



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
January 13, 2015

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

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

1. **UPDATE – Master Plans (60 min)**
2. **UPDATE– Police Department (45 min)**
3. **DISCUSSION – Amplified Sounds (15 min)**

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

PREVIEW UPCOMING AGENDA ITEMS

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

AGENDA REVIEW

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

CITY COUNCIL - NEW BUSINESS

6. **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

7. **MINUTES of City Council Meeting – December 9, 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

8. UPCOMING EVENTS

9. APPOINTMENTS TO BOARDS AND COMMISSIONS

 Beautification Advisory Commission.....1 vacancy

 Historic Preservation Advisory Commission4 vacancies

10. RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS

CITY MANAGER’S APPOINTMENTS

11. APPOINTMENTS TO BOARDS AND COMMISSIONS

 The City Manager does not have any appointments.

PERSONAL APPEARANCES – 15 MINUTES

- 12. 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

- 13. There are no Consent Items.**

SCHEDULED ITEMS

6:20 P.M. PUBLIC HEARING - Billboards

- 14. ORDINANCE - Amending Sections 22-14-29 and 14-3-3 of the City of Orem pertaining to electronic message sign requirements**

ORDINANCE - Amending Sections 14-3-3 and 14-3-4 of the Orem City Code pertaining to outdoor advertising requirements (billboards)

RECOMMENDATION: The Planning Commission recommends the City Council:

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

PRESENTER: Jason Bench

POTENTIALLY AFFECTED AREA: Citywide

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

2014 in order to have the full City Council consider the requested amendments. It was continued at that meeting to January 13, 2015.

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

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

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

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

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

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

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

The proposed amendments are as follows:

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

Advantages

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

Disadvantages

None identified

6:20 P.M. PUBLIC HEARING – Street Vacation

15. ORDINANCE - ORDINANCE– Vacating a portion of 1000 East Street located between 670 North and 800 North and a portion of 720 North Street between 1000 East and 980 East

PRESENTER: Jason Bench

POTENTIALLY AFFECTED AREA: Orem East Neighborhood

BACKGROUND: Chad Stratton requests that the City Council vacate a portion of existing 1000 East right of way between 670 North and 800 North. The area proposed to be vacated is area that the City does not need for current or future street improvements and is shown in Exhibit “A.”

1000 East Street is a local street which for most of its length has approximately 46-48 feet of right of way consisting of 34 feet of asphalt and 6-7 feet of curb, gutter and sidewalk on each side of the street. In the area between 670 North and 800 North, the City currently has 60 feet of street dedication which was granted with the recording of Knight Subdivision in 1921. This is more right of way width than is needed to complete and maintain the same width of street improvements that the City has for the other portions of 1000 East. Most of the west side of 1000 East in this area does not yet have curb, gutter and sidewalk and the excess right of way area is located behind where the future curb, gutter and sidewalk will be installed.

Chad Stratton is proposing to subdivide and develop the property along the west side of 1000 East between approximately 670 North and 800 North. In conjunction with this new development, he will be completing the curb, gutter and sidewalk improvements along the west side of 1000 East between 670 North and 800 North. Mr. Stratton proposes to vacate that portion of the 800 East dedication area that will be located behind the new sidewalk to be installed on the west side of 1000 East. This excess right of way area varies in width, but ranges between 10-12 feet. This unimproved area is not needed for street improvements and so staff supports this proposal.

Chad Stratton also requests that the City vacate a portion of 720 North located west of 1000 East as also shown in Exhibit “A.” This portion of 720 North was dedicated to the City in 1978 as part of the John Stratton Subdivision, Plat “A.” The original dedication gave the City a 50 foot wide right of way. 720 North Street is proposed to be a 32 foot wide sub-local street right-of-way consisting of 28 feet of asphalt and two feet of curb and

gutter on each side. There will also be an eight foot planter strip and a five foot wide sidewalk on each side of the street, but these improvements will be outside the street right of way in a separate sidewalk easement. There is thus 18 feet of excess right of way that Mr. Stratton is asking the City Council to vacate.

If vacated by the City Council, title to the vacated areas of 1000 East Street and 720 North Street would automatically vest in the adjoining property owners.

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

RECOMMENDATION: Development Services recommends that the City Council, by ordinance, vacate approximately 0.34 acres of a portion of 1000 East Street located between 670 North and 800 North and a portion of 720 North Street between 1000 East and 980 East as shown in Exhibit "A" with the requirement that the vacated areas be incorporated into the Cascade Estates final plat.

COMMUNICATION ITEMS

16. BUDGET REPORT – November 2014

CITY MANAGER INFORMATION ITEMS

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

ADJOURN

UPCOMING AGENDA ITEMS

JANUARY 22, 2015 – Noon Meeting with Provo in Provo

JANUARY 27, 2015

Work Session – 3 – 5:45 p.m.

- Tour – Canyon Park Technology Center
- Discussion – SW Annexation
- Update – Master Plan – Cemetery
- Fiscal Year 2016 Budget timeline

Mayor's Items

- Walter C. Orem Award

Public Hearings

6:20 p.m.

- Continued Public Hearing – ORD - PD-34 Zone (University Place) - Appendix BB
- ORD – PD-22 Zone – Brighton Towers

Scheduled Items

- Amiron Village fence

FEBRUARY 10, 2015

Work Session – 3 p.m.

- Update – Master Plan – Utilities
- Discussion – Economic Development Strategic Plan

FEBRUARY 24, 2015

Work Session – 3 p.m.

Mayor's Items

- Report – Beautification Advisory Commission

Public Hearings

- RES – Adopt Economic Development Strategic Plan as an element of the General Plan

MARCH 10, 2015

Work Session – 3 p.m.

MARCH 24, 2015

Work Session – 3 p.m.

Mayor's Items

- Report – Sleepy Ridge Golf Course

APRIL 14, 2015

Work Session – 3 p.m.

APRIL 16, 2015 – Noon Meeting with Provo in Orem

APRIL 28, 2015

Work Session – 3 p.m.

Premeeting

- Open Meetings Training

Scheduled Items

- Adopt Tentative Budget

MAY 12, 2015

Work Session – 3 p.m.

Mayor's Items

- Report – Heritage Advisory Commission

MAY 26, 2015

Work Session – 3 p.m.

Mayor's Items

- Report – Summerfest Advisory Commission

JUNE 9, 2015

Work Session – 3 p.m.

- Annual Review – Gang Loitering Free Areas

Mayor's Items

- Report – Senior Advisory Commission

Public Hearings

6:20 p.m.

- Adopt Final Budget

JUNE 23, 2015

Work Session – 3 p.m.

Mayor's Items

- Mayor Pro Tem – Jul 1 – Dec 31, 2015

Closed Door – City Manager Evaluation

Joint Meetings with Provo

- July 16 in Provo
- October 22 in Orem

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

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

CONDUCTING Mayor Richard F. Brunst, Jr.

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

APPOINTED STAFF Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Scott Gurney, Fire Department Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Ryan Clark, Economic Development Division Manager; Brandon Stocksdale, Long Range Planner; Steve Earl, Deputy City Attorney; Jason Bench, Planning Division Manager; Neal Winterton, Water Division Manager; Sam Kelly, City Engineer; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

INTERVIEWS – Applicants for Advisory Commissions

Mayor Brunst welcomed those that came to meet with the City Council, and thanked them for their interest in participating in Orem City advisory boards and commissions. Those who met with the City Council were:

- Gary Schinnell
- Steve Smith
- Teresa Horn
- Virginia “Ginny” Ball
- Curtis Wood
- Richard Clark
- Courtney Burns
- Thomas Walsh
- Randy Park
- Liz Merrell
- LaNae Millett
- Paul Molinor
- Rob Shaw

After meeting with the applicants the Council discussed the different strengths and experience of each applicant, and where their skill set would be best suited. At the conclusion of the

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1 discussion, the general consensus of the City Council was to recommend the following
2 applicants to the following advisory commissions:

- 3 • Recreation Allocation Advisory Commission (RAAC)
 - 4 ○ Bill Bodine, Joel Patrick, Paul Molinor, staff Debbie Boone, and Steve Smith,
 - 5 Paul Crossett, and Chelsea Jolley from the RAC.
- 6 • Community Development Block Grant (CDBG) Commission
 - 7 ○ Virginia Ball, Thomas Walsh, and Curtis Wood
- 8 • Rec Advisory Commission (RAC)
 - 9 ○ Richard Clark and Gary Schinnell
- 10 • Library Advisory Commission
 - 11 ○ Courtney Burns
- 12 • SummerFest Commission
 - 13 ○ Rob Shaw, Teresa Horn, and Wallace Harkness
- 14 • Senior Advisory Commission
 - 15 ○ Liz Merrell and Joyce Ottens
- 16 • CARE Tax Advisory Commission
 - 17 ○ LaNae Millett

18
19 The City planned to follow up with each applicant and make them aware of their
20 recommendations.

21 DISCUSSION – Southwest Annexation

22
23 Brandon Stocksdale said land-use and growth scenarios had been discussed in previous
24 meetings, and he would be presenting information on financing mechanisms like impact fees in
25 the annexation area.

26
27 Mr. Stocksdale reviewed data from the impact fee study that was completed summer of 2014
28 about necessary infrastructure that would be required if the area was annexed.

29

Service Type	Cost of Necessary Infrastructure	Type of Infrastructure
Culinary Water	\$2,947,796	New well, fire hydrants, and distribution pipes
Sanitary Sewer	\$3,364,926	New collection pipes, manholes, lift stations, and property easements
Storm Water	\$2,552,605	New collection pipes, manholes, property easements, and detention basin
Total	\$8,865,327	Infrastructure only; financing not included

30
31 Mr. Stocksdale said the 8.8 million dollar total represented the fiscal cost for the facilities, the
32 pipes, the labor to install, and other physical elements. The discussion would be focused on
33 financing for the costs to build.

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- 1 Financing options were presented:
 2 1. Bond (General Obligation)
 3 2. Tax (Sales, Franchise, or Excise)
 4 3. Reserves (Public Works or Enterprise funds)
 5

Service Type	Cost of Necessary Infrastructure	Cost with Financing
Culinary Water	\$2,947,796	\$3,666,795
Sanitary Sewer	\$3,364,926	\$4,184,913
Storm Water	\$2,552,605	\$3,175,928
Total	\$8,865,327	\$11,027,636

6
 7 Mayor Brunst asked about bonding. Mr. Stocksdale said a general bond would be approximately
 8 ten years. The time it would take to pay it off with impact fees would depend on growth and
 9 other factors.

10
 11 Mr. Earl said until all the property was developed it would not be paid off in full, and that could
 12 take up to twenty years or more. Mr. Bell added that the impact fee analysis was for a twenty-
 13 year build out.

14
 15 Mr. Stocksdale said a model had been done with low, medium, and high growth scenarios, using
 16 Equivalent Residential Units (ERUs) to give comparison of how many connections would be
 17 needed.
 18

Impact Fee	Orem: Low (1,250 ERUs)	Orem: Medium (1,913 ERUs)	Orem: High (2,603 ERUs)	Lehi	Provo
Culinary Water (per unit)	\$1,921	\$1,921	\$1,411	\$1,534	\$1,599
Sewer (per unit)	\$4,290	\$3,132	\$2,550	\$571+ \$3,120	\$1,230
Storm Water (per acre)	\$11,055 (\$2,764)	\$11,055 (\$1,382)	\$11,029 (\$919)	\$1,621	\$3,560
Totals*:	\$8,965	\$6,435	\$4,880	\$6,846	\$6,389
All Fees Totals:	\$8,965	\$6,435	\$4,880	\$24,821	\$11,462

19 *Only Water, Sewer, & Storm Water Fees
 20

21 Mr. Macdonald asked whether Provo and Lehi differentiated between densities. Mr. Stocksdale
 22 said that that kind of comparison was difficult to make because it would be comparing projected
 23 data to existing data in Provo and Lehi, and each city distributed fees differently. Mr. Stocksdale
 24 continued that other cities had different types of impact fees other than water, sewer, and storm
 25 water. Lehi had EMS, fire, police, roads, and parks impact fees. Provo had transportation, roads,
 26 and parks impact fees. These factors made across the board comparison difficult.
 27

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1 Based on those impact fee scenarios, the City would expect to return the following in revenue:
2

Density Scenario	Total ERUS	Total Revenue
Low	1,250	\$10,958,645
Medium	1,913	\$12,861,284
High	2,603	\$13,497,864

3
4 Mr. Macdonald asked where the amounts came from. Mr. Bell said they came from data
5 specified in the impact fee study.
6

7 Mr. Stocksdale said the projected amount accounted for all costs to provide necessary
8 infrastructure, from pipes and manhole covers to the cost of labor and installation.
9

10 Mr. Stocksdale said a frequently asked question was what would happen to the tax rate in the
11 area if annexation took place. He said he spoke with the Utah County Tax Assessor, who
12 indicated the overall aggregate tax rates would actually go down, with residents paying less in
13 taxes.
14

Tax Rate Information	Current Status (2014)	Post-Annexation Status (2015)
Tax District	030	090
Aggregate Tax Rate	0.0122840	0.0114190
Parcel 19:036:0047	\$914.79	\$850.37

15
16 Mr. Stocksdale said another question asked was the different tax revenues between different land
17 use scenarios and long-term benefits. Mr. Stocksdale showed a chart from the Economic
18 Development Strategic Plan draft with per acre tax revenue generated in Orem districts, saying
19 high density residential would not generate as much revenue as would industrial or retail.

Table 27: Equivalent Medium-High Density Residential Development to Achieve Revenue Levels by District

District	Est Revs per Acre - Less SF, Exempt & Vacant	Multi-Family Property Value per Acre Required to Meet this Amt	# of Units per Acre at \$200,000/Door	# of Units per Acre at \$150,000/Door	# of Units per Acre at \$120,000/Door
8	\$9,665	\$9,392,415	85	114	142
9	\$9,218	\$8,957,720	81	109	136
11	\$8,828	\$8,578,462	78	104	130
15	\$7,059	\$6,859,911	62	83	104
5	\$5,776	\$5,613,175	51	68	85
12	\$4,566	\$4,436,962	40	54	67
3	\$3,803	\$3,695,662	34	45	56
13	\$3,409	\$3,312,553	30	40	50
6	\$3,319	\$3,225,547	29	39	49
7	\$3,230	\$3,138,482	29	38	48
4	\$2,918	\$2,835,629	26	34	43
1	\$2,484	\$2,413,806	22	29	37
14	\$2,222	\$2,159,238	20	26	33
2	\$2,166	\$2,105,339	19	26	32
10	\$2,069	\$2,010,375	18	24	30
16	\$2,019	\$1,962,307	18	24	30
17	\$1,634	\$1,588,047	14	19	24
18	\$1,543	\$1,499,545	14	18	23
19	\$743	\$721,907	7	9	11

Source: ZBPF, Utah State Tax Commission

20

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1 Mr. Sumner asked how many years “long-term” was. Mr. Stocksdale said the average life of a
2 building was fifty years, which should be considered in the discussion.

3
4 Mayor Brunst asked how many acres would be taxable and used for development. Mr. Bench
5 said 361 acres, which included everything except those properties held in agricultural or
6 conservation easements.

7
8 Mr. Stocksdale said there were only two applicants interested in development at the present time.
9 Projected impact fees were generated using preliminary site plans from the two applicants, solely
10 based on acreage and ERUs, assuming the developments came in immediately upon annexation.

11

Initial Cost Estimates		
	Total Infrastructure Costs	Costs with Financing
	\$8,865,327	\$11,027,636
Initial Developments (40 ac., 250 ERUs)	\$2,247,376	\$2,247,376
Remaining Total:	(\$6,617,951)	(\$8,780,260)

12
13 Mrs. Black asked if it was possible to take money out of reserves. Mr. Stocksdale said staff did
14 not believe the money available in reserves was sufficient and would likely be damaging long-
15 term. That option was being presented merely to show the full range of options, even if some
16 options were unfeasible.

17
18 Mayor Brunst asked about the percentage of be retail versus residential versus industrial. Mr.
19 Bench said it would depend on which density scenario the Council selected. With medium
20 density, the majority would be residential with eight units per acre. Mr. Bench said there could
21 be between 10-20 percent retail.

22
23 Mr. Stocksdale said retail had been looked at for the Geneva and future Lakeview corridors.

24
25 Mr. Macdonald asked about the agreement between Orem and Provo for providing water and
26 sewer services to the area until Orem could build the necessary infrastructure.

27
28 Mr. Davidson said it might have been discussed with Provo City, but it was at capacity.

29
30 Mr. Bell said Provo had capacity for about 200 more connections and had allocated those to its
31 own development to the west. Mr. Kelly added that Provo would have water capacity but not
32 sewer capacity.

33
34 Mr. Davidson said there was a resolution to the protest filed by Provo City for the annexation.
35 There would be an agreement where the City of Provo would maintain ownership and
36 responsibility for 2000 South west of the railroad tracks, and the City of Orem would maintain
37 ownership and responsibility for 2000 South east of the railroad tracks. Orem’s ownership would
38 be the entire road from back of curb on the east side of the railroad tracks, and Provo ownership
39 would be from back of curb south on the west side of the railroad tracks. By agreement, both
40 cities would have access along 2000 South. Mr. Stocksdale added that part of the agreement was
41 guaranteed access for developers on both sides.

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1 Mr. Andersen asked if land costs were substantially less in Vineyard than in Orem and whether
2 that would be more appealing to developers. Mayor Brunst said it would depend on a developer's
3 preferences.

4
5 Mayor Brunst summarized the payment process and said the net return to Orem would be eight
6 to eleven million dollars' worth of debt and about ten million dollars earned in tax revenues.
7 Because the cost amount to provide services was still unknown, the ten million dollars in tax
8 revenue might have little to no effect in paying back the eight to eleven million dollars for the
9 bond. Mayor Brunst asked Mr. Bench to look into the output to get the ten million dollars back in
10 generated revenue.

11
12 Mr. Macdonald asked Jeff Mansell, developer and applicant, for insight on Mr. Mansell's
13 suggestion to encompass all fees, not just impact fees, for the two proposed developments and if
14 he had any ideas for bridging the gap.

15
16 Mr. Mansell said ultimately the tax revenue generated would be the way to bridge the gap. Less
17 residential and more office space, retail, and industrial use would also likely generate more
18 revenue. Another solution would be higher impact fees. Those who benefit from the
19 developments should pay for those benefits. Mr. Mansell said all options should be on the table,
20 but his opinion was the area should be mixed use to generate revenue.

21
22 Mr. Davidson asked if the project Mr. Mansell was proposing was mainly residential, and what
23 percentage of the project was retail or mixed use. Mr. Mansell said it was mainly residential, but
24 there was some retail. There could be opportunities for even more retail, depending on interest.
25 Mr. Mansell said using the entire annexation area for projects just like his would not make sense,
26 but mixed use of office and retail space would be more profitable. A sustainable area would
27 utilize all land uses, including residential.

28
29 Mayor Brunst said he saw potential in the annexation area, but there was large risk and
30 potentially a financial burden for the City. He said he would prefer to see developers carry that
31 risk.

32
33 Mr. Stocksdale said the best use for the area may not be high-density residential, especially
34 looking at State Street and its redevelopment potential.

35
36 Mr. Andersen asked if retail would be placed along the major corridor, or mixed in with
37 residential. Mr. Stocksdale said the majority of retail and office space would be placed along the
38 proposed Lakeview Parkway.

39
40 Mayor Brunst asked for a list of the costs that would go against the revenue. Mr. Bench said he
41 and Chief Gurney would look at the costs for a new fire station in the area. Mayor Brunst
42 requested a draft plan showing what developments would work and where to place them.

43
44 Mrs. Black asked for clarification and specific financing option recommendations from the
45 Planning Commission.

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1 Mr. Davidson added that all levels of service would need to be considered throughout the
2 community, public safety as well as parks and other services that would need to be met in the
3 annexation area specifically.

4
5 Mr. Macdonald said the real trouble was the area's geographical location. Mr. Davidson agreed.
6

7 UPDATE – Master Plans – Sewer Base Rate

8 Mr. Tschirki introduced committee members Councilmember Macdonald, Reed Price, and Carol
9 Walker from the Public Works Advisory Commission. Mr. Tschirki addressed some comments
10 made in the previous discussion, specifically what Mr. Mansell had said about having capital to
11 move forward with constructing some infrastructure upfront. Mr. Tschirki said that, with the
12 Ercanbrack annexation, a reimbursement district was created. It provided that a developer could
13 front the money to build infrastructure and then be reimbursed over time. Mr. Ercanbrack had
14 not been fully reimbursed because of timing, as the project happened during the economic
15 downturn in 2008, but Mr. Tschirki said he believed the reimbursement district system was a
16 good idea.
17

18 Mr. Tschirki then said Mr. Macdonald had requested the Public Works Advisory Commission
19 present a proposal to implement a new sewer base rate for all living units in the city. The current
20 sewer base rate was \$9.32 a month for each account. Some account holders had multiple living
21 units on one account, some with up to 260 living units on two accounts, and other accounts had
22 50 or more per account. Each account was paying the same monthly rate of \$9.32, even those
23 with many living units. The production rate was based on the amount of waste stream that was
24 produced by a site, which was calculated by winter water consumption. The production rate was
25 billed at \$1.42/1000 gallons of water.
26

27 Mr. Tschirki said there were three problems with the current system:

- 28 1. Orem was only charging one base rate per account holder, not per living unit.
- 29 2. Following cost-of-service principles, the current Orem sewer base rate should include
30 fixed costs associated with maintenance and upkeep of system infrastructure.
- 31 3. Distribution of these costs should be based on the potential for wastewater flow from
32 each account holder and larger customers such as commercial properties and multi-family
33 units should pay a larger share of the base rate than smaller customers.
34

35 Solutions

- 36 1. Each residential living unit found in a single-family dwelling, multi-family, dwelling,
37 apartment complex, condominium complex, etc. would be charged a sewer base rate. In
38 other words, a 12-plex would now be billed for 12 sewer base rates and not 1 sewer base
39 rate.
- 40 2. Commercial and industrial units would be charged a sewer base rate based using their
41 water meter size and the industry standard American Water Works Association (AWWA)
42 equivalent meter information.
- 43 3. Mixed-use developments would be charged accordingly by combining these two methods
44 and on a case-by-case basis.
45

46 Mayor Brunst asked if the same sewer base rate would then be used for single-family homes
47 versus an apartment in a complex.
48

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1 Mr. Tschirki said they would pay a sewer base rate per apartment instead of per complex. It
2 would not be tied to production necessarily, but tied to the privilege and potential to discharge to
3 the public sewer system. He said the change would be for fairness to all users. An apartment
4 might have multiple heads of household to split the cost, whereas a single-family dwelling would
5 have one head of household to pay the cost.

6
7 Mayor Brunst asked how Provo handled this issue. Mr. Tschirki said Provo did the same as
8 Orem did currently. Mayor Brunst said a single-family home may have same amount of people
9 as an apartment, but the size of an apartment would be smaller than a home, and wondered if this
10 would be fair to both. Mr. Tschirki said the base rate would be the same for everyone, but the
11 variable would be the production rate based on the volume of discharge. Mayor Brunst said he
12 thought the base rate should be changed but noted it would be a huge item for most people. Mr.
13 Tschirki agreed, and said the City was subsidizing who were not paying for it currently.

14
15 Mr. Sumner asked how much a change in sewer base rates was projected to make in revenues.
16 Mr. Tschirki said it could be about \$500,000 per year, which could offset the needed increase of
17 funds to support facilities.

18
19 Mayor Brunst asked how to phase things in, and whether it should be phased in over three years.
20 Mr. Macdonald said that would only delay fair payment of services.

21
22 Mr. Manning said the way to be fair to as many as possible would be to give a lot of lead time so
23 owners could update leases, and residents could be notified.

24
25 Mayor Brunst voiced concern about public response to a change. Mr. Sumner said the change
26 had been proposed before and met a great deal of push back.

27
28 Mr. Tschirki said the proposed solution was that every living unit would be charged the base
29 rate, based on the unit's meter size. The infrastructure for connection would need to be
30 appropriately sized, so the meter size would be determined by the potential for sewer discharge.
31 For nonresidential commercial or industrial units, the proposal was for base rates to be tied to the
32 water meter size in the industry standard according to AWWA guidelines regarding equivalent
33 meter.

34
35 Mayor Brunst asked for a comparison with Provo, Ogden, and Sandy with how those cities
36 handled sewer base rates for apartment complexes. Mr. Tschirki said that could be done, noting
37 an analysis had been done with South Valley Sewer District which covered a third of Salt Lake
38 County. South Valley Sewer District did not use a sewer base rate but had a volume that was
39 incorporated into production rate.

40
41 Neal Winterton said that Orem was in the minority by not charging by the unit. Mr. Winterton
42 said the South Valley Sewer District charged a twenty-five dollar fee across the board, but there
43 was a small reduction in rate for apartment complexes of 75 percent of the total bill.

44
45 Mr. Winterton, Water Division Manager, said the base fee should be spread equally across all
46 potential users, and the production rate would equalize it.

DRAFT

1 Mr. Davidson said a base fee would be a rate to cover fixed costs of operation, whereas the usage
2 fee would be the variable aspect of the rate. A single-family home with only two residents would
3 use less than an apartment with six residents, and therefore the single family would pay a lower
4 sewer bill because they would produce less discharge.

5
6 Mr. Winterton said the base rate was meant to compensate for the privilege to connect to sewer,
7 and the production charge was supposed to be the equalizer. However, when a trailer park with
8 105 units paid the same \$9.32 as a single-family dwelling to connect, there was a problem with
9 fairness.

10
11 Mr. Tschirki presented the possible implementation plan:

- 12 • January 2015 – distribute information regarding the potential change to customers
13 through utility billing. Provide information on the reason for the change and upcoming
14 dates for public hearings.
- 15 • February 2015 – Lewis Young Robinson & Burningham to complete cost-of-service rate
16 study which would finalize recommended rate changes. Rate study results to be reviewed
17 by City staff and Council.
- 18 • March 2015 – Council and staff comments implemented into final rate recommendation.
- 19 • April 2015 – conduct public hearing and open houses on proposed rate changes.
- 20 • May 2015 – implement comments from public hearing and adopt final rate schedule.
- 21 • July 1, 2015 – adopted rate changes take effect.

22
23 Mr. Andersen said that would look like a windfall to the residents, and a good way to sell the
24 change to the public would be to explain that fees would add to infrastructure.

25
26 Mr. Tschirki said the proposed plan would offset the increased costs for capital facility
27 improvements by generating approximately \$500,000 in revenue.

28
29 Mr. Davidson said one of the messages staff had received from the City Council was that those
30 who used the services should pay for those services.

31
32 Mayor Brunst said they had looked at the various ways of paying for storm water, sewer, water,
33 etc. with the idea to progressively increase fees. He said he was concerned about how aggressive
34 the proposal was.

35
36 Mr. Macdonald said the current sewer base rate was almost a reverse-Robin Hood situation,
37 taking the same amount from smaller households as from larger households and apartment
38 complexes. A widow would pay the same amount as an apartment with six students, which did
39 not seem fair and equitable.

40
41 Mr. Davidson said the idea was to minimize the potential increase in rates for other utilities.

42
43 Carol Walker said it was imperative that the City change the sewer base rate system, but to notify
44 the people who would be affected the most about the public meetings and when changes would
45 be made. That way landlords and property owners could have the time to work the cost of
46 connection in to rental agreements, and make tenants aware of the changes.

DRAFT

1 Mr. Davidson said the sooner notice could go out about upcoming changes, the better for those
2 who need to update rental agreements and work with tenants on the rate increases.

3
4 Mr. Tschirki provided sample bill language:

5 “Attention Utility Account Holders –

6 On July 1, 2015, the City of Orem will assess all residential utility accounts a sewer base rate
7 according to the number of living units associated with the account. For example, a duplex
8 will be billed for 2 sewer base rates, a 4-plex will be billed for 4 sewer base rates, a 12-plex
9 will be billed for 12 sewer base rates, etc. Single family dwellings will continue to be billed
10 one (1) sewer base rate. All non-residential utility account holders will be billed using a
11 water meter size multiplier in accordance with American Water Works Association
12 (AWWA) guidelines. Please visit www.orem.org for more specific information, examples,
13 and frequently asked questions and answers.”

14 15 **5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

16
17 CONDUCTING

Mayor Richard F. Brunst, Jr.

18
19 ELECTED OFFICIALS

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

22
23 APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant
24 City Manager; Greg Stephens, City Attorney; Richard
25 Manning, Administrative Services Director; Bill Bell,
26 Development Services Director; Karl Hirst, Recreation
27 Director; Chris Tschirki, Public Works Director; Scott
28 Gurney, Fire Department Director; Charlene Crozier,
29 Library Director; Jason Bench, Planning Division Manager;
30 Ryan Clark, Economic Development Division Manager;
31 Brandon Stocksdale, Long Range Planner; Steve Earl,
32 Deputy City Attorney; Jason Bench, Planning Division
33 Manager; Neal Winterton, Water Division Manager; Sam
34 Kelly, City Engineer; Steven Downs, Assistant to the City
35 Manager; and Jackie Lambert, Deputy City Recorder

36 37 Preview Upcoming Agenda Items

38 Mayor Brunst previewed upcoming agenda items.

39 40 Agenda Review

41 The City Council reviewed the items on the agenda.

42 43 City Council New Business

44 The Council adjourned at 5:54 p.m. to the City Council Chambers for the regular meeting.

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6:00 P.M. REGULAR SESSION

CONDUCTING

Mayor Richard F. Brunst, Jr.

ELECTED OFFICIALS

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

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Scott Gurney, Fire Department Director; Charlene Crozier, Library Director; Brandon Nelson, Finance Division Manager; Jason Bench, Planning Division Manager; Ryan Clark, Economic Development Division Manager; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

INVOCATION / INSPIRATIONAL THOUGHT PLEDGE OF ALLEGIANCE

Curtis Wood

Jeffrey Armstrong

APPROVAL OF MINUTES

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

- City Council Meeting – October 28, 2014
- City Council Meeting – November 11, 2014
- City Council Meeting – November 18, 2014

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

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

Upcoming Events

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

- City Council Meeting – January 13, 2015
- City Council/Alpine School District Joint Meeting – January 14, 2015
- City Council Meeting – January 27, 2015

Appointments to Boards and Commissions

Mrs. Black **moved** to make the following appointments:

- Recreation Allocation Advisory Commission (RAAC)
 - Bill Bodine, Joel Patrick, Paul Molinor, staff Debbie Boone, and Steve Smith, Paul Crossett, and Chelsea Jolley from the RAC.

DRAFT

- 1 • Community Development Block Grant (CDBG) Commission
- 2 ○ Virginia Ball, Thomas Walsh, and Curtis Wood
- 3 • Rec Advisory Commission (RAC)
- 4 ○ Richard Clark and Gary Schinnell
- 5 • Library Advisory Commission
- 6 ○ Courtney Burns
- 7 • SummerFest Commission
- 8 ○ Rob Shaw, Teresa Horn, and Wallace Harkness
- 9 • Senior Advisory Commission
- 10 ○ Liz Merrell and Joyce Ottens

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

14 Recognition of New Neighborhoods in Action Officers

15 No new Neighborhood in Action officers were recognized.

16 REPORT – Recreation Advisory Commission

17
18 Mr. Hirst said that much had happened since the Recreation Advisory Commission (RAC) had
19 last reported to the City Council. The addition at the Orem Fitness Center had been completed,
20 and the CARE tax had been approved by voters to continue for the next ten years. Mr. Hirst then
21 introduced Phil Patten, vice chair of the RAC.
22

23
24 Mr. Patten reviewed the following:

- 25 • The meeting schedule had been changed, with meetings monthly instead of quarterly.
- 26 • The RAC had taken two fieldtrips, one to see what Spanish Fork had done with their ball
27 field and soccer outdoor complex. The second fieldtrip was to Heber to check out the
28 indoor recreation facilities.
- 29 • The RAC conducted two surveys, one on Facebook, asking residents what they would
30 like to see done with CARE tax dollars. Information from the surveys, and information
31 gathered from fieldtrips and presentations from other groups, would be used to form a
32 recommendation from the RAC to the City Council in early 2015.

33
34 Mayor Brunst thanked the RAC members for the time and consideration that they put into their
35 responsibilities, and for the work they had done in service to the community.

36 MOTION – Mayor Pro Tem – January 1 through June 30, 2015

37
38 Mayor Brunst **moved** to appoint Tom Macdonald as Mayor Pro Tem. Mr. Andersen **seconded**
39 the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom
40 Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed**
41 unanimously.

42 **CITY MANAGER’S APPOINTMENTS**

43 Appointments to Boards and Commissions

44
45 There were no City Manager appointments.
46
47

1 **PERSONAL APPEARANCES**

2
3 Time was allotted for the public to express their ideas, concerns, and comments on items not on
4 the agenda. Those wishing to speak should have signed in prior to the meeting, and comments
5 were limited to three minutes or less.
6

7 Sam Lentz, resident, said he wanted to applaud the City’s leadership on two recent “wins,” the
8 sale of the Midtown Village project and the University Mall CDA. Mr. Lentz commended the
9 City for its efforts to educate residents on the project proposal, especially in light of the efforts of
10 those fighting against the project. Mr. Lentz said it was time to focus on UTOPIA. He said the
11 City Council’s decision to walk away from the Macquarie proposal was a mistake, as the City
12 Council believed it would give them an enhanced negotiating position but instead had created a
13 stalemate that dragged on for over half the year. Mr. Lentz said he had met with Mayor Brunst
14 about UTOPIA, and was assured there was no reason why Mr. Lentz could not have UTOPIA by
15 the end of the year. Mr. Lentz said that had not happened, and he wondered to whom further
16 requests for UTOPIA should go: Mayor Brunst or Santa Claus.
17

18 **CONSENT ITEMS**

19 Mr. Seastrand **moved** to adopt the 2015 Annual City Council Meeting Schedule. Mr. Sumner
20 **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst,
21 Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed**
22 unanimously.
23

24 **SCHEDULED ITEMS**

25
26 RESOLUTION – Accept Fiscal Year 2013-2014 Audit
27

28 Brandon Nelson said over the past several months, the accounting firm of Keddington &
29 Christensen had been reviewing the City’s financial records and completed their audit. All of the
30 audit information was included in the Comprehensive Annual Financial Report (CAFR). The
31 City ended the fiscal year at June 30, 2014, in relatively sound financial condition and had
32 received an auditor’s opinion with no qualifications (a “clean” opinion). Mr. Nelson introduced
33 Marcus Arbuckle with Keddington & Christensen, LLC to present the findings from the fiscal
34 year 2013-2014 audit.
35

36 Mr. Arbuckle thanked the City Council for the opportunity to audit the City’s finances and stated
37 that Orem was a well-run organization. As auditors, Keddington & Christensen were responsible
38 to plan and perform an audit according to generally accepted practices. Mr. Arbuckle said part of
39 the audit was to review governance, and the City Council was responsible for the oversight of the
40 financial reporting process. Management was responsible for the actual preparation of financial
41 statements. An audit did not relieve governance or management of those responsibilities.
42

43 Mr. Arbuckle then referred the Council to the CAFR document and reviewed his findings.
44

45 Mayor Brunst also thanked Mr. Manning and Mr. Nelson for their work on the report.
46

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1 Mr. Nelson reviewed some points of interest in the CAFR, and said the City was in a relatively
2 good financial position.

3
4 Mr. Davidson said revenues had improved as the economy had improved, but those monies
5 should be looked at as one-time, set-aside monies because they were not ongoing revenues and
6 could not be counted on. It had been a good year, but that would not always be the case.

7
8 Mayor Brunst said that doTerra leaving meant that much of the sales tax would be lost.

9
10 Mr. Davidson said he had spoken to Pleasant Grove staff about doTerra's move and was told
11 doTerra was moving toward a mail-order system, so Pleasant Grove would no longer reap the
12 sales tax benefits. It was an interesting example of corporate philosophy changing a municipal
13 budget.

14
15 Mayor Brunst said RC Willey was consolidating locations in Orem and Provo to one central
16 location at the University Mall, which would potentially show a bump in revenue.

17
18 Mr. Macdonald asked if there was an estimate of what the direct City debt per capita would be
19 unaudited at the end of the year, in light of monies coming in from the sale of Midtown Village
20 and other sources. Mr. Nelson said he expected the debt would be lower for the next year.

21
22 Mr. Seastrand **moved** that the City Council, by resolution, accept the Fiscal Year 2013-2014
23 audit. Mr. Andersen **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black,
24 Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The
25 motion **passed** unanimously.

26
27 6:20 P.M. PUBLIC HEARING – Edge Homes Rezone

28 ORDINANCE – Rezoning approximately 3.78 acres located generally at 1100 North 1200
29 West from the HS zone the PRD zone

30
31 The applicant withdrew his application on November 13, 2014, and requested the item not be
32 considered.

33
34 6:20 P.M. PUBLIC HEARING – University Place

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

39
40 Jason Bench requested that the public hearing related to Appendix 'BB' of Section 22-11-47 be
41 continued to January 27, 2015 at 6:20 p.m.

42
43 The Planning Commission recommended the City Council amend, by ordinance, Section 22-11-
44 47 of the Orem City Code by enacting subsection (N) relating to nuisance complaints in the
45 PD-34 zone at 575 East University Parkway. Mr. Bench, Rob Calas, and Chris Lawson
46 presented.

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1 The University Mall had historically been exclusively a commercial development. However, the
2 owner of the Mall, Woodbury Corporation, recently created a PD zone for the Mall property
3 which would add residential uses to the development.
4

5 A site plan was approved in March 2014 for 461 residential units just east of Costco and two
6 residential apartment buildings were under construction with two additional residential buildings
7 to follow as phase two. Costco management was concerned that the new residents of the Mall
8 development may complain about noises that were typically associated with Costco's business
9 such as truck deliveries and the operation of refrigeration trucks.
10

11 In order to alleviate Costco's concerns, Woodbury requested an amendment to the PD-34 zone
12 that states that any noises, sights or smells that would customarily be associated with a permitted
13 commercial use would not be considered a violation of the City's disturbing the peace ordinance
14 or the City's nuisance ordinances with respect to individuals who lived in the PD-34 zone. This
15 amendment would only apply to residents of the PD-34 zone and would not affect the ability of
16 any resident outside the PD-34 zone from making a complaint under the City's disturbing the
17 peace or nuisance ordinances.
18

19 Mr. Sumner asked if any complaints had come from the neighbors to the west. Mr. Calas said
20 Costco was very careful in how they handled those reasonable noises, such as trucks and snow
21 removal, and had not received complaints. The people to the east would be even more buffered
22 because of the new housing development.
23

24 Mrs. Black asked if notification would be given to tenants of the levels of noise. Mr. Calas said
25 they planned to have those reasonable noises included on lease agreements.
26

27 Mr. Macdonald said he wanted to know if the proposed change would be a matter of record, and
28 how it would be filed. Mr. Bench said it would be part of the zone in the City Code.
29

30 At the Mayor's request, Mr. Calas reviewed the process used by delivery trucks.
31

32 Mayor Brunst opened the public hearing.
33

34 Jim Fawcett, resident, suggested a sound wall be constructed similar to what Harmons had put in
35 place to keep noise down for residents. He said he also wondered if long-haul trucks could
36 possibly connect to the store to keep their cabs warm and the refrigeration units going. That
37 might keep noise down and keep trucks from idling through the night.
38

39 Mayor Brunst closed the public hearing.
40

41 Mr. Calas said there was already an eight-foot sound-blocking wall in place at Costco in
42 accordance with City Code.
43

44 Mrs. Black **moved** to amend, by ordinance, Section 22-11-47 of the Orem City Code by enacting
45 subsection (N) relating to nuisance complaints in the PD-34 zone at 575 East University
46 Parkway. Mr. Seastrand **seconded**. Those voting aye: Hans Andersen, Margaret Black,

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1 Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The
2 motion **passed** unanimously.

3
4 Mr. Seastrand **moved** to continue to January 27, 2015 at 6:20 p.m. the public hearing regarding
5 amending a portion of Appendix 'BB' of the Orem City Code relating to road locations, road
6 types and street cross sections in the PD-34 zone at 575 East University Parkway. Mr.
7 Macdonald **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F.
8 Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed**
9 unanimously.

10
11 6:20 P.M. PUBLIC HEARING – Outdoor Advertising

12 ORDINANCE - Amending Sections 22-14-29 and 14-3-3 of the City of Orem pertaining to
13 electronic message sign requirements

14 ORDINANCE - Amending Sections 14-3-3 and 14-3-4 of the Orem City Code pertaining to
15 outdoor advertising requirements (billboards)

16
17 Mr. Andersen **moved** to continue the outdoor advertising items to January 13, 2015, at 6:20 p.m.
18 Mr. Macdonald **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black,
19 Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The
20 motion **passed** unanimously.

21
22 6:30 P.M. Public Hearing – Street Vacation

23 ORDINANCE – Vacating a portion of 1200 West Street located between 701 North and
24 709 North

25
26 Mr. Bench reviewed with the Council a request by Nutraceutical Corporation for the City to
27 vacate a portion of 1200 West Street located between 701 North and 709 North, consisting of
28 approximately .13 acres. He said that,*** several years ago, a portion of 1200 West located on
29 either side of 800 North was relocated to the east to increase the separation between 1200 West
30 and the I-15 800 North on-ramp. That left a section of the old 1200 West Street that dead ended
31 into 800 North and was unused except by those businesses that were still located adjacent to that
32 old section of 1200 West.

33
34 Nutraceutical Corporation and DalTile (Ronald H Dee Trust) owned property just west of the old
35 1200 West between 709 North and 701 North respectively. Nutraceutical had requested that the
36 City vacate a portion of the old 1200 West that was adjacent to their property and the property
37 adjacent to DalTile. Nutraceutical wanted to combine the vacated street area with their existing
38 lot and put it to productive use. The City had been maintaining the area that was proposed to be
39 vacated in landscaping. Once this portion of 1200 West was vacated, then the responsibility of
40 maintaining the property would no longer be the City's but would become the responsibility of
41 the new owners.

42
43 Typically, when a public street that the City acquired by dedication or prescription was vacated,
44 title to the vacated street area automatically vested in the adjoining property owners. Title to this
45 portion of the old 1200 West street would automatically vest in Nutraceutical and DalTile.

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1 State law provided that the City Council may vacate a public street if it determined (1) there was
2 good cause for the vacation; and (2) the vacation would not be detrimental to the public interest.

3
4 Development Services recommended that the City Council vacate approximately 0.13 acres of
5 1200 West Street located between 701 North and 709 North subject to a public utility easement
6 across the entire tract except for a small portion that could be used for signs.

7
8 Mr. Bench said the original alignment of 1200 West had changed and a small portion of land was
9 still owned by the City. Because sewer and water lines ran down that property, the land would be
10 protected by a public utility easement. That restriction of development would be a condition in
11 deeding the property to the applicants.

12
13 Mayor Brunst asked what the applicants meant when they said “they would like to put the land to
14 productive use.”

15
16 Mr. Bench said they planned to use it for maintenance of landscaping, possible upgrades to
17 parking, and potentially a sign if applicants worked with Public Works to see if the property met
18 the regulations and requirements of having a sign. None of the uses the applicants had specified
19 would interfere with sewer or water lines.

20
21 Mr. Seastrand asked if the applicants would be able to modify the ingress and egress aspects of
22 the property. Mr. Bench said they had a driveway and could possibly be modified slightly
23 through the site plan process. Mr. Seastrand asked if the applicants would be responsible for all
24 the maintenance of the property. Mr. Bench said they would.

25
26 Mayor Brunst opened the public hearing.

27
28 Allison Strauss, applicant with Nutraceutical Corporation, said they wanted to be able to improve
29 the landscaping and to level out the area in front of the building. They were currently under
30 review for a new parking lot to include drainage and improve parking. Nutraceutical’s interest in
31 the land was for general improvements to the property.

32
33 Mayor Brunst closed the public hearing.

34
35 Mr. Macdonald **moved**, by ordinance, to vacate a portion of 1200 West Street located between
36 701 North and 709 North consisting of approximately .13 acres as modified by the City Council
37 to include a public utility easement. Mr. Seastrand **seconded**. Those voting aye: Hans Andersen,
38 Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent
39 Sumner. The motion **passed** unanimously.

40
41 RESOLUTION – Approve and Sign a Resolution of the City Council of the City of Orem,
42 Utah, Encouraging Partnership with the State of Utah to Address Transportation Funding

43
44 Mr. Davidson presented to the Council a request to approve and sign “A Resolution of the City
45 Council of the City of Orem, Utah, Encouraging Partnership with the State of Utah to Address
46 Transportation Funding.” He said, as alternative transportation options continued to evolve, a
47 greater amount of general fund monies had gone toward the issue of public transportation each

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1 year. The gas tax structure was such that fee collection amounts remained constant, because the
2 gas tax was a per-gallon based fee and not tied to the overall cost of fuel. The cost of doing
3 business, including building roads, overlaying, etc. continued to increase but gas tax collection
4 had not. Historically those gas tax monies were used to pay for transportation improvements in
5 our cities, with everything from overlay projects to sidewalk improvements to snow removal to
6 funding the day to day operation of signals. As time had passed, a greater amount of general fund
7 monies have been required to fund those transportation objectives. Currently 45 percent of all
8 transportation costs within the City were funded from general fund dollars. Orem received an
9 allocation in class B and C road monies, which are local option gas taxes, in the amount of
10 2.3 million annually. However, the overall road and transportation budget was in excess of
11 4.3 million, which means 1.9 million dollars of additional monies were used annually from the
12 general fund to make those transportation improvements.

13
14 The situation Orem was facing was consistent with the situation the State was facing, along with
15 many other states throughout the country. Last year a conversation began in earnest up at the
16 State legislature about addressing transportation into the future, talking about a variety of options
17 to fund the increasing need for transportation infrastructure and maintenance. A number of cities
18 had come together in cooperation with private businesses to form the Utah Transportation
19 Coalition, which the focus and purpose of the Utah Transportation Coalition was to assess and
20 evaluate transportation funding alternatives into the future.

21
22 The Utah League of Cities and Towns (ULCT) crafted a sample resolution encouraging the State
23 of Utah to pursue a comprehensive funding strategy for statewide transportation needs, including
24 the needs of the state's cities and towns.

25
26 Mr. Davidson said that, in the last legislative session, State Senator John Valentine had moved
27 forward a bill that would have indexed gas tax monies to allow additional monies to be garnered
28 based on adjustments for the cost of living. Unfortunately the proposed bill had no opportunity to
29 move through the legislative process, but the suggestion and encouragement was to push for the
30 conversation to look into the future of transportation. The purpose of the resolution before the
31 Council was to send a voice of encouragement to the State Legislature to work with local cities
32 and towns in the identification of transportation funding solutions for the future.

33
34 Mayor Brunst said the legislature had been reticent about changing the gas tax but there was no
35 consideration of inflation. The amount of what was actually available for necessary
36 improvements and maintenance was less and less each year, despite an increase in road usage.

37
38 Mr. Seastrand said the discussion had taken place years ago. Not only had road usage increased,
39 but there had also been an increase in the fuel economy for vehicles so roads were deteriorating
40 with less money to maintain them. Another significant factor was that the cost of road base and
41 the petroleum materials used to repair and maintain roads had almost tripled since the 2007
42 timeframe. Mr. Seastrand said legislative action would be important and significant for the City
43 and for the future of the community. Mr. Davidson agreed and said some cars were exclusively
44 electric that still added to the wear of roads but added no revenue from gas.

45
46 Mr. Andersen said transit was the “elephant in the room.” In years past federal funds were used
47 for roads, but 20 percent of those funds were now being used for things like BRT, Trax, etc.

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1 Those operations paid less than 15 percent of operating costs and took gas tax revenues away
2 from roads. Mr. Andersen said he did not see that those transit alternatives made any money
3 because they were not truly utilized and would cause problems and lose money year after year.
4

5 Mr. Macdonald asked if there was any wording that might make Mr. Andersen feel comfortable
6 with this resolution. Mr. Andersen said there was not, and it was his belief that that the resolution
7 was only a way to raise taxes.
8

9 Mayor Brunst said that transit like BRT and Trax were a real benefit to the community, and UTA
10 FrontRunner had also been a great improvement in the public transportation systems in Orem.
11 He said he had taken Trax, and it was much fuller than he had expected. FrontRunner was often
12 full, and use would continue to increase. BRT and other public transit alternatives were projected
13 to take 30 percent of wear and tear off roads like University Parkway. Public transit was a benefit
14 to the community, and he thought it would be important for the future in Orem, in Utah, and
15 throughout the country.
16

17 Mr. Davidson said the FrontRunner system was a voter-approved measure on the part of the
18 citizens of Utah County, so voters were actively voting for things like public transit and looking
19 for those to move forward. A significant benefit above and beyond transportation of transit
20 alternatives was the improvement of air quality which was a big part of the Governor's agenda in
21 the next legislative session. Improved air quality was crucial to the success of economic
22 development, the promotion of a healthy lifestyle, etc.
23

24 Mrs. Black **moved**, by resolution, to approve a Resolution of the City Council of the City of
25 Orem, Utah, encouraging partnership with the State of Utah to address Transportation Funding.
26 Mayor Brunst **seconded** the motion. Those voting aye: Margaret Black, Richard F. Brunst, Tom
27 Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. Those voting nay: Hans
28 Andersen. The motion **passed**, 6-1.
29

30 **ADJOURN TO A MEETING OF THE REDEVELOPMENT AGENCY OF THE CITY** 31 **OF OREM**

32
33 Mr. Seastrand **moved** to adjourn to a meeting of the Redevelopment Agency. Mr. Spencer
34 **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst,
35 Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed**
36 unanimously.
37

38 **RECONVENE CITY COUNCIL MEETING**

39
40 The City Council meeting reconvened at 7:32 p.m.
41

42 **COMMUNICATION ITEMS**

43 BUDGET REPORT – October 2014

44
45 Mr. Davidson noted the Budget Report was included in the packets distributed to the City
46 Council.
47

DRAFT

1 NOTES – Joint City Council/Alpine School District Meeting – November 19, 2014

2 Mr. Davidson said a quorum was not present at the meeting, and so the minutes taken did not
3 need to be approved, as they were classified as notes.

4 5 **CITY MANAGER INFORMATION ITEMS**

6
7 There were no City Manager information items.

8 9 **ADJOURNMENT TO A CLOSED-DOOR MEETING – Pursuant to Section 52-4-** 10 **205(1)(d), Purchase, Exchange, or Lease of Real Property**

11
12 Mr. Macdonald **moved** to adjourn to a closed-door meeting to discuss the purchase, exchange, or
13 lease of real property pursuant to Utah Code Section 52-4-205(1)(d). The meeting was held in
14 room #107. Mr. Spencer **seconded** the motion. Those voting aye: Hans Andersen, Margaret
15 Black, Richard F. Brunst Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent
16 Sumner. The motion **passed unanimously**.

17
18 The meeting adjourned at 7:34 p.m.

19 20 **CLOSED-DOOR SESSION**

21
22 A closed-door session was held at 7:38 p.m. to discuss the purchase, exchange, or lease of real
23 property pursuant to Utah Code Section 52-4-205(1)(d). Those in attendance were: Mayor
24 Richard F. Brunst, Council members Hans Andersen, Margaret Black, Tom Macdonald, Mark E.
25 Seastrand, David Spencer, and Brent Sumner, staff Jamie Davidson, Greg Stephens, and Jackie
26 Lambert.

27
28 The meeting adjourned at 8:00 p.m.

CITY OF OREM
CITY COUNCIL MEETING
 JANUARY 13, 2015



REQUEST:	6:20 P.M. PUBLIC HEARING – Outdoor Advertising ORDINANCE - Amending Sections 22-14-29 and 14-3-3 of the City of Orem pertaining to electronic message sign requirements ORDINANCE - Amending Sections 14-3-3 and 14-3-4 of the Orem City Code pertaining to outdoor advertising requirements (billboards)
APPLICANT:	Development Services
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on the State noticing website
- Faxed to newspapers
- E-mailed to newspapers
- Posted at utah.gov/pmn

SITE INFORMATION:

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

PLANNING COMMISSION RECOMMENDATION
Vote: Approve 5-0

PREPARED BY: DAVID STROUD, AICP PLANNER
--

RECOMMENDATION: The Planning Commission recommends the City Council:

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

BACKGROUND: This item was considered by the Council on November 11, 2014. A motion to approve the ordinance amendments failed by a vote of 3-2. A City Council member who voted for the motion requested the item be reconsidered on December 9, 2014 in order to have the full City Council consider the requested amendments. It was continued at that meeting to January 13, 2015.

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

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

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

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

Staff is concerned that billboard companies might use the above-cited section to get around the City's prohibition of new billboards on the east side of I-15. Billboard companies with a billboard on the west side of I-15 (where new billboards are allowed) might apply to relocate their billboard

to the east side of I-15 (where new billboards are not allowed but where Section 10-9a-513 would allow them to be relocated) and then turn around and apply for a new billboard on the very same site where the original billboard was located.

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

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

The proposed amendments are as follows:

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

Advantages

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

Disadvantages

- None identified

REDLINE / STRIKEOUT

14-3-3

Billboard Signs:

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

Electronic Message Center (EMC) Signs:

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

14-3-4

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

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

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ORDINANCE NO. _____

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

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

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

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

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

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

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

WHEREAS the City Council held a public hearing to reconsider the subject applications on December 9, 2014, and continued the item to January 13, 2015; and

WHEREAS the City posted the City Council agenda in the City Offices at 56 North State Street, at www.orem.org, and a public hearing notice was posted at www.utah.gov/pmn; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; the orderly development of land in the City; the effect upon surrounding neighborhoods; and the special conditions applicable to the request.

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

1. The City Council hereby finds this request is in the best interest of the City because it will protect residences that are located close to existing billboards on the east side of I-15 from the negative impacts of electronic message center signs.

DRAFT

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

22-14-29. Electronic Message Signs.

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

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

Electronic Message Center (EMC) Signs:

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

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

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

PASSED, APPROVED and ORDERED PUBLISHED this 13th day of **January** 2015.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

DRAFT

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

DRAFT

ORDINANCE NO. _____

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

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

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

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

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

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

WHEREAS the City Council held a public hearing to reconsider the subject applications on December 9, 2014, and continued the item to January 13, 2015; and

WHEREAS the City posted the City Council agenda in the City Offices at 56 North State Street, at www.orem.org, and a public hearing notice was posted at www.utah.gov/pmn; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; the orderly development of land in the City; the effect upon surrounding neighborhoods; and the special conditions applicable to the request.

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

1. The City Council hereby finds this request is in the best interest of the City because it will prevent the proliferation of billboards on the east side of I-15.
2. The City Council hereby amends a portion of Section 14-3-3 to read as follows:

Billboard Signs:

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

DRAFT

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

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

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

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

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

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

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

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

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

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

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

h. Not unreasonably obstruct any traffic control device;

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

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

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

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

m. Be constructed and maintained with neutral color.

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

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

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

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

PASSED, APPROVED and ORDERED PUBLISHED this 13th day of January 2015.

DRAFT

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

PLANNING COMMISSION MINUTES – AUGUST 6, 2014

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

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

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

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

Advantages

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

Disadvantages

- None identified

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

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

When no one did, Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

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

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING COMMISSION MINUTES – OCTOBER 1, 2014

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

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

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

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

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

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

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

The proposed amendments are as follows:

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

14-3-3

Billboard Signs:

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

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

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

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

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

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

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

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

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

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

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

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

h. Not unreasonably obstruct any traffic control device;

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

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

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

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

m. Be constructed and maintained with neutral color.

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

Electronic Message Center (EMC) Signs:

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

2. EMC signs shall not be flashing signs.

3. EMC signs may have motion.

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

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

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

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

14-3-4

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

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

Advantages

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

Disadvantages

- None identified

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

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

When no one did, Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Moulton called for a motion on this item.

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

REAGAN OUTDOOR ADVERTISING BILLBOARD PROPOSAL

O) Electronic Display Off-Premise Sign. An off-premise sign may be erected and utilize an electronic display provided such off-premise sign complies with all other sections of Orem City Ordinance including such spacing, lighting and curfew requirements as contained herein below. An existing off-premise sign may be modified, without affecting such sign’s nonconforming use or non-complying structure status, to include an electronic display so long as the proposed modification complies with each of the following requirements:

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

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

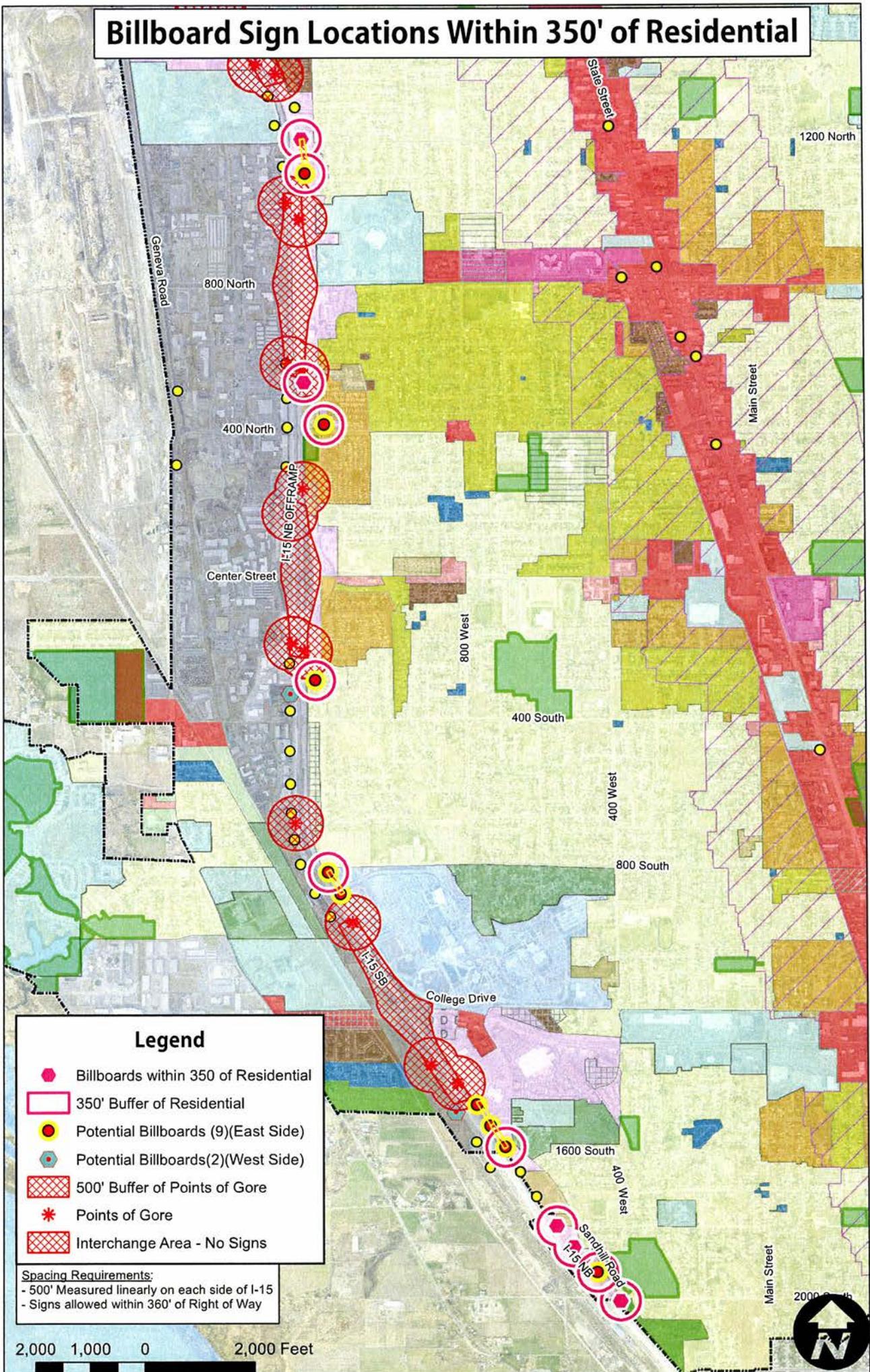
12. The applicant shall certify its compliance with the above illuminance within a week of operating the electronic display and shall produce a copy of the certification upon request.
13. Any off-premise sign face upgraded under this Section O, to a sign located within three hundred fifty feet (350')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

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

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

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

Billboard Sign Locations Within 350' of Residential



Project Timeline

Text Amendments – Billboard Regulations

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

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

CITY OF OREM
CITY COUNCIL MEETING
 JANUARY 13, 2015



REQUEST:	6:20 P.M. PUBLIC HEARING – Street Vacation ORDINANCE– Vacating a portion of 1000 East Street located between 670 North and 800 North and a portion of 720 North Street between 1000 East and 980 East
APPLICANT:	None
FISCAL IMPACT:	Chad Stratton

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on the State noticing website
- Faxed to newspapers
- E-mailed to newspapers

SITE INFORMATION:

General Plan Designation:
Low Density Residential
 Current Zone:
R8
 Acreage:
.34
 Neighborhood:
Orem East
 Neighborhood Chair:
Brook and Danette Gardner

PREPARED BY:
 Cliff Peterson
 Planner

REQUEST: Chad Stratton requests that the City Council, by ordinance, vacate a portion of 1000 East Street located between 670 North and 800 North and a portion of 720 North Street between 1000 East and 980 East and consisting of approximately .34 acres.

BACKGROUND: Chad Stratton requests that the City Council vacate a portion of existing 1000 East right of way between 670 North and 800 North. The area proposed to be vacated is area that the City does not need for current or future street improvements and is shown in Exhibit “A.”

1000 East Street is a local street which for most of its length has approximately 46-48 feet of right of way consisting of 34 feet of asphalt and 6-7 feet of curb, gutter and sidewalk on each side of the street. In the area between 670 North and 800 North, the City currently has 60 feet of street dedication which was granted with the recording of Knight Subdivision in 1921. This is more right of way width than is needed to complete and maintain the same width of street improvements that the City has for the other portions of 1000 East. Most of the west side of 1000 East in this area does not yet have curb, gutter and sidewalk and the excess right of way area is located behind where the future curb, gutter and sidewalk will be installed.

Chad Stratton is proposing to subdivide and develop the property along the west side of 1000 East between approximately 670 North and 800 North. In conjunction with this new development, he will be completing the curb, gutter and sidewalk improvements along the west side of 1000 East between 670 North and 800 North. Mr. Stratton proposes to vacate that portion of the 800 East dedication area that will be located behind the new sidewalk to be installed on the west side of 1000 East. This excess right of way area varies in width, but ranges between 10-12 feet. This unimproved area is not needed for street improvements and so staff supports this proposal.

Chad Stratton also requests that the City vacate a portion of 720 North located west of 1000 East as also shown in Exhibit “A.” This portion of 720 North was dedicated to the City in 1978 as part of the John Stratton Subdivision, Plat “A.” The original dedication gave the City a 50 foot wide right of way. 720 North Street is proposed to be a 32 foot wide sub-local street right-of-way consisting of 28 feet of asphalt and two feet of curb and gutter on each side. There will also be an eight foot planter strip and a five

foot wide sidewalk on each side of the street, but these improvements will be outside the street right of way in a separate sidewalk easement. There is thus 18 feet of excess right of way that Mr. Stratton is asking the City Council to vacate.

If vacated by the City Council, title to the vacated areas of 1000 East Street and 720 North Street would automatically vest in the adjoining property owners.

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

RECOMMENDATION: Development Services recommends that the City Council, by ordinance, vacate approximately 0.34 acres of a portion of 1000 East Street located between 670 North and 800 North and a portion of 720 North Street between 1000 East and 980 East as shown in Exhibit “A” with the requirement that the vacated areas be incorporated into the Cascade Estates final plat.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL VACATING A PORTION OF 1000 EAST BETWEEN 670 NORTH AND 800 NORTH AND A PORTION OF 720 NORTH BETWEEN 1000 EAST AND 980 EAST

WHEREAS Chad Stratton owns property at approximately 700 North and 1000 East; and

WHEREAS 1000 East was dedicated to the City with the recordation of Knight Subdivision in 1921 with a right-of-way width of 66 feet; and

WHEREAS 720 North was dedicated to the City with the recordation of the John Stratton Subdivision in 1978 with a right-of-way width of 50 feet; and

WHEREAS current City standards and specifications allow for the development of 1000 East as a local street with a right-of-way width of 48 feet; and

WHEREAS current City standards and specifications allow for the development of 720 North as a sub-local street with a right-of-way width of 34 feet with a sidewalk easement; and

WHEREAS Chad Stratton has requested that the City vacate a portion of 1000 East between 670 North and 800 North and a portion of 720 North between 1000 East and 980 East as shown in Exhibit "A" and as more particularly described in Exhibit "B," both of which exhibits are attached hereto and by reference are made a part hereof; and

WHEREAS Chad Stratton desires to include the vacated portions of 1000 East and 720 North as part of the Cascade Estates Subdivision Plat; and

WHEREAS, the City Council held a public hearing on January 13, 2015 to consider the proposed vacation; and

WHEREAS the City Council finds that the areas proposed to be vacated are not needed for street improvements and constitute excess right of way area; and

WHEREAS the City Council finds that there is good cause for the vacation of a portion of 1000 East Street located between 670 North and 800 North and a portion of 720 North Street located between 1000 East and 980 East which areas are shown and described in Exhibits "A" and "B;" and

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

WHEREAS the City Council has determined that it is in the best interest of the City to vacate the portions of 1000 East and 720 North as shown and described in Exhibits "A" and "B."

DRAFT

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

1. The City hereby vacates a portion of 1000 East Street located between 670 North and 800 North and a portion of 720 North Street located between 1000 East and 980 East which areas are shown in Exhibit "A" and more particularly described in Exhibit "B" subject to the condition that the applicant include the vacated areas within the proposed Cascade Subdivision Plat and record the same with the Utah County Recorder.

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

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

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

PASSED, APPROVED and ORDERED PUBLISHED this 13th day of January 2015.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

EXHIBIT A

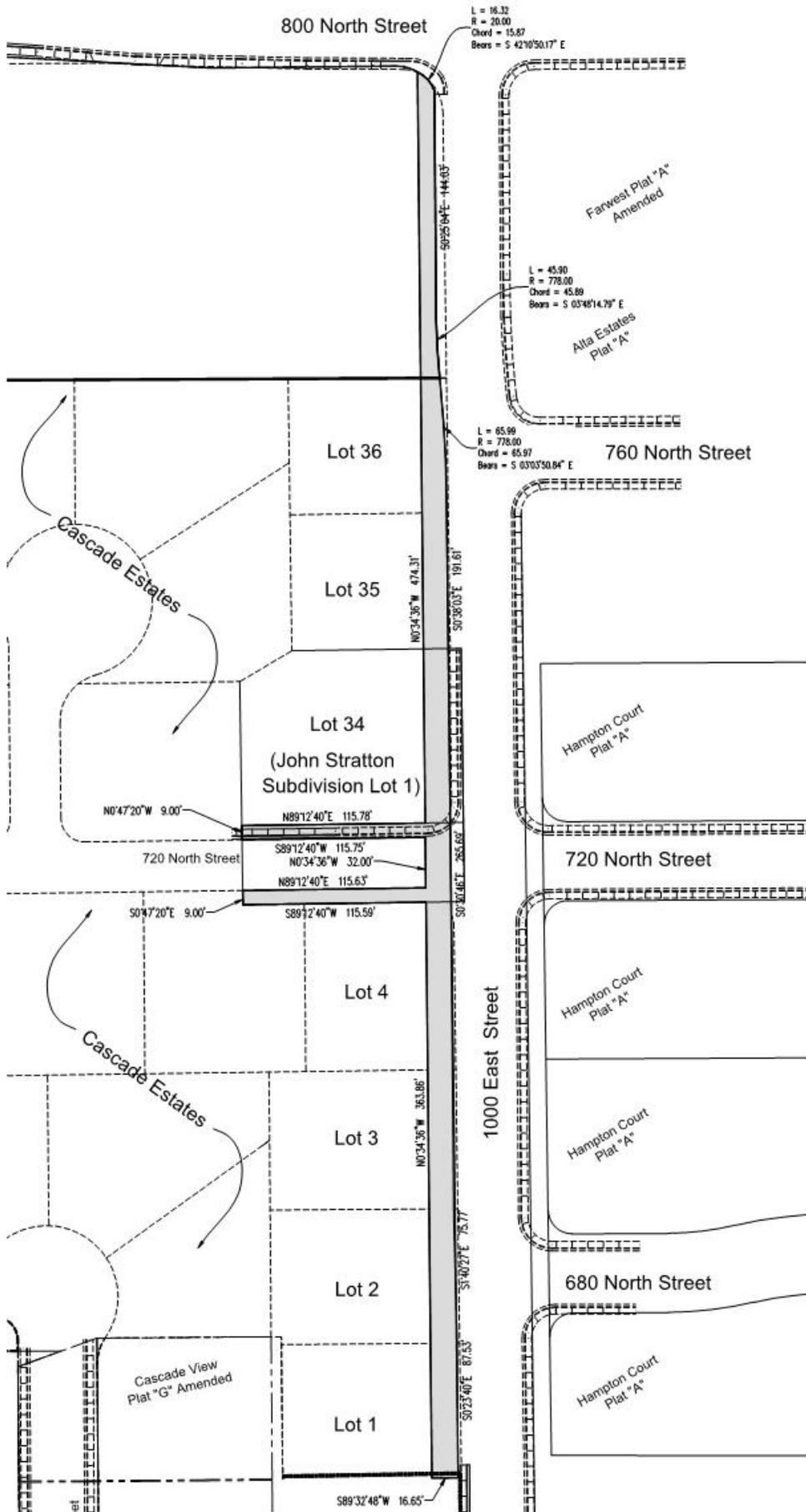


EXHIBIT B

PARCEL DESCRIPTION

Commencing at a point located South 00°27'08" East along the Section line 48.82 feet and East 1288.79 feet from the West quarter corner of Section 12, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence along the proposed Westerly boundary of 1000 East Street the following 7 courses: along the arc of a 20.00 foot radius curve to the right 16.32 feet (chord bears South 42°10'50" East 15.78 feet), South 00°25'04" East 144.03 feet, along the arc of a 778.00 foot radius curve to the left 45.90 feet (chord bears South 03°48'15" East 45.89 feet), along the arc of a 778.00 foot radius curve to the right 65.99 feet (chord bears South 03°03'51" East 65.97 feet), South 00°38'03" East 191.61 feet, South 00°30'46" East 265.69 feet, South 01°40'27" East 75.77 feet, South 00°23'40" East 87.52 feet; thence South 89°32'48" West 16.65 feet; thence along the west line of Vine Street (as recorded in Knight Subdivision, Plat "A") North 00°34'36" West 363.86 feet; thence along the south line of 720 South Street (as recorded in John Stratton Subdivision, Plat "A") South 89°12'40" West 115.59 feet; thence North 00°47'20" West 9.00 feet; thence North 89°12'40" East 115.63 feet; thence along the west line of Vine Street (as recorded in Knight Subdivision, Plat "A") North 00°34'36" West 32.00 feet; thence South 89°12'40" West 115.75 feet; thence North 00°47'20" West 9.00 feet; thence along the north line of 720 South Street (as recorded in John Stratton Subdivision, Plat "A") North 89°12'40" East 115.78 feet; thence along the west line of Vine Street (as recorded in Knight Subdivision, Plat "A") North 00°34'36" West 474.31 feet to the point of beginning.

Contains 14,927 sq. ft. or .34 acres

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED NOVEMBER 2014

Percent of Year Expired: 42%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2015	% To Date FY 2014	Notes
10 GENERAL FUND								
Revenues	44,967,302	2,925,685	14,122,052			31%		
Appr. Surplus - Current	3,000		3,000			100%		
Appr. Surplus - Prior Year	1,753,433		1,753,433			100%		
Std. Interfund Transactions	4,646,102		4,646,102			100%		
Total Resources	51,369,837	2,925,685	20,524,587		30,845,250	40%	35%	
Expenditures	51,369,837	2,786,408	21,120,714	1,385,351	28,863,772	44%	44%	
20 ROAD FUND								
Revenues	2,305,000	517,351	756,660			33%		
Appr. Surplus - Prior Year	953,808		953,808			100%		
Total Resources	3,258,808	517,351	1,710,468		1,548,340	52%	59%	
Expenditures	3,258,808	38,011	1,514,857	475,995	1,267,956	61%	65%	
21 CARE TAX FUND								
Revenues	1,710,000	171,295	478,214			28%		
Appr. Surplus - Prior Year	1,881,958		1,881,958			100%		
Total Resources	3,591,958	171,295	2,360,172		1,231,786	66%	82%	
Expenditures	3,591,958	2,735	1,021,389	23,040	2,547,529	29%	50%	
30 DEBT SERVICE FUND								
Revenues	10,217,116	775,025	5,447,075			53%		
Appr. Surplus - Prior Year	13,221		13,221			100%		
Total Resources	10,230,337	775,025	5,460,296		4,770,041	53%	50%	
Expenditures	10,230,337	782,969	4,261,394		5,968,943	42%	37%	
45 CIP FUND								
Revenues	240,000	28,512	85,376			36%		
Appr. Surplus - Prior Year	875,159		875,159			100%		
Total Resources	1,115,159	28,512	960,535		154,624	86%	96%	
Expenditures	1,115,159	228,174	613,203	699,836	-197,880	118%	21%	1
51 WATER FUND								
Revenues	12,611,377	828,424	7,296,040			58%		
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	828,424	12,023,267		5,315,337	69%	63%	
Expenditures	17,338,604	375,947	6,414,721	1,868,708	9,055,175	48%	35%	
52 WATER RECLAMATION FUND								
Revenues	7,027,851	638,949	3,304,468			47%		
Appr. Surplus - Prior Year	1,666,509		1,666,509			100%		
Total Resources	8,694,360	638,949	4,970,977		3,723,383	57%	51%	
Expenditures	8,694,360	360,810	3,223,518	856,458	4,614,384	47%	44%	
55 STORM SEWER FUND								
Revenues	3,110,500	259,659	1,352,034			43%		
Appr. Surplus - Prior Year	386,367		386,367			100%		
Total Resources	3,496,867	259,659	1,738,401		1,758,466	50%	58%	
Expenditures	3,496,867	6,717	1,459,543	64,275	1,973,049	44%	65%	2
56 RECREATION FUND								
Revenues	1,667,200	58,667	691,496			41%		
Appr. Surplus - Current Year	158,888		158,888			100%		
Appr. Surplus - Prior Year	4,857		4,857			100%		
Total Resources	1,830,945	58,667	855,241		975,704	47%	29%	3
Expenditures	1,830,945	120,498	899,971	106,486	824,488	55%	51%	
57 SOLID WASTE FUND								
Revenues	3,397,000	289,212	1,443,257			42%		
Appr. Surplus - Prior Year	24,450		24,450			100%		
Total Resources	3,421,450	289,212	1,467,707		1,953,743	43%	43%	
Expenditures	3,421,450	233,323	1,353,485		2,067,965	40%	49%	

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED NOVEMBER 2014

Percent of Year Expired: 42%

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	74,560	986,343			66%		
Appr. Surplus - Prior Year	231,180		231,180			100%		
Total Resources	1,716,180	74,560	1,217,523		498,657	71%	70%	
Expenditures	1,716,180	43,862	360,801	195,444	1,159,935	32%	37%	
61 FLEET MAINTENANCE FUND								
Std. Interfund Transactions	652,000		652,000			100%		
Total Resources	652,000		652,000			100%	100%	
Expenditures	652,000	34,067	320,523	12,688	318,789	51%	50%	
62 PURCHASING/WAREHOUSING FUND								
Revenues		15	75			100%		
Appr. Surplus - Current Year	33,000		33,000			100%		
Std. Interfund Transactions	330,000		330,000			100%		
Total Resources	363,000	15	363,075		-75	100%	100%	
Expenditures	363,000	21,011	181,574	719	180,707	50%	46%	
63 SELF INSURANCE FUND								
Revenues	500,000	37,423	214,144			43%		
Std. Interfund Transactions	1,175,000		1,175,000			100%		
Total Resources	1,675,000	37,423	1,389,144		285,856	83%	83%	
Expenditures	1,675,000	44,207	1,017,996	749	656,255	61%	73%	
74 CDBG FUND								
Revenues	814,408	24,886	74,793			9%		
Appr. Surplus - Prior Year	471,313		471,313			100%		
Total Resources	1,285,721	24,886	546,106			42%	27%	
Expenditures	1,285,721	35,283	246,209	677	1,038,835	19%	19%	
CITY TOTAL RESOURCES	108,324,046	6,555,103	55,021,976		52,562,455	51%	48%	
CITY TOTAL EXPENDITURES	108,324,046	5,070,160	43,649,097	5,494,982	59,179,967	45%	44%	

NOTES TO THE BUDGET REPORT FOR THE MONTH ENDED NOVEMBER 2014:

- 1) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$699,836) being significantly more than in the prior fiscal year (\$31,251) at this date in time. Primarily due to the MAG ITS capital project.
- 2) The current year expenditures are lower in comparison to the prior year due to the current year encumbrances (\$64,275) being significantly less than in the prior fiscal year (\$443,374) at this date in time. Primarily due to the Williams Farm 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.

<p>Note: In earlier parts of a fiscal year, expenditures may be greater than the collected revenues in a fund. The City has accumulated sufficient reserves to service all obligations during such periods and does not need to issue tax anticipation notes or obtain funds in any similar manner. If you have questions about this report, please contact Richard Manning (229-7037) or Brandon Nelson (229-7010).</p>
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