENT--
1024 W 150 NORTH
OREM, UT 84057

UTAH COUNTY BOARD OF
REALTORS
--OR CURRENT RESIDENT--
1031 W CENTER ST
OREM, UT 84058

DUNN, MERRILL & CAROL
1038 W 105 N
OREM, UT 84057

DE LLAMAS, DALE F (ET AL)
--OR CURRENT RESIDENT--
1026 W 40 SOUTH
OREM, UT 84058

UTAH COUNTY BOARD OF REALTORS
1031 W CENTER ST STE 100
OREM, UT 84057

WILTBANK, THOMAS & SHERRI
1039 W 40 S
OREM, UT 84058

DE LLAMAS, DALE F (ET AL)
--OR CURRENT RESIDENT--
1040 W 40 SOUTH
OREM, UT 84058

DRISKILL, LAWRENCE & BARBARA A
1050 W 105 N
OREM, UT 84057

STOKES, BRENT & COLLEEN
--OR CURRENT RESIDENT--
1056 W 40 SOUTH
OREM, UT 84058

BOYD, NORMAN D & DONNA JEAN
1063 W 40 S
OREM, UT 84058

OPPEL, KENNETH & CINDY
1064 W 85 S
OREM, UT 84058

MINER, MARK W & TAMMY M
--OR CURRENT RESIDENT--
1072 W 150 NORTH
OREM, UT 84057

UPSTILL, RICHARD V & CATHIE N
1075 W 40 S
OREM, UT 84058

KIRKMAN, BLAIR A & JOLYN G
1036 W 150 N
OREM, UT 84057

NELSON, VANCE R & WENDY L
1039 W 105 N
OREM, UT 84057

YOUNG, SUE MARIE & LELAND ANDERSON
1046 W BAJA BELLO CT
EAGLE, ID 83616

HARDEE, NANCY G
1051 W 105 N
OREM, UT 84057

SHAVER, DENNIS E & MARY SUE
--OR CURRENT RESIDENT--
1060 W 150 NORTH
OREM, UT 84057

GREEN, REBECCA L
1063 W 105 N
OREM, UT 84057

STOKES, BRENT & COLLEEN
1066 W 40 S
OREM, UT 84058

BARSDORF, GARY & SHIRALEE
1074 W 85 S
OREM, UT 84058

GALLEGUILLOS, CESAR & JUDY
1075 W 105 N
OREM, UT 84057

WIRTH, BLAINE M & LAURA F
1084 W 150 N
OREM, UT 84057

OROPEZA, VICTOR MANUEL & MARISELA
1039 W 150 N
OREM, UT 84057

GEHRING, MARK ALAN & MYRTLE BEE
1048 W 150 N
OREM, UT 84057

HANSGEN, WELLS J
1051 W 150 N
OREM, UT 84057

BEUTLER, GREGORY L & ROCHELLE
1062 W 105 N
OREM, UT 84057

MAXWELL, NEIL M & TRISHA L
1063 W 150 N
OREM, UT 84057

THOMPSON, ROBERT & LAURA
1070 W 40 S
OREM, UT 84058

WELCH, VON F & KAREN J
--OR CURRENT RESIDENT--
1074 W 105 NORTH
OREM, UT 84057

HEELIS, SHARON LYN & JULIE ANN
1075 W 150 N
OREM, UT 84057

WILLIAMS, MATTHEW H & CANDACE P
1086 W 85 S
OREM, UT 84058

HARGADON, MICHAEL & LINDA JOAN
1087 W 105 N
OREM, UT 84057

BILSON, GRAHAM & GAILENE
1084 W 40 S
OREM, UT 84058

1086 WEST 105 NORTH LIMITED PARTNERSHIP
--OR CURRENT RESIDENT--
1086 W 105 NORTH
OREM, UT 84057

FLOWERS, E KENT & JULIA C
1087 W 150 N
OREM, UT 84057

BOWEN, KELLY (ET AL)
1098 W 85 S
OREM, UT 84058

SCHOLLE, STEPHEN & JESSICA
1099 W 105 N
OREM, UT 84057

LLEWELLYN, TODD & ASHLEY
1110 W 40 S
OREM, UT 84058

CORBETT, LUCIA
1111 W 40 S
OREM, UT 84058

EGBERT, MARK & ANITA C
1111 W 180 N
OREM, UT 84057

ANTOINE BUNKER FARMS LTD
--OR CURRENT RESIDENT--
1123 & 1125 WEST CENTER
OREM, UT 84058

JACOBSMEYER, JARED W & JENNIFER L
1135 W 40 S
OREM, UT 84058

BENNETT, TYLER L
--OR CURRENT RESIDENT--
1087 W 40 SOUTH
OREM, UT 84058

BAADSGAARD, CHAD
1096 W 40 S
OREM, UT 84058

BURMOOD, STANLEY MORRIS & ILENE JUNE
1098 W 105 N
OREM, UT 84057

RICHMOND, GARY L & KAREN F
1099 W 150 N
OREM, UT 84057

COOPER, CINDY K
1110 W 85 S
OREM, UT 84058

BRADBURY, MARTIN J & TERESA
1111 W 105 N
OREM, UT 84057

BROWN, LANDON E (ET AL)
1122 W 40 S
OREM, UT 84058

ALDOUS, KYLE K
1123 W 40 S
OREM, UT 84058

BRANDOW, KENNETH W & JULIE A
1140 W 40 S
OREM, UT 84058

CRANDALL, BRANDY A
1174 W 150 N
OREM, UT 84057

CLAWSON, STEVEN R & KARAN H
1096 W 150 N
OREM, UT 84057

REAVELEY, RODNEY C & DIANE F
1099 W 40 S
OREM, UT 84058

GAUSE, J PAUL & LINDA L
1108 W 150 N
OREM, UT 84057

GARNER, KORY & MELANIE
1110 W 105 N
OREM, UT 84057

BENSON, BRIAN & SISI
1111 W 150 N
OREM, UT 84057

MANGUM, RICK D & ANDREA M
1122 W 150 N
OREM, UT 84057

CARSON, CHAD
1125 W 180 N
OREM, UT 84057

COTTLE, SPENCER
1147 W 40 S
OREM, UT 84058

THRUSHWOOD PROPERTIES LC
--OR CURRENT RESIDENT--
1149 W CENTER ST
OREM, UT 84058

MINER, MARK W & TAMMY M
1602 W 590 N
LINDON, UT 84042

LEVINGSTON, RANDY & JACKIE
1149 W 150 N
OREM, UT 84057

LEONARD, TYLER
1503 N 1200 W
OREM, UT 84058

PENA, MARTHA (ET AL)
1896 N 135 W
OREM, UT 84057

HAYES, DENNIS M & CLAUDIA
1164 W 150 N
OREM, UT 84057

DICKERSON FAMILY LLC
1665 E 700 S
MAPLETON, UT 84664

UTOPIA
2175 S REDWOOD ROAD
WEST VALLEY CITY, UT 84119

JACOBSON HOLDINGS LLC
1305 W 1400 N
MAPLETON, UT 84664

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

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

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

ALG PROPERTIES LLC
4451 W SPRUCE CT
HIGHLAND, UT 84003

SHAVER, DENNIS E & MARY SUE
7530 DOGWOOD CT
DAYTON, VA 22821

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057

KAUFER, DONALD B & BONNIE J
6090 W 10400 N
HIGHLAND, UT 84003

COTTLE CORPORATION
12727 NE 20TH # 14
BELLEVUE, WA 98005

1086 WEST 105 NORTH LIMITED
PARTNERSHIP
2318 WESSON DR
SARATOGA SPRINGS, UT 84045

WELCH, VON F & KAREN J
11045 N 5550 W
HIGHLAND, UT 84003

COMCAST
9602 SOUTH 300 WEST
SANDY, UT 84070

VILLALTA, CARLOS FEDERICO
5435 HIDDEN DR
HIGHLAND, UT 84003

Wasatch Advantage Group

July 28, 2014

Dear Resident,

Wasatch Advantage Group would like to invite you to our second neighborhood open house regarding the proposed development of 168 townhomes and stacked flat units and two retail pads located at approximately Center Street and 1100 West (Christensen property) referred to as the Wasatch Center Street project. The meeting will be held on August 13, 2014 from 7:00 pm-8:00 pm; during which time we will have an updated rendering of the project and be available to answer questions regarding the proposed updated development plan. The meeting will be held in the City Council chambers at Orem City Hall located at 56 North State Street in Orem.

Please contact me if you have any questions. We look forward to meeting with you.

Sincerely,

Adam Lankford
Wasatch Advantage Group
(801).961.1184

RECEIVED 8/2/14

299 South Main Street, Suite #2400 Salt Lake City, Utah 84111 P (801) 961 1000

Wasatch Advantage Group

January 16, 2014

Dear Resident,

Wasatch Advantage Group would like to invite you to a neighborhood open house regarding the proposed development of 210 townhomes and stacked flat units located at approximately Center Street and 1100 West (Christensen property) referred to as the Wasatch Center Street project. The meeting will be held on January 30, 2014 from 7:00 pm-8:00 pm; during which time we will have renderings of the project and be available to answer questions regarding the proposed development plan. The meeting will be held in the City Council chambers at Orem City Hall located at 56 North State Street in Orem.

Please contact me if you have any questions. We look forward to meeting with you.

Sincerely:

Adam Lankford
Wasatch Advantage Group
(801).961.1184

RECEIVED 1/18/14

299 South Main Street, Suite #2400 Salt Lake City, Utah 84111 P (801) 961 1000

Clinton A. Spencer - 2nd neighborhood meeting

From: Adam Lankford <alankford@netwasatch.com>
To: "caspencer@orem.org" <caspencer@orem.org>
Date: 9/8/2014 2:10 PM
Subject: 2nd neighborhood meeting

There were probably 20-25 people there. Major concerns were:

-traffic into the neighborhood to the north
-sufficient onsite parking stalls

Thanks.

Adam Lankford
VP / Development

WASATCH
ADVANTAGE GROUP

299 South Main, Suite 2400
Salt Lake City, Utah 84111

o: 801.961.1184
c: 801.885.9110

RSC INVESTMENTS
RICHARD & SHARON CHRISTENSEN FAMILY

March 10, 2014

Orem City Council
56 North State Street
Orem, Utah 84057

Dear Council Members;

In 1970, we, the Christensen family, purchased a large tract of land located at approximately 1000 West on the north side of Center Street in Orem. We developed the majority of the property into 3 residential streets, but left 13 acres facing Center Street with the intention of using it for future commercial development. In 1985 we began welcoming offers and activity for commercial development of the land. While some offers were tentatively made, none came to fruition. During this time, negotiations with UDOT and construction of the ICORE expansion, and the widening of Center Street reduced the property size to barely 12 acres. Efforts to secure an access onto the new 1200 west street failed, leaving limited access onto Center Street. Limited access and steep slopes made it difficult to market the property. For the past five years, due to economic downturn and a great increase in property taxes, we have begun more aggressive measures to market the property, approaching developers to find suitable and viable businesses to lease the property, listing it with realtors, and considering several interested offers. Here is a summary of those offers and conclusions.

1985 to 2005 – Sears, Costco, and Provo Craft all considered our Center Street property, but chose other locations. At separate times, both Jim Clark and Brent Reese pursued commercial possibilities for us, without success.

During these years, we were approached multiple times by developers looking to build apartments. We turned them down, thinking the property would be better suited for commercial development.

2008 – Working with Affiliated Realty, we proposed a mixed use of the land to the Orem City Council. The residential neighbors were in favor of the 2 office buildings combined with high-density housing that we proposed, but the City Council at that time rejected the proposal, requesting commercial development.

2010 to 2012 – We asked Bruce Dickerson to help bring to us viable commercial businesses. Although he approached several who were initially interested, after looking at the property they did not get back with him.

In the past year and a half, we have been approached by eight different apartment development companies. We looked seriously at proposals from two of them, and after careful consideration have chosen to work with Wasatch Advantage Group. We have chosen to pursue a joint venture with them because their ideals match ours in a desire to develop, build, rent, manage, and care for the development on a long-term basis, rather than simply building to sell. They do not highly leverage the property, but strive to keep outside financing to a minimum. We feel that this type of long-term thinking will be a benefit to our company, the surrounding neighborhoods, and ultimately to the City of Orem.

In summary we have owned the land for many years. We have seen many businesses come and go. We have seen a lot of development take place in Orem; some good and some bad. We understand there is a lot of debate among staff as to what should be developed on our property. We do not want to build office or retail that will become vacant in a few years because there are better locations, with better access, located in Orem. Not only would this be bad for our family but an eyesore for Orem. Based on 30 years of watching real estate in Orem, we feel that multi-family with a quality developer/property manager will be the best gateway into Orem and the most successful for the property given its limitations.

We hope that this information helps in determining the best use of this land. We are long-time residents of Orem and Utah Valley ourselves, and look forward to working with Wasatch Advantage Group and the City of Orem to create an attractive entrance into our beautiful city.

Sincerely,

The Christensen Family

R. S. Christensen

Sharon Christensen

WASATCH
ADVANTAGE GROUP

March 20, 2014

Orem City Council

56 North State Street

Orem, Utah 84057

Dear Council Members:

Thank you for allowing me a moment of your time to respond to the Staff initiated Highest and Best Use Analysis dated January 9, 2014.

Wasatch Advantage Group has been involved with many similar type studies and our experience has been that the conclusions of these studies tend to be very broad and subject to personal opinions. For example, on one such property we analyzed in the past, there were multiple studies done for the property and each came to a very different conclusion. Wasatch has been developing and managing multi-family, office, and retail properties since the 1980's. This experience allows us to confidently evaluate all aspects of a proposed development project. The Highest and Best Use Analysis done for the Orem Center Street project has some good comments, however, in our view, there are many concerns, notably the following:

1 – The study states that "Access restraints could not be definitively considered". One of the driving factors for this development and for the proposed use are the constraints dealing with access. When Wasatch first looked at this site, a retail component was included in the original layout and design. After further review of the access and multiple discussions with credit tenants, it was concluded that a credit tenant retailer would not locate at this site because of access constraints.

2 - The study analyzes a multi-family product for the area but unfortunately bases the multi-family use conclusions on a 'for sale' type residential use and not as a 'for lease' use. The 'for sale' conclusions presented in the study are not applicable to the proposed 'for lease' product. Wasatch is the largest owner and operator of multi-family communities along the Wasatch Front (approximately 18,000 units throughout the West). We analyze each new project very carefully with current operating statistics from our own portfolio. We are a long term owner and operator of each new project we build. This long-term outlook requires us to construct to a higher standard and budget for project maintenance and capital improvements from year 1.

3 – Wasatch is currently planning and developing the 70-acre Orem Technology Campus. This project includes over 1 million square feet of office and is designed as a large master planned, office campus, with great amenities and open space, which is what quality tenants are demanding. The Orem Technology Campus will compete well in the office market because of its size, amenities, visibility, and access. These attributes will insure its ability to compete well with other large regional office campuses such as Thanksgiving Point. The conclusion of the Highest and Best Use study for the Orem Center Street project suggest that office is the best use. We have many concerns with building a 'one-off' office building that will not be able to compete with the smaller, more affordable, office projects in Orem or the large projects like the Orem Technology Campus. The last thing we want to develop is a project that is unsuccessful and cannot compete in the market.

Wasatch and the Christensen family are interested in developing a successful project that will not only be a great investment for them but also a project that will be a long term asset for Orem City and its residents. Wasatch develops, owns, and manages office, retail, and multi-family projects throughout the western United States. Wasatch and its properties have a market value of over $2.75 billion. We are extremely selective in the sites and the uses we choose to develop. We have studied the Orem Center Street property carefully and are confident that the proposed multi-family site plan as submitted will prove to be a great success and an asset to Orem City. I would be happy to discuss in more detail any questions or comments you may have regarding this letter.

Sincerely,

Adam Lankford

Wasatch Advantage Group

299 South Main Street, Suite 2400

Salt Lake City, Utah 84020

To: Adam Lankford
Sr. Development Manager
Wasatch Advantage Group

From: John Dorny, P.E.
Sr. Associate

Date: March 6th, 2014 **JN 938-1311**

Subject: Trip Generation Options for Orem Center Street Development

This memorandum is to present the trip generation results for the different options for the Wasatch Center Street Development. Below is a list of the different options with their respective land uses and quantities:

- **Option 1**
  - Stacked Flats – 144 units
  - Residential Townhome – 66 units
- **Option 2**
  - Shopping Center – 119,100 sq. ft. of Gross Leasable Area (GLA)
- **Option 3**
  - General Office Building – 238,200 sq. ft. (GLA: Assumes twice as much shopping center space using multi-story buildings)

Horrocks Engineers has created trip generation summary tables for each option to show the estimated trips occurring during the average weekday, AM peak hour, and PM peak hour. Project trip generation was estimated using rates based on the Institute of Transportation Engineers (ITE) guidelines. The tables for the respective options are shown in **Table 1, 2,** and **3**.

Table 1: Project Site Trip Generation for Option 1

Center Street Orem										
Variable	Quantity	Daily			AM Peak Hour			PM Peak Hour		
		Rate Total	In	Out	Rate Total	In	Out	Rate Total	In	Out
Stacked Flats (ITE 220 Apartment)		9.78*	50%	50%	0.75	20%	80%	0.91	65%	35%
Units	144.0	1,408	704	704	108	22	86	131	85	46
Residential Townhome (ITE 230)		8.54*	50%	50%	0.65	17%	83%	0.76	67%	33%
Units	66.0	564	282	282	43	7	35	50	34	17
Total Trips		1,972	986	986	151	29	122	182	119	63

Source: ITE Trip Generation Manual data modified per local Orem City traffic engineering requirements
**includes a 47% increase from national standards*

Table 2: Project Site Trip Generation for Option 2

Center Street Orem										
Variable	Quantity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
Shopping Center (820)		**42.7**	50%	50%	**0.96**	62%	38%	**3.71**	48%	52%
1000 Sq. Ft. (GLA)	119.1	5,086	2,543	2,543	114	71	43	442	212	230
	Total Trips	**5,086**	**2,543**	**2,543**	**114**	**71**	**43**	**442**	**212**	**230**

Table 3: Project Site Trip Generation for Option 3

Center Street Orem										
Variable	Quantity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
General Office (710)		**11.03**	50%	50%	**1.56**	88%	12%	**1.49**	17%	83%
1000 Sq. Ft. (GLA)	238.2	2,627	1,314	1,314	372	327	45	355	60	295
	Total Trips	**2,627**	**1,314**	**1,314**	**372**	**327**	**45**	**355**	**60**	**295**

If more general office can fit on the project than we have shown, the traffic volumes will increase by the rates shown in **Table 3**.

Sincerely,

John Dorny, P.E.
Sr. Associate

VAN DRIMMELEN & ASSOCIATES, INC.
REAL ESTATE APPRAISERS | CONSULTANTS

A HIGHEST AND BEST USE ANALYSIS OF A
±12.07 ACRE TRACT OF VACANT LAND

OF PROPERTY OWNED BY
RICHARD S. & SHARON W. CHRISTENSEN

LOCATED AT
±1050 WEST CENTER STREET
OREM, UTAH

PREPARED FOR
OREM CITY
c/o Mr. Ryan L. Clark
Economic Development Division Manager
56 North State Street
Orem, Utah 84057

BY
KENDALL S. MITCHELL
CERTIFIED GENERAL APPRAISER

DATE OF INSPECTION
DECEMBER 30, 2013

DATE OF HBU CONSIDERATION
DECEMBER 30, 2013

DATE OF THE REPORT
JANUARY 9, 2014

774 East 2100 South Salt Lake City, Utah 84106 Phone 801.483.3000 www.valueutah.com

- ***Maximally Productive Use***

After reviewing the above, it is concluded that three potential development options exist that would be compatible with surrounding development. Based on the limited scope of work for this assignment, these three uses would also have a reasonable degree of financial feasibility and financial incentive. The most apparent productive development options are: office, multi-family residential and retail.

Of these three options, the strongest development option appears to be mainly for office uses. This use would be consistent and compatible with office development adjacent southerly along Center Street. Office use would also be consistent with the location on a busy roadway and would benefit from a high degree of exposure/visibility from I-15 and Center Street.

The next strongest option is for retail development. Given the larger size of the property, it could physically accommodate mid-box retail or a retail strip center, possibly with one or more pad sites. However, there are no retail improvements in the immediate vicinity and retail development would be somewhat inconsistent and incompatible with surrounding development. It is also highly likely that residents north and east would be resistant to full retail development of the site, particularly of a degree that would occupy the entire site and get close to the single-family residences northerly. Some buffer zone or less intensive use near the single-family residential development northerly would likely be necessary. The east side of the subject is steeply sloped and retail development would have less of an impact on the multi-family residential development easterly, but would be an obvious concern for residents northerly. Access would also be an issue for retail development but this option is still considered based on the extraordinary assumption previously explained regarding access.

The third strongest option appears to be for multi-family residential development. All three markets discussed herein are showing signs of improvement, but multi-family appears to be the most speculative at the present time, given the large amount of

inventory available and anticipated inventory coming on-line. Additionally, the close proximity to Center Street would be a detriment, even for multi-family development.

It is further noted that subject is ±570 linear feet in a north/south direction along the east border and is of adequate depth that two different use areas could reasonably be accommodated. This is supported by the depth of the office development on the south side of Center Street, which is generally 150-200 feet. In my opinion, mixed use development of the subject is a strong option and reasonable development proposals should be considered, especially considering the need for a lower-impact use area as a buffer zone between residential development northerly and high traffic on Center Street. The most apparent mixed use option would include office park development along the frontage of Center Street, with multi-family residential development (most likely twin-home or possibly townhome development) within the north half. This would provide an adequate buffer zone and would be compatible with surrounding development. Mixed use development to include retail along the Center Street front with office development to the rear would also be a viable and financially feasible mixed use option.

- ***Conclusion (As Vacant)***

In summary, it is my opinion that the most apparent and compatible highest and best use of the subject would mainly for office development. This could include a large, multi-story office building or an office park comprised of multiple office buildings. Office use would be most compatible with surrounding development and would be consistent with linkages and visibility/exposure from Center Street and I-15.

Mixed use development of the subject to include either a) office development on the south half with multi-family residential on the north half; or b) retail development on the south half with office development on the north half is also considered to be a possible highest and best use and it is recommended that any development options including a mix of these three uses be reasonably considered. Mixed use development as outlined above would be consistent with surrounding development and would provide a logical

development flow and an adequate buffer zone between residential development northerly.

Highest and Best Use of the Site As Improved

Not applicable. There are no improvements on the defined larger parcel and this area of analysis does not apply.

Clinton A. Spencer - FW: Development on West Center, Orem

From: Adam Lankford <alankford@netwasatch.com>
To: "caspencer@orem.org" <caspencer@orem.org>
Date: 9/10/2014 9:29 AM
Subject: FW: Development on West Center, Orem

See the email chain below from the Peach Haven HOA – Vice Chairman. They are supportive but I was not able to get a letter from them.

Adam Lankford

From: Harold Oaks [hrijoaks@hotmail.com]
Sent: Tuesday, September 09, 2014 5:30 PM
To: Adam Lankford
Subject: RE: Development on West Center, Orem

The meeting ended before we were able to discuss the letter. I have sent materials you sent to all the HOA officers. They seemed supportive - but we don't have a letter at this time.

Harold Oaks

From: alankford@netwasatch.com
To: hrijoaks@hotmail.com
Subject: RE: Development on West Center, Orem
Date: Tue, 9 Sep 2014 19:52:56 +0000

Mr. Oaks:

What did the HOA officers decide regarding a letter of support?

Adam Lankford

From: Harold Oaks [hrijoaks@hotmail.com]
Sent: Wednesday, August 20, 2014 4:06 PM
To: Adam Lankford
Subject: RE: Development on West Center, Orem

Thanks again for the information.

The officers of the HOA are meeting next week - and we will discuss your "Support" or "Neutral" question.

Could you also give us the dates of the approval/reject meetings with Planning and City, please.

Thanks
Harold Oaks

From: alankford@netwasatch.com
To: hrijoaks@hotmail.com
Subject: RE: Development on West Center, Orem
Date: Wed, 20 Aug 2014 21:22:13 +0000
If possible, we would appreciate a letter of support from your HOA or even a letter stating they are neutral (neither for or against our project). Thoughts?

I forgot to mention that with our project we will be working with Orem City to adjust the timing of the traffic signal at 1200 west and Center Street to allow U turns. So a car heading west on Center Street will be able to make a U turn at that intersection and then head east on Center Street. So traffic from our project can make a left out of our project on Center Street or they can take a right and go to the intersection of 1200 West and Center Street and make a U turn to head east into Orem. This will help discourage traffic from using the neighborhood to the north.

Thanks.

Adam Lankford

WASATCH
ADVANTAGE GROUP

From: Harold Oaks [mailto:hrijoaks@hotmail.com]
Sent: Tuesday, August 19, 2014 3:09 PM
To: Adam Lankford
Subject: RE: Development on West Center, Orem

Thank you very much for the excellent information. It is very helpful. I have shared it with the members of our Homeowners Association.

Best Regards,
Harold Oaks

From: alankford@netwasatch.com
To: hrijoaks@hotmail.com

Subject: RE: Development on West Center, Orem
Date: Tue, 19 Aug 2014 16:11:36 +0000
Mr. Oaks:

I have attached the site plan (one with the aerial image and one without) they include the Site Data Table that includes the unit count, parking count, open space %, etc. The unit breakdown is as follows:

1 bed / 1 bath	Stacked Flat	48 units
2 bed / 2 bath	Stacked Flat	60 units
2 bed / 2 bath (2 car)	Townhome	20 units
2 bed / 2.5 bath	Townhome	20 units
3 bed / 2.5 bath	Townhome	20 units

The proposed rents to date will range from $950 for a 1 bed up to $1550 for a 3 bed.

Some other information you might find helpful. No community can legally deny students, however, we do limit the number of vehicles per household to 2. Any violation of this will result in vehicles being towed and if the problem persists then eviction. This policy along with higher price point and distance from campuses will eliminate most students looking to rent at this community. Also, sub-leasing or co-renting is not permitted per our lease contracts, any violation will result in eviction. Our current 10 year average for our tenants in our communities is over 24 months. We typically hold our communities for an average of 28 years. We currently own and manage approximately 18,000 units throughout the West. Wasatch has been operating since the 1980s.

Our contracts are for 12 months with criminal and financial background checks.

Our target market is not students. We would be crazy to bring on another student apartment project in Orem. There are many student apartment projects that have lower rents and closer proximity to campus than ours. We do not want to compete in that market. As I mentioned at our meeting our target market is what we refer to as 'Renters by Choice'. People who want nice amenities and low maintenance living, this is what Wasatch provides with our high level of management and quality designed communities. I don't know of any apartment community in the area that is managed to the same level. We will have an on-site team of probably 6 at this site including a Community Manger who will be on site unit 7 at night. We also provide nightly services to monitor parking and noise issues after hours. They also respond to residents with afterhours concerns.

Our interiors include upgraded trim, hardware and cabinets along with stainless steel appliances and granite or quartz countertops.

Please feel free to visit The Parc in Draper which has the same townhomes and stacked flats as what we are proposing here. You can meet the Community Manager, walk the clubhouse or tour the townhome or stacked flat unit. I can also set up an official tour of The Parc and walk you through the project if you would like.

Please let me know if you have any other questions.

Thanks.

Adam Lankford
VP / Development

299 South Main, Suite 2400
Salt Lake City, Utah 84111

o: 801.961.1184
c: 801.885.9110

From: Harold Oaks [mailto:hrijoaks@hotmail.com]
Sent: Monday, August 18, 2014 8:17 PM
To: Adam Lankford
Subject: Development on West Center, Orem

Dear Adam Lankford,

Thank you very much for the opportunity to see the drawings and sketches for the proposed development on West Center Street in Orem.

I was the one you gave your email address to - I am currently serving as the Vice Chairman of the Peach Haven Homeowners Assoc. - which is just east of the property where the development would be located.

May I ask that you send copies of the plot plan, and other information such as the number of unites (both single bedrooms, 2 bedrooms and 3 bedrooms) estimated rental amounts, the number of parking spaces, play space, walking trail, etc.

Thank you very much for your help.

Best Regards,

Harold R. Oaks, Ph.D.

Utah County Association of
REALTORS®
Bringing People Home

September 16, 2014

Mayor Richard Brunst
Councilmember Seastrand
Councilmember Black
Councilmember Macdonald
Councilmember Andersen
Councilmember Spencer
Councilmember Sumner

Orem City Hall
56 North State Street
Orem, UT 84057

Dear Mayor and Council Members:

It is an exciting time in Utah County and right here in Orem. We love our location here on Center Street and our partnership with each of you to find ways to enhance our community.

One proposed project that has great potential is the proposed Wasatch Center Street apartment/retail project. We have reviewed the plans, attended one of the neighborhood meetings and invited Mr. Lankford to present his project to our Board, which he did. I have watched for many years now this vacant land and wondered about who would propose a vision and think it is a smart approach to mix residential and retail.

We feel that the high density residential use along with the commercial pads on the corner is a good land use for the property. As you know, we are neighbors to the project and are excited to see this land developed. This project and specifically the entrance/water feature will help improve Center Street, a main entrance into Orem City.

The Wasatch Group of companies is a reputable real estate development company and will construct and manage the project to a high level.

As the Utah County Association of REALTORS® we offer our full support of the project.

Thank you for your time.

Sincerely,

Taylor Oldroyd, CEO

(03) West Center Street, Suite 100 ■ Orem, Utah 84057 ■ phone 801.226.3777 ■ fax 801.226.8460 ■ web www.ucaor.com

OREM DRC APPLICATION

www.orem.org

Development Services Department • 56 North State Street, Orem, Utah 84057 • (801) 229-7183 • FAX (801) 229-7191

APPLICANT INFORMATION

FORM EXPIRES: 06-30-2014

Name: WASATCH ADVANTAGE GROUP

Phone: 801. 961. 1184

Address: 299 SOUTH MAIN ST., #2400

FAX: N/A

City: SLC State: UT Zip: 84111

e-mail: ALANFORD@NETWASATCH.COM

PROJECT INFORMATION

Project Name: WASATCH OREM CENTER STREET

Project Address: 1100 WEST CENTER STREET

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
☐ Preliminary/PRD $700 + $20/lot or unit	☐ Sign $600	☐ Land Use Map Change $1000 + $25 sign fee	☐ Site Plan Admin. Approval $400	☐ To City Council $400
☐ Preliminary deep lot sign fee $25	☐ Subdivision $600	☐ Text Change $1000	☐ Site Plan $1,500 + $25 sign fee for following PD Zones: 1,4,5,15,16,21	☐ To Planning Commission $400
☐ Final $400 + $20/lot or unit + recording fees	☐ Zoning, Text $600		☐ Concrete/Masonry Fence $50	☐ Street Vacation $800
☐ Vacation/Amendment $600 + $25 sign fee + recording fees	☒ New PD Zone, Text $1000 +25 sign fee for PD zone		☐ Daycare Fence Approval $100	☐ Annexation $1000 + $25 sign fee
☐ Final PRD $400 + $20/lot or unit + recording fees	☐ Rezone $800 + $25 sign fee		☐ Temporary Site Plan Approval $100	☐ Driveway Entrance Modification $175
☐ Lot Line Adjustment $400 + $25 sign fee, not including recording fees	☐ New PD Zone, Rezone $800 +25 sign fee for PD zone		☐ Conditional Use Permit $600.00 + $25 sign fee	☐ Resubmittal Fee $100/review After three reviews
			☐ Fence Modification/Waiver $100	☐ Other $200
			☐ Condominium Conversion $100.00 + $550.00 ($25 sign fee, + $32 building inspection fee/Unit)	

FILING FEES AND REQUIRED COPIES

FILING FEES: The filing fee for each "Nature of Request" checked above is required at the time the application is filed with the City. The fee amount is listed above. One DRC Application may be used for more than one Nature of Request.

REQUIRED COPIES: Two (2) full size copies 24" by 36", one (1) copy reduced to an 11" by 17", one (1) copy reduced to an 8½" by 11" shall be submitted with each application for Subdivision Plats, Conditional Use Permits, Site Plans, and Condominium Conversions. Provide a complete set of PDF drawings with application – email PDF drawings to lpmerritt@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 MEETINGS: 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: [signature]

Contact Person Name: ADAM LANFORD

Phone: 801. 961. 1184

OFFICE USE ONLY

Date Filed: 11/12/13 Fees Paid: $952 Received By: [illegible]

Please Note: The deadline for filing this application to be considered at the next DRC Meeting is Monday at noon. If Monday is a Holiday the deadline is extended to the following Tuesday at noon. Once filed with the City, you may contact any of the following individuals to learn of the status of this application: Jason Bench, 229-7238; David Stroud, 229-7095; or Clinton Spencer, 229-7267.

Project Timeline

Project: Wasatch Advantage PD-41 1200 West Center Street

1. Neighborhood Meeting held by applicant on: 1/30/14 & 8/13/14
2. DRC Application Date: 11/12/13
3. Obtained Development Review Committee Clearance on: 8/18/14 by: CAS
4. Publication notice for PC sent to Recorders office on: 8/27/14 by: CAS
5. Neighborhood notice (300') for Planning Commission mailed on: 9/8/14 by: CAS
6. Planning Division Manager received neighborhood notice on: 9/10/14
7. Property posted for PC on: 9/12/14 by: CAS Removed on : _____
8. Planning Commission recommended approval / denial on : 9/17/14
9. Publication notice for CC sent to Recorders office on: 9/29/14 by: CAS
10. Neighborhood notice (300') for City Council mailed on: 10/15/14 by: CAS
11. Planning Division Manager received neighborhood notice on: 10/16/14
12. Property Posted for City Council on: 9/12/14 by: CAS Removed: _____
13. City Council Approved / Denied on: _____

CITY OF OREM **CITY COUNCIL MEETING** **OCTOBER 28, 2014**	
REQUEST:	**ORDINANCE AMENDMENTS – Amending Various Chapters of the Orem City Code to Comply with Utah Law, Federal Law, Recent Case Law, to Remove Obsolete Provisions, and to Correct Scrivener's Errors.**
APPLICANT:	Legal Department – City of Orem
FISCAL IMPACT:	None

NOTICES:
-Posted in 2 public places
-Posted on City webpage
-Posted on City hotline
-Posted on the State 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:
Heather Schriever,
Assistant City Attorney

RECOMMENDATION: The City Attorney recommends that the City Council, by ordinance, makes the following amendments to the Orem City Code:

BACKGROUND:

Chapter 2
Orem City Code Article 2-15 established the Youth City Council Advisory Committee. This committee no longer functions and all applicable code provisions are being removed from Article 2-15.

Orem City Code Article 2-16 created a Media Review Commission. In 1988, the City entered into an interlocal agreement with Provo City to create this commission. The commission is no longer operating and there is no need to continue with it. As a result, Article 2-16 should be repealed.

Orem City Code § 2-27-6 sets forth the hours of operation for the Orem City Justice Court. This section of the Orem City Code should be amended to include a specific reference to days the court will be closed under Utah Code § 63G-1-301. This section of the Utah Code establishes legal holidays.

Orem City Code Article 2-30 Records Access and Management outlines the City's obligations and duties when maintaining records. Article 2-30 is amended to comply with amendments to the Utah Government Records Access and Management Act (GRAMA). The proposed amendments also change the appeal procedures applicable to a GRAMA request denial. The requester will now have the option of appealing the City Manager's denial of a GRAMA request to the district court or the State Records Committee pursuant to state law.

Chapter 5
Currently an inconsistency exists between Orem City Code § 5-6-1 which permits any "person" in the City to have no more than two dogs or cats four months of age or older and Orem City Code § 22-6-10.C.3 which limits the number of dogs or cats to two per "lot". Both code sections should be amended to limit the number of dogs and cats to two per dwelling as defined in Orem City Code § 22-2-1. This amendment will make these code sections consistent and will resolve confusion when enforcing the limitation. Amendments to Chapter 22 must go through the Planning Commission. As a result, the amendment to Chapter 22 will be done at a

later date.

Chapter 7
In 2012, the Utah State Legislature enacted Utah Code § 15A-5-202.5 amending the International Fire Code. Subsection (1)(c) of Utah Code § 15A-5-202.5 now permits the City Council to prohibit the ignition or use of certain ignition sources within mountainous, brush-covered, or forest-covered areas or in a wildland urban interface area when the fire code official determines that there is a hazardous environmental condition present. The addition of Subsection C. to Orem City Code § 7-2-8 implements the new authority granted to the City Council under the Utah Code.

The addition of Subsection D to Orem City Code § 7-2-8 incorporates the type of firework restrictions (both type and timing) found in Utah Code §§ 53-7-220 through 225.

Chapter 9
Section 9-3-2 requires any person or entity to submit an X or R rated movie to the City Manager to review prior to its first exhibition in the City. Submissions of movies to the City Manager has not been occurring, and the City is concerned that this section of the Orem City Code runs contrary to the First Amendment of the United State Constitution and recommends that this provision be repealed.

Chapter 12
Section 12-5-13.A. should be amended to define an abandoned vehicle as "a vehicle that has been left on a highway for a period in excess of forty-eight (48) hours…" Under the current City Code, a vehicle is deemed abandoned only after it has been left on a highway for a period in excess of seventy-two (72) hours. This is an excessive amount of time for a vehicle to be left unattended on a highway and is inconsistent with similar provisions in state law. With this amendment, the City Code will now enforce the same criteria needed to establish that a vehicle is abandoned under Utah Code § 41-6a-1408, Abandoned vehicles – Removal by peace officer – Report – Vehicle identification.

Chapter 18
Chapter 18 of the Orem City Code provides for the levying of certain taxes including: the Sales & Use Tax; the Municipal Energy Sales and Use Tax; the Transient Room Tax; the Telecommunications License Tax; and the Cultural Arts and Recreation Enrichment Tax. A number of amendments to the Utah Code and Utah County Ordinances have been enacted that impact Chapter 18 of the Orem City Code. The City Attorney is recommending that the City Council approve the proposed amendments to Chapter 18 to bring it into compliance with the Utah Code and Utah County Ordinances. None of these amendments have any fiscal impact on the City's tax levy because these amendments (1) merely reflect changes that have already been implemented or (2) correct scrivener's errors.

The following amendments are proposed:

- Article 18-1 is amended to:
  (1) reflect the correct sales and use tax levy of 1%;
  (2) include an exemption for sales and uses that have been taxed in other jurisdictions; and
  (3) include language defining when a sale is consummated within the City
- Article 18-2 is amended to correct formatting and to properly alphabetize "taxable energy".
- Article 18-4 is amended to reflect the correct Telecommunications License Tax levy of 3.5% which went into effect on July 1, 2007. This is the amount that has been collected since July1, 2007. The ordinance is simply being amended to reflect the correct amount.
- Article 18-5 is amended to correct formatting – there are no substantive changes.

Chapter 19

Currently, a private property owner with more than four (4) parking spaces on the property may not have a vehicle towed unless the vehicle is deemed abandoned (i.e., the vehicle has been left unattended on the private property for more than seven (7) days without the implied or express consent of the private property owner) or unless the private property owner has posted the requisite signage informing drivers of the parking rules. It is proposed that Orem City Code § 19-7-5.D. be amended to provide private property owners more control over their limited parking resources to allow the booting or towing of a vehicle which has been continuously parked on private property containing four (4) or more parking spaces for more than forty-eight (48) hours. This is a significant change to the towing ordinance that provides private property owners substantially more control over their private property.

Section 19-7-5.D.7 should be renumbered to Section 19-7-5.D.6.

DRAFT

ORDINANCE NO. _____

ORDINANCE AMENDING VARIOUS CHAPTERS OF THE OREM CITY CODE TO COMPLY WITH UTAH LAW, FEDERAL LAW, RECENT CASE LAW, TO REMOVE OBSOLETE PROVISIONS, AND TO CORRECT SCRIVENER'S ERRORS

WHEREAS it is necessary for the City to amend various chapters of the City Code to accurately reflect changes and modifications in the federal, state, county law and recent case law, to remove obsolete provisions, and to correct scrivener's errors; and

WHEREAS the City Council finds the proposed amendments to be in the best interest of the City and necessary to protect and preserve the health, welfare and safety of citizens in general; 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,

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

1. The City Council hereby amends, enacts, or repeals the following titles of the Orem City Code to read and be numbered as follows (any portions of the Orem City Code that are not specifically amended by this ordinance shall remain in full force and effect as currently written):

2-15. Orem Youth City Council

2-15-1. Orem Youth City Council established. The Orem Youth City Council of the City of Orem is hereby established.

2-15-2. Duties and Responsibilities.

A. The Orem Youth City Council shall consist of nine members with representatives from each Orem high school and junior high school. Representatives from students participating in "home school," private schools and other secondary educational programs shall also be invited to participate in the program.

B. The Orem Youth City Council shall create a mission statement and establish goals to guide the activities of the Council. The mission statement and goals shall focus on accomplishing the following:

1. Providing leadership opportunities;
2. Providing an understanding of local political systems;
3. Identifying issues affecting the youth in the community;
4. Solving community problems involving the youth;
5. Developing social, educational, cultural, community service, and recreational opportunities for the youth; and
6. Instilling a feeling of self-worth and esteem in the youth.

C. The Orem Youth City Council shall develop policies and procedures to establish the selection of Orem Youth City Council members, filling of vacancies, voting, attendance at meetings, and other issues identified by the Orem Youth City Council.

2-15-3. Staff Service. The City Manager may appoint City staff to assist with the Youth City Council.

2-16. Media Review Commission – REPEALED - RESERVED

2-27-6. Court Facilities and Hours of Operation.

The City shall provide a Court facility complying in all respects with the requirements of the State. The Court shall be open for business five (5) days a week for at least eight (8) hours per day expect as provided for in Utah Code § 63G-1-301.

2-30-2.B. Provide ready access to records which are defined by law as open to the public;

2-30-2.C. Retain the security of records which are defined by law as non-public;

2-30-2.D. Comply with the Government Records Access Management Act (hereinafter referred to as "the Act") Chapter 2 of Title 63G of the Utah Code Annotated (1953, as amended); and

2-30-2.E. Comply with all other federal, state and City, constitutional, statutory and regulatory record-keeping requirements.

2-30-3. Definitions

Act means the Government Records Access and Management Act, Section 63G-2-101, *et seq.*, Utah Code Annotated (1953, as amended).

At-risk employee means a current or former peace officer or law enforcement officer as defined by Utah Code Annotated Section 63G-2-303 (1953, as amended).

Audit means:

1. A systematic examination of financial, management, program, and related records for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws and regulations; or
2. A systematic examination of program procedures and operations for the purpose of determining their effectiveness, economy, efficiency, and compliance with statutes and regulations.

Chronological log means a regular and customary summary record of law enforcement agencies and other public safety agencies that show the time and general nature of police, fire and paramedic calls made and any arrests or jail bookings made by the Department of Public Safety;

City Records officer means an individual appointed by the City Manager to work in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.

Classification means determining whether a record series, record, or information within a record is public, private, controlled, protected or exempt from disclosure under sections 2-30-6 through 2-30-9 Orem City Code.

Computer Program means a series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the source material that explains how to operate the computer program and any associated documentation and source materials that explain how to operate the computer program and any associated documentation and source materials that explain how to operate the computer program. It does not mean:

It does not mean;

1. The original data, including numbers, text, voice, graphics, and images;
2. Analysis, compilation, and other manipulated forms of the original data produced by use of the program; or
3. The mathematical or statistical formulas (excluding the underlying mathematical algorithms contained in the program) that would be used if the manipulated forms of the original data were to be produced manually.

Contractor means;

1. Any person who contracts with the City to provide goods or services directly to the City; or
2. Any private, nonprofit organization that receives funds from the City. Contractor does not mean a private provider.

Controlled records shall be those defined as controlled under the provisions of this ordinance and in accordance with the provisions of the Act.

Data shall refer to individual entries (for example, birth date, address, etc.) in records.

Designation means indication, based on the City's familiarity with a record series or based on the City's review of a reasonable sample of a record series, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.

Gross compensation means every form of remuneration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any similar benefit received from the individual's employer.

Individual means a human being.

Initial contact report means an initial written or recorded report, however titled, prepared by peace officers engaged in public patrol or response duties describing official actions initially taken in response to either a public complaint about or the discovery of an apparent violation of law, which report may describe:

1. The date, time, location, and nature of the complaint, the incident, or offense;
2. Names of victims;
3. The nature or general scope of the agency's initial actions taken in response to the incident;
4. The general nature of any injuries or estimate of damages sustained in the incident;
5. The name, address, and other identifying information about any person arrested or charged in connection with the incident;
6. The identity of the public safety personnel (except undercover personnel) or prosecuting attorney involved in responding to the initial incident.

Initial contact reports do not include follow-up or investigative reports prepared after the initial contact report. However, if the information specified in Subsection (a) appears in follow-up or investigative reports, it may only be treated confidentially if it is private, controlled, protected, or exempt from disclosure under sections 2-30-6 through 2-30-9 Orem City Code.

Non-public records means those records defined as private, controlled, protected, or exempt under the provisions of this ordinance and the Act.

Person means any individual, nonprofit or profit corporation, partnership, sole proprietorship, or other type of business organization or any combination acting in concert with one another or any combination acting in concert with one another.

Private records mean those records classified as private under the provisions of this ordinance and the Act.

Private provider means any person who contracts with a government entity to provide services directly to the public.

Protected records mean those records classified as protected under the provisions of this ordinance and the Act.

Public records mean those records which have not been classified as non-public in accordance with the provisions of this ordinance and the Act.

Record means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the City where all the information in the original is reproducible by some mechanical, electronic, photographic or other means. Record does not mean:

1. Temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of a person for whom he is working;
2. Materials that are legally owned by an individual in his private capacity;
3. Materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by the City;
4. Proprietary software;
5. Junk mail or commercial publications received by the City or by an officer or employee of the City;
6. Books and other materials that are catalogued, indexed, or inventoried and contained in the collections of City libraries open to the public, regardless of physical form or characteristics of the material;
7. Daily calendars and other personal notes prepared by the originator for the originator's personal use or for the personal use of an individual for whom he is working;
8. Notes or internal memoranda prepared for the use of an officer or agency acting in a quasi-judicial or deliberative process or pursuant to matters discussed in a meeting closed pursuant to the Utah Open Meetings act; or Proprietary computer software programs as defined above that are developed or purchased by or for the City for its own use.
9. A personal note or personal communication prepared or received by an employee or officer of a governmental entity: (A) in a capacity other than the employee's or officer's governmental capacity; or (B) that is unrelated to the conduct of the public's business;
10. A telephone number or similar code used to access a mobile communication device that is used by an employee or officer of the City, provided that the employee or officer of the City has designated at least one business telephone number that is a public record.
11. Information that an owner of unimproved property provides to a local entity as provided in Utah Code § 11-42-205 Utah Code Annotated.

Record series means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

Schedule means the process of specifying the length of time each record series should be retained by the City for administrative, legal, fiscal or historical purposes, and when each record series should be transferred to the state archives or destroyed.

Summary data means statistical records and compilations that contain data derived from private, controlled, or protected information but that do not disclose private, controlled, or protected information

Non-public records means those records defined as private, controlled, protected or exempt under the provisions of this ordinance and the Act.

Person means any individual, nonprofit or profit corporation, partnership, sole proprietorship, or other type of business organization or any combination acting in concert with one another.

Record means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the City where all the information in the original is reproducible by some mechanical, electronic, photographic or other means. Record does not mean:

1. Temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of a person for whom he is working;
2. Materials that are legally owned by an individual in his private capacity;
3. Materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by the City;
4. Proprietary software;
5. Junk mail or commercial publications received by the City or by an officer or employee of the City;
6. Books and other materials that are catalogued, indexed, or inventoried and contained in the collections of City libraries open to the public, regardless of physical form or characteristics of the material;
7. Daily calendars and other personal notes prepared by the originator for the originator's personal use or for the personal use of an individual for whom he is working;
8. Notes or internal memoranda prepared for the use of an officer or agency acting in a quasi-judicial or deliberative process or pursuant to matters discussed in a meeting closed pursuant to the Utah Open Meetings act; or Proprietary computer software programs as defined above that are developed or purchased by or for the City for its own use.
9. A personal note or personal communication prepared or received by an employee or officer of a governmental entity: (A) in a capacity other than the employee's or officer's governmental capacity; or (B) that is unrelated to the conduct of the public's business;
10. A telephone number or similar code used to access a mobile communication device that is used by an employee or officer of the City, provided that the employee or officer of the City has designated at least one business telephone number that is a public record.
11. Information that an owner of unimproved property provides to a local entity as provided in Utah Code § 11-42-205 Utah Code Annotated.

Record series means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

Schedule means the process of specifying the length of time each record series should be retained by the City for administrative, legal, fiscal or historical purposes, and when each record series should be transferred to the state archives or destroyed.

Summary data means statistical records and compilations that contain data derived from private, controlled, or protected information but that do not disclose private, controlled, or protected information.

2-30-4.E. City records regarding security measures designed for the protection of persons or property, public or private, are not subject to this chapter. These records include:

1. Security plans;
2. Security codes and combinations, and passwords;
3. Passes and keys;
4. Security procedures; and
5. Building and public works designs, to the extent that the records or information relate to the ongoing security measures of a public entity.

2-30-4.F. This Article does not apply to a record containing protected health information as defined in 45 C.F.R., Part 164, Standards for Privacy of Individually Identifiable Health Information, if the record is:

1. Controlled or maintained by the City; and
2. Governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually Identifiable Health Information.

2-30-5.A. Private records shall be those city records classified as "private", as defined in the Act and as classified and defined in procedures established pursuant to this Article. Private records shall be made available to:

1. The subject of the record,
2. The parent or legal guardian of a minor, who is the subject of a record,
3. The legal guardian of an incapacitated individual, who is the subject of the record,
4. Any person who has a power of attorney or a notarized release from the subject of the record or his legal representative dated no more than 90 days before the date the request is made, or
5. Any person possessed of and serving a legislative subpoena, or court order issued by a court of competent jurisdiction.

2-30-5.B. Controlled records shall be those city records classified as "controlled", as defined in the Act, Section 63G-2-304 and as classified and defined in procedures established in this Article. A person who receives a record from the City may not disclose controlled information from that record to any person, including the subject of the record. Controlled records shall be made available to;

1. A physician, psychologist, or licensed social worker who submits a notarized release from the subject of the record that is dated no more than 90 days prior to the date the request is made and a signed acknowledgment of the terms of disclosure of controlled information, or
2. Any person presenting a legislative subpoena or court order signed by a judge of competent jurisdiction.

2-30-5.C. Protected records shall be those city records classified as "protected", as defined in the Act, Section 63G-2-305 and as classified and defined in procedures established in this Article. Protected records shall be made available to:

1. The person who submitted the record,
2. A person who has a power of attorney or notarized release from all persons or governmental entities whose interests are protected by the classification of the record if dated no later than 90 days prior to the date the request is made, or
3. To any person presenting a legislative subpoena or a court order regarding the release of the information and signed by a judge of competent jurisdiction.

2-30-5.J. The City may share information with other government agencies regardless of classification as long as those agencies are willing to abide by the requirements of this ordinance and the Act, Section 63G-2-206. Nothing in this Article prevents the City from examining private, controlled, or protected records for government or administrative purposes.

2-30-6.A.12. Voter registration records, including an individual's voting history, except for those parts of the record that are classified as private.

2-30-6.A.13. For an elected official, as defined in Utah Code Annotated Section 11-47-102 a telephone number, if available, and email address, if available, where the elected official may be reached as required in Title 11, Chapter 47, Access to Elected Officials.

2-30-6.A.14. An initiative packet, as defined in Utah Code Annotated Section 20A-7-101 and a referendum packet, as defined in Section 20A-7-101(1953 as amended), after the packet is submitted to a county clerk.

2-30-6.B. The following records are normally public, but to the extent that a record is expressly exempt from disclosure, access may be restricted under Sections 63G-2-201(3)(b), 63G-2-302, 63G-2-304, or 63G-2-305 of the Act:

2-30-6.B.6. Records relating to government assistance or incentives publicly disclosed, contracted for, or given by the City, encouraging a person to expand or relocate a business in Utah, except as provided in Subsection 63G-2-305(35) of the Act;

2-30-6.B.20. A notice of violation, a notice of department action under Section 63G-4-201, of the Act or similar records used to initiate proceedings for discipline or sanctions against persons regulated by the City, but not including records that initiate employee discipline.

2-30-6.B.21. Records documenting a contractor's or private provider's compliance with the terms of a contract with a governmental entity.

2-30-7.A.5. Records or part of records that a current or former at-risk employee identifies as private under Utah Code Annotated Section 63G-2-303.

2-30-7.A.6. That part of a voter registration record identifying a voter's:

a. driver license or identification card number;

b. Social Security number, or last four digits of the Social Security number; or

c. email address.

2-30-7.A.7. Information obtained through a criminal background check under Utah Code Annotated Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems.

2-30-7.A.8. Information provided by an offender that is:

a. required by the registration requirements of Utah Cod Annotated Title 77, Chapter 41, Sex and Kidnap Offender Registry; and

b. not required to be made available to the public Utah code Annotated Subsection 77-41-110(4);

2-30-7.A.9. An email address provided by a military or overseas voter under Utah Code Annotated Section 20A-16-501.

2-30-7.A.10. A completed military-overseas ballot that is electronically transmitted under Utah Code Annotated Title 20A, Chapter 16, Uniform Military and Overseas Voters Act.

2-30-7.A.11. Records received by or generated by or for the Political Subdivisions Ethics Review Commission established in Utah Code Annotated Section 11-49-201, except for:

a. the commission's summary data report that is required in Utah Code Annotated Section 11-49-202; and

b. any other document that is classified as public in accordance with Utah Code Annotated Title 11, Chapter 49, Political Subdivisions Ethics Review Commission.

2-30-7.A.12. Records describing an individual's finances, except that the following are public:

a. Records described in Subsection 63G-2-301(2) of the Act;

b. Information provided to the government entity for the purpose of complying with a financial assurance requirement; or

c. Records that must be disclosed in accordance with another statute.

2-30-7.B.1. Records concerning a current or former employee of, or applicant for employment with the City, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsections 63G-2-301(2)(b) or 63G-2-301(3)(o), or private under Subsection 63G-2-302(1)(b) of the Act.

2-30-9.1. Trade secrets as defined in Section 13-24-2 Utah Code Annotated (1953, as amended) if the person submitting the trade secret has provided the City with the information specified in Section 63G-2-309 Utah Code Annotated (1953, as amended);

2-30-9.2.c. The person submitting the information has provided the City with the information specified in Section 63G-2-309 Utah Code Annotated (1953, as amended);

2-30-9.4. Records, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4) of the Utah State Code Annotated (1953, as amended);

2-30-9.5. Test questions and answers to be used in future license, certification, registration, employment, or academic examinations;

2-30-9.6. Records the disclosure of which would impair city procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with the City, except, subject to subsections 1. and 2., this subsection does not restrict the right of a person to have access to, after the contract or grant has been awarded and signed by all parties, a bid proposal, application, or other information submitted to the City in response to:

a. an invitation for bids;

b. a request for proposals;

c. a request for quotes;

d. a grant; or

e. other similar document;

2-30-9.7. Information submitted to the City in response to a request for information, except, subject to Subsections 1. and 2., that this subsection does not restrict the right of a person to have access to the information, after:

a. a contract directly relating to the subject of the request for information has been awarded and signed by all parties; or

b. (i) a final determination is made not to enter into a contract that relates to the subject of the request for information; and

(ii) at least two years have passed after the day on which the request for information is issued;

2-30-9.8. Records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:

a. Public interest in obtaining access to the information outweighs the City's need to acquire the property on the best terms possible; or

b. The information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

c. In the case of records that would identify property, potential sellers of the described property have already learned of the City's plans to acquire the property or of the City's estimated value of the real property; or

d. In the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the City's estimated value of the property; or

e. The property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Utah Code Annotated Section 78b-6-505 (1953, as amended);

2-30-9.9. Records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:

a. The public interest in access outweighs the interests in restricting access, including the City's interest in maximizing the financial benefit of the transaction; or

b. When prepared by or on behalf of the City, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

2-30-9.10. Records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records;

a. Reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;

b. Reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;

c. Would create a danger of depriving a person of a right to a fair trial or impartial hearing;

d. Reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or

e. Reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

2-30-9.11. Records the disclosure of which would jeopardize the life or safety of an individual;

2-30-9.12. Records the disclosure of which would jeopardize the security of city property, city programs, or city recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;

2-30-9.13. Records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;

2-30-9.14. Records that, if disclosed, would reveal recommendations made to the Board of Pardons by an employee of or contractor for the Department of Corrections, the Board of Pardons, or the Department of Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;

2-30-9.15. Records and audit work papers that identify audit, collection, and operational procedures and methods used by the Utah State Tax Commission, if the disclosure would interfere with audits or collections;

2-30-9.16. Records of a government audit agency relating to an ongoing or planned audit until the final audit is released;

2-30-9.17. Records that are subject to the attorney client privilege;

2-30-9.18. Records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;

2-30-9.19. Records of communications between the City and an attorney representing, retained or employed by the City if the communications would be privileged as provided in Section 78-24-8 Utah Code Annotated (1953, as amended);

2-30-9.20. Drafts, unless otherwise classified as public;

2-30-9.21. Records concerning the City's strategy about collective bargaining; or imminent or pending litigation;

2-30-9.22. Records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the City or by the Utah Risk Management Mutual Association;

2-30-9.23. Records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

2-30-9.24. Records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;

2-30-9.25. Records if the disclosure of the records would conflict with the fiduciary obligations of the City;

2-30-9.26. Records provided by the United States or by a government entity outside the State that are given to the City with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;

2-30-9.27. Transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-206 of the Open and Public Meetings Act, Utah Code Annotated (1953, as amended);

2-30-9.28. Records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;

2-30-9.29. Memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons, or a member of any other body charged by law with performing a quasi-judicial function;

2-30-9.30. Records that would reveal negotiations regarding assistance or incentives offered by or requested from the City for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person, or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;

2-30-9.31. Materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;

2-30-9.32. The name of a donor or a prospective donor to the City, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:

a. The donor requests anonymity in writing;

b. Any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the City under this subsection;

c. The entity to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of his immediate family, or any entity owned or controlled by the donor or his immediate family;

2-30-9.33. Accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13 of the Utah Code Annotated (1953, as amended);

2-30-9.34. A notification of workers' compensation insurance coverage described in Section 34A-2-205;

2-30-9.35. Records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:

a. a production facility; or

b. a magazine;

2-30-9.36. Records provided by any pawn or secondhand business to the Public Safety Department or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;

2-30-9.37. Except to the extent that the record is exempt from this chapter pursuant to Section 63G-2-106 (1953, as amended), records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize:

a. the safety of the general public; or

b. the security of:

(i) governmental property;

(ii) governmental programs; or

(iii) the property of a private person who provides the Division of Emergency Management information;

2-30-9.38. Unless otherwise classified as public under Section 63G-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone number, if:

a. the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and

b. the subject of the record has a reasonable expectation that this information will be kept confidential due to:

(i) the nature of the law, ordinance, rule, or order; and

(ii) the individual complying with the law, ordinance, rule, or order.

2-30-10.A. Requests for records shall, in the majority of cases, be responded to as soon as reasonably possible. The requester shall fill out an present to the City a written request on form provided by the City or in another written form acceptable to the City. The requester shall identify him/herself on the request form. The date and time of the request shall be noted on the written request form and all time frames provided under this section shall commence from that time and date. Requesters of non-public information shall adequately identify their status prior to receiving access to non-public records. The department director may waive the requirement of a written request.

2-30-10.B. The City may respond to a request for a record by approving the request and providing the record, denying the request, or giving such other appropriate response as may be established by policies and procedures.

2-30-10.C. In most circumstances and excepting those eventualities set out below in paragraph D, the City shall respond to a written request for a record within ten (10) business days after that request.

2-30-10.D. Extraordinary circumstances shall justify the City's failure to respond to a written request for a record within ten (10) business days and shall extend the time for response to that time reasonably necessary to respond to the request, as determined by the department director. Extraordinary circumstances shall include but not be limited to the following:

1. The City, or some other governmental entity is currently and actively using the record requested;
2. The record requested is for either a voluminous quantity of records or requires the City to review a large number of records or perform extensive research to locate the materials requested;
3. The City is currently processing either a large number of records requests, is subject to extraordinary seasonal workloads in the processing of other work, or is currently processing a large number of records requests;
4. The request involves an analysis of legal issues to determine the proper response by the City to the request;
5. The request involves extensive editing to separate public information in a record from that which is not public;
6. Providing the information request requires computer programming or other format manipulation;
7. Another governmental entity is using the record as part of an audit, and returning the record before the completion of the audit would impair the conduct of the audit.

When the City determines that a record request cannot by responded to within ten (10) business days, the department director or his/her designee shall give the requester an estimate of the time required to respond to the request.

2-30-10.G. The failure or inability of the City to respond to a request for a record within the time frames set out herein, or the City's denial of such a request, shall give the requester the right to appeal pursuant to Utah Code title 63G, Chapter 2, Part 4.

2-30-10.J. Subpoenas and other methods of discovery under the state or federal statutes or rules of civil, criminal, administrative, or legislative procedure are not written requests under this Article. Compliance with civil, criminal, administrative, and legislative discovery shall be governed by the applicable statutes and rules of procedure.

1. Except as otherwise provided in Subsection 3, in judicial or administrative proceedings in which an individual is requesting discovery of records classified private, controlled, or protected under this chapter, or otherwise restricted from access by other statutes, the court, or an administrative law judge shall follow the procedure in Utah Code Annotated Section 63G-2-202(7) (1953, as amended) before ordering disclosure.

a. Until the court or an administrative law judge orders disclosure, these records are privileged from discovery.

2. If, the court or administrative order requires disclosure, the terms of the order may limit the requester's further use and disclosure of the record in accordance with Utah Code Annotated Section 63G-2-202(7) (1953, as amended), in order to protect the privacy interests recognized in this chapter.

3. Unless a court or administrative law judge imposes limitations in a restrictive order, this section does not limit the right to obtain:

a. records through the procedures set forth in this chapter; or

b. medical records discoverable under state or federal court rules as authorized by Utah Code Annotated Section 63G-2-302(3).

2-30-12. Appeals.

Any appeal of the City's denial of a record request will be governed by Utah Code §§ 63G-2-401, 402, 403, and 404.

2-30-17.D. If the request is denied, the City Records Officer shall inform the requester in writing the reasons for denying the request. The requester may appeal the denial of the request to amend a record pursuant to Utah Code Annotated Section 63G-2-603 (1953, as amended).

5-6-1. Allowable Number of Dogs and Cats.

Except as otherwise provided in this Chapter, there shall not be more than two (2) dogs or four (4) cats four months of age or older per dwelling. This provisions does not apply to legally operating pet stores, grooming parlors, kennels, catteries, animal shelters, veterinarians, or other animal holding facilities.

7-2-8.C. Due to unusual extreme hazardous fire conditions in certain portions of the City, the discharge of any and all fireworks including class C common fireworks is prohibited in the area of the City described as follows: within 100 feet of any undeveloped areas of the City; and within 500 feet of any National Forest or BLM lands.

7-2-8.D. It is unlawful for any person to retain, sell or offer for sale, or to discharge, or to have in their possession any fireworks in the City, other than class C common Utah state approved explosives used in accordance with and only on the date allowed by Utah Code Annotated §§ 53-7-220-225, the rules adopted pursuant thereto, and in this ordinance, except as otherwise permitted by state law.

9-3-2. Submission of Movies for Review – REPEAL AND RENUMBER ARTICLE 9-3

12-5-13.A. Definitions

Abandoned vehicle means a vehicle that is left unattended on a highway for a period in excess of forty-eight (48) hours; or on any public or private property for a period in excess of seven (7) days without express or implied consent of the owner of person in lawful possession or control of the property.

18-1-1. Purpose.

The Utah Legislature has authorized municipalities of the State of Utah to enact sales and use tax ordinances imposing one percent (1%) tax. It is the purpose of this ordinance to levy and impose a local option sales and use tax and to authorize and designate the Utah State Tax Commission as agent for the City to collect the tax, and to conform with the requirements of the Local Sales and Use Tax Act, Chapter 12, Title 59, Utah Code Annotated (1953 as amended). The provisions of the previously enacted sales and use tax ordinance of the City which are not in conflict herewith shall continue in effect, and all rights, duties, and obligations arising under the former ordinances shall not in any way be deemed abrogated or terminated.

18-1-2.A. There is levied and there shall be collected and paid a tax upon every retail sale as defined by § 59-12-103 of the Utah Code Annotated (1953, as amended) within the municipality at the rate of one percent (1%).

18-1-2.B. There is levied and there shall be collected and paid an additional tax of one-fourth of one percent (1/4 of 1%) upon every retail sale as defined by § 59-12-103 of the Utah Code Annotated within the municipality. Such additional tax shall be for the purpose of funding a public transportation system provided by Utah Transit Authority.

18-1-2.B. For the purpose of this article, all retail sales shall be collected in accordance with § 59-12-107 of the Utah Code Annotated (1953 as amended). Public utilities as defined by Title 54, Utah Code Annotated (1953 as, amended), shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenues arising from such service allocable to the City shall be as determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.

18-1-2.D. For the purpose of this Article, all retail sales shall be presumed to have been consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to an out of state destination. If a retailer has no permanent place of business in the state, or has more than one place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the State Tax Commission.

18-1-2.E. Except as hereinafter provided and except insofar as they are inconsistent with the provisions of the Local Sales and Use Tax Act, all of the provisions of Chapter 12, Title 59, Utah Code Annotated (1953, as amended), and in force and effect on the effective date of this ordinance, insofar as they relate to sales taxes, are hereby adopted and made a part of this ordinance as though fully set forth herein.

18-1-2.F. Wherever and to the extent that in Chapter 12 of Title 59, Utah Code Annotated (1953, as amended) the State of Utah is named or referred to as the taxing agency, the name of this City shall be substituted therefor. Nothing in this subparagraph (F) shall be deemed to require substitution of the name of the municipality for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah, nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the State Tax Commission in performing the functions incident to the administration or operation of this ordinance.

18-1-2.G. If an annual license has been issued to a retailer under § 59-12-106 of the Utah Code Annotated (1953, as amended), an additional license shall not be required by reason of this section.
(Ord. No. 661, Revised, 04/10/90)

18-1-2.H. Sales as defined in § 59-12-104 of the Utah Code Annotated, 1953 are exempted from the tax imposed by the ordinance.

18-1-2.I. The sale, storage, use, or other consumption of tangible personal property, the purchase price or the cost of which has been subject to sales or use tax under a sales and use tax ordinance enacted in accordance with the Local Sales and Use Tax Act, by any county or city or town in this State, shall be exempt from the tax due under this Article.

18-1-3.A. An excise tax is hereby imposed in this municipality on the storage, use or other consumption as defined in § 59-12-103 Utah Code Annotated (1953, as amended) of tangible personal property from any retailer at the rate of one percent (1%).

18-1-3.C. Except as hereinafter provided and except insofar as they are inconsistent with the provisions of the Local Sales and Use Tax Act, all of the provisions of Chapter 12, Title 59, Utah Code Annotated (1953, as amended) in so far as they relate to use taxes, are hereby adopted and made a part of this Article as though fully set forth herein.

18-1-3.D. Wherever and to the extent that in said Chapter 12 of Title 59, Utah Code Annotated (1953, as amended) the State of Utah is named or referred to as the taxing agency, the name of this City shall be substituted therefore. Nothing in this subparagraph (D) shall be deemed to require the substitution of the name of the municipality for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah, nor shall the name of the City be substituted for that of the State in any section when the results of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this ordinance.

18-1-3.E. Use Taxes as defined in § 59-12-104 of the Utah Code Annotated (1953, as amended) are exempted from the tax imposed by this Article.

18-1-3.F. The sale, storage, use, or other consumption of tangible personal property, the purchase price or the cost of which has been subject to sales or use tax under a sales and use tax ordinance enacted in accordance with the Local Sales and Use Tax Act, by any county or city or town in this State, shall be exempt from tax due under this Article.

18-2-1. Purpose

The purpose of this Article is to adopt the Municipal Energy Sales and Use Tax, pursuant to, and in conformance with, Utah Code Annotated section 10-1-301 *et seq.*, "The Municipal Energy Sales and Use Tax Act."

18-2-2.J. **Taxable Energy** means gas and electricity.

18-2-2.K. **Use** means the exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy. Use does not include the sale, display, demonstration, or trial of the taxable energy in the regular course of business and held for resale.

18-3-1. Purpose.

The purpose of this Article is to enact a municipal transient room tax.

18-4-1. Purpose.

The purpose of this Article is to establish a telecommunications license tax in accordance with the provisions of the "Municipal Telecommunications License Tax Act" (U.C.A. 10-1-401, *et seq.*, as amended).

18-4-4. Rate.

The rate of the telecommunications license tax levy shall be 3.5% of the telecommunications provider's gross receipts from telecommunications service that are attributed to the City of Orem in accordance with U.C.A. §10-1-407, as amended.

18-4-5. Effective Date of Tax Levy.

The telecommunications license tax shall be levied beginning July 1, 2004, and shall be subject to the requirements of U.C.A. §10-1-403, as amended. Beginning July 1, 2007, the tax levy shall be 3.5%.

18-4-7. Rate Limitation and Exemption Therefrom.

The telecommunications license tax shall not exceed the maximum rate established by state law (3.5%) unless a higher rate is approved by a majority vote of the voters in the City of Orem that vote in:

A. a municipal general election;
B. a regular general election; or
C. a local special election.

18-5-1. Purpose.

The purpose of this Article is to establish, enact, impose, and levy a Cultural Arts and Recreation Enrichment Tax (sometimes referred to as a "CARE", "RAP" or "ZAP" tax) in accordance with U.C.A. §59-12-1401, *et seq*. (City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities).

18-5-1. Purpose.

The purpose of this Article is to establish, enact, impose, levy and reauthorize a Cultural Arts and Recreation Enrichment Tax in accordance with U.C.A. §59-12-1401, *et. seq*. (City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities).

18-5-2. Cultural Arts and Recreation Enrichment Tax.

The City of Orem hereby establishes, enacts, imposes, levies and reauthorizes a local sales and use tax of 1/10 of 1% (the "Cultural Arts and Recreation Enrichment Tax", or "CARE Tax") on transactions described in U.C.A §59-12-103(1), as amended, that are located within the City of Orem, except as such transactions are exempt from sales and use taxes pursuant to U.C.A. §§59-12-104 and 59-12-1402, as amended. CARE Tax revenues earned until March 31, 2014 shall be used to fund any eligible facilities and organizations described in U.C.A. §59-12-1401, *et. seq*., with the exception of zoological facilities and organizations and botanical organizations. CARE Tax revenues earned beginning April 1, 2014 shall be used to fund City-owned recreational and cultural facilities, the ongoing operating expenses of City-owned recreational facilities, and the ongoing operating expenses of private non-profit cultural organizations, as such terms are defined in State law. The CARE Tax supplements, but does not replace, the sales and use tax established in Article 18-1 of the Orem City Code.

19-7-5.D. It shall be unlawful to boot or tow a motor vehicle in or from a private parking lot having four (4) or more parking spaces that are open to the public, other than a vehicle which has been continuously parked on the private parking lot for more than forty-eight (48) hours, unless a clearly visible and conspicuous sign posted on, or immediately adjacent to the property provides notice that unauthorized vehicles will be booted or towed from the parking lot. Such signs shall:

19-7-5.D.7. RENUMBERED TO 19-7-5.D.6.

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2. If any parts of these ordinance amendments shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

3. All other ordinances, policies, and resolutions in conflict herewith 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 **28th** day of **October** 2014.

_____

Richard F. Brunst, Jr., Mayor

ATTEST:

_____

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"	COUNCIL MEMBERS VOTING "NAY"

CHAPTER 2. ADMINISTRATION

Article 2-1. Municipal Administrative Code
Article 2-2. Council-Manager Form of Government
Article 2-3. Mayor and Council
Article 2-4. City Council Meetings
Article 2-5. City Manager
Article 2-6. City Operations
Article 2-7. Purchasing Procedures and Disposal of City Property
Article 2-8. Strategic Plan Advisory Commission
Article 2-9. Human Relations Advisory Commission
Article 2-10. Beautification Advisory Commission
Article 2-11. Senior Citizen Advisory Commission
Article 2-12. Library Advisory Commission
Article 2-13. Recreation Advisory Commission
Article 2-14. CDBG Advisory Commission
Article 2-15. Orem Youth City Council ~~Advisory Committee~~
Article 2-16. ~~Media Review Commission~~Reserved
Article 2-17. Planning Commission
Article 2-18. Board of Adjustment
Article 2-19. Board of Building and Fire Code Appeals
Article 2-20. Alcoholic Beverage License Hearing Board
Article 2-21. Historical Preservation Advisory Commission
Article 2-22. Recycling Advisory Commission
Article 2-23. Summerfest Advisory Committee
Article 2-24. Sister City Advisory Committee
Article 2-25. Cultural Arts Council
Article 2-26. Employee Appeal Board
Article 2-27. Municipal Justice Court
Article 2-28. Reserved
Article 2-29. Private Property Protection Ordinance
Article 2-30. Records Access and Management
Article 2-31. Temporary Interim Succession
Article 2-32. Heritage Commission
Article 2-33. Transportation Advisory Commission
Article 2-34. Public Works Advisory Commission

Article 2-1. Municipal Administrative Code

2-1-1. Municipal Administrative Code.
2-1-2. Violation of Municipal Administrative Code.
2-1-3. Invalidity or Unconstitutionality.
2-1-4. Interpretation.

2-1-1. Municipal Administrative Code.

This Chapter shall be known and may be cited as the Municipal Administrative Code of the City of Orem.
(Ord. No. 661, Revised, 04/10/1990)

2-1-2. Violation of Municipal Administrative Code.

Unless otherwise specified by State law or this Chapter, the violation of any of the provisions of the Municipal Administrative Code of the City of Orem shall be a class B misdemeanor.
(Ord. No. 661, Revised, 04/10/1990)

2-1-3. Invalidity or Unconstitutionality.

Should any portion of the Municipal Administrative Code of the City of Orem be found to be invalid or unconstitutional by a court of competent jurisdiction, all remaining portions not found to be invalid or unconstitutional shall remain in full force and effect.(Ord. No. 661, Revised, 04/10/1990)

2-1-4. Interpretation.

Nothing in this Chapter shall be interpreted to conflict with applicable State or Federal laws. No elected official, appointee, officer, or employee of the City shall be held personally liable for actions made in good faith pursuant to this Chapter, or policies or regulations developed pursuant to this Chapter, even if such actions, policies, or regulations are later found to be in conflict with Federal, State or other requirements.
(Ord. No. 661, Revised, 04/10/1990)

~~Article 2-15.~~ 2-15. Orem Youth City Council ~~Advisory Committee~~

~~2-15-1. Youth City Council Advisory Committee established.~~ Youth City Council Established

2-15-2. Duties and Responsibilities.
~~**2-15-3. Membership of Council.**~~
~~**2-15-4. Appointment.**~~
~~**2-15-5. Term of Office.**~~
~~**2-15-6. Removal and Vacancy.**~~
~~**2-15-7. Voting.**~~
~~**2-15-8. Conduct of Meetings.**~~
~~**2-15-9. Establishment of Bylaws and Rules of Procedure.**~~
2-15-3~~10~~. Staff Service.
~~**2-15-11. Compensation.**~~

~~2-15-1.~~2-14-12. Orem Youth City Council Advisory Committee established.

The Orem Youth City ~~Council Advisory Committee~~ of the City of Orem is hereby established.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)

~~2-15-2.~~ 2-15-2. Duties and Responsibilities.

~~The Committee shall be responsible for the development of an on-going Youth City Council program in Orem.~~

A. The Orem Youth City Council shall consist of nine members with representatives from each Orem high school and junior high school. Representatives from students participating in "home school," private schools and other secondary educational programs shall also be invited to participate in the program.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)

B. The Youth City Council shall create a mission statement and establish goals to guide the activities of the Council. The mission statement and goals shall focus on accomplishing the following:

1. Providing leadership opportunities;
2. Providing an understanding of local political systems;
3. Identifying issues affecting the youth in the community;
4. Solving community problems involving the youth;
5. Developing social, educational, cultural, community service, and recreational opportunities for the youth; and
6. Instilling a feeling of self-worth and esteem in the youth.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)

C. The Orem Youth City Council shall develop policies and procedures to establish the selection of Orem Youth City Council members, filling of vacancies, voting, attendance at meetings, and other issues identified by the Orem Youth City Council.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)

~~2-15-3. Membership of Council.~~

~~The Committee shall consist of five (5) adult members. One (1) of the five (5) members shall be a member of the City of Orem Human Relations Advisory Commission and shall be appointed by the Chairman of the Human Relations Advisory Commission Chair.~~
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)

~~2-15-4. Appointment.~~

~~A. Committee members, except the member appointed by the Chair of the Human Relations Advisory Commission, shall be appointed by the Mayor, with the advice and consent of the City Council.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~B. Committee members shall be residents of the City of Orem.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~C. Committee members shall be selected without respect to political affiliation.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~2-15-5. Term of Office.~~

~~A. The term of office for each Committee member, except the Human Relations Advisory Commission member, shall be three (3) years. The term of office of the initial members of the Committee shall be staggered so that two (2) members serve for two (2) years and three (3) members serve for three (3) years. The member from the Human Relations Advisory Commission shall serve only while an appointed member of the Human Relations Advisory Commission.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~B. Each of the Committee members shall be eligible for one (1) additional three (3) year term.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

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~~C. No person shall serve more than two (2) consecutive terms on the Committee. Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~D. Each term shall continue until a successor is chosen and qualified, except in the case of a member's death, resignation, removal or disqualification from holding office.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~2-15-6. Removal and Vacancy.~~

~~A. Any member of the Committee may be removed from office by the Mayor, with the advice and consent of the City Council.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Committee's scheduled meetings during any twelve (12) month period.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~E. Vacancies occurring other than through the expiration of a regular term shall be filled by nomination of the Mayor, with the advice and consent of the City Council.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~2-15-7. Voting.~~

~~A. Each member of the Committee shall have one (1) vote.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~B. A quorum shall consist of any three (3) members of the Committee. No meeting is official unless a quorum of members is present.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than three (3).~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~2-15-8. Conduct of Meetings.~~

~~A. The Mayor, with the advice and consent of the City Council, shall appoint one of the members of the Committee to be its Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year beginning in January of each year. A Chairperson may serve consecutive terms.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~B. The Committee shall meet at least monthly and may meet more often at the discretion of its Chairperson.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~C. Committee business and discussion shall be conducted in open meetings in accordance with legal requirements and City policies.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~D. The Committee shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Committee meeting.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~E. The Committee may adopt By-laws or Rules of Procedure for the transaction of its business.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~2-15-9. Establishment of Bylaws and Rules of Procedure.~~

~~The Bylaws and Rules of Procedure of the Committee may be established and amended as necessary by the membership of the Committee.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)~~

~~2-15-10.~~ 2-15-3. Staff Service.

The City Manager may appoint City staff to assist with the Youth City Council Advisory Committee.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 01/06/1998)

~~2-15-11.~~ Compensation.

~~A. Members of the Committee shall serve without monetary compensation.~~
(Ord. No. O-98-0004, Enacted, 01/06/1998)

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~~B. Members may be compensated for reasonable expenses incurred for official responsibilities.~~
(Ord. No. O-98-0004, Enacted, 01/06/1998)

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Article 2-16. RESERVED ~~Media Review Commission~~

~~2-16-1. Commission Established By Agreement.~~
~~2-16-2. Duties and Responsibilities.~~
~~2-16-3. Membership of Commission.~~
~~2-16-4. Appointment.~~
~~2-16-5. Term of Office.~~
~~2-16-6. Removal and Vacancy.~~
~~2-16-7. Meetings, Conduct of Business Governed by Contract, Procedures.~~

~~2-16-1. Commission Established By Agreement.~~

~~The Media Review Commission of Orem/Provo, as established by interlocal agreement between the cities of Orem and Provo, is hereby recognized as the official Media Review Commission for the City of Orem.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~2-16-2. Duties and Responsibilities.~~

~~The Commission shall have the following duties and responsibilities:~~

~~A. To support uplifting activities in Orem and Provo.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~B. To make recommendations to the City Council regarding the types of activities being carried out in the community.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~C. To solicit community support for uplifting activities.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~D. To review movies and videos being shown or rented in the community for the purpose of informing the public of their content with respect to profanity, sex, nudity, violence, substance abuse and general themes.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~E. To publish a movie and video guide for use by the public.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~F. To maintain a phone line with movie information.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~2-16-3. Membership of Commission.~~

~~There shall be seven commission members representing the City of Orem. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.~~
~~(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-02-0014, Amended, 04/09/2002)~~

~~2-16-4. Appointment.~~

~~A. Commission members representing Orem shall be appointed by the Mayor, with the advice and consent of the City Council.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~B. Orem's representatives shall be residents of the City of Orem.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~C. Commission members shall be selected without respect to political affiliation.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~2-16-5. Term of Office.~~

~~The term of office for Commission members shall be one (1) year. Each member may be eligible for one additional term of one (1) year.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~2-16-6. Removal and Vacancy.~~

~~A. Any member of the Commission appointed by Orem may be removed from office by the Mayor, with the advice and consent of the City Council.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~B. The office of a member representing Orem automatically becomes vacant if the member establishes residence outside the City, or lives outside the City boundaries for a continuous period of more than sixty (60) days.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~C. The office of a member representing Orem automatically becomes vacant if that member misses more than twenty-five percent (25%) of the Commission's scheduled meetings during any twelve month period.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the Mayor, with the advice and consent of the City Council.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

~~2-16-7. Meetings, Conduct of Business Governed by Contract, Procedures.~~

~~Business of the Commission shall be held and meetings conducted pursuant to the interlocal~~

~~agreement and the rules of procedure established by the Commission.~~
~~(Ord. No. 661, Revised, 04/10/1990)~~

Article 2-17. Planning Commission

2-17-1. Planning Commission established.
2-17-2. Power and Duties.
2-17-3. Membership of Commission.
2-17-4. Appointment.
2-17-5. Term of Office.
2-17-6. Removal and Vacancy.
2-17-7. Voting.
2-17-8. Conduct of Meetings.
2-17-9. Staff Assignments.
2-17-10. Compensation.

2-17-1. Planning Commission established.

The Planning Commission of the City of Orem (referred to as the "Commission" in this article) is hereby established.
(Ord. No. 661, Revised, 04/10/1990)

2-17-2. Power and Duties.

The Planning Commission shall have all powers granted by State statutes and City ordinances, plus those powers and duties delegated to it by the City Manager. The Commission shall act in an advisory capacity to the City Council with respect to planning and zoning matters which are reviewed or acted upon by the City Council.
(Ord. No. 661, Revised, 04/10/1990)

2-17-3. Membership of Commission.

The Planning Commission shall consist of seven (7) members.
(Ord. No. 661, Revised, 04/10/1990)

2-17-4. Appointment.

A. Commission members shall be appointed by the City Manager, with the advice and consent of the City Council.
(Ord. No. 661, Revised, 04/10/1990)

B. Commission members shall be residents of the City of Orem, and shall be selected in accordance with any policy adopted by the City Council. There shall be no City Council representative on the Commission.
(Ord. No. 661, Revised, 04/10/1990)

C. Commission members shall be selected without respect to political affiliation.
(Ord. No. 661, Revised, 04/10/1990)

2-17-5. Term of Office.

A. The term of office for Planning Commission members shall be three (3) years, even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0002, Amended, 01/12/1999; Ord. No. O-2013-0034, Amended 12/11/2013)

B. No person shall serve more than two consecutive terms on the Planning Commission.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0002, Amended, 01/12/1999; Ord. No. O-2013-0034, Amended 12/11/2013)

C. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal or disqualification from holding office.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-99-0002, Amended, 01/12/1999; Ord. No. O-2013-0034, Amended 12/11/2013)

2-17-6. Removal and Vacancy.

A. Any member of the Planning Commission may be removed from office by the City Manager, with the advice and consent of the City Council.
(Ord. No. 661, Revised, 04/10/1990)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.
(Ord. No. 661, Revised, 04/10/1990)

C. A member's office automatically becomes vacant if the member misses more than twenty-five percent (25%) of the Planning Commission's scheduled meetings during any twelve (12) month period.
(Ord. No. 661, Revised, 04/10/1990)

D. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant.
(Ord. No. 661, Revised, 04/10/1990)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment by the City Manager, with the advice and consent of the City Council.
(Ord. No. 661, Revised, 04/10/1990)

2-17-7. Voting.

A. Each member of the Planning Commission shall have one (1) vote.
(Ord. No. 661, Revised, 04/10/1990)

B. A quorum shall consist of any four (4) members of the Planning Commission. No meeting is official unless a quorum of members is present.
(Ord. No. 661, Revised, 04/10/1990)

Article 2-27. Municipal Justice Court

2-27-1. Establishment and Jurisdiction of Court
2-27-2. Judge
2-27-3. Administration Responsibilities
2-27-4. Court Personnel
2-27-5. Judge to Supervise for Purposes of Court Operations
2-27-6. Court Facilities and Hours of Operation
2-27-7. Court to Comply with State Requirements

2-27-1. Establishment and Jurisdiction of Court

There is hereby recognized a certified Class I Justice Court, known as the City of Orem Justice Court, with territorial jurisdiction extending to the municipal boundaries of the City of Orem. The Court shall have jurisdiction over cases designated in Section 78A-7-106 of the Utah State Code.
(Ord. No. O-2010-0022, Enaeted, 08/10/2010)

2-27-2. Judge

A. A full-time municipal court judge shall be appointed according to State law, with the responsibilities and authority determined in State law. The judge's compensation shall be at least fifty percent (50%) and not more than ninety percent (90%) of the salary of a district court judge, and may not be diminished during his or her term of office. The term of office shall be six (6) years, with retention elections as determined by State law. The City may appoint more than one judge if the need arises.
(Ord. No. O-2010-0022, Enacted, 08/10/2010)

B. The judge shall operate independently from municipal administration. Supervision and judicial oversight shall be the domain of the State Judicial Council and State Justice Court Administrator.
(Ord. No. O-2010-0022, Enacted, 08/10/2010)

2-27-3. Administrative Responsibilities

A. The Justice Court judge shall comply with and ensure that Court personnel comply with all City rules and regulations related to personnel, budgets, and other administrative functions.
(Ord. No. O-2010-0022, Enacted, 08/10/2010)

B. Failure by the judge to comply with applicable City rules and regulations may be referred by the City to the State Justice Court Administrator.
(Ord. No. O-2010-0022, Enacted, 08/10/2010)

C. Compliance with appropriate administrative requirements shall be considered as part of the Judicial Council's judicial performance evaluation program for Justice Court judges.
(Ord. No. O-2010-0022, Enacted, 08/10/2010)

D. Repeated or willful noncompliance may be referred by the City to the Judicial Conduct Commission.
(Ord. No. O-2010-0022, Enacted, 08/10/2010)

2-27-4. Court Personnel

The Court personnel other than the judge shall be considered as employees of the Administrative Services Department for purposes of hiring, supervision, evaluations, pay, and all budgetary matters. The Court Administrator shall report to the Director of Administrative Services. The City administration shall not interfere in any way with Court operations and the administration of justice.
(Ord. No. O-2010-0022, Enacted, 08/10/2010)

2-27-5. Judge to Supervise for Purposes of Court Operations

The judge shall be in charge of the operation of the Court. The Court Administrator and clerical staff shall follow the directions, orders, policies, and guidelines of the judge related to Court operations. The judge shall have significant input into the annual evaluations of all the Court employees.
(Ord. No. O-2010-0022, Enacted, 08/10/2010)

2-27-6. Court Facilities and Hours of Operation

The City shall provide a Court facility complying in all respects with the requirements of the State. The Court shall be open for business five (5) days a week for at least eight (8) hours per day expect as provided for in Utah Code § 63G-1-301.
(Ord. No. O-2010-0022, Enacted, 08/10/2010)

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2-27-7. Court Facilities and Hours of Operation

The Justice Court shall comply in all respects with the requirements of State law and the Judicial Council.
(Ord. No. O-2010-0022, Enacted, 08/10/2010)

Article 2-30. Records Access and Management

2-30-1. Title.
2-30-2. Purpose and Intent.
2-30-3. Definitions.
2-30-4. Access to Public Records.
2-30-5. Access to Non-Public Records.
2-30-6. Records Classified as Public.
2-30-7. Records Classified as Private.
2-30-8. Records Classified as Controlled.
2-30-9. Records Classified as Protected.
2-30-10. Records Access Procedures.
2-30-11. Fees.
2-30-12. Appeals.
2-30-13. Liability.
2-30-14. City Records Officer and Records Management Committee.
2-30-15. Records Classification, Designation, Retention and Maintenance.
2-30-16. Electronic Records.
2-30-17. Amendment of Records.
2-30-18. Disciplinary Action.

2-30-1. Title.

This Article shall be known as the "Records Access and Management Ordinance of the City of Orem, Utah."
(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-2. Purpose and Intent.

The City of Orem recognizes two fundamental rights: the right of privacy in relation to personal data gathered by the City; and the public's right of access to information concerning the conduct of the public's business. In enacting this Article, it is the intent of the City of Orem to:

A. Maintain and preserve accurate government records;~~,~~
(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. Provide ready access to records which are defined by law as open to the public;~~,~~
(Ord. No. O-92-0010, Enacted, 06/30/1992)

C. Retain the security of records which are defined by law as non-public;~~,~~
(Ord. No. O-92-0010, Enacted, 06/30/1992)

D. Comply with the Government Records Access Management Act(hereinafter referred to as "the Act") Chapter 2 of Title 63 of the Utah Code Annotated (1953, as amended);~~,~~ and
(Ord. No. O-92-0010, Enacted, 06/30/1992)

E. Comply with all other federal, state and City, constitutional, statutory and regulatory record-keeping requirements.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-3. Definitions.

As used in this ordinance, the following definitions shall be applicable.

Act means the Government Records Access and Management Act, Section 63G-2-101 ~~63-2-1, *et seq.*~~, Utah Code Annotated~~,~~ (1953, as amended).

At-risk employee means a current or former peace officer or law enforcement officer as defined by Utah Code Annotated Section 63G-2-303 (1953, as amended).

Audit means:

1~~A~~. A systematic examination of financial, management, program, and related records for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws and regulations; or

2~~B~~. A systematic examination of program procedures and operations for the purpose of determining their effectiveness, economy, efficiency, and compliance with statutes and regulations.

Chronological log means a regular and customary summary record of law enforcement agencies and other public safety agencies that show the time and general nature of police, fire and paramedic calls made and any arrests or jail bookings made by the Department of Public Safety;

City Records officer means an individual appointed by the City Manager to work in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.

Classification means determining whether a record series, record, or information within a record is public, private, controlled, protected or exempt from disclosure under sections 2-30-6 through 2-30-9 Orem City Code.

Computer Program means a series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the source material that explains how to operate the computer program and any associated documentation and source materials that explain how to operate the computer program. It does not mean;

1. The original data, including numbers, text, voice, graphics, and images;
2. Analysis, compilation, and other manipulated forms of the original data produced by use of the program; or
3. The mathematical or statistical formulas (excluding the underlying mathematical algorithms contained in the program) that would be used if the

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manipulated forms of the original data were to be produced manually.

Contractor means;

1. Any person who contracts with the City to provide goods or services directly to the City; or
2. Any private, nonprofit organization that receives funds from the City. Contractor does not mean a private provider.

Controlled records shall be those defined as controlled under the provisions of this ordinance and in accordance with the provisions of the Act.

Data shall refer to individual entries (for example, birth date, address, etc.) in records.

Designation means indication, based on the City's familiarity with a record series or based on the City's review of a reasonable sample of a record series, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.

Gross compensation means every form of remuneration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any similar benefit received from the individual's employer.

Individual means a human being.

Initial contact report means an initial written or recorded report, however titled, prepared by peace officers engaged in public patrol or response duties describing official actions initially taken in response to either a public complaint about or the discovery of an apparent violation of law, which report may describe:

1. The date, time, location, and nature of the complaint, the incident, or offense;
2. Names of victims;
3. The nature or general scope of the agency's initial actions taken in response to the incident;
4. The general nature of any injuries or estimate of damages sustained in the incident;
5. The name, address, and other identifying information about any person arrested or charged in connection with the incident;
6. The identity of the public safety personnel (except undercover personnel) or prosecuting attorney involved in responding to the initial incident.

Initial contact reports do not include follow-up or investigative reports prepared after the initial contact report. However, if the information specified in Subsection (a) appears in follow-up or investigative reports, it may only be treated confidentially if it is private, controlled, protected, or exempt from disclosure under sections 2-30-6 through 2-30-9 Orem City Code.

Non-public records means those records defined as private, controlled, ~~or~~ protected, or exempt under the provisions of this ordinance and the Act.

Person means any individual, nonprofit or profit corporation, partnership, sole proprietorship, or other type of business organization or any combination acting in concert with one another.~~.~~

Private records mean those records classified as private under the provisions of this ordinance and the Act.

Private provider means any person who contracts with a government entity to provide services directly to the public.

Protected records mean those records classified as protected under the provisions of this ordinance and the Act.

Public records mean those records which have not been classified as non-public in accordance with the provisions of this ordinance and the Act.

Record means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the City where all the information in the original is reproducible by some mechanical, electronic, photographic or other means. Record does not mean:

1. Temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of a person for whom he is working;
2. Materials that are legally owned by an individual in his private capacity;
3. Materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by the City;
4. Proprietary software;
5. Junk mail or commercial publications received by the City or by an officer or employee of the City;
6. Books and other materials that are catalogued, indexed, or inventoried and contained in the collections of City libraries open to the public, regardless of physical form or characteristics of the material;
7. Daily calendars and other personal notes prepared by the originator for the originator's personal use or for the personal use of an individual for whom he is working;
8. Notes or internal memoranda prepared for the use of an officer or agency acting in a quasi-judicial or deliberative process or pursuant to

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matters discussed in a meeting closed pursuant to the Utah Open Meetings act; or Proprietary computer software programs as defined above that are developed or purchased by or for the City for its own use.

9. A personal note or personal communication prepared or received by an employee or officer of a governmental entity: (A) in a capacity other than the employee's or officer's governmental capacity; or (B) that is unrelated to the conduct of the public's business;

10. A telephone number or similar code used to access a mobile communication device that is used by an employee or officer of the City, provided that the employee or officer of the City has designated at least one business telephone number that is a public record.

11. Information that an owner of unimproved property provides to a local entity as provided in Utah Code § 11-42-205 Utah Code Annotated.

Record series means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

Schedule means the process of specifying the length of time each record series should be retained by the City for administrative, legal, fiscal or historical purposes, and when each record series should be transferred to the state archives or destroyed.

Summary data means statistical records and compilations that contain data derived from private, controlled, or protected information but that do not disclose private, controlled, or protected information.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-4. Access to Public Records.

A. Any person shall have the right to see, review, examine, and take copies of all city government records defined as "public" under the provisions of this ordinance, upon the payment of the designated fee and pursuant to the provisions of this Article, the Act and policies and procedures developed hereunder.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. Public Records are all city records unless they are:

1. Expressly classified otherwise in accordance with procedures established by this ordinance,
2. Expressly classified otherwise by the Act, or
3. Are made non-public by other applicable law.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

C. The City has no obligation to create a record or record series in response to a request from a member of the public, if the record requested is not otherwise regularly maintained or kept.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

D. When a department record is temporarily held by another department, the record shall not be considered the borrowing department's record for purposes of this Article; provided, however, that the record shall be considered a record of the department which usually keeps or maintains that record and any requests for access to such record shall be directed to that department rather than the department temporarily holding the record.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

E. City records regarding security measures designed for the protection of persons or property, public or private, are not subject to this chapter. These records include:

1. Security plans;
2. Security codes and combinations, and passwords;
3. Passes and keys;
4. Security procedures; and
5. Building and public works designs, to the extent that the records or information relate to the ongoing security measures of a public entity.

F. This Article does not apply to a record containing protected health information as defined in 45 C.F.R., Part 164, Standards for Privacy of Individually Identifiable Health Information, if the record is:

1. Controlled or maintained by the City; and
2. Governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually Identifiable Health Information

2-30-5. Access to Non-Public Records.

A. Private records shall be those city records classified as "private", as defined in the Act and as classified and defined in procedures established pursuant to this Article. Private records shall be made available to:

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1. The subject of the record,

2. The parent or legal guardian of a minor, who is the subject of a record,

3. The legal guardian of an incapacitated individual, who is the subject of the record,

4. Any person who has a power of attorney or a notarized release from the subject of the record or his legal representative dated no more than 90 days before the date the request is made, or

5. Any person possessed of and serving a legislative subpoena, or court order issued by a court of competent jurisdiction.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. Controlled records shall be those city records classified as "controlled", as defined in the Act, Section 63G-2-304 ~~63-2-303~~ (U.C.A.~~,~~ 1953, as amended) and as classified and defined in procedures established in this Article. A person who receives a record from the City may not disclose controlled information from that record to any person, including the subject of the record. Controlled records shall be made available to;

1. A physician, psychologist, or licensed social worker who submits a notarized release from the subject of the record that is dated no more than 90 days prior to the date the request is made and a signed acknowledgment of the terms of disclosure of controlled information, or

2. Any person presenting a legislative subpoena or court order signed by a judge of competent jurisdiction.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

C. Protected records shall be those city records classified as "protected", as defined in the Act, Section 63G-2-305 ~~63-2-304~~ (U. C. A.~~,~~ 1953, as amended) and as classified and defined in procedures established in this Article. Protected records shall be made available to:

1. The person who submitted the record,

2. A person who has a power of attorney or notarized release from all persons or governmental entities whose interests are protected by the classification of the record if dated no later than 90 days prior to the date the request is made, or

3. To any person presenting a legislative subpoena or a court order regarding the release of the information and signed by a judge of competent jurisdiction.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

D. Where a private, controlled, protected, or nonpublic record contains more than one subject of the record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

E. Before releasing a private, controlled, or protected record, the City shall obtain evidence of the requester's identity.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

F. 1. The City may disclose or authorize disclosure of private or controlled records for research purposes if the City:

a. Determines that the research purpose cannot reasonably be accomplished without use of disclosure of information to the researcher in individually identifiable form;

b. Determines that the proposed research is bona fide, and that the value of the research outweighs the infringement upon personal privacy;

c. Requires the researcher to assure the integrity, confidentiality, and security of the records and requires the removal or destruction of the individual identifiers associated with the records as soon as the purpose of the research project has been accomplished;

d. Prohibits the researcher from disclosing the record in individually identifiable form except as provided in subsection (2), or from using the record for purposes other than the research approved by the City; and

e. Secures from the researcher a written statement of his understanding of an agreement to the conditions of this subsection and his understanding that violation of the terms of this subsection may subject him to criminal prosecution under Section 63-2-801 of the Utah Code.

2. A researcher may disclose a record in individually identifiable form if the record is disclosed for the purpose of auditing or evaluating the research program and no subsequent use or disclosure of the record in individually identifiable from will be made by the auditor or evaluator except as provided by this section.

3. The City may require indemnification as a condition of permitting research under this subsection.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

G. The City recognizes and upholds the personal right of privacy retained by persons who may be the subject of government records. The City also recognizes that the Act and Utah case law establish a presumption that government records will generally be

considered open and public, with certain specific exceptions.

1. In circumstances where a record's public or non-public status is not specifically established by the Act, another statute, this ordinance, or policies established or classifications made under this ordinance, the public's right to access and the record subject's right of privacy must be compared.

2. In accordance with decisions of the Utah Supreme Court, City records which have not been specifically made public by the Act and which refer to named or readily identifiable individuals which deal with matters of a delicate nature which could engender shame, humiliation or embarrassment in the subject of that record, in accordance with accepted standards of social propriety, shall generally not be classified as public records, and release thereof may constitute a clearly unwarranted invasion of privacy in accordance with the Act and procedures established in this ordinance.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

H. The City may, as determined appropriate by the department head of the department responding to a request for records, notify the subject of a private or controlled record that a request for access to the subject's record has been made.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

I. The City may require that the requester of private records provide a written release, notarized within ninety (90) days before the request, from the subject of the records in question before access to such records is provided.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

J. The City may share information with other government agencies regardless of classification as long as those agencies are willing to abide by the requirements of this ordinance and the Act, Section 63G-2-206. Nothing in this Article prevents the City from examining private, controlled, or protected records for government or administrative purposes.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

K. Under circumstances set out in this Article, it may be appropriate to disclose non-public records to persons other than those set out in this Article. The determination to so release such records shall be made by the City Records Officer, consistent with this Article and upon the advice of the City Attorney.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-6. Records Classified as Public.

A. The following city records are public according to the Act except to the extent they contain information expressly permitted to be treated confidentially pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds:

1. Laws and ordinances;

2. Names, gender, gross compensation, job title, job descriptions, job qualifications, business addresses, business telephone numbers, number of hours worked per pay period, and dates of employment, and relevant education, previous employment, and similar job qualifications of the governmental entity's former and present employees and officers, excluding undercover law enforcement personnel and investigative personnel if disclosure could reasonably be expected to impair the effectiveness of investigations or endanger any individual's safety;

3. Final opinions, including concurring and dissenting opinions, and orders that are made by a government entity in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, protected, or controlled;

4. Final interpretations of statutes, ordinances, or rules by the City unless classified as protected;

5. Information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting of a government entity as proved by Chapter 4, Title 52, Open and Public Meetings, Utah Code Ann. including the records of all votes of each member of the government entity;

6. Judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are private under the Act;

7. Records filed with or maintained by city recorders, clerks, treasurers, surveyors, zoning commissions, etc. that give public notice of:

a. Titles or encumbrances to real property;

b. Restrictions on the use of real property;

c. The capacity of persons to take or convey title to real property; or

d. Tax status for real and personal property.

8. Data on individuals that would otherwise be private under the Act if the individual who is the subject of the record has given the City written permission to make the records available to the public;

9. Documentation of the compensation that a government entity pays to a contractor or private provider;

10. Summary data; and

11. Written record requests.

12. Voter registration records, including an individual's voting history, except for those parts of the record that are classified as private.

13. For an elected official, as defined in Utah Code Annotated Section 11-47-102 a telephone number, if available, and email address, if available, where the elected official may be reached as required in Title 11, Chapter 47, Access to Elected Officials.

14. An initiative packet, as defined in Utah Code Annotated Section 20A-7-101 and a referendum packet, as defined in Section 20A-7-101(1953 as amended), after the packet is submitted to a county clerk.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. The following records are normally public, but to the extent that a record is expressly exempt from disclosure, access may be restricted under Sections 63G-2-201(3)(b), 63G-2-302, 63G-2-304~~3~~, or 63-2-305~~4~~ of the Act:

1. Administrative staff manuals, instructions to staff, and statements of policy;

2. Records documenting the compensation that the City pays to a contractor or private provider;

3. Records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the City;

4. Contracts entered into by the City;

5. Any account, voucher, or contract that deals with the receipt or expenditure of funds by the City;

6. Records relating to government assistance or incentives publicly disclosed, contracted for, or given by the City, encouraging a person to expand or relocate a business in Utah, except as provided in subsection 63G-2-305~~4~~(35~~34~~) of the Act;

7. Initial contact reports.

8. Chronological logs.

9. Correspondence by and with a government entity in which the government entity determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;

10. Empirical data contained in drafts if:

a. The empirical data is not reasonably available to the requester elsewhere in similar form; and

b. The City is given a reasonable opportunity to correct any errors or make nonsubstantive changes before release;

11. Drafts that are circulated to anyone other than a government entity, political subdivision, a federal agency if the government entity and the federal agency are jointly responsible for implementation of a program or project that has been legislatively approved, a government-managed corporation, or a contractor or private provider;

12. Drafts that have never been finalized but were relied upon by the City in carrying out action or policy.

13. Original data in a computer program if the government entity chooses not to disclose the program;

14. Arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;

15. Search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trial;

16. Records that would disclose information relating to formal charges or disciplinary actions against a past or present City employee if:

a. The disciplinary action has been completed and all time periods for administrative appeal have expired; and,

b. The formal charges were sustained;

17. Final audit reports;

18. Occupational and professional licenses;

19. Business licenses; and

20. A notice of violation, a notice of department action under Section 63G-4-201~~63-46b-3~~, of the Act or similar records used to initiate proceedings for discipline or sanctions against persons regulated by the City, but not including records that initiate employee discipline.

21. Records documenting a contractor's or private provider's compliance with the terms of a contract with a governmental entity.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-7. Records Classified as Private.

A. The following records are private:

1. Records concerning an individual's eligibility for unemployment insurance benefits,

social services, welfare benefits, or the determination of benefit levels;

2. Records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;

3. Records of the Orem City Library that when examined alone or with other records identify a patron;

4. Records concerning a current or former employee of, or applicant for employment with the City that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions.

5. Records or part of records that a current or former at-risk employee identifies as private under Utah Code Annotated Section 63G-2-303.

6. That part of a voter registration record identifying a voter's:

a. driver license or identification card number;

b. social security number, or last four digits of the Social Security number; or

c. email address.

7. Information obtained through a criminal background check under Utah Code Annotated Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems.

8. Information provided by an offender that is:

a. required by the registration requirements of Utah Cod Annotated Title 77, Chapter 41, Sex and Kidnap Offender Registry; and

b. not required to be made available to the public Utah code Annotated Subsection 77-41-110(4);

9. An email address provided by a military or overseas voter under Utah Code Annotated Section 20A-16-501.

10. A completed military-overseas ballot that is electronically transmitted under Utah Code Annotated Title 20A, Chapter 16, Uniform Military and Overseas Voters Act.

11. Records received by or generated by or for the Political Subdivisions Ethics Review Commission established in Utah Code Annotated Section 11-49-201, except for:

a. the commission's summary data report that is required in Utah Code Annotated Section 11-49-202; and

b. any other document that is classified as public in accordance with Utah Code Annotated Title 11, Chapter 49, Political Subdivisions Ethics Review Commission.

12. Records describing an individual's finances, except that the following are public:

a. Records described in Subsection 63G-2-301(2) of the Act;

b. Information provided to the government entity for the purpose of complying with a financial assurance requirement; or

c. Records that must be disclosed in accordance with another statute.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. The following records are private if properly classified by the City:

1. Records concerning a current or former employee of, or applicant for employment with the City, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsections 63G-2-301(2~~1~~)(b) or 63G-2-301(3~~2~~)(o), or private under Subsection 63G-2-302(1)(b~~e~~) of the Act.

2. Records describing an individual's finances, except that the following are public:

a. Records described in Subsection 63G-2-301(2~~1~~);

b. Information provided to the government entity for the purpose of complying with a financial assurance requirement; or

c. Records that must be disclosed in accordance with another statute;

3. Records of the City or independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the City or state agency;

4. Other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy; and

5. Records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-8. Records Classified as Controlled.

The following records are controlled if:

1. The record contains medical, psychiatric, or psychological data about an individual;

2. The City reasonably believes that releasing the information in the record to the subject of the record would be detrimental to the subject's mental health or to the safety of any individual or releasing the information would constitute a violation of normal professional practice and medical ethics; and

3. The City has properly classified the record.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-9. Records Classified as Protected.

The following records are protected:

1. Trade secrets as defined in Section 13-24-2 Utah Code Annotated (1953, as amended) if the person submitting the trade secret has provided the City with the information specified in Section 63G-2-309 Utah Code Annotated (1953, as amended).

2. Commercial information or nonindividual financial information obtained from a person if:

a. Disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the City to obtain necessary information in the future;

b. The person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and

c. The person submitting the information has provided the City with the information specified in Section 63G-2-309 Utah Code Annoated (1953, as amended).

3. Commercial or financial information acquired or prepared by the City to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the City or cause substantial financial injury to the City or national economy;

4. Records, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4) of the Utah State Code Annotated (1953, as amended);

5. Test questions and answers to be used in future license, certification, registration, employment, or academic examinations;

6. Records the disclosure of which would impair city procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with the City except that this subsection does not restrict the right of a person to see bids submitted to or by the City after bidding has closed subject to subsections 1. and 2., this subsection does not restrict the right of a person to have access to, after the contract or grant has been awarded and signed by all parties, a bid proposal, application, or other information submitted to the City in response to:

a. an invitation for bids;

b. a request for proposals;

c. a request for quotes;

d. a grant; or

e. other similar document;

7. Information submitted to the City in response to a request for information, except, subject to Subsections 1. and 2., that this subsection does not restrict the right of a person to have access to the information, after:

a. a contract directly relating to the subject of the request for information has been awarded and signed by all parties; or

b. (i) a final determination is made not to enter into a contract that relates to the subject of the request for information; and

(ii) at least two years have passed after the day on which the request for information is issued;

8. Records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:

a. Public interest in obtaining access to the information outweighs the City's need to acquire the property on the best terms possible; or

b. The information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

c. In the case of records that would identify property, potential sellers of the described property have already learned of the City's plans to acquire the property or of the City's estimated value of the real property; or

d. In the case of records that would identify the appraisal or estimated value of property, the potential sellers have already

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learned of the City's estimated value of the property;

e. The property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Utah Code Annotated Section 78b-6-505 (1953, as amended);

97. Records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:

a. The public interest in access outweighs the interests in restricting access, including the City's interest in maximizing the financial benefit of the transaction; or

b. When prepared by or on behalf of the City, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;.

108.Records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records;

a. Reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;

b. Reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;

c. Would create a danger of depriving a person of a right to a fair trial or impartial hearing;

d. Reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or

e. Reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

119.Records the disclosure of which would jeopardize the life or safety of an individual;

120.Records the disclosure of which would jeopardize the security of city property, city programs, or city recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;

134.Records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;

142.Records that, if disclosed, would reveal recommendations made to the Board of Pardons by an employee of or contractor for the Department of Corrections, the Board of Pardons, or the Department of Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;

153.Records and audit work papers that identify audit, collection, and operational procedures and methods used by the Utah State Tax Commission, if the disclosure would interfere with audits or collections;

164.Records of a government audit agency relating to an ongoing or planned audit until the final audit is released;

175.Records that are subject to the attorney client privilege;Records prepared by or on behalf of the City solely in anticipation of litigation that are not available under the rules of discovery;

186.Records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;Records disclosing an attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the City concerning litigation;

197.Records of communications between the City and an attorney representing, retained or employed by the City if the communications would be privileged as provided in Section 78-24-8 Utah Code Annotated (1953, as amended).;

2018. Drafts, unless otherwise classified as public;

2119. Records concerning the City's strategy about collective bargaining; or imminent or pending litigation;

220.Records of investigations of loss occurrences and analyses of loss occurrences that

may be covered by the City or by the Utah Risk Management Mutual Association;

23~~1~~.Records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

24~~2~~.Records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;

25~~3~~.Records if the disclosure of the records would conflict with the fiduciary obligations of the City;

26~~4~~.Records provided by the United States or by a government entity outside the State that are given to the City with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;

27~~5~~.Transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-20~~67~~ of the Open and Public Meetings Act, Utah Code Annotated (1953, as amended)~~.~~;

28~~6~~.Records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;

29~~7~~.Memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons, or a member of any other body charged by law with performing a quasi-judicial function;

30~~28~~. Records that would reveal negotiations regarding assistance or incentives offered by or requested from the City for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person, or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;

31~~29~~. Materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;

32~~30~~. The name of a donor or a prospective donor to the City, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:

a. The donor requests anonymity in writing;

b. Any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the City under this subsection;

c. The entity to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of his immediate family, or any entity owned or controlled by the donor or his immediate family;

33. Accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;

34. A notification of workers' compensation insurance coverage described in Section 34A-2-205;

35. Records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:

a. a production facility; or

b. a magazine;

36. Records provided by any pawn or secondhand business to the Public Safety Department or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;

37. Except to the extent that the record is exempt from this chapter pursuant to Section 63G-2-106 (1953, as amended), records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize:

a. the safety of the general public; or

b. the security of:

(i) governmental property;

(ii) governmental programs; or

(iii) the property of a private person who provides the Division of Emergency Management information;

38. Unless otherwise classified as public under Section 63G-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone number, if:

a. the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and

b. the subject of the record has a reasonable expectation that this information will be kept confidential due to:

(i) the nature of the law, ordinance, rule, or order; and

(ii) the individual complying with the law, ordinance, rule, or order.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-10. Records Access Procedures.

A. Requests for records shall, in the majority of cases, be responded to as soon as reasonably possible. The requester shall fill out and present to the City a written request on forms provided by the City or in another form acceptable to the City. The requester shall identify him/herself on the request form. The date and time of the request shall be noted on the written request form and all time frames provided under this section shall commence from that time and date. Requesters of non-public information shall adequately identify their status prior to receiving access to non-public records. The department director may waive the requirement of a written request form.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. The City may respond to a request for a record by approving the request and providing the record, denying the request, or giving such other appropriate response as may be established by policies and procedures. ~~All denials for a request must be made by the City Records Officer~~.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

C. In most circumstances and excepting those eventualities set out below in paragraph D, the City shall respond to a written request for a record within ~~five~~ ten (10~~5~~) business days after that request.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

D. Extraordinary circumstances shall justify the City's failure to respond to a written request for a record within ~~five~~ ten (10~~5~~) business days and shall extend the time for response to that time reasonably necessary to respond to the request, as determined by the department director. Extraordinary circumstances shall include but not be limited to the following:

1. The City, or some other governmental entity is currently and actively using the record requested;

2. The record requested is for either a voluminous quantity of records or requires the City to review a large number of records or perform extensive research to locate the materials requested;

3. The City is currently processing either a large number of records requests or is subject to extraordinary seasonal workloads in the processing of other work, or is currently processing a large number of requests;

4. The request involves an analysis of legal issues to determine the proper response by the City to the request;

5. The request involves extensive editing to separate public information in a record from that which is not public; or

6. Providing the information request requires computer programming or other format manipulation.

7. Another governmental entity is using the record as part of an audit, and returning the record before the completion of the audit would impair the conduct of the audit.

When the City determines that a record request cannot by responded to within ten~~five~~ (10~~5~~) business days, the department director shall give the requester an estimate of the time required to respond to the request.

E. The City differentiates between a record and the data contained in that record. Only those requesters having a right to the data will receive the data. All private, controlled, and protected data will be deleted from requested records unless the requestor has the right to that data under this ordinance.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

F. Any City record which has been requested in accordance with this chapter and the Act, that is disposable by approved retention schedule, may not be disposed of until the request is granted and fulfilled, or sixty days after the request is denied if no appeals are filed, or sixty days after all appeals are completed, pursuant to Section 2-30-12 Orem City Code.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

G. The failure or inability of the City to respond to a request for a record within the time frames set out herein, or the City's denial of such a request, shall give the requester the right to appeal pursuant to Utah Code Annotated title 63G, Chapter 2, Part 4.~~Section 2-30-12 of the Orem City Code.~~
(Ord. No. O-92-0010, Enacted, 06/30/1992)

H. No City record, disposable by an approved retention schedule, which is subject to pending litigation or audit shall be disposed of until the litigation or audit has been completed or resolved.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

I. Reasonable accommodations regarding access to government records shall be provided to persons with disabilities.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

J. Subpoenas and other methods of discovery under the state or federal statutes or rules of civil, criminal, administrative, or legislative procedure are not written requests under this Article. Compliance with civil, criminal, administrative, and legislative discovery shall be governed by the applicable statutes and rules of procedure.

1. Except as otherwise provided in Subsection 3, in judicial or administrative proceedings in which an individual is requesting discovery of records classified private, controlled, or protected under this chapter, or otherwise restricted from access by other statutes, the court, or an administrative law judge shall follow the procedure in Utah Code Annotated Section 63G-2-202(7) (1953, as amended) before ordering disclosure.

a. Until the court or an administrative law judge orders disclosure, these records are privileged from discovery.

2. If, the court or administrative order requires disclosure, the terms of the order may limit the requester's further use and disclosure of the record in accordance with Utah Code Annotated Section 63G-2-202(7) (1953, as amended), in order to protect the privacy interests recognized in this chapter.

3. Unless a court or administrative law judge imposes limitations in a restrictive order, this section does not limit the right to obtain:

a. records through the procedures set forth in this chapter; or

b. medical records discoverable under state or federal court rules as authorized by Utah Code Annotated Section 63G-2-302(3).

(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-11. Fees.

Applicable fees for the processing of information requests under this Article shall generally be set at actual cost or as otherwise established by statute, ordinance, resolution or by policies adopted under this Article. The City may not charge a fee for reviewing a record to determine whether it is subject to disclosure or for inspecting a record.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-12. Appeals.

Any appeal of the City's denial of a record request will be governed by Utah Code §§ 63G-2-401, 402, 403, and 404.~~A. Persons aggrieved by the City's classification of a record or by the City's response to a record request may request and be granted a full administrative appeal of that grievance. An intermediate or initial appeal shall be made to the City Manager. A requester who is aggrieved by the City Manager's decision may file an administrative appeal of that decision with the City Council. The appeal of a decision of the City Council may be made within thirty (30) days to the District Court, in accordance with the Act and the Utah Rules of Civil Procedure.~~

~~B. An intermediate appeal under this section shall be brought within thirty (30) calendar days of the date of the action aggrieved, or of the date when the person grieving reasonably should have become aware of the action. An administrative appeal shall be filed within thirty (30) days after the City Manager has denied the appeal or fails to make a determination within three (3) business days after the appeal hearing.~~

~~C. The notice of appeal shall be filed with the City Records Officer and shall contain the following information:~~

~~1. The petitioner's name, mailing address, and daytime telephone number;~~

~~2. A copy of any denial of the records request; and~~

~~3. The relief sought.~~

~~D. The City Records Officer shall schedule the appeal before the City Manager or City Council no~~

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~~sooner than fifteen (15) and no later than thirty (30) days from the date of the filing of the appeal. The written decision of the City Manager or Council regarding access to or classification of records shall be made no more than ten (10) business days after the hearing and shall be forwarded to the City Records Officer for corrective action including any reclassification of records which may be necessitated by the appellate decision.~~

~~E. The provisions of this section notwithstanding, the persons participating in the proceeding may, by agreement or stipulation, extend the time periods specified in this section.~~

~~F. The City Manager or City Council may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or nondisclosure, order the disclosure of information properly classified as private or protected if the interests favoring access outweigh the interests favoring restriction of access.~~

2-30-13. Liability.

In accordance with the Act, neither the City nor any of its officers or employees shall be liable for damages resulting from the release of a record where the requester presented to the City evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-14. City Records Officer and Records Management Committee.

A. The City Manager shall appoint the City Records Officer. The City Records Officer shall oversee and coordinate the management of City records. The City Records Officer shall make reports of records services activities to the City Council upon request by the City Council.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. There is hereby created the Records Management Committee, to be chaired by the City Records Officer. Members of the Records Management Committee shall include representatives from each of the different departments of the City. The department representatives shall be called Department Records Representatives. The Records Management Committee shall meet periodically as needed, as determined by the Records Management Committee and/or the City Records Officer.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

C. The Department Records Representative is to assist with and be directly responsible for the implementation of this ordinance in city departments. Regular training shall be provided under the direction of the City Records Officer to Department Records Representatives.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

D. The Records Management Committee shall develop, as needed, records maintenance and access policies and procedures to govern and implement the provisions of this Article. Copies of all rules and policies promulgated under this ordinance shall be forwarded to the Utah State Division of Archives within thirty (30) days after its effective date. All record policies and procedures shall be consistent with this Article and the Act.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-15. Records Classification, Designation, Retention, and Maintenance.

A. The City Records Officer with the assistance of the Records Management Committee shall develop city policies and guidelines relating to the classification, designation, retention, and maintenance of city records. All City records and records series, of any format, shall be classified and scheduled for retention according to the provisions of the Act and this Article. Any records or record series generated in the future shall also be so classified, designated, and scheduled for retention. Classification forms and guidelines shall be prepared and promulgated by the City Records Officer. Policies and regulations regarding types of papers, inks, electronic media, and other records storage materials may be developed and promulgated by the City Records Officer.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. The City may designate or redesignate or classify or reclassify records or data at any time, and is not required to classify a particular record or item of data until access thereto is requested. Any records or record series generated in the future shall also be so designated, classified, and scheduled for retention.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

C. All City records shall remain the property of the City unless federal or state legal authority provides otherwise.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

D. Property rights to City records may not be permanently transferred from the City to any private individual or entity, including legally disposable City records that are obsolete. This prohibition does not

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include the providing of copies of City records otherwise produced for release or distribution under this Article.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

E. Custodians of any City records shall, at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to their successors, supervisors, or to the City Records Officer.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-16. Electronic Records.

A. The City retains and reserves to itself the right to use any type of non-verbal or non-written formats for the storage, retention and retrieval of government records, including but not limited to audio tapes, video tapes, micro-forms, and any type of computer, data processing, imaging, or electronic information storage or processing equipment or systems, which are not prohibited by state statute, and do not compromise legal requirements for record storage, retrieval, security and maintenance, to store and maintain City records. All computerized and non-written format records and data which are properly classified in accordance with the Act and this Article as public, shall be made available to a requester within a reasonable time and at a reasonable cost.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. Members of the public shall have the right to have access to records, in accordance with the Act and this Article, contained in non-written formats or data processing systems. The method of access to such public records shall be as determined appropriate by the director of the department maintaining the records, considering all circumstances. Access may include but not be limited to the following:

1. Using a city computer terminal or other viewing or listening device to retrieve data directly from the terminal screen or device; provided, however, that due regard shall be exercised to ensure that any non-public records will not be accessed, retrieved or displayed on the device and that records are not erased or damaged;
2. Providing paper or "hard" copies of data printouts or by providing magnetic tapes, disks, or other means of electronic storage containing the non-written format or data processing system records; or
3. Using, where appropriate, remote terminals which have access to city computer, data processing or electronic information systems pursuant to a formal two-party contract permitting such remote terminal access and provided that due regard shall be exercised to ensure that non-public records will not be available by remote terminal access.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

C. Computer software programs are not considered a record. Software programs shall not be subject to disclosure under this Article or the Act, including copyrighted software and other copyrighted materials which have been purchased by or licensed to the City and software and other materials which have been copyrighted by the City.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-17. Amendment of Records.

A. Government records held by the City may be amended or corrected by the City as needed. Policies and procedures may be adopted by the City Records Officer for such amendments. Outside requests for amendments, corrections, or other changes shall be made in writing to the department having custody of the records and setting forth, with specificity, the amendment or correction requested. The City Records Officer, after receiving a recommendation from the department director, shall either approve or deny the request.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

B. The City Records Officer shall issue an order approving or denying the request to amend no later than thirty (30) days after receipt of the request.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

C. If the request is approved, the City Records Officer shall correct the records that contain the incorrect information as soon as practical. When an amendment or correction of a government record is made, both the original record and the amended or corrected record shall be retained, unless provided otherwise by policies and procedures adopted under the provisions of this Article.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

D. If the request is denied, the City Records Officer shall inform the requester in writing the reasons for denying the request. The requester may appeal the denial of the request to amend a record pursuant to Utah Code Annotated section 63G-2-603 (1953, as amended)~~section 2-30-12 of the Orem City Code~~.
(Ord. No. O-92-0010, Enacted, 06/30/1992)

2-30-18. Disciplinary Action.

The City may take disciplinary action, which may include suspension or termination, against any employee who intentionally violates any provision of this Article.

(Ord. No. O-92-0010, Enacted, 06/30/1992)

Article 5-6. Kennels and Catteries

5-6-1. Allowable Number of Dogs and Cats.
5-6-2. Business License.
5-6-3. Violations – Business License Revocation.
5-6-4. Inspection.
5-6-5 Sanitation and Care of Animals.

5-6-1. Allowable Number of Dogs and Cats.

Except as otherwise provided in this Chapter, there shall not be more than two (2) dogs or four (4) cats four months of age or older per dwelling ~~no person may harbor or possess more than two (2) dogs or two (2) cats, four (4) months of age or older~~. This provision does not apply to legally operating pet stores, grooming parlors, kennels, catteries, animal shelters, veterinarians, or other animal holding facilities.
(Ord. No. O-07-0052, Enacted 12/11/2007)

5-6-2. Business License.

Each kennel and cattery must have a current valid business license to legally operate within the City. The license must be displayed and readily available for inspection by the Department of Public Safety or other authorized officials. All kennels and catteries must comply with all zoning, health, and safety regulations.
(Ord. No. O-07-0052, Enacted 12/11/2007)

5-6-3. Violations – Business License Revocation.

In addition to the penalties set forth in Section 5-1-13 of this Chapter, if the Department of Public Safety discovers a violation of any statute, ordinance, rule, or regulation at a licensed kennel or cattery, the inspecting officer shall notify the offending kennel or cattery of the violation. Upon the second violation, the officer shall schedule, and notify the offending party of, a hearing, with a certain date, time, and place for the offending person or persons to appear before the City Council to show cause why the offending kennel's or cattery's business license shall not be revoked. Notwithstanding the provisions of this section, the Department of Public Safety may immediately terminate the operation of any kennel or cattery, whether licensed or unlicensed, if conditions are such that the continuing existence of that kennel or cattery may threaten the health, safety, or welfare of persons or animals in the City.
(Ord. No. O-07-0052, Enacted 12/11/2007)

5-6-4. Inspection.

The Department of Public Safety shall periodically inspect all licensed kennels and catteries in the City to determine that they comply with the provisions of this Chapter.
(Ord. No. O-07-0052, Enacted 12/11/2007)

5-6-5. Sanitation and Care of Animals.

Except as provided herein, all kennels and catteries shall comply with the following standards to obtain and maintain a valid business license to operate:

A. The location must comply with all applicable zoning regulations. Under no circumstance shall a kennel or cattery operate in a residential zone.
(Ord. No. O-07-0052, Enacted 12/11/2007)

B. All enclosures shall provide adequate protection against weather extremes, shall consist of appropriate breed specific materials, and allow for proper cleaning and disinfecting.
(Ord. No. O-07-0052, Enacted 12/11/2007)

C. All enclosures shall provide adequate ventilation and provide safe, breed specific temperatures.
(Ord. No. O-07-0052, Enacted 12/11/2007)

D. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or tops of cages.
(Ord. No. O-07-0052, Enacted 12/11/2007)

E. All animal quarters and runs are to be kept clean, dry, and in a sanitary condition.
(Ord. No. O-07-0052, Enacted 12/11/2007)

F. All food shall be palatable, meet the normal nutritional requirements for the condition and size of the animal, and be free of contamination.
(Ord. No. O-07-0052, Enacted 12/11/2007)

G. Fresh water shall be available at all times.
(Ord. No. O-07-0052, Enacted 12/11/2007)

Article 7-2. Fireworks and Fire Regulations

7-2-1. Utah Fireworks Act Adopted.
7-2-2. Business License for Sale of Fireworks.
7-2-3. Fireworks Insurance.
7-2-4. Sale from Permanent Structures.
7-2-5. Sale from Temporary Structures.
7-2-6. Miscellaneous Fireworks Regulations.
7-2-7. Homemade Fireworks.
7-2-8. Discharge of Fireworks.
7-2-9. Fireworks Displays.
7-2-10. Seizure of Fireworks.
7-2-11. Burn Permits.

7-2-1. Utah Fireworks Act Adopted.

The Utah Fireworks Act, established in Title 11, Chapter 3 of the Utah Code Annotated (1953, as amended), is hereby approved and adopted as the Fireworks Act for the City of Orem. By this reference, the Utah Fireworks Act is made a part of the Orem City Code as if set out at length herein and shall be enforceable by the City and controlling within the limits of the City; provided, however, that this section is not intended to and does not purport to grant unto the City any powers or jurisdiction not specifically or impliedly granted by law. Any sections of the Code under which the City is not authorized by law to bring charges are excluded from the adoption of the Code.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

7-2-2. Business License for Sale of Fireworks.

No person shall sell or offer for sale, at retail, any fireworks without first obtaining a business license from the City.
(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

7-2-3. Fireworks Insurance.

All applicants for a business license to sell fireworks shall provide to the City a bond or certificate of insurance in the amount of Three Hundred Thousand Dollars ($300,000.00) to guarantee the payment of all damages which may be caused to any person or property and arising from any acts of the applicant, his agents, employees or subcontractors with respect to the activities specified herein.
(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

7-2-4. Sale from Permanent Structures.

A. Fireworks may be sold or offered for sale within a permanent structure in any commercial or manufacturing zone.
(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

B. Any commercial establishment which already has a business license authorizing retail sales and which desires to sell fireworks in the permanent structure which it occupies shall first obtain a permit from the Department of Public Safety for the sale of fireworks. The permit shall be granted only upon inspection of the premises by the Department of Public Safety and approval of the place and manner in which the fireworks will be sold.
(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

C. Establishments described in subsection (B) shall be required to meet the bonding or proof of insurance requirements of Section 7-2-3.
(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

7-2-5. Sale from Temporary Structures.

A. Fireworks may be sold or offered for sale from a temporary stand or trailer only within the C2 zone.
(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2; Ord. No. O-01-0021, Amended, 6/12/2001)

B. Before obtaining a business license, any person desiring to sell fireworks from a temporary stand or trailer shall receive site plan approval from the Zoning Administrator. Each site plan submitted to the City shall include the following:

1. The address of the property where the temporary stand or trailer will be located.
2. The dimensions and the type of construction of the stand or trailer.
3. The floor plans of the stand or trailer showing all exits and places for storage or sale of the fireworks.
4. The distance of the stand or trailer to property lines, streets, parking lots and all existing structures located within two hundred feet (200').
5. The location and a description of all signs intended to be used on the site for purposes of advertising fireworks sales.
6. Any other information requested by the City.

(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2; Ord. No. O-01-0021, Amended, 6/12/2001)

C. Upon application for a business license, the applicant shall post a refundable cash bond in the amount of Three Hundred Dollars ($300.00) to insure:

1. that the temporary structure is removed in a timely manner;
2. that all litter is removed within one week following termination of sales; and
3. that all fireworks signs are removed from the premises when the temporary structure is removed.

(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2; Ord. No. O-01-0021, Amended, 6/12/2001)

D. Temporary stands or trailers used for the sale of fireworks shall comply with the following requirements:

1. In addition to all applicable Utah statutes and regulations, all temporary stands or trailers shall comply with all applicable City ordinances and codes.

2. No temporary stand or trailer shall have more than four hundred and fifty square feet (450 sq. ft.) of floor space.

3. Each required exit door shall be at least twenty-eight inches (28") in width and eighty inches (80") in height. Temporary stands or trailers having a side longer than twenty-four feet (24') shall have at least three (3) exits, which shall be located a reasonable distance apart so that if one becomes blocked, other exits will remain accessible.

4. Fireworks shall be stored in temporary stands or trailers in such a manner as to be inaccessible to the public.

5. No person shall sleep in a temporary stand or trailer.

6. Temporary stands or trailers shall not be erected or set up more than one (1) week prior to the beginning of a permitted fireworks retail sales period. The owner of a temporary stand or trailer shall remove such structures, as well as all signs, and shall clean the site around such structures within one (1) week after termination of retail sales from the stand or trailer. If the stand or trailer and signs are not removed and the site thereof is not cleaned within that period, the City may remove the temporary stand or trailer and clean the site. The reasonable cost thereof shall be a charge against the owner of the temporary stand or trailer and shall be deducted from the bond described in Subsection (C) above.

(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2; Ord. No. O-01-0021, Amended, 6/12/2001)

E. All signs used in connection with temporary stands or trailers must comply with all City ordinances and regulations.

(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2; Ord. No. O-01-0021, Amended, 6/12/2001)

F. Temporary stands or trailers shall be located at least twenty-five feet (25') from the nearest structure.

(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2; Ord. No. O-01-0021, Amended, 6/12/2001)

7-2-6. Miscellaneous Fireworks Regulations.

A. No more than 750 pounds of fireworks may be present inside any permanent or temporary structure at any time.

(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

B. Each permanent structure or temporary stand or trailer shall be equipped with a minimum 2A 10BC fire extinguisher. Such extinguisher shall be in good working order and shall be easily accessible for use in case of fire.

(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

C. Each temporary stand or trailer shall prominently display to the public a sign prohibiting the discharge of fireworks and smoking within one hundred feet (100') of the stand or trailer.

(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

7-2-7. Homemade Fireworks.

It shall be unlawful for any person to manufacture, sell, offer for sale or discharge any type of homemade fireworks.

(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

7-2-8. Discharge of Fireworks.

A. It shall be unlawful to ignite or discharge fireworks:

1. within one hundred feet (100') of any place where fireworks are sold or offered for sale;

2. in such a manner that the fireworks project over or onto the property of another without the consent of the person owning or controlling such property; or

3. in any public park, except for public displays permitted by the City.

(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

B. It shall be unlawful to ignite, discharge or throw fireworks from or into any motor vehicle, or at or near any person.

C. Due to unusual extreme hazardous fire conditions in certain portions of the City, the discharge of any and all fireworks including class C common fireworks is prohibited in all areas of the City described as follows: within 100 feet of any undeveloped areas of the City; and within 500 feet of any National Forest or BLM lands.

D. It is unlawful for any person to retain, sell or offer for sale, or to discharge, or to have in their possession any fireworks in the City, other than class C common Utah state approved explosives used in accordance with, and only on the date allowed, by Utah

Code Annotated §§ 53-7-220-225, the rules adopted pursuant thereto, and in this ordinance, except as otherwise permitted by state law.
(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

7-2-9. Fireworks Displays.

A. It shall be unlawful for any person to discharge fireworks as part of a public display without first obtaining a permit therefore from the Department of Public Safety. A public display shall be deemed to be a presentation of fireworks to the public, whether free or for a charge, put on by a governmental entity, a fair association, an amusement park, professional entertainers, artisans or similar organizations or persons.
(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

B. Every such use or display shall be handled by a competent operator at least twenty-one (21) years of age and approved by the Department of Public Safety, and shall be in accordance with NFPA Pamphlet 1123, 1991 Edition.
(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

C. The applicant for a permit for a public display shall post a bond or provide a certificate of insurance in the amount of One Million Dollars ($1,000,000.00) to guarantee the payment of all damages which may be caused to any person or property by reason of the activities specified herein.
(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

D. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of by the display operator or promoter in a safe manner.
(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

7-2-10. Seizure of Fireworks.

The Director of Public Safety may cause to be removed at the expense of the owner or order the owner to immediately remove all fireworks offered or exposed for sale, stored or held in violation of this Article.
(Ord. No. O-92-0012, Ren&Amd, 07/07/1992, 7-6-2)

7-2-11. Burn Permits.

A. **Permit required.** Any person desiring to start a fire on any forest, brush, range, grass, grain, stubble, or hay land must first obtain a burn permit from the City Fire Division.
(Ord. No. O-92-0012, Enacted, 07/07/1992)

B. **Exemption from permit requirement.** Burn permits shall not be required for any of the following:

1. Burning of fence lines on cultivated lands, canals, or irrigation ditches, provided that the person conducting the burn notifies the City Fire Division of the approximate time that the burn will occur.
2. Burning incident to horticultural or agricultural operations of:
   a. prunings from trees, bushes, and plants; or
   b. dead or diseased trees, bushes, and plants, including stubble.
3. Burning of weed growth along ditch banks incident to clearing these ditches for irrigation purposes.
4. Controlled heating of orchards or other crops to lessen the chances of their being frozen, provided that the emissions from the heating do not violate minimum standards set by the State of Utah.
5. Controlled burns by the City Fire Division for the purpose of training fire service personnel.

(Ord. No. O-92-0012, Enacted, 07/07/1992)

C. **Requirements for permit.** Burn permits may only be issued if all of the following requirements are met:

1. The air quality at the time of the burn meets or exceeds State standards.
2. Only a small area is covered by each fire.
3. The fire is not used for the burning of rubbish or construction debris.
4. The fire is not made in conjunction with any commercial or industrial use.
5. There is at least one adult person in actual attendance of the fire, with water, garden hose, shovels, or other fire extinguishing equipment on hand. The adult person shall be in charge of the fire at all times during the burning.
6. The burning takes place during daylight hours between the time of one-half hour before sunrise and one-half hour after sunset.
7. There is no appreciable wind.
8. The City Fire Division is notified of the date, time and location that the burning is to take place.

(Ord. No. O-92-0012, Enacted, 07/07/1992)

Article 9-3. Pornography and Obscenity

9-3-1. City endorsement of state laws.
~~**9-3-2. Submission of movies for review.**~~
9-3-~~2~~3. Omission to stop illegal use of land.
9-3-~~3~~4. Licensing.
9-3-~~4~~5. Public display of sexual material.

9-3-1. City endorsement of state laws.

The City Council hereby declares its endorsement of all state laws regulating pornographic and harmful materials and performances and encourages prosecution to the fullest extent possible of any violation of those laws which may occur in the City.
(Ord. No. 661, Revised, 04/10/90)

~~9-3-2. Submission of movies for review.~~

~~A. Every person or entity exhibiting films within the City shall submit to the office of the City Manager during the normal working day, or to the office of the Director of Public Safety on other days or hours one correct copy of every X- or R- rated film, or any film containing a scene of explicit sexual conduct or a post-puberty topless female or a bottomless person which is to be shown in the City. The film must be submitted at least twelve (12) hours before its first exhibition in the City.~~
~~(Ord. No. 661, Revised, 04/10/90)~~

~~B. The innocent or negligent failure to comply with the requirements of subsection (a) is a malum prohibitum offense punishable by a mandatory fine of one hundred dollars ($100.00). The willful or knowing failure to comply with the requirements of subsection (a) is a criminal offense punishable as a Class B Misdemeanor.~~
~~(Ord. No. 661, Revised, 04/10/90)~~

~~C. The copy of the film shall be returned to or made available to the party submitting it within the twelve (12) hour time period mentioned in subsection (A).~~
~~(Ord. No. 661, Revised, 04/10/90)~~

~~9-3-3.~~9-3-2. Omission to stop illegal use of land.

A. It shall be unlawful for a landlord or landowner to fail to take reasonable action to stop the illegal use of his land for prostitution, lewdness, the keeping of immoral places or for the exhibition or commercial exploitation of that which is obscene. It shall also be unlawful to fail to remove the wrongdoer from the premises, after receiving official notification of the illegal conduct in writing from the County Attorney or City Attorney, and where there is probable cause for the landlord to believe the criminal conduct does exist.
(Ord. No. 661, Revised, 04/10/90)

B. "Reasonable action" in this section includes the prompt termination of tenancy and lawful ejectment of the wrongdoers from the premises.
(Ord. No. 661, Revised, 04/10/90)

C. All civil or criminal fines, damages, costs or penalties levied against the landlord, landowner or wrongdoer for such illegal activities on the premises after a violation of this section shall be a lien upon the land and property.
(Ord. No. 661, Revised, 04/10/90)

~~9-3-4.~~9-3-3. Licensing.

A. Pursuant to its authority to license and regulate occupations and activities as set forth in the Utah Code Annotated and in accord with its duty to declare and abate nuisances and protect the public morals, health and welfare, the City enacts the provisions of this section.
(Ord. No. 661, Revised, 04/10/90)

B. It is hereby declared that the willful or knowing public exhibition or commercial exploitation of that which is lewd or obscene is a serious public nuisance, and such conduct on the part of any person constitutes an offense of moral turpitude.
(Ord. No. 661, Revised, 04/10/90)

C. The license of any person or other entity licensed to serve or deal with the public manifesting such unlawful conduct shall be suspended for a period of not less than six (6) months and shall not be reinstated until a thorough character investigation of the person or entity is conducted [the expense thereof to be borne by the person or entity up to two hundred ninety-nine dollars ($299.00)] and upon the posting of a bond in the amount of one thousand dollars ($1,000.00) to ensure against further such activity.
(Ord. No. 661, Revised, 04/10/90)

D. This licensing section shall be enforced by a civil action or proceedings but the adjudication of a conviction under the state criminal code or city ordinance for an offense dealing with lewdness, obscenity, or pornography shall be conclusively presumed to constitute a violation of this section and shall lead to the mandatory immediate suspension of the license in accord with the above provisions.
(Ord. No. 661, Revised, 04/10/90)

~~9-3-5.~~9-3-4. Public display of sexual material.

A. It shall be unlawful for any person knowingly to place explicit sexual material upon public display, or to knowingly fail to take prompt action to remove such a display from property in his possession or under his control after learning of its existence.
(Ord. No. 661, Revised, 04/10/90)

B. For purposes of this section:

1. "Explicit sexual material" shall mean any material that appeals to a prurient interest in sex and depicts nudity, actual or simulated sexual conduct, sexual excitement, or sado-masochistic abuse. It shall not include material which, taken in context, possesses serious educational value for minors or which possesses serious literary, artistic, political or scientific value. The meanings of "material", "nudity", "sexual conduct", and "sado-masochistic abuse" shall be the same as set forth in Section 76-10-1201, Utah Code Annotated (1953, as amended).

2. "Public display" shall mean the placing of material on any motion picture screen, viewing screen, billboard, marquee, newsstand, display rack, window, showcase, display case or similar place so that it is easily visible from a public street, sidewalk or thoroughfare, from the property of others, or in any place where minors are invited as part of the general public.

(Ord. No. 661, Revised, 04/10/90)

L. **Conflicting ordinances void.** Any Ordinance or provision of the Orem City Code which conflict with the provisions of this Section is hereby repealed.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. 690, Renumbered, 07/23/1991, 12-5-8; Ord. No. O-98-0005, Ren&Amd, 01/27/1998, 12-5-9; Ord. No. O-02-0032, Amended, 09/24/2002; Ord. No. O-08-0007, Repealed & Reenacted 02/12/2008)

M. **Severability.** If any provision of this Section is held by a court of competent jurisdiction to be unconstitutional or for any reason invalid, such ruling or decision shall not affect the validity of the remaining provisions, which are adopted separately and independently and shall remain in force and effect.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. 690, Renumbered, 07/23/1991, 12-5-8; Ord. No. O-98-0005, Ren&Amd, 01/27/1998, 12-5-9; Ord. No. O-02-0032, Amended, 09/24/2002; Ord. No. O-08-0007, Repealed & Reenacted 02/12/2008)

12-5-9. Solid waste collectors.

In addition to the licensing requirements of this Chapter, any person desiring to engage in the business of solid waste collection shall comply with all of the requirements of the Solid Waste Ordinance of the City.
(Ord. No. 661, Revised, 04/10/90; Ord. No. 690, Renumbered, 07/23/91, 12-5-9; Ord. No. O-98-0005, Ren&Amd, 01/27/98, 12-5-10)

12-5-10. Transient merchants.

Transient merchants not permitted.
(Ord. No. 661, Revised, 04/10/90; Ord. No. 690, Renumbered, 07/23/91, 12-5-9; Ord. No. 690, Renumbered, 07/23/91, 12-5-10; Ord. No. O-98-0005, Ren&Amd, 01/27/98, 12-5-11; Ord. No. O-2012-0010, Amended 04/10/2012)

12-5-11. Temporary businesses.

In addition to the business license application required by this Chapter, an applicant who desires to use a temporary site or building shall comply with the provisions of Section 22-14-18.
(Ord. No. 661, Revised, 04/10/90; Ord. No. 690, Renumbered, 07/23/91, 12-5-11; Ord. No. O-98-0005, Ren&Amd, 01/27/98, 12-5-12; Ord. No. O-2013-0024, Amended 10/08/2013)

12-5-12. Mobile Vendors.

A mobile vendor may only be a food vendor, and must have all required licensing from the Utah County Health Department. All equipment related to food preparation must be in a self-contained unit such as the vehicle itself or an attached trailer. An operating mobile vendor may not interfere with vehicular or pedestrian circulation. A mobile vendor may not be parked longer than five (5) hours at any one location (or within 500 feet of said location) per day. Property owner approval is required.
(Ord. No. 661, Revised, 04/10/90; Ord. No. 690, Renumbered, 07/23/91, 12-5-12; Ord. No. O-98-0005, Ren&Amd, 01/27/98, 12-5-13; Ord. No. O-2013-0024, Amended 10/08/2013)

12-5-13. Towing and Parking Enforcement Companies.

A. **Definitions.**

Abandoned Vehicle means a vehicle that is left unattended on a highway for a period in excess of forty-eight (48) ~~seventy-two (72)~~ hours; or on any public or private property for a period in excess of seven (7) days without express or implied consent of the owner or person in lawful possession or control of the property.

Authorized Vehicle means a motor vehicle parked on private property for which permission has been granted to park such vehicle.

Boot means a device used by a towing or parking enforcement company to temporarily immobilize or disable a motor vehicle for purposes of enforcing parking restrictions.

Nonconsensual Booting means immobilizing or otherwise disabling vehicles without the prior consent of the owner.

Nonconsensual Towing means the towing of a vehicle without the prior consent of the owner of the vehicle.

Parking Enforcement Company means a person or business entity engaged in the practice of immobilizing ("booting"), or otherwise disabling vehicles for the purpose of enforcing parking restrictions either on public streets, private property, or public parking lots restricted as to use.

Parking Enforcement Operations means the business of enforcing parking regulations for compensation within the corporate limits of the City of Orem by booting motor vehicles.

Parking Enforcement Vehicle means any vehicle that is used by a parking enforcement company in the course of parking enforcement operations.

Person means an individual, a firm, a partnership, a corporation, a company, an association, or a joint stock association or any other type of business entity or association.

Rate List means a list of certified and licensed towing companies and the rates charged for their services, maintained by the Orem Department of Public Safety. Such list is provided to motorists who request the names of towing companies from public safety officers.

Rotation List means the list of certified and licensed towing companies maintained by the Orem Department of Public Safety, whom the Department will call when either there is a need for the nonconsensual towing of a vehicle or when the vehicle owner has need of the services of a towing company and the vehicle owner has no preference which company is called.

Tow or Towing means to utilize any automotive vehicle to pull, load, carry or otherwise transport another automotive vehicle or automotive vehicle trailer over a public highway or road. A tow begins when the tow operator exercises any control over the vehicle, by means of a crane, hoist, tow bar, tow line, chain, or dolly.

Tow Truck means a motor vehicle which has been altered or designed, equipped and primarily used for the purpose of towing or carrying vehicles by means of crane, hoist, tow bar, tow line, chain, or dolly.

Towing Company means a person or business entity engaged in the practice of towing vehicles.

Towing Operations means the business of towing motor vehicles for compensation within the corporate limits of the City of Orem, whether or not the towing extends beyond the city limits. Such business shall also include the storage of towed vehicles, pending their return to the owner thereof by the towing company, or parking enforcement company which towed such vehicle.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-2012-0009, Amended 03/27/2012)

B. **Certification Required.** It shall be unlawful for any person to engage in commercial towing operations within the corporate limits of the City of Orem unless the person has been certified by the Utah Department of Transportation as a towing company. The City may revoke or suspend the business license of any towing company that fails to obtain or maintain a valid state certification, or if licensed elsewhere, may suspend or revoke the right to conduct towing services in the City of Orem.

(Ord. No. O-03-0008, Enacted, 04/01/2003)

C. **License and Parking Required.**

1. It shall be unlawful for any person to engage in commercial towing operations or parking enforcement operations within the corporate limits of the City of Orem, unless the person operating such business has applied for and obtained a license from the City of Orem to do so. Such license shall be applied for, granted and maintained in compliance with the provisions of this Chapter.

2. A towing or parking enforcement company which maintains a current business license from Utah County or a municipality located within Utah County shall not be required to obtain a separate business license from the City of Orem. However, to conduct towing or parking enforcement activities within the City of Orem, such company shall register on forms provided by the City. All persons so registering shall comply with the provisions of this Chapter and shall keep all required information current with the City. No business license fees shall be charged persons registering pursuant to this Section. The City shall provide evidence of registration which can be carried in company vehicles as required herein.

3. Failure to comply with any provision of this Section shall constitute grounds for suspension or revocation of the business license of any company licensed in the City of Orem, or if licensed elsewhere, shall be grounds to suspend or revoke the right to conduct parking enforcement or towing services in the City of Orem.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-2012-0009, Amended 03/27/2012)

D. **License Application, Registration form.** An application for a business license, or a registration form, shall be filed in writing with the Department of Administrative Services and shall specify and provide:

1. The name and address of the applicant, and if applicable, each and every officer, partner, member and registered agent of the applicant.

2. The name and location of the applicant's principal place of business;

3. A copy of the Utah Department of Transportation certification.

4. An accurate list of the names and birth dates of employees who will have access to vehicles in order that a background check may be completed to discover if any employee has been convicted of a felony or misdemeanor of moral turpitude within the past five (5) years. Such list of employees' names and birth dates must be kept current with the Department of Administrative Services. When an applicant business adds a new employee, the applicant business must report the aforementioned information to the Department of Administrative Services before allowing that employee to engage in any towing or booting related activity;

5. Evidence of compliance with the property damage insurance and surety bond requirements of this Section;

6. A current schedule of fees;

7. Copies of any contracts entered into pursuant to Orem City Code Section 19-7-5.F; and

8. For businesses applying for a business license, proof that the principal place of business is located within the corporate limits of the City of Orem.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-2010-0010, 05/11/2010; Ord. No. O-2012-0009, Amended 03/27/2012)

E. **Requirements for conducting business.**

1. Persons conducting towing or parking enforcement services in the City shall do the following:

a. Maintain a business name that is not substantially similar to the name of any of the City of Orem's departments responsible for parking enforcement and towing services;

b. Comply with the current Utah Department of Transportation rules and regulations for tow truck operators if the company has a tow truck(s);

c. Maintain a Department of Transportation certificate for each tow truck during the term of the license;

d. Provide a certificate of insurance showing proof of valid property damage liability insurance issued by an insurance company authorized to do business in the State of Utah.

i. A certification from the insurer as to duration, kind and extent of insurance, shall be kept on file with the City of Orem business license department.

ii. The licensee or his insurance agent shall notify the City of Orem of any termination or change of policy. Failure to do so shall be grounds for suspension or revocation of any business license or registration issued under this Chapter.

e. Affix permanent readable signs on the doors of any tow truck or parking enforcement vehicle listing the applicant's business name, address and telephone number;

f. Provide a surety bond of $1,000.00 from good and sufficient sureties to ensure continued compliance with this Chapter.

g. Provide competent evidence that the towing company stores motor vehicles in a secure fenced area, enclosed yard or building;

h. Ensure that all personnel operating tow trucks are carrying within the vehicle a current certification card issued by the Utah Department of Transportation and a valid Utah driver's license which authorizes operating a tow truck. Parking enforcement companies which do not provide towing services shall ensure that their personnel carry a valid Utah driver's license and a company identification card identifying the driver as an employee of the parking enforcement company;

i. On or before December 31st of each year, towing or parking enforcement companies must file the following with the Department of Public Safety:

i. A current copy of the towing or parking enforcement company's Utah Department of Transportation certification;

ii. A current list of names and birth dates of employees who will have access to vehicles;

iii. Current proof of insurance as required by Orem City Code 12-5-13 (E)(1)(d)

iv. Current proof of surety bond as required by Orem City Code 12-5-13 (E)(1)(f);

v. A current schedule of fees; and

vi. Copies of all written contracts entered into pursuant to Orem City Code Section 19-7-5(F).

j. Every parking enforcement and towing company licensed or registered and providing services pursuant to this Chapter shall post in a conspicuous place upon its business premises a true copy of this Section as well as Article 19-7-1 et seq. of the City Code.

2. In the event of a change in ownership, management, business name, address, telephone number, or fee schedules, the licensee or company registered shall provide such information to the Department of Administrative Services within ten (10) days of such change.

3. When renewing a business license or reapplying to be placed on the rotation list after having been removed, parking enforcement or towing companies shall submit to the Department of Administrative Services the documents listed in Orem Code 12-5-13(E)(1)(i).

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-2012-0009, Amended 03/27/2012)

F. **License Fees.** The license fee for a person desiring to provide towing services and/or parking enforcement services within the City of Orem shall be set by the City Council. Applicants and registrants shall be responsible for paying for the cost of the Department of Public Safety conducting a BCI background check.

(Ord. No. O-03-0008, Enacted, 04/01/2003)

G. **Duty to Display License.**

1. Every tow truck operator or parking enforcement employee shall carry upon his person while working or in the truck:

a. A valid Utah driver's license, which allows for operation of a tow truck (if towing services are to be performed);

b. Evidence of a valid license or registration issued by the City of Orem;

c. In the case of tow truck operators only, evidence of a personal certification card issued by the Utah Department of Transportation;

d. A company identification card giving the name, address and phone number of the company and identifying the operator as an employee thereof; and

e. All other identification required by law.

(Ord. No. O-03-0008, Enacted, 04/01/2003)

H. **Investigation by Orem Department of Public Safety.**

1. The Director of Public Safety, or his designee, shall investigate each application filed pursuant to this Article to determine if the applicant and the application meet the requirements of this Article and sections 12-2-1 and 12-2-6 of the City Code. A similar background check shall be conducted for persons registering to do business under this Section.

2. Background checks may be conducted on all employees of the entity desiring to obtain a license under this section or on those desiring to conduct services within the City.

3. If a background check discloses a criminal history involving a conviction of a felony or crime of moral turpitude, theft, fraud, etc. within the past five (5) years, or any current conduct that would threaten the health, welfare, safety or security of the public, a license or the right to conduct business may be denied or revoked by the Director of Public Safety. Any person who wishes to dispute a decision by the Director may appeal such decision to the City Manager. Any appeal must be filed in writing with the City Manager's office within ten (10) calendar days of the denial or revocation.

4. Annually, the Director of Public Safety, or his designee, will review the submissions of all towing and parking enforcement companies to determine whether those companies are in compliance with this Section.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-2010-0010, Amended 05/11/2010; Ord. No. O-2012-0009, Amended 03/27/2012)

CHAPTER 18. TAXATION

Article 18-1. General Provisions
Article 18-2. Municipal Energy Sales and Use Tax
Article 18-3. Transient Room Tax
Article 18-4. Telecommunications License Tax
Article 18-5. Cultural Arts and Recreation Enrichment Tax

Article 18-1. General Provisions

18-1-1. Purpose.
18-1-2. Sales tax.
18-1-3. Use Tax.
18-1-4. Contract with State Tax Commission.
18-1-5. Penalties.
18-1-6. Severability.

18-1-1. Purpose.

The Utah Legislature has authorized municipalities of the State of Utah to enact sales and use tax ordinances imposing a one percent (1%) tax. ~~sixty-three sixty-fourths of one percent (63/64 of 1%) tax, effective January 1, 1990. Municipalities may also impose an additional one-fourth of one percent (1/4 of 1%) sales and use tax for the purpose of funding a public transportation system. It is the purpose of this ordinance to levy and impose a local option sales and use tax effective January 1, 1990 and to authorize and designate the Utah State Tax Commission as agent for the City to collect the tax, and to conform with the requirements of the Local Sales and Use Tax Act, Chapter 12, Title 59, Utah Code Annotated, 1953.~~ It is the purpose of this ordinance to levy and impose a local option sales and use tax and to authorize and designate the Utah State Tax Commission as agent for the City to collect the tax, and to conform with the requirements of the Local Sales and Use Tax Act, Chapter 12, Title 59, Utah Code Annotated (1953 as amended). The provisions of the previously enacted sales and use tax ordinance of the City which are not in conflict herewith shall continue in effect, and all rights, duties, and obligations arising under the former ordinances shall not in any way be deemed abrogated or terminated.
(Ord. No. 661, Revised, 04/10/90)

18-1-2. Sales tax.

A. ~~From and after 12:01 o'clock a.m., January 1, 1990,~~ T~~t~~here is levied and there shall be collected and paid a tax upon every retail sale as defined by § 59-12-103 of the Utah Code Annotated (1953, as amended) within the municipality at the rate one percent (1%) ~~of sixty-three sixty-fourths of one percent (63/64 of 1%)~~.
(Ord. No. 661, Revised, 04/10/90)

B. There is levied and there shall be collected and paid an additional tax of one-fourth of one percent (1/4 of 1%) upon every retail sale as defined by § 59-12-103 of the Utah Code Annotated within the municipality. Such additional tax shall be for the purpose of funding a public transportation system provided by Utah Transit Authority.
(Ord. No. 661, Revised, 04/10/90)

C. For the purpose of this article, all retail sales shall be collected in accordance with § 59-12-107 of the Utah Code Annotated~~,~~ (1953 as, amended). Public utilities as defined by Title 54, Utah Code Annotated (1953, as amended), shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenues arising from such service allocable to the City shall be as determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.
(Ord. No. 661, Revised, 04/10/90)

D. For the purpose of this Article, all retail sales shall be presumed to have been consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to an out of state destination. If a retailer has no permanent place of business in the state, or has more than one place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the State Tax Commission.

E~~D~~. Except as hereinafter provided and except insofar as they are inconsistent with the provisions of the Local Sales and Use Tax Act, all of the provisions of Chapter 12, Title 59, Utah Code Annotated (1953, as amended), and in force and effect on the effective date of this ordinance, insofar as they relate to sales taxes, are hereby adopted and made a part of this ordinance as though fully set forth herein.
(Ord. No. 661, Revised, 04/10/90)

F~~E~~. Wherever and to the extent that in Chapter 12 of Title 59, Utah Code Annotated (1953, as amended) the State of Utah is named or referred to as the taxing agency, the name of this City shall be substituted therefor. Nothing in this subparagraph (F~~E~~) shall be deemed to require substitution of the name of the municipality for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah, nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the State Tax

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Commission in performing the functions incident to the administration or operation of this ordinance.
(Ord. No. 661, Revised, 04/10/90)

G~~F~~. If an annual license has been issued to a retailer under §~~section~~ 59-12-106 of the Utah Code Annotated (1953, as amended), an additional license shall not be required by reason of this section.
(Ord. No. 661, Revised, 04/10/90)

H~~G~~. Sales as defined in § 59-12-104 of the Utah Code Annotated, 1953 are exempted from the tax imposed by the ordinance.
(Ord. No. 661, Revised, 04/10/90)

I. The sale, storage, use, or other consumption of tangible personal property, the purchase price or the cost of which has been subject to sales or use tax under a sales and use tax ordinance enacted in accordance with the Local Sales and Use Tax Act, by any county or city or town in this State, shall be exempt from the tax due under this Article.

18-1-3. Use Tax.

A. An excise tax is hereby imposed in this municipality on the storage, use or other consumption as defined in 59-12-103 Utah Code Annotated, (1953, as amended) of tangible personal property from any retailer on or after the operative date of this ordinance at the rate of one percent (1%).~~sixty-three sixty-fourths of one percent (63/64 of 1%).~~
(Ord. No. 661, Revised, 04/10/90)

B. There is imposed on the storage, use, or other consumption in this municipality of tangible personal property from any retailer as defined in Title 59 Chapter 12 of the Utah Code Annotated, 1953 an additional use tax at the rate of one-fourth of one percent (1/4 of 1%). This tax shall be for the purpose of funding a public transportation system provided by Utah Transit Authority.
(Ord. No. 661, Revised, 04/10/90)

C. Except as hereinafter provided and except insofar as they are inconsistent with the provisions of the Local Sales and Use Tax Act, all of the provisions of Chapter 12, Title 59, Utah Code Annotated (1953, as amended) in so far as they relate to use taxes, and in force and effect on the effective date of this ~~ordinance~~Article, applicable to use taxes, therein, are hereby adopted and made a part of this section as though fully set forth herein.
(Ord. No. 661, Revised, 04/10/90)

D. Wherever and to the extent that in said Chapter 12 of Title 59, Utah Code Annotated (1953) the State of Utah is named or referred to as the taxing agency, the name of this City shall be substituted therefor. Nothing in this subparagraph (D)~~(d)~~ shall be deemed to require the substitution of the name of the municipality for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah, nor shall the name of the City be substituted for that of the State in any section when the results of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this ordinance.
(Ord. No. 661, Revised, 04/10/90)

E. Use Taxes as~~d~~ defined in § 59-12-104 of the Utah Code Annotated,~~(~~—1953, as amended) are exempted from the tax imposed by this ~~ordinance~~Article.
(Ord. No. 661, Revised, 04/10/90)

F. The sale, storage, use, or other consumption of tangible personal property, the purchase price or the cost of which has been subject to sales or use tax under a sales and use tax ordinance enacted in accordance with the Local Sales and Use Tax Act, by any county or city or town in this State, shall be exempt from tax due under this Article.

18-1-4. Contract with State Tax Commission.

Heretofore, this municipality has entered into an agreement with the State Tax Commission to perform all functions incident to the administration or operation of the sales and use tax ordinance of the municipality. That contract is hereby confirmed and the Chief Executive Officer is hereby authorized to enter into such supplementary agreement with the State Tax Commission as may be necessary to the continued administration and operation of the local sales and use tax ordinance of the municipality as re-enacted by this article.
(Ord. No. 661, Revised, 04/10/90)

18-1-5. Penalties.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than $1,000.00 or imprisonment for a period of not more than six months, or by both such fine and imprisonment.
(Ord. No. 661, Revised, 04/10/90)

18-1-6. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance, including but not limited to any exemption is for any reason held to be invalid or

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unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.
(Ord. No. 661, Revised, 04/10/90)

Article 18-2. Municipal Energy Sales and Use Tax

18-2-1. Purpose.
18-2-2. Definitions.
18-2-3. Municipal Energy Sales and Use Tax.
18-2-4. Exemptions from the Municipal Energy Sales and Use Tax.
18-2-5. No effect upon existing franchises - credit for franchise fees.
18-2-6. Tax collection contract with State Tax Commission.
18-2-7. Incorporation of Part 1, Chapter 12, Title 59, Utah Code Annotated, including amendments.
18-2-8. No additional license to collect the Municipal Energy Sales and Use Tax required - No additional license or reporting requirements.
18-2-9. Effective date.

18-2-1. Purpose.

The purpose of this Article is to adopt the Municipal Energy Sales and Use Tax, pursuant to, and in conformance with, Utah Code Annotated section 10-1-301 *et seq.*, "The Municipal Energy Sales and Use Tax Act."
(Ord. No. O-97-0029, Enacted, 06/10/97)

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18-2-2. Definitions.

A. **Consumer** means a person who acquires taxable energy for any use that is subject to the Municipal Energy Sales and Use Tax.
(Ord. No. O-97-0029, Enacted, 06/10/97)

B. **Contractual Franchise Fee** means:
1. a fee:
a. provided for in a franchise agreement; and
b. that is consideration for the franchise agreement; or
2. a. a fee similar to subsection (B)(1); or
b. any combination of subsections (B)(1) or (B)(2).
(Ord. No. O-97-0029, Enacted, 06/10/97)

C. **Delivered Value** means the fair market value of the taxable energy delivered for sale or use in the City and includes:
1. the value of the energy itself; and
2. any transportation, freight, customer demand charges, service charges, or other costs typically incurred in providing taxable energy in usable form to each class of customer in the municipality.
Delivered Value does not include the amount of a tax paid under Part 1 or Part 2 of Chapter 12, Title 59 of the Utah Code Annotated.
(Ord. No. O-97-0029, Enacted, 06/10/97)

D. **Energy Supplier** means a person supplying taxable energy, except for persons supplying a de minimus amount of taxable energy, if such persons are excluded by rule promulgated by the State Tax Commission.
(Ord. No. O-97-0029, Enacted, 06/10/97)

E. **Franchise Agreement** means a franchise or an ordinance, contract, or agreement granting a franchise.
(Ord. No. O-97-0029, Enacted, 06/10/97)

F. **Franchise Tax** means:
1. a franchise tax;
2. a tax similar to a franchise tax; or
3. any combination of subsections 1 and 2.
(Ord. No. O-97-0029, Enacted, 06/10/97)

G. **Person** includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, the State

of Utah, any county, city, municipality, district, or other local governmental entity of the state, or any group or combination acting as a unit.
(Ord. No. O-97-0029, Enacted, 06/10/97)

H. **Sale** means any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy for a consideration. It includes without limitation:

1. installment and credit sales;
2. any closed transaction constituting a sale;
3. any transaction under which the right to acquire, use or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.

(Ord. No. O-97-0029, Enacted, 06/10/97)

I. **Storage** means any keeping or retention of taxable energy in the City for any purpose except sale in the regular course of business.
(Ord. No. O-97-0029, Enacted, 06/10/97)

J. **Taxable Energy** means gas and electricity.

KJ. **Use** means the exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy. Use does not include the sale, display, demonstration, or trial of the taxable energy in the regular course of business and held for resale.
(Ord. No. O-97-0029, Enacted, 06/10/97)

~~K. **Taxable Energy** means gas and electricity.~~
(Ord. No. O-97-0029, Enacted, 06/10/97)

18-2-3. Municipal Energy Sales and Use Tax.

A. There is hereby levied, subject to the provisions of this Article, a tax on every sale or use of taxable energy made within the City. The amount of the tax shall be 6% of the delivered value of the taxable energy to the consumer. This tax shall be known as the Municipal Energy Sales and Use Tax. It shall become effective on October 1, 2000.
(Ord. No. O-97-0029, Enacted, 06/10/97; Ord. No. O-00-0038, Amended, 08/22/2000)

B. The tax shall be calculated on the delivered value of the taxable energy to the consumer.
(Ord. No. O-97-0029, Enacted, 06/10/97; Ord. No. O-00-0038, Amended, 08/22/2000)

C. The tax shall be in addition to any sales or use tax on taxable energy imposed by Orem City Code Section 18-1-1 *et seq.*, as authorized by Title 59, Chapter 12, Part 2 of the Utah Code Annotated, "The Local Sales and Use Tax Act."
(Ord. No. O-97-0029, Enacted, 06/10/97; Ord. No. O-00-0038, Amended, 08/22/2000)

18-2-4. Exemptions from the Municipal Energy Sales and Use Tax.

A. No exemptions are granted from the Municipal Energy Sales and Use Tax except as expressly provided in subsections (B) and (C) below.
(Ord. No. O-97-0029, Enacted, 06/10/97)

B. No exemption is allowed from a tax imposed under this Article for the sale or use of taxable energy that is exempt from the State Sales and Use Tax under Title 59, Chapter 12, Part 1 of the Utah Code Annotated, except that the following are exempt from the Municipal Energy Sales and Use Tax:

1. Sales and use of aviation fuel, motor fuel, and special fuels subject to taxation under Title 59, Chapter 13 of the Utah Code Annotated;
2. Sales and use of taxable energy that is exempt from taxation under federal law, the United States Constitution or the Utah Constitution;
3. Sales and use of taxable energy purchased or stored in the state for resale;
4. Sales or use of taxable energy to a person, if the primary use of the taxable energy is for use in compounding or producing taxable energy or a fuel subject to taxation under Title 59, Chapter 13 of the Utah Code Annotated;
5. Taxable energy brought into the state by a nonresident for the nonresident's own personal use or enjoyment while within the state, except taxable energy purchased for use in the state by a nonresident living or working in the state at the time of purchase;
6. Sales or use of taxable energy for any purpose other than use as a fuel or energy; and
7. Sales of taxable energy for use outside the boundaries of the City.

(Ord. No. O-97-0029, Enacted, 06/10/97)

C. The sale, storage, use, or other consumption of taxable energy is exempt from the Municipal Energy Sales and Use Tax levied by this Article, provided:

1. The delivered value of the taxable energy has been subject to a municipal energy sales or use tax levied by another municipality within the state authorized by Title 59, Chapter 12, Part 3 of the Utah Code Annotated; and
2. The City is paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under this Article, if the tax due under this Article exceeds the tax paid to the other municipality.

(Ord. No. O-97-0029, Enacted, 06/10/97)

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18-2-5. No effect upon existing franchises - credit for franchise fees.

A. This Article shall not alter any existing franchise agreements between the City and energy suppliers.
(Ord. No. O-97-0029, Enacted, 06/10/97)

B. There is a credit against the tax due in the amount of a contractual franchise fee paid if:

1. the energy supplier pays the contractual franchise fee to the City pursuant to a franchise agreement in effect on July 1, 1997;
2. the contractual franchise fee is passed through by the energy supplier to a consumer as a separately itemized charge; and
3. the energy supplier has accepted the franchise.

(Ord. No. O-97-0029, Enacted, 06/10/97)

18-2-6. Tax collection contract with State Tax Commission.

A. On or before the effective date of this Article, the City shall contract with the State Tax Commission to perform all functions incident to the administration and collection of the Municipal Energy Sales and Use Tax, in accordance with this Article. This contract may be a supplement to the existing contract with the State Tax Commission to administer and collect the Local Sales and Use Tax, as provided in Orem City Code section 18-1-1 *et seq.* The City Manager is hereby authorized to execute agreements with the State Tax Commission that may be necessary to the continued administration and operation of the Municipal Energy Sales and Use Tax Ordinance enacted by this Article.
(Ord. No. O-97-0029, Enacted, 06/10/97)

B. An energy supplier shall pay the Municipal Energy Sales and Use Tax revenues collected from consumers directly to the City monthly if:

1. the City is the energy supplier; or
2. the energy supplier estimates that the Municipal Energy Sales and Use Tax collected annually from its Utah consumers equals One Million Dollars ($1,000,000.00) or more, and the energy supplier collects the Municipal Energy Sales and Use Tax.

(Ord. No. O-97-0029, Enacted, 06/10/97)

C. An energy supplier paying the Municipal Energy Sales and Use Tax directly to the City may deduct any contractual franchise fees collected by the energy supplier qualifying as a credit and remit the net tax less any amount the energy supplier retains as authorized by Utah Code Annotated section 10-1-307(4).
(Ord. No. O-97-0029, Enacted, 06/10/97)

18-2-7. Incorporation of Part 1, Chapter 12, Title 59, Utah Code Annotated, including amendments.

A. Except as herein provided, and except insofar as they are inconsistent with the provisions of Title 10, Chapter 1, Part 3 of the Utah Code Annotated, "Municipal Energy Sales and Use Tax Act," as well as this Article, all of the provisions of Part 1, Chapter 12, Title 59 of the Utah Code Annotated 1953, as amended, and in force and effect on the effective date of this Article, insofar as they relate to sales and use taxes, excepting Sections 59-12-101 and 59-12-119 thereof, and excepting the amount of the sales and use taxes levied therein, are hereby adopted and made a part of this Article as if fully set forth herein.
(Ord. No. O-97-0029, Enacted, 06/10/97)

B. Wherever, and to the extent that in Part 1, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, the State of Utah is named or referred to as the "taxing agency," the name of the City shall be substituted, insofar as is necessary for the purposes of that part, as well as Part 3, Chapter 1, Title 10 Utah Code Annotated 1953, as amended. Nothing in this subparagraph 2 shall be deemed to require substitution of the name of the City for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of the City be substituted for that of the State in any section when the result of such a substitution would require action to be taken by or against the City or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this Article.
(Ord. No. O-97-0029, Enacted, 06/10/97)

C. Any amendments made to Part 1, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, which would be applicable to the City for the purposes of carrying out this Article are hereby incorporated herein by reference and shall be effective upon the date that they are effective as a Utah statute.
(Ord. No. O-97-0029, Enacted, 06/10/97)

18-2-8. No additional license to collect the Municipal Energy Sales and Use Tax required - No additional license or reporting requirements.

No additional license to collect or report the Municipal Energy Sales and Use Tax levied by this Article is required, provided the energy supplier collecting the tax has a license issued under Utah Code Annotated section 59-12-106.
(Ord. No. O-97-0029, Enacted, 06/10/97)

18-2-9. Effective date.

This Article is effective June 30, 1997. The Municipal Energy Sales and Use Tax shall be levied beginning July 1, 1997.
(Ord. No. O-97-0029, Enacted, 06/10/97)

Article 18-3. Transient Room Tax

18-3-1. Purpose.
18-3-2. Definitions.
18-3-3. Transient Room Tax.

18-3-1. Purpose.

The purpose of this Article is to enact a municipal transient room tax ~~pursuant to Utah Code Annotated Section 59-12-351, *et seq*~~.
(Ord. No. O-98-0038, Enacted, 08/25/98)

18-3-2. Definitions.

For purposes of this Article, the following terms, phrases, words and their derivatives shall have the meanings set forth in this Section, unless the context clearly indicates that another meaning is intended:

A. **Public accommodation** means a place providing temporary sleeping accommodations to the public and includes:

1. a motel;
2. a hotel;
3. a motor court;
4. an inn;
5. a bed and breakfast establishment;
6. a condominium; and
7. a resort home.

(Ord. No. O-98-0038, Enacted, 08/25/98)

B. **Rents** include:

1. rents; and
2. timeshare fees or dues.

(Ord. No. O-98-0038, Enacted, 08/25/98)

C. **Transient** means a person who occupies a public accommodation for 30 consecutive days or less.
(Ord. No. O-98-0038, Enacted, 08/25/98)

18-3-3. Transient Room Tax.

A. **Levy.** The City hereby levies and imposes a transient room tax on the rents charged to transients occupying public accommodations.
(Ord. No. O-98-0038, Enacted, 08/25/98)

B. **Amount.** The initial amount of the transient room tax, which shall be in effect until modified by the City Council, shall be one percent (1%) of the rents charged to transients occupying public accommodations.
(Ord. No. O-98-0038, Enacted, 08/25/98)

C. **Effective Date.** The transient room tax shall become effective on October 1, 1998.
(Ord. No. O-98-0038, Enacted, 08/25/98)

D. **Collection.** The City shall contract with the State Tax Commission to collect the transient room tax.
(Ord. No. O-98-0038, Enacted, 08/25/98)

E. **Use.** Revenues generated by the transient room tax shall be deposited in the City's general fund and may be used for any general fund purpose.
(Ord. No. O-98-0038, Enacted, 08/25/98)

Article 18-4. Telecommunications License Tax

18-4-1. Purpose.
18-4-2. Definitions.
18-4-3. Levy of Tax.
18-4-4. Rate.
18-4-5. Effective Date of Tax Levy.
18-4-6. Interlocal Agreement for Collection of the Tax.
18-4-7. Rate Limitation and Exemption Therefrom.
18-4-8. Procedures for Taxes Erroneously Recovered from Customers.
18-4-9. Changes in Tax Rate, Repeal of the Tax, and Annexations of Property.
18-4-10. Repeal of Inconsistent Taxes and Fees.

18-4-1. Purpose.

The purpose of this Article is to establish a telecommunications license tax in accordance with the provisions of the "Municipal Telecommunications License Tax Act" (U.C.A. 10-1-401, *et. seq.*, as amended).
(Ord. No. O-03-0017, Enacted, 07/01/2003; Ord. No. O-04-0022, Rep&ReEn, 6/8/2004)

18-4-2. Definitions.

The Municipal Telecommunications License Tax Act defines many of the words and phrases that are used in this ordinance. This ordinance adopts and incorporates the definitions found in the Municipal Telecommunications License Tax Act.
(Ord. No. O-04-0022, Enacted, 6/8/2004)

18-4-3. Levy of tax

The City of Orem hereby levies a municipal telecommunications license tax on the gross receipts from telecommunications service attributed to the City of Orem in accordance with U.C.A. §10-1-407, as amended.
(Ord. No. O-04-0022, Enacted, 6/8/2004)

18-4-4. Rate.

The rate of the telecommunications license tax levy shall be 3.5% ~~4%~~ of the telecommunications provider's gross receipts from telecommunications service that are attributed to the City of Orem in accordance with U.C.A. §10-1-407, as amended.
(Ord. No. O-04-0022, Enacted, 6/8/2004)

18-4-5. Effective Date of Tax Levy.

The telecommunications license tax shall be levied beginning July 1, 2004, and shall be subject to the requirements of U.C.A. §10-1-403, as amended. Beginning July 1, 2007, the tax levy shall be 3.5%.
(Ord. No. O-04-0022, Enacted, 6/8/2004)

18-4-6. Interlocal Agreement for Collection of the Tax.

On or before the effective date of this ordinance, the City of Orem shall enter into the uniform interlocal agreement with the Utah State Commission as described in U.C.A. §10-1-405, under which the Commission collects, enforces, and administers the municipal telecommunications license tax.
(Ord. No. O-04-0022, Enacted, 6/8/2004)

18-4-7. Rate Limitation and Exemption Therefrom.

The telecommunications license tax shall not exceed the maximum rate established by state law ~~(4%)~~3.5%) unless a higher rate is approved by a majority vote of the voters in the City of Orem that vote in:

A. a municipal general election;
(Ord. No. O-04-0022, Enacted, 6/8/2004)

B. a regular general election; or
(Ord. No. O-04-0022, Enacted, 6/8/2004)

C. a local special election.
(Ord. No. O-04-0022, Enacted, 6/8/2004)

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18-4-8. Procedures for Taxes Erroneously Recovered from Customers.

Pursuant to the provisions of U.C.A. § 10-1-408, a customer may not bring a cause of action against a telecommunications provider on the basis that the telecommunications provider erroneously recovered from the customer municipal telecommunications license taxes, except as provided in U.C.A. § 10-1-408. This ordinance hereby incorporates the provisions of U.C.A. § 10-1-408.

(Ord. No. O-04-0022, Enacted, 6/8/2004)

18-4-9. Changes in Tax Rate, Repeal of the Tax, and Annexations of Property.

This ordinance is subject to the requirements of U.C.A. § 10-1-403. If the tax rate is changed, or the tax is repealed, or property is annexed to Orem, then the appropriate notice shall be given as provided in U.C.A. § 10-1-403.

(Ord. No. O-04-0022, Enacted, 6/8/2004)

18-4-10. Repeal of Inconsistent Taxes and Fees.

Any tax or fee previously enacted by the City of Orem under authority of Utah Code Section 10-1-203 or Utah Code Title 11, Chapter 26, Local Taxation of Utilities Limitation, that applies to telecommunications providers and the provision of telecommunications services, is hereby repealed as of the effective date of this ordinance.

Nothing in this ordinance shall be interpreted to repeal any municipal ordinance or fee which provides that the municipality may recover from a telecommunications provider the management costs of the municipality caused by the activities of the telecommunications provider in the rights-of-way of the municipality, if the fee is imposed in accordance with U.C.A. §72-7-102 and U.C.A. §10-1-406, as amended.

(Ord. No. O-04-0022, Enacted, 6/8/2004)

Article 18-5. Cultural Arts and Recreation Enrichment Tax

18-5-1. Purpose.

The purpose of this Article is to establish, enact, impose, levy and reauthorize a Cultural Arts and Recreation Enrichment Tax in accordance with U.C.A. §59-12-1401, *et. seq.* (City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities).

(Ord. No. O-05-0038, Enacted, 11/22/2005; Ord. No. O-2013-0035, Amended 12/11/2013)

18-5-2. Cultural Arts and Recreation Enrichment Tax.

The City of Orem hereby establishes, enacts, imposes, levies and reauthorizes a local sales and use tax of 1/10 of 1% (the "Cultural Arts and Recreation Enrichment Tax", or "CARE Tax") on transactions described in U.C.A §59-12-103(1), as amended, that are located within the City of Orem, except as such transactions are exempt from sales and use taxes pursuant to U.C.A. §§59-12-104 and 59-12-1402, as amended. CARE Tax revenues earned until March 31, 2014 shall be used to fund any eligible facilities and organizations described in U.C.A. §59-12-1401, *et. seq.*, with the exception of zoological facilities and organizations and botanical organizations. CARE Tax revenues earned beginning April 1, 2014 shall be used to fund City-owned recreational and cultural facilities, the ongoing operating expenses of City-owned recreational facilities, and the ongoing operating expenses of private nonprofit cultural organizations, as such terms are defined in State law. The CARE Tax supplements, but does not replace, the sales and use tax established in Article 18-1 of the Orem City Code.

(Ord. No. O-05-0038, Enacted, 11/22/2005: Ord. No. O-2013-0035, Amended 12/11/2013)

18-5-3. Effective Date.

The effective date of the initial Cultural Arts and Recreation Enrichment Tax was April 1, 2006. The effective date of the reauthorized Cultural Arts and Recreation Enrichment Tax is April 1, 2014, with the intent that no time will lapse between the expiration of the initial enactment and the beginning of the reauthorized enactment. Effective dates for billing periods and catalogue sales shall be computed as set forth in State law. The initial Cultural Arts and Recreation Enrichment Tax was levied for a period of eight (8) years (through March 31, 2014). The reauthorized Cultural Arts and Recreation Enrichment Tax shall be levied for a period of ten (10) years (through March 31, 2024)

(Ord. No. O-05-0038, Enacted, 11/22/2005: Ord. No. O-2013-0035, Amended 12/11/2013)

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Article 19-7. Towing and Parking Enforcement Companies

19-7-1. Definitions.
19-7-2. Legislative Findings.
19-7-3. General Provisions Applicable to Parking Enforcement and Towing Companies.
19-7-4. Rotation List.
19-7-5. Regulation of Nonconsensual Towing and Booting Practices.
19-7-6. Repossession of Vehicles.
19-7-7. Unauthorized Tampering with or Removal of a Boot or Other Vehicle Immobilization Device.
19-7-8. Severability.
19-7-9. Violation.

19-7-1. Definitions.

The terms and definitions as contained in Section 12-5-13(A) are herein incorporated by reference.
(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Amended 08/14/2008)

19-7-2. Legislative Findings.

A. **General Finding**. A number of parking enforcement and towing companies conduct business within the City and want to be placed on the Department of Public Safety's rotation list. While most of these companies conduct business in a reputable way, there have been instances of questionable practices. The City Council therefore finds as a result of public input and evidence derived from reliable sources, that there is a need to license/register companies wanting to work in the City and to set requirements for being placed on the Department of Public Safety's rotation list.
(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, amended 08/14/2008)

B. **Specific Findings**. The following specific legislative findings of the City Council in support of licensing/registering parking enforcement and towing companies and their ability to be placed on the rotation list are set forth as illustrations of the need compelling the enactment of this Article. They are intended as illustrations only and are not all-inclusive.

1. Towing companies are needed to tow vehicles from traffic accidents, tow disabled or inoperable vehicles, or impound vehicles upon request of a public safety officer. In these instances, prompt response time is of the essence, especially when there is a need to clear an accident scene. Towing companies that fail to respond in a timely manner add to the confusion and delay in clearing these scenes.

2. Towing companies are responsible for clearing the scene of accident-related debris. When towing companies fail to do this or fail to completely clean the scene, motorists are exposed to driving around or over broken glass, vehicle fluids, and other debris which has the potential of harming their vehicles.

3. There is a need for parking enforcement and towing services within the City. Many businesses, apartment complexes and other private parking lots have a problem with individuals parking in these lots who either do not have permission or are parked in areas where they should not be parking. In order to discourage these individuals from parking where they should not, owners of these lots have a need for parking enforcement and towing services.

4. There are parking lots within the City where it is not apparent that parking is prohibited but from which a vehicle may be towed. In order that there be no question as to whether a vehicle may be towed from a parking lot, adequate signs stating that towing will take place should be posted at all entry points to the parking lots.

5. Being on the Department of Public Safety's rotation list is a privilege and not a right. To be eligible to be on the list, parking enforcement and towing companies must comply with the rules and regulations as set forth in this Article and Section 12-5-13 of the Orem City Code.

6. The Department of Public Safety receives a regular number of confirmed reports from citizens of towing companies that engage in questionable business practices. In an effort to curtail these practices, companies that are found to engage in these types of activities will be in jeopardy of being taken off the rotation list and/or subject to criminal penalties as provided in this Article.

7. In the past, personal property has been stolen from vehicles that have been towed. Personnel from towing companies have been charged with the thefts. In an effort to prevent this type of activity in the future and to limit those individuals who will be allowed to tow vehicles to those without a history of property crime, background checks will be conducted on towing company employees prior to being allowed to tow vehicles within the City.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Amended 08/14/2008)

19-7-3. General Provisions Applicable to Parking Enforcement and Towing Companies.

A. A person conducting towing or parking enforcement operations shall furnish without charge an itemized statement of services performed, labor and special equipment used in completing a tow or boot of a vehicle, and the charges made therefore to and upon the request of:

1. The person requesting the towing or booting service; or

2. The owner of the vehicle towed or booted; or

3. The duly authorized agent of either of the foregoing.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Amended 08/14/2008)

B. Parking enforcement and towing companies shall post a copy of a schedule of fees in a prominent place at the business location where vehicles are released from storage. Upon request, a parking enforcement or towing company shall show a current copy of its fee schedule to a person whose vehicle is being towed or booted and shall provide the name and phone number of the owner or agent of the property from or on which the vehicle is being or has been towed or booted.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Amended 08/14/2008)

C. Parking enforcement and towing companies shall maintain personnel authorized to release any vehicle to its owner twenty-four (24) hours each day. A vehicle shall be released immediately upon payment of any required fees authorized by this Article.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Amended 08/14/2008)

D. Towing and parking enforcement companies, including those that are not on the rotation list, are required to comply with this Article. Failure to comply with the applicable portions of this Article may result in the revocation of a parking enforcement and towing company's business license or its right to conduct towing and parking enforcement within the City.

(Ord. No. O-2012-0009, Enacted, 03/27/2012)

E. Revocation of Towing or Parking Enforcement License or Registration.

1. If after conducting an investigation, the Director of Public Safety or his designee determines that a violation of this Article, Section 12-5-13, or state law has occurred, the parking enforcement or towing company will have ten (10) days to remedy the violation. If the parking enforcement or towing company fails to do so, the Director of Public Safety or his designee may revoke the towing or parking enforcement company's business license or registration pursuant to Subsection 3 of this Section.

2. In addition to the violations contained in Article 12-4 and Section 12-5-13.H., a towing or parking enforcement company may have its business license or registration revoked if any of the following occurs:

a. A towing or parking enforcement company fails to comply with any of the requirements of this Article;

b. A towing or parking enforcement company fails to comply with Section 12-5-13;

c. A towing or parking enforcement company fails to comply with applicable state law;

d. A judicial determination is made that a parking enforcement or towing company has conducted a tow not in compliance with this Article, Section 12-5-13, or applicable state law; or

e. A parking enforcement or towing company fails to refund to the vehicle owner all nonadministrative fees and costs imposed after a finding by a court or the Director of Public Safety that a tow or booting did not comply with this Article, Section 12-5-13, or state law.

3. The Director of Public Safety or his designee shall hear and determine all revocations.

a. No business license or registration shall be revoked until a show-cause hearing has been held. Written notice of such hearing shall be served at least ten (10) working days prior to the date thereof upon the parking enforcement or towing company or its agent. Such notice shall state the grounds for revocation and the time and place the hearing will be held. The parking enforcement or towing company shall have the right to appear and respond to any allegations made and to present reasons why the business license or registration should not be revoked.

b. Show-cause hearings shall be conducted informally. Witnesses may be sworn, although it is not necessary. Formal rules of evidence and court procedure shall not apply. Because the hearings are administrative in nature, hearsay is admissible, but evidence must have some probative weight and reliability. The standard of proof shall be a preponderance of the evidence.

4. Appeal. Any parking enforcement or towing company that has had its business license or registration revoked pursuant to this Article may appeal to the City Manager the decision of the Director of Public Safety or his designee's decision to revoke. Any appeal must be in writing and filed with the City Manager or his designee within ten (10) days of receiving a notice of the revocation. Within ten (10) days of receiving a notice of appeal, the City Manager or his designee shall render a decision upholding the revocation or reinstating the parking enforcement or towing company's business license or registration.

5. Reinstatement after Revocation. In order for a parking enforcement or towing company that has had its business license or registration revoked pursuant to this Article to be reinstated absent a successful appeal to the City Manager, the towing or parking enforcement company must:

a. Reapply for a new license or registration; and

b. Must satisfactorily demonstrate to the Director of Public Safety or his designee that the violation of the ordinance that resulted in the revocation has been remedied.

(Ord. No. O-2012-0009, Enacted, 03/27/2012)

19-7-4. Rotation List.

A. **Creation**. The Director of Public Safety or his designee shall create and administer a rotation list comprised of those towing companies who comply with all the terms of this Article and Section 12-5-13 of the Orem City Code and are authorized to respond to calls for service by the Department of Public Safety. One slot on the rotation list shall be given to each compliant company. To ensure a fair distribution of calls for service, however, companies with different names but which utilize the same employees, trucks, business offices or impound yards shall be treated as one company for purposes of the rotation list, and shall only have one slot on the list.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Amended 08/14/2008; Ord. No. O-2010-0010, Amended 05/11/2010)

B. **Duties of companies on list.** In addition to any other requirements set forth in the Orem City Code or required by federal or state law, a towing company, which has been placed on the rotation list, shall:

1. Respond to a call for service from the Department of Public Safety and arrive on scene within fifteen (15) minutes of receiving the call. In the event that the company fails to arrive within fifteen (15) minutes from receipt of the call, the Department of Public Safety shall be permitted to secure the services of an alternate company from the rotation list. The late-responding company shall not be entitled to any fee for a late response or costs and expenses incurred as a result thereof. Any company that fails to respond within the required fifteen (15) minutes will be placed at the bottom of the rotation list. Only those tow truck companies that have been called from the rotation list may respond to a public safety request. Towing companies that have not been specifically called may not respond on behalf of another tow truck company, regardless of the circumstances. Responding tow truck companies that have not been called, shall be placed on the bottom of the rotation list.

2. Have a vehicle storage facility within the City corporate limits that has a fenced area, enclosed yard, or building. No vehicle may be moved to a location which is not within the City limits without the prior consent of the owner or operator of the vehicle. Such vehicle storage facility must comply with all state requirements.

3. Have the capability of transporting abandoned or inoperable vehicles.

4. Clean up any mess, debris, rubble or any other items that may be located on the roadway or in the immediate vicinity of the location from which an abandoned or inoperable vehicle is to be towed. To achieve this requirement, and in addition to any other state or administrative requirements, the tow truck must be equipped with adequate equipment and materials to clean up the area. Failure to clean up the area is a violation of this Section and can result in being removed from the rotation list.

5. Ensure that all its authorized agents agree to follow the instructions or orders of a public safety officer at the towing scene.

6. Comply with all federal, state, and local requirements governing parking enforcement and towing companies.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Amended 08/14/2008)

C. **Removal from list.** A towing company may voluntarily request in writing to be removed from the rotation list. A towing company may lose the privilege of being on the rotation list and subject to removal from the rotation list for a period of ninety (90) days or a twelve (12) month period pursuant to subsection (f) for any of the following reasons:

1. Failure to comply with any of the requirements of this Article, including the provisions applicable to parking enforcement companies and nonconsensual tows contained in Sections 19-7-3 and 19-7-5;

2. Failure to comply with any of the requirements of Section 12-5-13 of the Orem City Code;

3. A conviction of any of the towing company's employees of a crime involving dishonesty or moral turpitude. A conviction includes the entry of a plea in abeyance; or

4. Being the subject of three (3) or more complaints received within a ninety (90) day period that are later substantiated. A complaint is substantiated when the following occurs:

a. The complaint has been lodged against a towing company by the owner or the owner's agent of a motor vehicle that was towed or by a Public Safety officer;

b. The Department of Public Safety has, within ten (10) days of receiving the complaint, given the towing company written notice of the complaint that contains information about the vehicle that was towed, the date, time and place of the tow, and a statement of the complaint including the federal, state or local law or regulation that the towing company is alleged to have violated;

c. The complaint has been investigated by the Director of Public Safety or his designee after having given the towing company ten (10) days to respond in writing to the complaint; and

d. The Director of Public Safety or his designee has determined the towing company violated any federal, state, or local law or rule regulating towing companies and has given the towing company written notice of his decision.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Amended 08/14/2008; Ord. No. O-2010-0010, Amended 05/11/2010)

D. **Notice of Removal.** Prior to removing a towing company from the rotation list for any of the reasons listed above, the Director of Public Safety or his designee shall give the towing company written notice of his decision to remove the company from the rotation list. The notice shall contain the basis for the decision; notice that the towing company will be removed from the rotation list, if applicable; and the conditions under which the towing company will be reinstated on the rotation list, if applicable.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Amended 08/14/2008)

E. **Appeal**. Any towing company that has been removed from the rotation list pursuant to this Article may appeal to the City Manager or his designee the decision of the Director of Public Safety or his designee's decision to remove the towing company from the rotation list. Any appeal must be in writing and filed with the City Manager or his designee within ten (10) days of receiving notice of the removal. Within ten (10) days of receiving a notice of appeal the City Manager or his designee shall render a decision upholding the removal or reinstating the towing company on the rotation list.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Amended 08/14/2008)

F. Removal Period and Reinstatement. Removal from the rotation list shall be for a ninety (90) day period for the first or second removal within a three (3) year period. Removal from the towing rotation list shall be for one (1) year for the second removal from the rotation list within three years of any prior removal. The date of removal shall be the later of ten (10) days after the Director of Public Safety or his designee sends a Notice of Removal or the date the City Manager or his Designee renders a decision in response to an appeal.

Any towing company that has been removed from the rotation list may file a written request with the Director of Public Safety or his designee to be placed back on the list no sooner than ten days prior to the expiration of the removal period. The Director shall place the company back on the towing rotation list upon a showing that all previous problems for which the company has been removed have been corrected, and the company certifies it is willing and able to comply with all the requirements for being on the rotation list.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Amended 08/14/2008)

19-7-5. Regulation of Nonconsensual Towing and Booting Practices.

A. Owners of private property may, to the extent authorized by this Section, boot or tow away any unauthorized vehicle on their premises. An unauthorized vehicle is any vehicle parked or stopped in violation of private property parking regulations which govern parking for authorized tenants and visitors or which restrict parking in loading zones, handicapped spaces, fire lanes, or other "no parking" zones. All restricted parking areas and visitor parking spaces, if any, shall be clearly marked to give notice that parking is prohibited or otherwise restricted in a particular area.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Ren&Amd 08/14/2008)

B. It shall be unlawful for any person, firm, or corporation to boot or tow away a motor vehicle on or from private property without the vehicle owner or his agent's consent unless authorized by the private

property owner or his agent or a police officer or a person acting on behalf of a law enforcement agency.
(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Ren&Amd 08/14/2008)

C. Except for tow truck service that was ordered by a peace officer or a person acting on behalf of a law enforcement agency, the tow truck operator shall:

1. Contact the Orem Department of Public Safety dispatch center prior to towing or booting the vehicle and report the:

a. location of the vehicle;

b. date, time and location from which the vehicle is being removed or booted;

c. reasons for the removal or booting of the vehicle;

d. person who requested the removal or booting of the vehicle;

e. vehicle's description, including its vehicle identification number and license number or other identification number issued by a state agency.

The tow truck operator will then be given an Orem Department of Public Safety Incident Report Number and may begin towing or booting the vehicle.

2. Immediately transport any vehicle that has been towed to the parking enforcement or towing company's vehicle storage facility before towing another vehicle ; and

3. Within two business days of performing the tow truck services send a certified letter to the registered owner's current address or to the last-known address of the registered owner and lien holder of the vehicle, if applicable, obtained from the Motor Vehicle Division, notifying the owner of the:

a. location of the vehicle;

b. date, time and location from which the vehicle was removed;

c. reasons for the removal of the vehicle;

d. person who requested the removal of the vehicle;

e. vehicle's description, including its vehicle identification number and license number or other identification number issued by a state agency; and

f. costs and procedures to retrieve the vehicle.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Ren&Amd 08/14/2008; Ord. No. O-2012-0009, Amended 03/27/2012)

D. ~~Except for vehicles deemed abandoned under Orem City Code 12-5-13 (A),~~ It shall be unlawful to boot or tow a motor vehicle in or from a private parking lot having four (4) or more parking spaces, other than a vehicle which has been continuously parked on the private parking lot for more than forty-eight (48) hours, unless a clearly visible and conspicuous sign posted on, or immediately adjacent to the property provides notice that unauthorized vehicles will be booted or towed from the parking lot. Such signs shall:

1. Be at least eighteen inches (18") by twenty-four inches (24") in size;

2. Give warning, in large reflective lettering, that unauthorized vehicles or illegally parked vehicles will be booted or towed;

3. Give the name and telephone number of the firm(s) authorized to boot or tow vehicles;

4. State the fees charged for towing and/or booting operations; and

5. Except otherwise exempted below, be posted within approximately five feet (5') of every entrance to a parking lot.

a. For purposes of this subsection, a parking lot entrance shall mean any access allowing the entrance or exit of a vehicle between a private parking lot and a city street unless such access is not the property of the parking lot owner. In such case, the parking lot entrance shall mean:

i. The intersection of the parking lot property line and the property line of the access point; or

ii. Any privately owned road connected to a public right-of-way leading to the entrance of a parking lot located on private property.

b. A sign posted directly over a driveway leading to an underground lot shall be deemed to meet the location requirements of this subsection.

c. If signs cannot be posted within five feet (5') from the entrance to a parking lot for reasons of practical difficulty (such as the necessity of drilling a hole through concrete, removing a tree or shrubs, conflicting with the clear vision area, or because of an immediately adjacent private driveway not owned by the owner of the parking lot, etc.), a sign may be placed as close as reasonably practicable to the parking lot entrance. However, no sign shall be further than thirty feet (30') unless the property owner or his agent has consulted with the Department of Public Safety to ensure placement of signs in alternative locations that will meet the purpose of this Section.

6~~7~~. Be posted at least four (4) feet and no more than seven (7) feet above the ground.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Ren&Amd 08/14/2008)

E. It shall be unlawful to display signs, as required by this section that do not contain accurate and current information.
(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Ren&Amd 08/14/2008)

F. Before booting or towing a vehicle located on private property, a parking enforcement or towing company shall receive from the property owner or his authorized agent, neither of whom shall be affiliated in any way with the parking enforcement or towing company, a signed request for each booting or towing of a particular vehicle; provided, however, that property owners who have a written contract with a parking enforcement or towing company where the provisions of the contract are consistent with the provisions of this Section shall not be required to sign a request before a vehicle is booted or towed from their property.

1. Written contracts for towing or parking enforcement operations shall specify when and under what conditions parked vehicles shall be subject to towing or booting.

2. Towing or parking enforcement companies who enter into written contracts with property owners for towing or booting operations pursuant to the terms of this section shall provide to the Department of Public Safety copies of the contracts prior to towing a vehicle from property covered by a contract or booting any vehicle on the property.

3. Copies of current contracts must be filed with the Department of Public Safety annually pursuant to Orem City Code Section 12-5-13(E).

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Ren&Amd 08/14/2008; Ord. No. O-2012-0009, Amended 03/27/2012)

G. Any parking enforcement or towing company booting or towing a motor vehicle pursuant to this Section shall release such vehicle to its owner or authorized agent immediately upon payment sufficient to cover the actual costs incurred in booting, towing, storing or providing other services rendered as the result of booting or towing the vehicle as provided in this Section.

1. The parking enforcement or towing company shall accept payment offered in cash or by major credit card, but shall not be obligated to accept checks or payment in coins and shall maintain sufficient cash on hand to make change of up to forty dollars ($40).

2. No vehicle recovery, release or gate fee may be charged during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

3. A parking enforcement or towing company that has removed a vehicle to an impound yard or its vehicle storage facility under the provisions of this Section may not collect any fees associated with the removal or begin charging storage fees until the company has complied with the notification requirements under 19-7-5.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Ren&Amd 08/14/2008; Ord. No. O-2012-0009, Amended 03/27/2012)

H A parking enforcement company that utilizes booting practices instead of towing shall be limited to a maximum fee for booting of one-half the current maximum towing fee established by the Utah Department of Transportation for towing services for Class A and B vehicles. In those situations where a boot has been applied to a vehicle and it is subsequently towed, the towing or booting company may only collect the fee associated with the towing of the vehicle.
(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Ren&Amd 08/14/2008)

I. A parking enforcement company shall leave completed paperwork in a conspicuous place on the vehicle being booted. The completed paper work shall be legible and contain the following information:

1. The name of the company performing the booting service and the name of the employee who placed the boot on the vehicle.

2. The twenty-four (24) hour phone number which an owner can call to arrange for release of the boot.

3. The fees charged for booting and towing services.

(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Ren&Amd 08/14/2008)

J. If the registered owner or authorized agent arrives at a vehicle before the parking enforcement or towing company has finished booting the vehicle and finished completing the required paperwork or before a tow truck operator has removed the vehicle from off the premises, the parking enforcement or towing company shall be entitled to only one-half the regularly charged fee for booting or towing a vehicle and upon payment shall release the vehicle to the registered owner or authorized agent.
(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Ren&Amd 08/14/2008)

K. Property owners, managers, or their agents shall not receive any consideration whatsoever from any parking enforcement or towing company in exchange for utilizing such company's services to boot

or tow unauthorized vehicles from the owner's property or for entering into a services contract with a parking enforcement or towing company.
(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Ren&Amd 08/14/2008)

L Except for vehicles deemed abandoned under Orem City Code 12-5-13 (A), all vehicles towed pursuant to this Section must be towed to a lot within the City limits that complies with State law
(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Ren&Amd 08/14/2008)

19-7-6. Repossession of Vehicles.

Nothing contained in this Article shall be construed to apply to the lawful repossession of vehicles by persons or entities that have valid security interests or liens on the vehicle being repossessed.
(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Ren&Amd 08/14/2008)

19-7-7. Unauthorized Tampering with or Removal of a Boot or Other Vehicle Immobilization Device.

It shall be unlawful to tamper with or remove from a vehicle a boot or other device designed to immobilize a vehicle without the authorization of the parking enforcement or towing company which applied the boot or otherwise immobilized the vehicle.
(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Ren&Amd 08/14/2008)

19-7-8. Severability.

If any provision of this Article is held by a court of competent jurisdiction to be unconstitutional or for any reason invalid, it shall not affect the validity of the remaining provisions, which are adopted separately and independently.
(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Amended 08/14/2008)

19-7-9. Violation.

Violation of any provision of this Article is a class B misdemeanor.
(Ord. No. O-03-0008, Enacted, 04/01/2003; Ord. No. O-08-0020, Amended 08/14/2008)

CITY OF OREM **CITY COUNCIL MEETING** **OCTOBER 28, 2014**	
REQUEST:	**ORDINANCE – Enacting Article 2-35, Establishing a Municipal Ethics Commission; Providing for the membership thereof pursuant to an interlocal agreement; Establishing the process for the filing of a complaint and the investigation and adjudication of the complaint**
APPLICANT:	City Manager/Legal Department – City of Orem
FISCAL IMPACT:	None

NOTICES:
-Posted in 2 public places
-Posted on City webpage
-Posted on City hotline
-Posted on the State 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:
Heather Schriever,
Assistant City Attorney

RECOMMENDATION: City Administration recommends that the City Council, by ordinance, enact Article 2-35 establishing a Municipal Ethics Commission through interlocal agreement.

BACKGROUND:

Introduction: In 2012, the Utah Legislature gave municipalities the authority to create local ethics commissions to review complaints against elected officials, officers, or employees of municipalities who are subject to the Municipal Officers' and Employees' Ethics Act (Utah Code § 10-3-130 *et seq.*). Payson City, Pleasant Grove City, Salem City, and Spanish Fork City together with the City of Orem would like to create a local Utah County Municipal Ethics Commission (Municipal Ethics Commission) through interlocal agreement.

Composition of the Commission: The Municipal Ethics Commission will consist of three city attorneys randomly selected from the other participating cities. Each attorney will serve as a commission member until a complaint is resolved.

Jurisdiction: the Municipal Ethics Commission will hear complaints that implicate the Municipal Officers' and Employees' Ethics Act or Orem City Code § 2-6-8 and alleged complaints against members of the City Council (including the Mayor) and the City Manager.

Procedures: the ordinance and interlocal agreement as proposed adopt many of the procedures outlined in Utah Code § 11-49-101 *et seq.* which is the state statute establishing the Political Subdivisions Ethics Review Commission.

Findings and Recommendations: the Municipal Ethics Commission will investigate and then submit findings and recommendations to the City Council. It is then the City Council's decision to determine the appropriate remedy which could include: censure, reprimand, ethics training, or removal from office.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE ENACTING ARTICLE 2-35 ESTABLISHING A MUNICIPAL ETHICS COMMISSION; PROVIDING FOR THE MEMBERSHIP THEREOF PURSUANT TO AN INTERLOCAL AGREEMENT; ESTABLISHING THE PROCESS FOR THE FILING OF A COMPLAINT AND THE INVESTIGATION AND ADJUDICATION OF THE COMPLAINT

WHEREAS, the Utah State Legislature has enacted a State law establishing a Political Subdivision Ethics Commission to review complaints regarding the activities of certain elected and appointed officials; and

WHEREAS, the State law permits a municipality to establish its own ethics commission to address the applicable complaints; and

WHEREAS, in reviewing this option, the City of Orem has determined that it is in the best interest of its citizenry to have its own commission as established by Interlocal Agreement, being more convenient, responsive, and accessible to the citizenry; and

WHEREAS, pursuant to that determination, the City Council finds that it is in the best interest of the City of Orem and its citizens to establish an ethics commission.

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

1. The City Council hereby enacts Article 2-35 of the Orem City Code as follows (the portions of Chapter 2 that are not specifically amended by this ordinance shall remain in full force and effect as currently written):

Article 2-35. MUNICIPAL ETHICS COMMISSION

2-35-1	**Purpose.**
2-35-2	**Definitions.**
2-35-3	**Municipal Officers' and Employees' Ethics Act.**
2-35-4	**City Attorney advisory opinions.**
2-35-5	**Municipal Ethics Commission.**
2-35-6	**Filing of ethics complaints with Commission.**
2-35-7	**Privacy.**
2-35-8	**Initial review of complaint.**
2-35-9	**Consideration of complaint after acceptance.**
2-35-10	**Contempt powers.**
2-35-11	**Request by elected or appointed official for legal representation.**
2-35-12	**Determination by Commission.**
2-35-13	**Action by City Council.**
2-35-14	**Knowingly filing of false complaint.**
2-35-15	**Annual Commission report.**

2-35-1 Purpose.

The purpose of this Article is to prevent improper influence, avoid the appearance of impropriety, and prohibit elected and appointed officials from receiving unjust financial gain from public service. It also seeks to increase public confidence by assuring that governmental actions are taken ethically.

2-35-2 Definitions.

(1) For the purposes of this Article, "Commission" means the Municipal Ethics Commission formed pursuant to Section 2-35-5 of this Article.

(2) For the purposes of this Article, "elected officials" includes only the members of the Orem City Council and the Mayor.

(3) For the purposes of this Article, "appointed official" means the City Manager or similar non-elected chief executive officer.

2-35-3 Municipal Officers' and Employees' Ethics Act

(1) Elected and appointed officials of the City of Orem are required to comply with the Municipal Officers' and Employees' Ethics Act (Utah Code § 10-3-1301 *et seq.*) as amended, which is incorporated herein by reference.

(2) Included in the Municipal Officers' and Employees' Ethics Act is the obligation of elected and appointed officials to:

(a) Not disclose or improperly use private, controlled, or protected information acquired by them by reason of their position or in the course of their duties in order to further substantially their personal economic interest or to secure special privileges or exemptions for the elected or appointed official or others; and avoid the use of their office for personal benefit;

(b) Not use or attempt to use their position to further substantially their personal economic interest or secure special privileges for the elected or appointed official or for others;

(c) Not knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the elected or appointed official or for another, a gift of substantial value or a substantial economic benefit tantamount to a gift that:

(i) Would tend improperly to influence a reasonable person in the elected or appointed official's position to depart from the faithful and impartial discharge of the person's public duty; or

(ii) The elected or appointed official knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the elected or appointed official for official action taken.

(d) The Municipal Officers' and Employees' Ethics Act also requires public disclosures and filings in certain circumstances as described in the Act, including:

(i) Where an elected or appointed official receives or agrees to receive compensation for assisting any person or business entity in any transaction involving the City of Orem;

(ii) Where an elected or appointed official is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to regulation by the City of Orem;

(iii) Where the elected or appointed official is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the City of Orem; and

(iv) Where an elected or appointed official has a personal interest or investment which creates a conflict between the elected or appointed official's personal interests and the elected or appointed official's public duties.

2-35-4 City Attorney Advisory Opinions.

(1) Elected and appointed officials of the City of Orem may request of the City Attorney an advisory opinion concerning the application of the Municipal Officers' and Employees' Ethics Act or Orem City Code § 2-6-8. The City Attorney shall accept and process these advisory opinion requests. As soon as practicable, but not later than thirty (30) days after the City Attorney receives a request for an advisory opinion, the City Attorney shall render a written opinion to the Mayor, City Council, and to the City Manager. All advisory opinions shall be available for public review, but may be in such form and with such deletions as may be necessary to prevent the disclosure of the identity of the persons involved or to protect personal privacy interests.

(2) An advisory opinion rendered by the City Attorney, until amended or revoked by the City Attorney, shall be a defense in any action brought by a complainant against the elected or appointed official

and shall be binding on the City in any subsequent proceedings concerning the person who requested the opinion and who acted in good faith upon it, unless material facts were omitted or misstated by the person requesting the opinion.

2-35-5 Municipal Ethics Commission.

(1) The City of Orem establishes a Municipal Ethics Commission pursuant to Utah Code § 10-3-1311 and Utah Code § 11-13-101 *et seq*. The Commission is a three (3) person commission as provided for in an Interlocal Agreement between the City of Orem and the other participating municipalities. Upon receiving a complaint the membership of the Commission shall be determined by random selection from the pool of eligible participating municipalities.

(2) The Office of the City Attorney shall provide the Commission such administrative or other support as requested by the Commission.

2-35-6 Filing of ethics complaints with Commission.

(1) A complaint may only be filed with the Commission under the following conditions:

(a) The complaint must be against an elected or appointed official of the City of Orem who is currently serving in their elected or appointed position and allege a violation of the Municipal Officers' and Employees' Ethics Act or Orem City Code § 2-6-8;

(b) The complaint must be filed with the City Recorder of the City of Orem on behalf of the Commission;

(c) The complaint must be made by either:

(i) two or more registered voters who reside within the boundaries of the City or Orem; or

(ii) two or more registered voters who pay a fee or tax to the City of Orem; or

(iii) one or more registered voters who reside within the boundaries of the City of Orem plus one or more registered voters who pay a fee or tax to the City of Orem;

(d) The complaint must be based upon direct evidence or sworn statements by one or more people with actual knowledge of the facts and circumstances supporting the alleged ethics violation;

(e) The complaint may not be filed during the sixty (60) calendar days immediately before a municipal primary election, if the accused elected or appointed official is a candidate in the primary election;

(f) The complaint may not be filed during the sixty (60) calendar days immediately before a municipal general election in which the accused elected or appointed official is a candidate, unless the accused elected or appointed official is unopposed in the election;

(g) The complaint must be in writing and contain:

(i) the name and position of the elected or appointed official alleged to be in violation;

(ii) the name, address, and telephone number of each individual who is filing the complaint;

(iii) a description of each alleged violation of Orem City Code § 2-6-8 or the Municipal Officers' and Employees' Ethics Act, including a reference to the section of the Act or ordinance alleged to have been violated;

(iv) with reasonable specificity, evidence supporting each allegation, which shall be provided by copies of official records, documentary evidence, or affidavits that include the required information;

(v) a list of witnesses that a complainant wishes to have called or interviewed, including for each witness: the name, address, and, if available, one or more telephone numbers of the witness; a brief summary of the testimony to be provided by the witness; a specific description of any documents or evidence a complainant desires the witness to produce;

(vi) a statement that each complainant:

(A) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint;

(B) believes that the complaint is submitted in good faith and not for any improper purpose such as harassing the named elected or appointed official, causing unwarranted harm to the accused elected or appointed official's reputation, or causing unnecessary expenditure of public funds; and

(C) believes the allegations contained in the complaint to be true and accurate.

(vii) a statement with the signature of each complainant.

(2) Upon receipt of any ethics complaint, the city recorder shall select the commission using the procedures set forth in the Interlocal Agreement, inform the city attorneys from the selected cities of their selection, then immediately refer the complaint to the commission. The city recorder shall not notify or inform any other person of the filing of the complaint.

(3) A person filing a complaint under this Article is not entitled to reimbursement for attorney fees or costs incurred, regardless of the outcome of the proceedings.

(4) An administrative fee of $50 must be filed with the complaint. The $50 filing fee must be paid to the city where the complaint is filed. After the selected commission elects a chairperson, the $50 administrative fee will be paid to the chairperson's city to defray the costs of administering the complaint.

2-35-7 Privacy.

(1) Once an ethics complaint has been filed with the City Recorder, neither the City Recorder, the Commission, nor any City employee may disclose the existence of the complaint, any response to the complaint, or any information concerning the alleged ethics violation that is the subject of the complaint, unless otherwise provided in this Article.

(2) Nothing in the restrictions above may be construed to hinder or prevent a person or the City Attorney of the City of Orem from disclosing the facts or allegations about potential criminal violations to a law enforcement authority.

(3) Nothing in this Section may be construed to hinder or prevent the named elected or appointed official from preparing a defense to a complaint, including contacting witnesses or taking other actions in preparation for review by the Commission.

(4) Nothing in this Section may be construed to hinder or prevent any person from disclosing public records.

(5) If any employee or official of the City publicly discloses any private information, appropriate disciplinary action may be taken against such individual.

(6) If a complainant publicly discloses any private records or information obtained from private records, the Commission may summarily dismiss the complaint without prejudice.

(7) All records, that are not public records, received by or generated by or for the Commission are private and not subject to disclosure or release, except for the Commission's summary findings and recommendation to the City Council or any document that is classified as public in accordance with Utah Code § 63G-2-301.

2-35-8 Initial review of complaint.

(1) Within ten (10) business days after receipt of an ethics complaint, the Commission shall examine the complaint to determine if it is in compliance with the filing requirements of this Article.

(2) If the Commission determines that the complaint does not comply with the filing requirements of this Article, the Commission shall return the complaint to the first complainant named on the complaint with a statement detailing the reason(s) for non-compliance. At the same time, the Commission shall notify the City Manager, Mayor, City Council, and the City Attorney that a complaint filed against an unidentified elected or appointed official has been returned for non-compliance with this Article and the fact that a complaint was filed and returned shall be kept confidential as to any others until the Commission submits its annual summary report to the City Council and to the Mayor. If a complaint is returned by the Commission, the complainants may file another complaint if the new complaint independently meets the filing requirements of this Article.

(3) If the Commission determines that the complaint complies with the filing requirements of this Chapter, the Commission shall:

(a) Accept the complaint;

(b) Promptly forward the complaint to the elected or appointed official who is named in the complaint, together with directions for providing a response to the Commission;

(c) If appropriate, request assistance from the Office of the City Attorney; and

(d) Notify the complainants, the named elected or appointed official, the City Recorder, and the employees in the Office of the City Attorney of the privacy requirements of this Article.

(4) At its discretion, the Commission may determine whether the subject of the complaint should be investigated by a law enforcement agency.

(5) If the Commission learns that the subject of the complaint is under criminal investigation, the Commission may suspend its review of the complaint pending the resolution of the criminal investigation.

(6) The named elected or appointed official shall have the right to present an answer to the complaint. The answer may contain statements, arguments, and evidence. The answer must be filed within ten (10) business days from the date the complaint was forwarded to the elected or appointed official.

(7) The Commission shall dismiss an ethics complaint if:

(a) The named elected or appointed official resigns or is removed from office with the City of Orem;

(b) The named elected or appointed official is charged with a criminal violation of the Municipal Officers' and Employees' Ethics Act where the facts and allegations presented in the ethics complaint assert substantially similar facts and allegations as those asserted in the criminal charges; or

(c) The allegations in the complaint, if assumed to be true, do not state a violation of the Municipal Officer's and Employees' Ethics Act or Orem City Code § 2-6-8.

2-35-9 Consideration of complaint after acceptance.

(1) After acceptance of a complaint, the Commission has the discretion to:

(a) Conduct a confidential, independent administrative investigation of the complaint;

(b) Refer the matter to an independent non-criminal investigator for fact finding and investigation and consider the confidential report of the investigator;

(c) Conduct a hearing in accordance with Subsection (2) of this Section; or

(d) Any combination of the above.

(2) If the Commission uses a hearing to review the complaint, the Commission shall:

(a) Assure that the hearing includes opening arguments, presentation of evidence, witnesses and rebuttal, consideration of motions, and closing arguments;

(b) Close the hearing to the public;

(c) Allow the complainants and the named elected or appointed official to retain legal representation, at their discretion; and

(d) Provide administrative subpoenas pursuant to its subpoena powers.

(3) For any hearing the Commission must provide a notice to the first named complainant and the named elected or appointed official at least five (5) business days prior to the hearing.

(4) The Commission shall determine whether the subject matter of the complaint was previously the subject of a filing, public disclosure, or a City Attorney ethics advisory opinion. The Commission shall take into consideration efforts by the named elected or appointed official to seek legal direction regarding the subject matter of the complaint and any good faith efforts by the named elected or appointed official in response to legal advice received.

(5) The Commission shall ensure that a record of any Commission meeting or hearing is made, which shall include:

(a) Audio recordings, if any;

(b) Official summaries or minutes taken during the meeting or hearing;

(c) Copies of all documents or other items admitted into evidence or considered by the Commission;

(d) Copies of a document or written order or ruling issued by the Commission; and

(e) Any other information the Commission deems relevant to the findings and recommendation.

2-35-10 Contempt powers.

(1) The Commission may hold a person in contempt if the person:

(a) Refuses to answer a question, without legal justification, after being directed by the Commission to answer; or

(b) Fails to comply with a subpoena issued by the Commission.

(2) Upon finding a person in contempt, the Commission shall report the person to the Fourth District Court and request a warrant of attachment or order to show cause, as provided in Utah Code § 78B-6-313.

2-35-11 Request by elected or appointed official for legal representation.

(1) The named elected or appointed official may request that the City provide a legal defense if the complaint arises from an act or omission during the performance of official duties, within the scope of employment, or under the color of authority.

(2) The City Attorney may arrange for such legal defense, where appropriate.

2-35-12 Determination by Commission.

(1) After review of the complaint, the Commission shall determine whether there is clear and convincing evidence supporting a violation of the Municipal Officers' and Employees' Act of Orem City Code § 2-6-8 by the named elected or appointed official. If there are multiple alleged violations, the Commission shall separately determine whether clear and convincing evidence supports each violation. The determination shall be by majority vote of the Commission.

(2) If the Commission determines that no allegations in the complaint were proved, the Commission shall:

(a) Issue an order that the complaint is dismissed because no allegations in the complaint were found to have been proven;

(b) Provide notice of the determination of an unidentified elected or appointed official at a regular public meeting of the City Council; and

(c) Provide written notice of the determination to the named elected or appointed official and the first named complainant on the complaint.

(3) If the Commission determines that one or more of the allegations in the complaint were proved, the Commission shall:

(a) Prepare written summary findings and a recommendation for the City Council:

(i) Listing the name of each complainant and the name of the subject elected or appointed official;

(ii) For each allegation that was proven:

(A) Provide the reference to the Municipal Officers' and Employees' Act or Orem City Code § 2-6-8;

(B) Summarize the evidence supporting a violation by clear and convincing evidence;

(C) Make factual findings; and

(iii) Recommend appropriate action to the City Council.

(b) Notify the named elected or appointed official and the first complainant on the complaint of the written summary findings and recommendation for the City Council; and

(c) Orally report the summary findings and recommendation to the City Council in a regular meeting of the City Council.

(4) If the Commission finds a violation of the Municipal Officers' and Employees' Ethics Act or Orem City Code § 2-6-8, the Commission may recommend to the City Council any appropriate action or remedy, including but not limited to censure, reprimand, additional ethics training, or removal from office. The Commission's recommendation may depend on the severity of the violation, the elected or appointed official's intent, any history or pattern of abuse by the named elected or appointed official, and any economic or other benefit received by the named elected or appointed official.

2-35-13 Action by City Council.

(1) Upon receipt of any finding and recommendation by the Commission, the City Council shall review the recommendation and take action at its discretion.

(2) The elected or appointed official referred for a violation may not participate in the City Council's deliberation or cast a vote as the City Council decides whether to take action and which action to take.

2-35-14 Knowingly filing of false complaint.

Any person who files a complaint against an elected or appointed official pursuant to this Article, knowing that such complaint is frivolous, malicious, false, or otherwise without merit, shall be guilty of a class B misdemeanor.

2-35-15 Annual Commission report.

(1) If there has been any activity by the Commission during the previous years the Commission shall prepare, on an annual basis, a summary report that contains:

(a) A general description of the activities of the Commission during the past year;

(b) The number of ethics complaints filed with the Commission;

(c) The number of ethics complaints dismissed; and

(d) An executive summary of each complaint where the Commission found a violation of the

Municipal Officers' and Employees' Ethics Act or other applicable local ordinance.

(2) The annual report of the Commission shall be filed with the Mayor, City Council, and with the City Manager and shall be a public record.

2. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

3. All other ordinances, policies, and resolutions in conflict herewith are hereby repealed. 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 **28th** day of **October** 2014.

_____

Richard F. Brunst, Jr., Mayor

ATTEST:

_____

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"	COUNCIL MEMBERS VOTING "NAY"

CITY OF OREM **CITY COUNCIL MEETING** **OCTOBER 28, 2014**	
REQUEST:	**RESOLUTION – Approving an Interlocal Agreement for the Operation and Administration of the Municipal Ethics Commission**
APPLICANT:	City Manager/Legal Department - City of Orem
FISCAL IMPACT:	None

NOTICES:
-Posted in 2 public places
-Posted on City webpage
-Posted on City hotline
-Posted on the State 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:
Heather Schriever,
Assistant City Attorney

RECOMMENDATION: City Administration recommends that the City Council, by resolution, approve an interlocal agreement creating a Municipal Ethics Commission for the purpose of adjudicating complaints under the Municipal Officers' and Employees' Ethics Act (Utah Code § 10-3-130 *et seq.*) (the "Act") and any other applicable local ordinance.

BACKGROUND: In 2012, the Utah Legislature gave municipalities the authority to create local ethics commissions to review complaints against elected officials, officers, or employees of municipalities who are subject to the Act. Payson City, Pleasant Grove city, Salem City, Spanish Fork City together with the City of Orem would like to create a local Utah County Municipal Ethics Commission (Municipal Ethics Commission) through interlocal agreement. Each of the participating cities have or will adopt a Municipal Ethics Commission Ordinance and have or will execute an interlocal agreement that provides for the operation and administration of the Municipal Ethics Commission.

The interlocal agreement will remain in effect for fifty (50) years and provides for additional cities to join the commission in the future.

DRAFT

RESOLUTION NO._____

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF OREM, PAYSON CITY, PLEASANT GROVE CITY, SPANISH FORK CITY, AND SALEM CITY FOR THE CREATION OF A MUNICIPAL ETHICS COMMISSION

WHEREAS the City has the authority to create the Municipal Ethics Commission pursuant to Utah Code § 10-3-1311; and

WHEREAS the Orem City Council has considered and adopted Article 2-35 of the Orem City Code Establishing a Municipal Ethics Commission; Providing for the Membership Thereof Pursuant to Interlocal Agreement; Establishing the Process for the Filing of a Complaint and the Investigation and Adjudication of the Complaint; and

WHEREAS Payson City, Pleasant Grove City, Spanish Fork City, Salem City, and the City of Orem are all public agencies within the State of Utah and may enter into interlocal cooperation agreements pursuant to the Interlocal Cooperation Act, Title 11, Chapter 13 of the Utah Code; and

WHEREAS it is necessary for the City of Orem to enter into an the Interlocal Agreement Between Payson City, Pleasant Grove City, Spanish Fork City, Salem City, and the City of Orem for the Creation of an Ethics Commission as Provided for by State Law (Agreement) substantially in the form attached hereto as "Exhibit A" to effectuate Article 2-35 of the Orem City Code.

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

1. The Agreement, substantially in the form attached hereto as "Exhibit A," is approved and shall be executed for and on behalf of the Orem City Council by the Mayor.
2. This Resolution shall become effective immediately upon passage.

PASSED, APPROVED, AND ORDERED PUBLISHED this **28th** day of **October** 2014.

DRAFT

_____
Richard F. Brunst, Jr., Mayor

ATTEST:

_____
Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

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COUNCIL MEMBERS VOTING "NAY"

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DRAFT

EXHIBIT A

INTERLOCAL AGREEMENT BETWEEN PAYSON CITY, PLEASANT GROVE CITY, SPANISH FORK CITY, SALEM CITY, AND THE CITY OF OREM FOR THE CREATION OF AN ETHICS COMMISSION AS PROVIDED FOR BY STATE LAW

WHEREAS, Payson City, Pleasant Grove City, Spanish Fork City, Salem City, and the City of Orem (Participating Cities) are all public agencies within the State of Utah and may enter into interlocal cooperation agreements pursuant to the Interlocal Cooperation Act, Title 11, Chapter 13 of the Utah Code; and

WHEREAS, the Participating Cities desire to jointly exercise their authority in a manner that is mutually beneficial and economical for each entity and its citizenry; and

WHEREAS, State law provides for the creation of a local ethics commission to review any complaints regarding the actions of a local entity's elected officials and any appointed executive officer; and

WHEREAS, the creation of this commission will provide for independent and knowledgeable individuals with an understanding of the Municipal Officers' and Employees' Ethics Act, the laws regarding conflict of interest, and the applicable administrative processes; and

WHEREAS, this agreement provides for the creation of the local ethics commission, its processes, and provides for a term of the agreement as well as the termination of this agreement; and

WHEREAS, this agreement is to be approved by the governing body of the Participating Cities and their legal counsel; 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.

WITNESSETH, that the Participating Cities as authorized, enter into this interlocal agreement and agree as follows:

I. LOCAL ETHICS COMMISSION

1. **Authority to create.** Pursuant to § 11-13-101 *et seq.*, these cities are authorized to enter into this agreement and to establish this commission.

2. **Membership.** The commission is made of a city attorney from each of the Participating Cities.

3. **Membership of commission when convened.** When the commission has been convened upon receiving a complaint, the membership will consist of three city attorneys who will be selected as follows:

(A) A commission member may not be from the city where the complaint originated;

(B) The city recorder who receives the complaint, will randomly select three of the remaining cities to serve on the commission. The attorneys from the three cities selected will serve on the commission until the adjudication of the complaint is complete;

(C) After a city attorney has served on a commission, that city will be excluded from any subsequent commission selection process until a city attorney from each of the remaining cities has served on a commission;

(D) The commission is responsible for tracking the service of each of city attorneys so that the city recorders can accurately select the commission; and

(E) The term of the commission appointment ends when the adjudication of the complaint is complete.

4. **No remuneration for service and Governance.** Each member of the commission will serve without additional remuneration, and each city agrees not to seek reimbursement against the others for the service of its representative and any necessary staff support. As a result, there is no need for additional financing or budgeting. For the purposes of Utah Code § 11-13-207, this joint undertaking will be administered jointly by the Participating Cities and it is not anticipated that any real or personal property will be acquired during this undertaking.

5. **Meetings.** The commission will meet for the purpose of reviewing ethics complaints. At the beginning of each investigation, the commission will elect a chairperson. It will be the responsibility of the chairperson to lead the investigation, provide necessary staff support, provide a written conclusion of any investigation, and maintain the file for that investigation.

6. **Powers and procedures.** The commission's processes and authority are as follows:

(A) **Filing of ethics complaints with commission.**

(1) A complaint may only be filed with the commission under the following conditions:

(a) The complaint must be against an elected or appointed official who is currently serving in that position and allege a violation of the Municipal Officers' and Employees' Ethics Act, Utah Code § 10-3-1301 *et seq.* or other applicable local ordinance.

(b) The complaint must be filed with the city recorder of the respective city on behalf of the commission;

(c) The complaint must be made by either:

(i) two or more registered voters who reside within the boundaries of the respective city; or

(ii) two or more registered voters who pay a fee or tax to the respective city; or

(iii) one or more registered voters who reside within the boundaries of the respective city plus one or more registered voters who pay a fee or tax to the respective city;

(d) The complaint must be based upon direct evidence or sworn statements by one or more people with actual knowledge of the facts and circumstances supporting the alleged ethics violation;

(e) The complaint may not be filed during the sixty (60) calendar days immediately before a municipal primary election, if the accused elected official is a candidate in the primary election;

(f) The complaint may not be filed during the sixty (60) calendar days immediately before a municipal general election in which the accused elected official is a candidate, unless the accused elected official is unopposed in the election;

(g) The complaint must be in writing and contain:

(i) the name and position of the elected or appointed official alleged to be in violation;

(ii) the name, address, and telephone number of each individual who is filing the complaint;

(iii) a description of each alleged violation of the Municipal Officers' and Employees' Ethics Act, including a reference to the section of the Act alleged to have been violated;

(iv) with reasonable specificity, evidence supporting each allegation, which shall be provided by copies of official records, documentary evidence, or affidavits that include the required information;

(v) a list of witnesses that a complainant wishes to have called or interviewed, including for each witness: the name, address, and, if available, one or more telephone numbers of the witness; a brief summary of the testimony to be provided by the witness; a specific description of any documents or evidence a complainant desires the witness to produce;

(vi) a statement that each complainant:

(A) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint;

(B) believes that the complaint is submitted in good faith and not for any improper purpose such as harassing the named elected or appointed official, causing unwarranted harm to the accused elected or appointed official's reputation, or causing unnecessary expenditure of public funds; and

(C) believes the allegations contained in the complaint to be true and accurate.

(vii) a statement with the signature of each complainant.

(2) Upon receipt of any ethics complaint, the city recorder shall select the commission using the procedures set forth in this Agreement, inform the city attorneys from the selected cities of their selection, then immediately refer the complaint to the commission. The city recorder shall not notify or inform any other person of the filing of the complaint.

(3) A person filing a complaint under this process is not entitled to reimbursement for attorney fees or costs incurred, regardless of the outcome of the proceedings.

(4) An administrative fee of $50 must be filed with the complaint. The $50 filing fee must be paid to the city where the complaint is filed. After the selected commission elects a chairperson, the $50 administrative fee will be paid to the chairperson's city to defray the costs of administering the complaint.

(B) **Privacy.**

(1) Once an ethics complaint has been filed with the city recorder, neither the city recorder, the commission, nor any of the city's employees may disclose the existence of the complaint, any response to the complaint, or any information concerning the alleged ethics violation that is the subject of the complaint, unless otherwise provided by law.

(2) Nothing in the restrictions above may be construed to hinder or prevent a person from disclosing the facts or allegations about potential criminal violations to a law enforcement authority.

(3) Nothing in this section may be construed to hinder or prevent the named elected or appointed official from preparing a defense to a complaint, including contacting witnesses or taking other actions in preparation for review by the commission.

(4) Nothing in this section may be construed to hinder or prevent any person from disclosing public records.

(5) If any employee or official of the cities publicly discloses any private information, appropriate disciplinary action may be taken against such individual.

(6) If a complainant publicly discloses any private records or information obtained from private records, the commission may summarily dismiss the complaint without prejudice.

(7) All records received by or generated by or for the commission are private and not subject to disclosure or release, except for the commission's summary findings and recommendation for the governing body or any document that is classified as public in accordance with Utah Code § 63G-2-301.

(C) **Initial review of complaint.**

(1) Within ten (10) business days after receipt of an ethics complaint, the commission shall examine the complaint to determine if it is in compliance with the filing requirements of paragraph 6.(A).

(2) If the commission determines that the complaint does not comply with the filing requirements, the commission shall return the complaint to the first complainant named on the complaint with a statement detailing the reason(s) for non-compliance. At the same time, the commission shall notify the mayor, city manager, and the city attorney that a complaint filed against an unidentified elected or appointed official has been returned for non-compliance and the fact that a complaint was filed and returned shall be kept confidential from all others until the commission submits its annual summary report to the respective governing bodies and to the city managers. If a complaint is returned by the commission, the complainants may file another complaint if the new complaint independently meets the filing requirements.

(3) If the commission determines that the complaint complies with the filing requirements, the commission shall:

(a) Accept the complaint;

(b) Promptly forward the complaint to the elected or appointed official who is named in the complaint, together with directions for providing a response to the commission; and

(c) Notify the complainants, the named elected or appointed official, the city recorder, and any support staff of the commission of the privacy requirements.

(4) At its discretion, the commission may determine whether the subject of the complaint should be investigated by a law enforcement agency.

(5) If the commission learns that the subject of the complaint is under criminal investigation, the commission may suspend its review of the complaint pending the resolution of the criminal investigation.

(6) The named elected or appointed official shall have the right to present an answer to the complaint. The answer may contain statements, arguments, and evidence. The answer must be filed within ten (10) business days from the date the complaint was forwarded to the elected or appointed official.

(7) The commission shall dismiss an ethics complaint if:

(a) The named elected or appointed official resigns or is removed from office;

(b) The named elected or appointed official is charged with a criminal violation of the Municipal Officers' and Employees' Ethics Act where the facts and allegations presented in the ethics complaint assert substantially similar facts and allegations as those asserted in the criminal charges; or

(c) The allegations in the complaint, if assumed to be true, do not state a violation of the Municipal Officer's and Employees' Ethics Act.

(D) **Consideration of complaint after acceptance.**

(1) After acceptance of a complaint, the commission has the discretion to:

(a) Conduct a confidential, independent administrative investigation of the complaint;

(b) Refer the matter to an independent non-criminal investigator for fact finding and investigation and consider the confidential report of the investigator; (c) Conduct a hearing in accordance with Subsection (2) of this Section; or

(d) Any combination of the above.

(2) If the commission uses a hearing to review the complaint, the commission shall:

(a) Assure that the hearing includes opening arguments, presentation of evidence, witnesses and rebuttal, consideration of motions, and closing arguments;

(b) Close the hearing to the public;

(c) Allow the complainants and the named elected or appointed official to retain legal representation, at their discretion; and

(d) Provide administrative subpoenas pursuant to its subpoena powers.

(3) For any hearing the commission must provide a notice to the first named complainant and the named elected or appointed official at least five (5) business days prior to the hearing.

(4) The commission shall determine whether the subject matter of the complaint was previously the subject of a filing, public disclosure, or a city attorney ethics advisory opinion. The commission shall take into consideration efforts by the named elected or appointed official to seek legal direction regarding the subject matter of the complaint and any good faith efforts by the named elected or appointed official in response to legal advice received.

(5) The commission shall ensure that a record of any commission meeting or hearing is made, which shall include:

(a) Audio recordings, if any;

(b) Official summaries or minutes taken during the meeting or hearing;

(c) Copies of all documents or other items admitted into evidence or considered by the commission;

(d) Copies of a document or written order or ruling issued by the commission; and

(e) Any other information the commission deems relevant to the findings and recommendation.

(E) **Contempt powers.**

(1) The commission may hold a person in contempt if the person:

(a) Refuses to answer a question, without legal justification, after being directed by the commission to answer; or

(b) Fails to comply with a subpoena issued by the commission.

(2) Upon finding a person in contempt, the commission shall report the person to the Fourth District Court and request a warrant of attachment or order to show cause, as provided in Utah Code § 78B-6-313.

(F) **Request by elected or appointed official for legal representation.**

(1) The named elected or appointed official may request that their city provide a legal defense if the complaint arises from an act or omission during the performance of official duties, within the scope of employment, or under the color of authority.

(2) The respective city may arrange for such legal defense, where appropriate.

(G) **Determination by commission.**

(1) After review of the complaint, the commission shall determine whether there is clear and convincing evidence supporting a violation of the Municipal Officers' and Employees' Act or applicable local ordinance by the named elected or appointed official. If there are multiple alleged violations, the commission shall separately determine whether clear and convincing evidence supports each violation.

(2) If the commission determines that no allegations in the complaint were proved, the commission shall:

(a) Issue an order that the complaint is dismissed because no allegations in the complaint were found to have been proven;

(b) Provide notice of the determination of an unidentified subject of a complaint (elected or appointed official) at a regular public meeting of the respective city's council; and

(c) Provide written notice of the determination to the named elected or appointed official and the first named complainant on the complaint.

(3) If the commission determines that one or more of the allegations in the complaint were proved, the commission shall:

(a) Prepare written summary findings and a recommendation for the respective city's council:

(i) Listing the name of each complainant and the name of the subject elected or appointed official;

(ii) For each allegation that was proven:

(A) Provide the reference to the Municipal Officers' and Employees' Act or applicable local ordinance;

(B) Summarize the evidence supporting a violation by clear and convincing evidence;

(C) Make factual findings; and

(iii) Recommend appropriate action to the respective city's council.

(b) Notify the named elected or appointed official and the first complainant on the complaint of the written summary findings and recommendation for the respective city's council; and

(c) Orally report the summary findings and recommendation to the respective city's council in a regular meeting of the city council.

(4) If the commission finds a violation of the Municipal Officers' and Employees' Ethics Act or applicable local ordinance, the commission may recommend to the respective city's council any appropriate action or remedy, including but not limited to censure, reprimand, additional ethics training, or removal from office. The commission's recommendation may depend on the severity of the violation, the elected or appointed official's intent, any history or pattern of abuse by the named elected or appointed official, and any economic or other benefit received by the named elected or appointed official.

(H) Annual commission report.

(1) The commission shall prepare, on an annual basis, a summary report that contains:

(a) A general description of the activities of the commission during the past year;

(b) The number of ethics complaints filed with the commission;

(c) The number of ethics complaints dismissed; and

(d) An executive summary of each complaint where the commission found a violation of the Municipal Officers' and Employees' Ethics Act or applicable local ordinance.

(2) The annual report of the commission shall be filed with the governing bodies and with the city managers and shall be a public record.

II. NO NEW ENTITY

This agreement is not intended to create a new or separate entity, as contemplated by the Interlocal Agreement Act.

III. TERMINATION AND ADDITION OF CITIES

1. **Termination.** This agreement shall terminate fifty (50) years from the date the last party enters into the agreement. Any party may withdraw from this agreement upon thirty (30) days' written notice, with or without cause.

2. **Addition of Cities.** A city that is not a party to this agreement, may become a Participating City if: (1) the city agrees to be bound by the terms of this agreement; and (2) a majority of the Participating Cities that are bound by this agreement at the time of the request approve of the new city's participation.

EXHIBIT A

This Agreement becomes effective as to each Participating City upon the date each Participating City executes the Agreement.

PAYSON CITY

Date:_____

_____
Rich Moore
Mayor

ATTEST:

APPROVED AS TO FORM:

_____
City Recorder

_____
Mark Sorensen
City Attorney

PLEASANT GROVE CITY

Date: _____

_____
Bruce W. Call
Mayor

ATTEST:

APPROVED AS TO FORM:

_____
Kathy T. Kresser
City Recorder

_____
Christina Peterson
City Attorney

EXHIBIT A

SPANISH FORK CITY

Date: _____

_____
G. Wayne Andersen
Mayor

ATTEST:

APPROVED AS TO FORM:

_____
Kent Clark
City Recorder

_____
S. Junior Baker
City Attorney

SALEM CITY

Date: _____

_____
Mayor

ATTEST:

APPROVED AS TO FORM:

_____
City Recorder

_____
S. Junior Baker
City Attorney

EXHIBIT A

CITY OF OREM

Date:_____

_____
Richard Brunst
Mayor

ATTEST:

APPROVED AS TO FORM:

_____
Donna Weaver
City Recorder

_____
Greg Stephens
City Attorney

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED SEPTEMBER 2014

Percent of Year Expired: 25%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2015	% To Date FY 2014	Notes
10 GENERAL FUND								
Revenues	44,787,403	3,361,598	7,480,083			17%		
Appr. Surplus - Prior Year	1,746,664		1,746,664			100%		
Std. Interfund Transactions	4,646,102		4,646,102			100%		
Total Resources	51,180,169	3,361,598	13,872,849		37,307,320	27%	25%	
Expenditures	51,180,169	3,168,894	12,537,278	1,269,578	37,373,313	27%	30%	
20 ROAD FUND								
Revenues	2,305,000	235,498	236,308			10%		
Appr. Surplus - Prior Year	953,808		953,808			100%		
Total Resources	3,258,808	235,498	1,190,116		2,068,692	37%	47%	
Expenditures	3,258,808	719,588	1,438,875	275,647	1,544,286	53%	58%	
21 CARE TAX FUND								
Revenues	1,710,000	144,881	146,588			9%		
Appr. Surplus - Prior Year	1,881,958		1,881,958			100%		
Total Resources	3,591,958	144,881	2,028,546		1,563,412	56%	85%	1
Expenditures	3,591,958	174,429	1,017,103	24,324	2,550,531	29%	12%	1
30 DEBT SERVICE FUND								
Revenues	7,341,116	55,972	340,693			5%		
Appr. Surplus - Prior Year	13,221		13,221			100%		
Total Resources	7,354,337	55,972	353,914		7,000,423	5%	28%	
Expenditures	7,354,337	66,647	75,515		7,278,822	1%	2%	
45 CIP FUND								
Revenues	240,000	56,864	56,864			24%		
Appr. Surplus - Prior Year	875,159		875,159			100%		
Total Resources	1,115,159	56,864	932,023		183,136	84%	89%	
Expenditures	1,115,159	42,333	85,094	859,484	170,581	85%	21%	2
51 WATER FUND								
Revenues	12,611,377	1,190,217	5,261,413			42%		
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	1,190,217	9,988,640		7,349,964	58%	51%	
Expenditures	17,338,604	493,174	4,933,429	1,971,028	10,434,147	40%	30%	
52 WATER RECLAMATION FUND								
Revenues	7,027,851	643,681	2,051,866			29%		
Appr. Surplus - Prior Year	1,666,509		1,666,509			100%		
Total Resources	8,694,360	643,681	3,718,375		4,975,985	43%	37%	
Expenditures	8,694,360	324,928	2,431,559	918,553	5,344,248	39%	37%	
55 STORM SEWER FUND								
Revenues	3,110,500	247,902	844,131			27%		
Appr. Surplus - Prior Year	386,367		386,367			100%		
Total Resources	3,496,867	247,902	1,230,498		2,266,369	35%	45%	
Expenditures	3,496,867	260,353	1,344,191	93,130	2,059,546	41%	40%	
56 RECREATION FUND								
Revenues	1,667,200	113,222	583,097			35%		
Appr. Surplus - Current Year	158,888		158,888			100%		
Appr. Surplus - Prior Year	4,857		4,857			100%		
Total Resources	1,830,945	113,222	746,842		1,084,103	41%	21%	3
Expenditures	1,830,945	152,785	602,815	148,317	1,079,813	41%	38%	
57 SOLID WASTE FUND								
Revenues	3,397,000	288,669	865,288			25%		
Appr. Surplus - Prior Year	24,450		24,450			100%		
Total Resources	3,421,450	288,669	889,738		2,531,712	26%	26%	
Expenditures	3,421,450	248,202	885,563		2,535,887	26%	36%	

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED SEPTEMBER 2014

Percent of Year Expired: 25%

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	74,377	837,394			56%		
Appr. Surplus - Prior Year	231,180		231,180			100%		
Total Resources	1,716,180	74,377	1,068,574		647,606	62%	59%	
Expenditures	1,716,180	100,502	267,460	269,884	1,178,836	31%	30%	
61 FLEET MAINTENANCE FUND								
Std. Interfund Transactions	652,000		652,000			100%		
Total Resources	652,000		652,000			100%	100%	
Expenditures	652,000	32,186	242,739	43,555	365,706	44%	38%	
62 PURCHASING/WAREHOUSING FUND								
Revenues		15	45			100%		
Appr. Surplus - Current Year	33,000		33,000			100%		
Std. Interfund Transactions	330,000		330,000			100%		
Total Resources	363,000	15	363,045		-45	100%	100%	
Expenditures	363,000	20,180	132,605	991	229,404	37%	32%	
63 SELF INSURANCE FUND								
Revenues	500,000	38,629	119,275			24%		
Std. Interfund Transactions	1,175,000		1,175,000			100%		
Total Resources	1,675,000	38,629	1,294,275		380,725	77%	78%	
Expenditures	1,675,000	32,185	959,508	505	714,987	57%	61%	
74 CDBG FUND								
Revenues	814,408	8,462	36,001			4%		
Appr. Surplus - Prior Year	471,313		471,313			100%		
Total Resources	1,285,721	8,462	507,314			39%	25%	
Expenditures	1,285,721	43,671	179,454	5,000	1,101,267	14%	15%	
CITY TOTAL RESOURCES	105,258,378	6,385,610	37,768,175		66,711,796	36%	39%	
CITY TOTAL EXPENDITURES	105,258,378	5,779,555	26,865,728	5,610,112	72,782,538	31%	29%	

NOTES TO THE BUDGET REPORT FOR THE MONTH ENDED SEPTEMBER 2014:

1) The current year percentages are signifacantly different than the prior year due to the budgeted amounts for the fitness center pool remodel and expansion project no longer being such a large portion of the budgeted amounts.

2) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances ($859,484) being significantly more than in the prior fiscal year ($54,394) at this date in time. Primarily due to the MAG ITS capital project.

3) 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.

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).

Agenda items 18 & 19 Ethics Commission Bob Wright 1010 N. 700 W

I am in favor of a Municipal Ethics Commission between Cities, because the present City Ethics Ordinance is not being enforced. In fact former City Attorney Johnson stated that he personally would not litigate against his own employer the City Council and management.

I believe the City Attorney should be held responsible under his Oath Of Office as an Attorney, to uphold and enforce the State Ethics Law and City Ordinance..

There is no teeth in this new Municipal Ethics Commission by referring their findings back to the City Council for action, when very likely the City Council is the offender.

1. Is there going to be a yearly membership fee?
2. Will this new Ethics Commission have a salaried staff?
3. How would Citizens file a complaint, and to whom?
4. I believe this needs more study, answers and teeth.

UTAH VALLEY
CHAMBER of COMMERCE

University Mall Community Development
By Renae Deighton
October 22, 2014

The Utah Valley Chamber of Commerce supports the University Mall CDA (Community Development Area) and the redevelopment project as a whole. Orem urgently needs office space that will allow growing businesses to stay in Orem and will bring additional businesses to Orem. This project provides that needed office space along with high quality housing, new retail and a wonderful park and other green space. This transformation from being a mall to a multi-use community gathering place will bring at least 2500 new jobs, new business opportunities and new gathering places for our community.

The CDA tool as Orem is using it poses no risk to taxpayers, provides incentive for the Woodbury Corporation to investment in the future of Orem and actually increases tax dollars going to the various taxing entities that get funding from property taxes, including Orem City and Alpine School District. Woodbury Corporation will continue to pay every dollar in property taxes that it currently pays. No one, not taxpayers, not Alpine School District, no one is having tax dollars taken away. The property tax rebate is only a portion of the increase in property taxes (due to the redevelopment) for twenty years.

This CDA is particularly attractive because it goes to fund infrastructure to support the new development and surrounding areas and not to any individual business.

In addition to increased property taxes, the development will increase sales tax and franchise tax revenue.

The opportunity cost if the petition is successful and this matter is forced to a vote next year is significant; lost tax revenue, lost leases, and possible loss of significant portions of the project. We hope the citizens of Orem will not support the petition drive and will instead support this innovative and exciting project for the benefit of all of Orem.

Item to be considered on November 11, 2014

1. **Billboard Signs** – Amending Section 22-14-29, Section 14-3-3, and Section 14-3-4 of the Orem City Code pertaining to outdoor advertising requirements

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:

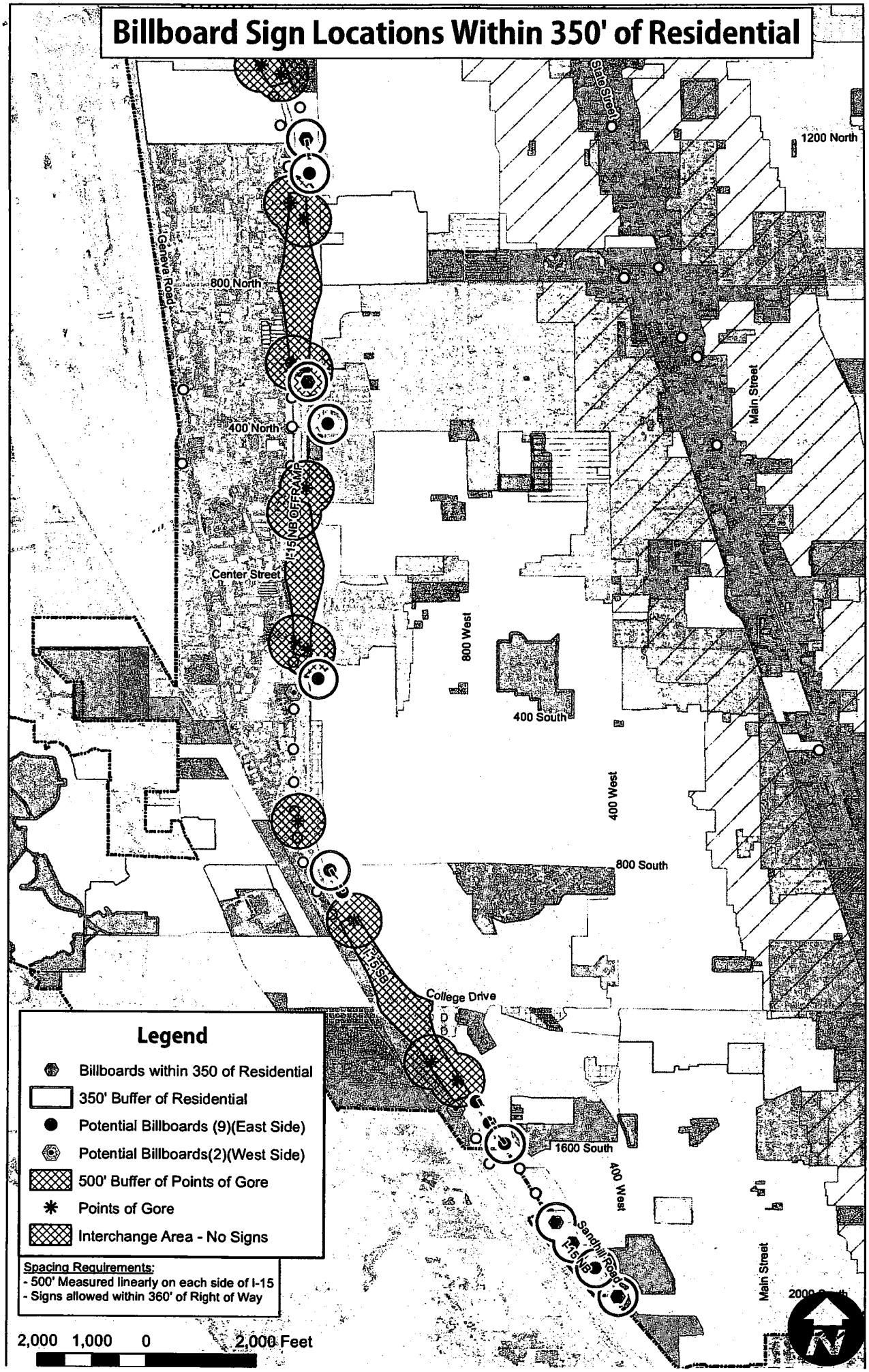
1. A sign permit is required for an EMC sign.
2. EMC signs shall not be flashing signs.
3. EMC signs may have motion.
4. Brightness on EMC signs shall not exceed 0.3 lumens above ambient light.
5. EMC signs are only allowed as part of a monument sign, pole sign, wall sign or legal billboard. However, 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.~~

Billboard Sign Locations Within 350' of Residential



STATE STREET CORRIDOR MASTER PLAN

Recapturing Community Corridors

City Council Engagement

IBI GROUP

October 28, 2014

Discussion Agenda

- Project Overview
- Public Outreach Plan
- Emerging Trends
- Master Plan Elements
- Mobility Concepts

...a city rich with pioneering spirit
and nurturing values
is ripe with opportunity

Project Overview

- Consultant Selection
- Competition Creativity
- Steering Committee
- Brand Committee
- City Council Engagement
- Stakeholder Committee
- Public Involvement
- Planning Process

"The street is the river of life of the city, the place where we come together, the pathway to the center."
William H. Whyte

Come
GROW
with US
Orem, UT

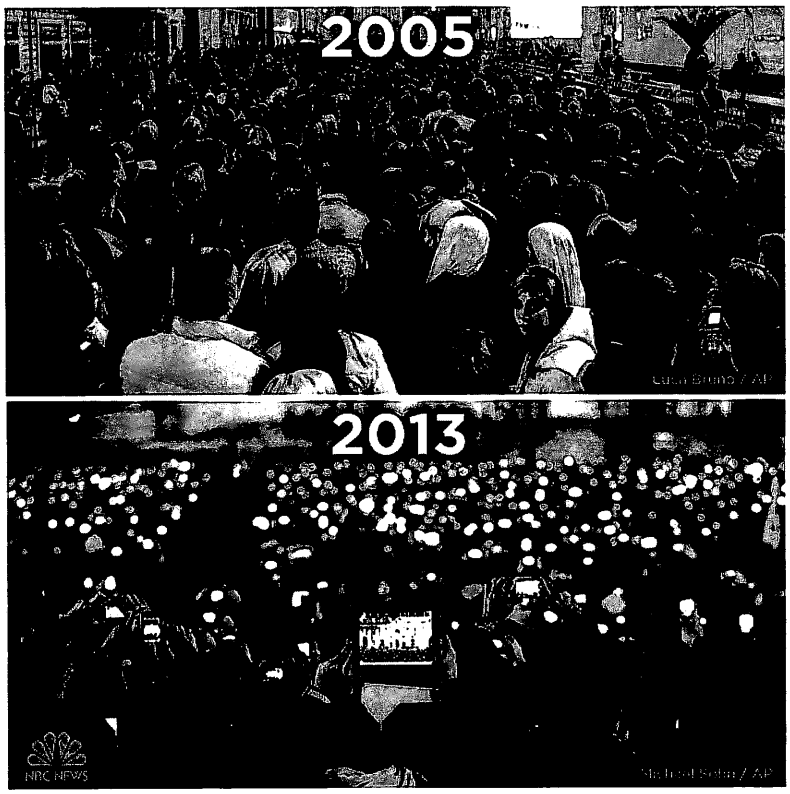
STATE STREET CORRIDOR MASTER PLAN

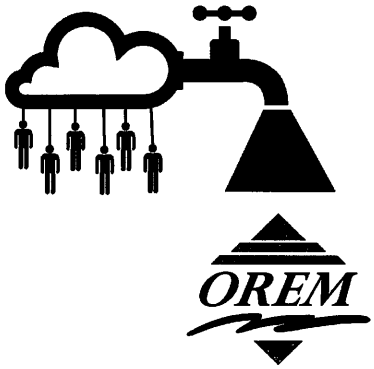
Public Outreach/ Communications Plan

IBI GROUP

October 28, 2014

We need to change our approach to consultation



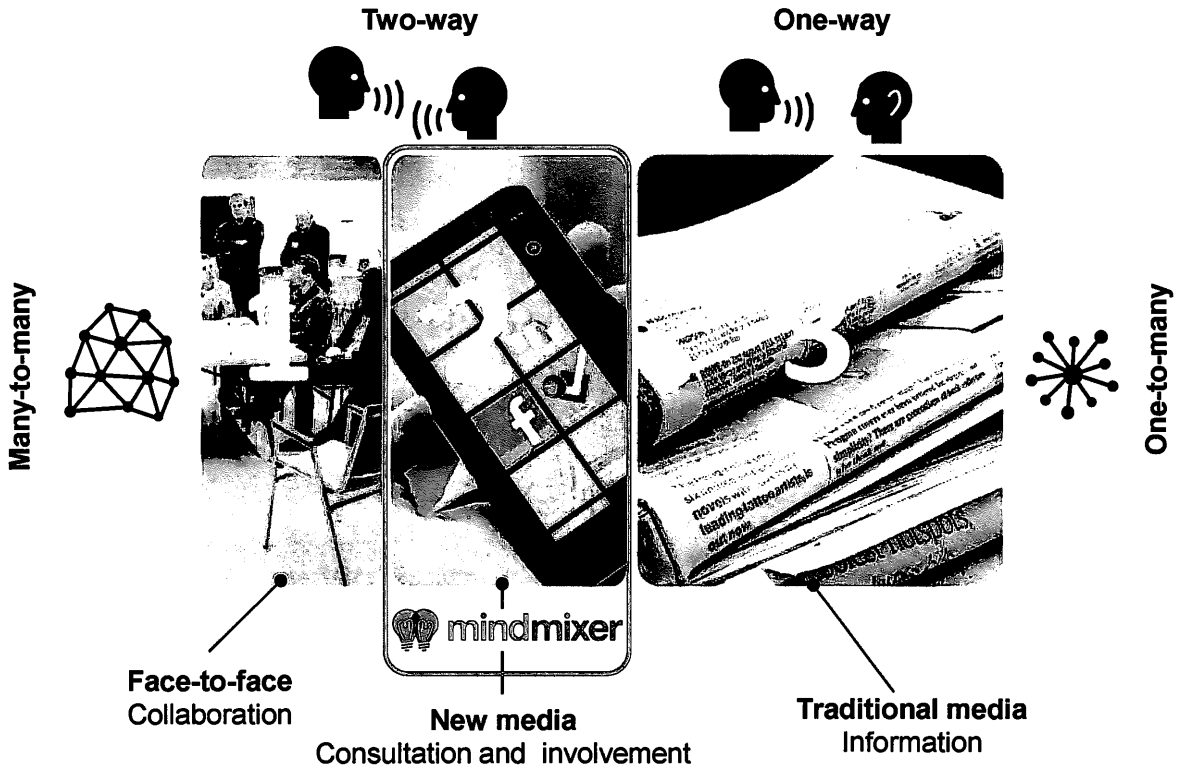


- The public is now a producer, not only a consumer of information
- They are the 'silent majority' that can be tapped for valuable insights

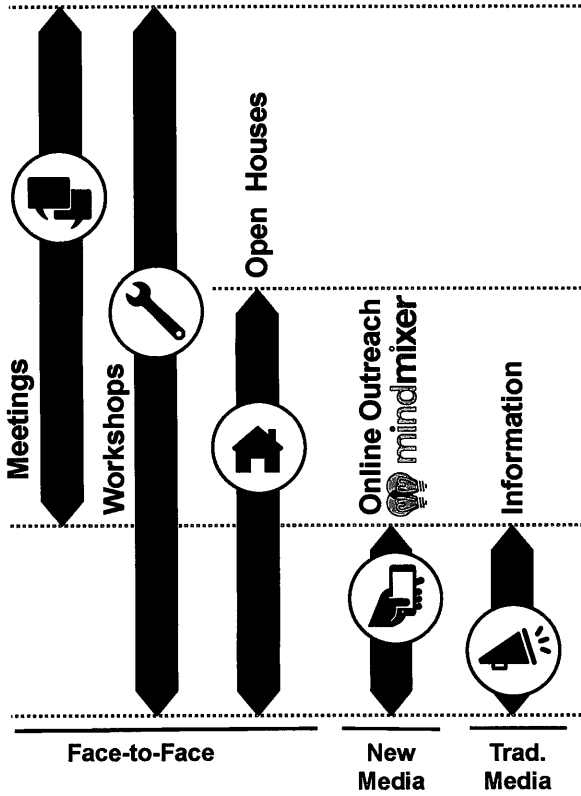
The eight 'Do's' of successful outreach

1. **Believe public outreach is an asset for the process**
   (it's more than just 'checking the box')
2. **Understand the needs of your stakeholders**
   (select the best engagement method)
3. **The information/awareness stage is essential**
   (it will drive the response rate – for sure)
4. **Graphic content increases interest substantially**
   (always prefer graphic-centered methods)
5. **Participants expect to be updated regularly**
   (provide something new each 1-2 weeks)
6. **Less committed citizens should be brought in**
   (allow for simple forms of participations + offer rewards)
7. **Ensuring a two-way conversation is key**
   (build on people's previous participation)
8. **Make sense of all that information**
   (it's connecting the dots that counts)

A tailored approach to public outreach



Project stakeholders and communication channels



Involved Agencies

- City of Orem
- Utah DOT
- Utah Transit Authority
- Mountainland Association of Governments

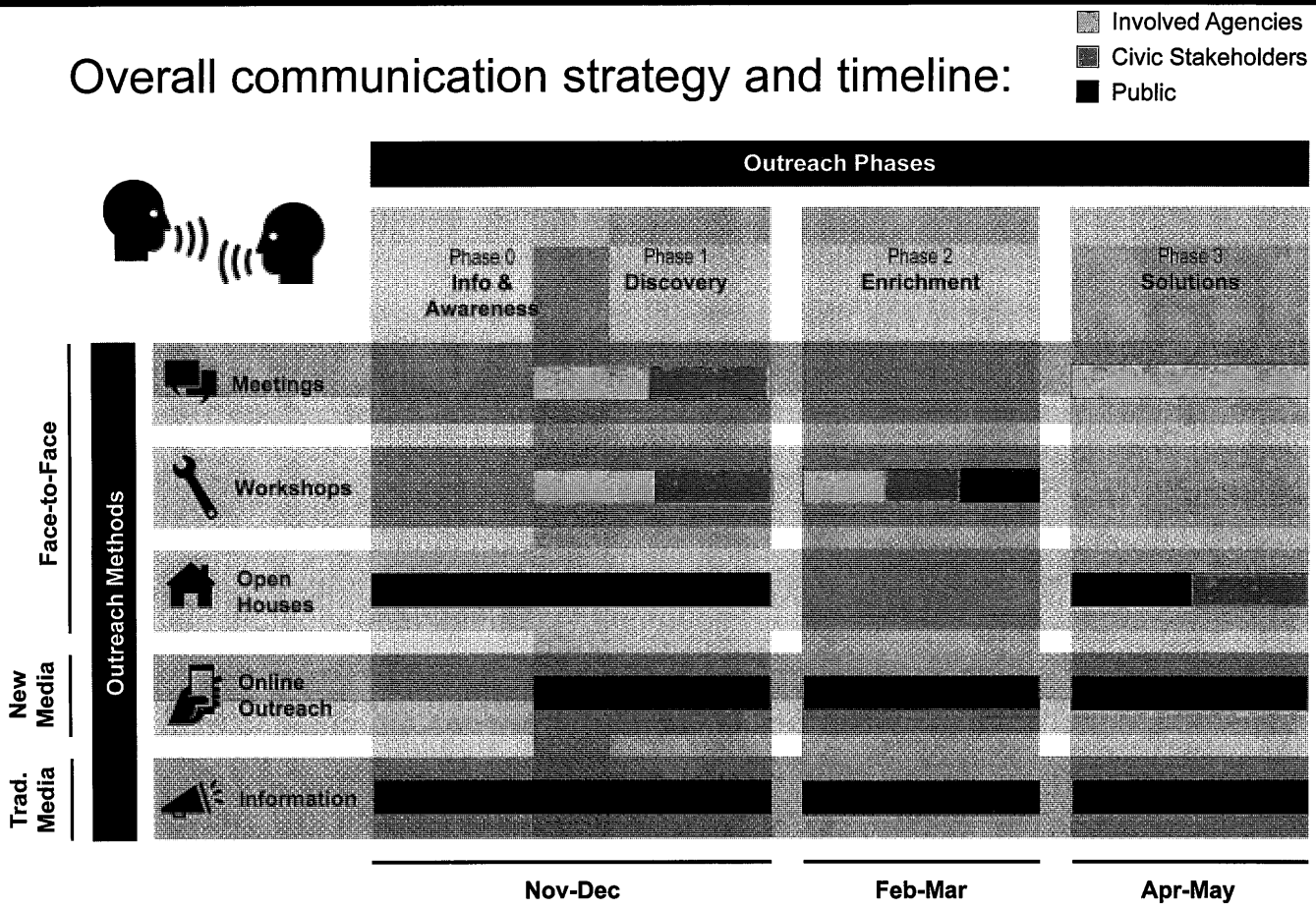
Civic Stakeholders

- Utah Valley Chamber of Commerce
- Local Businesses
- Community/Non-profit organizations

Public

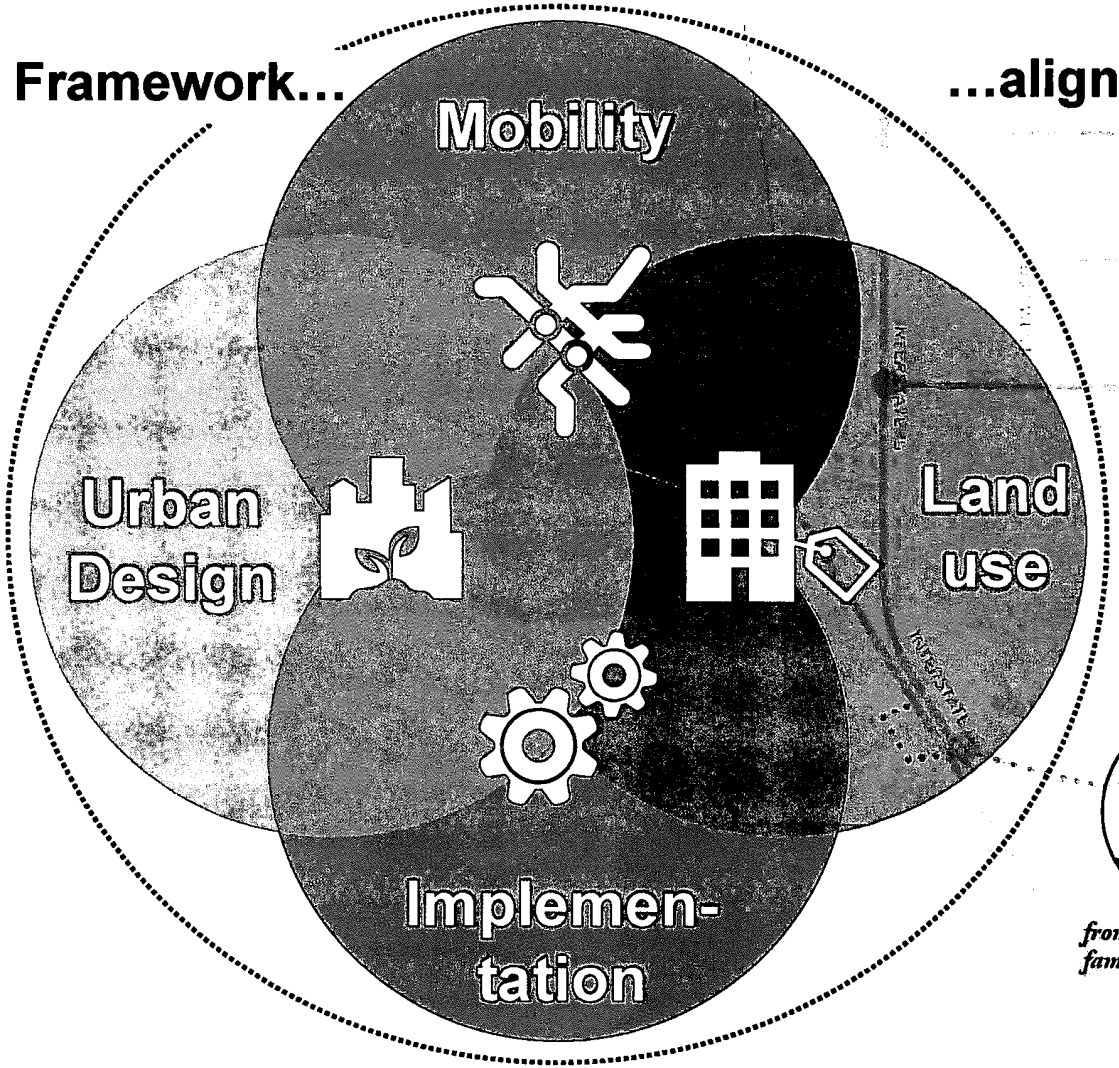
- Property owners along State Street
- Orem residents at large

Overall communication strategy and timeline:

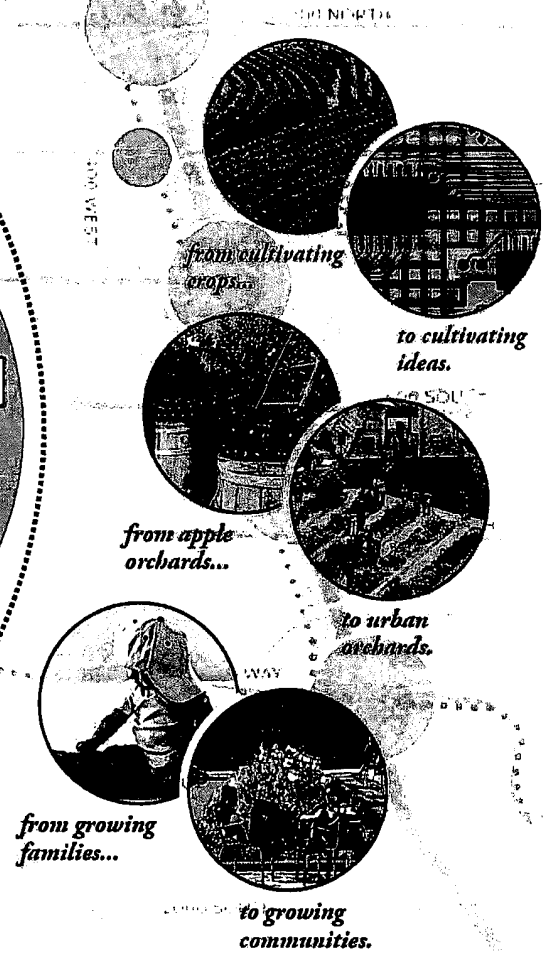


Integrated themes for public outreach: No silos here either!

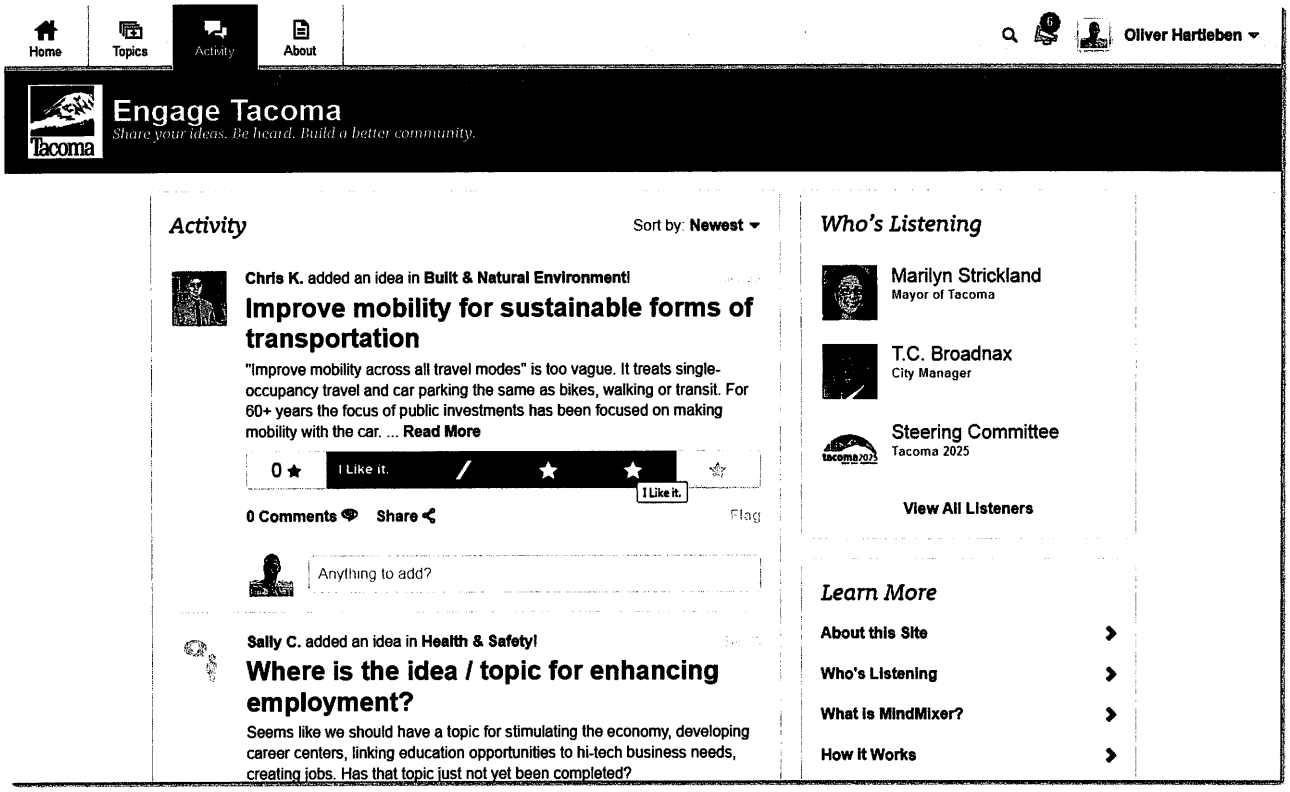
The Framework…



…aligned with the Vision:



Continued use of the online platform for civic engagement

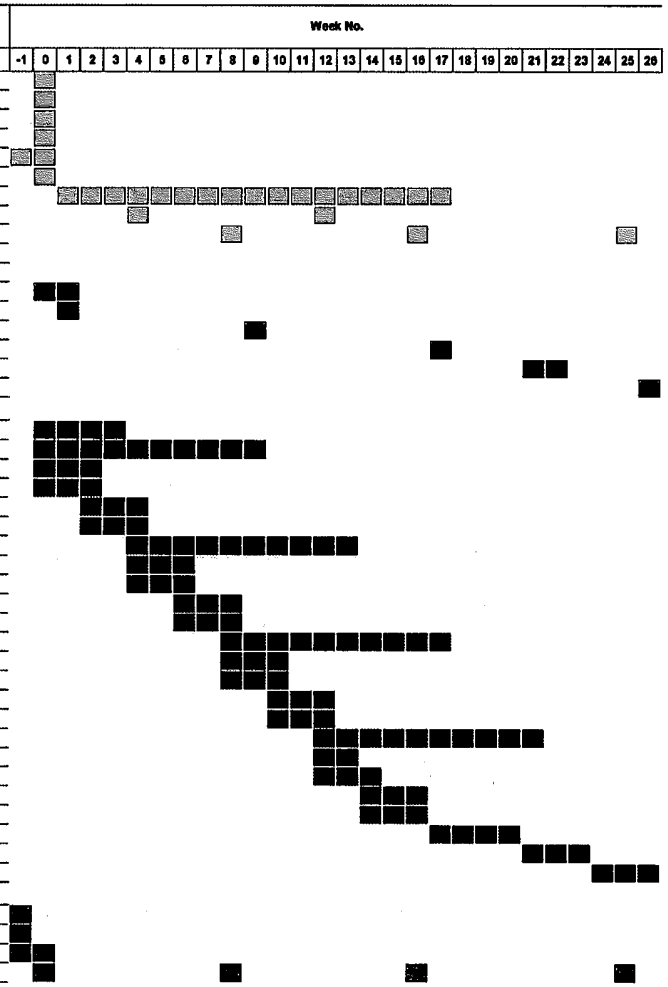


Public Outreach / Communications Plan

State Street , Orem

Communications Plan Schedule

Phase	Code	Communication Action	Responsible	Audience	Guiding Question /Theme
Public Information: One-to-many, one-way					
0	1	Kickoff Newsletter / Utility Bill Flyer	Orem	Citizens	"Check the MM site out!"; "Come to the project's open house!"
	2	Kickoff Facebook/Twitter Promotion	Orem	Citizens	"Check the MM site out!"; "Come to the project's open house!"
	3	Kickoff Email Blast	Orem	Citizens	"Check the MM site out!"; "Come to the project's open house!"
	4	Outgoing Email Footer	Orem	E-mail recipients	"We are planning the State Street of the Future"; "Check the MM site out!"
	5	Kickoff Package to Social Influencers	Orem	Social Influencers	"Help us spread the word!"; "Can you invite your members/users/community to participate?"
	6	Social Influencer Promotion	Orem	Organized community	[use of the package by social influencers]
I & II	7	Facebook/Twitter Promotion	Orem	Citizens	"Check this topic @ the MM site out!"; "What's going on with State Street's visioning process?"
	8	Information Newsletters / Utility Bill Flyers	Orem	Citizens	"Check this topic @ the MM site out!"; "What's going on with State Street's visioning process?"
	9	Event Invitation Newsletters / Utility Bill Flyers	Orem	Citizens	"What's going on with State Street's visioning process?"; "Come participate in the _____!"
III	10	Project Outcome Newsletter / Community Report	Orem	Citizens	"This is our vision for State Street!"
Physical Events: One-to-one; two-way					
I	11	Initial stakeholder meetings	Orem/IBI	Public agencies / Civic stakeholders	"What are your concerns, needs, and aspirations re: State Street?"
	12	Kickoff Open House	IBI	Citizens	"Meet the team!"; "This is what we are going to be doing"; "Here are some initial ideas"; "Sign up for MM!"
II	13	Visioning workshop	IBI	Citizens / Agencies/ Civic stakeholders	"What ideas do you have for State Street?" "How would you imagine the State Street of the future?"
	14	Design workshop	IBI	Citizens / Agencies/ Civic stakeholders	"What do you think of these alternatives?" "How can we make them better?"
III	15	Stakeholder feedback meetings	Orem/IBI	Public agencies / Civic stakeholders	"Here is the draft plan for State Street – how can we improve it?"
	16	Final open house	IBI	Citizens	"This is our vision for State Street!"; "What do you think of it?"
Online Participation: One-to-many; two way					
I	17	Visual Teaser Survey	IBI	Citizens	"If you could reimagine State Street, which one of these street layouts would you choose?"
	18	Orem Favorites Photoshare	IBI	Citizens	"Show everyone the places you like in Orem. Upload a photo!"
	19	User Information Survey	IBI	Citizens	"Tell us about yourself! How do you use State Street? What do you like/dislike about it?"
	20	State Street Satisfaction Poll	IBI	Citizens	"Do you like / dislike State Street as it is today?"
	21	Most Important Change Proposal	IBI	Citizens	"If you could change one thing about State Street, what would it be?"
	22	Retail Satisfaction Poll	IBI	Citizens	"How do you rate the retail quality and variety along State Street?"
	23	Walkable Places Photoshare	IBI	Citizens	"We'd like to know the urban places you like to go to in the Salt Lake City region. Upload a photo!"
	24	One Word Description	IBI	Citizens	"If you could describe the existing condition of State Street with one word, what would it be?"
	25	Traffic Satisfaction Poll	IBI	Citizens	"How is traffic on State Street?"
	26	Walkability Tradeoff Survey	IBI	Citizens	"Choices, choices. If you had to decide, which street / community design option would you prefer?"
	27	Walkability Poll	IBI	Citizens	"How walkable is State Street now?"
	28	Favorite Street Photoshare	IBI	Citizens	"What is your favorite street? Share a photo from your trips or from the web!"
	29	One Word Vision	IBI	Citizens	"Express your future vision of State Street in one word!"
	30	Street Vision Poll	IBI	Citizens	"Which of the following options best describes what you'd like to see happening on State Street?"
	31	Building Typology Survey	IBI	Citizens	"What types of buildings would you like to see along State Street? Choose from the different options!"
	32	Safety Poll	IBI	Citizens	"How safe is State Street now? Would you cross the street with kids?"
II	33	Design Components Photoshare	IBI	Citizens	"What type of streetscape enhancements would you like to see on State Street?
	34	Ideas for State Street	IBI	Citizens	"How should we design State Street? Share your ideas!"
	35	Street Character Poll	IBI	Citizens	"If you had a magic wand, in which of the following would you transform State Street?"
	36	Idea Prioritization	IBI	Citizens	"Here are the runner-up ideas proposed by the community. Which one do you like best?
	37	Alternatives Poll	IBI	Citizens	"What do you think of the following alternatives for State Street?"
	38	Design Ideas Poll	IBI	Citizens	"These are some of the design ideas produced at the workshop. Which ones do you like?"
III	39	Initial Concept Poll	IBI	Citizens	"These are our initial concepts for the future of State Street. Tell us what you think!"
	40	Urban Design Survey	IBI	Citizens	"The final designs of our consultants are in. Do you like what they are proposing for State Street?"
Other Activities					
0	41	Public Outreach Process Branding	IBI	N/A	N/A
	42	Setup of MM Platform	IBI	N/A	N/A
	43	Production of Information Material	IBI	N/A	N/A
I-III	44	Preparation of Open Houses/Workshops	Orem/IBI	N/A	N/A



Information activity
Physical Activity
Online activity
Photo upload (production of content)
Additional / preparation activities

Project Identity / Brand Analysis

Promotional Video

Prepared by Blakeslee Advertising

OREM

STATE STREET CORRIDOR MASTER PLAN

Emerging Trends

THAT WILL LIKELY IMPACT STATE STREET AND HOW IT SHOULD BE DESIGNED

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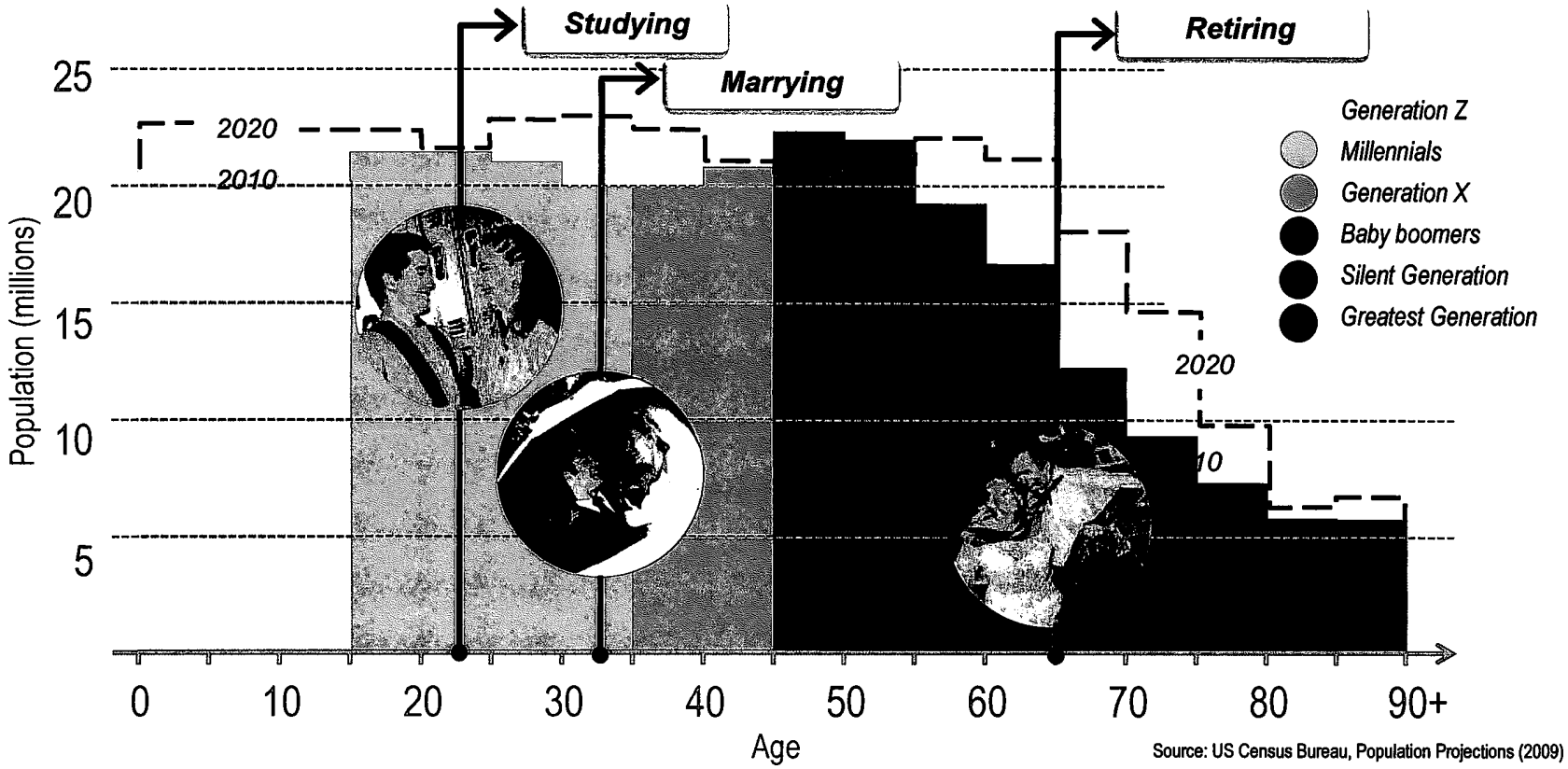
October 28, 2014

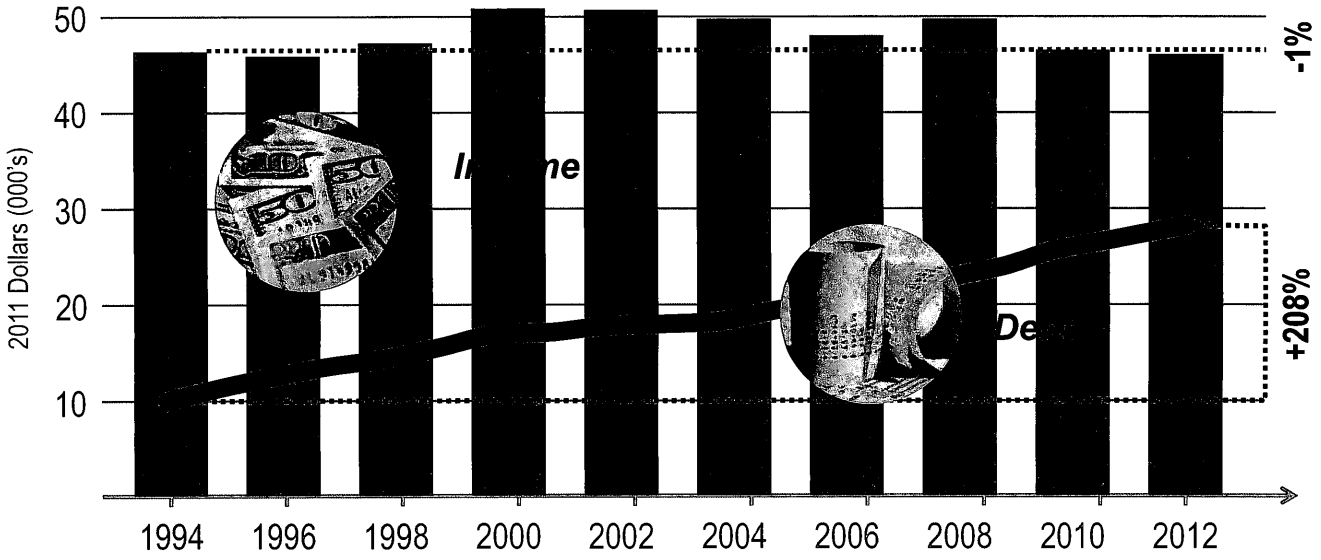
Trend 1: Baby Boomers & Millennials – the largest generations in US history – are at key moments in their life cycle:



Source: US Census Bureau, Population Projections (2009)

Relevance for Orem: Tap into opportunities to address residential downsizing and home-buying needs.

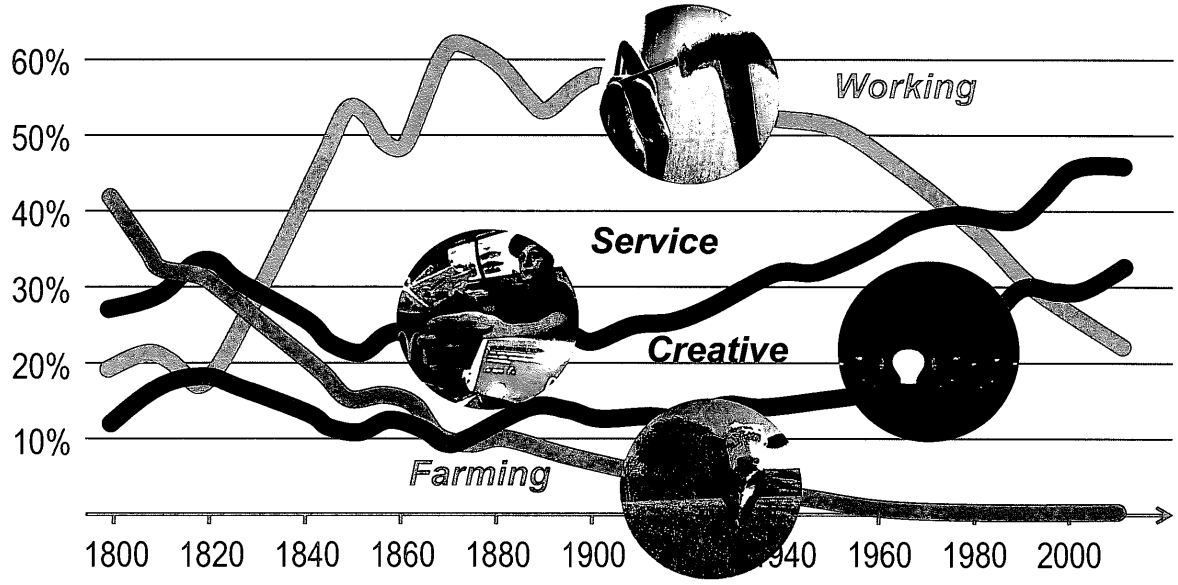
Trend 2: Debt for Millennials has skyrocketed, but incomes have stagnated over the past decades:



Source: Hamilton Place Strategies (2013)

Relevance for Orem: Buying a car and operating it is too expensive for young people, so locations with good transit access will be coveted

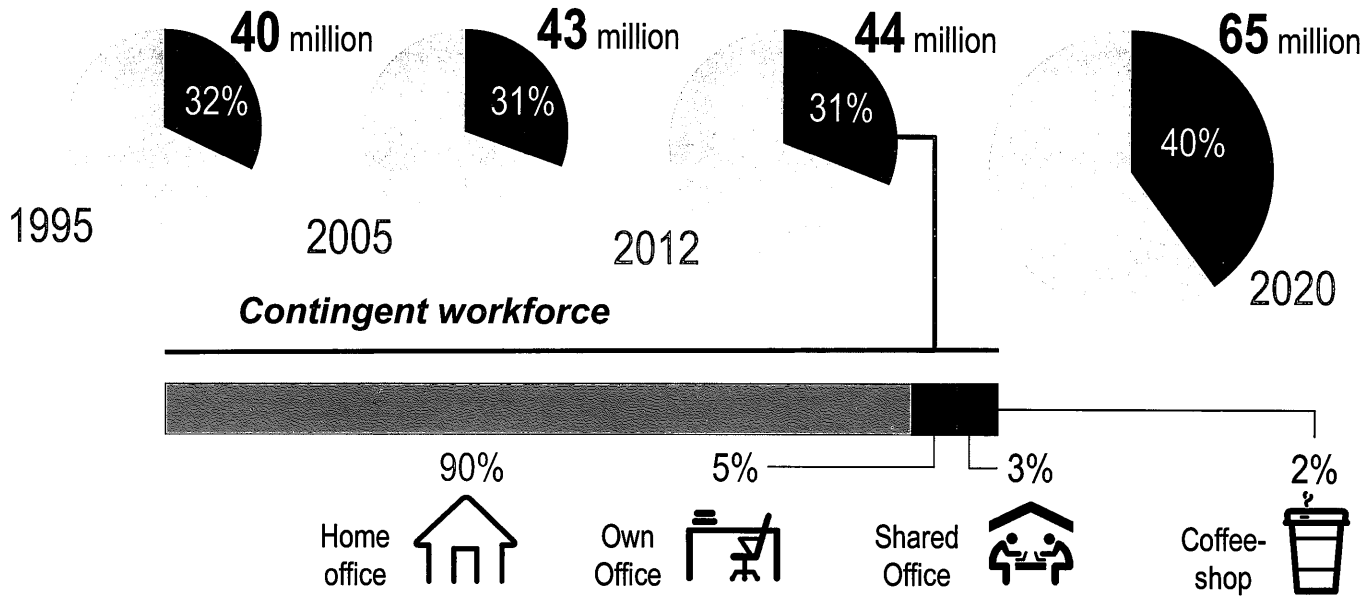
Trend 3: Low-tech, heavy industry is losing to high-tech, virtual manufacturing – the knowledge economy:



Source: Richard Florida, *The Rise of the Creative Class Revisited* (2012)

Relevance for Orem: Include vibrant, active, mixed-use urban places that encourage connections between knowledge workers.

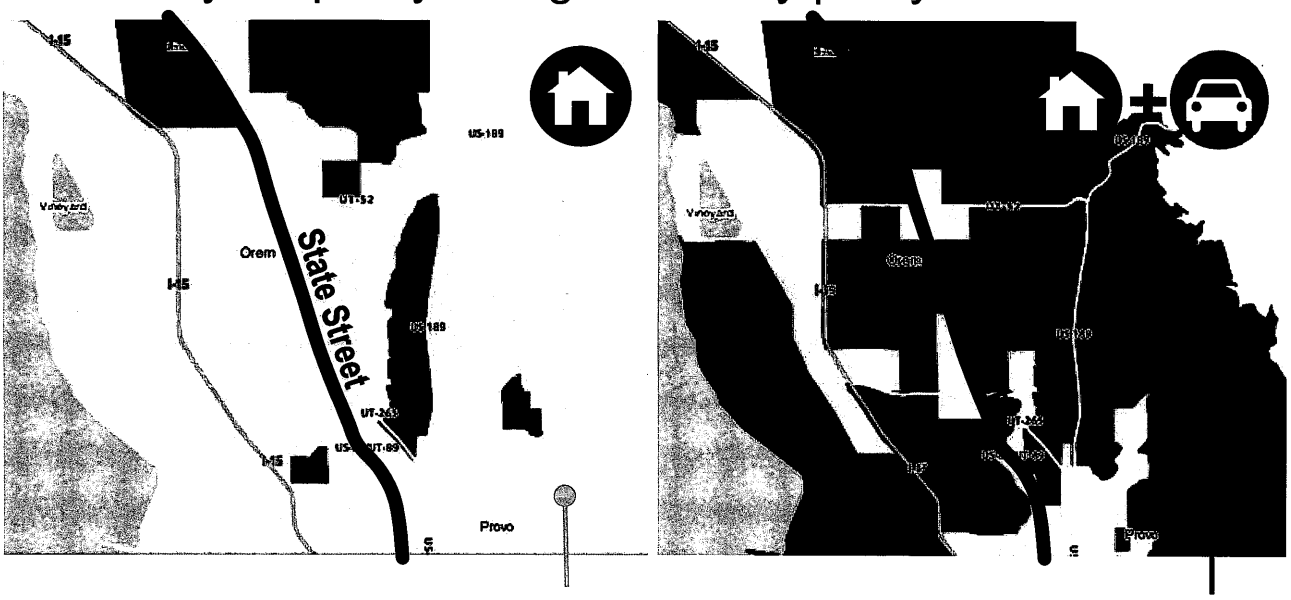
Trend 4: A large portion of the workforce will be freelancers, contractors, and temp workers – eroding the morning commute:



Source: http://blog.mavenlink.com/the-new-independent-workforce-2/ (2012)

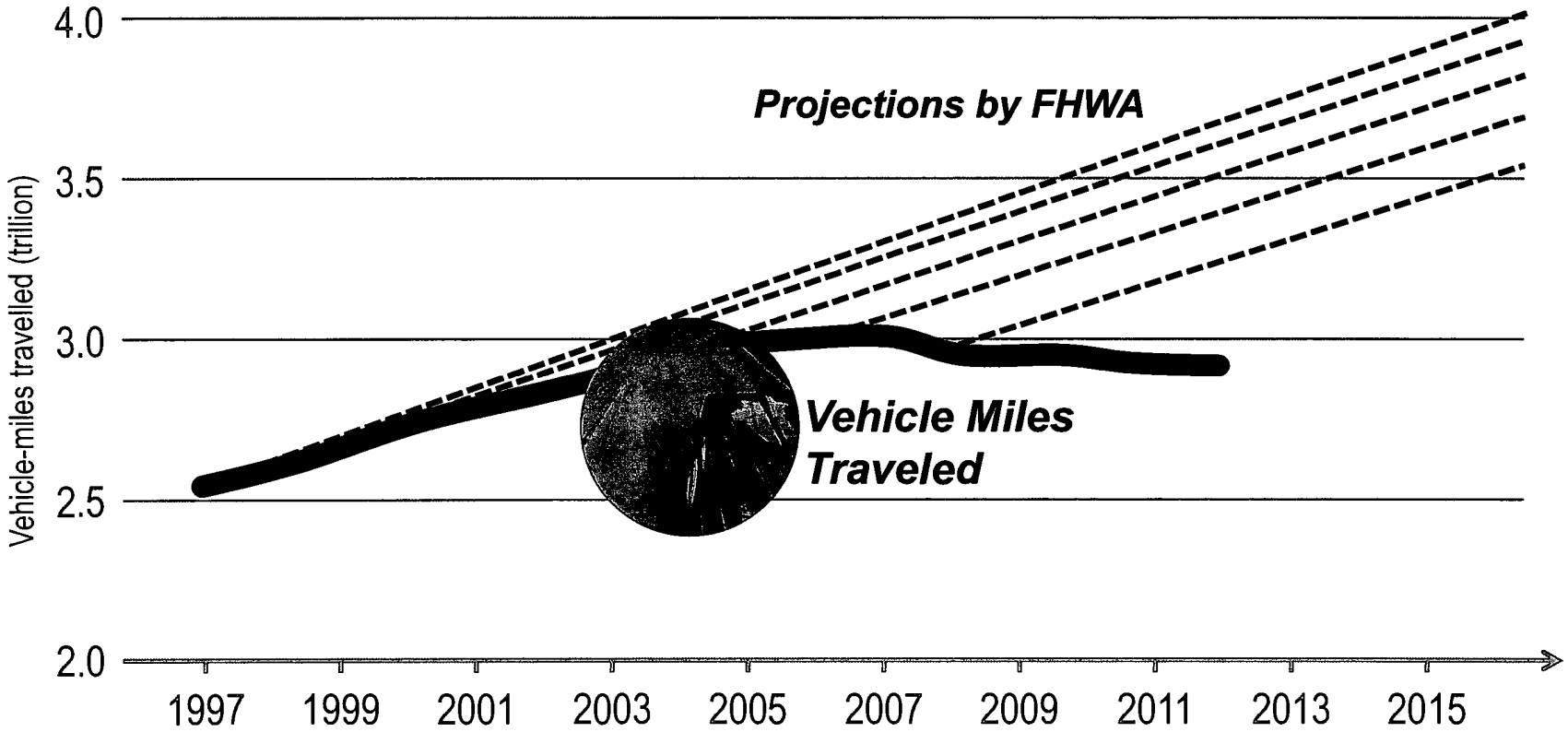
Relevance for Orem: Locate residential uses near collaborative venues such as libraries, cafes, business incubators and coworking spaces.

Trend 5: When including transportation costs, suburban "drive-till-you-qualify" living is actually pretty unaffordable:



Relevance for Orem: Plan for active, urban, downtown environments where people live near to where they work.

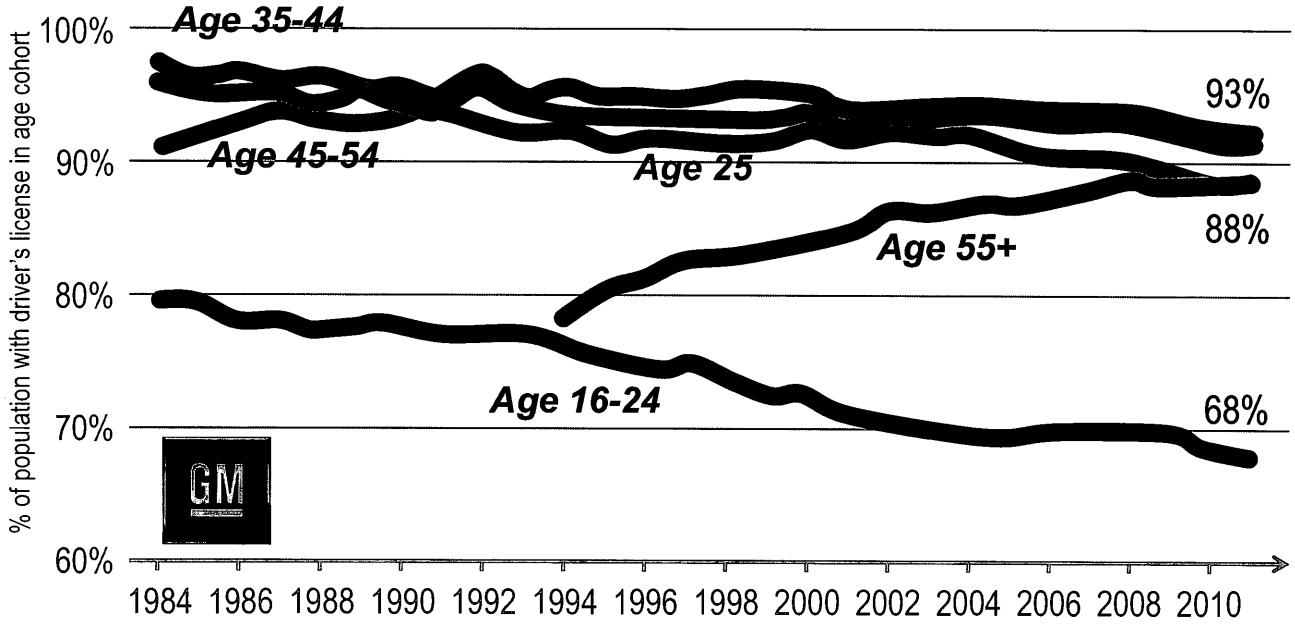
Trend 6: People are driving less – against all predictions:



Source: FHWA (2014), State Smart Transportation Initiative (2013)

Relevance for Orem: There is no imperative to plan for growth in our road system capacity.

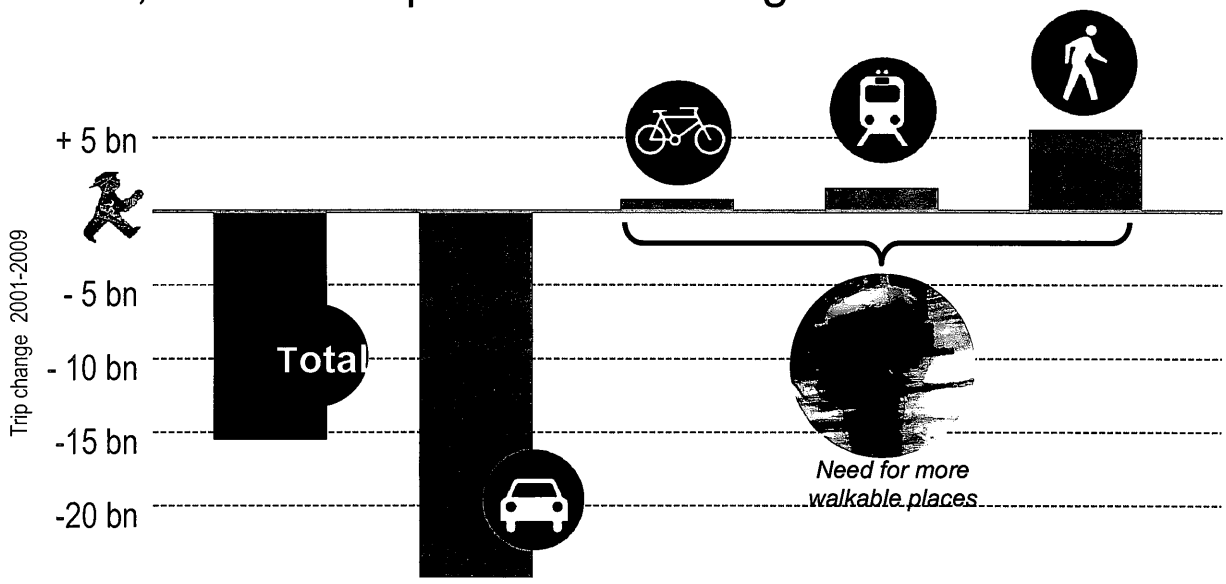
Trend 7: Millennials are not keen in getting a driver's license:



Source: GM (2013)

Relevance for Orem: Young people will push the demand for non-car mobility.

Trend 8: Non-car trips have been increasing in the last decade, while car trips are decreasing:



Source: US Census Bureau, National Household Travel Surveys (2001 and 2009)

Relevance for Orem: Other modes need to begin sharing the street, too.

Trend 9: Apps are changing the way people make mobility choices:

The Single-Modal User

Baby Boomers / Generation X

Ownership • Competitive • Hierarchal

1 = 1 mode [either/or]

The Inter-Modal User

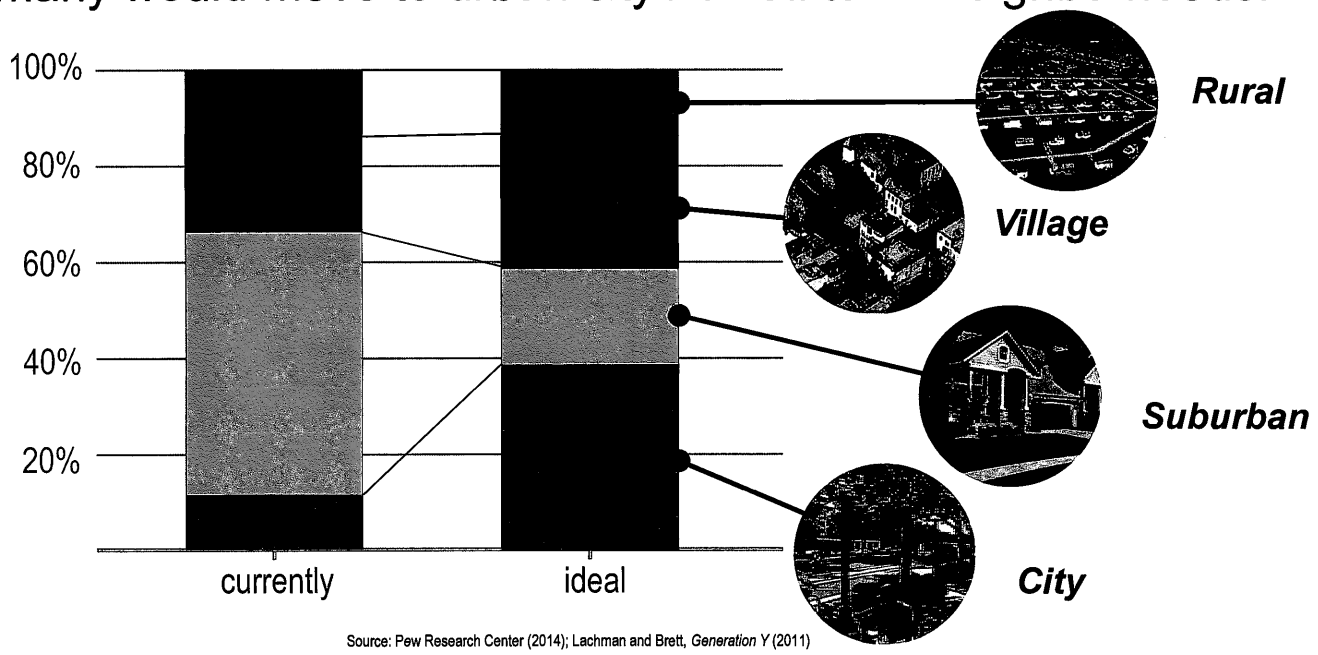
Generation Y / Generation Z

Sharing • Collaborative • Networked

1 = many modes [all]

Relevance for Orem: State Street needs to be planned for multimodality.

Trend 10: 53% of Millennials live in suburbs, but if they could, many would move to urban city / small town neighborhoods.

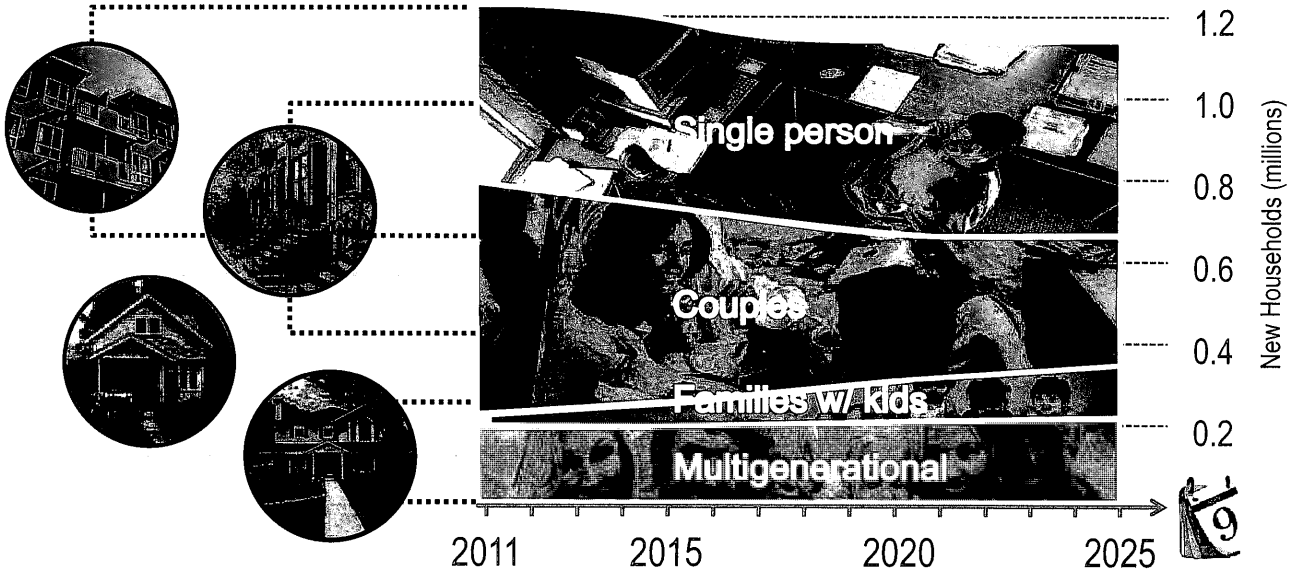


Source: Pew Research Center (2014); Lachman and Brett, *Generation Y* (2011)

Relevance for Orem: There is latent demand for affordable urban living that needs to inform the urban planning decisions around State Street.

Trends

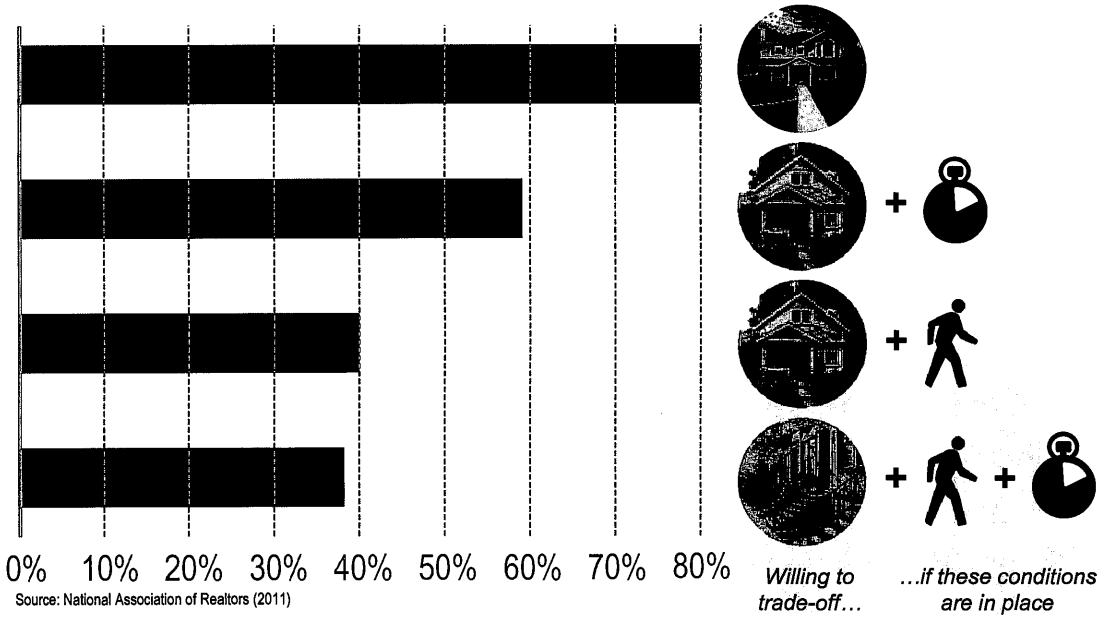
Trend 11: New homebuyer demographics will demand smaller, denser, and more urban housing types:



Source: Joint Center for Housing Studies of Harvard University (2010)

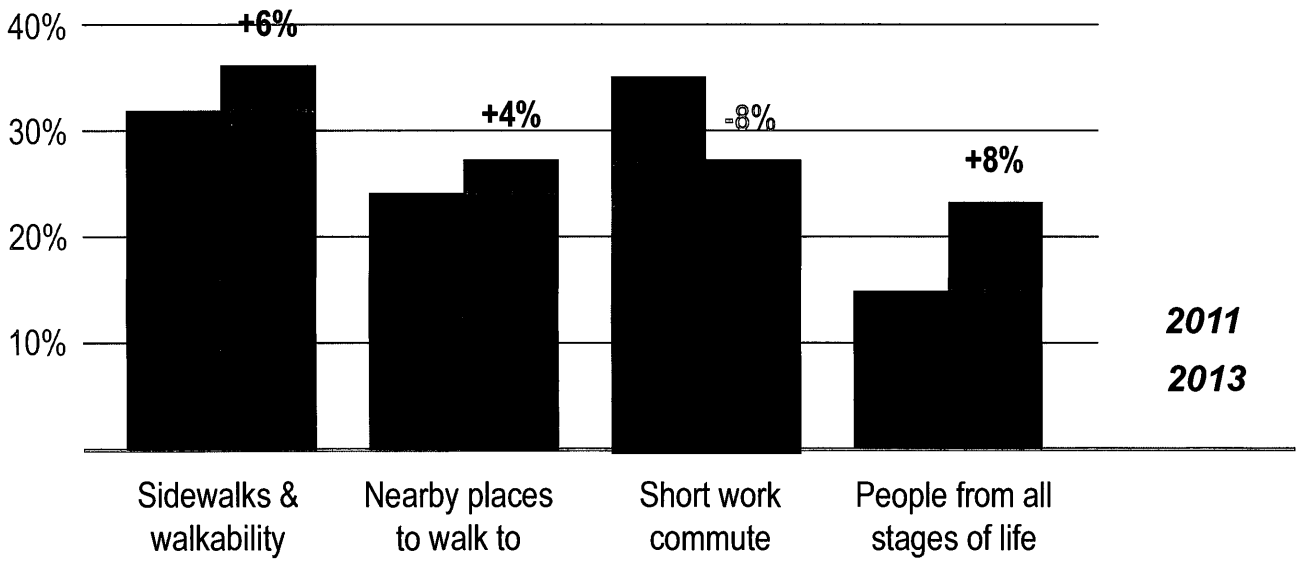
Relevance for Orem: Design these typologies of housing near the corridor to align supply of land/projects with evolving demand

Trend 12: When given shorter commutes and more walkability, Americans are willing to forego the big suburban home:



Relevance for Orem: There is (finally) strong demand for walkability and urban placemaking – State Street needs to incorporate this.

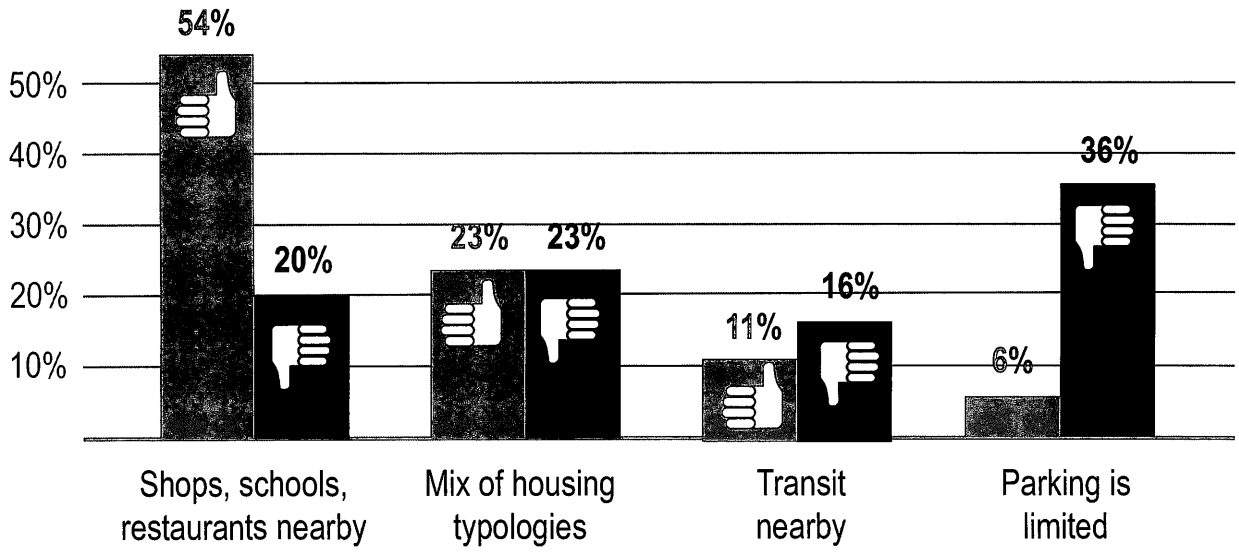
Trend 13: Walkability and age diversity is gaining in importance; commuting is becoming less important:



Source: National Association of Realtors (2013)

Relevance for Orem: A high-quality pedestrian environment with a vibrant mix of users is a must to attract residents.

Trend 14: Walkability is becoming more important for suburbanites. This is what they (dis)like about traditional communities:

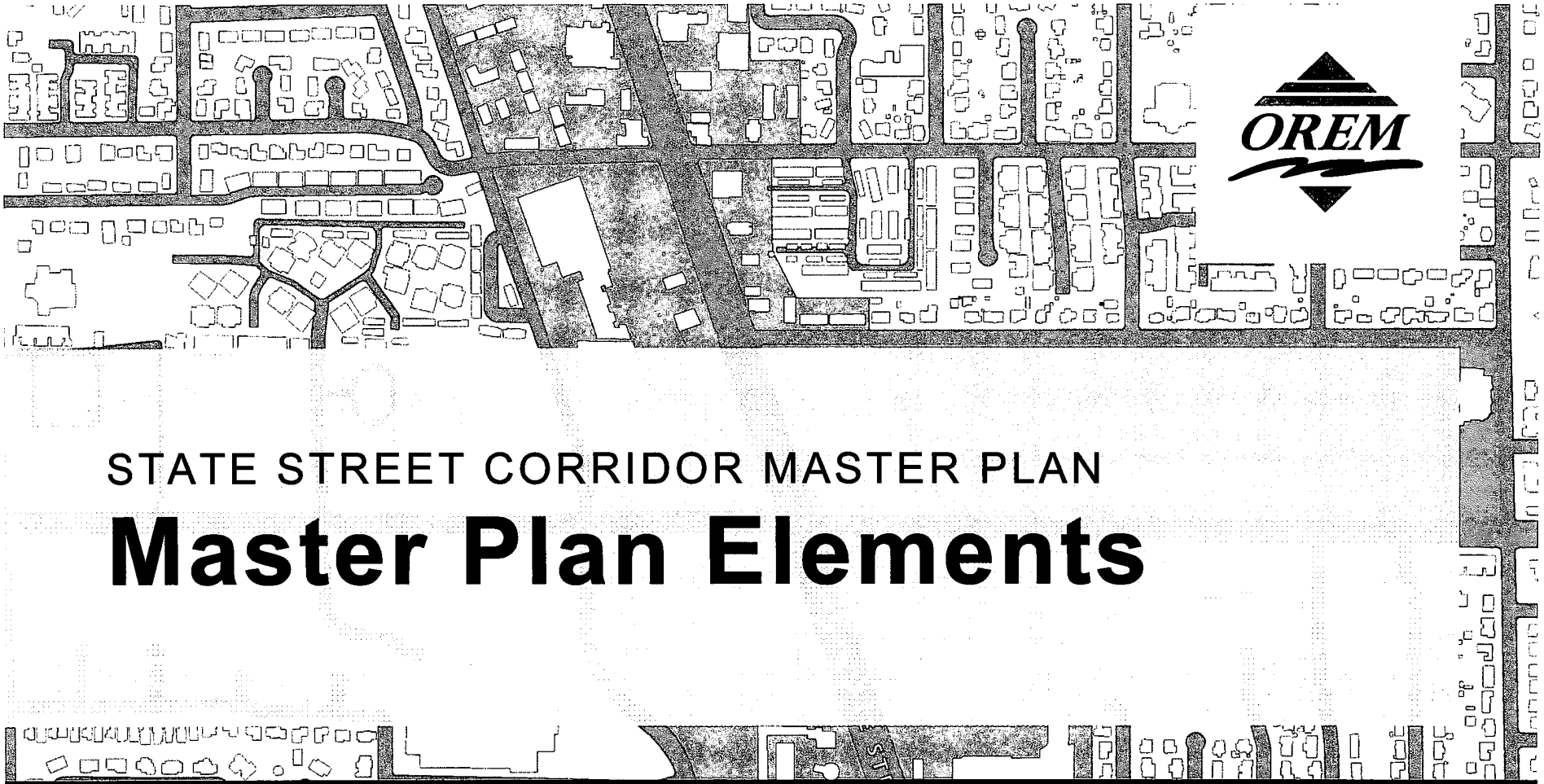


Source: National Association of Realtors (2013)

Relevance for Orem: Provide options for walking with good connectivity and accessibility – even in predominantly suburban settings.

Trend 15: Experiential bricks-and-mortar retail will thrive while traditional retail will lose to low-cost and online retail:

Relevance for Orem: Focus on high-quality retail of products/services that cannot be experienced online *and* favor walkable, urban places.



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STATE STREET CORRIDOR MASTER PLAN

Master Plan Elements

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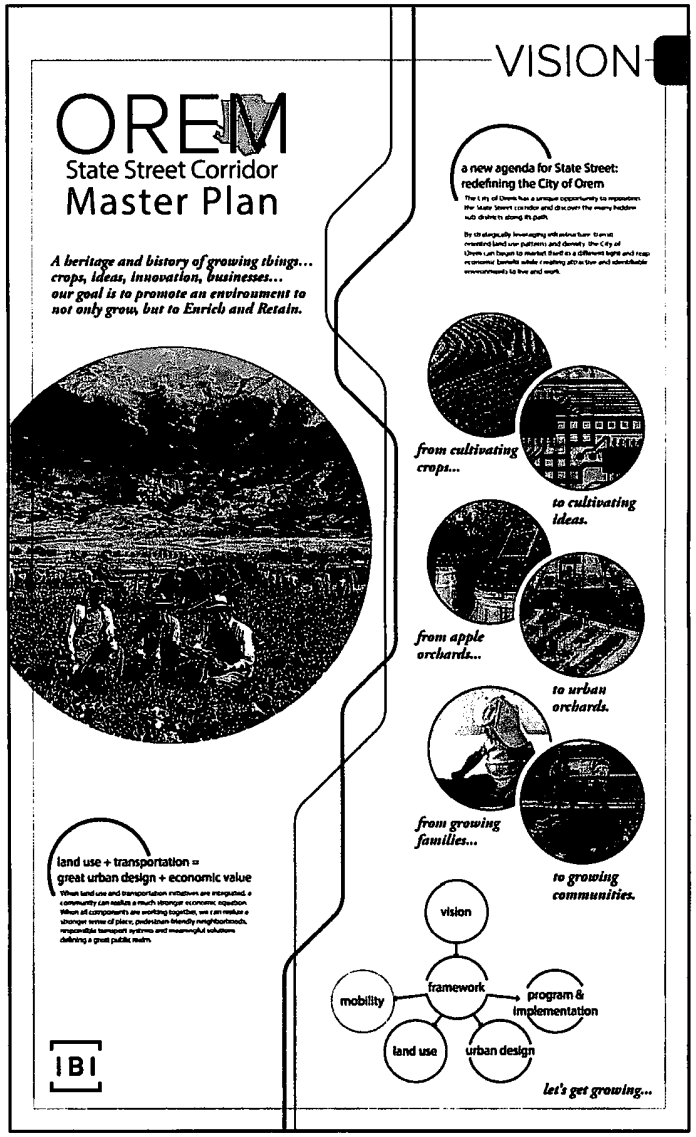
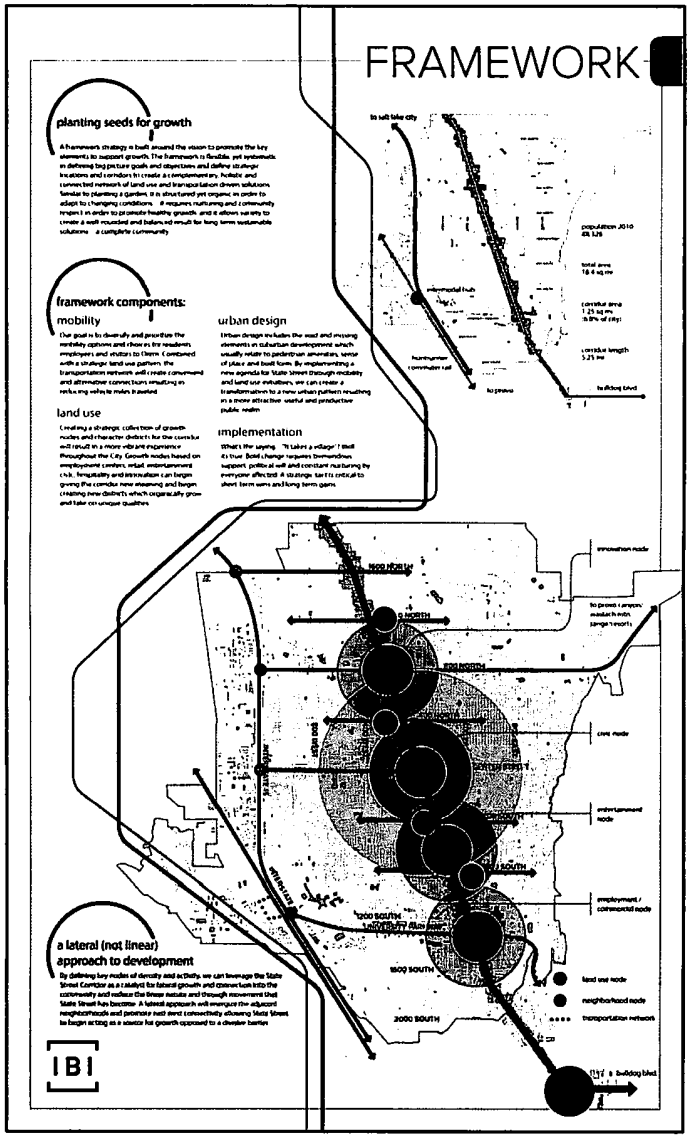
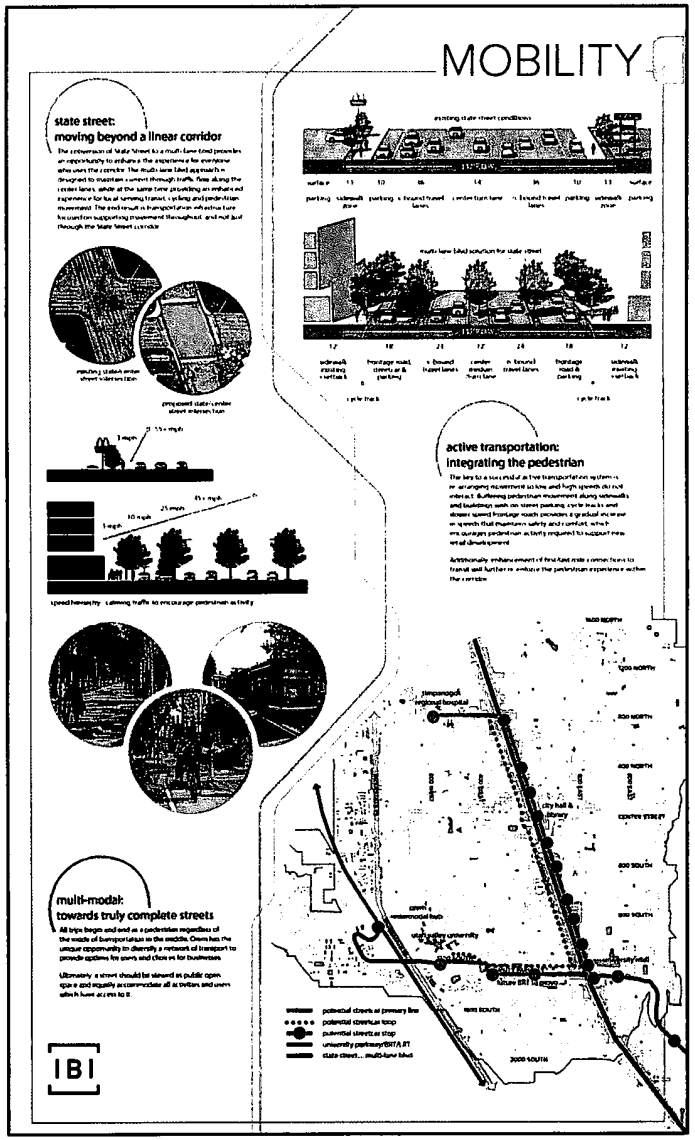
October 28, 2014

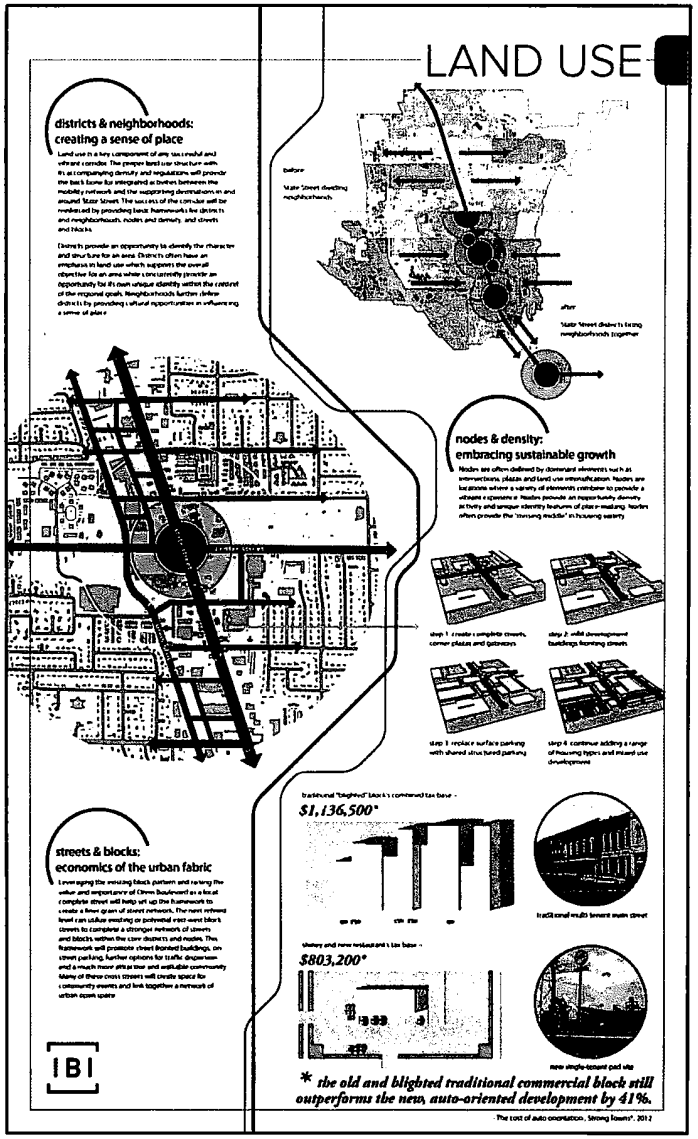
Master Plan Elements - Vision / Framework



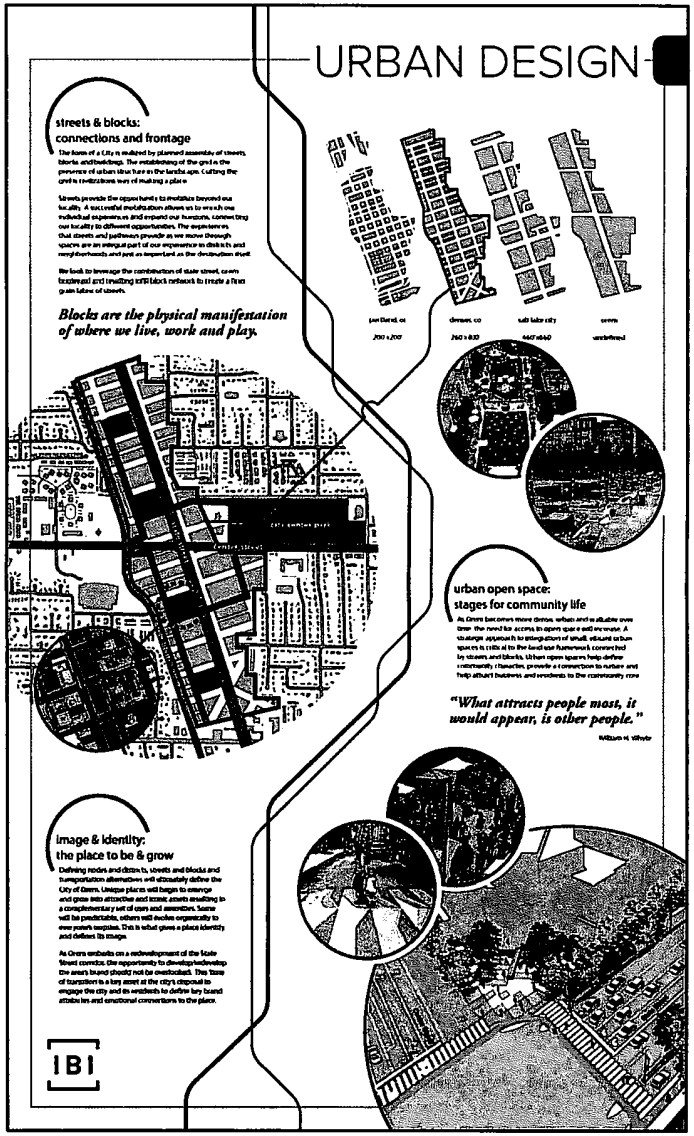


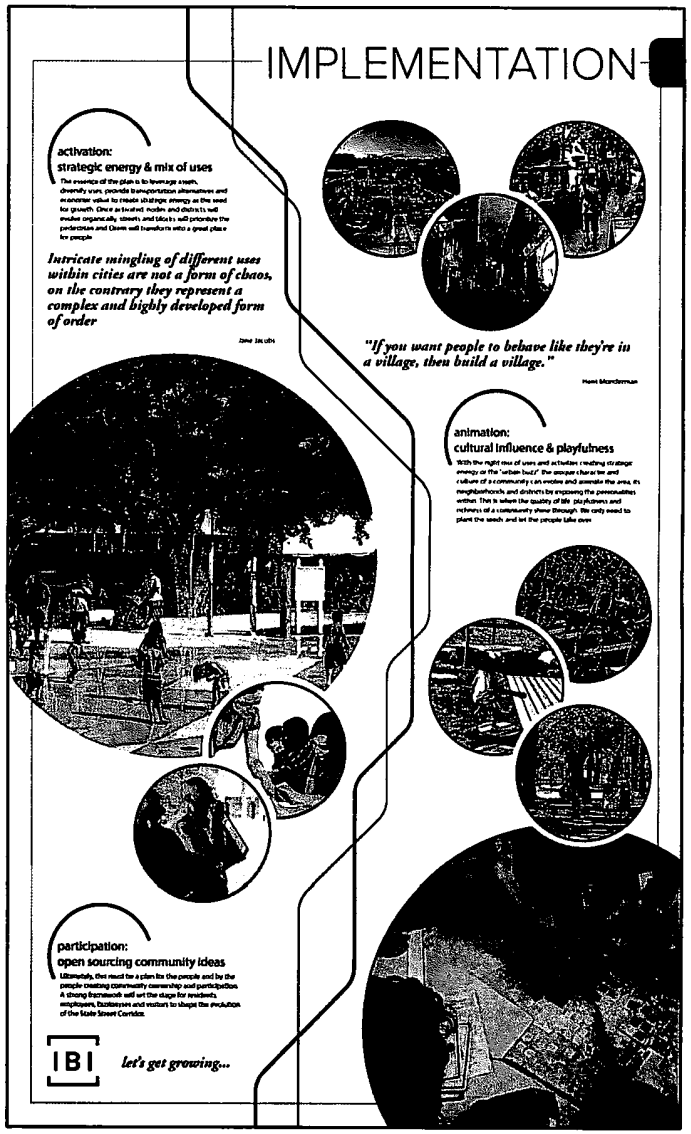
Master Plan Elements - Mobility / Land Use





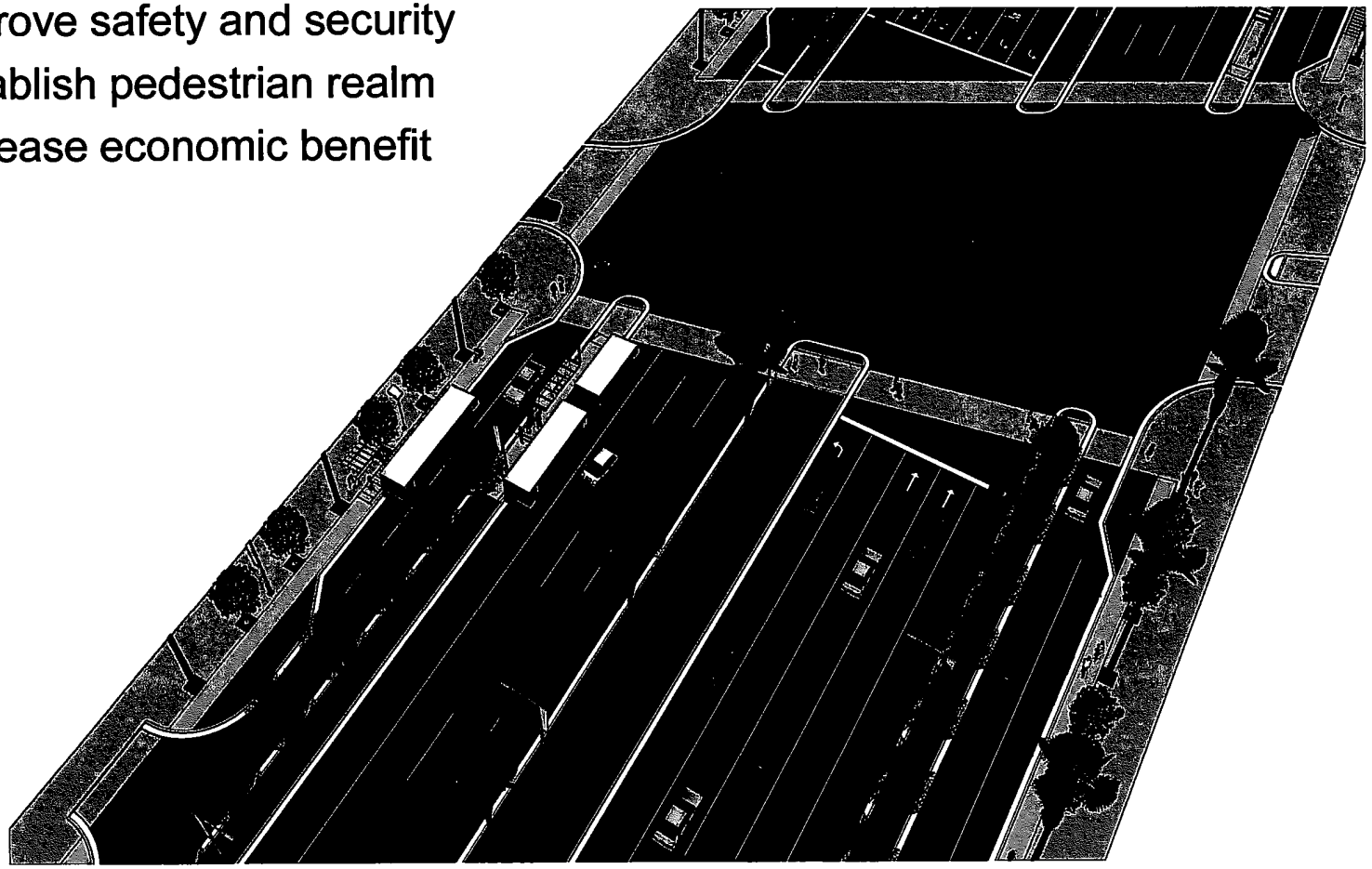
Master Plan Elements - Urban Design / Implementation



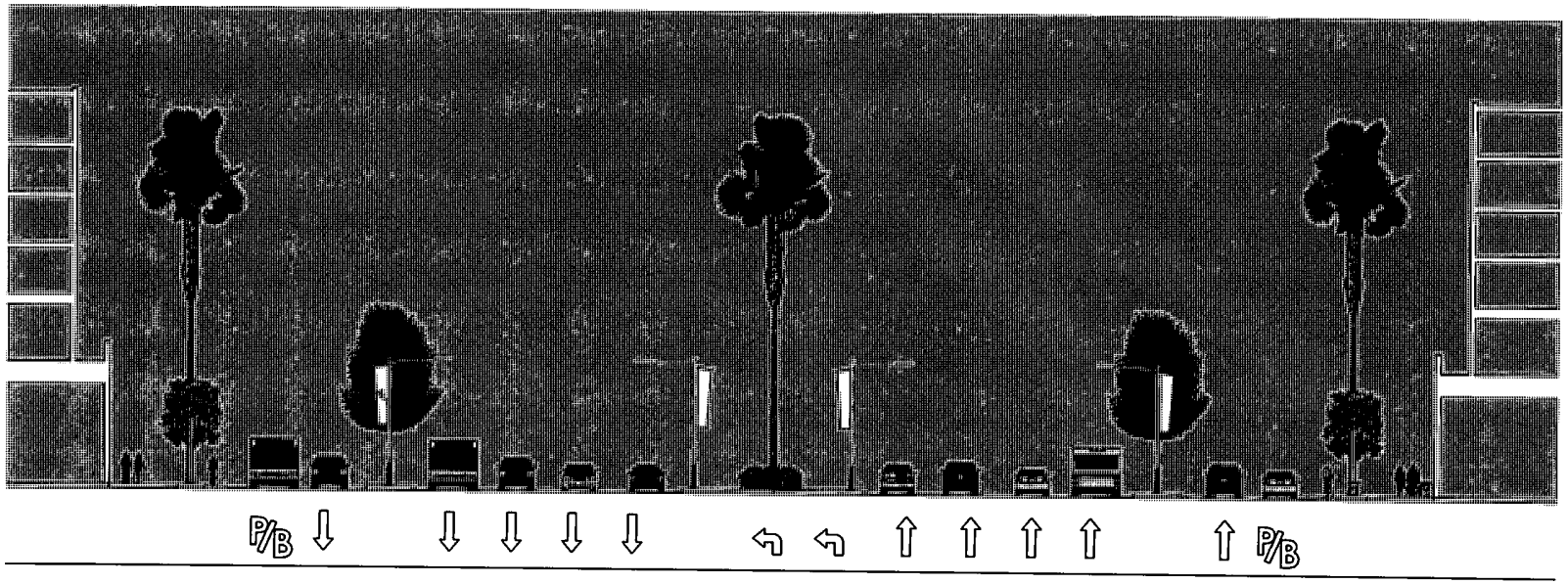


A multiway boulevard is essentially a 'mixed-use' street...

- Enhance capacity through separation of through and local traffic
- Addition of alternative modes of transportation
- Improve safety and security
- Establish pedestrian realm
- Increase economic benefit



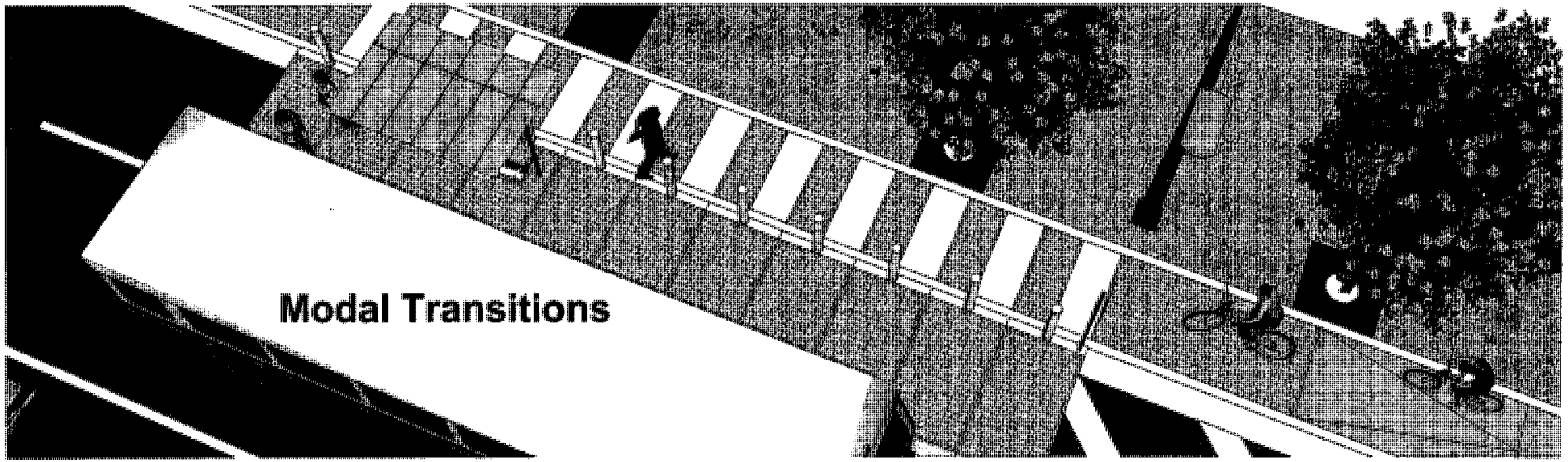
Mobility Plan Concepts



Attributes of a successful multiway boulevard…

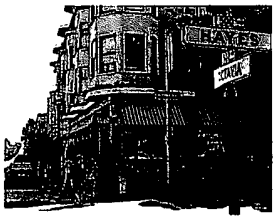
- FAST MOVING THROUGH TRAFFIC
- SLOW MOVING LOCAL TRAFFIC
- DEDICATED TRANSIT/ON-STREET PARKING
- DEDICATED BICYCLE LANES
- IMPROVED PEDESTRIAN REALM
- STREET-FRONTING MIXED-USE DEVELOPMENT

Mobility Plan Concepts



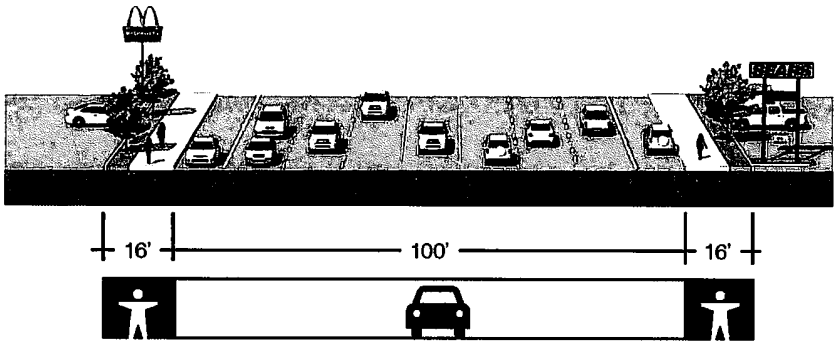
Mobility Plan – Multiway Boulevard Case Studies

Multi-Way Boulevard
precedent studies



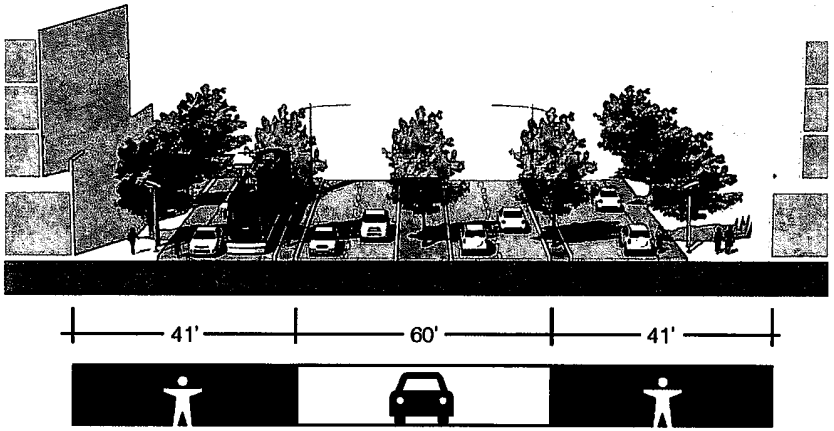
State Street - Orem Spatial Breakdown

Standard Arterial



76% VEHICLE ONLY
RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

Multiway Boulevard



42% VEHICLE ONLY
RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

State Street

orem, ut

State Street in Orem is an example of a typical American urban/suburban arterial street. These types of arterials have been transformed over time by traffic engineers to move people as efficiently as possible through our cities, which usually means dedicating an increasing amount of land to automobiles. They therefore become the main travel corridor, and thus attract significant retail development. However, the typical result (as is the case with Orem), is that it creates a street that no user (car, pedestrian, cyclist) is happy with. Traffic engineer Chuck Marohn has began calling these types of arterials *Stroads*. His definitions of a stroad is:

> *The stroad design - a street/road hybrid - is the futon of transportation alternatives. Where a futon is a piece of furniture that serves both as an uncomfortable couch and an uncomfortable bed, a stroad moves cars at speeds too slow to get around efficiently but too fast to support productive private sector investment. The result is an expensive highway and a declining tax base.*

Not only is State Street an unpleasant place for pedestrians and cars, it also dangerously mixes pedestrians and cyclists with fast moving traffic, with the vast majority of space solely allocated to automobiles. Crossing the 100 feet of uninterrupted car traffic is also very difficult and dangerous. Even worse is the fact that crosswalks are only located every 2,640 feet. An ideal city would have crosswalks at least every 300 feet, and at worst, every 600 feet.

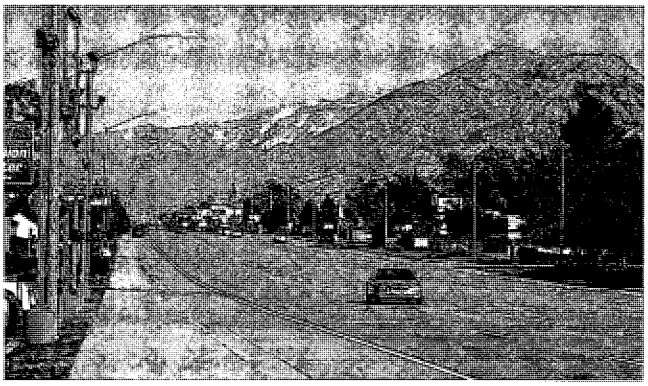
LAND USE
Suburban Strip Mall
+ Big Box Retail

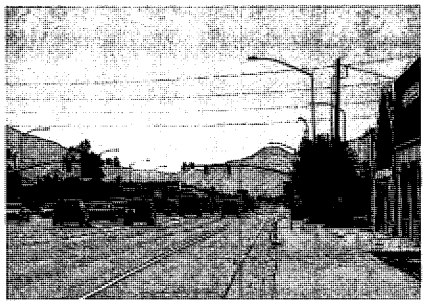
ADT
45,000

ROW WIDTH
132'

TRAFFIC LANES
6 Lanes + 1 Turn Lane
Parallel Parking

BLOCK LENGTH
500' - 2,640'

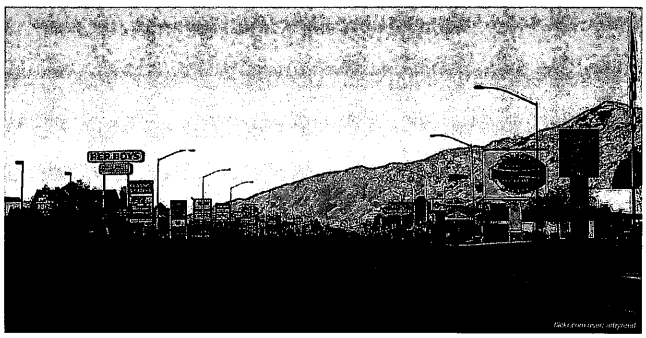




RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

24%

76%



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LAND USE
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+ Big Box Retail

ADT
45,000

ROW WIDTH
132'

TRAFFIC LANES
6 Lanes + 1 Turn Lane
Parallel Parking

BLOCK LENGTH
500' - 2,640'

The Esplanade

chico, ca

The Esplanade is a multi-way boulevard created in the 1950's when an old rail line was replaced with a road. This street runs throughout the small town of Chico, Ca (roughly the same population as Orem), and is lined with multiple land-uses including residential, institutional, and light retail. This example illustrates the great adaptability of multi-way boulevards, as its context is markedly different from the multi-way boulevards made famous in Paris and Madrid. However, it still achieves the same objective of moving a high volumes of cars, while at the same time creating one of the city's great streets.

LAND USE
Suburban/Small Town
Residential + Retail

ADT
25,000

ROW WIDTH
165'

THROUGH LANES
4 Lanes + 1 Turn Lane

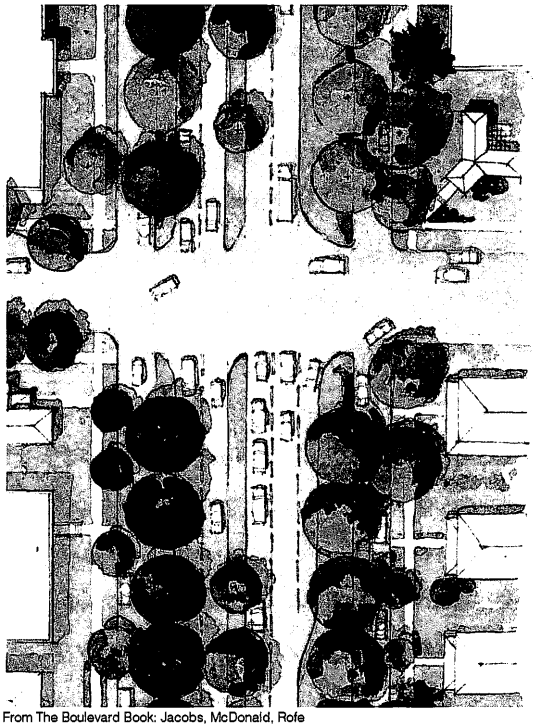
LOCAL LANES
1 Lane + Angled Parking

BLOCK LENGTH
400'

RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

60%

40%



From The Boulevard Book: Jacobs, McDonald, Rofe

The Esplanade

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LAND USE
Suburban/Small Town
Residential + Retail

ADT
25,000

ROW WIDTH
165'

THROUGH LANES
4 Lanes + 1 Turn Lane

LOCAL LANES
1 Lane + Angled Parking

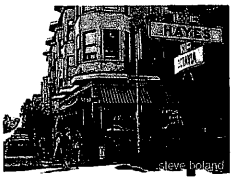
BLOCK LENGTH
400'

Octavia Boulevard

san francisco, ca

This boulevard replaced the elevated off ramp of San Francisco's Central Freeway in 2005. The effort to create this boulevard was led by the community who sponsored a measure that garnered enough support to be placed on the 1998 ballot, where it passed. This boulevard has been well received by most, and has played a significant role in revitalizing a previously downtrodden area.

The design of this boulevard is of particular interest to State Street in Orem, in that the right-of-way is nearly identical, and the daily traffic volumes are significantly above the current State Street levels. At 55,000 ADT, this precedent shows that the multi-way boulevard is capable of these high traffic volumes.



LAND USE
Urban
Residential + Retail

ADT
55,000

ROW WIDTH
133'

THROUGH LANES
4 Lanes + 1 Turn Lane

LOCAL LANES
1 Lane + Parallel Parking

BLOCK LENGTH
350'

RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

59%

41%

Octavia Boulevard is attracting development like these 5 story, mixed-use residential and retail buildings.

After Octavia Boulevard was constructed, property values in the area rose from 66% of city average, to 91%.

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LAND USE
Urban
Residential + Retail

ADT
55,000

ROW WIDTH
133'

THROUGH LANES
4 Lanes + 1 Turn Lane

LOCAL LANES
1 Lane + Parallel Parking

BLOCK LENGTH
350'

Eastern Parkway

brooklyn, ny

Eastern Parkway was designed by Fredrick Law Olmsted and Calbert Vaux (the designers of Central Park) in the 1870's as part of a broad vision for creating a network of green spaces in Brooklyn. This boulevard was created before the invention of the automobile, but it's flexibility as a transportation corridor has proven visionary. Today it moves more than 60,000 cars a day, and it's park-like medians and two lanes of on-street parking have made it one of the most desirable streets to live on in the Crown Heights neighborhood.

LAND USE
Urban
Residential

ADT
61,000

ROW WIDTH
210'

THROUGH LANES
4 Lanes + 1 Turn Lane

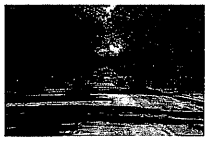
LOCAL LANES
1 Lane + 2 Parallel Parking

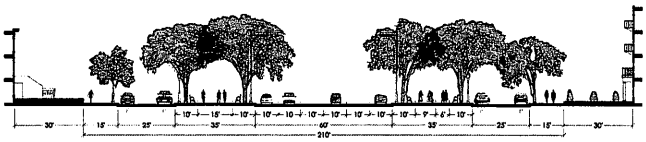
BLOCK LENGTH
700'

RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

72%

28%





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LAND USE
Urban Residential

ADT
61,000

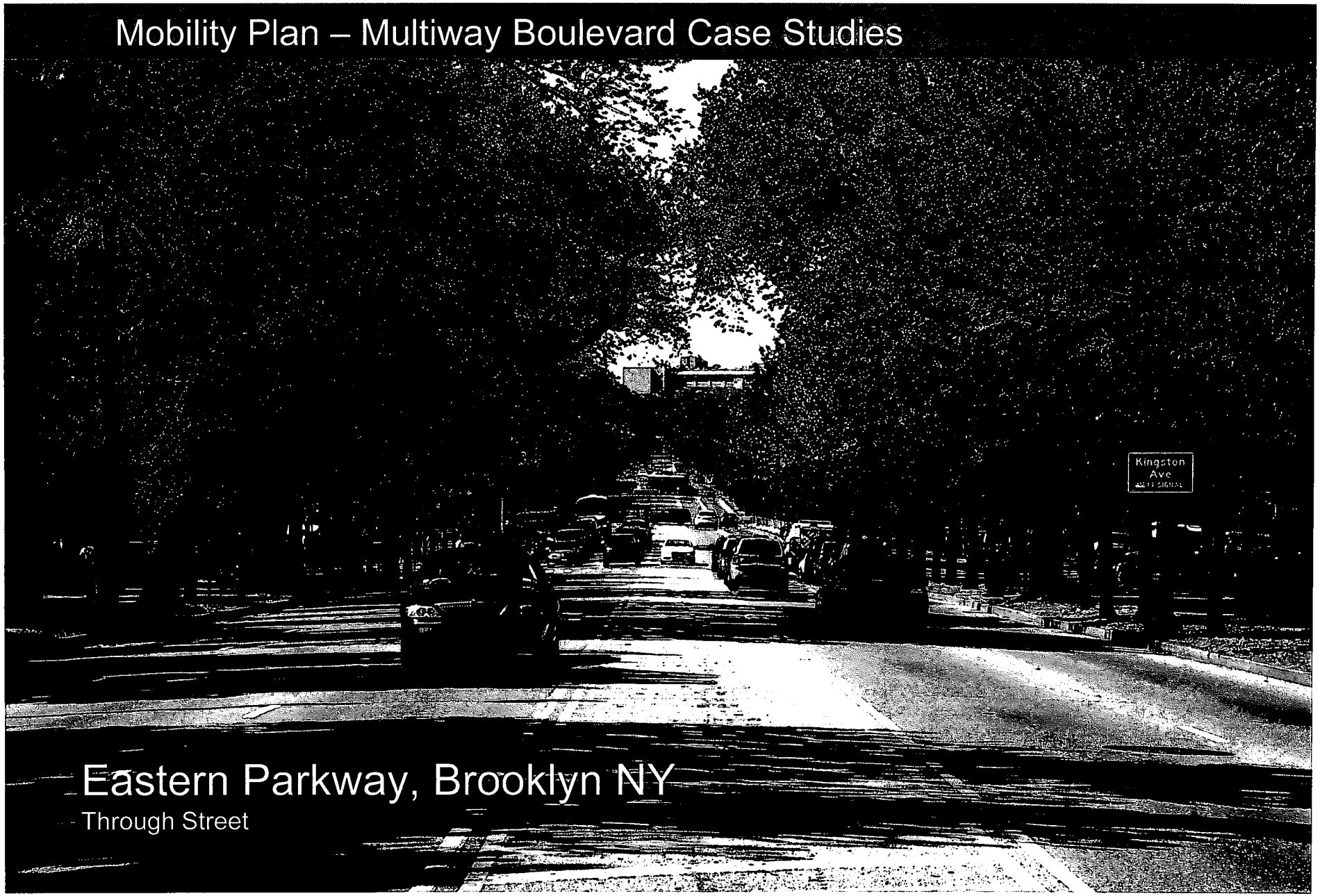
ROW WIDTH
210'

THROUGH LANES
4 Lanes + 1 Turn Lane

LOCAL LANES
1 Lane + 2 Parallel Parking

BLOCK LENGTH
700'

Mobility Plan – Multiway Boulevard Case Studies



Eastern Parkway, Brooklyn NY

- Through Street

Mobility Plan – Multiway Boulevard Case Studies

Eastern Parkway, Brooklyn NY

Local Street

Mobility Plan – Multiway Boulevard Case Studies

Lonsdale Street

dadendong, victoria, au

Lonsdale Street is a historic multi-way boulevard in the heart of Dadendong, Australia that has recently undergone a significant revitalization project. The design for the revitalization treated the local access lanes as pedestrian space, which is clear by how the pavers on the street match that of the sidewalk and median. This project exemplifies how a multi-way boulevard increases the percentage of pedestrian friendly space in an arterial street. The percentages of space solely allocated to vehicles vs. the percentage of space that is pedestrian friendly is nearly a complete inverse, compared to the current design of State Street.

LAND USE
Suburban/Small Town
Residential + Retail

ROW WIDTH
175'

THROUGH LANES
4 Lanes

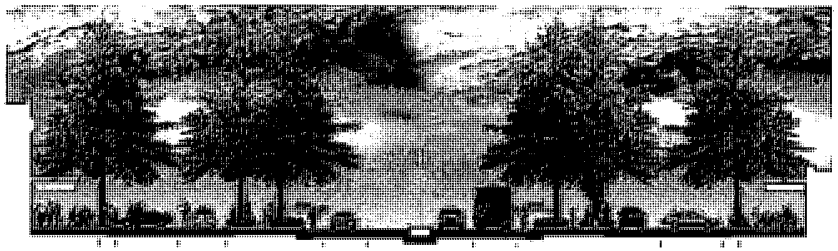
LOCAL LANES
1 Lane + Angled Parking

BLOCK LENGTH
730'

RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

69%

31%



archdaily.com

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LAND USE
Suburban/Small Town
Residential + Retail

ROW WIDTH
175'

THROUGH LANES
4 Lanes

LOCAL LANES
1 Lane + Angled Parking

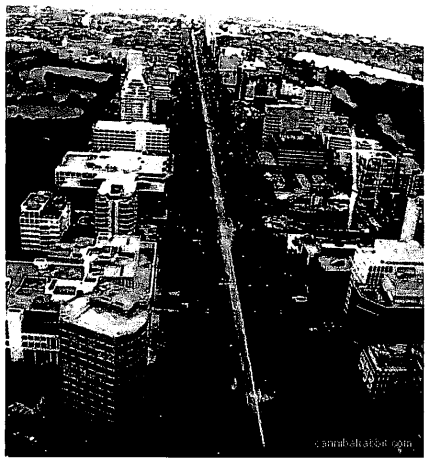
BLOCK LENGTH
730'

St. Kilda Road

melbourne, victoria, au

St. Kilda Road is one of three historic multi-way boulevards connecting Melbourne's City Center to its suburbs. This multi-way boulevard is unique because it provides a dedicated right-of -way (center lane) for light rail, and dedicated bike lanes in the local lanes. This boulevard is also unique in that it allocates more auto lanes to the local lanes (2 each way) than it does to the through lanes (1 each way).

This example also illustrates the adaptability of multi-way boulevards, as this street has been retrofitted to become a major transit street, while still allowing heavy auto traffic. It also remains a comfortable, livable street.



LAND USE
Urban
Mixed-Use + Office

ROW WIDTH
197'

THROUGH LANES
2 Auto Lanes
Parallel Parking
Dedicated Light Rail

LOCAL LANES
2 Auto Lanes
Bike Lane
Parallel Parking

BLOCK LENGTH
600' - 900'

RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

69%

31%

St. Kilda Road

melbourne, victoria, au

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LAND USE
Urban
Mixed-Use + Office

ROW WIDTH
197'

THROUGH LANES
2 Auto Lanes
Parallel Parking
Dedicated Light Rail

LOCAL LANES
2 Auto Lanes
Bike Lane
Parallel Parking

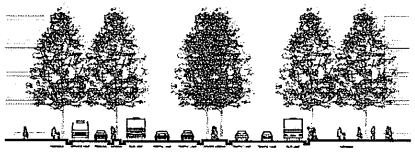
BLOCK LENGTH
600' - 900'

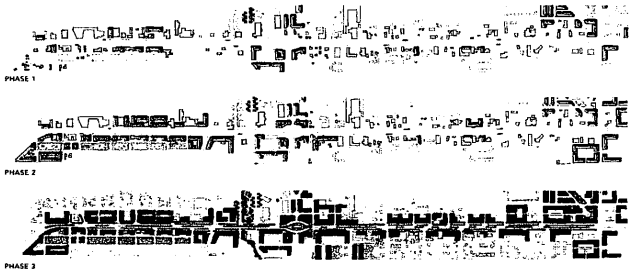
Franklin Boulevard (Planned)

eugene/springfield, or

Franklin Boulevard has been the subject of extensive planning and analysis by faculty and students at the University of Oregon. These studies not only address potential quality of life upgrades that a multi-way boulevard provides, but they also look at other tangible benefits like the ability to create quality high-density development, thus reducing sprawl and preserving farmland. They also determined the number of vehicle miles traveled (VMT) that could be reduced by focusing development on a corridor with mass transit options, as well as the associated CO2 reductions. They estimated the cost of the boulevard construction to be approximately $138 million, but also estimated that the new development as a result of the boulevard would generate an additional tax revenue of $58 million a year. This would be enough to payback the construction costs in less than 2.5 years. One drawback that has limited Franklin Boulevard is that it's current right-of-way is 120' which is too narrow for a good multi-way boulevard. It would require significant land purchases along the corridor in order to implement the design. State Street in Orem however, is 132' wide, and is wide enough that minimal additional land will be needed, if any.

Source: http://nacto.org/docs/usdg/the_boulevard_study_gillem.pdf





CURRENT LAND USE
Suburban Strip Mall + Big Box Retail

CURRENT ADT
26,000 - 37,000

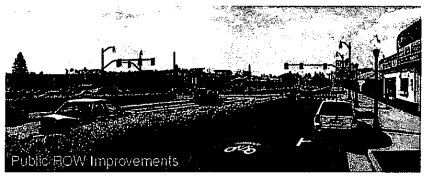
ROW WIDTH
125' - 151'

THROUGH LANES
4 Lanes + 1 Turn Lane

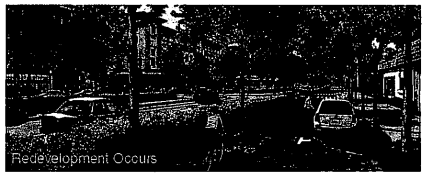
LOCAL LANES
2 Lanes

BLOCK LENGTH
330' - 500'

Franklin Boulevard Today


Public ROW Improvements

Landscaping Matures


Redevelopment Occurs

PROJECTIONS

BOULEVARD LENGTH
14 Miles

RESIDENTIAL UNITS
+ 28,312

VMT REDUCTIONS
339.7M/yr

CO2 REDUCTIONS
373.7M/yr

AUTO COST REDUCTIONS
$1,506/yr per Family

BOULEVARD CONSTRUCTION COST
$138,100,000

PROJECTED ADT
35,000 - 45,000

FARMLAND PRESERVATION
2,178 Acres

Franklin Boulevard (Planned)

eugene/springfield, or

Franklin Boulevard has been the subject of extensive planning and analysis by faculty and students at the University of Oregon. These studies not only address potential quality of life upgrades that a multi-way boulevard provides, but they also look at other tangible benefits like the ability to create quality high-density development, thus reducing sprawl and preserving farmland. They also determined the number of vehicle miles traveled (VMT) that could be reduced by focusing development on a corridor with mass transit options, as well as the associated CO2 reductions. They estimated the cost of the boulevard construction to be approximately $138 million, but also estimated that the new development as a result of the boulevard would generate an additional tax revenue of $58 million a year. This would be enough to payback the construction costs in less than 2.5 years. One drawback that has limited Franklin Boulevard is that it's current right-of-way is 120' which is too narrow for a good multi-way boulevard. It would require significant land purchases along the corridor in order to implement the design. State Street in Orem however, is 132' wide, and is wide enough that minimal additional land will be needed, if any.

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ROW WIDTH
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THROUGH LANES
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LOCAL LANES
2 Lanes

BLOCK LENGTH
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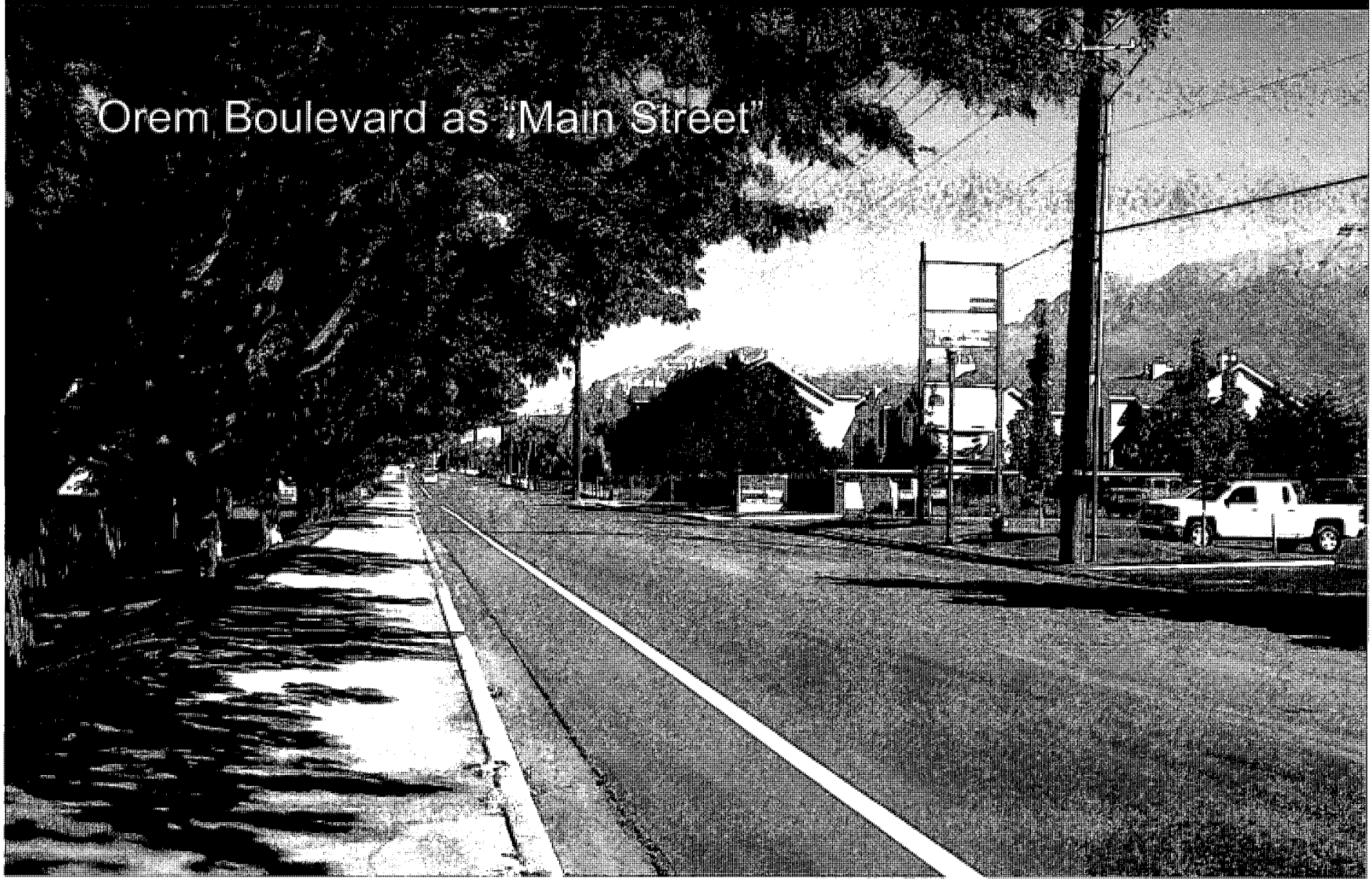
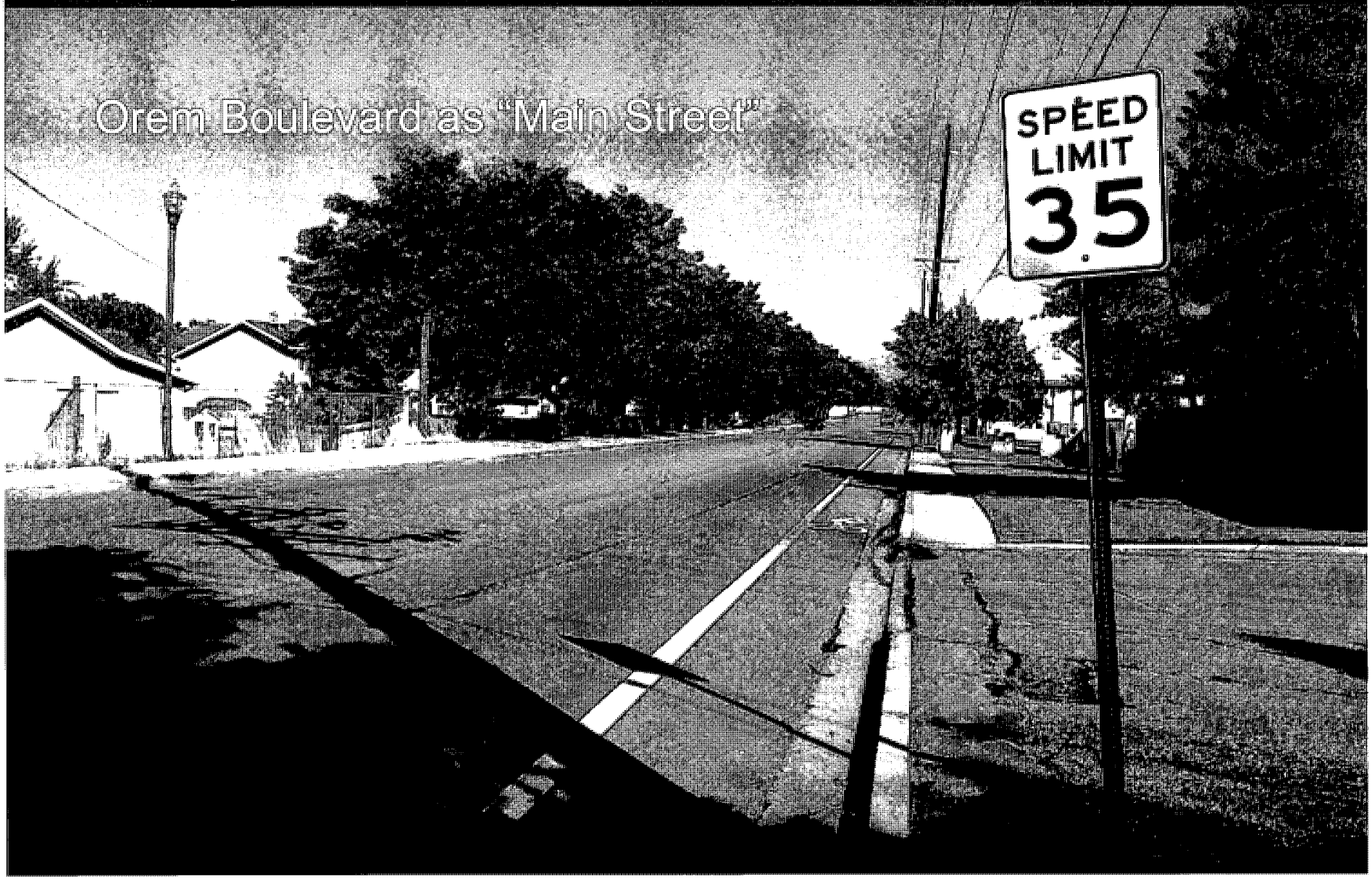
Mobility Plan – Orem Boulevard

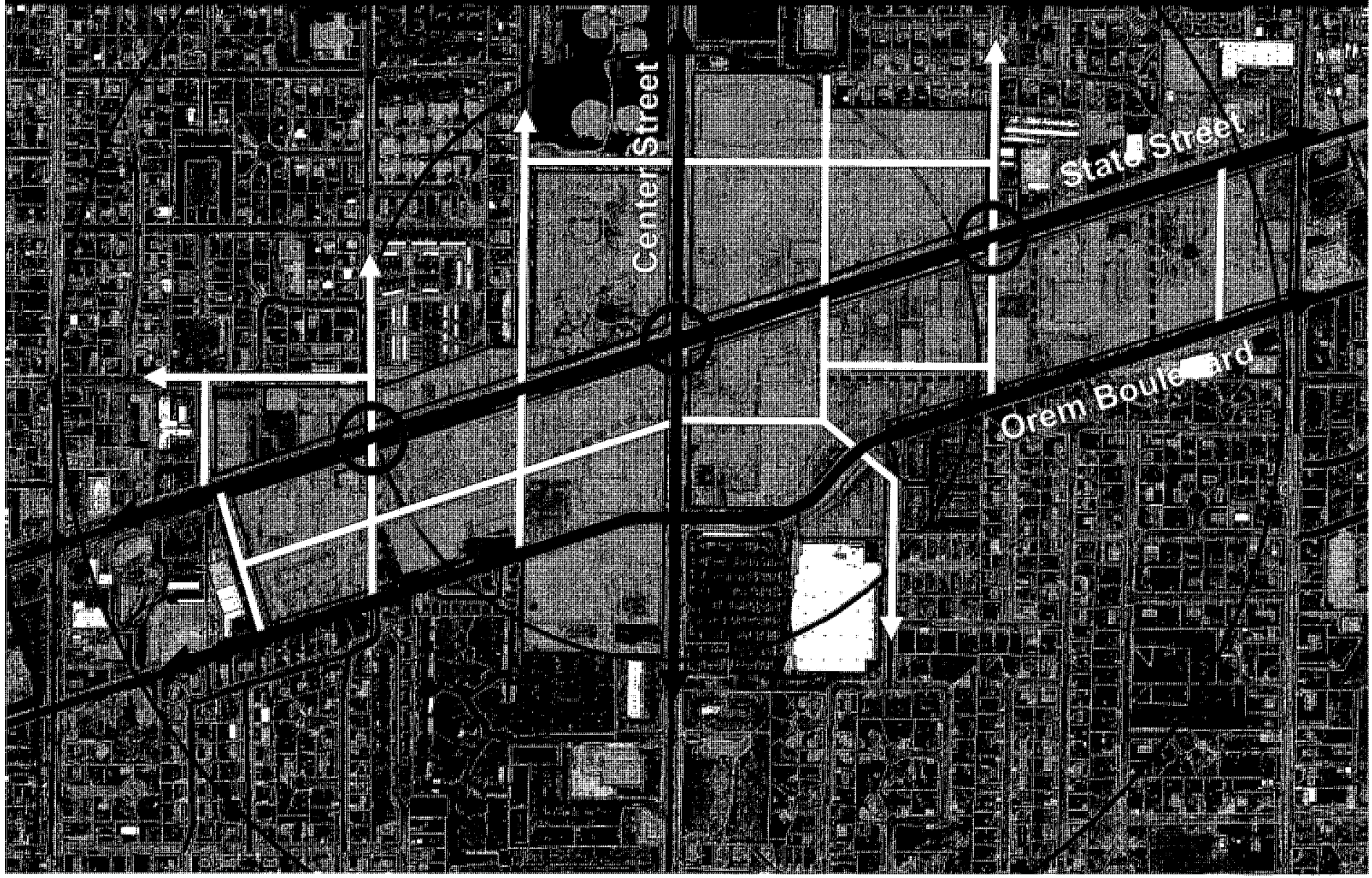


Mobility Plan – Orem Boulevard



Mobility Plan – Orem Boulevard

Mobility Plan – Mid-Block Connections



Mobility Plan – Mid-Block Connections

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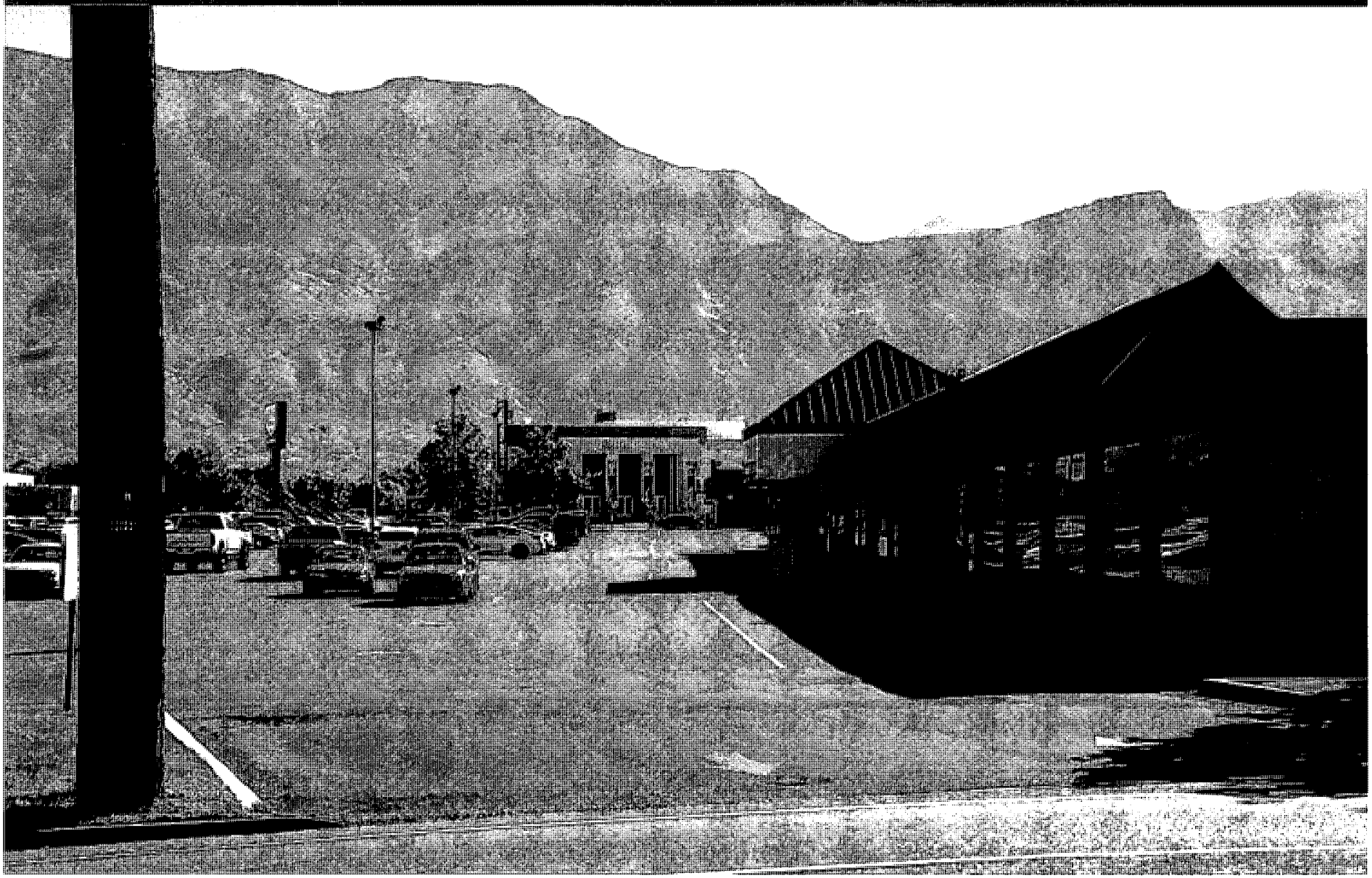
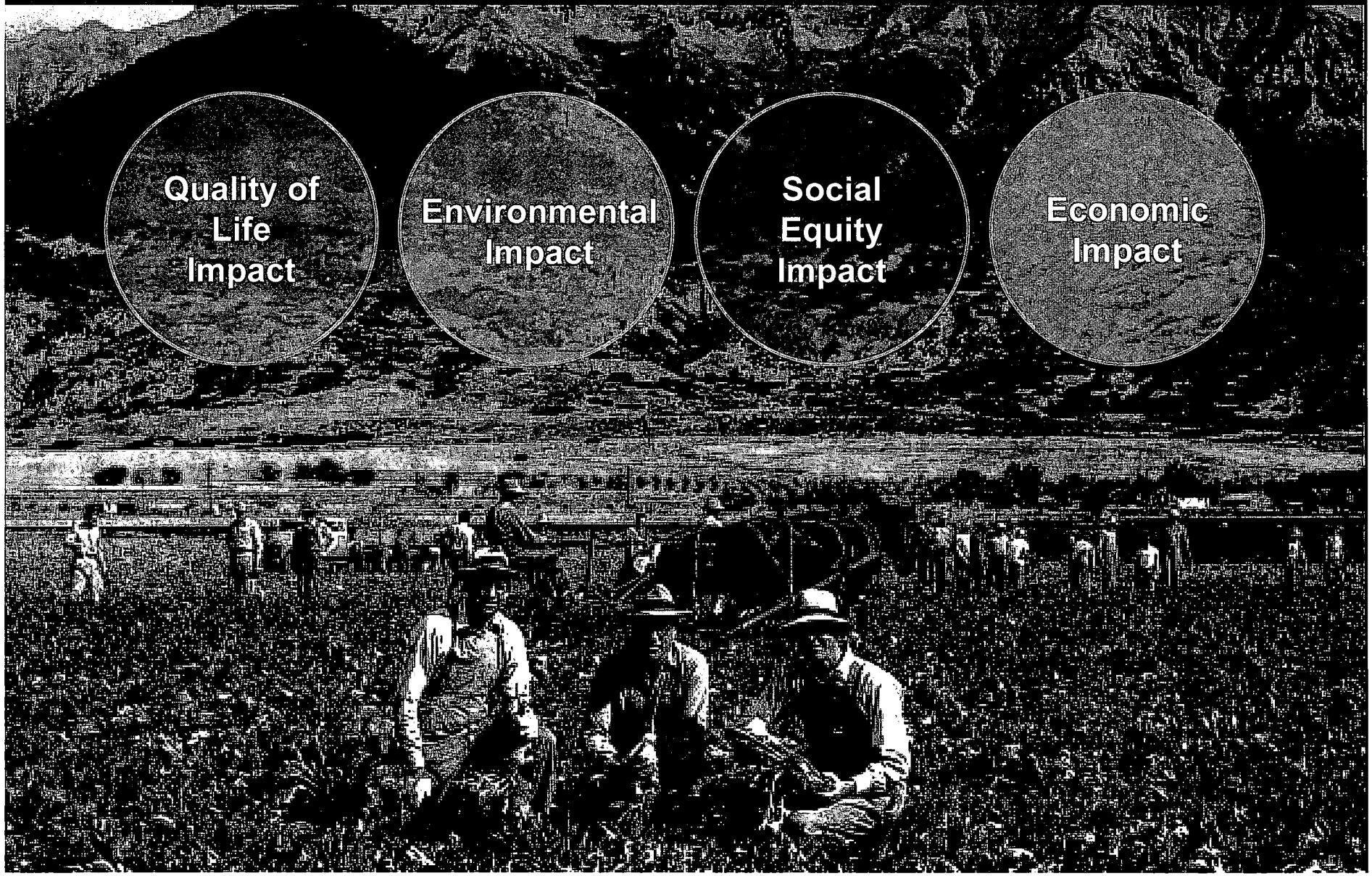


Mobility Plan – Mid-Block Connections

Quadruple Bottom Line Filter (QBL Filter)



QBL Filter - Quality of Life Impact

How will proposal contribute to creating a sense of place?

- Encourage socialization for residents and visitors
- Improve the urban open space network
- Enhance and promote arts and culture
- Encourage walkability and healthy living

QBL Filter - Environmental Impact

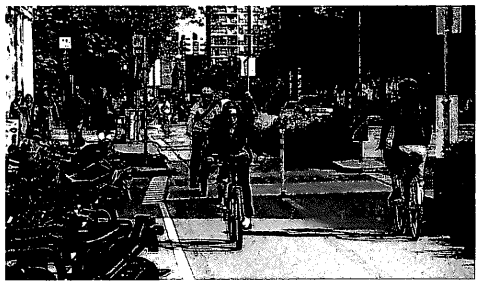
How will proposal demonstrate responsible environmental stewardship?

- Reduction in Vehicle Miles Traveled (VMT)
- Reduction in CO2 Emissions

QBL Filter - Social Equity Impact

How will proposal foster community and economic diversity?

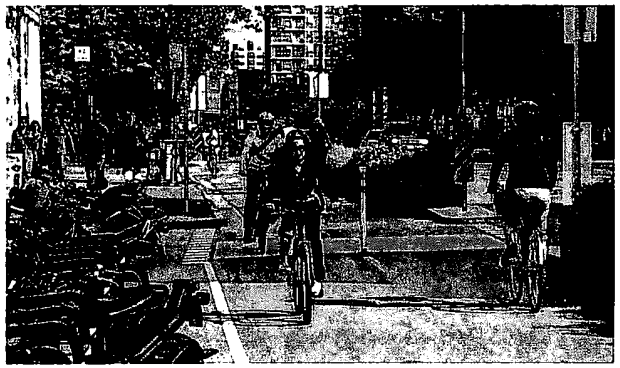
- Create a plan to appeal to diverse resident and visitor needs
- Consider all ages, genders and races - intergenerational
- Opportunities for children and families through atmosphere for learning and education
- Improved accessibility
- Enhance connections and access to public transit and parking

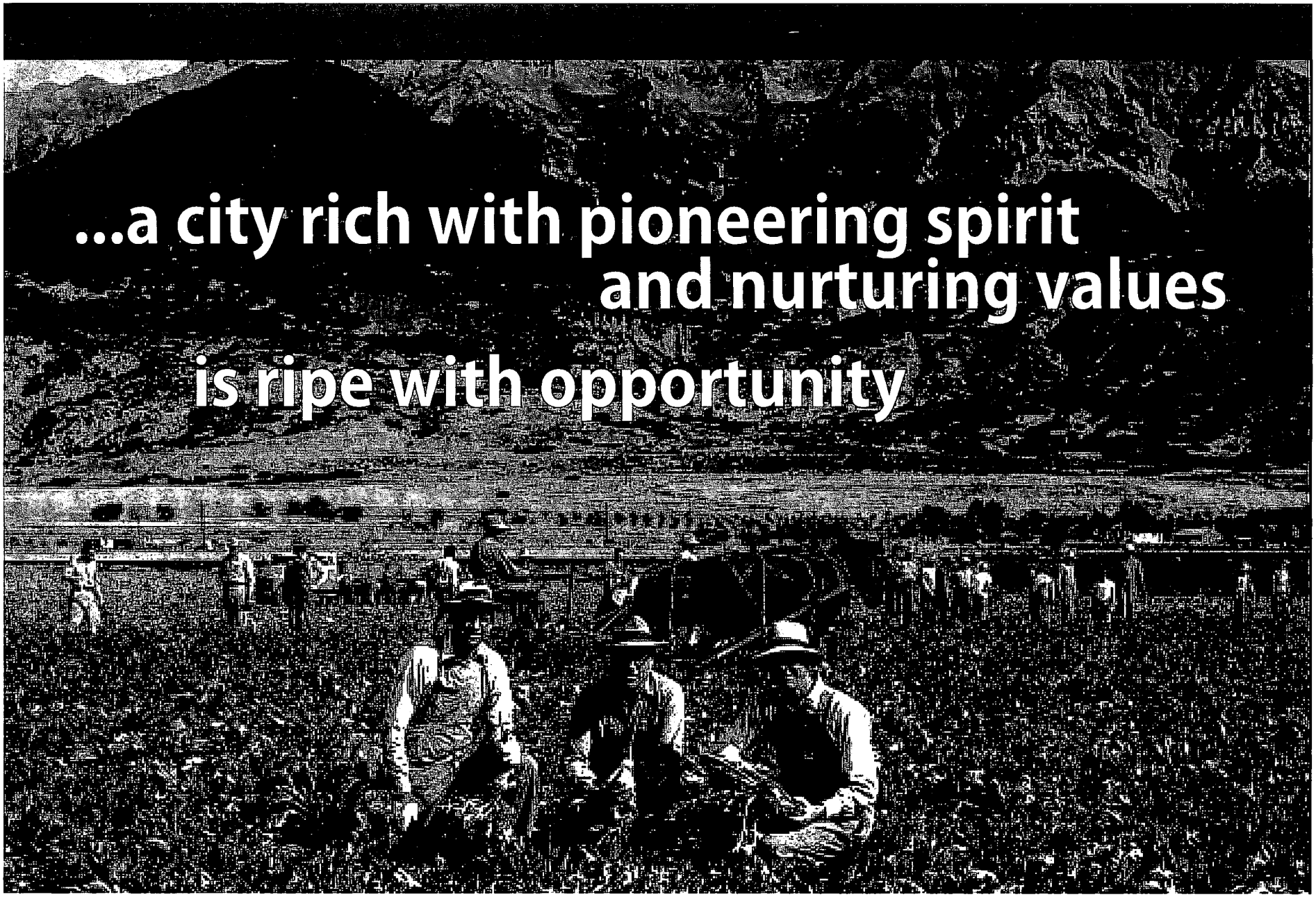


QBL Filter - Economic Impact

How will proposal offset its impacts on the community, contribute to a sustainable economy and attract and retain new and existing businesses?

- Commitment and investment into physical and social infrastructure
- Investment in quality public infrastructure to promote redevelopment and walkability
- Enhance the atmosphere for economic development including diversity of uses
- Catalyze private investment and redevelopment of underutilized properties




...a city rich with pioneering spirit
and nurturing values
is ripe with opportunity

How Much Do You Know About The Courts

- How are Judges Appointed/Retained/Paid?
- What's In a FINE

How Much Do You Know About The Courts

- How are Judges Appointed?
- How are Judges Retained?
- Who Pays the Judges?

Court Comparisons

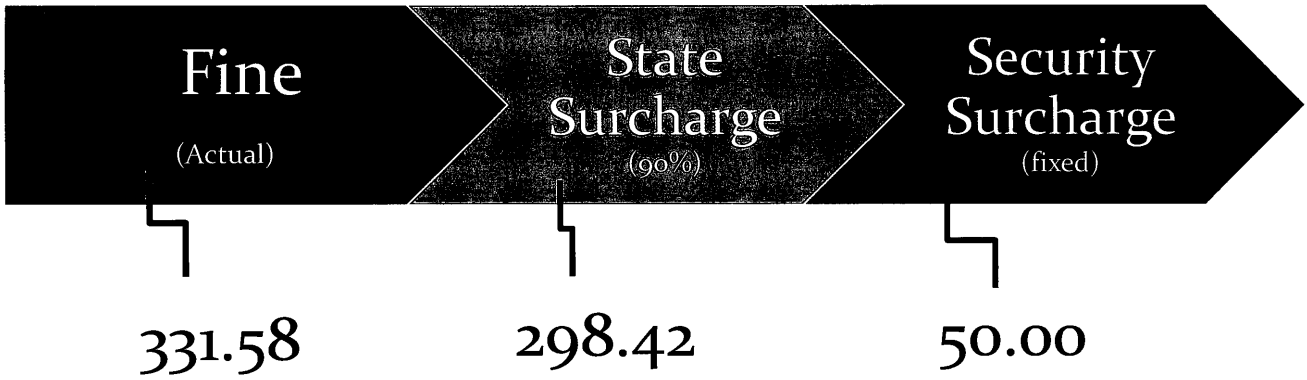
	Nominate	Confirm	Retain	Who Pays
US Supreme Court	President Executive Branch	US Congress Legislative Branch	Life	US Treasurer Executive
State of Utah District Court	Governor Executive Branch	State Legislature Legislative Branch	Retention Elections 4/6-Years	State Treasurer Executive
Justice Courts in Utah	Mayor/Mgr. Executive Branch	City Council Legislative Branch	Retention Elections 4/6- years	City Treasurer Executive

Retention Elections

JUDGES.UTAH.GOV

What's In a FINE

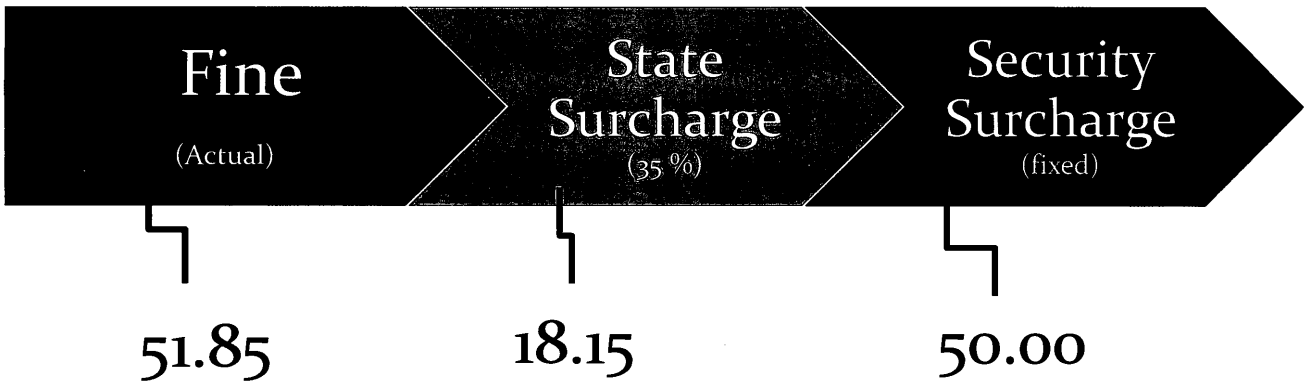
680.00 Imposed Fine for Retail Theft



A City would receive 331.58 + 6.40 = 337.98

What's In a FINE

120.00 - Imposed Fine for a basic traffic offense



A City would receive 51.85 + 6.40 = 58.25

QUESTIONS

? ?

? ? ?

? ? ?

? ? ?

Report to the Orem City Council October 2014

Library Advisory Commission

Library Advisory Commission

- Julene Butler, Chair
- Ben Beeson, Vice Chair
- Darla Baker
- Gloria Cronin
- James Jones
- Terri Potts Smith

- Tom Macdonald, City Council Representative

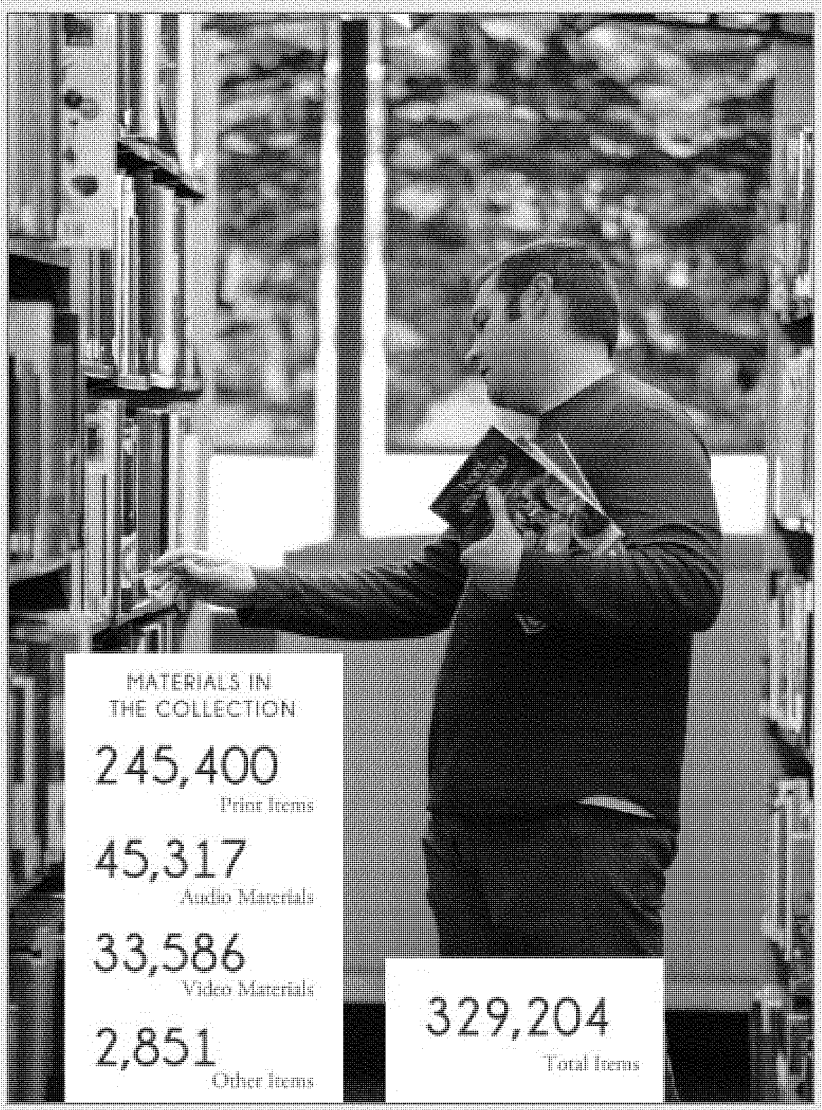
Public Libraries are Important

Libraries support three core missions:

- promoting reading,
- offering access to information, and
- anchoring communities.

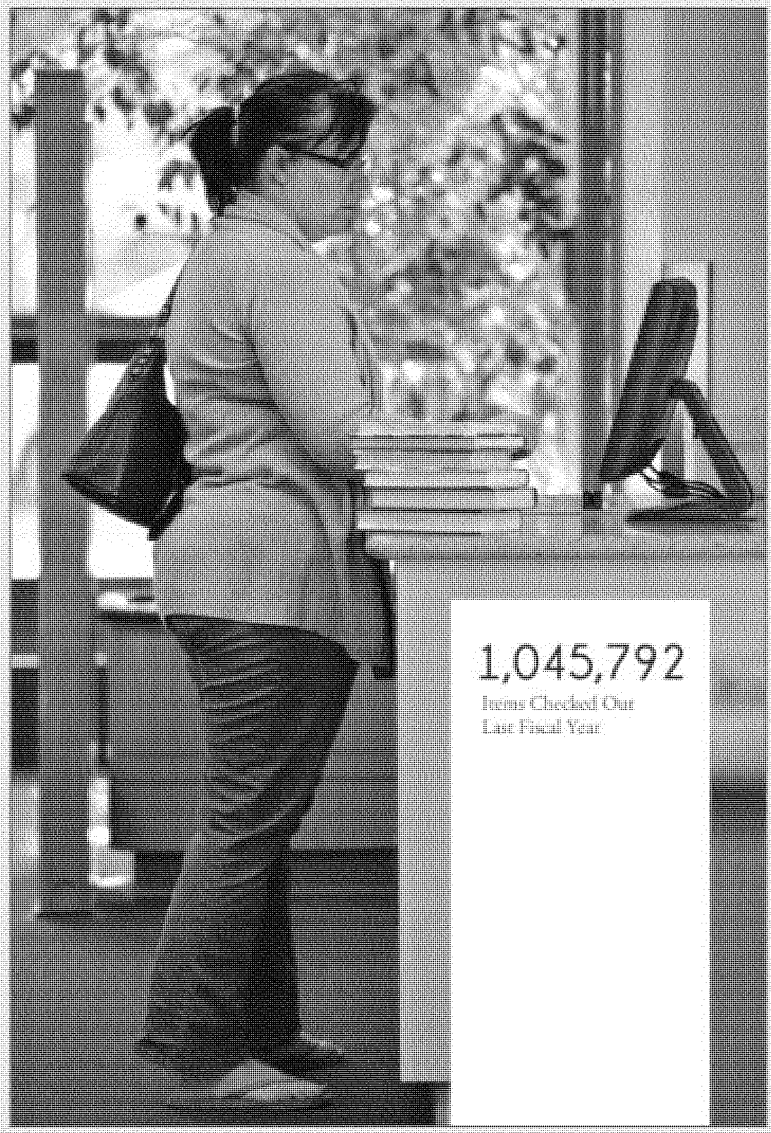
Forbes, January 2013

A Busy Summer Day at the Orem Public Library



The Orem Public Library has an excellent collection to serve the lifelong learner.

Circulation continues to be very strong with patrons taking home **over 1 million** items each year.

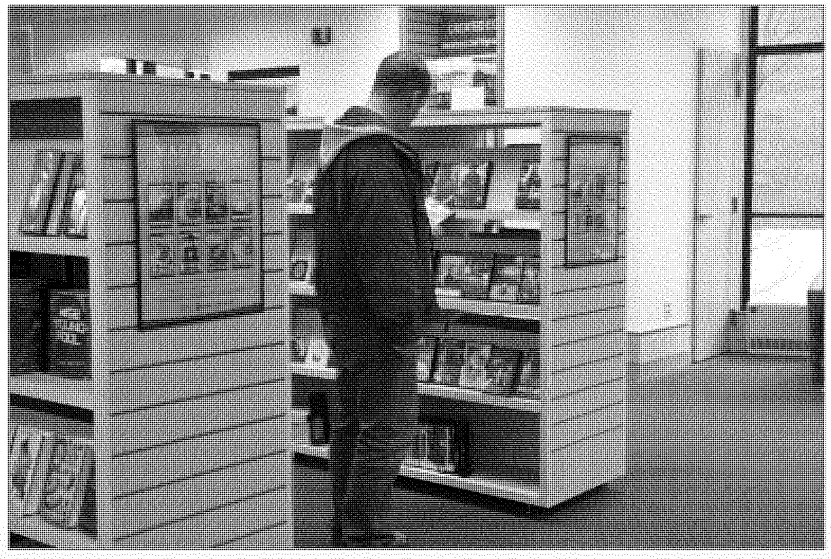


1,045,792

Items Checked Out
Last Fiscal Year.

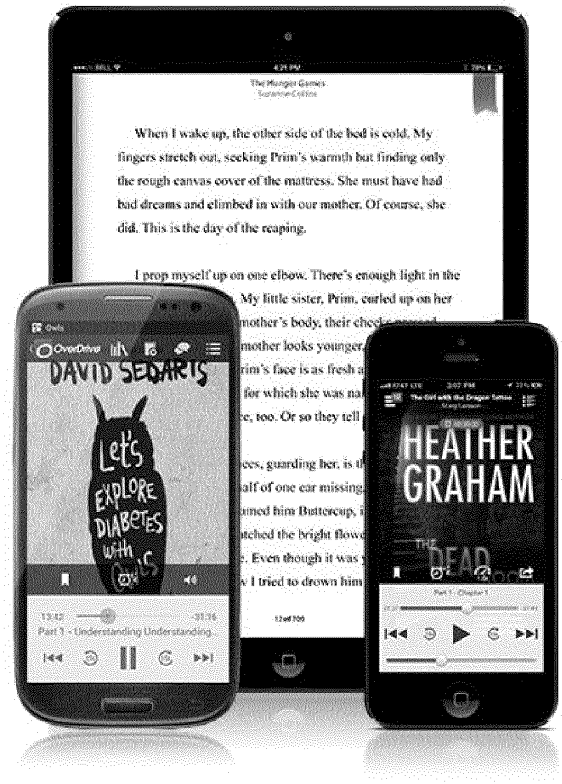
New Resources

- Several new display areas have been added or enhanced to help patrons browse new items and bestsellers.



New Resources

- OPL continues to build its collection of electronic materials, including e-books, e-audiobooks, and e-magazines.
- Patrons enjoy accessing these materials quickly and easily on tablets and other mobile devices.
- The Library received a grant to purchase over $10,000 of new ebooks and eaudiobooks in the coming year.



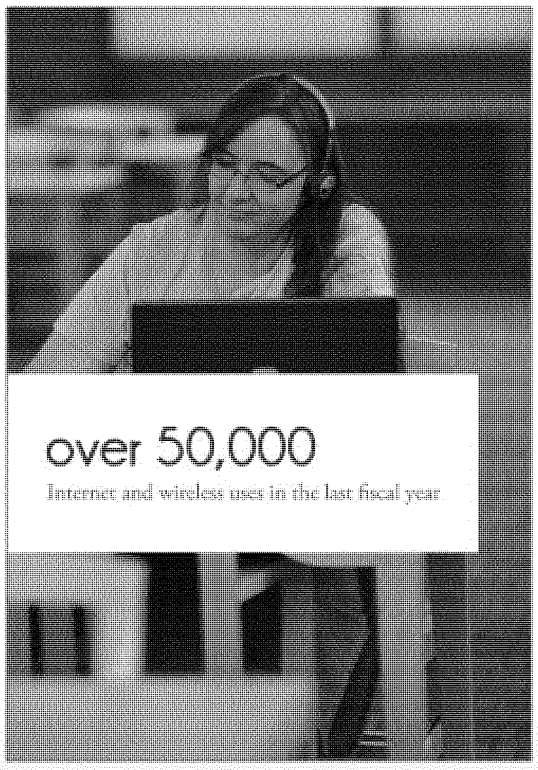
202%
Increase in E-Material use in the Last Fiscal Year

48,984
E-Items Checked Out in the Last Fiscal Year

Access to Computers and Internet Service

- Libraries provide critical access to computers and the Internet for students and low-income residents in our community.

- More than half of young adults and seniors living in poverty in the United States use public libraries to access the Internet (*Forbes*).

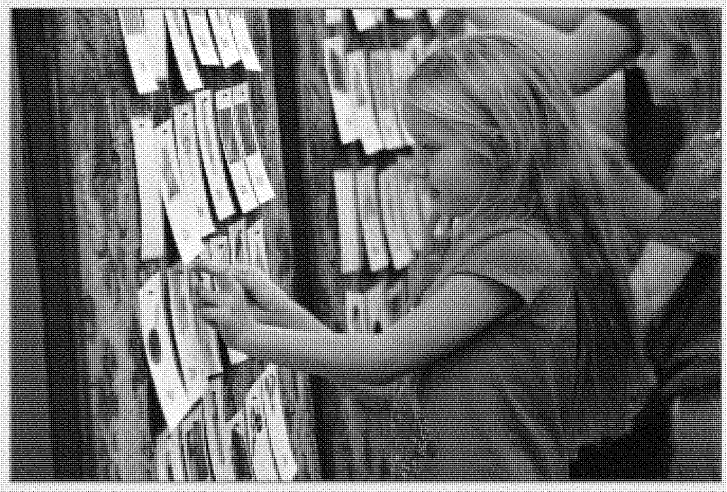


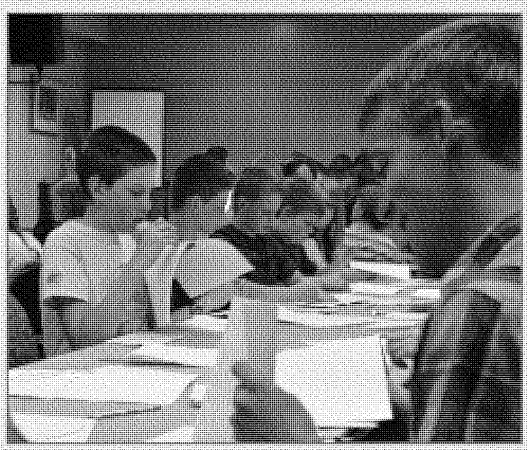
OPL sees thousands of visitors each week.

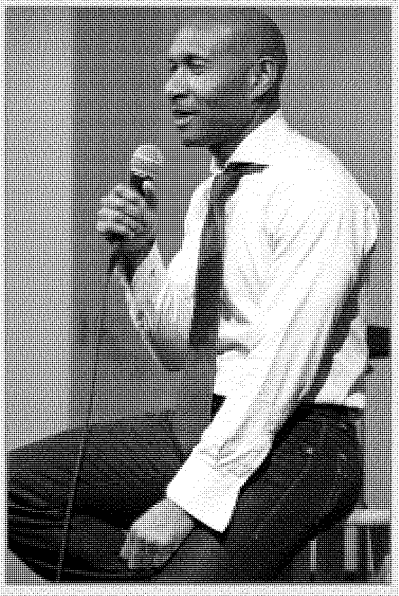
Programs at OPL

- Weekly Storytime and Laptime for Children
- Summer Reading for children and teens
- Concerts featuring all types of music
- Plays and puppets
- Author visits and readings
- Community Presentations and Discussion
- Film screenings
- Unique events and opportunities

DR. HOUSE



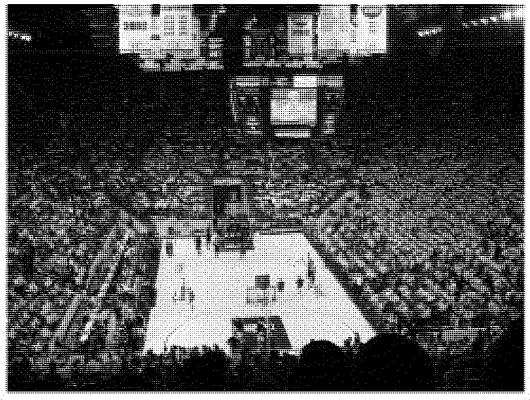




Program Attendance in Fiscal Year 2013-2014

58,539

That's enough people to fill BYU's Marriott Center almost three times!



Community Support

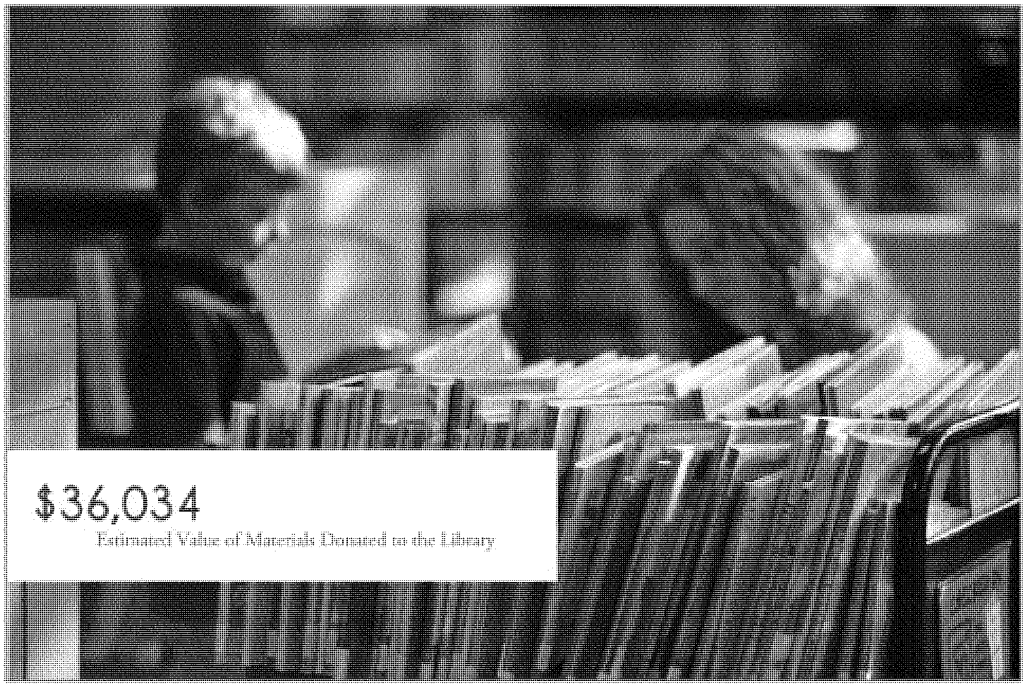
- The Orem Public Library is an anchor in our community because of the ongoing support of our residents and patrons from other cities.

- We are proud to be Orem's library, a gathering place for families.

- The Orem Public Library was recognized as the #1 public library in Utah Valley in the 2014 Daily Herald Readers' Poll.

Library Volunteers

Library Donations



Center for Story

- Building the Center for Story was ranked as the highest priority for library capital facility needs by the Utah State Library Board in September 2014.

- This priority status has been forwarded to the Utah Department of Heritage and Arts and will be presented to the Governor and Legislature.

- Over $4,010,000 has been raised for the project. Fundraising continues to meet the original $4,400,000 project budget.

Thank You!

- Thank you to the Orem City Council and the residents of Orem for their continued support of the Orem Public Library.

City of Orem
Neighborhood Plan Program

OREM

Department of Development Services

Purpose

1. Support the City Council's Areas of Focus
2. Promote community planning by identifying local needs and concerns.
3. Improve City communication with residents.
4. Apply City-wide plans to the neighborhood level.

Desired Outcomes

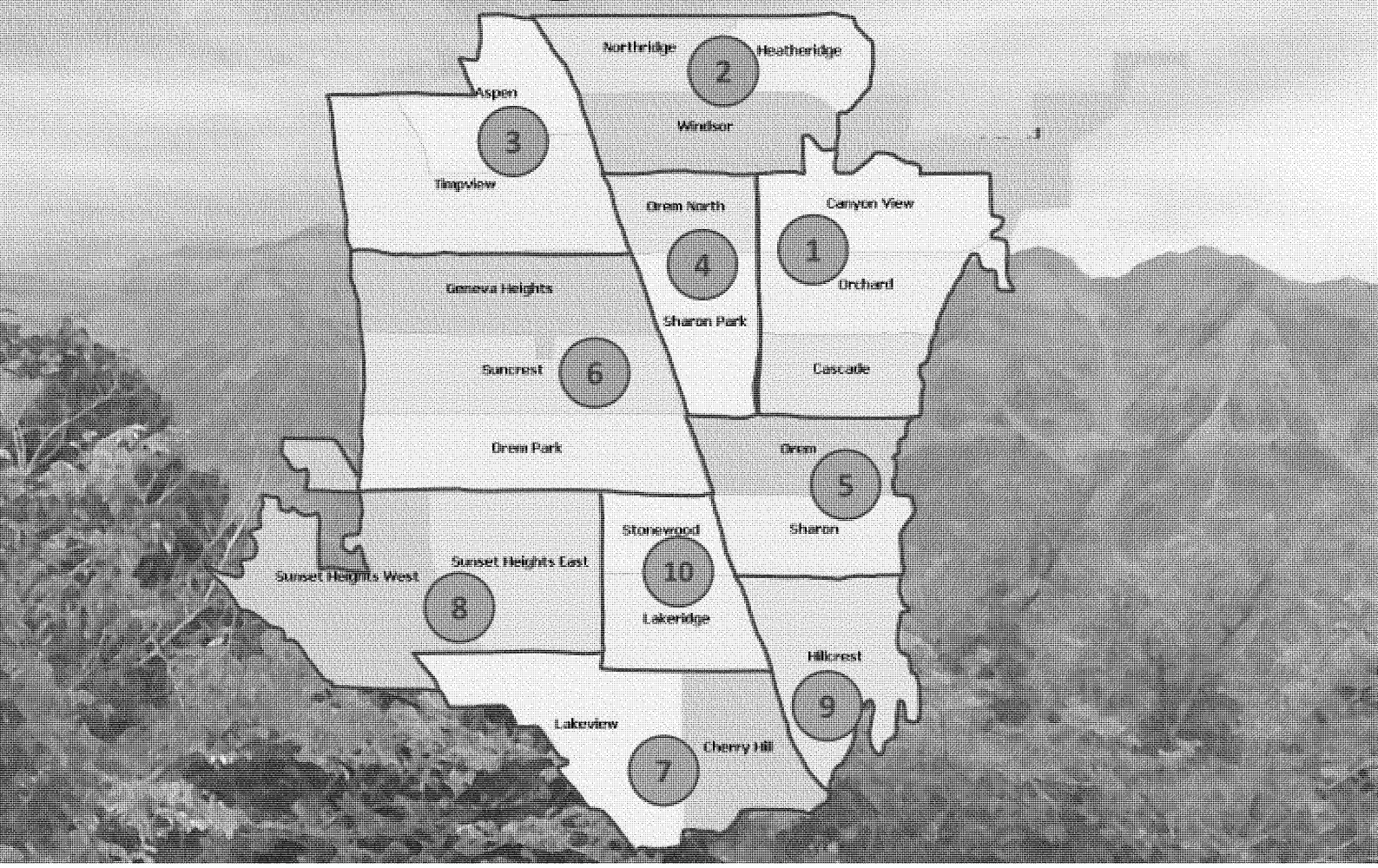
1. Increased positive residential involvement in the planning process.
2. Identify and resolve concerns at the local level.
3. Support City-wide comprehensive planning through neighborhood buy-in and ownership.
4. Introduce the MindMixer communication platform to citizens and businesses.

Elements of Plan

1. Introduction
2. Existing Characteristics
3. Future Development/Vision
4. Urban Design
5. Implementation Strategies

Figure 2.3 - Joaquin Neighborhood Current Land Uses.

Neighborhoods



Timeline

- 1 Year Completion:
  - 1st Qtr: Background & Kickoff
  - 2nd Qtr: Identify Concerns & Strategies
  - 3rd Qtr: Plan Development
  - 4th Qtr: Presentation & Approval

Neighborhood	Year
1. Canyon View	November 2014-2015
1. Orchard	November 2014-2015
1. Cascade	November 2014-2015
2. Northridge	May 2015-2016
2. Heatheridge	May 2015-2016
2. Windsor	May 2015-2016
3. Aspen	November 2015-2016
3. Timpview	November 2015-2016
4. Orem North	May 2016-2017
4. Sharon Park	May 2016-2017
5. Orem	November 2016-2017
5. Sharon	November 2016-2017
6. Geneva Heights	May 2017-2018
6. Suncrest	May 2017-2018
6. Orem Park	May 2017-2018
7. Cherry Hill	November 2017-2018
7. Lakeview	November 2017-2018
8. Sunset Heights West	May 2018-2019
8. Sunset Heights East	May 2018-2019
9. Hillcrest	November 2018-2019
10. Stonewood	May 2019-2020
10. Lakeridge	May 2019-2020

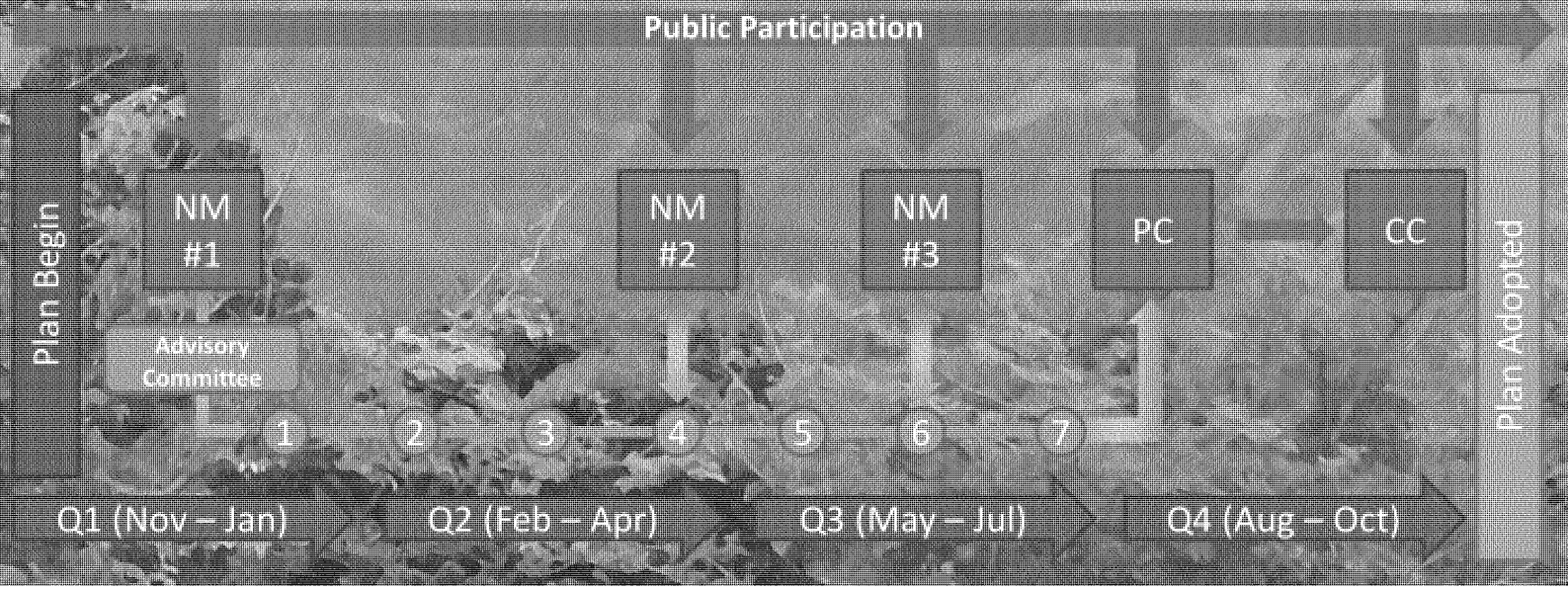
Project Timeline

Neighborhood Meeting #1:
- Kickoff: Project Purpose
- Advisory Committee
- Identify Concerns

Neighborhood Meeting #2:
- Finalized Concerns
- Preliminary Solutions
- Existing Conditions Report

Neighborhood Meeting #3:
- Final Draft Report Presentation
- Implementation Strategies

Potential Neighborhood Meeting Locations: Local Schools, Parks, City Hall, SCERA

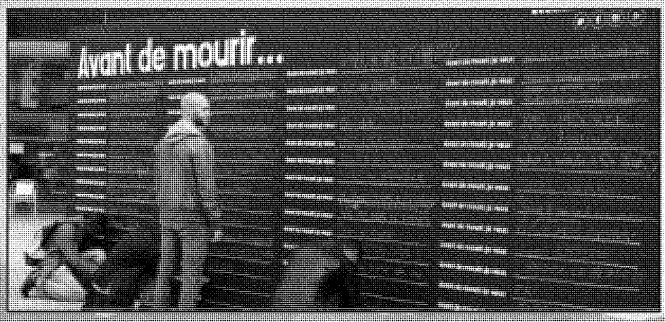


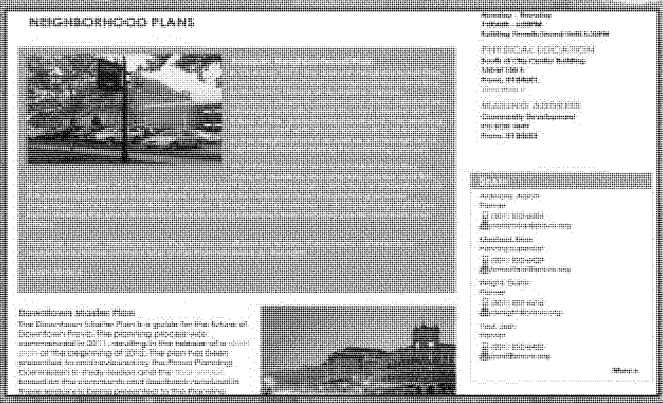
Neighborhood Committee

- Advisory Committee
  - Residents
  - Business Owners
  - Neighborhood Chairs
  - School Representatives
  - Religious Leaders
  - City Councilmember
  - Citizens' Commissioners
- Staff Involvement
  - City Planner (North/South)
  - Long Range Planner
  - Transportation Engineer
  - Planning Division Manager
  - Development Services Director
- As needed:
  - *Economic Development Manager*
  - *City Manager's Office*
  - *Parks & Recreation Department*
  - *Public Safety Representative*

Public Outreach Plan

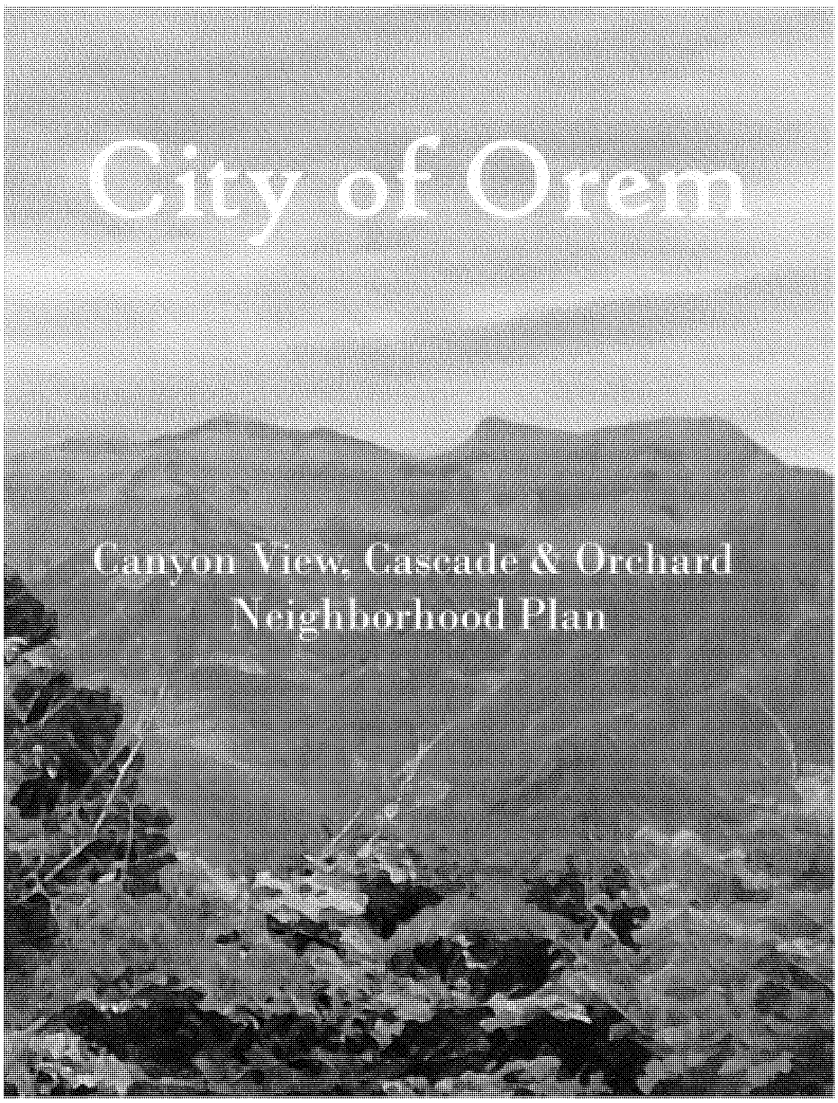
- MindMixer
- SurveyMonkey
- Project (Neighborhood) Blog
- Orem City Facebook
- Neighborhood Canvassing
- Chalkboard / Idea Board
- School Bulletins
- NIA Leadership
- Utility Bills / City Newsletter
- Mailings / Fliers



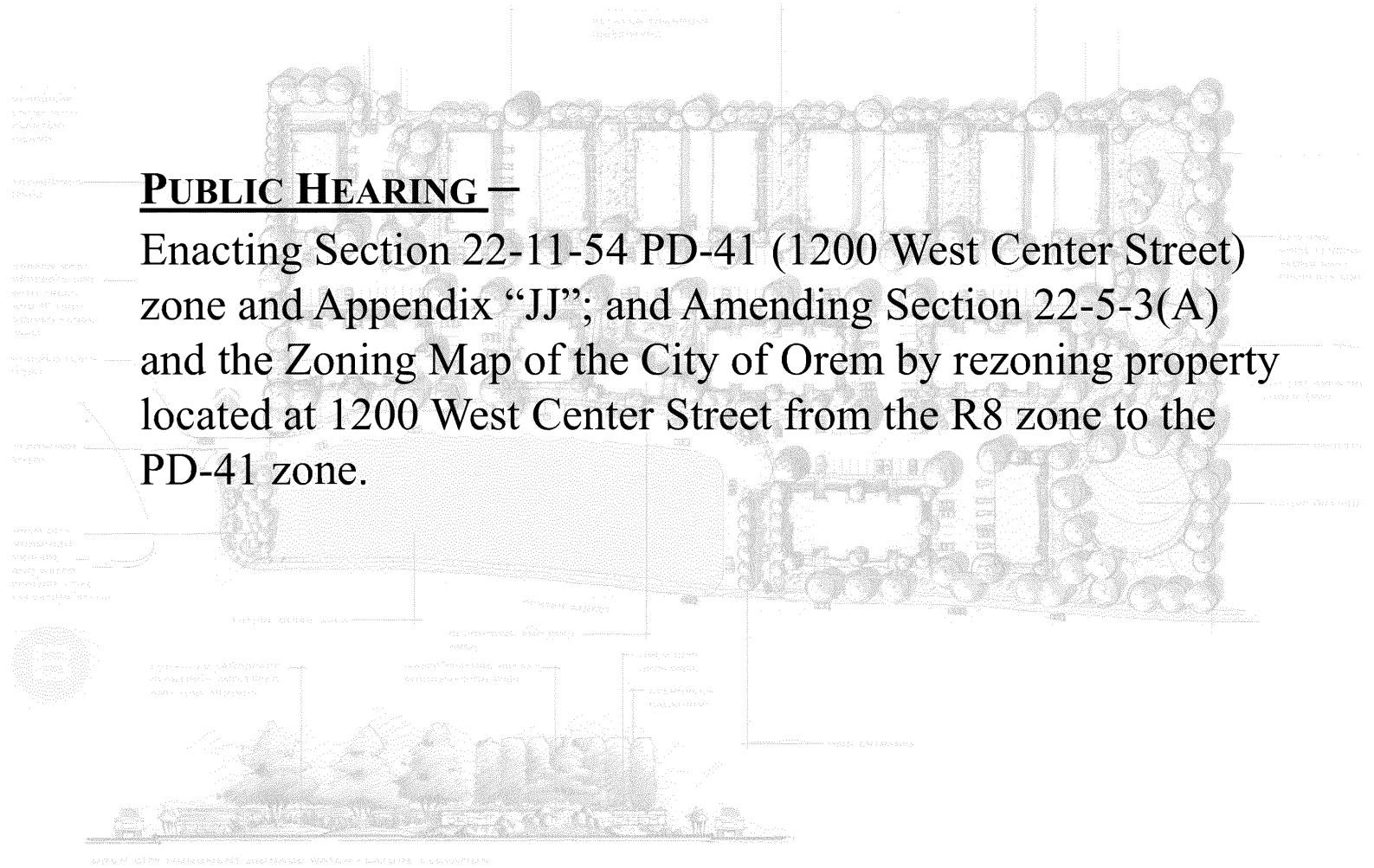


City of Orem

Canyon View, Cascade & Orchard Neighborhood Plan



City of Orem
Neighborhood Plan Program



PUBLIC HEARING –

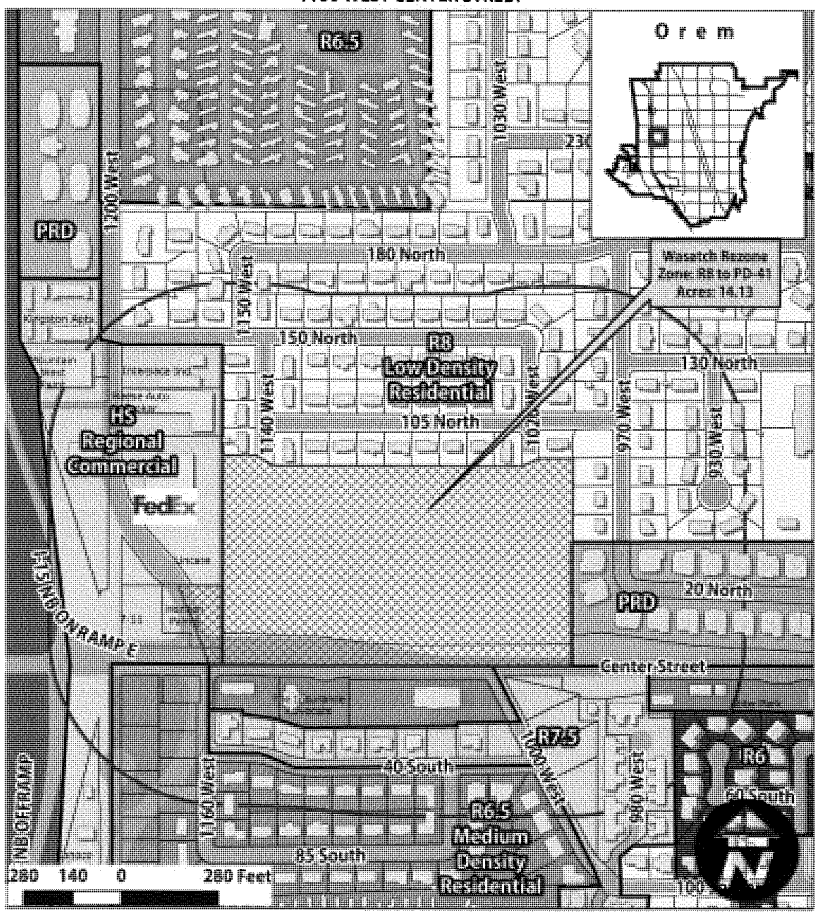
Enacting Section 22-11-54 PD-41 (1200 West Center Street) zone and Appendix "JJ"; and Amending Section 22-5-3(A) and the Zoning Map of the City of Orem by rezoning property located at 1200 West Center Street from the R8 zone to the PD-41 zone.

Applicant: Adam Lankford with Wasatch Advantage Group

Vicinity Map

Wasatch Advantage Rezone from R8/HS to PD-41

1100 WEST CENTER STREET



Wasatch Advantage Rezone from R8 to PD-41:
14.13 Acres; R8 zone.

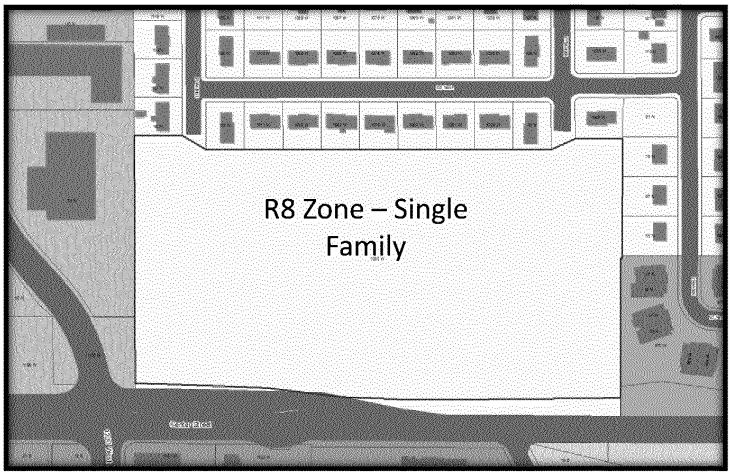
NIA CONTACT:
Suncrest Neighborhood
Cynthia Manire

Legend
- Buildings
- PD41
- Notification Boundary
- Parcels

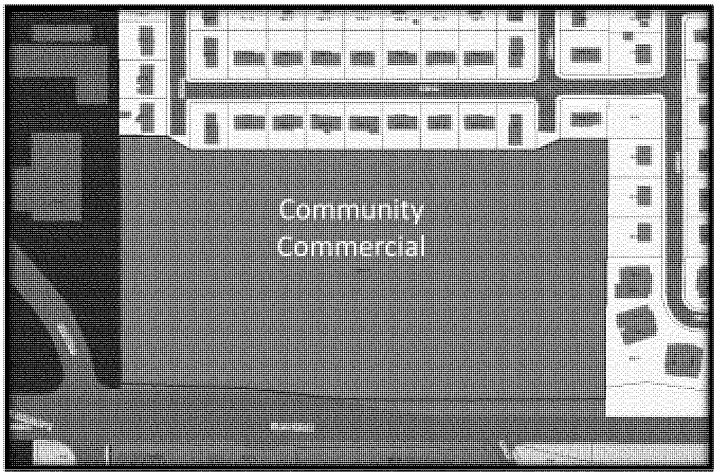
Aerial View

150 North
105 North
FedEx
1200 West
Center Street
REALTORS
Peach Haven PRD

Zoning and General Plan



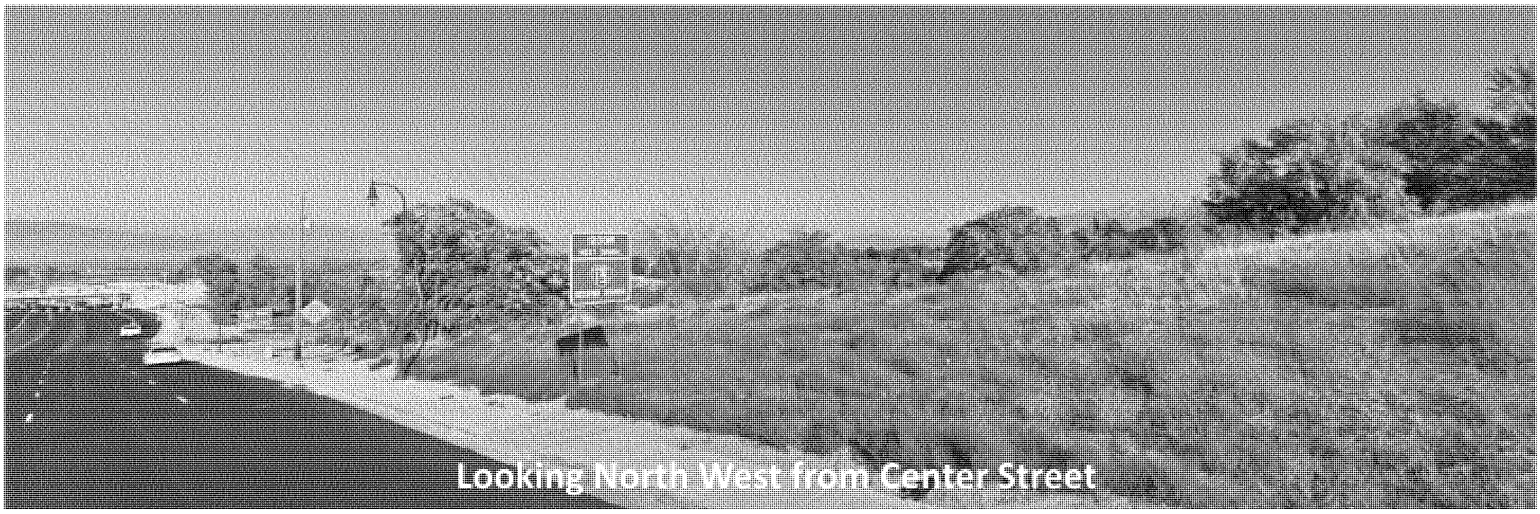
Zoning



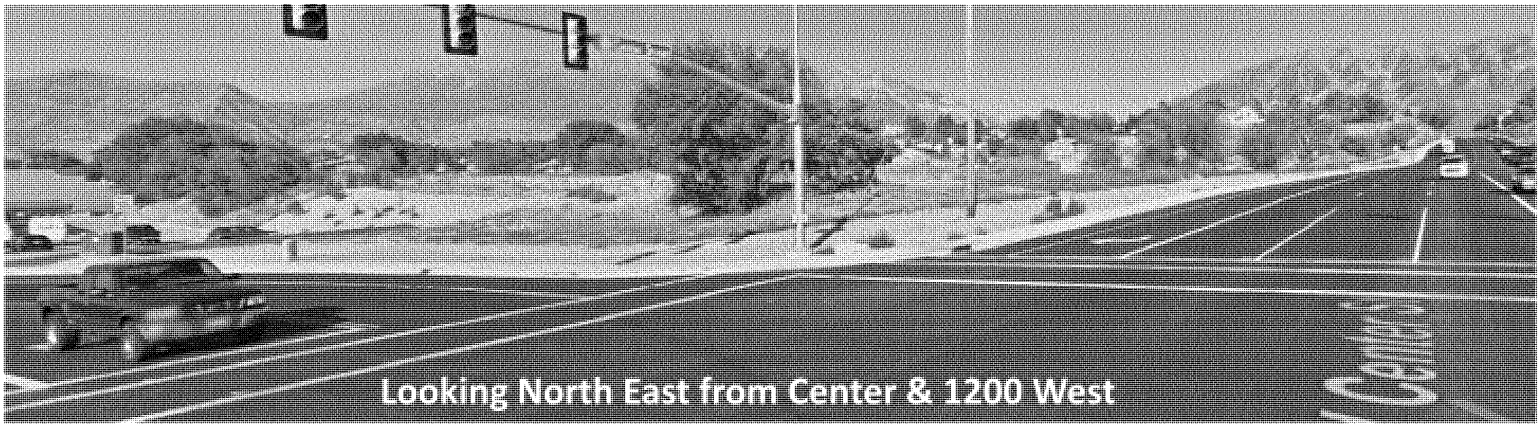
General Plan

Community Commercial (C1, C2, BP, and Commercial PD zones)

Site Photos

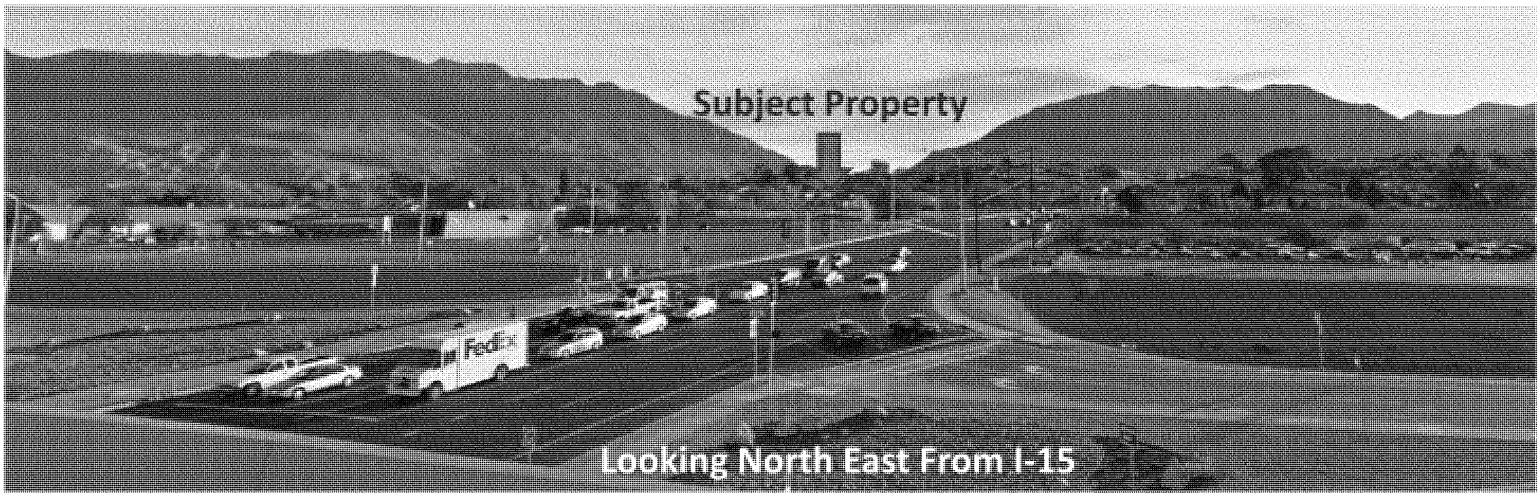


Looking North West from Center Street

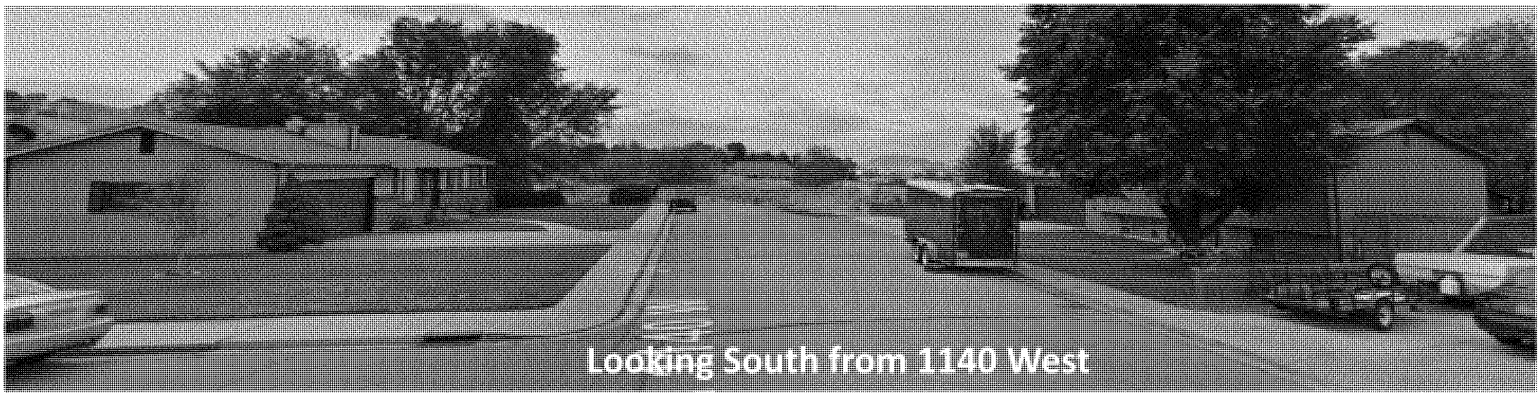


Looking North East from Center & 1200 West

Site Photos

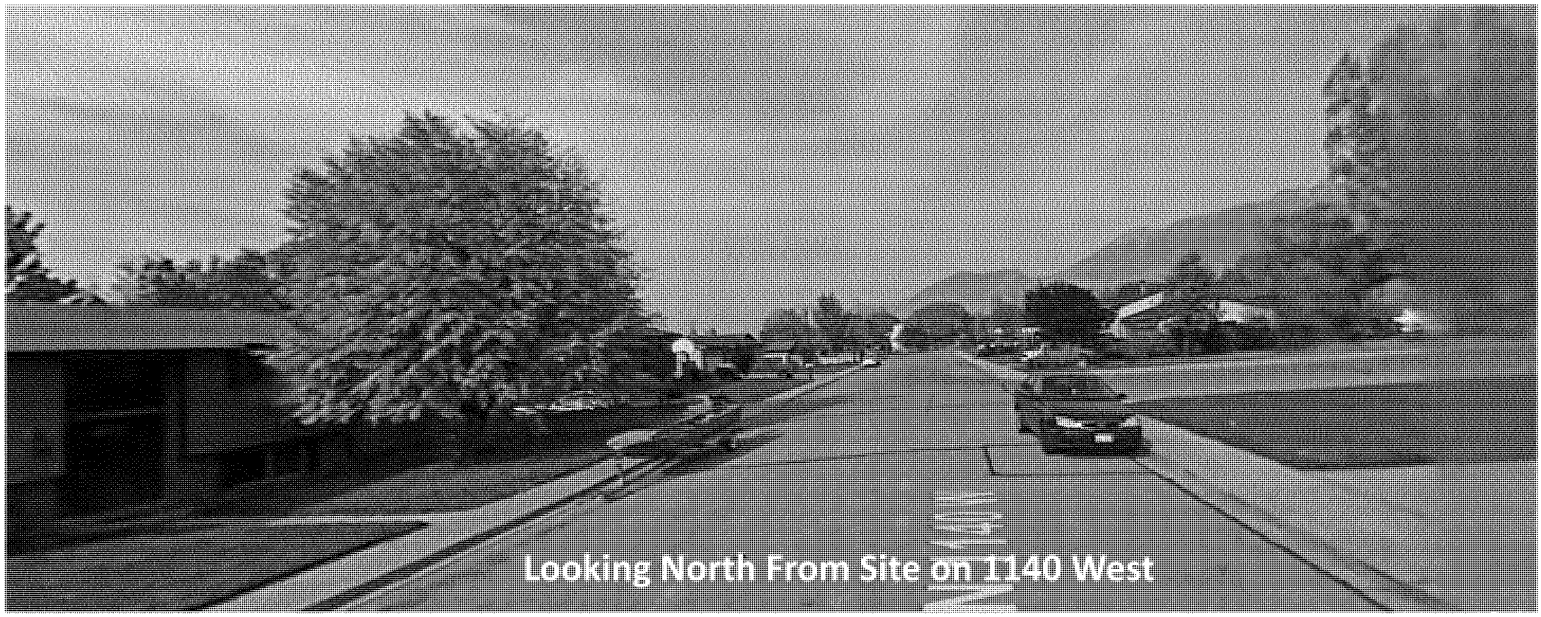


Looking North East From I-15



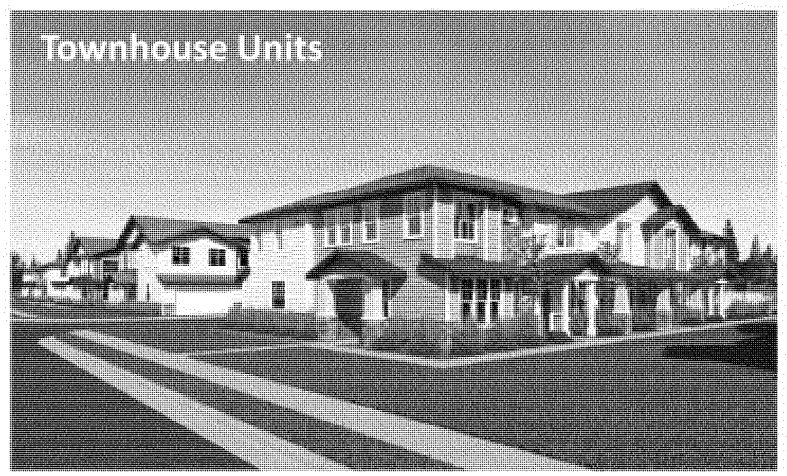
Looking South from 1140 West

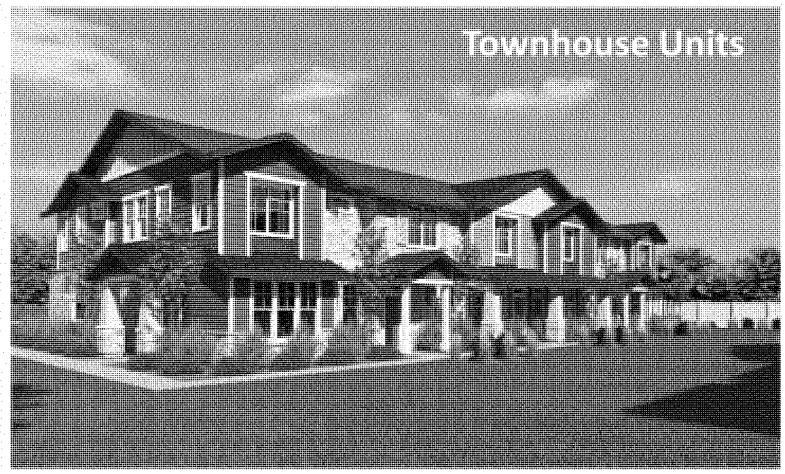
Site Photos



Proposed Concept Plan

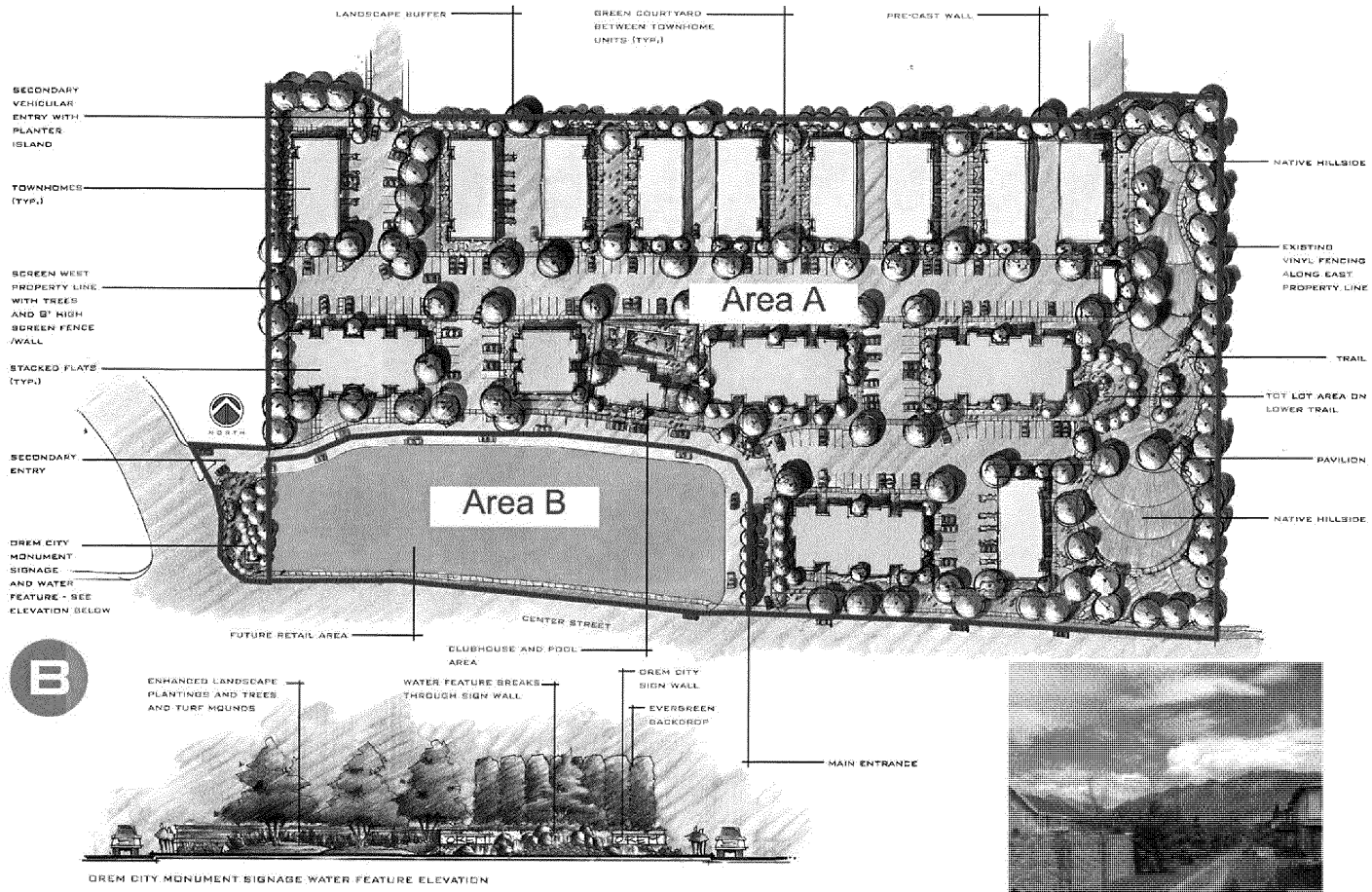
Building Elevations



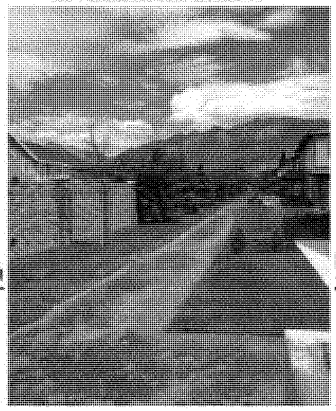


Landscaped Site Plan

Appendix "JJ"

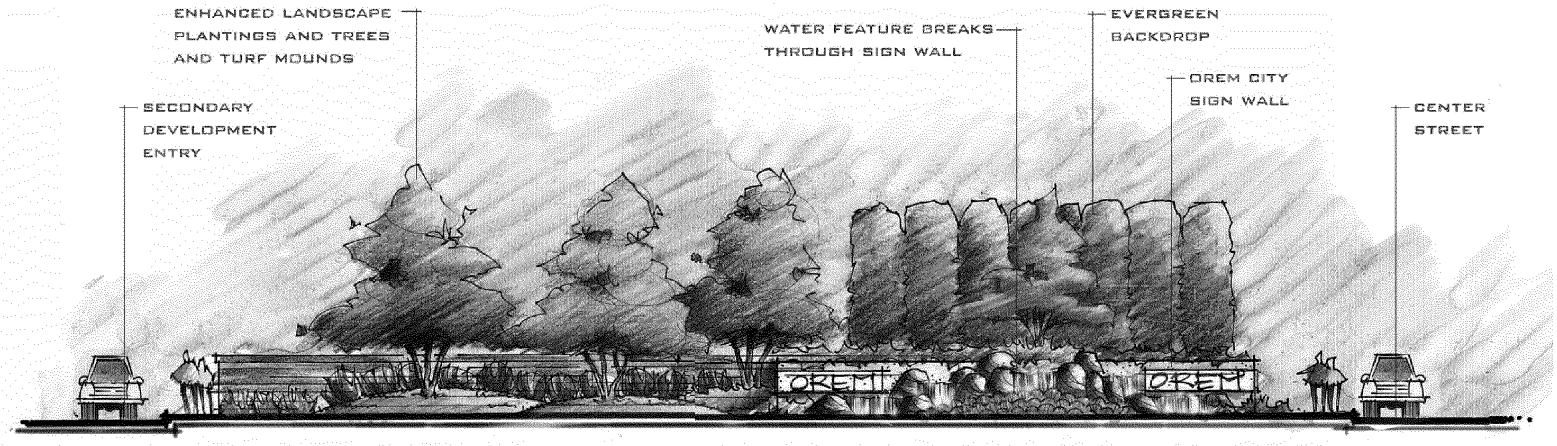


OREM CITY MONUMENT SIGNAGE WATER FEATURE ELEVATION



WASATCH OREM CENTER STREET COLOR SITE PLAN

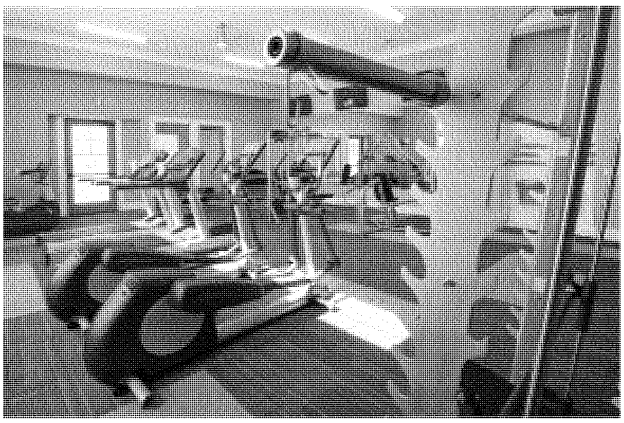
Entry Water Feature

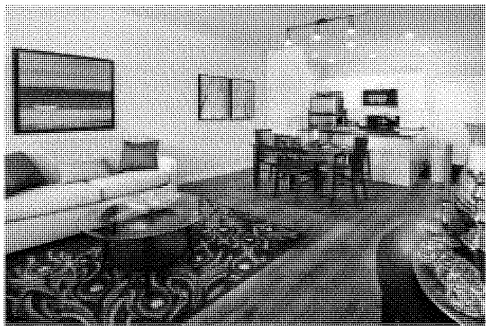


OREM CITY MONUMENT SIGNAGE WATER FEATURE ELEVATION

OREM CITY MONUMENT SIGNAGE CHARACTER IMAGES

Interior Finishing Design





PD-41 Ordinance Provisions

- Maximum of 17units per acre in Area A (Residential Portion = 10.3 Acres)

- Maximum building height of 45 feet in Area A

- Maximum building height of 55 feet in Area B (Proposed change since PC)

- Setbacks:
  - 20' from all property lines
  - Zero setback between commercial pads (Proposed change since PC)

- Buffered (8' Park strip; 8' Sidewalk) sidewalks adjacent to Center Street.

- Requirements for exterior finishing materials as show in Appendix "JJ"

- Parking Standards:
  - Residential: 2 Stalls per unit (168 Apartment Units)
  - Commercial: Consistent with C3 zone parking requirements

- Signage to allow two ~~one~~ monument type signs to be constructed. (Entrance signs on Center Street and 1200 West) (Proposed change from PC)

- Fencing: Pre-cast wall along the northern boundary line to be installed at a maximum of 7'.

Highest and Best Use Analysis

- Property is uniquely situated adjacent to I-15 and is one of the last remaining large vacant lots with I-15 visibility

- The City hired a private consultant (Van Drimmelen & Associates) to conduct an analysis of the property.

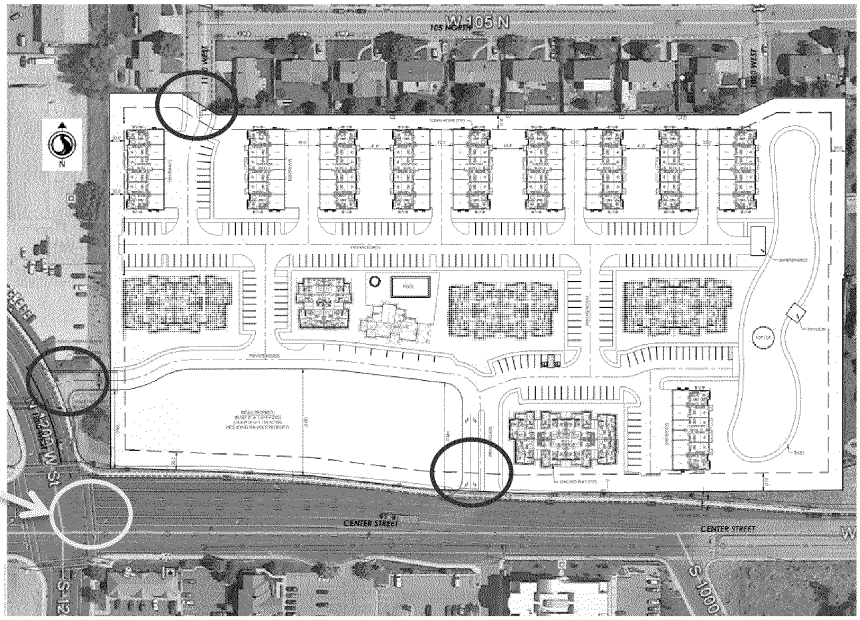
- In the opinion of the consultant the most apparent and compatible highest and best use of the subject property would be mainly office development.

- A total of three options were discussed in the analysis including:
  - First option - Office Uses (Strongest option)
  - Second option - Retail Development
  - Third option - Multi-family Residential Development

Traffic Study

- A traffic study performed in connection with the rezone request indicated that if the proposed development only had access from Center Street and 1200 West, the access onto Center Street would have a traffic failure condition (LOS F).
- The City required additional accesses to the project to improve LOS condition. The size of the proposed development did not create traffic levels high enough to warrant installation of a traffic signal.
- Three access points include: 1. Center Street; 2. 1200 West (By Development Agreement); and 3. 1140 West (By Development Agreement)

Funds to improve traffic signal by development agreement



Provisions of Development Agreement

1. **New Access onto 1200 West.** The Developer shall construct and install a new access to the Property from 1200 West Street which includes the design and construction of the median in 1200 West. If the developer for any reason fails to construct the 1200 West Access, development on the Property shall be limited to no more than fifty (50) residential units (which represents the approximate number of single family dwellings that could be constructed on the Property under the current R8 zoning) and no commercial development shall be allowed.
2. **Connection to 1140 West.** Developer shall connect a drive access from the Property to 1140 West Street as shown in the concept plan to the PD-41 ordinance and shall maintain such connection open for traffic between the Property and 1140 West.
3. **Developer Contribution Toward Improvement of Traffic Signal System.** As a result of the increase of traffic from development of the Property, the traffic signalization at 1200 West and Center Street needs to be upgraded and improved. Developer agrees to contribute a sum up to Ten Thousand Dollars ($10,000) to the City for the improvement of the signalization at the intersection of 1200 West and Center Street.
4. **Gateway Landscaped Area.** Developer agrees to construct and maintain a "Gateway Landscaped Area" on that part of the UDOT Parcel that is not used for the construction of the 1200 West access. The Gateway Landscaped Area shall consist of landscaping, a "City of Orem" sign and a water feature, all in substantial conformance with the features and design shown in Exhibit "C"

Advantages of the proposal:

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

Disadvantages of the proposal:

- The proposed uses may not be the "highest and best" use for the property. Office uses were identified as the highest and best use for the property according to the report prepared by Van Drimmelen & Associates. Multi-family was listed as the third best use.
- The project develops one of the last remaining vacant properties adjacent to and highly visible from I-15 and a major entrance to the City.
- Access from the development onto 1140 West Street will increase local traffic in the area; however, the project contains three access points that will distribute the traffic on Center Street, 1200 West and 1140 West.

Recommendation

The Planning Commission recommends that the City Council approve the request to enact Section 22-11-54 (PD-41 zone) of the Orem City Code with the corresponding Appendix JJ (concept plan) and amend section 22-5-3(A) and the zoning map of the City of Orem by rezoning property located at 1200 West Center Street from the R8 zone to the PD-41 zone.

Road Grid

To: Adam Lankford
Sr. Development Manager
Wasatch Advantage Group

From: John Dorny, P.E.
Sr. Associate

Date: March 6th, 2014 **JN 938-1311**

Subject: Trip Generation Options for Orem Center Street Development

This memorandum is to present the trip generation results for the different options for the Wasatch Center Street Development. Below is a list of the different options with their respective land uses and quantities:

- **Option 1**
  - Stacked Flats – 144 units
  - Residential Townhome – 66 units
- **Option 2**
  - Shopping Center – 119,100 sq. ft. of Gross Leasable Area (GLA)
- **Option 3**
  - General Office Building – 238,200 sq. ft. (GLA: Assumes twice as much shopping center space using multi-story buildings)

Horrocks Engineers has created trip generation summary tables for each option to show the estimated trips occurring during the average weekday, AM peak hour, and PM peak hour. Project trip generation was estimated using rates based on the Institute of Transportation Engineers (ITE) guidelines. The tables for the respective options are shown in **Table 1, 2,** and **3**.

Table 1: Project Site Trip Generation for Option 1

Center Street Orem										
Variable	Quantity	Daily			AM Peak Hour			PM Peak Hour		
		Rate Total	In	Out	Rate Total	In	Out	Rate Total	In	Out
Stacked Flats (ITE 220 Apartment)		9.78*	50%	50%	0.75	20%	80%	0.91	65%	35%
Units	144.0	1,408	704	704	108	22	86	131	85	46
Residential Townhome (ITE 230)		8.54*	50%	50%	0.65	17%	83%	0.76	67%	33%
Units	66.0	564	282	282	43	7	35	50	34	17
Total Trips		1,972	986	986	151	29	122	182	119	63

Source: ITE Trip Generation Manual data modified per local Orem City traffic engineering requirements
**includes a 47% increase from national standards*

Table 2: Project Site Trip Generation for Option 2

Center Street Orem										
Variable	Quantity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
Shopping Center (820)		**42.7**	50%	50%	**0.96**	62%	38%	**3.71**	48%	52%
1000 Sq. Ft. (GLA)	119.1	5,086	2,543	2,543	114	71	43	442	212	230
	Total Trips	**5,086**	**2,543**	**2,543**	**114**	**71**	**43**	**442**	**212**	**230**

Table 3: Project Site Trip Generation for Option 3

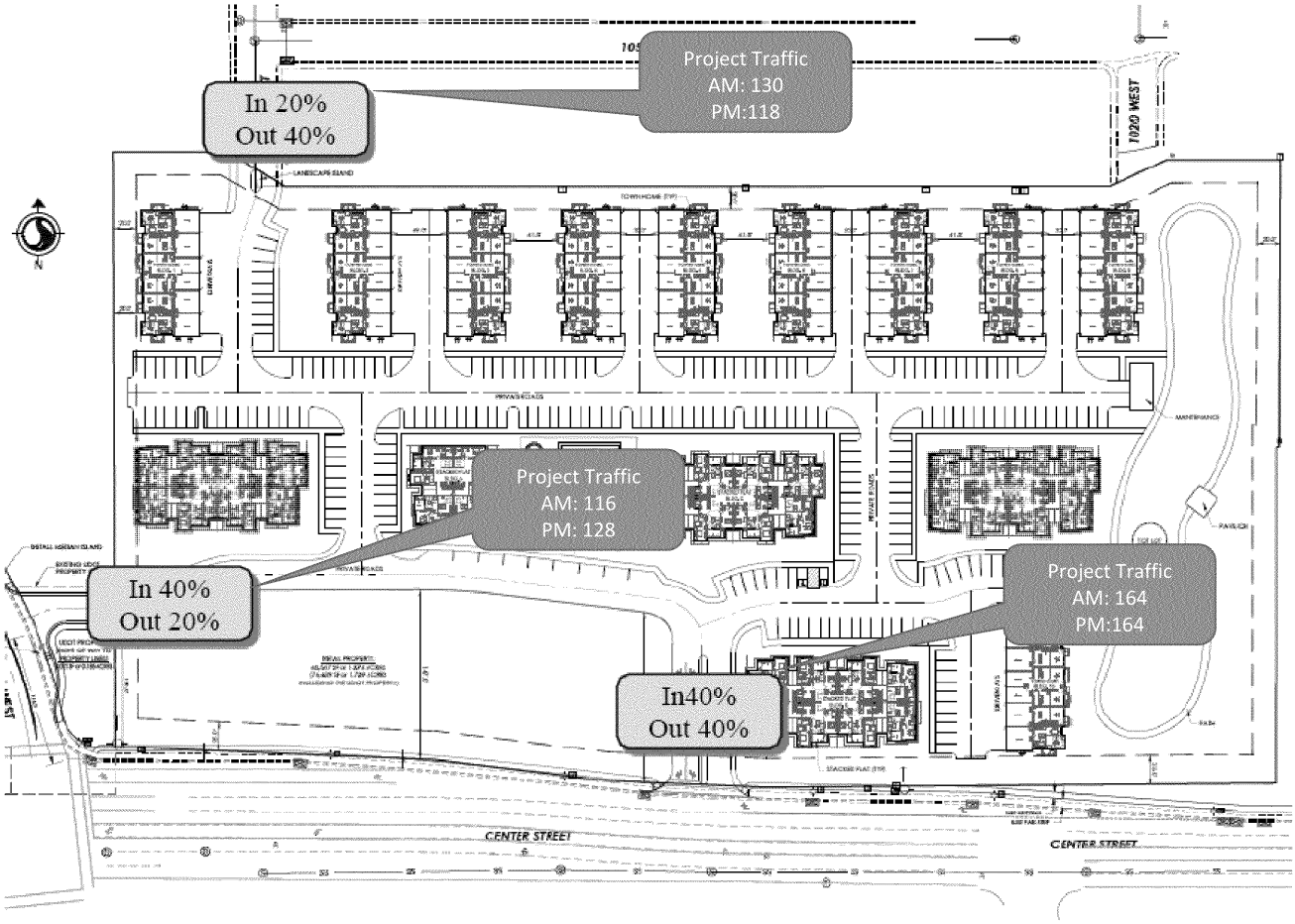
Center Street Orem										
Variable	Quantity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
General Office (710)		**11.03**	50%	50%	**1.56**	88%	12%	**1.49**	17%	83%
1000 Sq. Ft. (GLA)	238.2	2,627	1,314	1,314	372	327	45	355	60	295
	Total Trips	**2,627**	**1,314**	**1,314**	**372**	**327**	**45**	**355**	**60**	**295**

If more general office can fit on the project than we have shown, the traffic volumes will increase by the rates shown in **Table 3**.

Sincerely,

John Dorny, P.E.
Sr. Associate

EX AM: 74
EX PM: 82


Project Traffic
AM: 130
PM:118
In 20%
Out 40%
1020 WEST
Project Traffic
AM: 116
PM: 128
In 40%
Out 20%
Project Traffic
AM: 164
PM:164
In40%
Out 40%
CENTER STREET
CENTER STREET

Center Street Orem										
Variable	Quantity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
Shopping Center (820)		**42.7**	50%	50%	**0.96**	62%	38%	**3.71**	48%	52%
1000 Sq. Ft. (GLA)	119.1	5,086	2,543	2,543	114	71	43	442	212	230
	Total Trips	5,086	2,543	2,543	114	71	43	442	212	230

Center Street Orem										
Variable	Quantity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
General Office (710)		**11.03**	50%	50%	**1.56**	88%	12%	**1.49**	17%	83%
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	Total Trips	2,627	1,314	1,314	372	327	45	355	60	295

Land Use	Qty	Weekday				AM Peak Hour				PM Peak Hour			
		Rate	Total	In	Out	Rate	Total	In	Out	Rate	Total	In	Out
Single-Family Orem City	52	14.00	728	50%	50%	1.10	57	25%	75%	1.47	76	63%	37%
				364	364			14	43			48	28
		Total Trips	728	364	364		57	14	43		76	48	28

Wasatch Center Street Mixed-Use Rezone

Joint Venture Team

WASATCH
ADVANTAGE GROUP

RSC Investments

Richard & Sharon Christensen Family

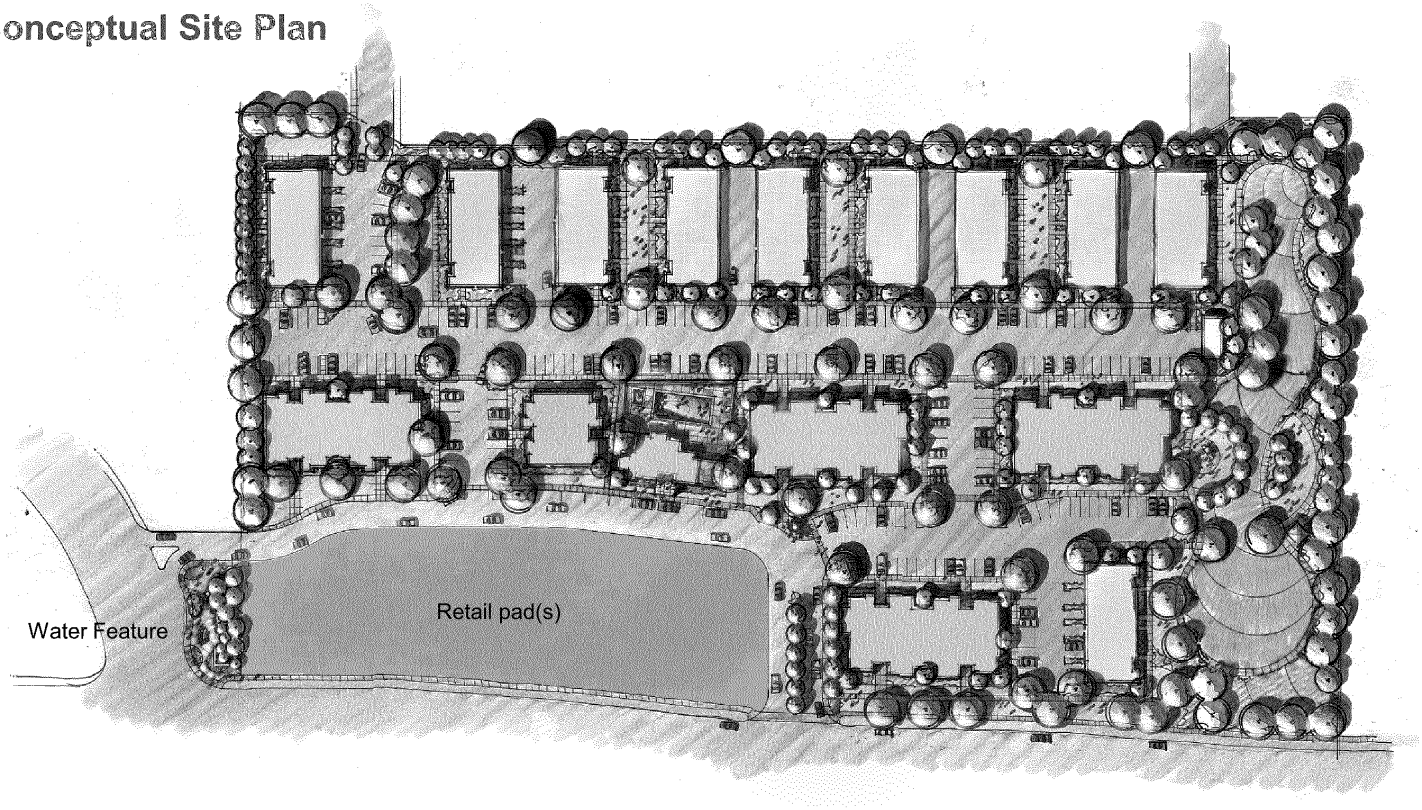
Wasatch Center Street Mixed-Use Rezone

Wasatch Intro

- Own and manage 16,000 units throughout West
- Operating since the 1980's. We are a Utah company.
- Investing in Orem – Orem Tech Center, Corner Bakery
- Management:
  - Full time professional staff – 5 to 6 staff on premise until 7 pm
  - 3 hour work request
  - Sub-lease / co-renting is a lease violation
  - 10-year tenant average is over 24 months
  - 12 month contracts with criminal/financial check
  - Nightly services – monitor parking and noise after hours
  - Renters by Choice
  - Long term investment / long term view of the property

Wasatch Center Street Mixed-Use Rezone

Conceptual Site Plan



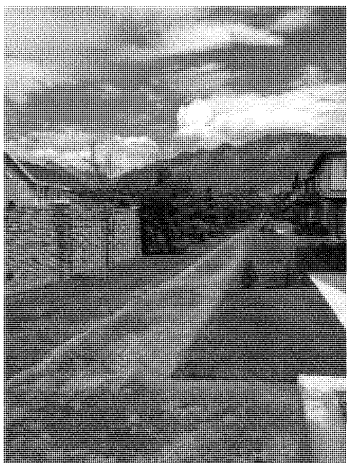
WASATCH
ADVANTAGE GROUP

RSC Investments

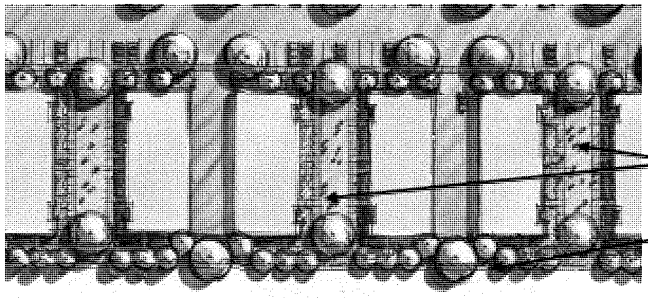
Richard & Sharon Christensen Family

Wasatch Center Street Mixed-Use Rezone

Site Plan – Residential



- Evolution of site plan
- 49% Open Space (trail, tot lot, pavilion, natural vegetation, green courts)
- 1140 West (private road, off set, landscape island, possible speed bump)
- Two product types (townhome and stacked flats)
- 2.15 parking stalls/unit
- Placement of Townhomes



40' wide 'Green Courts'

8-foot precast wall

Landscape Buffer

Conceptual Townhome Elevation A & B

Wasatch Center Street Mixed-Use Rezone

Conceptual Stacked Flat

Wasatch Center Street Mixed-Use Rezone

Architecture

- High end design
  - 3 exterior materials – Stone, Cement Board, Stucco
  - Interiors – 9-foot ceilings, granite/quartz countertops,
    garden tubs, upgraded molding/hardware
  - Variation of rooflines
  - Front porches
  - Oversized windows

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ADVANTAGE GROUP

Wasatch Center Street Mixed-Use Rezone

Conceptual Clubhouse

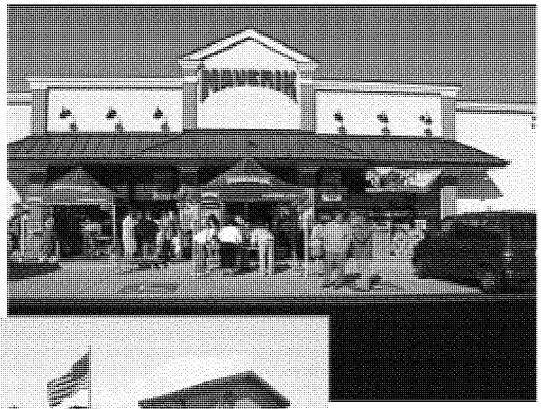
- 3,000 sq. ft.
- Leasing offices
- Maintenance office
- Clubroom
- Media Room
- Exercise facility with kids room

Conceptual Clubhouse Images

Wasatch Center Street Mixed-Use Rezone

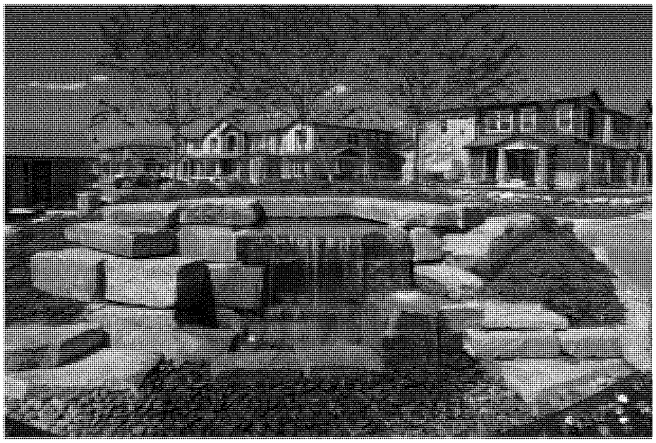
Site Plan – Conceptual Commercial

- Integrated architecture, signage and landscaping
- Traffic circulation
- 1.75 total acres (1 or 2 pads)



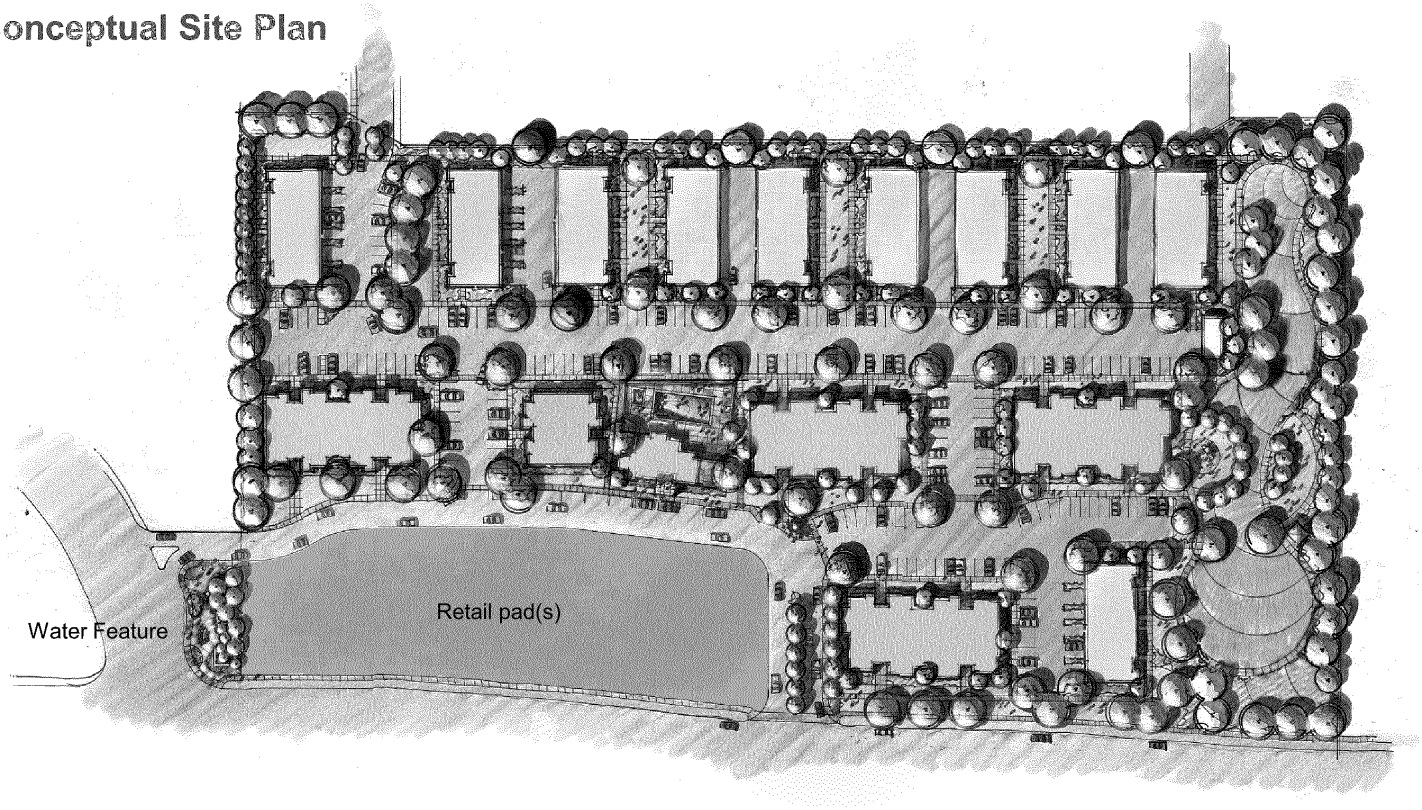
Wasatch Center Street Mixed-Use Rezone

Conceptual Water Feature – Welcome to Orem



Wasatch Center Street Mixed-Use Rezone

Conceptual Site Plan



WASATCH
ADVANTAGE GROUP

RSC Investments

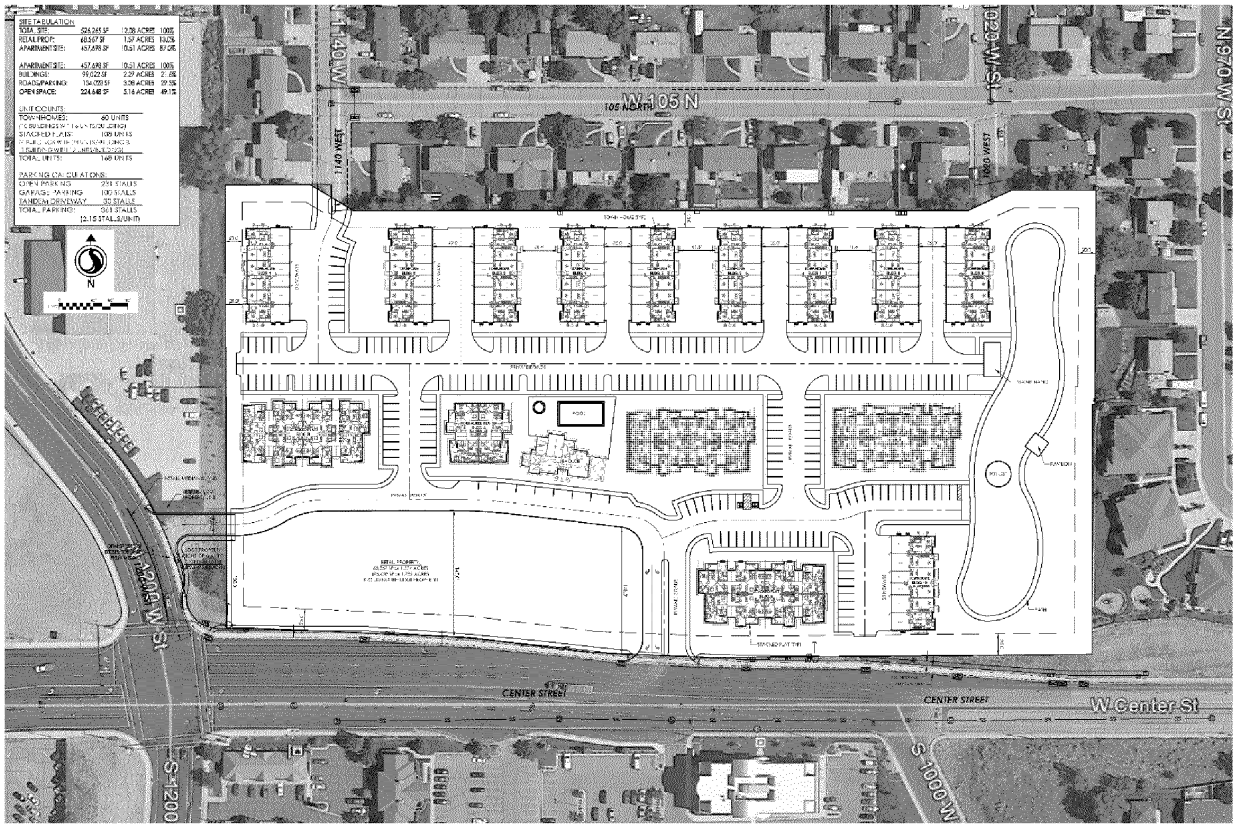
Richard & Sharon Christensen Family

Wasatch Center Street Mixed-Use Rezone

Land Use

- Buffer existing residential through land use
- Residential produces less traffic than (office or retail)
- Site constraints make it hard for 1 or 2 large building
- Real estate appraisal
  - Used to capture highest ROI for developer
  - Subject to interpretation/type of Appraisal
  - Does not take into consideration traffic/access issues
  - Traffic generated (high to low) – 1-retail, 2-office, 3-residential
  - Does not take into consideration site constraints (ie – slope)
  - Only analyzes multi-family 'for sale'
  - Issues with Spec Office – 3 million square feet of office
  - Issues with Mid-Box – Power Centers
  - Issues with Tenants and Financing

Wasatch Center Street Mixed-Use Rezone



WASATCH ADVANTAGE GROUP

RSC Investments

Richard & Sharon Christensen Family

OREM

STATE STREET CORRIDOR MASTER PLAN

Recapturing Community Corridors

City Council Engagement

IBI

IBI GROUP

October 28, 2014

Discussion Agenda
• Project Overview
• Public Outreach Plan
• Emerging Trends
• Master Plan Elements
• Mobility Concepts
...a city rich with pioneering spirit
and nurturing values
is ripe with opportunity

Project Overview

- Consultant Selection
- Competition Creativity
- Steering Committee
- Brand Committee
- City Council Engagement
- Stakeholder Committee
- Public Involvement
- Planning Process

"The street is the river of life of the city, the place where we come together, the pathway to the center."
William H. Whyte

Come
GROW
with
US
Orem, UT

OREM

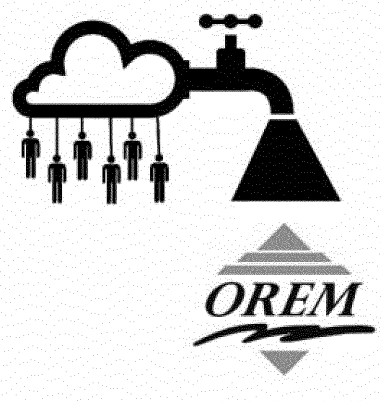
STATE STREET CORRIDOR MASTER PLAN

Public Outreach/ Communications Plan

IBI GROUP

October 28, 2014

We need to change our approach to consultation

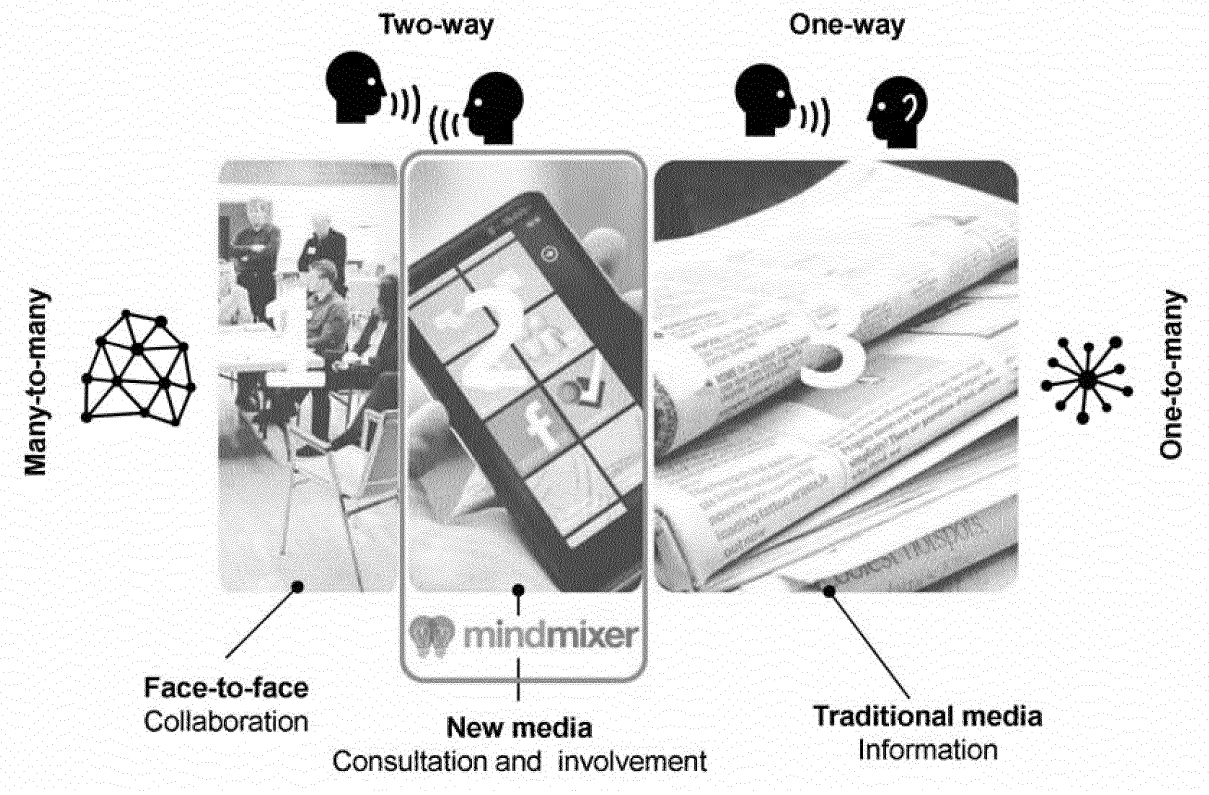


- The public is now a producer, not only a consumer of information
- They are the 'silent majority' that can be tapped for valuable insights

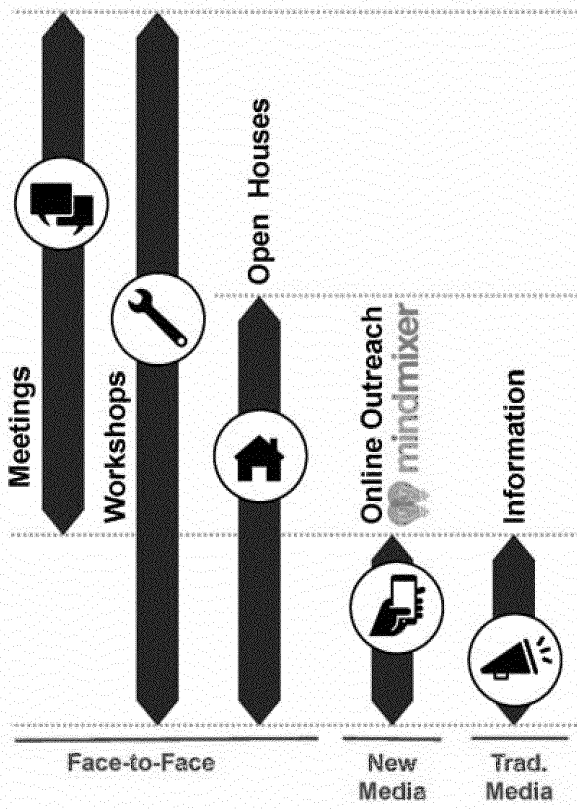
The eight 'Do's' of successful outreach

1. **Believe public outreach is an asset for the process**
   (it's more than just 'checking the box')
2. **Understand the needs of your stakeholders**
   (select the best engagement method)
3. **The information/awareness stage is essential**
   (it will drive the response rate – for sure)
4. **Graphic content increases interest substantially**
   (always prefer graphic-centered methods)
5. **Participants expect to be updated regularly**
   (provide something new each 1-2 weeks)
6. **Less committed citizens should be brought in**
   (allow for simple forms of participations + offer rewards)
7. **Ensuring a two-way conversation is key**
   (build on people's previous participation)
8. **Make sense of all that information**
   (it's connecting the dots that counts)

A tailored approach to public outreach



Project stakeholders and communication channels



Involved Agencies

- City of Orem
- Utah DOT
- Utah Transit Authority
- Mountainland Association of Governments

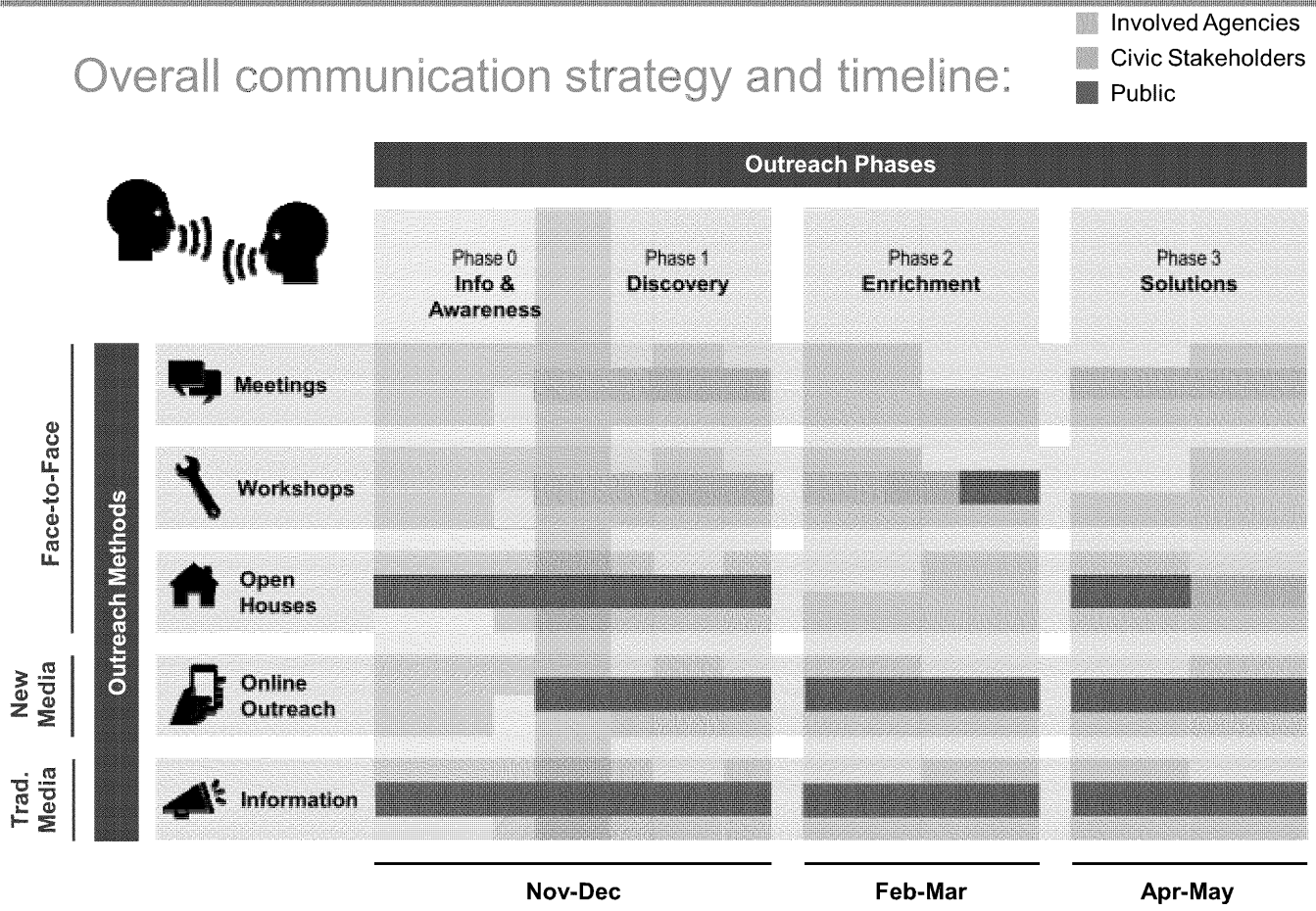
Civic Stakeholders

- Utah Valley Chamber of Commerce
- Local Businesses
- Community/Non-profit organizations

Public

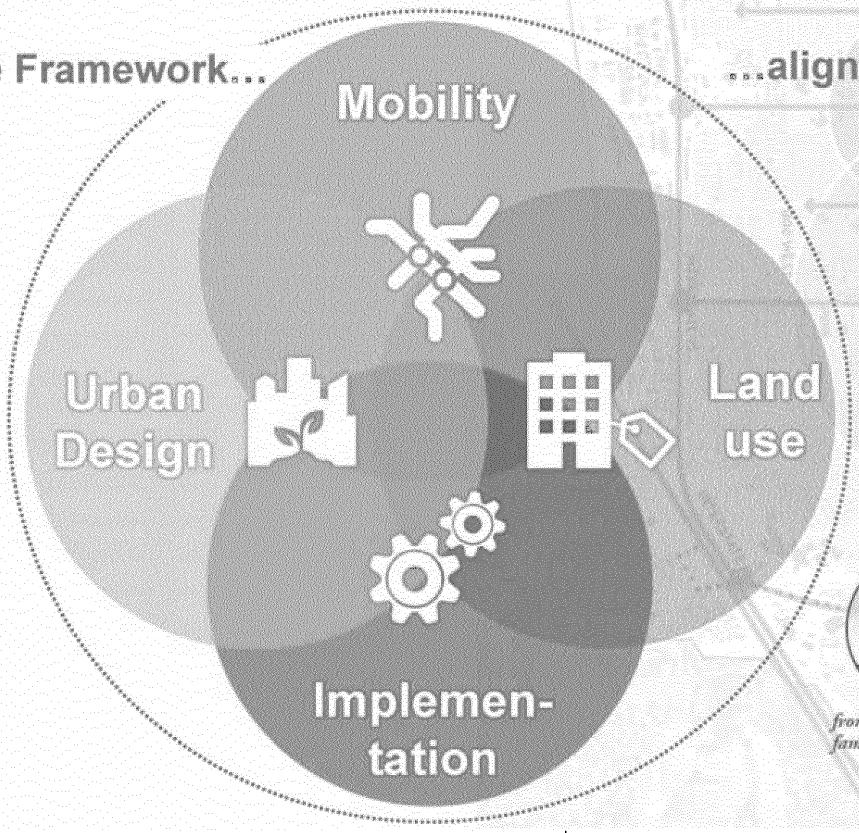
- Property owners along State Street
- Orem residents at large

Overall communication strategy and timeline:

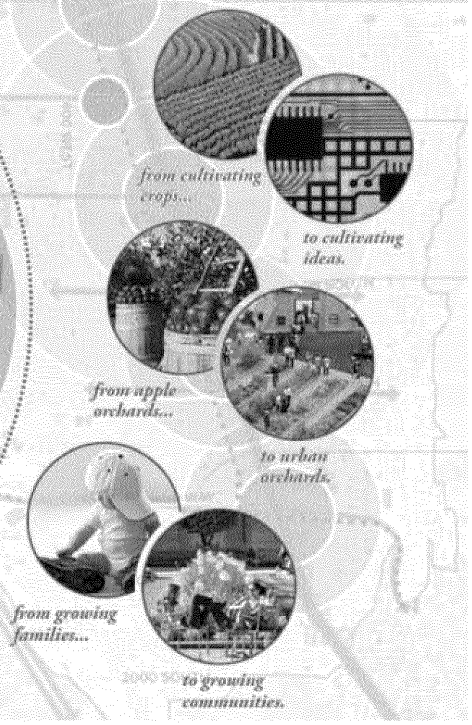


Integrated themes for public outreach: No silos here either!

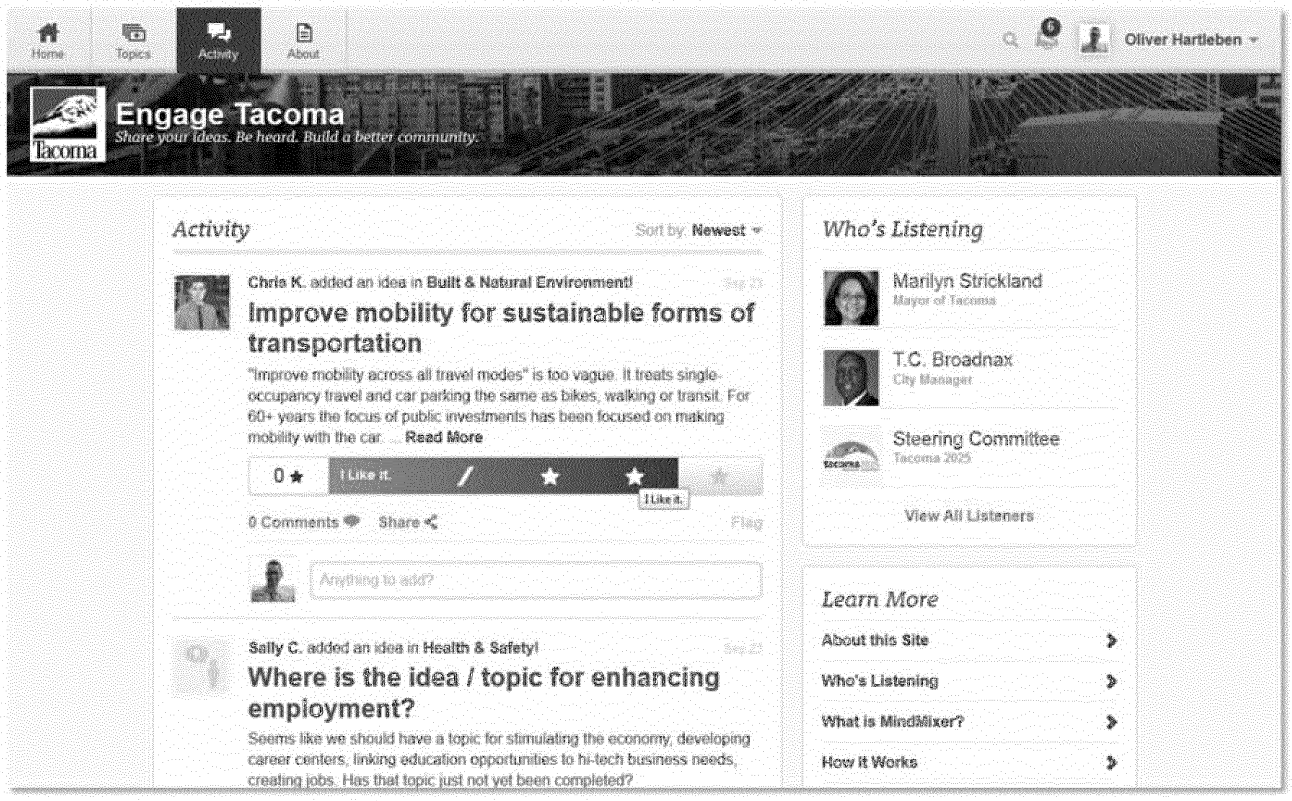
The Framework…



…aligned with the Vision:



Continued use of the online platform for civic engagement



Public Outreach / Communications Plan

State Street , Orem

Communications Plan Schedule

Phase	Code	Communication Action	Responsible	Audience	Guiding Question /Theme
Public Information: One-to-many; one-way					
0	1	Kickoff Newsletter / Utility Bill Flyer	Orem	Citizens	"Check the MM site out!", "Come to the project's open house!"
	2	Kickoff Facebook/Twitter Promotion	Orem	Citizens	"Check the MM site out!", "Come to the project's open house!"
	3	Kickoff Email Blast	Orem	Citizens	"Check the MM site out!", "Come to the project's open house!"
	4	Outgoing Email Footer	Orem	E-mail recipients	"We are planning the State Street of the Future!", "Check the MM site out!"
	5	Kickoff Package to Social Influencers	Orem	Social influencers	"Help us spread the word!", "Can you invite your connections/community to participate?"
	6	Social Influencer Promotion	Orem	Registered community	(use of the package by social influencers)
I & II	7	Facebook/Twitter Promotion	Orem	Citizens	"Check this topic @ the MM site out!", "What's going on with State Street's visioning process?"
	8	Information Newsletters / Utility Bill Flyers	Orem	Citizens	"Check this topic @ the MM site out!", "What's going on with State Street's visioning process?"
	9	Event Invitation Newsletters / Utility Bill Flyers	Orem	Citizens	"What's going on with State Street's visioning process?", "Come participate in the _____!"
III	10	Project Outcome Newsletter / Community Report	Orem	Citizens	"This is our vision for State Street!"
Physical Events: One-to-one; two-way					
I	11	Initial stakeholder meetings	Orem/IBI	Public agencies / Civic stakeholders	"What are your concerns, needs, and aspirations for State Street?"
	12	Kickoff Open House	IBI	Citizens	"Meet the team!", "This is what we are going to be doing", "Here are some initial ideas!", "Sign up for MM!"
II	13	Visioning workshop	IBI	Citizens / Agencies/ Civic stakeholders	"What ideas do you have for State Street?" "How would you imagine the State Street of the future?"
	14	Design workshop	IBI	Citizens / Agencies/ Civic stakeholders	"What do you think of these alternatives?" "How can we make them better?"
III	15	Stakeholder feedback meetings	Orem/IBI	Public agencies / Civic stakeholders	"Here is the draft plan for State Street – how can we improve it?"
	16	Final open house	IBI	Citizens	"This is our vision for State Street!", "What do you think of it?"
Online Participation: One-to-many; two way					
I	17	Visual Preferences Survey	IBI	Citizens	"If you could reimagine State Street, which one of these street typologies would you choose?"
	18	Orem Favorites Photoshare	IBI	Citizens	"Share everyone the places you like in Orem. Upload a photo!"
	19	User Information Survey	IBI	Citizens	"Tell us about yourself! How do you use State Street? What do you like/dislike about it?"
	20	State Street Satisfaction Poll	IBI	Citizens	"Do you like / dislike State Street as it is today?"
	21	Most Important Change Proposal	IBI	Citizens	"If you could change one thing about State Street, what would it be?"
	22	Retail Satisfaction Poll	IBI	Citizens	"How do you rate the retail quality and variety along State Street?"
	23	Favorite Places Photoshare	IBI	Citizens	"We'd like to know the urban places you like to go to in the Salt Lake City region. Upload a photo!"
	24	One Word Description	IBI	Citizens	"If you could describe the existing condition of State Street with one word, what would it be?"
	25	Traffic Satisfaction Poll	IBI	Citizens	"How is traffic on State Street?"
	26	Walkability Preferences Survey	IBI	Citizens	"Choices, choices. If you had to decide, which street / community design option would you prefer?"
	27	Walkability Poll	IBI	Citizens	"How walkable on State Street now?"
	28	Favorite Street Photoshare	IBI	Citizens	"What is your favorite street? Share a photo from your trips or from the web!"
	29	One Word Vision	IBI	Citizens	"Express your future vision of State Street in one word!"
	30	Street Vision Poll	IBI	Citizens	"Which of the following options best describes what you'd like to see happening on State Street?"
	31	Building Typology Survey	IBI	Citizens	"What types of buildings would you like to see along State Street? Choose from the different options!"
	32	Safety Poll	IBI	Citizens	"How safe is State Street now? Would you cross the street with kids?"
II	33	Design Components Photoshare	IBI	Citizens	"What type of streetscape enhancements would you like to see on State Street?"
	34	Vision for State Street	IBI	Citizens	"How should we design State Street? Share your vision!"
	35	Street Character Poll	IBI	Citizens	"If you had a magic wand, in which of the following would you transform State Street?"
	36	Idea Prioritization	IBI	Citizens	"Here are the ranked ideas proposed by the community. Which one do you like best?"
	37	Alternatives Poll	IBI	Citizens	"What do you think of the following alternatives for State Street?"
	38	Design Ideas Poll	IBI	Citizens	"Tell us are some of the design ideas produced at the workshop. Which one do you like?"
III	39	Idea Concepts Poll	IBI	Citizens	"These are our initial concepts for the future of State Street. Tell us what you think!"
	40	Urban Design Survey	IBI	Citizens	"The final designs of our consultants are in. Do you like what they are proposing for State Street?"
Other Activities					
0	41	Public Outreach Planning Brainstorm	IBI	N/A	N/A
	42	Setup of MM Platform	IBI	N/A	N/A
	43	Production of Information Material	IBI	N/A	N/A
0-III	44	Preparation of Open House/Workshops	Orem/IBI	N/A	N/A

Week No.: -1 0 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

Information activity
Physical Activity
Online activity
Public-upload (production of content)
Additional / preparation activities

Project Identity / Brand Analysis

Promotional Video

Prepared by Blakeslee Advertising

STATE STREET CORRIDOR MASTER PLAN

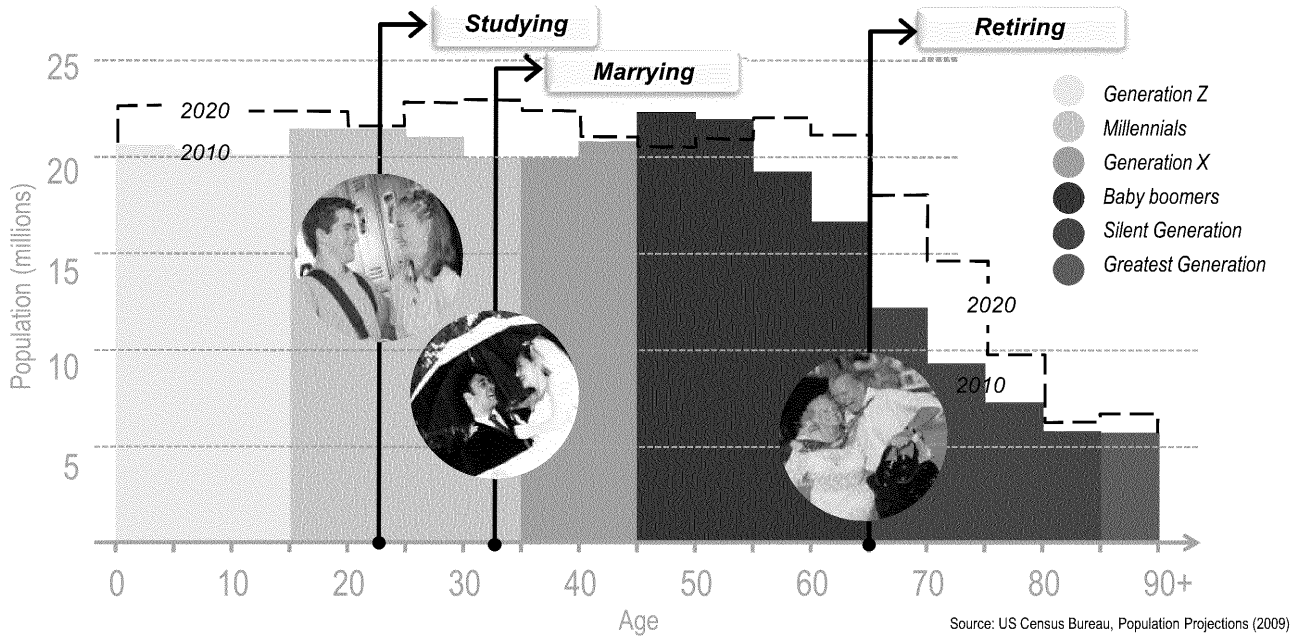
Emerging Trends

THAT WILL LIKELY IMPACT STATE STREET AND HOW IT SHOULD BE DESIGNED

IBI GROUP

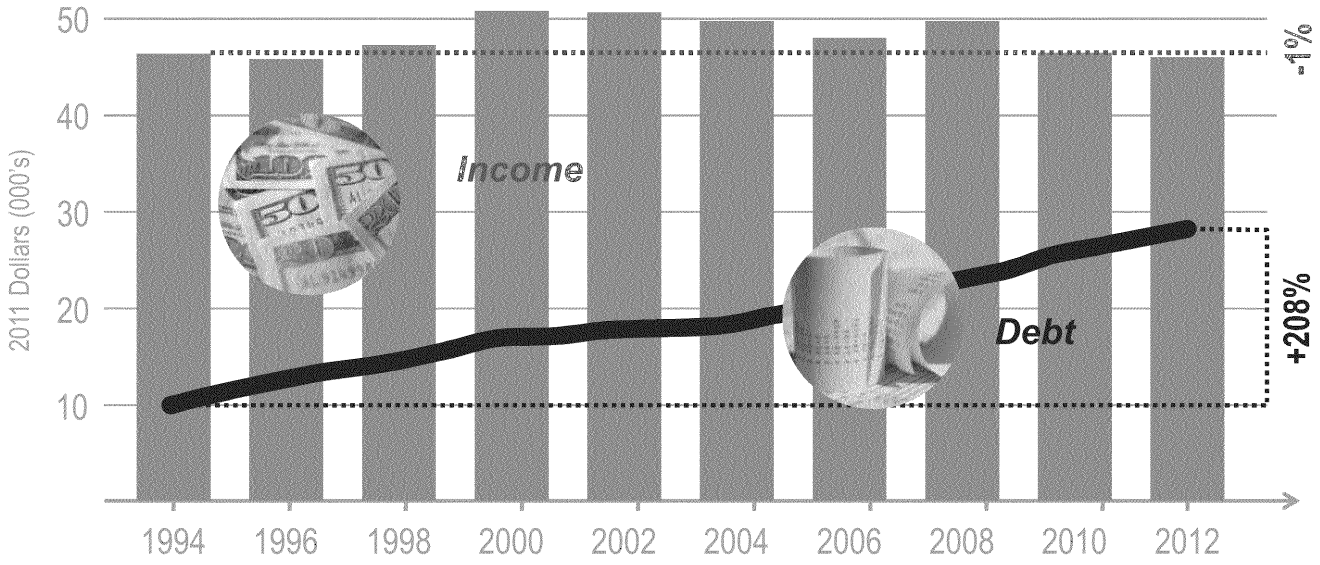
October 28, 2014

Trend 1: Baby Boomers & Millennials – the largest generations in US history – are at key moments in their life cycle:



Relevance for Orem: Tap into opportunities to address residential downsizing and home-buying needs.

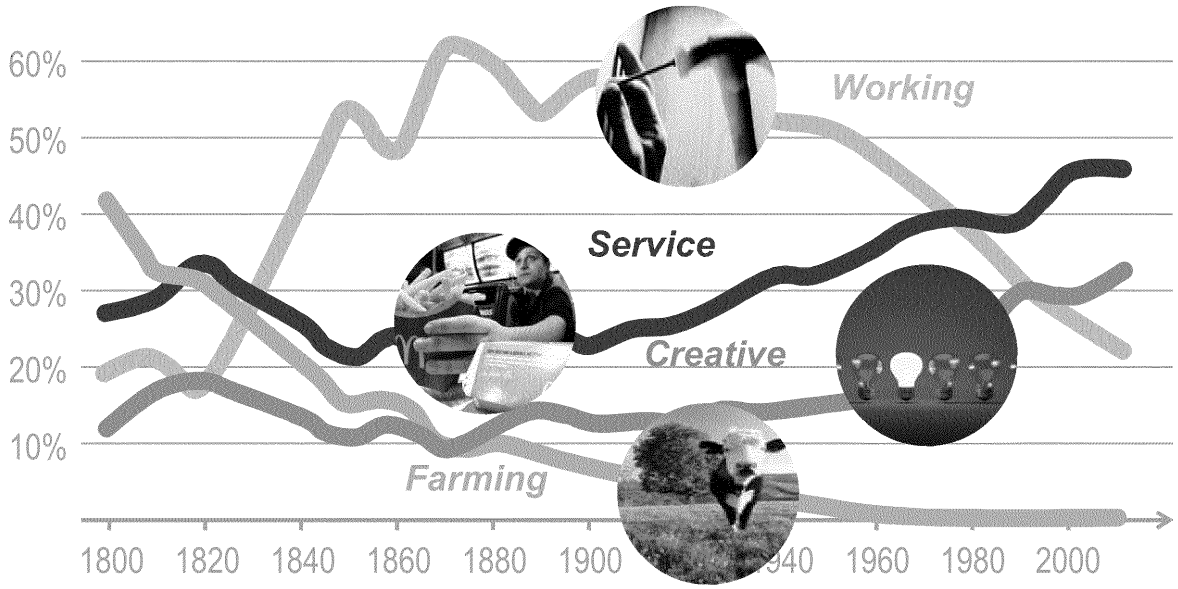
Trend 2: Debt for Millennials has skyrocketed, but incomes have stagnated over the past decades:



Source: Hamilton Place Strategies (2013)

Relevance for Orem: Buying a car and operating it is too expensive for young people, so locations with good transit access will be coveted

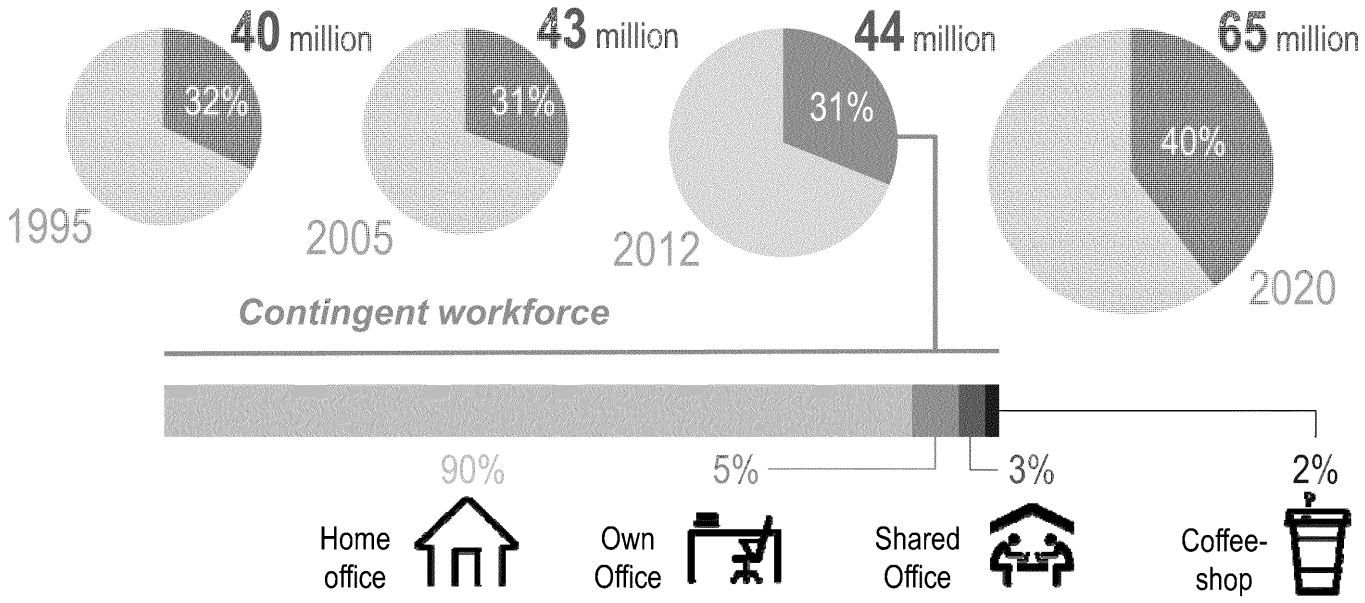
Trend 3: Low-tech, heavy industry is losing to high-tech, virtual manufacturing – the knowledge economy:



Source: Richard Florida, *The Rise of the Creative Class Revisited* (2012)

Relevance for Orem: Include vibrant, active, mixed-use urban places that encourage connections between knowledge workers.

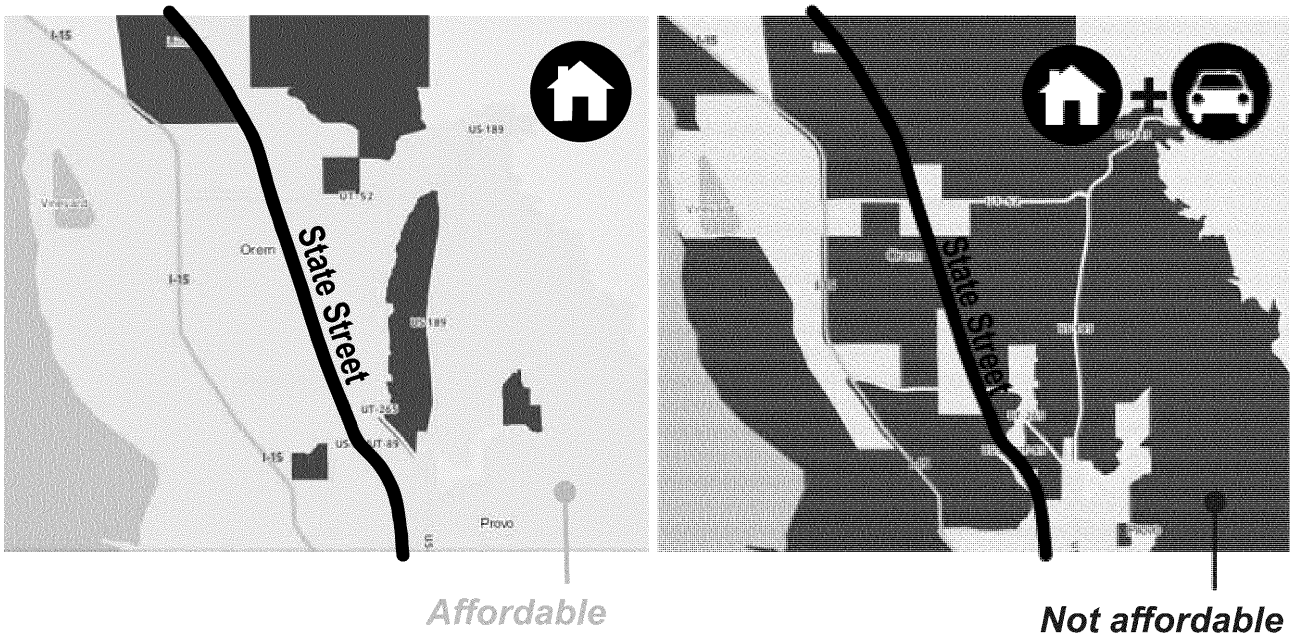
Trend 4: A large portion of the workforce will be freelancers, contractors, and temp workers – eroding the morning commute:



Source: http://blog.mavenlink.com/the-new-independent-workforce-2/ (2012)

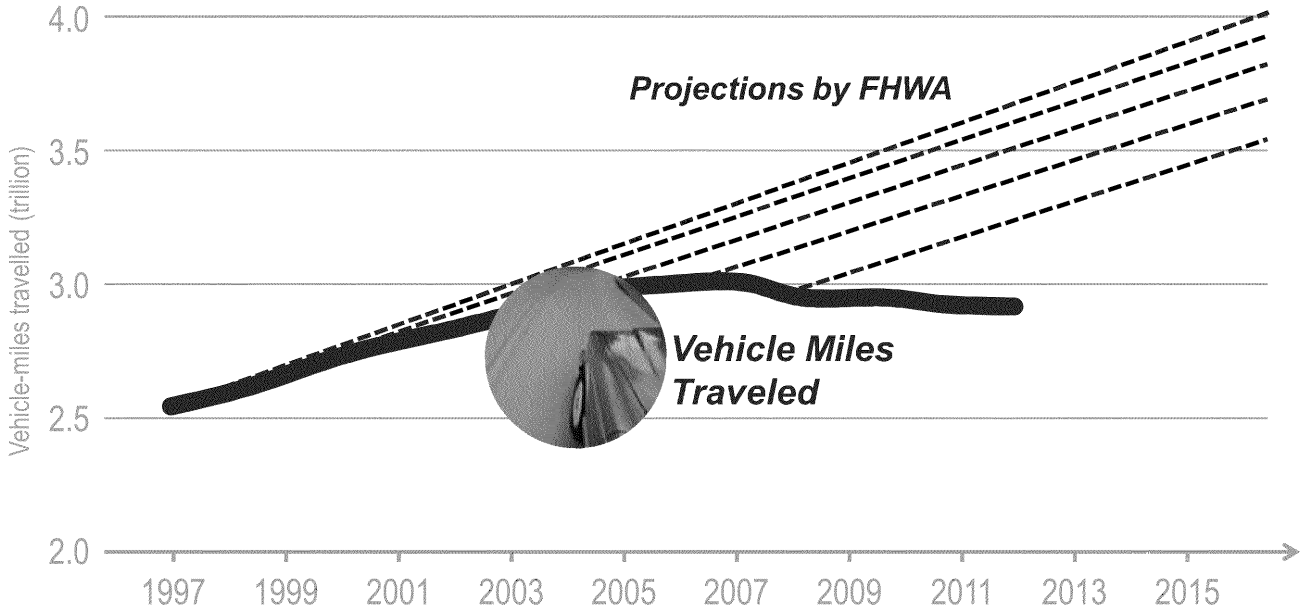
Relevance for Orem: Locate residential uses near collaborative venues such as libraries, cafes, business incubators and coworking spaces.

Trend 5: When including transportation costs, suburban "drive-till-you-qualify" living is actually pretty unaffordable:



Relevance for Orem: Plan for active, urban, downtown environments where people live near to where they work.

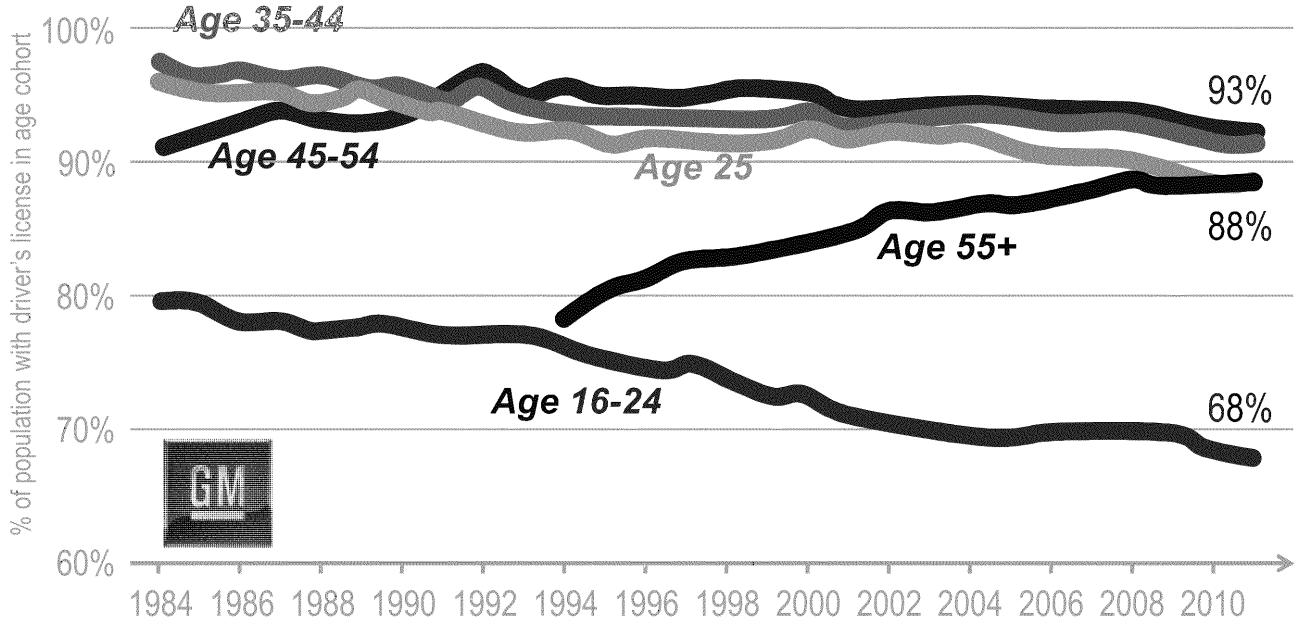
Trend 6: People are driving less – against all predictions:



Source: FHWA (2014), State Smart Transportation Initiative (2013)

Relevance for Orem: There is no imperative to plan for growth in our road system capacity.

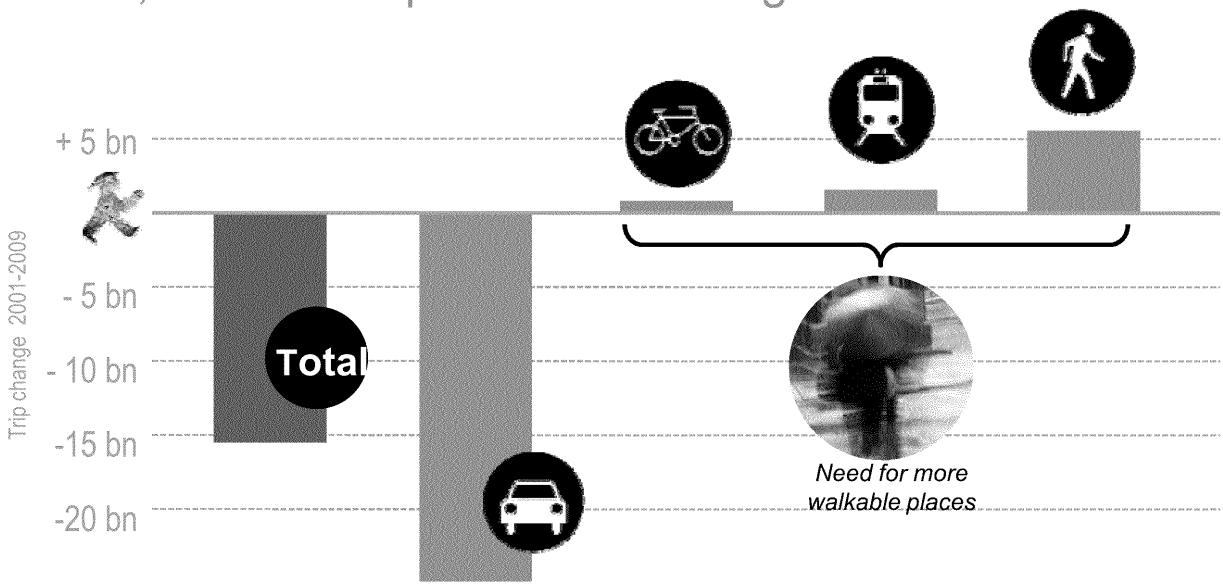
Trend 7: Millennials are not keen in getting a driver's license:



Source: GM (2013)

Relevance for Orem: Young people will push the demand for non-car mobility.

Trend 8: Non-car trips have been increasing in the last decade, while car trips are decreasing:



Source: US Census Bureau, National Household Travel Surveys (2001 and 2009)

Relevance for Orem: Other modes need to begin sharing the street, too.

Trend 9: Apps are changing the way people make mobility choices:

The Single-Modal User

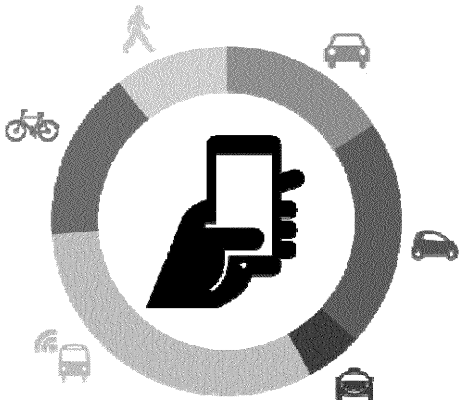
Baby Boomers / Generation X

Ownership • Competitive • Hierarchal

1 = **1 mode** [either/or]

The Inter-Modal User

Generation Y / Generation Z

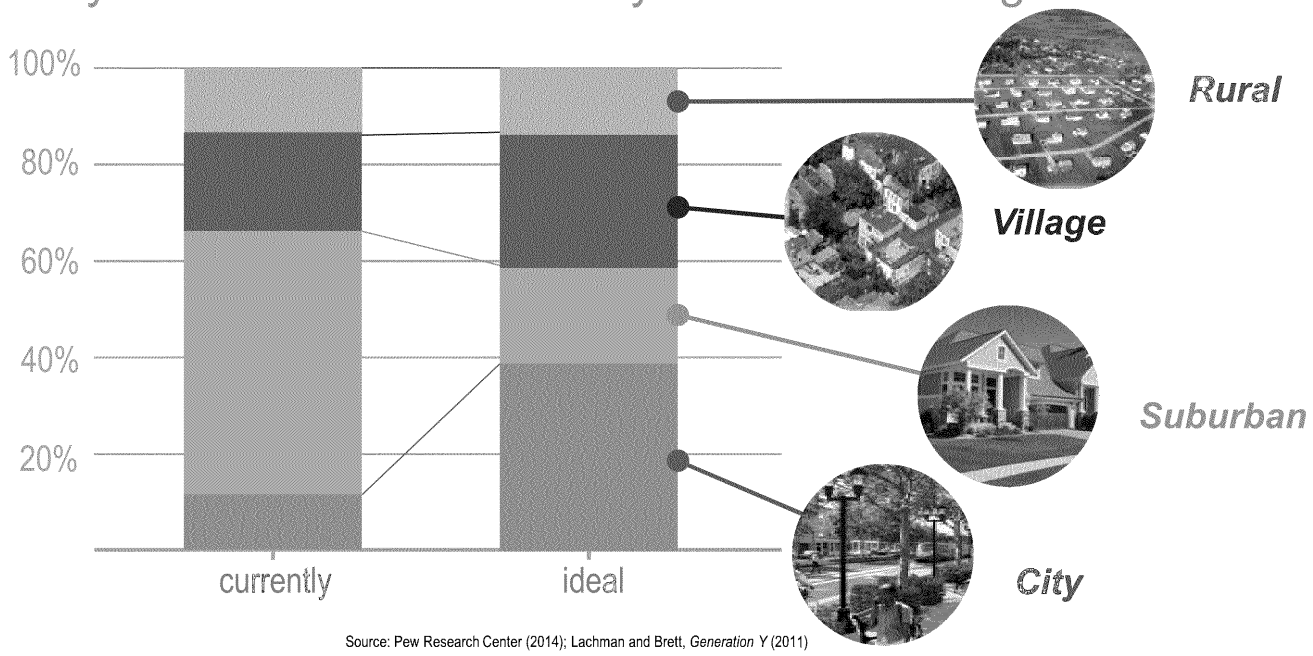


Sharing • Collaborative • Networked

1 = **many modes** [all]

Relevance for Orem: State Street needs to be planned for multimodality.

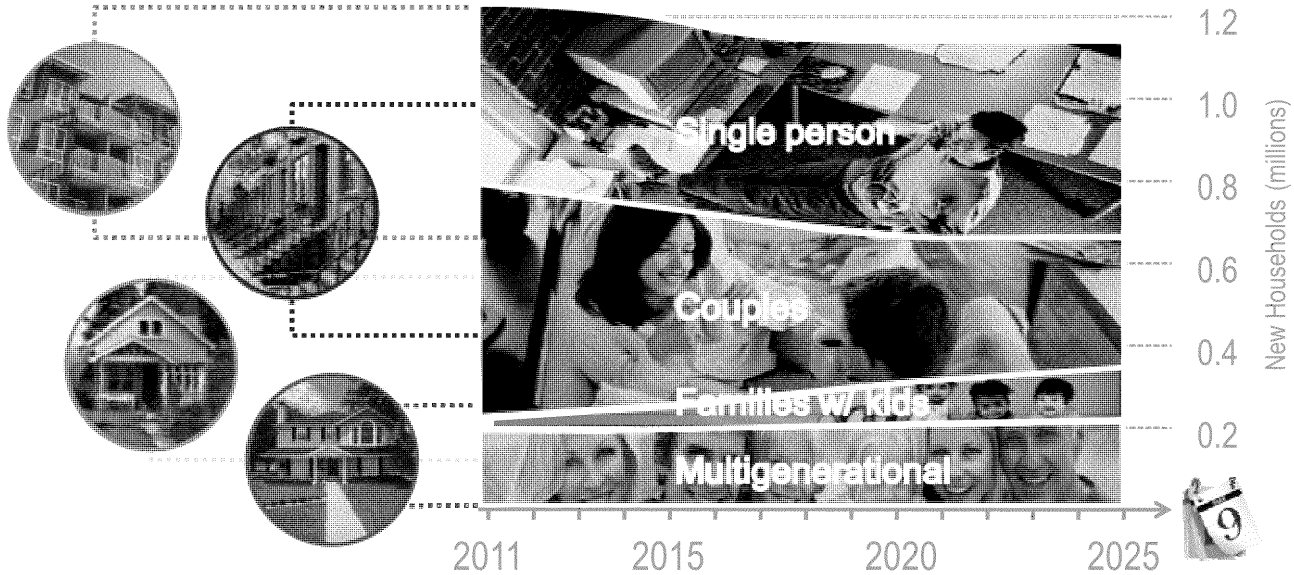
Trend 10: 53% of Millennials live in suburbs, but if they could, many would move to urban city / small town neighborhoods.



Source: Pew Research Center (2014); Lachman and Brett, *Generation Y* (2011)

Relevance for Orem: There is latent demand for affordable urban living that needs to inform the urban planning decisions around State Street.

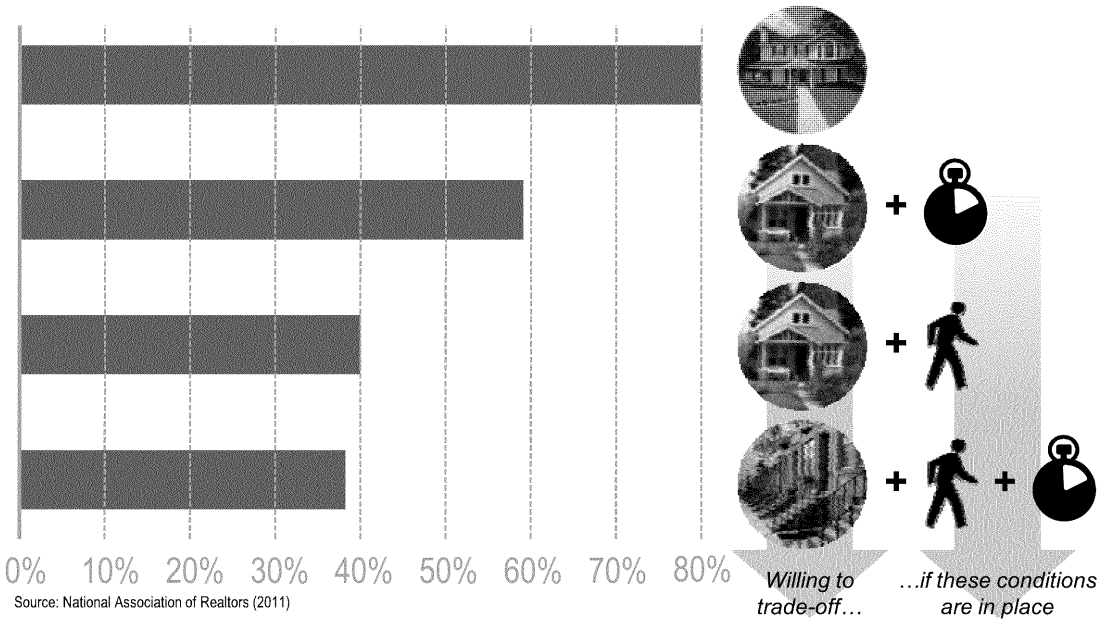
Trend 11: New homebuyer demographics will demand smaller, denser, and more urban housing types:



Source: Joint Center for Housing Studies of Harvard University (2010)

Relevance for Orem: Design these typologies of housing near the corridor to align supply of land/projects with evolving demand

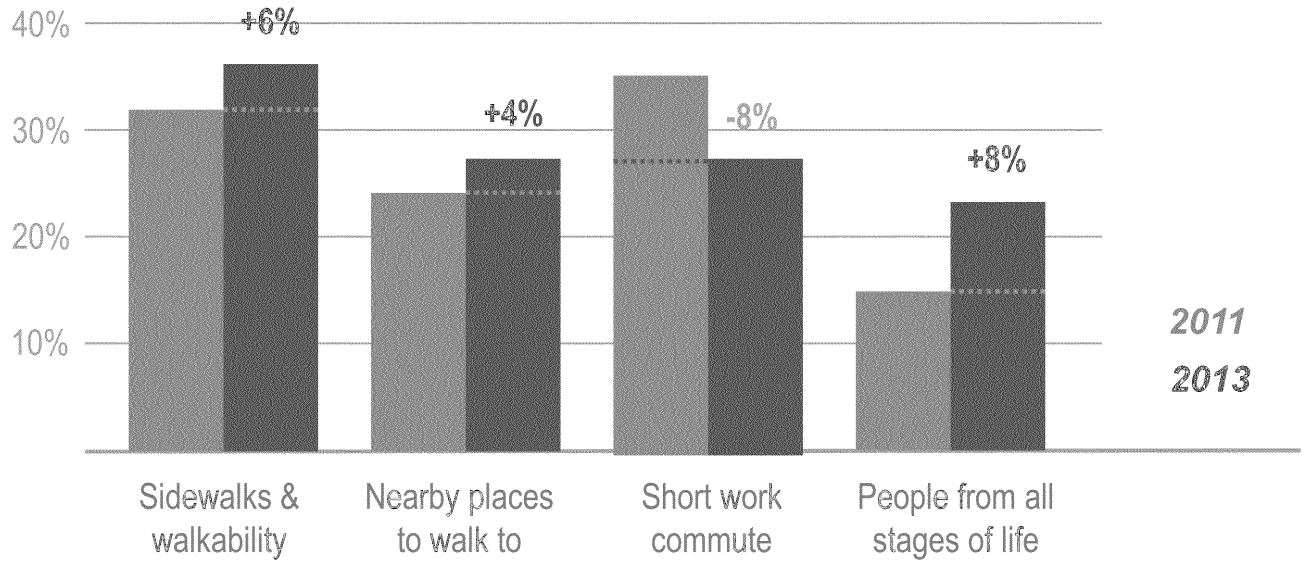
Trend 12: When given shorter commutes and more walkability, Americans are willing to forego the big suburban home:



Source: National Association of Realtors (2011)

Relevance for Orem: There is (finally) strong demand for walkability and urban placemaking – State Street needs to incorporate this.

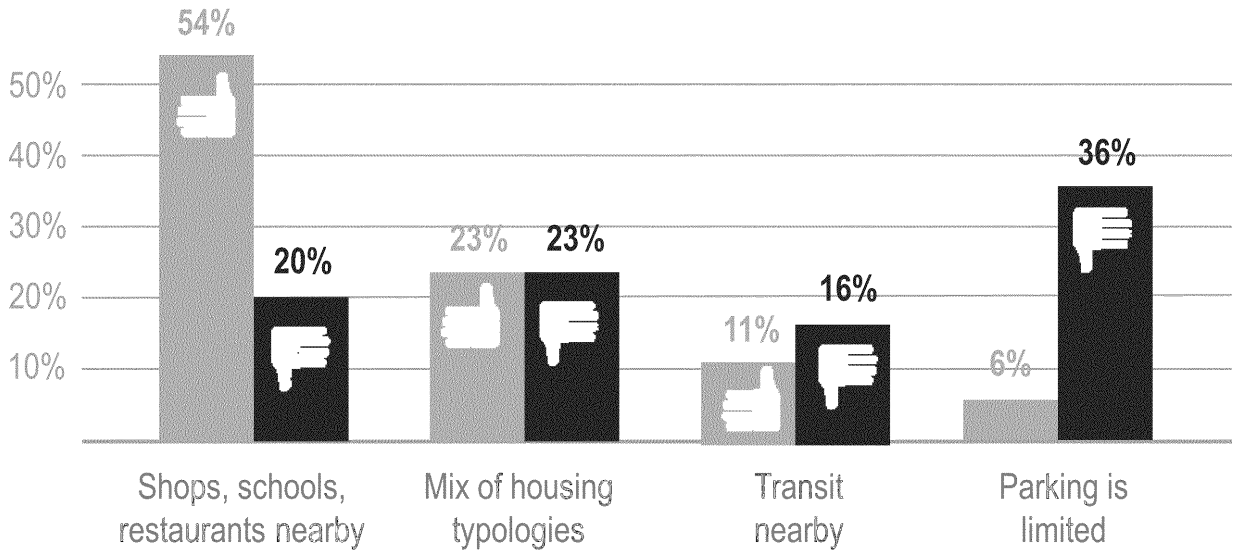
Trend 13: Walkability and age diversity is gaining in importance; commuting is becoming less important:



Source: National Association of Realtors (2013)

Relevance for Orem: A high-quality pedestrian environment with a vibrant mix of users is a must to attract residents.

Trend 14: Walkability is becoming more important for suburbanites. This is what they (dis)like about traditional communities:



Source: National Association of Realtors (2013)

Relevance for Orem: Provide options for walking with good connectivity and accessibility – even in predominantly suburban settings.

Trend 15: Experiential bricks-and-mortar retail will thrive while traditional retail will lose to low-cost and online retail:

Relevance for Orem: Focus on high-quality retail of products/services that cannot be experienced online *and* favor walkable, urban places.

OREM

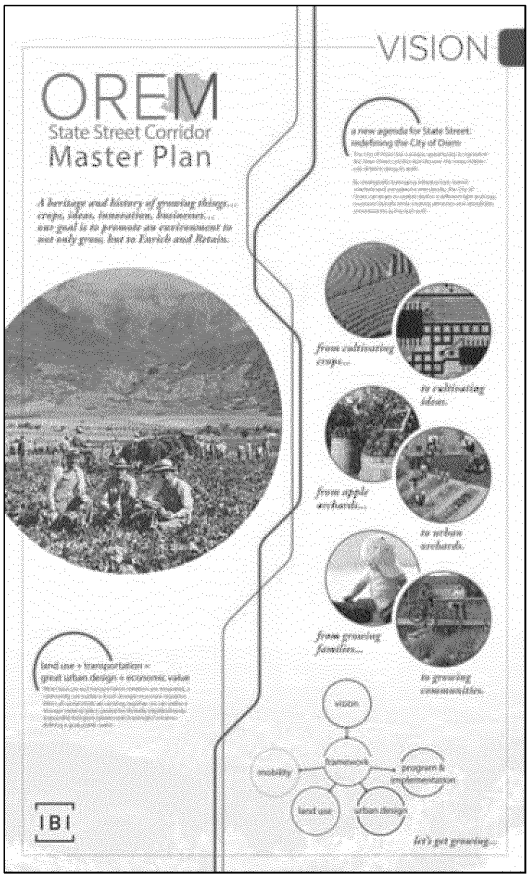
STATE STREET CORRIDOR MASTER PLAN

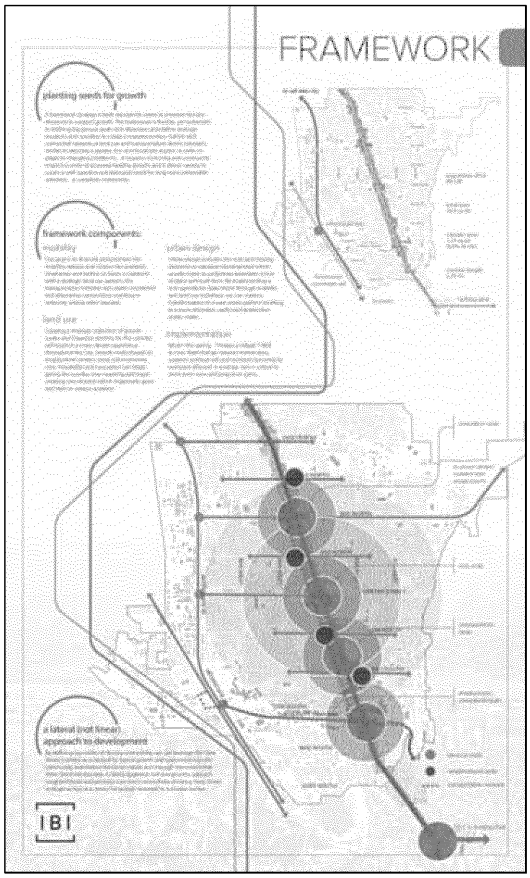
Master Plan Elements

IBI GROUP

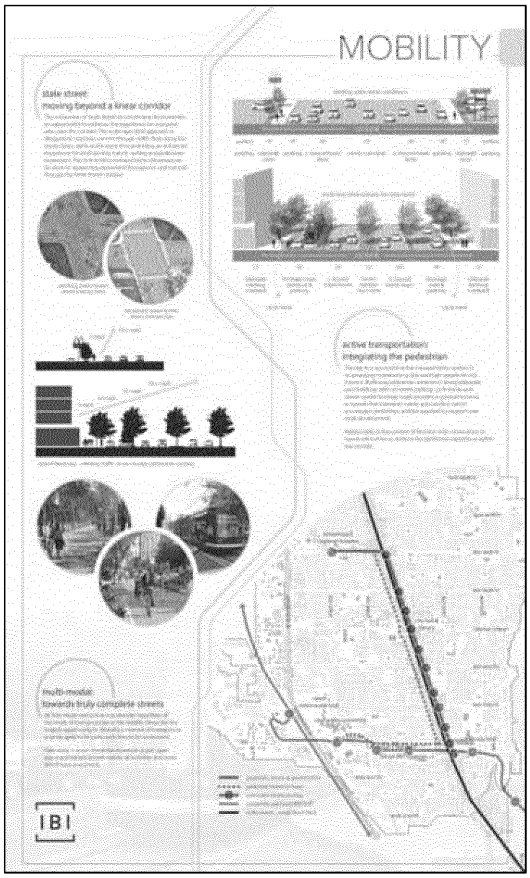
October 28, 2014

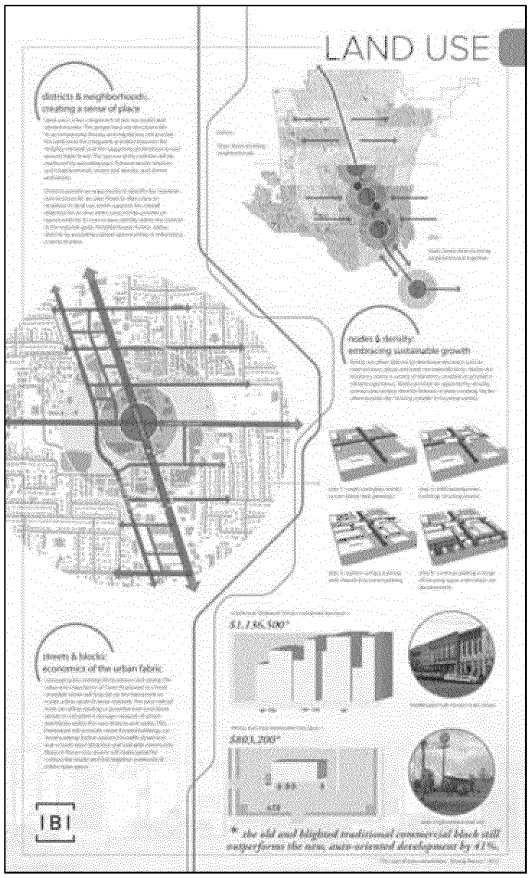
Master Plan Elements - Vision / Framework



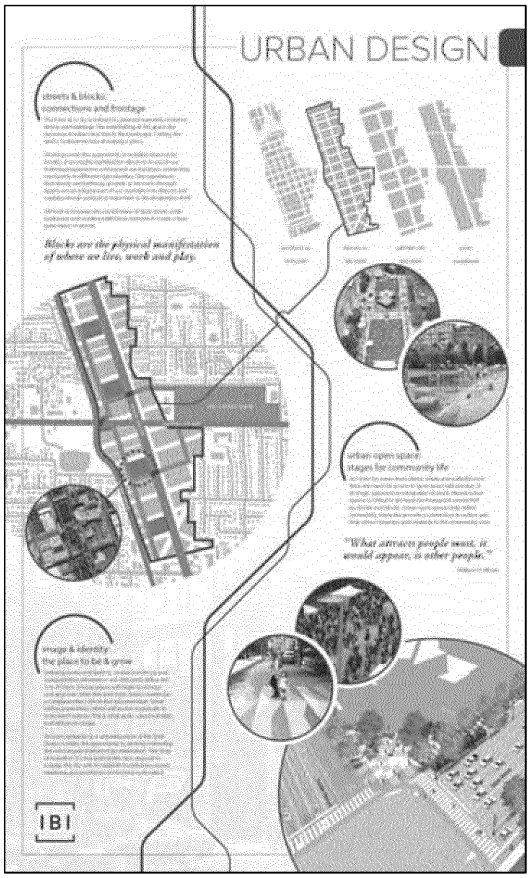


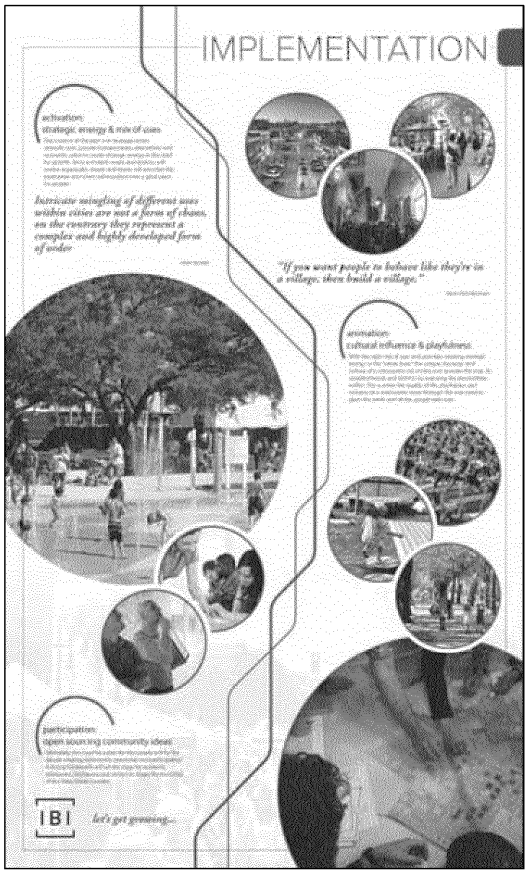
Master Plan Elements - Mobility / Land Use





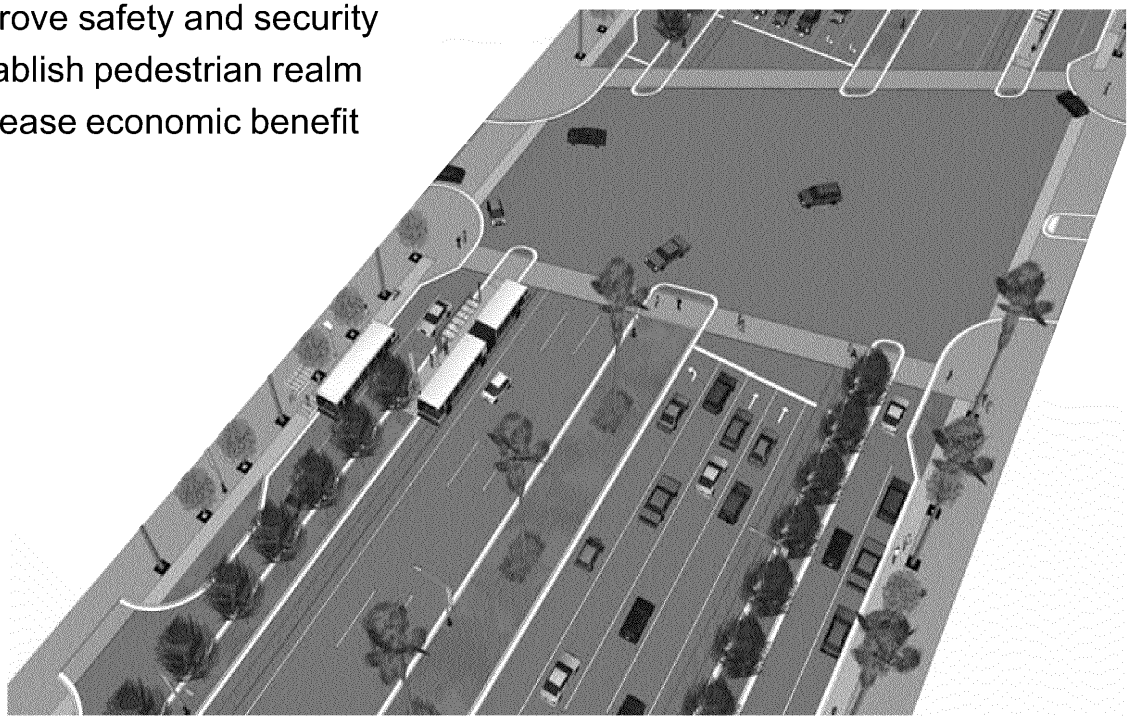
Master Plan Elements - Urban Design / Implementation

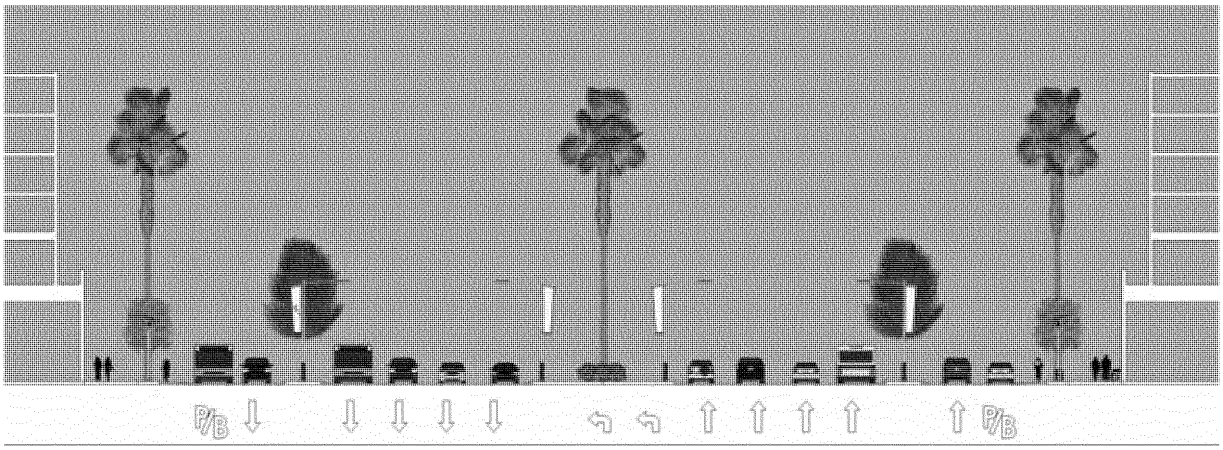




A multiway boulevard is essentially a 'mixed-use' street…

- Enhance capacity through separation of through and local traffic
- Addition of alternative modes of transportation
- Improve safety and security
- Establish pedestrian realm
- Increase economic benefit

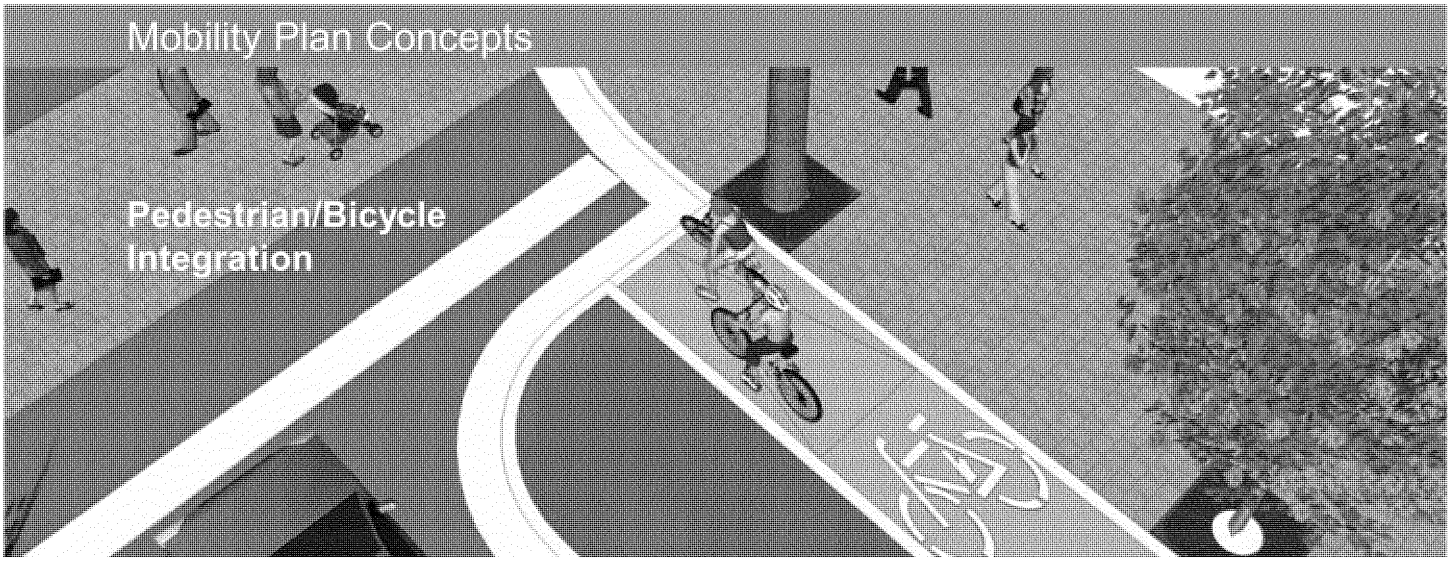


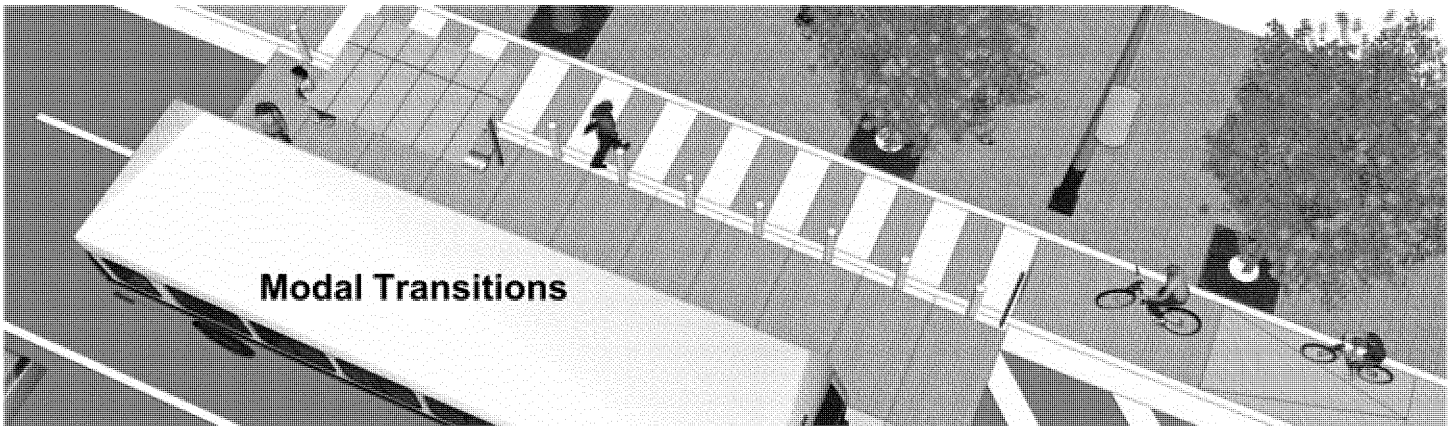


Attributes of a successful multiway boulevard...

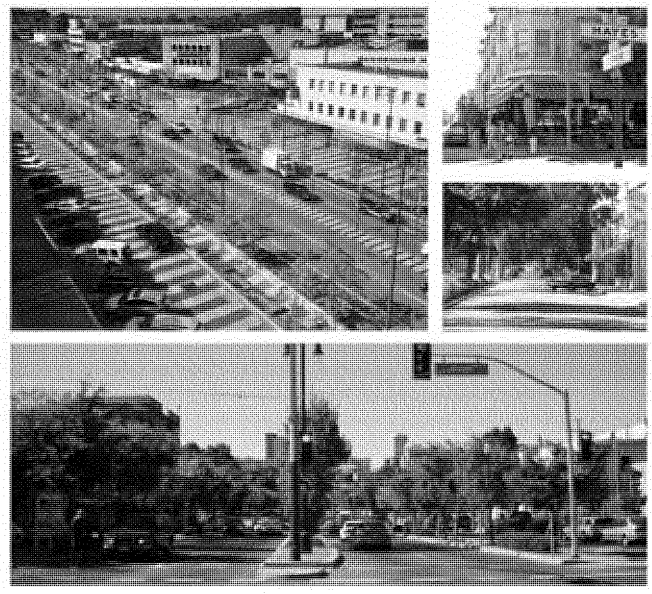
- FAST MOVING THROUGH TRAFFIC
- SLOW MOVING LOCAL TRAFFIC
- DEDICATED TRANSIT/ON-STREET PARKING
- DEDICATED BICYCLE LANES
- IMPROVED PEDESTRIAN REALM
- STREET-FRONTING MIXED-USE DEVELOPMENT

Mobility Plan Concepts



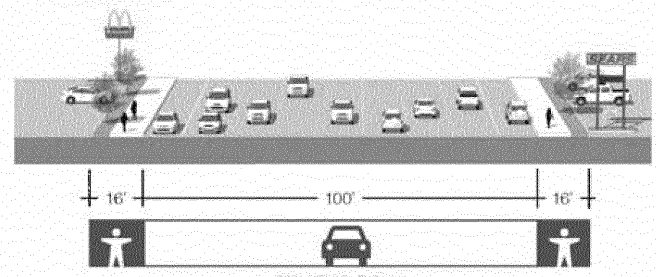


Multi-Way Boulevard
precedent studies



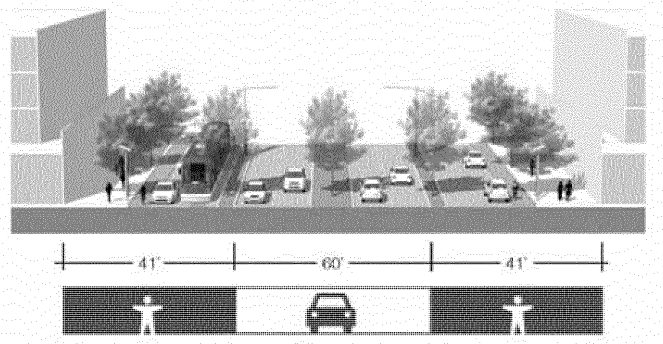
State Street - Orem Spatial Breakdown

Standard Arterial



76% VEHICLE ONLY
RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

Multiway Boulevard



42% VEHICLE ONLY
RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

State Street

orem, ut

State Street in Orem is an example of a typical American urban/suburban arterial street. These types of arterials have been transformed over time by traffic engineers to move people as efficiently as possible through our cities, which usually means dedicating an increasing amount of land to automobiles. They therefore become the main travel corridor, and thus attract significant retail development. However, the typical result (as is the case with Orem), is that it creates a street that no user (car, pedestrian, cyclist) is happy with. Traffic engineer Chuck Marohn has began calling these types of arterials *Stroads*. His definitions of a stroad is:

> *The stroad design - a street/road hybrid - is the futon of transportation alternatives. Where a futon is a piece of furniture that serves both as an uncomfortable couch and an uncomfortable bed, a stroad moves cars at speeds too slow to get around efficiently but too fast to support productive private sector investment. The result is an expensive highway and a declining tax base.*

Not only is State Street an unpleasant place for pedestrians and cars, it also dangerously mixes pedestrians and cyclists with fast moving traffic, with the vast majority of space solely allocated to automobiles. Crossing the 100 feet of uninterrupted car traffic is also very difficult and dangerous. Even worse is the fact that crosswalks are only located every 2,640 feet. An ideal city would have crosswalks at least every 300 feet, and at worst, every 600 feet.

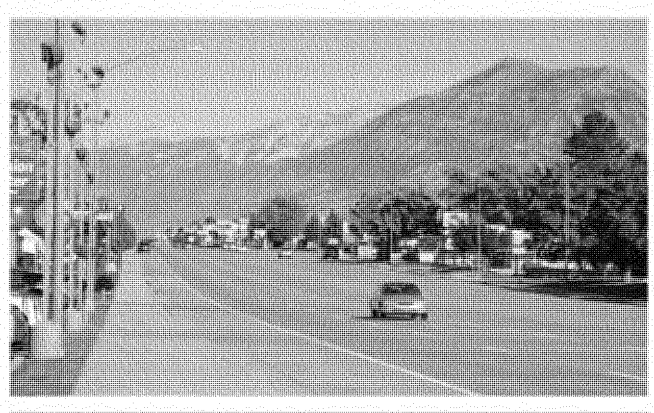
LAND USE
Suburban Strip Mall
+ Big Box Retail

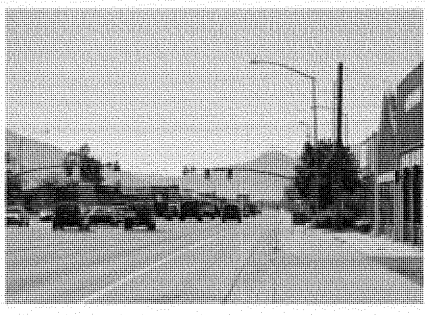
ADT
45,000

ROW WIDTH
132'

TRAFFIC LANES
6 Lanes + 1 Turn Lane
Parallel Parking

BLOCK LENGTH
500' - 2,640'

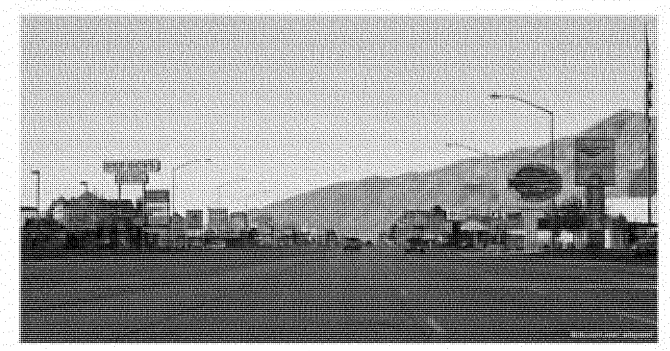




RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

24%

76%



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LAND USE
Suburban Strip Mall
+ Big Box Retail

ADT
45,000

ROW WIDTH
132'

TRAFFIC LANES
6 Lanes + 1 Turn Lane
Parallel Parking

BLOCK LENGTH
500' - 2,640'

The Esplanade

chico, ca

The Esplanade is a multi-way boulevard created in the 1950's when an old rail line was replaced with a road. This street runs throughout the small town of Chico, Ca (roughly the same population as Orem), and is lined with multiple land-uses including residential, institutional, and light retail. This example illustrates the great adaptability of multi-way boulevards, as its context is markedly different from the multi-way boulevards made famous in Paris and Madrid. However, it still achieves the same objective of moving a high volumes of cars, while at the same time creating one of the city's great streets.

LAND USE
Suburban/Small Town Residential + Retail

ADT
25,000

ROW WIDTH
165'

THROUGH LANES
4 Lanes + 1 Turn Lane

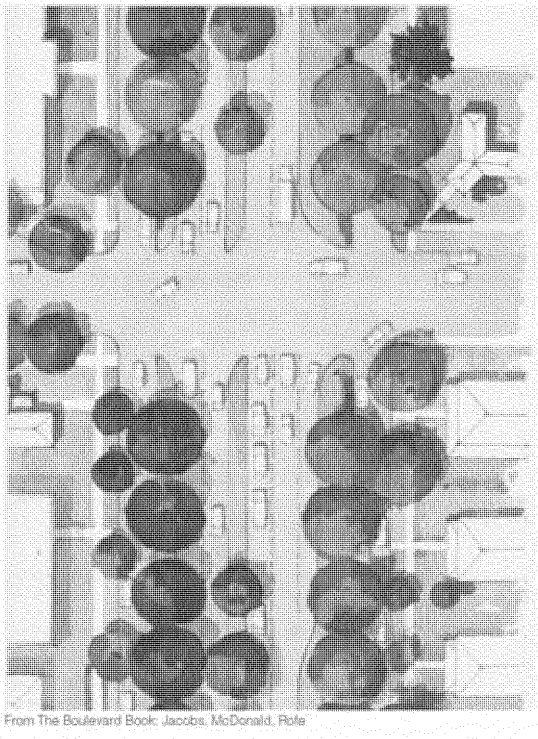
LOCAL LANES
1 Lane + Angled Parking

BLOCK LENGTH
400'

RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

60%

40%



From The Boulevard Book: Jacobs, McDonald, Rofe

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LAND USE
Suburban/Small Town
Residential + Retail

ADT
25,000

ROW WIDTH
165'

THROUGH LANES
4 Lanes + 1 Turn Lane

LOCAL LANES
1 Lane + Angled Parking

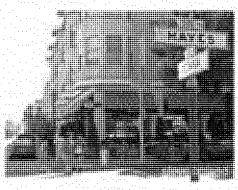
BLOCK LENGTH
400'

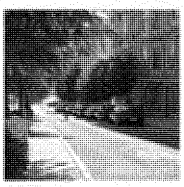
Octavia Boulevard

san francisco, ca

This boulevard replaced the elevated off ramp of San Francisco's Central Freeway in 2005. The effort to create this boulevard was led by the community who sponsored a measure that garnered enough support to be placed on the 1998 ballot, where it passed. This boulevard has been well received by most, and has played a significant role in revitalizing a previously downtrodden area.

The design of this boulevard is of particular interest to State Street in Orem, in that the right-of-way is nearly identical, and the daily traffic volumes are significantly above the current State Street levels. At 55,000 ADT, this precedent shows that the multi-way boulevard is capable of these high traffic volumes.





LAND USE
Urban
Residential + Retail

ADT
55,000

ROW WIDTH
133'

THROUGH LANES
4 Lanes + 1 Turn Lane

LOCAL LANES
1 Lane + Parallel Parking

BLOCK LENGTH
350'

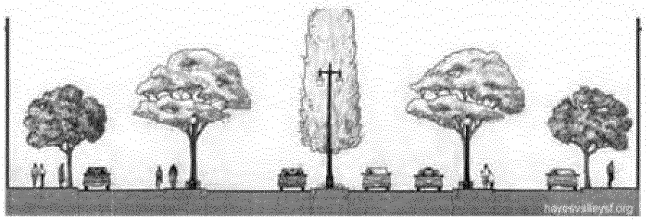
RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

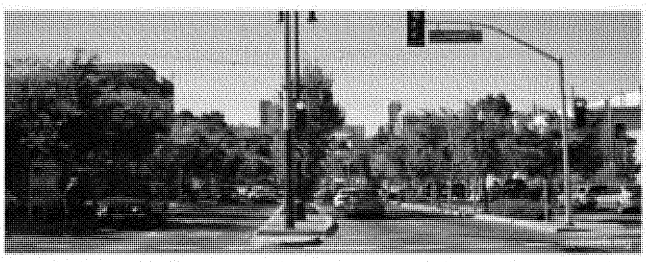
59%

41%

Octavia Boulevard is attracting development like these 5 story, mixed-use residential and retail buildings.

After Octavia Boulevard was constructed, property values in the area rose from 66% of city average, to 91%.





Octavia Boulevard

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LAND USE
Urban
Residential + Retail

ADT
55,000

ROW WIDTH
133'

THROUGH LANES
4 Lanes + 1 Turn Lane

LOCAL LANES
1 Lane + Parallel Parking

BLOCK LENGTH
350'

Eastern Parkway

brooklyn, ny

Eastern Parkway was designed by Fredrick Law Olmsted and Calbert Vaux (the designers of Central Park) in the 1870's as part of a broad vision for creating a network of green spaces in Brooklyn. This boulevard was created before the invention of the automobile, but it's flexibility as a transportation corridor has proven visionary. Today it moves more than 60,000 cars a day, and it's park-like medians and two lanes of on-street parking have made it one of the most desirable streets to live on in the Crown Heights neighborhood.

LAND USE
Urban
Residential

ADT
61,000

ROW WIDTH
210'

THROUGH LANES
4 Lanes + 1 Turn Lane

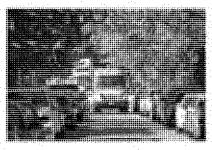
LOCAL LANES
1 Lane + 2 Parallel Parking

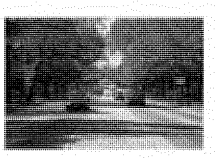
BLOCK LENGTH
700'

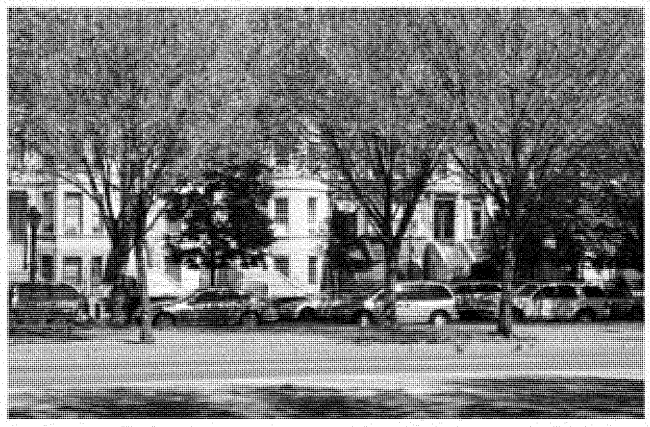
RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

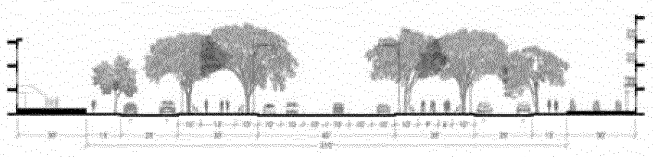
72%

28%









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LAND USE
Urban Residential

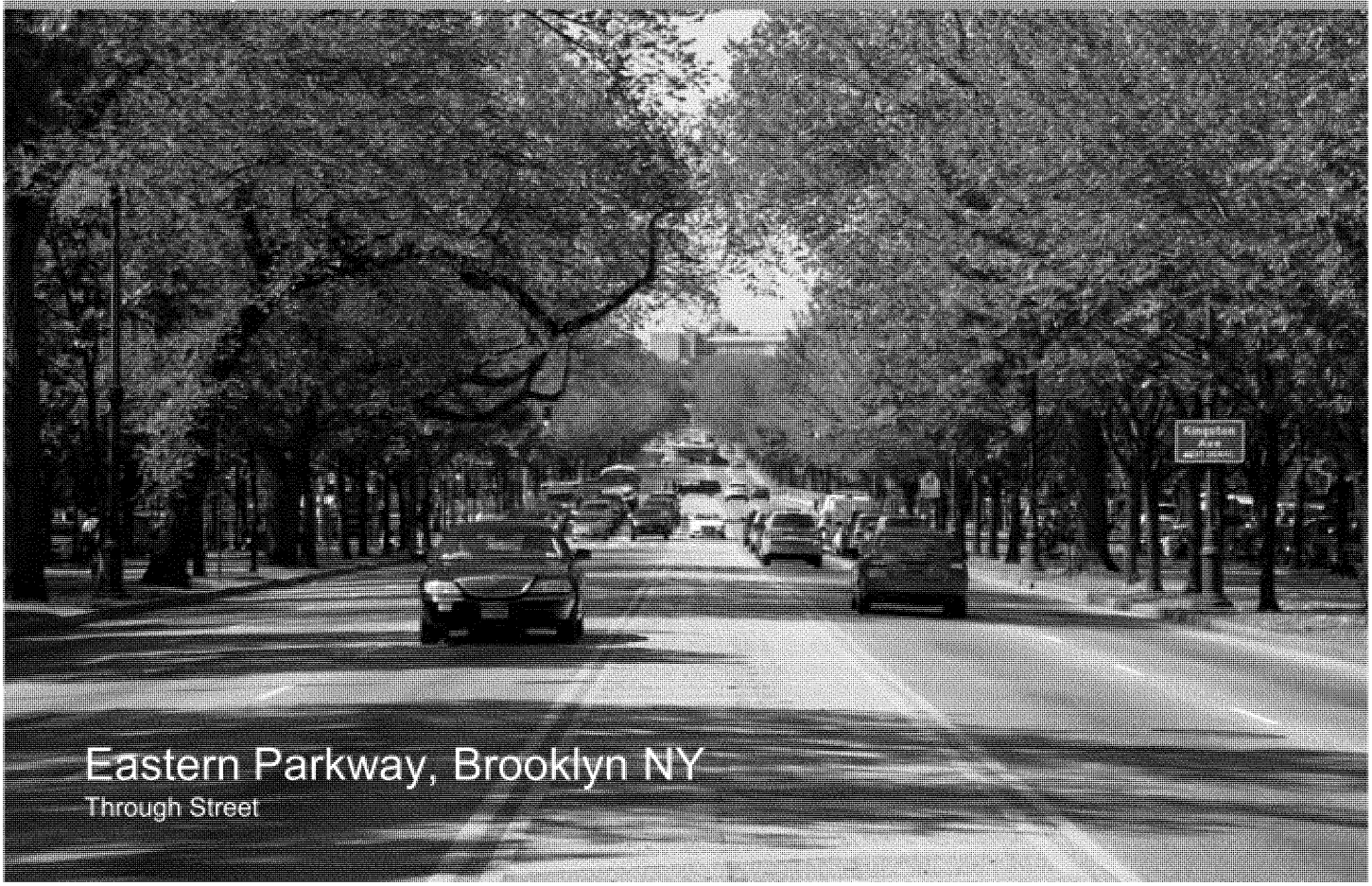
ADT
61,000

ROW WIDTH
210'

THROUGH LANES
4 Lanes + 1 Turn Lane

LOCAL LANES
1 Lane + 2 Parallel Parking

BLOCK LENGTH
700'



Eastern Parkway, Brooklyn NY

Through Street

Eastern Parkway, Brooklyn NY

Local Street

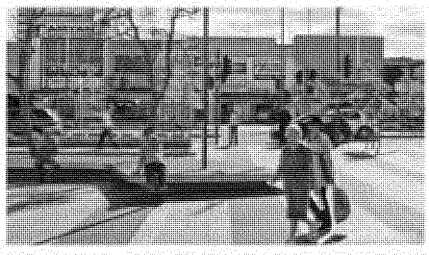
Eastern Parkway, Brooklyn NY

Pedestrian Corridors

Lonsdale Street

dadendong, victoria, au

Lonsdale Street is a historic multi-way boulevard in the heart of Dadendong, Australia that has recently undergone a significant revitalization project. The design for the revitalization treated the local access lanes as pedestrian space, which is clear by how the pavers on the street match that of the sidewalk and median. This project exemplifies how a multi-way boulevard increases the percentage of pedestrian friendly space in an arterial street. The percentages of space solely allocated to vehicles vs. the percentage of space that is pedestrian friendly is nearly a complete inverse, compared to the current design of State Street.



LAND USE
Suburban/Small Town
Residential + Retail

ROW WIDTH
175'

THROUGH LANES
4 Lanes

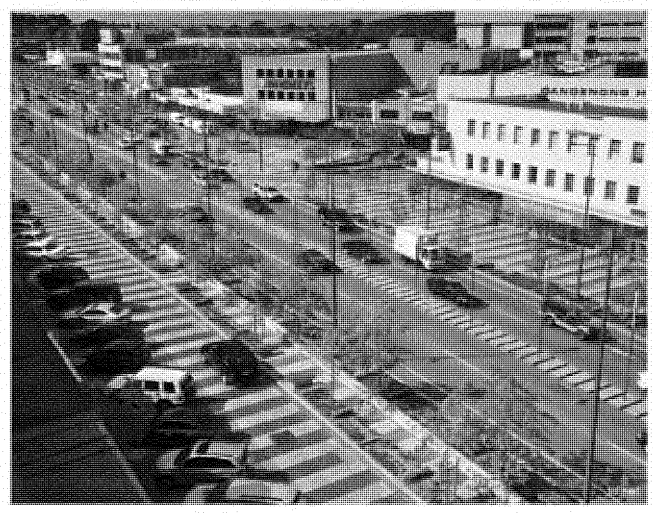
LOCAL LANES
1 Lane + Angled Parking

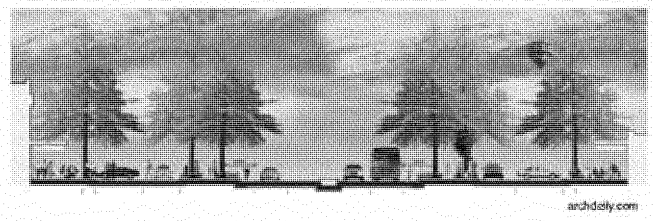
BLOCK LENGTH
730'

RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

69%

31%





archdaily.com

Lonsdale Street

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LAND USE
Suburban/Small Town
Residential + Retail

ROW WIDTH
175'

THROUGH LANES
4 Lanes

LOCAL LANES
1 Lane + Angled Parking

BLOCK LENGTH
730'

St. Kilda Road

melbourne, victoria, au

St. Kilda Road is one of three historic multi-way boulevards connecting Melbourne's City Center to its suburbs. This multi-way boulevard is unique because it provides a dedicated right-of -way (center lane) for light rail, and dedicated bike lanes in the local lanes. This boulevard is also unique in that it allocates more auto lanes to the local lanes (2 each way) than it does to the through lanes (1 each way).

This example also illustrates the adaptability of multi-way boulevards, as this street has been retrofitted to become a major transit street, while still allowing heavy auto traffic. It also remains a comfortable, livable street.

LAND USE
Urban
Mixed-Use + Office

ROW WIDTH
197'

THROUGH LANES
2 Auto Lanes
Parallel Parking
Dedicated Light Rail

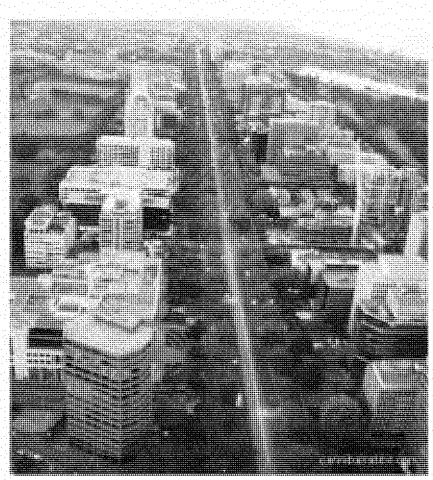
LOCAL LANES
2 Auto Lanes
Bike Lane
Parallel Parking

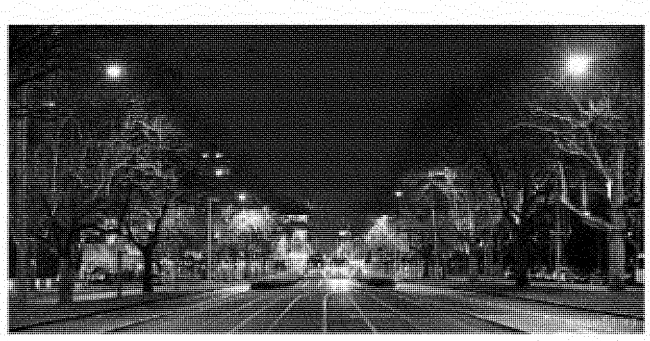
BLOCK LENGTH
600' - 900'

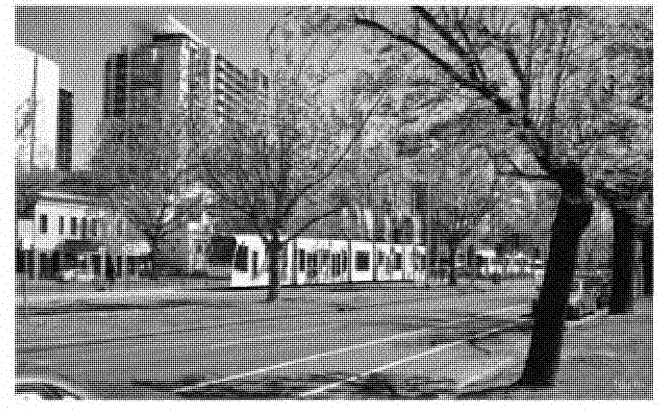
RATIO OF PEOPLE FRIENDLY SPACE TO VEHICLE ONLY SPACE

69%

31%







St. Kilda Road

melbourne, victoria, au

St. Kilda Road is one of three historic multi-way boulevards connecting Melbourne's City Center to its suburbs. This multi-way boulevard is unique because it provides a dedicated right-of -way (center lane) for light rail, and dedicated bike lanes in the local lanes. This boulevard is also unique in that it allocates more auto lanes to the local lanes (2 each way) than it does to the through lanes (1 each way).

This example also illustrates the adaptability of multi-way boulevards, as this street has been retrofitted to become a major transit street, while still allowing heavy auto traffic. It also remains a comfortable, livable street.

LAND USE
Urban
Mixed-Use + Office

ROW WIDTH
197'

THROUGH LANES
2 Auto Lanes
Parallel Parking
Dedicated Light Rail

LOCAL LANES
2 Auto Lanes
Bike Lane
Parallel Parking

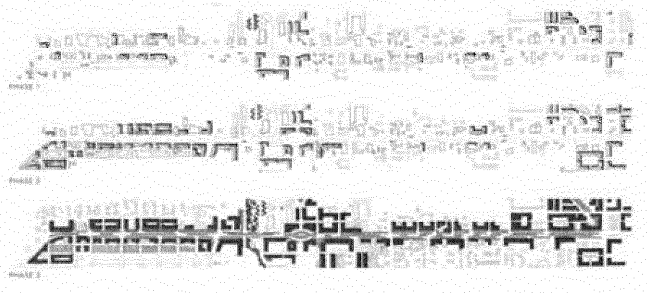
BLOCK LENGTH
600' - 900'

Franklin Boulevard (Planned)

eugene/springfield, or

Franklin Boulevard has been the subject of extensive planning and analysis by faculty and students at the University of Oregon. These studies not only address potential quality of life upgrades that a multi-way boulevard provides, but they also look at other tangible benefits like the ability to create quality high-density development, thus reducing sprawl and preserving farmland. They also determined the number of vehicle miles traveled (VMT) that could be reduced by focusing development on a corridor with mass transit options, as well as the associated CO2 reductions. They estimated the cost of the boulevard construction to be approximately $138 million, but also estimated that the new development as a result of the boulevard would generate an additional tax revenue of $58 million a year. This would be enough to payback the construction costs in less than 2.5 years. One drawback that has limited Franklin Boulevard is that it's current right-of-way is 120' which is too narrow for a good multi-way boulevard. It would require significant land purchases along the corridor in order to implement the design. State Street in Orem however, is 132' wide, and is wide enough that minimal additional land will be needed, if any.

Source: http://nacto.org/docs/usdg/the_boulevard_study_gillem.pdf



CURRENT LAND USE
Suburban Strip Mall + Big Box Retail

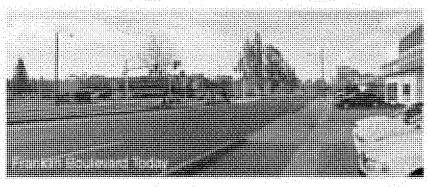
CURRENT ADT
26,000 - 37,000

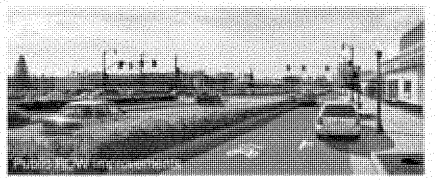
ROW WIDTH
125' - 151'

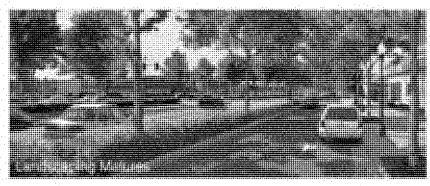
THROUGH LANES
4 Lanes + 1 Turn Lane

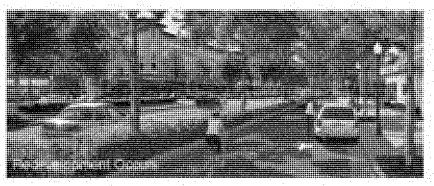
LOCAL LANES
2 Lanes

BLOCK LENGTH
330' - 500'









PROJECTIONS

BOULEVARD LENGTH
14 Miles

RESIDENTIAL UNITS
+ 28,312

VMT REDUCTIONS
339.7M/yr

CO2 REDUCTIONS
373.7M/yr

AUTO COST REDUCTIONS
$1,506/yr per Family

BOULEVARD CONSTRUCTION COST
$138,100,000

PROJECTED ADT
35,000 - 45,000

FARMLAND PRESERVATION
2,178 Acres

Franklin Boulevard (Planned)

eugene/springfield, or

Franklin Boulevard has been the subject of extensive planning and analysis by faculty and students at the University of Oregon. These studies not only address potential quality of life upgrades that a multi-way boulevard provides, but they also look at other tangible benefits like the ability to create quality high-density development, thus reducing sprawl and preserving farmland. They also determined the number of vehicle miles traveled (VMT) that could be reduced by focusing development on a corridor with mass transit options, as well as the associated CO2 reductions. They estimated the cost of the boulevard construction to be approximately $138 million, but also estimated that the new development as a result of the boulevard would generate an additional tax revenue of $58 million a year. This would be enough to payback the construction costs in less than 2.5 years. One drawback that has limited Franklin Boulevard is that it's current right-of-way is 120' which is too narrow for a good multi-way boulevard. It would require significant land purchases along the corridor in order to implement the design. State Street in Orem however, is 132' wide, and is wide enough that minimal additional land will be needed, if any.

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CURRENT LAND USE
Suburban Strip Mall + Big Box Retail

CURRENT ADT
26,000 - 37,000

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THROUGH LANES
4 Lanes + 1 Turn Lane

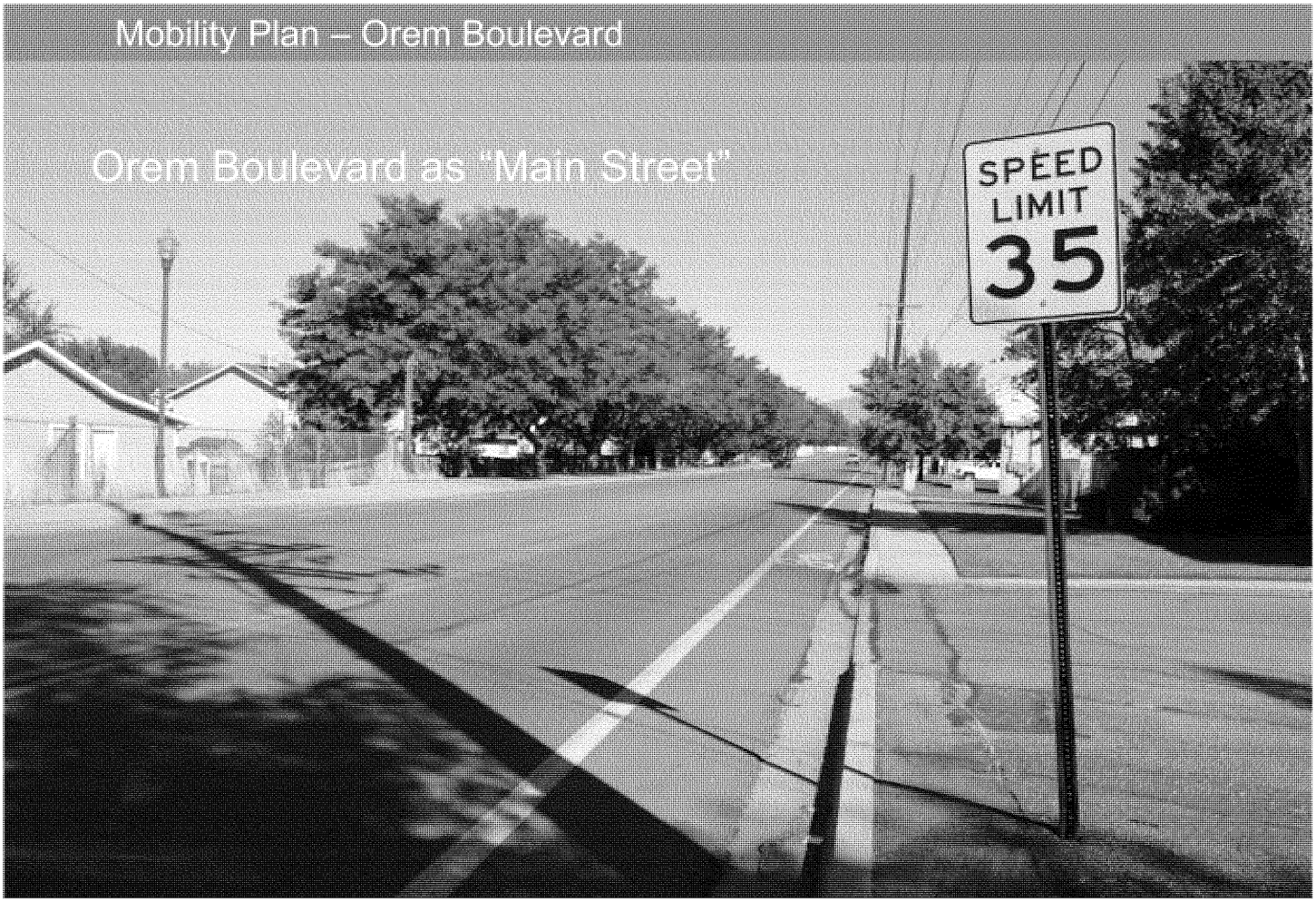
LOCAL LANES
2 Lanes

BLOCK LENGTH
330' - 500'

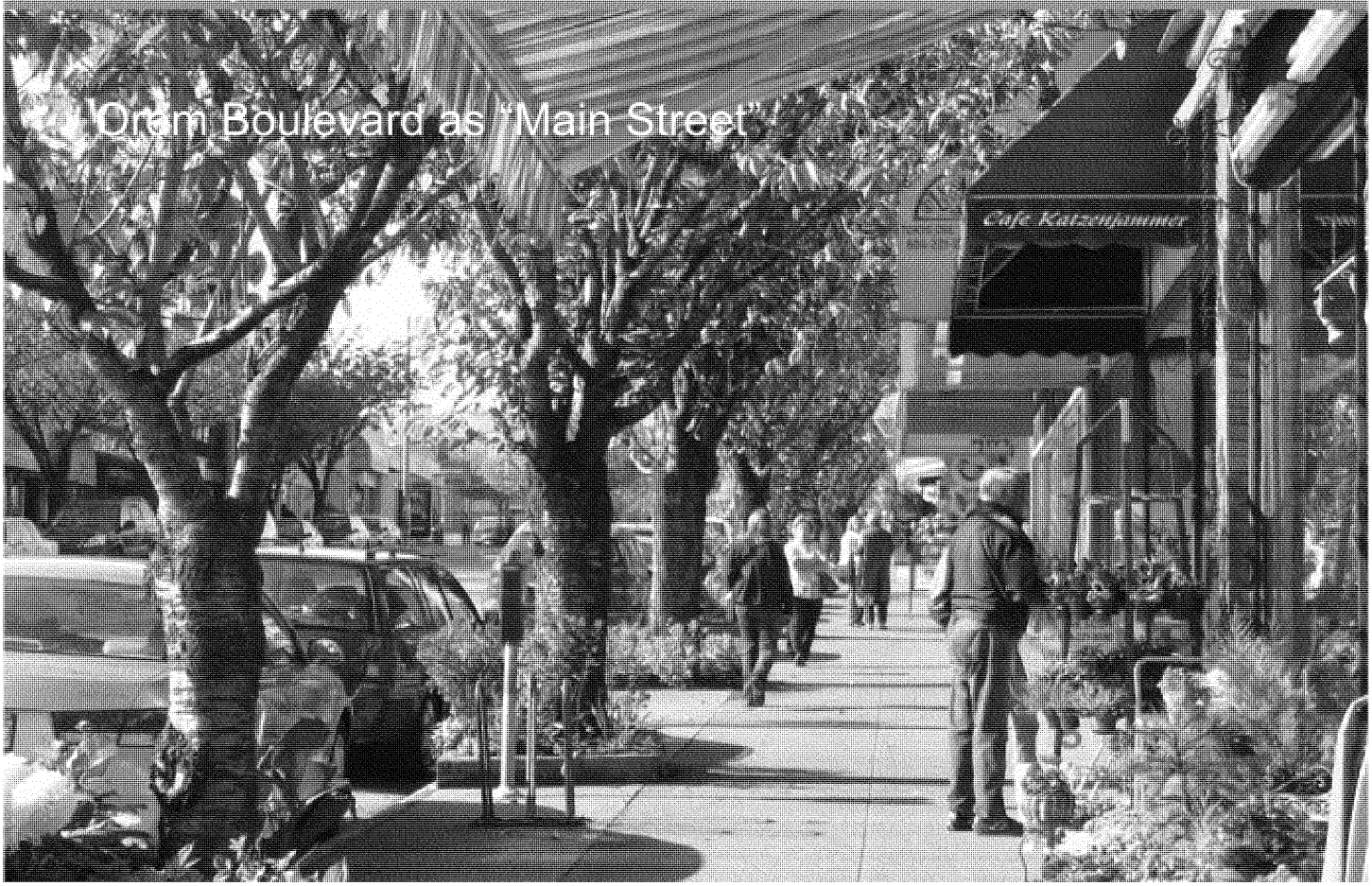
Orem Boulevard as "Main Street"

Mobility Plan – Orem Boulevard

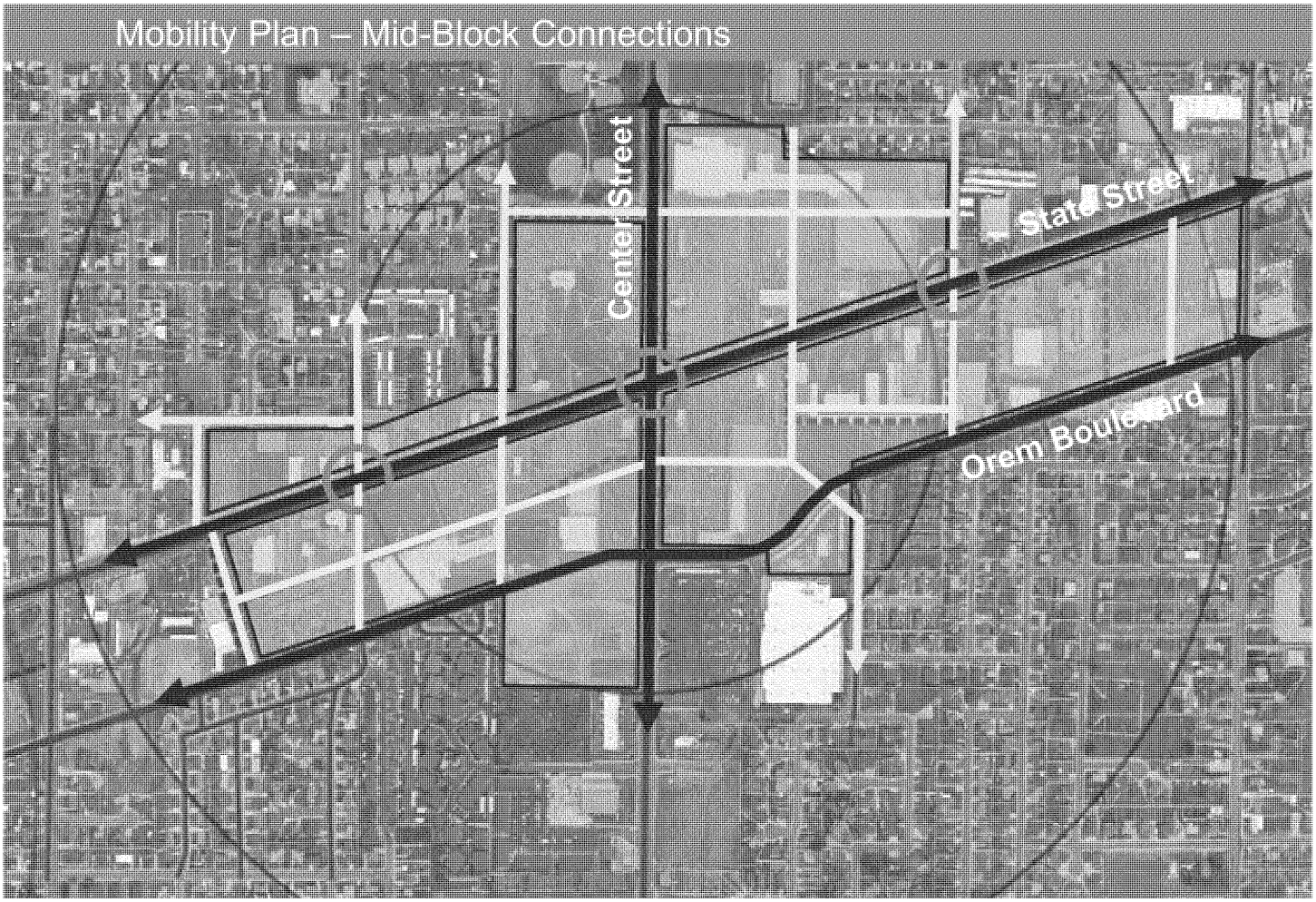
Orem Boulevard as "Main Street"



Orem Boulevard as "Main Street"



Mobility Plan – Mid-Block Connections



Mobility Plan – Mid-Block Connections

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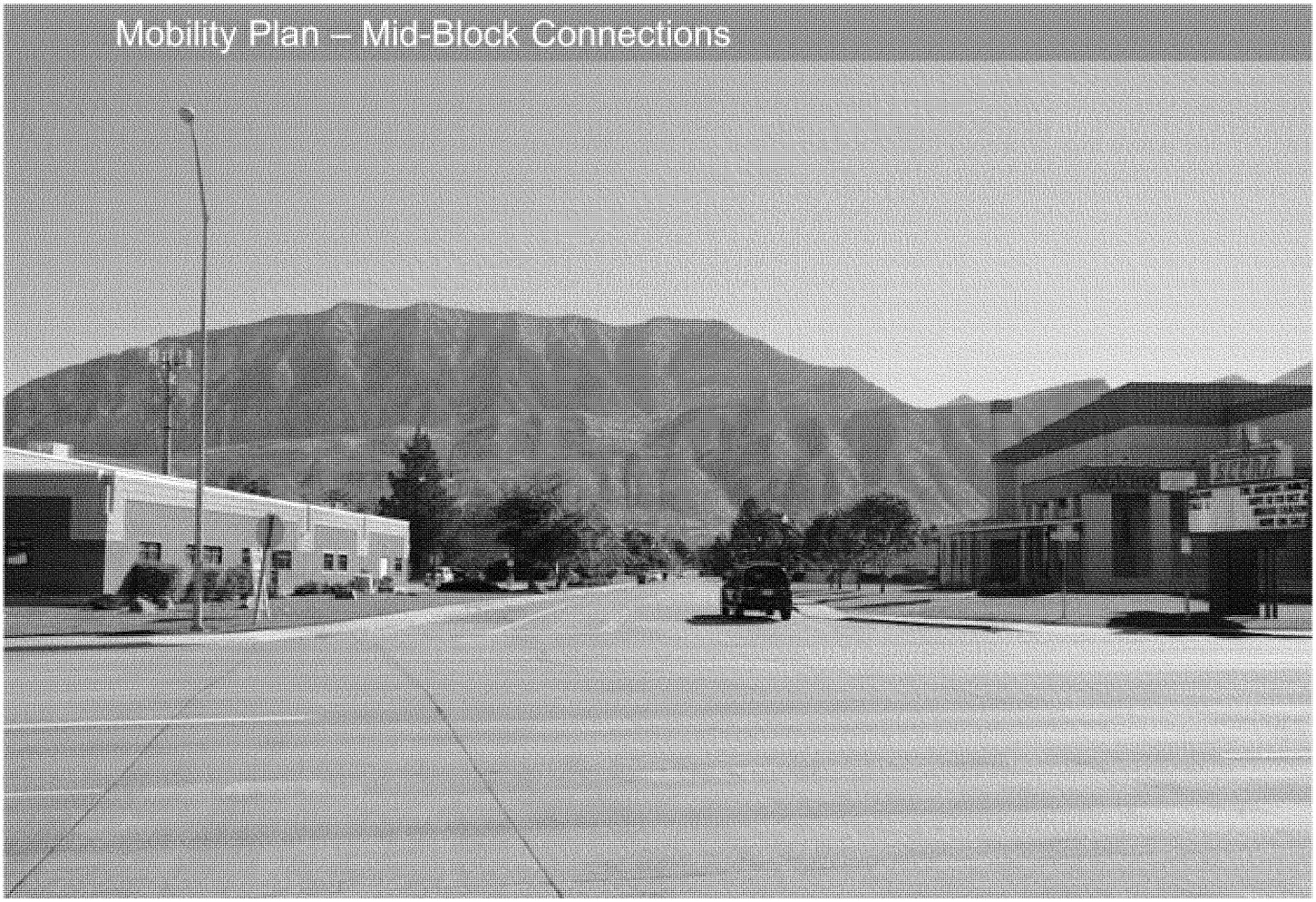
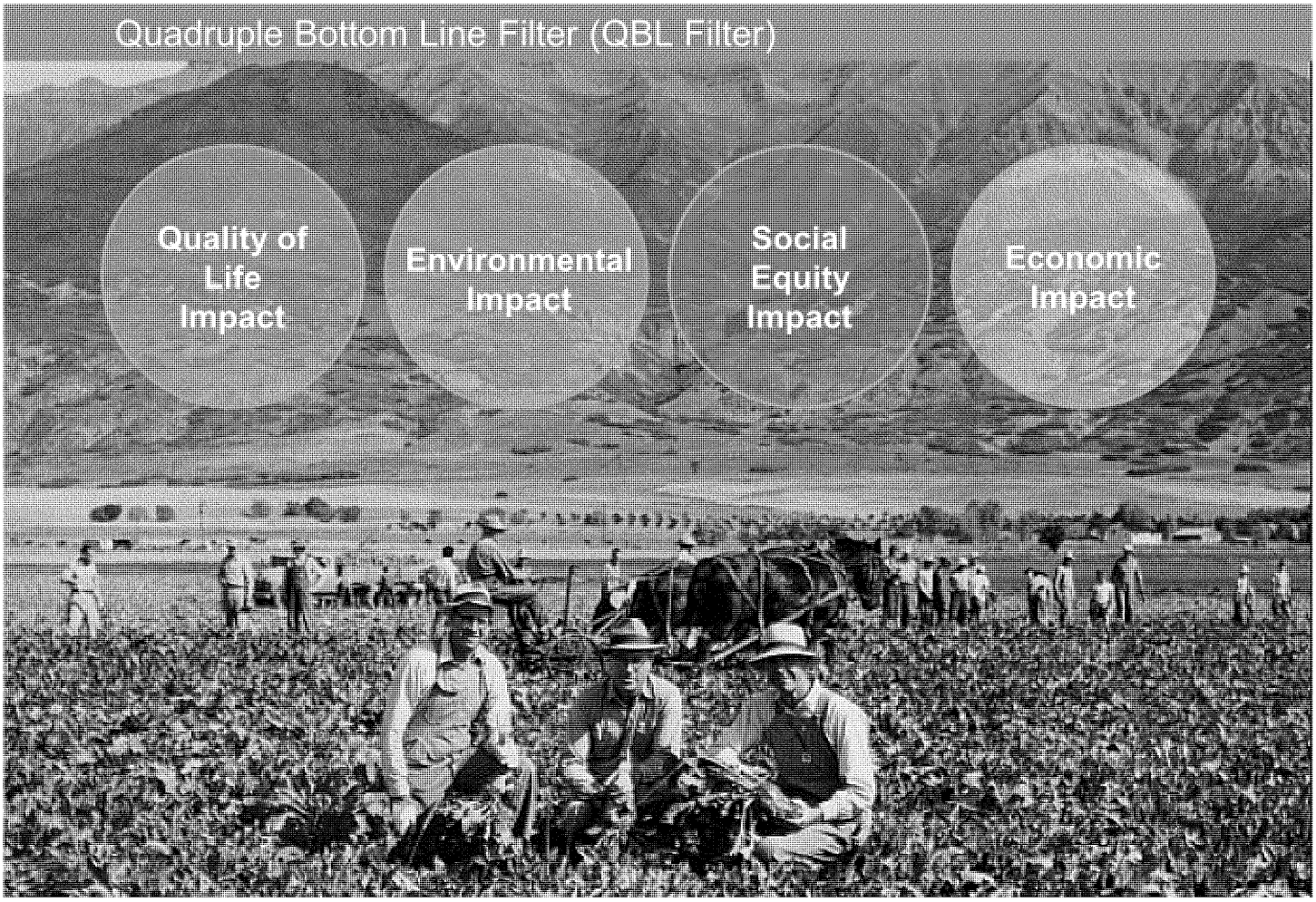



Quadruple Bottom Line Filter (QBL Filter)
Quality of Life Impact
Environmental Impact
Social Equity Impact
Economic Impact

QBL Filter - Quality of Life Impact

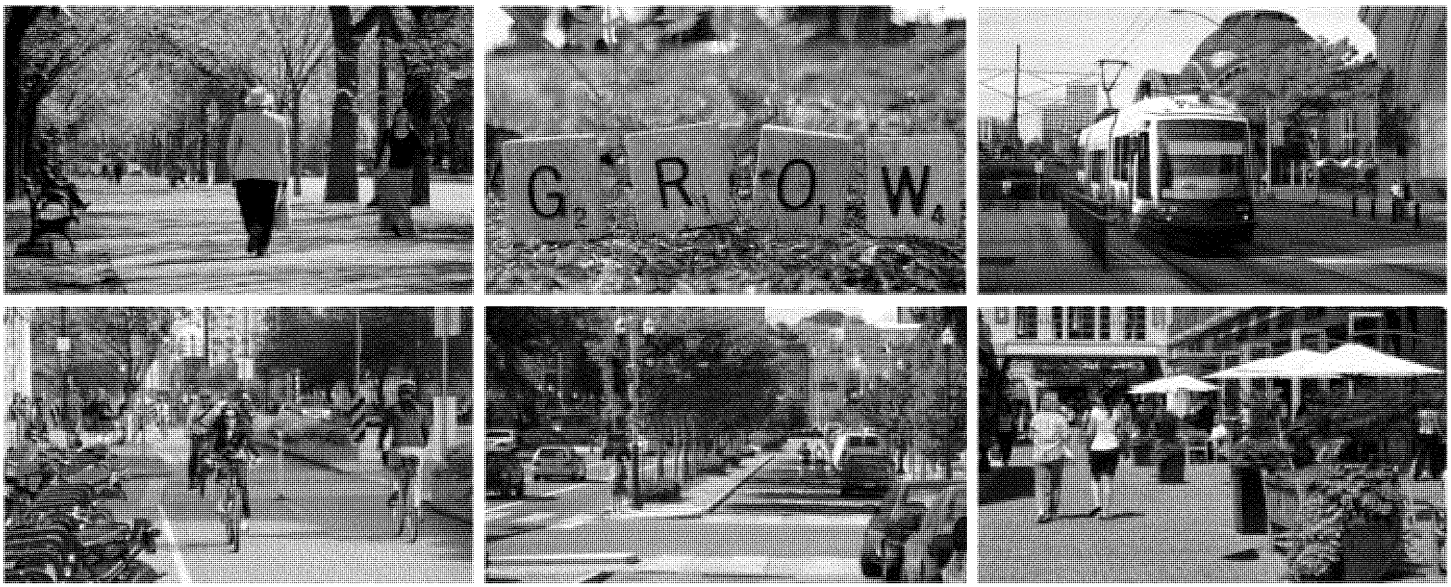
How will proposal contribute to creating a sense of place?

- Encourage socialization for residents and visitors
- Improve the urban open space network
- Enhance and promote arts and culture
- Encourage walkability and healthy living

QBL Filter - Environmental Impact

How will proposal demonstrate responsible environmental stewardship?

- Reduction in Vehicle Miles Traveled (VMT)
- Reduction in CO2 Emissions



QBL Filter - Social Equity Impact

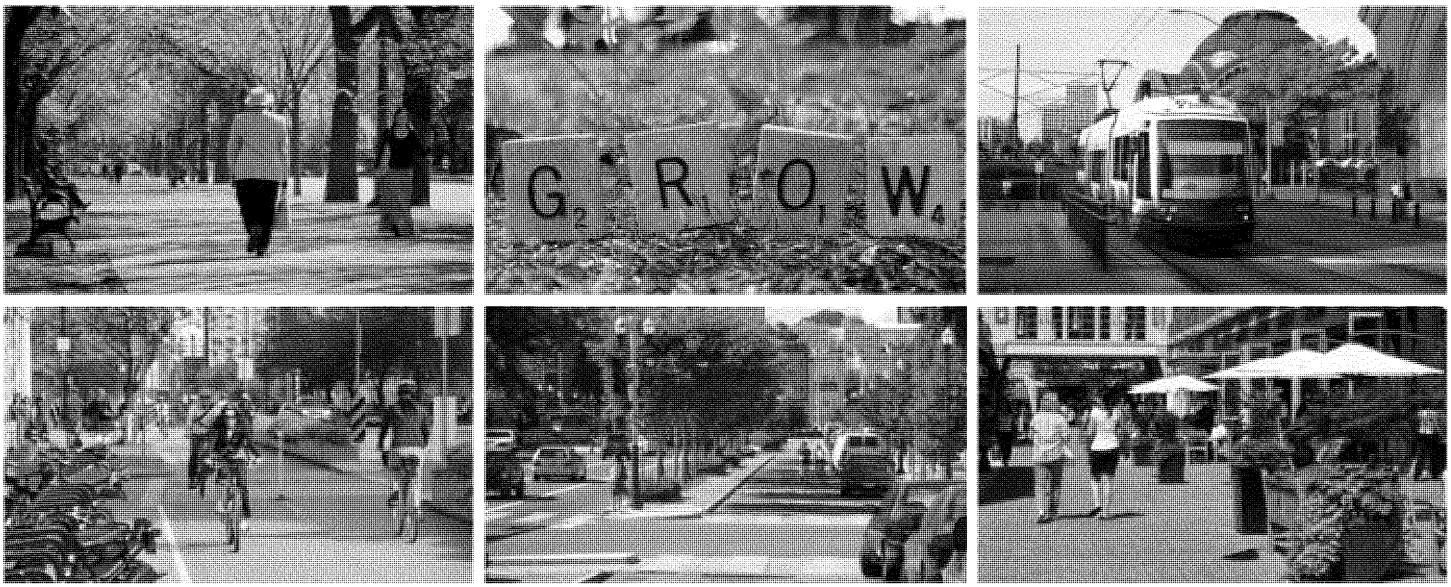
How will proposal foster community and economic diversity?

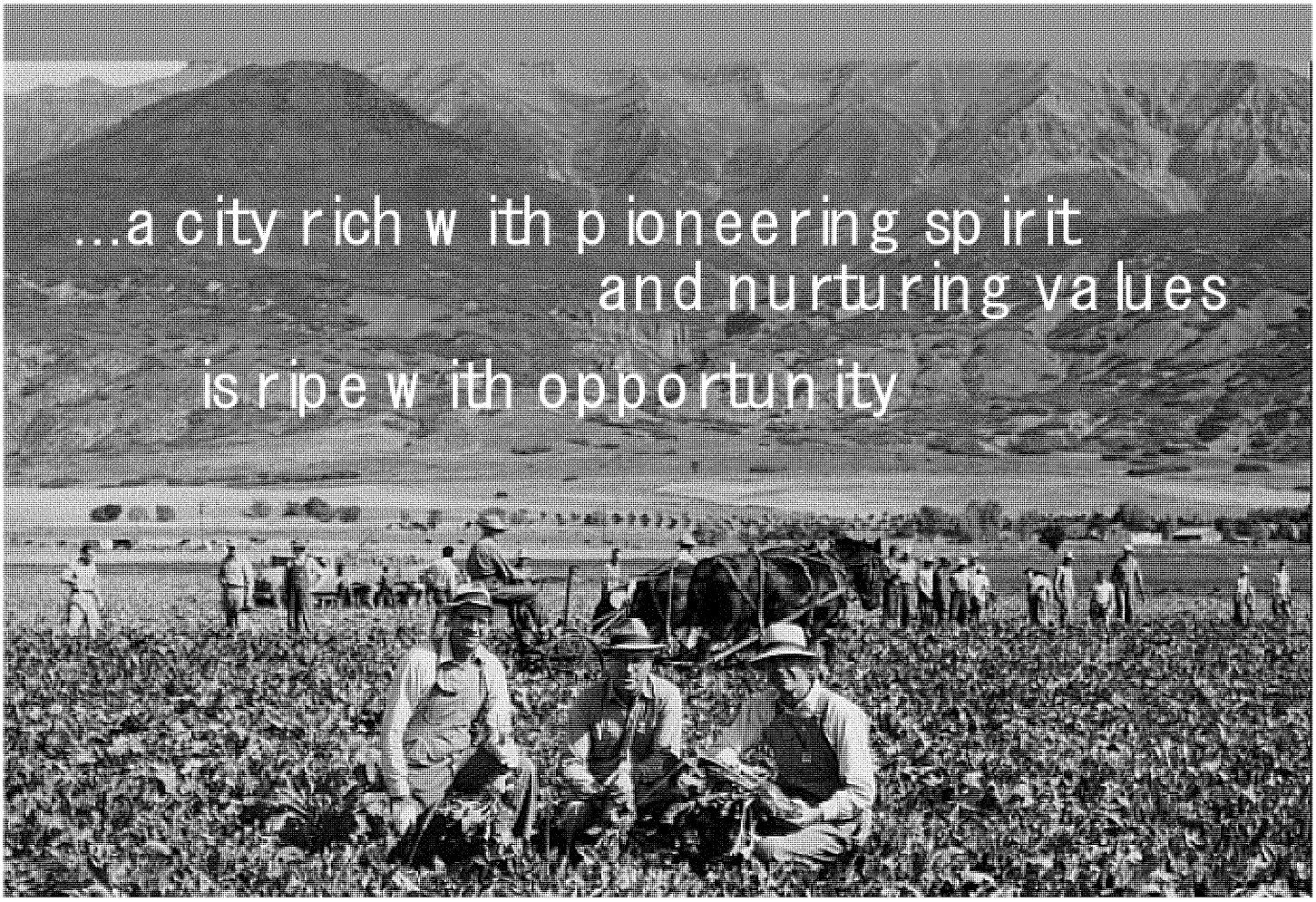
- Create a plan to appeal to diverse resident and visitor needs
- Consider all ages, genders and races - intergenerational
- Opportunities for children and families through atmosphere for learning and education
- Improved accessibility
- Enhance connections and access to public transit and parking

QBL Filter - Economic Impact

How will proposal offset its impacts on the community, contribute to a sustainable economy and attract and retain new and existing businesses?

- Commitment and investment into physical and social infrastructure
- Investment in quality public infrastructure to promote redevelopment and walkability
- Enhance the atmosphere for economic development including diversity of uses
- Catalyze private investment and redevelopment of underutilized properties




...a city rich with pioneering spirit
and nurturing values
is ripe with opportunity

2014 OREM CITY CODE UPDATE

OREM

2014 OREM CODE UPDATE

5 TYPES OF UPDATES

1. Remove obsolete provisions;
2. Bring the City Code into compliance with changes in state law;
3. Resolve inconsistencies within the City Code;
4. Make substantive changes; and
5. Correct formatting and scrivener's errors.

OBSOLETE PROVISIONS

Article 2-15 (portions pertaining to the Committee)

Article 2-16

REPEAL the following:

- Youth City Council Advisory Committee – Orem City Code 2-15 (no longer functioning – Youth City Council will remain)
- Media Review Commission – Orem City Code 2-16 (no longer functioning)
- Submission of Certain Movies for Review Before Exhibition – Orem City Code 9-3-2 (no longer functioning)

OBSOLETE PROVISIONS

CONFORMANCE WITH STATE LAW

Section 2-27-6 Court Facilities & Hours of Operation

Article 2-30 Records Access & Management

Section 7-7-5 Discharge of Fireworks

Section 12-5-15 Towing & Parking Enforcement

CONFORMING STATE LAW

- Justice Court holidays to mirror state holidays – Orem City Code § 2-27-6
- City may restrict the use of certain ignition sources in mountainous, brush-covered, or forested areas or in a wild land urban interface area when a hazardous environmental condition is present - Orem City Code § 7-2-8.C.
- Type of ignition sources (fireworks) are restricted by state law – Orem City Code § 7-2-8.D.
- Updates the definition of an "abandoned vehicle" as a vehicle [illegible] public roadway in excess of 48 hours. Former [illegible] inconsistent with [illegible]

Updates to Records Management Provisions – Article 2-30:

- Numerous changes reflecting amendments to the state law (see e.g. adding definitions, expanding definitions, clarifying additional records entitled to GRAMA protection, updating citations to the Utah Code)
- Increasing the time to respond to GRAMA requests from 5 to 10 days (this comports with state law)
- Changing the appeal procedure. The Utah Code will now govern the appeal of the City Manager's GRAMA determination. The appellate body will be the State Records Committee or the judiciary.

CONFORMANCE WITH STATE LAW CONTINUED . . .

CONFORMANCE WITH STATE CODE CONTINUED

Changes to the City Tax Code, Article 18-1 (Local Sales & Use Tax) - Reflects changes that were made in Utah Code and that have already been fiscally implemented and included in the annual budget:

- Reflect the correct sales & use tax levy of 1% (instead of 63/64 of 1%)
- Include an exemption for sales & uses that have been taxed in other jurisdictions under the Local Sales & Use Tax Act
- Include language defining when a sale is consummated within the

CONFORMANCE WITH STATE LAW (CONTINUED ...)

Changes to Article 18-2 (Municipal Engergy Sales & Use Tax) and Article 18-4 (Telecommunication License Tax):

- Correct the placement of the definition of "taxable energy" found in Utah Code § 10-1-303 Municipal Energy Sales and Use Tax Act – Orem City Code § 18-2-2
- Modify the Telecommunication License Tax Levy to 3.5% as reflected in state law (Recently implemented in 2007 – formerly 4%) – Orem City Code § 18-4-1 and 2

RESOLUTION OF INCONSISTENCIES WITHIN THE OREM CITY CODE

Chapter 5 Animal Control

Chapter 22 Zoning – Residential

Animal Control vs. Residential Zoning

Amend Orem City Code § 5-6-1 (animal control) and § 22-2-1 (zoning ordinance) to clarify that there are allowed up to two (2) dogs and two (2) cats four months of age or older in every "dwelling". These ordinances formerly limited the number of cats and dogs by "person" or "lot" making application and enforcement of these provisions inconsistent.

A "dwelling" is defined as: any building, structure, or portion thereof which is occupied as or designed or intended for occupancy as a residence by one or more families, but not including hotels, motels, or bed and breakfast establishments.

RESOLUTION OF INCONSISTENCIES WITHIN THE OREM CITY CODE

SUBSTANTIVE CHANGES

Section 19.7-5 Regulation of Nonconsensual Towing & Booting Practices

SUBSTANTIVE CHANGES

Amendment to Orem City Code § 19-7-5.D - Regulation of Nonconsensual Towing and Booting Practices

Does not penalize private property owners with 4 or more parking spaces if the owner has a vehicle towed that has remained on the private property owner's property for more than 48 hours regardless of [illegible]

CORRECTION OF SCRIVENER'S ERRORS OR FORMATTING CHANGES

Throughout the Orem City Code amendments already reviewed:

- Make citation forms consistent
- Correct paragraph numbering
- [illegible]

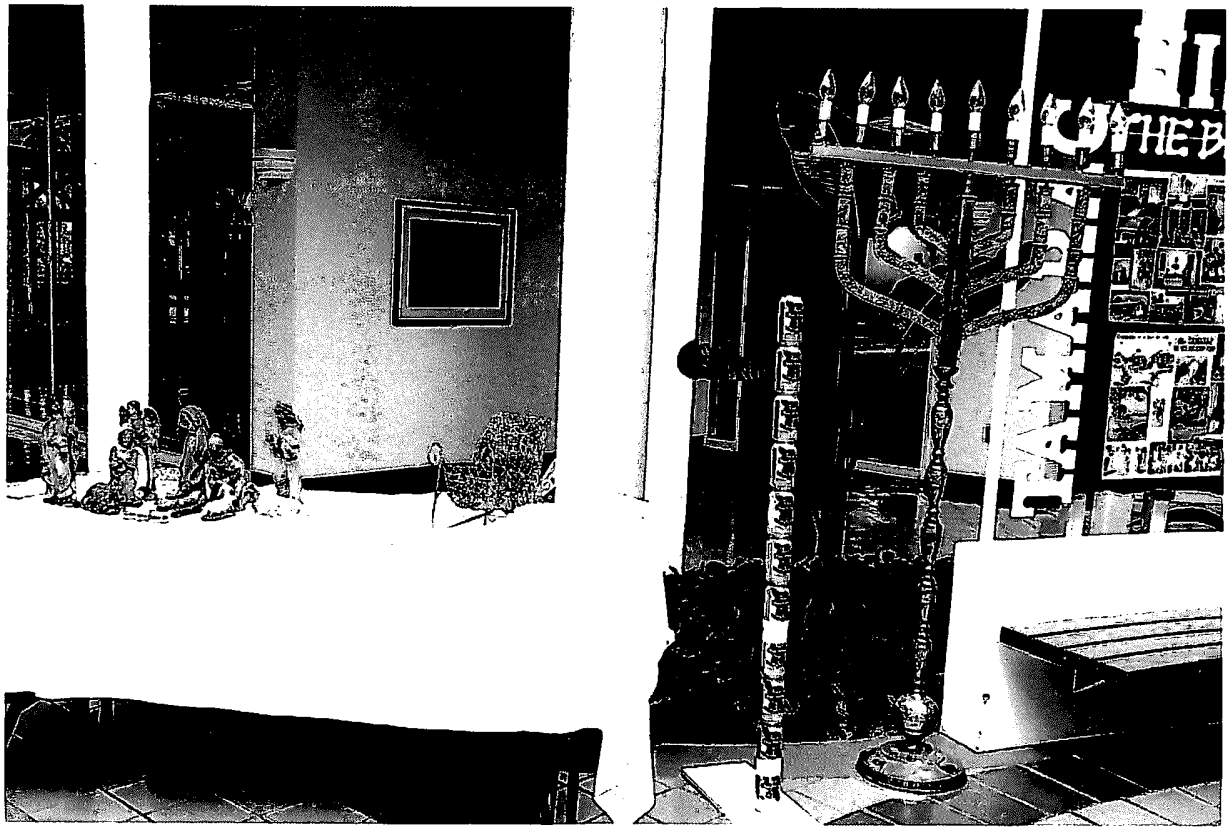
Proposed Statue of Baphomet for Oklahoma State Grounds

The Baphomet figure is proposed by a New York-based group identifying as The Satanic Temple, which raised over $28,000 on IndieGoGo earlier this year to commission a sculptor and create the piece. Satanic Temple spokesperson Lucien Grieves tells ABC news that the statue is a symbol to "celebrate our progress as pluralistic nation founded on secular law."

2012 Deerfield Beach Festivus Pole and Nativity Scene

The Festivus pole is a reference to a fictional December 23 holiday on the television show Seinfeld. On the show, the characters celebrated the holiday by reflecting on the past year's disappointments and airing grievances. Chaz Stevens, the atheist activist blogger who created this version of a Festivus pole, claimed that he wanted Deerfield Beach, Florida to get rid of the annual Nativity scene, and he decided to "push back a little" to express his own beliefs. "It's just 23 beer cans stacked 8 feet high and conveniently located 6 feet from Baby Jesus," Stevens said. In addition to the "Festivus pole," the Nativity scene also features a Menorah (see background of next photograph). The city of Deerfield Beach has reportedly stopped allowing any religious displays on city property as of 2013.

2013 Tamarac, FL Library Holiday Display



The same atheist who created the Deerfield Beach and Florida Capitol Festivus Poles was commissioned for one by a Tamarac, FL city resident, who had long been irritated by the city's annual holiday displays of a nativity scene and menorah.

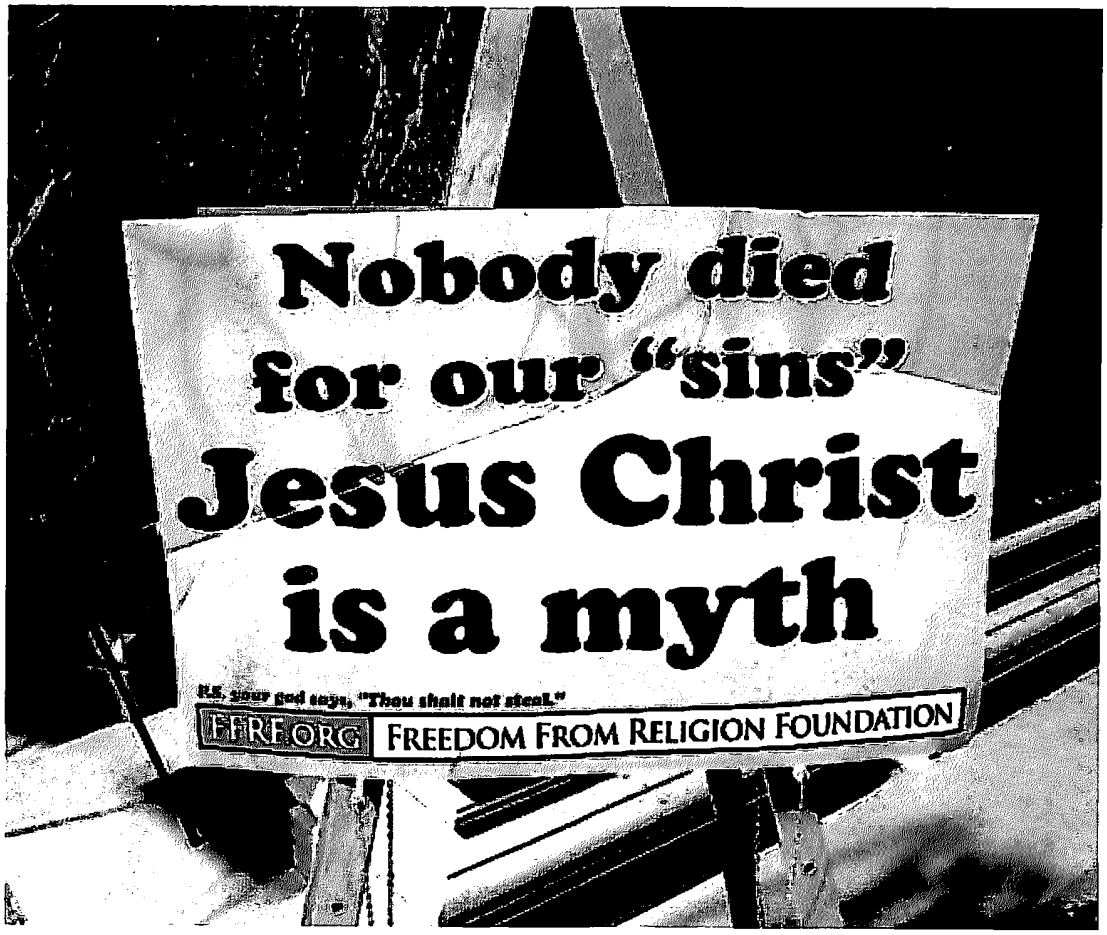
2013 Florida Capitol Holiday Displays

The above photographs demonstrate a Festivus Pole, Nativity scene, posters by two atheist groups, a Winter Solstice message, and Flying Spaghetti Monster on a chair, all of which were displayed in the Tallahassee, Florida Capitol building's rotunda area during the 2013 holiday season

The proximity of these messages in the Florida capitol building was intended to ameliorate constitutionality concerns.

Brady Henderson of the Oklahoma ACLU points to Florida as a cautionary tale. The placement of a nativity scene on the state Capitol grounds led to a free-for-all. "To get around the First Amendment problems, they had to let other groups in. So, next to the crèche was a Festivus pole and Flying Spaghetti Monster. We don't want our state to become (like that). Here is something with thousands of years of tradition next to a joke from *Seinfeld,* and the government is presenting them as equals. That cheapens a lot of people's faith. The only one who is happy is the one who wants to make a mockery of religion."

2014 Easter Display at Wisconsin Capitol Building



An Easter display about Jesus (not pictured) in the Wisconsin capitol prompted this response from an anti-religious organization and was posted near the original display (poster was bent by vandals).