

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

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; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

UPDATE

Mayor Brunst took some time to update the City Council and Staff on Bus Rapid Transit (BRT), UTOPIA, Midtown 360, and the University Place development.

UPDATE – Master Plans

Mr. Tschirki introduced Mike Collins and Keith Larsen with Bowen Collins & Associates, and Carol Walker from the Public Works Advisory Commission (PWAC). Mr. Collins presented on sewer, water, and storm drainage capital facility plans.

Mr. Collins said the number one economic development program a city needed was water and sewer services. Bowen Collins & Associates had worked with the PWAC since the early part of 2014 to develop long-term plans for capital facilities for water, sewer, and storm drain utilities.

Mr. Larsen presented a slideshow which covered the following:

- Water
 - Annual Water Use Projections With and Without Conservation
 - Peak Day Demand Without Conservation
 - Two additional sources for water supply
 - New wells
 - Additional capacity at the Utah Valley Water Purification plant

- Build-out Water System Pipe Improvements
 - A number of projects would be needed through build-out to move water through the city
 - Only one project estimated to be built in the next ten years
 - Substantial demands in southwest area
- Proposed Reuse System and Capital Cost Estimates
 - Water Reclamation Facility improvements
 - 12 inch pipe to Lakeside Sports Complex
 - WRF Booster Station
 - Sleepy Ridge Golf Course Booster Station
- Existing System Available Fire Flow
 - Improvement projects to meet fire flow standards
- Existing Storage Deficiency
 - Currently 10 million gallons short; future projected 22 million gallons short
 - Water treatment plant had excess of 30 million gallons of storage
 - Orem had been primary user of water from plant
 - Access to storage water would decrease, sooner rather than later
- Build-out for Storage Deficiency
 - Required storage improvement costs
 - 10 million gallons added by 2018
 - 12 million gallons added by 2030
 - All water CIPs in next 10 years
 - Major conveyance
 - Fire flow deficiencies
 - Storage
 - Wells
 - WRF reuse projects
 - Southwest annex conveyance
 - Automated meter infrastructure
 - Miscellaneous maintenance projects
 - Other system replacement
- Water System Valuation and Replacement
 - System valued at \$300,000,000
 - Recommended system investment = 2.0 percent of replacement costs
 - Capital program needed for replacement = \$6,000,000
- Sewer
 - Future System Proposed Improvements
 - Table of Collection System Capacity Improvements
 - Maintenance Related Projects
 - Routine maintenance related improvements
 - Hydrogen Sulfide (H₂S) related and other maintenance improvements
 - Treatment Plant Projects
 - Replace screen washer, headworks, grit washer
 - Third press in solids handling
 - Struvite elimination

- Concrete/membrane existing lagoons
 - Replace back-up generator
 - Upgrade/expansion of aeration/grit basin on the headworks facility
 - Sludge disposal options – solar, central county treatment disposal site
 - Co-generation technology
 - Replace existing presses
 - Sewer System Valuation and Replacement
 - Collection system value
 - Complete replacement/rehabilitation composite = \$235 million
 - Recommended system investment = 1.5 percent of replacement cost
 - Recommended annual budget - \$3.6 million
 - Treatment plant value
 - Plant replacement value = \$81 million
 - Recommended system investment = 2.0 percent (50 year design life)
 - Recommended annual budget = \$1.6 million
 - Capital program needed for replacement = \$5,200,000 per year
- Storm Drain
 - Sumps
 - Used to inject stormwater into groundwater
 - Reduces the need for large trunklines to convey runoff to rivers
 - Use potentially limited by soil conditions
 - Potential to introduce contaminants into groundwater aquifer
 - Construction Cost Estimate Summary
 - Storm Drainage System Valuation and Replacement
 - System replacement value = \$80 million
 - Recommended system investment = 2.0 percent (50 year life design)
 - Recommended annual budget = \$1.6 million

Mr. Macdonald asked if the statistics shown provided for the contract with Vineyard. Mr. Larsen said they did, and Mr. Tschirki added that the contract with Vineyard was for fifty years.

Mrs. Black said contracting with Vineyard was beneficial for Orem, because they paid a premium for water and sewer services.

Mayor Brunst asked if Orem had the supply to utilize additional capacity from the water treatment plant.

Mr. Larsen said Orem had the supply, but being able to treat water at the peak rate was the important thing. There had been discussions with Central Utah Water Conservancy District relating to capacity expansion.

Mayor Brunst said it was his understanding there were connections in the southwest area where the water treatment plant was. Mr. Tschirki said the water right was retained about ten years ago, but the pipe currently in place at the water treatment plant did not extend as far as needed. Once

the pipe was built out as suggested, it would take peak demand off Orem's culinary water system for irrigation.

Mr. Larsen said the biggest part of the costs would be upgrades at the treatment plant. Treatment plant improvements would cost about \$1.2 million. Some additional costs to boost the system, like stations and piping, would bring total costs to \$2.2 million. He added that other projects could not be completed on the timeline if the initial project was not completed.

Mayor Brunst asked how many tanks were at the water treatment plant, and if there would be room for additional ones. Mr. Tschirki said there were many tanks of various sizes, including underground tanks. There was limited space to add tanks at the treatment plant, but there were possible locations in a more central area of the city to more easily service other areas.

Mr. Larsen said a site study would need to be conducted to find the most optimal place for the additional water storage. The study would look at geotechnical and seismic activity, property availability, etc.

Mr. Larsen said the bottom line total for capital improvements for the next ten years was \$59 million, not including costs associated with the water treatment plant. The suggestion was to increase funds from where they stood currently to where they could reasonably sustain infrastructure investment by 2019.

Mr. Tschirki added that, in the past, around half of the money available for capital improvements had gone to vehicle replacement. There were both capital investment and capital improvement projects that, while different, still competed for the same dollars.

Mayor Brunst asked how much the most recent improvements to the treatment plant had cost.

Mr. Larsen said the latest expansion had been around \$40 million. He said in the past the federal government had paid for some treatment costs, which had kept rates low, but the federal funds were diminishing. Mr. Larsen said the main concern with Orem's sewer system was the age and condition of the system. Root intrusion, areas with cracked or broken pipes with infiltration issues, and areas of Hydrogen Sulfide (H₂S) concentration required maintenance. The bottom line on sewer improvement was \$48 million.

Mr. Tschirki said that about two years ago two major sewer lines in Orem failed where there was an H₂S problem and the top of the pipe was corroded and gone. There was an active program used through the camera system that identified areas with aggregate in the concrete piping in danger of collapse. Mr. Larsen added that investing in maintenance of the existing infrastructure would extend the life of the system substantially.

Mayor Brunst asked about the condition of the backup generator for the sewer system.

Neal Winterton, Water Division Manager, said the backup generator was currently in working condition but would need to be replaced by 2021. He noted that a car had recently hit the main power to the plant, and everything went as smoothly as it could. Staff responded and the backup generator kicked on and operated as expected. The electrical access added five years ago allowed an electrician to go in and fix things, which was convenient.

Mr. Andersen asked how long it would take for H2S gas to burn out the pipe. Mr. Tschirki said it was extended and variable, because things like turbulence from gases running downhill would add to wear. Plastic pipes would usually last about ten years after they were built, but concrete pipes lasted closer to twenty years. Improvements had been prioritized based on factors like pipe materials and risks for turbulence and high levels of HS2.

Mr. Davidson said they could not rely on fifty-year estimates for pipe life. Mr. Tschirki agreed and said there were many variables that determined the life of a pipe.

Mr. Larsen said the goal was to eliminate the majority of storm drain sumps, which were infiltration basins that collected storm water and allowed water to percolate into ground water. Sumps could only be used in certain soil conditions, and there was increasing concern regarding potential contaminates to groundwater.

Mr. Tschirki said it would be expensive to remove sumps and build-out infrastructure, but it needed to be done. He said there was not a built-out system for storm water like there was for other systems like water and sewer.

Mr. Tschirki distributed previously requested information for the sewer base rate distribution comparisons. Due to time constraints, the discussion on sewer base rates would be continued to a later meeting.

Mr. Winterton said Provo staff fully supported a change in sewer base rates, and though it had not yet been formally introduced to Provo's City Council, the impression was that Provo would move forward with the changes once Orem had made those changes.

Mr. Sumner expressed concern that businesses were not being made to pay a fair share under the proposed changes.

Mr. Tschirki said the AWWA standard multiplier would balance the way businesses would be charged to be equitable with residential, retail, etc.

Mr. Winterton explained the methodology used for charging businesses under the proposed changes.

Mr. Davidson said it was important to give time for public input and education on the changes, especially for apartment owners or anyone dealing with annual leases. The suggestion was for a January 1, 2016, implementation to allow for adequate notice of changes.

UPDATE – Police Department

Chief Giles presented an update on the Police Department. He said there were two captains who were over the three divisions within the department: Captain Ned Jackson and Captain Keldon Brown.

Mayor Brunst asked about any changes in Orem's dispatch, as some dispatch centers in Utah County were being consolidated.

Chief Giles said Orem had its own dispatch center, as did the cities of Springville, Provo, and Pleasant Grove. Orem was working with those cities to consolidate between the four centers and maintain them in the best way possible. Orem was looking at different possibilities to consolidate equipment and house dispatch staff in two different locations to comply with State standards.

Mr. Davidson added that Orem's dispatch was already consolidated, covering dispatch for Lindon, UVU, and Vineyard fire, and was used as a customer service tool to a greater degree than in other cities.

Chief Giles said he enjoyed having the dispatch center in Orem as part of the community policing plan he had for the city. He had directed his dispatchers to identify themselves by name to allow people to reconnect with the same dispatcher if they needed to call back. Chief Giles said Orem had seventeen Volunteers In Police Service (VIPS), some of whom had been VIPS for around fourteen years. Mayor Brunst asked what the VIPS responsibilities were. Chief Giles said the VIPS were a valuable asset for the department who filled many roles and handled a variety of duties. Some advantages the VIPS gave to patrol officers was helping with traffic calls and directing traffic, parking issues, animal control calls, Neighborhood Preservation Unit calls, and calls for keys locked in cars. This allowed officers to respond to more patrol calls but still allow the police to provide those services. Chief Giles said the VIPS dedication and contribution allowed the police force to function well even though the officer to resident ratio was below the state average. Chief Giles said the police department received a grant to update the police badges, and an Orem officer designed the new badges. The badge included symbols of Orem's law enforcement roots as a marshal's office and "the thin blue line", which stood for protecting good from evil and had become an icon for fallen officers.

Chief Giles said officers were encouraged to proactively look for problems in the community, and resolve them before they escalate. Officers were also expected to respect themselves, fellow officers, and all residents – including those they needed to take action against. The goal was to make Orem the safest community to live, work, and play.

Chief Giles said there was concern over recent national events involving police officers, and what Orem could do to avoid similar problems. One difference Chief Giles saw was that Orem's community was much more tight-knit than those communities. Orem followed a policy regarding racial or bias based profiling. The policy stated:

“It shall therefore be the policy and practice of the Department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of race, ethnicity or nationality, religion, gender, sexual orientation or disability.”

Chief Giles said officers served everyone equally. Officer profiled only behaviors, not persons. Orem had use of force policies in place, so if an officer used physical force and/or used a baton, Taser, or pepper spray, an investigation would automatically be opened. A report would be written by the officer and turned in to their sergeant. From there it would move up the chain of command to the lieutenant, and then to the watch commander was tasked with an internal affairs investigation to ensure the use of force was within the bounds of the policy. The findings of the investigation would go to the captain, and finally would be given to Chief Giles for decision.

Mr. Macdonald asked about standard procedure for officer involved shootings.

Chief Giles said they used the following to try to prevent those problems before they arise:

- Policies
- Work closely with community
- Bilingual officers (languages spoken – Spanish, Korean, Portuguese, German, and French)
- Diversity training
- Track not only use of force but show of force (de-escalation skills)
- Less lethal tools (bean bag gun, Taser, baton, pepper spray)
- Crisis Intervention Team (CIT) training

Chief Giles said CIT training was a weeklong training with yearly recertification. The training focused on de-escalation techniques and ways to handle individuals dealing with mental health issues. Orem was the host agency for CIT in the county, and many agencies requested classes and trainings with Orem on CIT. 85 percent of Orem officers were CIT certified. He intended to equip all his officers with CIT training in hopes of decreasing the likelihood of officer involved shootings.

Chief Giles said Orem had officers assigned to the Utah County Officer Involved Shooting Protocol Team, headed by the Utah County Attorney's Office. If an Orem officer was the one involved in the shooting, Orem officers would not participate in the protocol team. Orem would also have its own internal investigation in those situations.

Mrs. Black asked about body cameras for officers.

Chief Giles said they were currently reviewing the idea of body cams, to see how effective they were, and looking into different companies that offered those services. Other local agencies were jumping at cheaper cameras with no backend software to maintain the recorded footage, but Orem was looking at the long run to facilitate storage for data and make sure the retention of that data met standards. Mr. Davidson added that every decision made by officers should not be legislated but should be made according to jurisdiction.

Chief Giles said he welcomed input on the department's community initiatives, which were used as preventative tools with the goal of uniting and protecting the community. The Neighborhood Preservation Unit (NPU) was one such initiative that dealt primarily with quality of life issues that were considered nuisances under Chapter 11 of the City Code, including junky yards, illegal accessory apartments, etc., but also drug and party houses. NPU officers were able to contact landlords and hold them responsible for their properties and their tenants, in an effort to have safer and cleaner neighborhoods. Also under NPU was a Special Enforcement Team (SET) that handled neighborhood narcotics and drug houses specifically.

Chief Giles said he wanted his officers to be more involved in neighborhoods, and with that idea officers were required to make two positive contacts per week that had nothing to do with law enforcement. Officers had shoveled snow, handed out glow sticks for trick-or-treaters, helped with cars that had pulled off the road, and many other services. He explained that officers had accountability not only to him and their commanding officers, but also to the community.

Mr. Sumner asked about illegal accessory apartments and the police department policy for dealing with them.

Chief Giles said when illegal apartments were reported, NPU officers were sent to explain the requirements for the apartments to come into compliance. Landlords would work with NPU officers to either bring the apartment into compliance or give renters time to vacate and help them locate different housing. Chief Giles said if an illegal apartment was found before any complaints were reported, compliance was enforced, but often the way officers learned about illegal accessory apartments was when concerned neighbors reported them.

Mrs. Black asked how officer teams could work with Neighborhoods in Action (NIA) but there were only three NPU officers. Chief Giles said they would also utilize officers from the seven patrol crews to work with specific neighborhoods and become contacts for NPU issues in those areas.

DISCUSSION – Amplified Sounds

Mr. Hirst reviewed the management of activities in the parks. He said activities were handled through (1) policies, and (2) ordinances. Policies were used to manage gates, water faucets, geocaches, etc. Ordinances were used to handle smoking and drinking in parks, park curfews, rules for dogs and other animals in the parks, etc. Amplified sound issues were currently managed under policy, but Mr. Hirst's recommendation was to move them to ordinance.

The parks reservation agreement stated:

“It shall be unlawful for any person to conduct live bands, DJ's, dances, concerts, movies, sound systems, microphones, speakers, amplified sound, etc. in or on any city owned property without the approval of the Recreation Director.”

Mr. Hirst said changing the sound issues from policy to ordinance would not change the way the parks were managed but would solidify the policy and allow people to look up the requirements in the City Code.

Mr. Hirst said he was frequently asked about using city parks for commercial, revenue-generating events. In the code, it specified the following regarding commercial activity in city parks:

“It shall be unlawful for any person to conduct any revenue-generating event in or on any city-owned property without first having received permission from the Department of Recreation.”

Mr. Hirst said there were pros and cons to using city parks for commercial events. An event that often came up was the Princess Festival, which had typically been held at Thanksgiving Point. The Princess Festival was interested in holding the event at the Scera Park, but they would be charging admission. The current ordinance did not allow for private groups using the parks to generate revenue.

Mr. Hirst said he believed the main reason businesses were interested in Orem parks was because there was no competitive commercial rate in place for the rental of the park. The park rental rates

were set for use by families, not large business groups. Mr. Davidson added that parks were intended for public use, not as venues to stage private events.

Mr. Hirst said if the City Council decided to open the ordinance to include provisions for businesses to use parks for revenue-generating events, the commercial rate for park rentals would need to be revised to reflect a competitive rate.

Mr. Macdonald asked how renting the park to a group like the Princess Festival was different from renting the park for soccer or baseball groups. Mr. Hirst said those sport programs were city-sponsored.

Mayor Brunst said opening the parks for private events could potentially be “opening a can of worms”.

Mr. Hirst said certain events could be held at a park like Timpanogos which could more easily be closed for private events, if the group was being charged a competitive rate for the park rental. However, opening that door could lose the effect of what city parks were for.

Mr. Spencer asked why the City did not allow events that would be limited to Timpanogos Park and charge a competitive commercial rate. Mr. Hirst said having many commercial events would cause additional wear on the park, which would make upkeep more costly and could leave the park in poor condition for the Timpanogos Storytelling Festival. Mr. Spencer said a solution could be to only allow one event other than the Timpanogos Storytelling Festival.

Mr. Hirst said the recommendation he would bring to the Council would have language to move sound issues into ordinance, as well as provide competitive rate change suggestions and language for narrowly opening park rentals for private groups.

Mr. Sumner asked about how other cities managed park rentals. Mr. Hirst said few, if any, cities allowed park rentals for private events. He said some cities held farmer’s markets, but those were specifically City sponsored.

Mrs. Crozier said the City currently had the ability to turn down events that could be problematic for the neighborhood. Mr. Hirst said the window for park rental would be very narrow.

Mrs. Black said the parks were for the community. Mayor Brunst agreed.

5:00 P.M. STUDY 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

Preview Upcoming Agenda Items

Staff presented a preview of upcoming agenda items.

Agenda Review

The City Council and staff reviewed the items on the agenda.

City Council New Business

Mayor Brunst asked Mr. Seastrand for a brief update from the Utah Lake Commission. Mr. Seastrand said the Utah Lake Commission involved most of the cities in the area. The main objective was to improve the quality of the lake and make it more accessible. Two key projects of the commission were (1) Carp removal, which allowed the lake to naturally regenerate, and promoted June sucker breeding, and (2) Phragmites removal to have some shoreline. Many cities were involved and invested in seeing Utah Lake improve. There was little or no funding from the state, and the local cities were bearing the burden of funding a state resource.

Mayor Brunst and Mrs. Black gave a brief update from the IHC Community Outreach Committee. Mayor Brunst said IHC was looking at having a community garden area and farmer's markets. Mr. Spencer asked if the garden would impact playing fields there. Mrs. Black said it would not. The garden was planned to be behind the one house on the IHC grounds, and was scheduled to be open mid-May through October 2015. Volunteers would be used to plant and weed and maintain the garden, including elementary school children from Suncrest. IHC would be responsible for maintaining the garden and providing the volunteers.

Mayor Brunst thanked the City Council for their participation in the various assignments they had been given.

The Council adjourned at 5:49 p.m. to the City Council Chambers for the regular meeting.

6:00 P.M. REGULAR SESSION

CONDUCTING

Mayor Richard F. Brunst, Jr.

ELECTED OFFICIALS

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

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; 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; Steve Earl, Deputy City Attorney; Ryan Clark, Economic Development Division Manager; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

INVOCATION /

INSPIRATIONAL THOUGHT

Jim Fawcett

PLEDGE OF ALLEGIANCE

Brandon Hoffman

APPROVAL OF MINUTES

Mr. Seastrand **moved** to approve the December 9, 2014, City Council Meeting minutes. Mr. Macdonald **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard 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.

Appointments to Boards and Commissions

Mrs. Black **moved** to appoint Phebe Hawkes to the Beautification Advisory Commission. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed** unanimously.

Mr. Seastrand **moved** to reappoint Colleen Ferguson and Jay Buckley to the Historic Preservation Advisory Commission. Mrs. Black **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed** unanimously.

Recognition of New Neighborhoods in Action Officers

Mr. Macdonald **moved** to appoint Bruce and Bonnie Knowlton as Suncrest neighborhood chairs. Mrs. Black **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed** unanimously.

CITY MANAGER’S APPOINTMENTS

Appointments to Boards and Commissions

There were no City Manager appointments.

PERSONAL APPEARANCES

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

There were no personal appearances.

CONSENT ITEMS

There were no Consent Items.

CITY MANAGER INFORMATION ITEMS

- January 28, 2015 – Local Officials Day at the Utah State Legislature
- January 26, 2015 – Utah Legislative Session opens
 - Items of interest scheduled in the legislative session:
 - Law enforcement issues (body cameras for officers, use of force, etc.)
 - Transportation (gas tax, indexing, vehicle miles traveled, sales tax, registration fees, etc.)
 - Water issues
 - Good landlord policies
 - Tax issues (corporate tax, sales tax allocation, etc.)
 - Development and land use bills
 - Approximately 300-400 bills pass each legislative session. The forecast for 2015 was in excess of 1,000 bills would be filed.
- Parking concerns had grown at Lakeside Park, so the City was acquiring additional property to provide more parking. A contract to purchase the property had moved forward, and money would be placed in escrow. With the land being technically in Vineyard, the Mayor of Vineyard was made aware of the agreement.
- City Council Retreat – Last year a day was set aside for a retreat, and Mr. Davidson suggested the Council schedule a retreat for 2015.

SCHEDULED ITEMS

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)

Mr. Bench reviewed with the Council the Planning Commission's recommendation that the City Council:

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

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. The item was continued to January 13, 2015.

The application proposed amendments to three sections of the City Code pertaining to billboards.

Mr. Bench said the current ordinance allowed 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 were other billboards in the City that were also close to residences on the east side of I-15.

Due to the concerns the City Council had previously expressed about the negative impact electronic signs may have on nearby residences, staff proposed 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 were 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 allowed a billboard owner to relocate a billboard into any commercial, industrial or manufacturing zone within 5,280 feet of its previous location.

Staff was 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 proposed to amend Chapter 14 to prohibit all new billboards in the City. It might not stop the relocation of billboards to the east side of I-15, but it would prevent the relocated billboards from being replaced since an owner who relocates a billboard would not be able to construct a new billboard at the original site of the relocated billboard. There were nine potential billboard locations on the east side of I-15 where relocations could occur.

Representatives of Reagan Outdoor Advertising and YESCO were not in favor of the proposed changes and had offered alternative language that had been 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.

Mayor Brunst asked how many billboards were located on the west side versus the east side of I-15. Mr. Bench said approximately twenty-six signs were on the west side, with nine or ten signs on the east side. Mayor Brunst said Orem had quite a few billboards, and he favored limiting the number.

Mr. Seastrand asked if any existing electronic message signs were further than 500 feet from I-15. Mr. Bench said there were a few along Geneva Road. He asked if those by Geneva Road would be allowed to convert to electronic message signs. Mr. Bench said they could.

Mayor Brunst opened the public hearing.

Nate Seacrest, on behalf of Reagan Outdoor Advertising, said they opposed the ordinance amendments. Mr. Seacrest said Reagan was concerned that this same City Council passed a change in the ordinance language only to undo that change eighteen months later. Reagan had adjusted their business accordingly for that change and would again need to adjust if the amendments were approved. Reagan felt Orem policy was changing in a way that was difficult to follow. Mr. Seacrest said he also thought the ordinance was brought back before the Council rather quickly without going through the Planning Commission process again.

Mike Elm, on behalf of YESCO Outdoor Advertising, said he opposed the ordinance for the same reasons Mr. Seacrest stated. Mr. Elm said he was also concerned that staff had not contacted or met with YESCO or Reagan since the amendments were brought before the Council in November, and he would like to see that happen before a decision was made.

Mike Whimpey, resident in close proximity to I-15, said the LED billboards were distracting and had a big impact on the quality of life in the neighborhood. A new LED billboard had been installed January 13, 2015, so the neighborhood was now surrounded on both sides with LED signs. Mr. Whimpey said at the time the ordinance was changed a year and half ago, the neighborhood was approached by the Williams Farm property, and were assured that the ordinance change was being considered citywide. Mr. Whimpey provided Council assurances from a September 2013 City Council meeting to neighbors that the change would be limited in scope. Mr. Whimpey commended Mr. Bench and staff for trying to correct unanticipated consequences of the State law's loophole and requested the Council approve the amendments.

Mark Bowden, resident, said living with a billboard outside his window was detrimental to his quality of life. The bright lights made it difficult to sleep, especially in the winter when there was no buffer of leaves on trees to block any of the light. Neighborhoods did not want these billboards and if the issue was considered and taken care of tonight it would not be a problem for any more Orem residents.

Mayor Brunst closed the public hearing.

Mr. Macdonald asked about the second billboard Mr. Whimpey had referred to. Mr. Bench said the LED sign at that location was allowed to be raised because a wall had been installed. Mr. Macdonald asked what kind of property the sign was on. Mr. Bench said it was a commercial zone, and he believed the application had gone through before the amendments were presented.

Mayor Brunst said the ordinance amendments had been considered at about three City Council meetings. The issue had also come before the staff and the Planning Commission. He said he felt there had been sufficient time for discussion between staff and representatives of Reagan and YESCO, and contact could have been initiated by either side.

Mr. Bench said the Planning Commission requested the City work with the sign companies to discuss lumens and other things that would go into the ordinance. That discussion had not yet taken place.

Steve Earl, Deputy City Attorney, said the sign companies had met with staff and proposed some additional language they wanted to see incorporated into the City's ordinance. They wanted to see those changes made in lieu of the LED ban. The Planning Commission had the suggestions of the sign companies, and upon staff's recommendation agreed that the items should be considered separately and moved forward. Afterward, suggestions as to brightness, angling of signs, etc. of existing LED signs where they are permitted could be considered.

Mrs. Black said the Council was trying to address a loophole which was created a year and half ago that needed to be addressed. She said she was in favor of moving forward.

Mr. Macdonald said they tried to negotiate a deal between the neighbors and the sign companies regarding having the LED lights off during certain hours and other compromises but were not able to reach an agreement.

Mr. Seastrand **moved**, by ordinance, to amend Sections 22-14-29 and 14-3-3 of the Orem City Code pertaining to electronic message sign requirements. Mrs. Black **seconded**. Those voting aye: Margaret Black, Richard Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner. Those voting nay: Hans Andersen. The motion **passed** 6-1.

Mr. Seastrand **moved**, by ordinance, to amend Sections 14-3-3 and 14-3-4 of the City Code pertaining to outdoor advertising requirements. Mayor Brunst **seconded**. Those voting aye: Margaret Black, Richard Brunst, Mark E. Seastrand, David Spencer, and Brent Sumner. Those voting nay: Hans Andersen, Tom Macdonald. The motion **passed** 5-2.

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

Mr. Bench reviewed with the Council a request by Chad Stratton for the City to vacate a portion of existing 1000 East right of way between 670 North and 800 North. The area proposed to be vacated was area that the City did not need for current or future street improvements and was shown in Exhibit "A."

He said 1000 East Street was a local street which for most of its length had 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 had 60 feet of street dedication which was granted with the recording of Knight Subdivision in 1921. This was more right of way width than was needed to complete and maintain the same width of

street improvements that the City had for the other portions of 1000 East. Most of the west side of 1000 East in this area did not yet have curb, gutter and sidewalk and the excess right of way area was located behind where the future curb, gutter and sidewalk would be installed.

Chad Stratton proposed 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 would be completing the curb, gutter and sidewalk improvements along the west side of 1000 East between 670 North and 800 North. Mr. Stratton proposed to vacate that portion of the 800 East dedication area that would be located behind the new sidewalk to be installed on the west side of 1000 East. The excess right of way area varied in width, but ranged between 10-12 feet. The unimproved area was not needed for street improvements and so staff supported this proposal.

Chad Stratton also requested 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. He said 720 North Street was proposed to be a thirty-two-foot wide sublocal street right-of-way consisting of twenty-eight feet of asphalt and two feet of curb and gutter on each side. There would also be an eight foot planter strip and a five foot wide sidewalk on each side of the street, but these improvements would be outside the street right of way in a separate sidewalk easement. There was thus eighteen feet of excess right of way that Mr. Stratton was 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 provided that the City Council may vacate a public street if it determined (1) there was good cause for the vacation; and (2) the vacation would not be detrimental to the public interest.

Mr. Macdonald asked if 720 North would become a full street instead of a partial street. Mr. Bench said it would become a sublocal street, but would be a full street.

Mayor Brunst asked if the land could be used for anything other than the water ditch and trees that were there. Mr. Bench said it could only be used for residential use. He added that sidewalks would eventually be installed all the way up to 800 North.

Mayor Brunst opened the public hearing.

Sean Reinhart, resident, said a few months ago the Transportation Master Plan was redone and showed all the streets the City had marked that needed to go through. Mr. Reinhart said he had no issue with the City vacating the proposed area, so long as procedure was followed. His understanding was that to get something removed from the street plan, it had to be taken to the Transportation Advisory Commission, then to the Planning Commission, and finally to the City Council. Mr. Reinhart wanted to make certain that all procedures were being properly followed to avoid people trying to remove their streets without correctly going through the process.

Mr. Earl clarified that the vacation would be just a small portion of excess right of way. The streets would still go through; there was just more dedication than was actually needed to

construct the street. Mr. Bench added that the streets would go through and connect both to 800 East and 1000 East.

Mr. Reinhart thanked Mr. Earl for the clarification.

Mayor Brunst closed the public hearing.

Mr. Seastrand asked if the street would essentially be the same, but the sidewalk would narrow.

Mr. Bench said that portion was a local street where the sidewalk butted right up to the street and curb, and a sublocal street would separate the sidewalk with the landscape strip. Mr. Bench said the road itself would narrow slightly with the vacation.

Mr. Macdonald asked if this was R8. Mr. Bench said it was.

Mrs. Black **moved**, by ordinance, to 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 with the requirement that the vacated areas be incorporated into the Cascade Estates final plat. Mr. Macdonald **seconded**. Those voting aye: Hans Andersen, Margaret Black, Richard Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed** unanimously.

COMMUNICATION ITEMS

BUDGET REPORT – November 2014

Mr. Davidson noted the Budget Report was included in the packets distributed to the City Council.

Mayor Brunst identified the assignments to councils, boards, and commissions of the Mayor and the City Council for the upcoming year.

Hans Andersen	Senior Citizen Advisory Commission; Orem Youth Council; Heritage Advisory Commission
Margaret Black	SummerFest Committee; Utah League of Cities and Towns Legislative Policy Committee; IHC Community Outreach Committee; Arts Council
Tom Macdonald	Library Advisory Commission; Transportation Advisory Commission; Public Works Advisory Commission
Mark Seastrand	Utah Lake Commission; UVU Community Relations
David Spencer	Recreation Advisory Commission; Planning Commission; UIA Board
Brent Sumner	Historic Preservation Advisory Commission; Beautification Advisory Commission
Richard Brunst	UTOPIA Board; Mountain Area Government Executive Council; Mountainland MPO Regional Planning (Transportation), Utah County Council of Governments; Utah League of Cities and Towns Legislative Policy Committee; Utah Valley Chamber of Commerce Government Review Committee; Joint Policy Advisory Committee for Transportation;

Mountainland MPO Finance Committee; Utah Valley Chamber of
Commerce Board of Directors

Mayor Brunst thanked the Council for the service they gave in those capacities.

ADJOURNMENT

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

The meeting adjourned at 6:46 p.m.

Donna R. Weaver, City Recorder

Approved: February 10, 2015