

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
January 27, 2015

3:00 P.M. TOUR – CANYON PARK TECHNOLOGY CENTER

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| CONDUCTING | Mayor Richard F. Brunst, Jr. |
| ELECTED OFFICIALS | Councilmembers 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; 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; Jason Bench, Planning Division Manager; Neal Winterton, Water Division Manager; and Jackie Lambert, Deputy City Recorder |
| EXCUSED | Councilmember Hans Andersen |

TOUR – Canyon Park Technology Center

Allen Finlinson, President and CEO of Canyon Park Technology Center (CPTC), welcomed the City Council and staff. Mr. Finlinson conducted a tour of CPTC buildings K, C, and G through the offices of Wayfair.com, Vivint Solar, Fishbowl Inventory, and the former Adobe building lobby. Mr. Finlinson said building L was given to UVU for a small amount for their culinary arts program. FamilySearch, a web-based family history company, was one of the newest tenants of CPTC and utilized approximately 84,000 square feet. Mr. Finlinson thanked Orem City for its support.

Mayor Brunst said he appreciated the efforts of the owners of CPTC in supporting business in Orem.

4:00 P.M. STUDY SESSION – CANYON PARK TECHNOLOGY CENTER

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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; Gary Giles, Police Department 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; Sam Kelly, City Engineer; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

EXCUSED

Councilmember Hans Andersen

UPDATE – Master Plan – Cemetery

Mayor Brunst invited Chris Tschirki, Public Works Director, to present updates on the Master Plan for the cemetery. Mr. Tschirki said he gave a presentation December 2011 that clarified the usage of the fields near the cemetery. He reviewed the significant changes that had taken place in the three years since that presentation.

- Upper Cemetery (above the Murdock Canal Trail)
 - 22.5 acres
 - Approximately 14 acres of useable land for burial plots
 - 19,253 total useable burial plots
 - 4,080 useable burial plots available in January 2012
 - 2,178 useable burial plots available currently
 - 216 useable single burial plots available currently
 - 1,916 useable multi-burial plots available currently
- Orem Cemetery Future
 - 465 burial rights sold in 2014
 - Burial plots were not sold but were reserved after a burial right was purchased for the plot
 - 332 burials in 2014
 - The Orem upper cemetery would be sold out in or before 2019 at the current sales rate
- South Cemetery Expansion Property Purchase of 1993-1994
 - David J. Laird
 - John Lischak
 - Ruth Laird
 - Gail Billings (Trust Covering Three Properties)
 - B. Long
 - Fred Billings
 - Anne Billings
- Cemetery Expansion South of Murdock Canal Trail
 - 16.8 total acres owned by the Orem City Municipal Building Authority

- 7.8 grassed acres inside asphalt road currently used for three soccer fields
- Field 1 was 1.48 acres (195' x 331')
- Field 2 was 1.39 acres (191' x 315')
- Field 3 was 1.42 acres (190' x 327')

Mr. Tschirki said single burial plots were not as desirable generally, as people often wanted to purchase the rights to plots for themselves, spouses, and even children to be in the same area.

Mr. Macdonald asked if caskets were buried multiple deep. Mr. Tschirki said that had been done in the past but was no longer the case. The foundation was sandier in that area, and some plots had caved in. For safety reasons they typically did not bury more than one casket per burial plot. The cemetery allowed for multiple deep if a small casket for a child was buried on a family member's plot.

Mayor Brunst asked about the areas that were not available.

Mr. Tschirki said plots considered unavailable were either paid for or had someone buried there. Purchasing a plot was reserving the right to bury there, not purchasing the land. Mr. Tschirki said the trend was up on annual burial rights sold with 465 burial rights sold in 2014. Annual funerals performed had increased as well with 332 burials in 2014, the most done in the last thirty-five years. He said the upper cemetery would be sold out in or before 2019.

Mayor Brunst asked when the cemetery had started. Mr. Stephens said the cemetery property was purchased in 1941, and cemetery was built shortly after WWII.

Mr. Tschirki said some options for the future would be: (1) Cease operating the cemetery by no longer selling future burial rights, (2) develop the lower cemetery below the Murdock Canal Trail, (3) develop the cemetery addition above Cascade Road, or (4) develop satellite cemetery operations. Mr. Tschirki said the history of the lower cemetery was in the years of 1993 and 1994, the City exercised friendly condemnation with property owners to purchase land for the intent of developing the cemetery on the land. The concept design of the land from twenty years ago allowed for an additional 10,000+ plots to be sold, which would generate around \$18.4 million at today's rates. It allowed for roads, a sprinkler system, and the installation of markers for burial plots, which would cost approximately \$60,000. Mr. Tschirki said the lower cemetery was being used for soccer and open space activities, until it would be needed for burials.

Mayor Brunst said the area was also used for walking and biking. He asked if the paths would still be available for leisure use after the land was developed for a cemetery.

Mr. Tschirki said they anticipated that use of the walking and biking paths would continue. He said soccer programming for Celtic Storm club soccer had been on the cemetery fields, but it was anticipated those games could be held at the Palisade fields. They would need to have a plan in place to address concerns.

Mr. Hirst said if the cemetery fields were to be developed as cemetery land, then programmed sports would be moved. Once that change was made, he would be hesitant to return any programmed sports to the field to avoid confusion.

Mr. Macdonald said he agreed that a plan would need to be decided upon, but he expected there to be push back from recreation groups if they were moved from the fields before they really needed to be moved.

Mr. Davidson said a suggestion would be not to program sports after a certain date, but to allow the field to be used for open space and leisure activities. He noted that there could be complications if people who owned burial rights in the upper section requested to move them to the lower cemetery.

Mr. Macdonald suggested the lower cemetery plots have a premium price to keep people from rushing the space.

Mr. Tschirki said the cost to develop the area above Cascade Road would be much more than \$60,000 dollars. It was very steep, which would make access to the area difficult for elderly or disabled persons. Mr. Tschirki said Orem had worked with the Central Utah Water Conservancy District when developing the twenty million gallon water tank in that area. A series of expensive retaining walls would need to be built in an attempt to terrace the area. In 2009, the cost estimated for those developments was approximately \$2 million. The higher cost to develop fewer plots would make the upper Cascade Road option less desirable. Mr. Tschirki said no satellite location had been identified at that time, but there was that option.

Mr. Macdonald asked if there was a difference in price for Orem residents versus nonresidents. Mr. Tschirki said that they no longer did that because it had caused problems in the past, such as whether or not someone needed to be an Orem resident at the time of death. Mr. Macdonald suggested some qualifications could be met to allow for burial in the Orem cemetery for those circumstances.

Mr. Davidson said the purpose of the conversation was to present the issues of the cemetery, and to curtail problems with transitioning competitive sport programs off the cemetery land to the fields at Palisade if that was the direction the City Council went. The City would be happy to welcome those looking to use the field for casual play or unorganized events but would not anticipate increasing the level of service to schedule the fields. Mr. Hirst added that impromptu sport usage would be fine, but there would be no guaranteed programming.

Mr. Seastrand said there was value in keeping the cemetery land together to minimize costs of maintenance. The timing was fortunate, with the opening of the Palisade fields. The lower cemetery land would not be lost as a leisure recreation area, and there were other options for programmed sport use.

Mr. Tschirki said the plan was to begin construction on the roads and signage of the lower cemetery by 2018.

Mayor Brunst it would be important to announce the changes so the public was aware.

Mrs. Black said adding benches and planting trees around the lower cemetery area would indicate to the public the land would be transitioning to cemetery use. Mr. Bybee noted that

signage had been used in other parks to indicate the area would not be available for programmed use but leisure use only, to eliminate expectation of using the area for programmed use.

UPDATE – Southwest Annexation

Jason Bench and Brandon Stocksdale presented an update on the proposed Southwest Annexation area. Developers Jeff Mansell, Ryan McDougal, and Shawn Bunderson were present to answer City Council questions.

Annexation Discussion Points:

- Orem-Provo Boundary Agreement
 - Orem would have ownership of 2000 South east of railroad lines; Provo would have ownership west
 - Agreement allowed for Orem development access from north sides of 2000 South on the Provo side
 - Agreement and language approved by both City staffs, awaiting final road alignment cross sections
 - Estimated completion time: 4-5 weeks
- Southwest Area Master Plan
- Impact Fees
 - Completed studies for sewer, storm water, and culinary water
 - Beginning studies for police, fire, and recreation (parks). Would need to notice public before study could begin
 - Developers would pay full cost of infrastructure improvements; the City would have no financial obligation for improvements in the annexation area
 - City staff would work with developers to reimburse costs of installing infrastructure by providing a credit against impact fees incurred on future development
- Infrastructure Improvements
 - Developers would install:
 - Sewer line in Geneva Road with a lift station
 - Water line in Geneva Road
 - Storm drain system for initial developments would be designed and engineered as part of those particular projects
 - Initial utility installation could easily be expanded for future growth in the area
 - The installation would be a core installation allowing mostly all of those wanting to develop in the annexation are the ability to do so now or in the future
- Timeline for Annexation

Mr. Bench said the Southwest Area Master Plan suggested a medium density build, with 1,903 Equivalent Residential Units (ERUs), split between high density residential, medium density residential, and light industrial developments. He said the study for impact fees for sewer, storm water, and culinary was completed. A new study looking at impact fees for police, fire, and recreation would need to be done, but they would only proceed with the study if the Council was interested in moving forward with the annexation. Mr. Bench said the City would be putting the burden of financing the initial infrastructure on the developers, and credit them ERU credits back for improvement costs.

Mayor Brunst said that was a monumental shift, and wondered if the developers would be able to do that. Mr. Bench said the developers would answer to that, but the density of the projects would be a factor.

Jeff Mansell, applicant and developer, clarified that the proposal was for the applicants to build the core infrastructure only, not all the improvements that were included in the impact fee study. The core infrastructure, including the main water and sewer lines, would be installed by the applicants to allow for further development in the future. As development continued, the impact fees would cover the cost for enhancements to the core infrastructure.

Mayor Brunst asked the amount the applicants were budgeting for the core infrastructure installation. Mr. Mansell said approximately \$2 million.

Mr. Davidson noted the Southwest Area Master Plan showed density blocks of high or medium densities, but within those areas the density would vary. Some areas would have sixteen to twenty-plus units to the acre in blended density areas, and it was likely the higher density areas would develop more quickly than the low- or medium-density areas.

Mayor Brunst asked whether the indicated eight-inch sewer mainline would be sufficient. Sam Kelly, City Engineer, said the sewer mainline would need to be larger than eight inches.

Mr. Seastrand asked if the density of the developments just north of the proposed annexation area were similar or higher to what the applicants were looking to build. Mr. Bench said it would be a similar density or higher, with capacity for 1900 ERUs.

Mr. Davidson said that, from a planning standpoint, the proposed plan to vary densities within the area was consistent. An issue that could arise would be widely varying and differing opinions on how the land should be used. He suggested the City Council anticipate the pushback that could result in the annexation.

Mr. Bench gave a timeline for the annexation.

DISCUSSION – Fiscal Year 2016 Budget Timeline

Richard Manning, Director of Administrative Services, presented information on the Fiscal Year 2016 Budget Timeline. Mr. Manning said work sessions were proposed to look at upcoming budget discussions to make sure the key points and values the City Council was looking for were matched.

- January – Operations
- February – Compensation; Finalize Capital Improvement Projects (CIP) program--CIP team: Richard Manning, Chris Tschirki, Bill Bell, and Sam Kelly
- March – Revenue Projection; Fees; General Fund
- April – Enterprise Funds; CIP
- April through June – work sessions as needed

Mr. Manning said the Tentative Budgets would be presented to the City Council for approval on May 12, 2015. The Final Budgets would be presented to the City Council for adoption on June 9, 2015.

Mr. Sumner asked when discussion would take place about general fees. Mr. Davidson said conversations on fees and other budget topics could be scheduled in advance in hopes that when the Tentative Budgets were presented in May, there would be no surprises on either side of the discussion.

Mr. Macdonald said it might be helpful to have smaller groups that would work closer on the various budget topics and become subject-matter experts for the discussions. They could then be resources for in-depth discussions on those topics, like long-term compensation and city fees. Mr. Macdonald said he anticipated questions from the public about the budget items, and the Council would like to be prepared for those questions.

Mr. Manning said it was the City Council's budget, and staff would do whatever worked best for the Council so they would feel confident moving forward with the budget adoption. He would continue to update the City Council as budget discussions developed.

Mr. Sumner said having a heads-up on what would be discussed allowed the Council to look into the material beforehand and come prepared with questions. Mrs. Black agreed, and asked for clarification on the timeline.

Mr. Davidson said the goal was for the discussions to be collaborative between staff and Council. If Council members had particular questions or concerns, those should be scheduled into the discussions. He said the idea of doing in-depth research beforehand and having subject-matter experts was a good suggestion.

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

There was no new City Council business.

The Council adjourned at 5:45 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; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

**INVOCATION /
INSPIRATIONAL THOUGHT
PLEDGE OF ALLEGIANCE**

**Carol Walker
Sam Lentz**

APPROVAL OF MINUTES

There were no minutes to approve.

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

Mayor Brunst **moved** to appoint Kathy Pranger to the SummerFest Committee. 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.

Recognition of New Neighborhoods in Action Officers

There were no new Neighborhoods in Action Officers recognized.

PRESENTATION – Walter C. Orem Award – Eldred Sunset Manor Foundation

Karl Hirst, Recreation Director, presented the Walter C. Orem Award to the Eldred Sunset Manor Foundation. James Gilbert, Fred Johnson, Lee Francis, and Richard Sumsion of the Eldred Sunset Manor Foundation Board accepted the award.

Mr. Hirst said the Eldred Foundation had served Orem City seniors for decades. The generous donations of the Eldred Foundation had provided numerous upgrades at the Senior Center. The plaque presented to the Eldred Foundation was one-of-a-kind, and was made at the Senior Center woodshop.

Mayor Brunst gave a history of the life of L.J. Eldred and the charitable contributions he made through his life. L.J. Eldred moved to Utah in 1906 and lived in Provo until his passing in 1963. Mr. Eldred made large donations to the fraternal organizations he belonged to. He gave the first Iron Lung to the Provo Hospital, and gifted a dance hall to Provo City. Just prior to his passing,

Mr. and Mrs. Eldred donated \$75,000 which was used to build the Eldred Center in Provo. The remainder of his estate in the amount of \$350,000 was left to the people of Utah County to develop the Eldred Sunset Manor Foundation. In the hands of wise investors, the Foundation continued to grow and offered annual grants to local senior centers as well as other non-profit organizations. The Orem Senior Friendship Center had been a recipient of the Eldred grant for many years, which had provided for transportation, updates to computers, exercise equipment, electronics, and so much more to improve the activities and offerings for the seniors in the community.

Mr. Gilbert thanked the City on behalf of the Board of Directors for the award. He said L.J. Eldred would be very proud to see the exceptional job the City of Orem was doing to take care of seniors and treat them so kindly and sensitively and respectfully.

Gena Bertelsen, program director at the Orem Senior Center, presented a preserved scrapbook to the Eldred Foundation Board members. The scrapbook was an update of the Foundation's old scrapbook, to ensure the preservation of the photos and early history of L.J. Eldred and the Eldred Sunset Manor Foundation. Mr. Gilbert thanked Mrs. Bertelsen for her care in preserving the scrapbook, and her commitment to seniors in the community.

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.

David Gonzalez, resident, said he was attending his first City Council meeting. He came to the United States as an immigrant and became a citizen and had previously been an Orem resident for many years. Mr. Gonzalez said he was amazed at the service and the commitment civil servants gave to their communities. He was grateful for the opportunity to come, experience, and be part of the process.

Sam Lentz, resident, asked what needed to be done to move forward with UTOPIA. Murray City had been working to fix UTOPIA outside of the constructs of the Macquarie negotiations. He said the only action he had seen from Orem was inaction, which was not paying Orem's share of the operating expenses. He said he was curious to hear the Council's plan to make progress with UTOPIA and take the next steps. Mr. Lentz said Mayor Brunst had expressed concern about having no vote with UTOPIA. Mr. Lentz said wanted to see Orem cover the debt on UTOPIA and start using dedicated funds to fix the system and get it up and running. Mr. Lentz said he understood the concern of a thirty-year utility fee, but he believed the fee would only be required for five years to accomplish what it was supposed to accomplish.

CONSENT ITEMS

There were no Consent Items.

SCHEDULED ITEMS

6:20 P.M. CONTINUED PUBLIC HEARING – PD-34 Zone & Appendix BB
ORDINANCE - Amending pages 9 through 11 of Appendix ‘BB’ of the Orem City Code
(Conceptual Road Location and Types) Pertaining to the PD-34 Zone at 575 East
University Parkway

Mr. Bench, along with Kris Longson and Kathy Olson with Woodbury Corporation, reviewed with the Council the Planning Commission’s recommendation to amend, by ordinance, pages 9 through 11 of Appendix BB of the Orem City Code (Conceptual Road Location and Types) pertaining to the PD-34 zone at 575 East University Parkway. He indicated that PD-34 zone (University Place) was established to allow for the development of a large, mixed-use development including retail, office, residential, recreational and other uses. Appendix BB was adopted as part of the PD-34 zone and contained the concept plan for the zone including several pages that showed the conceptual locations and types of roads in the interior of the project.

After continuing to work on the design and layout of the project, Woodbury would like to make certain changes to pages 9 through 11 of Appendix BB. Those pages showed the anticipated locations of future streets in the development, the types of streets that were anticipated and illustrations showing possible configurations for each type of street.

Although Appendix BB illustrated the conceptual locations and types of roads within the interior of the zone including several possible configurations for each type of road (eight possible configurations for Connector Streets), Section 22-11-47(H)(8)(a) still required that an updated traffic study be provided with each new site plan (unless waived by the City Engineer) and the updated traffic studies would help determine which of the potential configurations would function best in a given area.

Mr. Longson said the reason they were applying for the amendments was that the original exhibit was limiting and tying hands for more appropriate configuration of those streets. They wanted more flexibility and creativity in how the streets would be configured and were coming to the City Council to follow proper procedure to allow for those changes.

Mayor Brunst asked about the schedule for building the roads.

Mr. Longson said some roads were currently being built and modifications had been made for utilities and for the new office building. The next major road would be the connector between State Street and 800 East, which would not be built until the demolition of the former Mervyn’s building. Mr. Longson said the build-out on the east side would likely begin later in 2015, once the underground parking on University Parkway was in place. They could then start demolition and move forward with the next phase. He said they wanted to maintain appropriate parking ratios as the phases moved forward in sequence.

Mr. Sumner asked if there was an opening date for RC Willey. Mr. Longson said there was not an officially announced date as of yet, but they anticipated that would be announced by RC Willey soon.

Mayor Brunst opened the public hearing. When no one came forward to speak, he closed the public hearing.

Mr. Seastrand **moved**, by ordinance, to amend pages 9 through 11 of Appendix BB of the Orem City Code (Conceptual Road Location and Types) pertaining to the PD-34 zone at 575 East University Parkway. Mrs. Black **seconded**. Those voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. Those voting nay: Hans Andersen. The motion **passed**.

6:20 P.M. Public Hearing – Brighton Towers

ORDINANCE – Amending Section 22-11-35(K) of the Orem City Code pertaining to retail use requirements in the PD-22 zone, Section 22 11-35(L)(4)(b) pertaining to parking requirements in the PD-22 zone, Appendix ‘Q’ of the Orem City Code pertaining to the PD-22 zone, and Article 22-5-3(A) of the Orem City Code and the zoning map of Orem City by changing the zone on approximately 1.90 acres located generally at 958 North 1200 West from the Highway Services (HS) zone to the PD 22 zone

The item was withdrawn by the applicant.

CITY COUNCIL APPEAL – Appeal of the Approved Amended Site Plan of Amiron Village at 1360 North Amiron Way in the R6 Zone

Mr. Bench reviewed with the City Council the applicant’s request that the City Council reverse the Planning Commission approval of the amended site plan of Amiron Village at 1360 North Amiron Way in the R6 zone pertaining to pedestrian access to openings in the existing fence at 375 and 325 West.

The matter was before the City Council as an appeal of the Planning Commission decision on December 3, 2014, to approve an amended site plan for the Amiron Village development. The amended site plan allowed an opening in the fence surrounding the Amiron Village project at two separate locations where 375 West and 325 West Streets dead end into the Amiron Village development. The openings in the existing fence would provide access to sidewalks adjacent to 375 West and 325 West.

Mr. Bench said Kelly Liddiard filed the original application to amend the Amiron Village site plan. He requested the two openings in the fence to provide greater convenience and access for residents of the Amiron Village project to the adjoining neighborhoods. The Planning Commission denied a similar request to allow openings in the Amiron Village fence in 2002.

Amiron Village was developed in 1981 as a Planned Residential Unit Development (PRUD) in the R6 zone. The PRUD ordinance was the predecessor to the City’s current Planned Residential Development (PRD) ordinance. In 1981, a PRUD was permitted in the R6 zone as well as certain

other residential zones. Since then, however, the ordinance had been amended and a similar project could only be developed in the PRD or a Planned Development (PD) zone.

In 1981, a perimeter fence was not required for a PRUD. However, the PRD ordinance now required a six foot perimeter fence to be constructed around the perimeter of a PRD. In other words, Amiron was not required to construct a perimeter fence when it was built in 1981, but if it were to be built today, a perimeter fence would be required.

The stated purpose of the City's current fencing requirement for PRDs was "to buffer the surrounding residential neighborhoods from the PRD and to buffer the PRD from surrounding commercial and manufacturing uses." An argument could therefore be made that allowing openings in the fence would be contrary to the intent of the PRD fence requirement as it would reduce the effectiveness of the fence as a buffer.

On the other hand, allowing openings in the fence would have some positive effects and would further certain City objectives.

For example, in 2010 the City Council adopted a Bicycle and Trails Master Plan which had as one of its purposes to make Orem "the most bicycle and pedestrian friendly city in the State of Utah". One of the objectives of this plan was to implement "an accessible network of pedestrian supportive infrastructure, including sidewalks, curb ramps and trails in high-priority pedestrian areas." Allowing openings in the Amiron fence would make the area more pedestrian and bicycle friendly and would therefore further the objectives of the Bicycle and Trails Master Plan.

Providing pedestrian access between the Amiron development and the neighboring residential areas would also increase safety for children and all pedestrians and, through greater interconnectedness, should foster community cohesiveness.

On December 3, 2014 the Planning Commission voted 7-0 to approve the amended site plan allowing the two (2) fence openings for Amiron Village to provide access to the public sidewalks on 325 West and 375 West. The application to appeal the decision was filed by Leah Pulver on December 9, 2014.

Because the openings in the fence furthered the City's objectives in promoting pedestrian and bicycle circulation, staff recommended that the City Council uphold the decision of the Planning Commission and that the appeal be denied.

Mr. Sumner asked about a measurement on the proposed fence opening. Mr. Bench said it would be thirty inches across, just wide enough for a person to get through.

Mayor Brunst opened the discussion for public comment.

Leah Pulver, applicant and resident, said her mother's home was located next to the fence where the opening would be on 325 West, mere feet away from her driveway, which was a safety concern with no gate. Ms. Pulver expressed concern about the (1) safety of children playing at the playgrounds and crossing the streets; and (2) possibility of increased thefts—based upon previous experiences—by some residents of Amiron Village. While an opening in the fence

would make ward business somewhat easier to conduct, she said she did not believe it would make much of a difference in that aspect.

Chris Tschirki, resident and Public Works Director, said he came before the City Council not as an Orem employee, but a long-time Orem resident of the neighborhood. He said he had recused himself from discussions and remained neutral on the issue with neighbors, coworkers, and Council members. Mr. Tschirki said ultimately the decision was up to the City Council, and he would support whatever decision they made. He said he hoped his neighborhood would remain unified regardless of the outcome.

Charles Tanner, resident, said the fences were for the community's protection and should remain closed. The issue had been dealt with fifteen years before, and wondered why it kept coming up again. He had seen the value of putting a road through to help with public safety issues in the area, but he did not see that opening the fence would be helpful.

Alan Knight, resident, said it was great to have the opportunity to speak to the City Council. He said he enjoyed his neighbors and neighborhood but was in favor of keeping the fence closed. If opened, it would only be a matter of time before a child was hit by a vehicle passing through.

Jovy Moss, resident, said her home was situated near the proposed opening, and she would be directly affected by the outcome of the City Council's decision. Ms. Moss read an email she had sent to the Council on the matter stating her desire to keep the fence closed. She said she had once been a resident of Amiron Village and had no concerns with the residents there, but she was concerned about the safety of the neighborhood children, added parked cars in the neighborhood, and accessibility of snow plows. Ms. Moss expressed concern that the property value would be adversely affected if the fence opening was approved.

Paul Judd, resident, said he favored keeping the fence closed. He believed when the fence was opened years ago it became a public nuisance. During that time, parking in the neighborhood was congested and posed safety issues. Mr. Judd said he believed it could cause good neighbors to move out and less desirable neighbors to move in.

Kelly Liddiard, president of the home owners association (HOA) for Amiron Village, said the main reason the openings were proposed was to reduce the damage caused by people climbing the fence, and to eliminate further liability because of that. He said he sent the City Council and the Mayor photos of other developments with similar fence openings that had locked gates. Many of those developments had street frontage, which Amiron Village did not have. The HOA wanted to maintain the fence and allow neighbors to be able to go through to either side without always having to go around. Smoking had been a concern, so the HOA established a no-smoking, zero-tolerance rule which had decreased the "less desirable" tenants significantly.

Joanie Kelly, resident of Amiron Village, said she would be excited to have the fence open. She had two children and felt that Amiron Village was a safe neighborhood and a good place for children to be. She walked through the neighborhood frequently and was excited at the prospect of having an easier thoroughway to get into the neighborhood. It took her two years to get to know her neighbors because the fence was a deterrent. Ms. Kelly saw the fence opening as an opportunity to foster neighborhood unity.

D.B. Long, vice president of the Amiron Village HOA, said he agreed with Mr. Liddiard about wanting to maintain the fence and avoid liability issues with people climbing it. The more senior neighbors were concerned over things that had happened fifteen to twenty years ago, and the Amiron Board had worked very hard to remove the “less desirable” element that was present at that time. They were attracting good, young families, and Mr. Long was concerned to see old concerns coming up in a new setting. He said Amiron Village was not the place it used to be, and he hoped to see Amiron Village be part of the community.

LaNae Millett, resident, presented information on the zoning history of the land Amiron Village was built on. At the time Amiron Village was built, the developer and neighbors agreed that a fence would be placed around the development. The agreement was written in the site plan, and the fence was constructed. Section 22-14-20(A) of the Orem City Code stated that a site plan was a binding document. Ms. Millett said Amiron Village required a fence under the Private Residential Development (PRD) ordinance, the purpose of which was to provide a buffer for surrounding neighborhoods. The ordinance said an exception could be made along street frontage, but Amiron Village had no street frontage. The area where the openings were proposed was to the back of Amiron Village, where pedestrians could walk by the bedroom windows of Amiron residents. She favored keeping the fence closed. The fence served not only as a buffer but to preserve and protect privacy. In 2002, the Planning Commission said Section 22-14-20(D) was their reasoning for closing the openings, which stated factors to consider for amendments to site plans included whether the proposal promoted the health, safety, and welfare of the community.

David Gonzalez, board member of Amiron Village HOA, said his daughter and grandchildren lived in Amiron Village and he felt the community was safe. He was grateful to live in a country that valued freedom, and continued to evolve to protect those freedoms. Mr. Gonzalez said cities change and often change for the better. He said was in favor of opening the fences even as he understood the concerns. Mr. Gonzalez invited those concerned to embrace their neighbors.

Diane Knight, resident, said this was not a group of mean-spirited people, but a group of citizens that had gone through difficult events they did not want to repeat. She favored keeping the fence closed. Many in the neighborhood had bought their homes because the street was a dead end, which offered security and privacy.

Georgia Omer, resident, said she favored keeping the fence closed because Amiron Village residents would park in the neighborhood because it was closer than parking in the Amiron Village. When the fence was opened years ago, the parking situation got so bad that garbage was not picked up and mail was not delivered because the trucks could not get through the neighborhood.

Shawna Campbell, resident, reiterated the sentiments already shared in her email to the City Council and said she favored keeping the fence closed.

Craig Cheney, resident, said that he and his wife preferred to live in a quiet, close-knit neighborhood with little foot traffic, which was what led them to purchase a home in that neighborhood. He said the dead-end street with a fence buffer seemed an ideal and safe place to

raise children because there would be limited foot traffic through the neighborhood. He said he favored keeping the fence closed.

Mayor Brunst closed public comments and brought the discussion back to the Council.

Mr. Seastrand said there had been a number of issues from Amiron Village that had come before the City Council during his years of service. He complimented Mr. Liddiard and Mr. Long and the HOA for their organization's hard work and efforts made to improve the neighborhood. Mr. Seastrand said the reasons he had heard to open the fence were (1) to minimize damage to the fence, and (2) allow greater accessibility through the neighborhood for residents. The reasons he heard to keep the fence closed were (1) parking issues, and (2) safety concerns for neighborhood children. In neighborhoods with similar fence issues, the openings were to connect to street frontage or parks, whereas the proposed openings would open into private residences. Mr. Seastrand wondered if the no-smoking policy at Amiron Village was causing smoking issues in other neighborhoods. He said the nature of the PRD in the neighborhood raised some questions in his mind as to why those decisions were made years ago, especially the lack of a cul-de-sac on 325 West, but there was no redo button they could push so they had to move forward with improvements in the best way they could. Mr. Seastrand said his gut feeling was the fence should remain closed to protect the security of children, and protect the playground and other amenities the HOA paid for. He suggested there were other ways to secure the fence and deter people from climbing over it. He said he hoped the neighborhood could come together regardless of the decision that was made.

Mr. Spencer asked Mr. Liddiard if any HOA board members were residents of Amiron Village. Mr. Liddiard said there were two board members who resided at Amiron Village. Mr. Spencer asked who enforced the no-smoking rule. Mr. Liddiard said he, along with board members, enforced the policy. He said he went through about three times a week, and the board members who lived in Amiron Village reported violations to him and the vice president of the HOA. Mr. Long added the fine for violating the no-smoking rule was \$25 the first time, and increased in increments of \$25 for subsequent offenses up to \$100.

Mr. Macdonald said Mr. Seastrand had summarized many of his own thoughts, and he had nothing more to add.

Mrs. Black said she appreciated the information she received from residents, and read everything very carefully. She listened to the discussion on the issue from the Planning Commission meeting, and went to the neighborhood both at daytime and at night. The reasons she heard for opening the fence were:

- Increased access to the neighborhood to promote social and ecclesiastical relationships
- To make it easier to walk to areas in the north
- To prevent property damage to the fence
- Egress for residents for safety purposes
- The right to access the public street area
- Amiron Village had much improved in regulations and the general environment in the years since the fence was last opened many years ago
- Many similar developments had gates or openings in their fences that led onto public property, although the nature of the public street in this instance was different.

- The staff had indicated the openings would support the City Bicycle and Trails Master Plan for more bicycle and pedestrian access throughout the city.

Mrs. Black said the reasons she heard for keeping the fence closed were:

- History of bad experiences from when the fence was opened many years ago
- Fear of the unknown – potential problems with:
 - Parking
 - Smoking
 - Trash
 - Criminal activities
 - Strangers in the neighborhood

Mrs. Black said her thoughts on the matter were also conflicting, but she thought that access could be a very good thing. Barriers like fences tended to discourage building those relationships, but an opening could allow neighbors to have increased friendship and comradery with one another. Mrs. Black said she felt the fence should not be considered much of a crime-prevention tool, especially as people were already crossing the fence without openings. Mrs. Black said conditions had improved and changed at Amiron since the last opening, and perhaps it was time to give it another try. The parking issue was the real concern. She suggested perhaps a permit situation for street parking in the neighborhood. She also suggested opening only one access on 375 West, and monitoring that for a probationary time period to see if old problems arose.

Mr. Andersen said he had visited the neighborhoods as well. He thought the idea of opening the fences to promote pedestrian and bicycle traffic was not ideal, because the paths would go by windows of residents and through backyards.

Mr. Sumner said he appreciated the process that allowed for residents to be heard. He said he had asked those who contacted him for solutions and had not heard any, other than allowing the fence to open or remain closed. Mr. Sumner said he did not believe fences kept neighbors from fostering friendships, or that openings would take away value from homes there, but he thought it could bring back old problems. The parking permit idea could work, but that would be a process that took time to establish.

Mayor Brunst said he appreciated how much time and effort each councilmember put into researching the issue. He had also visited the neighborhood, as well as similar neighborhoods with developments nearby. He thanked Mr. Liddiard and the HOA for their efforts to make Amiron Village a nicer neighborhood. There was an opening in the south fence of Amiron Village to street frontage and cars were parking on the road overnight, but the openings proposed would be different. Mayor Brunst reiterated many of the points Mr. Seastrand made, and said he was not in favor of an opening in the 325 West fence. He appreciated the compromise Mrs. Black had suggested.

Mayor Brunst **moved**, by resolution, to reverse the Planning Commission approval of the amended site plan of Amiron Village at 1360 North Amiron Way in the R6 zone, pertaining to pedestrian access to openings in the existing fence at 375 West and 325 West. Mr. Spencer **seconded**. Those voting aye: Hans Andersen, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. Those voting nay: Margaret Black. The motion **passed**.

COMMUNICATION ITEMS

BUDGET REPORT – December 2014

The Budget Report was included in the packets distributed to the City Council.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson had no information items.

ADJOURNMENT

Mr. Andersen **moved** to adjourn the meeting. Mr. Spencer **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 7:38 p.m.

Donna R. Weaver, City Recorder

Approved: February 10, 2015