

CITY OF OREM  
CITY COUNCIL MEETING  
56 North State Street Orem, Utah  
April 14, 2015

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

CONDUCTING Mayor Richard F. Brunst

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; Chris Tschirki, Public Works Director; Karl Hirst, Recreation Director; Scott Gurney, Fire Department Director; Gary Giles, Police Department Director; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; Ryan Clark, Economic Development Division Manager; Reed Price, Maintenance Division Manager; Ernesto Lazalde, Information Technologies Division Manager; Sam Kelly, City Engineer; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

URMMA Presentation – Paul Johnson

Paul Johnson, CEO of Utah Risk Management Mutual Association (URMMA), presented information to the City Council about the possibility of representing groups beyond municipalities. Mr. Johnson said a small special service district had requested to join URMMA, but current documentation would not allow that. The URMMA Board of Directors would require a unanimous vote of each municipality to amend the interlocal agreements to allow URMMA to represent groups like counties or special service districts. Mr. Johnson further explained that not all other groups would be a good fit for URMMA, and there would be an application and vetting process before allowing a group to join. He said adding groups like special service districts would not likely affect other URMMA cities. However, there was potential that a special service district could have a large claim which could impact URMMA reserve funds. Mr. Johnson said it would affect staff to a degree, because specialized training may be required for personnel. He asked the general thoughts of the Council on the possible expansion of URMMA.

Mrs. Black asked what the advantage to URMMA would be in expanding to include special service districts.

Mr. Johnson said adding groups could help with reserve funds, depending on the size of the entity. Many special service districts served in areas congruent with URMMA cities, and most special service districts did not have great liability issues.

Mayor Brunst asked what would be considered a big lawsuit.

Mr. Johnson said he considered any suit that would take from URMMA reserves would be considered a big lawsuit, around \$.5 million and up. He said there was approximately \$9 million in reserves currently.

Mr. Sumner asked if there was only the one request to join URMMA.

Mr. Johnson said only one request currently, but other entities had inquired. The current request came from a small special fire district near the URMMA municipality of Enterprise. The district had assumed they were covered because Enterprise was covered. The fire district had not had claims yet in its history but had the potential for lawsuits as it had taxing authority to raise funds to pay its contract costs.

Mr. Davidson said Mr. Johnson had done a tremendous job at URMMA and his many improvements to the organization had caught the attention of other groups. URMMA's hands were tied because it was not permitted to expand under the current structure. The Board had asked Mr. Johnson to meet with each municipality's council to gauge whether the councils would look favorably or unfavorably on expanding before URMMA brought anything formally before a council. Mr. Davidson said increasing the pool of working partners in the organization would increase revenues and encourage entities to stay with URMMA. He emphasized that any entity would go through a thorough evaluation process before being allowed to join.

Mrs. Black said it sounded like it would be a good fit with special service districts.

Mr. Andersen asked about how rates were set.

Mr. Johnson said there was a formula to figure the rates. The formula for a city rate was based on budget, number of employees, and the types of activities they would do. They would use a similar formula.

The general consensus of the City Council was that expansion of URMMA would be viewed favorably.

#### FOLLOW UP – Utility Master Plan

Mr. Tschirki provided an update on the Utility Master Plan regarding the public information and outreach process. He said Steven Downs and Peter Wolfley had been working to produce a three to five minute informational video that would include interviews with key participants in the update process, aerial shots using drones, and educational illustration. Mr. Tschirki said wells and springs would be included in the aerial shots, as well as footage from the water treatment and reclamation facilities to show residents how water gets from its source to their homes. He said one important point of information would be that the proposed plan was a debt free plan, and that increases would be incremental to cover costs over time. He also said this was a modest course correction to make the systems sustainable into the future. Mr. Tschirki said the mailer would show a one-year snapshot only and would be sent to every resident individually, marked clearly as important so residents know to read it.

Mr. Downs said they would be contracting with the same individual who had done other Orem videos. He said they planned to use an analogy of doing home repairs sooner rather than later to prevent further damage and cost in the future. The message would be not that Orem had waited too long, but that the time to act was now to avoid major problems into the future. Mr. Downs said the goal was to educate as well as inform as to the necessity for and rationale behind the proposed changes. Along with the video there would be a webpage built to answer frequently asked questions, show graphical representations, break down the utility needs into the three categories of water, sewer, and storm water, and allow for residents to ask questions and receive feedback. The information presented would be as general or as detailed as needed for individual's preference. Mr. Downs also said information would be included on the quarterly newsletter, and there would be a separate mailer that would go out to each residence about the proposed changes. There would be open houses, public information meetings, and an ad placed in the *Daily Herald* to reach all citizens through as many mediums as possible.

The Mayor and Council reviewed a sample mailer with Mr. Tschirki and Mr. Downs, and gave feedback and suggestions on ways to improve the mailer. Some feedback included adding historical and current comparisons with other cities on utilities, timeline of implementation dates, more accurate wording and clear graphics, a calendar of public meetings and open houses as well as best locations for meetings, and other suggestions for how to inform citizens to ensure awareness of the proposed plan. Another point of feedback was to explain that the increases were tied to CPI (Consumer Price Index), and to give context of what funds will go to immediately and in the future.

Mayor Brunst suggested showing how limited utility increases had been in Orem previously and that the proposed increases were now needed out of necessity to balance many years with little or no increase.

Mrs. Black said it was important to show comparisons with other cities, and that many were reviewing similar proposals for utility increases.

Mr. Macdonald agreed, saying he thought a comparison of Orem and other cities from 2010 through 2020 would be of value to show where Orem would fall with the average over the ten years.

Mayor Brunst said the changes were needed but the amount was high, and he anticipated a lot of feedback.

Genelle Pugmire with the *Daily Herald* asked for clarification about proposed increases.

Mr. Tschirki said the proposal was an average annual increase to the monthly bill.

Mr. Sumner said it might be beneficial to take an average bill and walk through the average increases for residential and commercial utilities.

Mr. Tschirki said they planned to have that information available online and at the open houses.

Mr. Davidson said it might be possible to create an online do-it-yourself tool where citizens could enter their information and the tool would generate the information on increases and show

what the amount would be for the new bill. He said creating the tool would take some time but could likely be done within a few months.

Mrs. Black said it was important to be clear about the timeline for implementation.

Mayor Brunst said he thought the wording should reflect that the plans were proposed to encourage residents to come out to open houses and give feedback.

Mr. Davidson said that, from a policy perspective, the Council agreed that something needed to be done. The wording was important, but it was equally important to emphasize the need for these updates.

Mrs. Black said the wording could reflect the need for the changes to support the proposed plan. That way the need was made clear, and the plan was specified as a proposal.

Mr. Macdonald said making the need clear was most important.

Mayor Brunst asked where open houses would likely be held.

Mr. Tschirki said they planned to have them at the Public Works facility, so residents could get tours of the facility and see equipment. Staff anticipated extending opportunities for tours and personal visits to the water reclamation facility as well.

Mr. Sumner asked if it might be better to host some meetings in schools throughout Orem, so it would be easier for residents to come.

Mr. Davidson said having it at the Public Works facility would show the magnitude of the operation to open the eyes of residents who may not realize how much went into it.

Mr. Tschirki said the meetings could be held at multiple facilities and some equipment could be brought to other locations, but at least one at meeting would be held at the Public Works building.

Mrs. Black said it might be a good idea for the City Council to tour the various water and utility facilities.

#### BUDGET DISCUSSION / PREVIEW – Enterprise Funds, CIP

Mr. Tschirki presented on Enterprise Funds and Capital Improvement projects (CIP). He said all but recreation enterprise funds were part of public works. Public works enterprise funds were for water, sewer, storm water, and street lighting. There was a street enterprise fund in the form of Fund 20, which was a road fund. Fund 45 was the City's general CIP fund. Mr. Tschirki said traffic operations were not an enterprise fund, and had received \$1.3 million in grant money to construct improvements for Intelligent Transportation Systems (ITS). With that they had added eleven CCTVs, replaced eighteen detection systems, upgraded thirteen data collection stations, and installed eight new data collection stations.

Public Works Department Fiscal Year 2015-2016 Capital Improvement Projects

- Capital Improvement Projects
  - Parks (Fund 10/45)
  - Traffic Operations (Fund 10/45)
  - Streets (Fund 20)
  - Water (Fund 51)
  - Water Reclamation (Fund 52)
  - Storm Water (Fund 55)
  - Street Lighting (Fund 10/58)
- Traffic Operations (Fund 10/45)
  - \$1.3 million ITS Project in FY 2014-2015
  - Fund 45 was used to pay for \$60,000 match
    - Added 11 CCTVs
    - Replaced Detection at 18 Locations
    - Upgraded 13 Data Collection Stations
    - Installed 8 New Data Collection Stations
    - Replaced 21 Cabinets
    - Installed 7.5 miles of New Fiber
- Streets (Fund 20)
  - NOTE: \$.05 gas tax begins on January 1, 2016. Six months of this increase will be accrued and is estimated to be  $\approx$  \$240,000. Revenue approaching \$480,000 per year is expected to start FY 2017
  - \$240,000 will be assigned to the next highest priority overlay project (400 South, 800 East to Carterville at \$125,000)
  - State of the Streets Study will be updated this year
    - Identifies revenues needed to provide a variety of LOS (OCI = 80)
  - 2016 Crack Seals
    - \$300,000
    - 28 miles
  - Micro-Surfacing FY 2016
    - \$100,000
    - \$0.25/SF
    - Type 3 = 3/8" aggregate
    - Heavier, better wear and driving surface
  - Slurry Seal FY 2016
    - \$400,000
    - \$0.12/SF
    - Type 2 = 2/8" = 1/4" aggregate
    - Lighter product, good wear and driving surface
  - Overlay/Reconstruct FY 2016
    - \$230,000
    - \$1.00 - \$1.50/SF
  - 2016 Reconstruct
    - None planned
    - \$0
    - \$3.00 - \$5.00/SF
    - 1200 West highest priority
- Water (Fund 51)

- \$3.7 million CIP recommendation
- \$850,000 total available for CIP/CP
- 400 West
- Replace Jet/Vac Truck & Backhoe
- Water Reclamation (Fund 52)
  - \$1.1 million total available
  - \$2.7 million proposed in MP
- Storm Water (Fund 55)
  - \$610,000 total
  - \$2 million MP recommendation
- Street Lighting (Fund 10/58)
  - Six Expired Street Lighting Districts
  - Approximately 300 Cobra Heads Owned by RMP
  - City Pays for Power and Maintenance (SCH 11)
  - SCH 11 ~ \$16.54/Month
  - SCH 12e ~ \$4.62/Month
  - Estimated \$1.2M Material and Installation Costs
  - Additional Costs To Be Identified – Further Evaluation Necessary
  - Siemens Energy Audit: Performance Based Contract
  - State Street, Center Street to 1800 South
  - Approximately 106 RMP Cobra Heads Owned by RMP
  - City Pays for Power and Maintenance (SCH 11)
  - SCH 11 ~ \$16.54/Month
  - SCH 12e ~ \$4.62/Month
  - \$500,000? Material and Installation
  - RMP Purchase Cost – Currently Under Evaluation
  - Siemens Energy Audit: Performance Based Contract
- Fleet (Fund 61)

Mr. Tschirki said the vehicles that were scheduled for replacement had been repaired and had parts replaced for years during the recession years to keep them running, but it was not cost effective to continue to do so. He said the increase in gas tax of \$.05 would produce around \$480,000 but would not go into effect until January 1, 2016. Money would not flow in on January 1, 2016, but would be programmed from then into the next fiscal year and into the future.

Mayor Brunst asked how many employees were trained on fiber.

Mr. Tschirki said three were trained for splicing but only one or two would actually do that.

Mr. Seastrand asked about the rotation of crack sealing areas.

Mr. Tschirki said it was an eight-year rotation, with slurry sealing following the crack sealing schedule.

Mr. Sumner asked if street projects were contracted out, or if the City did those.

Mr. Tschirki said a good portion of street projects were contracted out, like overlays and reconstructs, but the City did projects like leveling, patches, pot holes, and parking lot treatments.

Mayor Brunst asked how long it would take to replace small pipes with correctly sized pipes throughout the city.

Mr. Tschirki said if funding were in place it could be done in a few months. It was not, so pipe replacement would be done incrementally. Lining would extend the life of the pipes.

Mayor Brunst asked if vehicles being replaced could be sold or recycled in some way.

Mr. Tschirki said that, generally speaking, very little could be recycled because of the age of the vehicles, and it would be unusable or unsellable because of the heavy use of the vehicle.

Mayor Brunst asked if there was a grant from Rocky Mountain Power (RMP) for updating to LED street lights.

Mr. Tschirki said there was about \$80 rebate per LED light. He said the City was also looking to replace RMP lights with Orem lights which would create long-term savings as the City would no longer pay RMP to maintain. Annually the City paid approximately \$400,000 to Rocky Mountain Power for that maintenance and power. If the City owned the lights, they would only pay for the power through RMP.

Mr. Andersen said replacing existing lights would have higher costs and asked if the City could just replace the bulbs in the cobra lights.

Mr. Tschirki said the cost to replace lights would be the most cost effective option in the long run because they would save on costs for maintenance. Replacing the bulbs in those lights would not bring any savings to the City. Mr. Tschirki said there were only approximately 300 cobra head lights that needed replacing in a pool of 5,000 lights.

Mr. Davidson explained that certain programs like Information Technology (IT) were not funded through enterprise funds, but through internal service funds. He turned the time over to Ernesto Lazalde, Information Technologies Division Manager, to present an overview of the Information Technologies Strategic Plan.

#### Information Technologies Strategic Plan

- Key IT Services
  - Network design, installation, and maintenance
  - Network and server security
  - Network and Telephone wiring
  - Wireless network design and management
  - Integrated Library System (ILS)
  - Cell phone account management
  - Desktop, laptop, printer, and peripheral support
  - Telephone system

- Email and collaboration software
- Third-party applications
- Mayor Projects FY 2015/2016
  - Implementation of the new Integrated Library System (ILS) software
  - Replace 70 desktop computers
  - Organize a Help Desk system to provide extended hours support
  - 311 and citizen service request system
  - Develop software that takes advantage of new technologies
  - Update the telephone operating system and switch firmware
  - Replace two virtual host servers
  - Install early warning intrusion detection system
- Integrated Library System
  - Replaces library software that has been in place for over 10 years
  - Integrates with the latest technologies and services
  - More flexible configuration and user interface
  - Supports better integration of digital media
  - Database can be accessed through an application programming interface for customer features and integration with City financial applications
  - Better user experience with mobile apps and customer account features
- Computer Rotation Plan
  - Servers rotated every 3 years (virtual hosts)
  - Personal computers every 4 years
  - Core switching equipment every 7 years
  - Telephones every 7 to 10 years
  - Patrol car laptops every 4 years
- Computer Replacement Summary
  - Replaced this year (FY 2014/2015)
    - Fitness Center – 10
    - Public Works – 11
    - Police and Fire – 38
    - Library – 5
    - City Manager’s Office – 4
    - TOTAL – 68
  - Next Fiscal Year (FY 2015/2016)
    - Fitness Center – 3
    - Public Works – 11
    - Police and Fire – 16
    - Library – 24
    - Legal Services – 4
    - Administrative Services – 10
    - Development Services – 2
    - TOTAL – 70
- Computer Rotation Plan
- Centralized Help Desk Implementation
  - Allows for extended hours support
  - Facilitates cross training of support staff
  - Consolidates personnel resources that are used to support other departments

- Central access to support databases and resolution information
- All network administrative tasks can be given to support technicians to empower them with better resolution capabilities and more useful after-hours support
- Uniform accountability and performance measurements for support staff
- Cross-training for better user support
- Help Desk Software (\$85,000)
  - Tracks inventory of computer hardware and software
  - Manages software licensing
  - Provides remote deployment of software upgrades and new installations
  - Comprehensive query features
  - Remote control of user computer by help desk technicians
  - Schedule maintenance updates to groups of computers
  - Will allow IT to support more applications and computers without hiring more technicians
  - Vital as a central tool for a centralized help desk with extended hours support
- IT Proposed Organizational Chart
- 311 and Citizen Service Request Software (\$85,000)
  - Automates the process for dealing with service requests and work orders
  - Maintains knowledge transfer (currently the City's secretaries, receptionists, and clerks get about 2,000 calls per month)
  - Faster/efficient service, all FAQ's in one place, increased transparency, more focus on customer service/responsiveness
  - Web/App interface for citizens, employees taking the call, for the employees implementing the service request, and for management/supervisors to see an overview of the requests
  - The flexible nature of this software can integrate with and would enhance existing applications the City has developed or have already been purchased
- Software Development Goals
  - Convert data access methods in existing applications to SQL (industry standard)
  - Develop all new applications with SQL architecture
  - Develop mobile applications that tie to City databases
  - Add imaging features to existing applications as a step to paperless processing
  - Cross train developers
  - Provide training to staff on new technologies
  - Utilized Cloud Computing in our software development efforts
  - Implement a prioritization system for new applications

Mr. Lazalde said an intrusion detection system would be to detect intruders into the network in real time and alert staff when the intrusion happens. He said hackers and other organizations were using different techniques that bypassed traditional software security measures. Orem wanted to stay a step ahead and protect its databases. There had not been a security breach thus far, and Orem contracted with a security company to test systems and report on what they found. Every three months a test was conducted to be PCI compliant to allow the City to continue to take payments by credit card. Mr. Lazalde continued that the current ILS system used by the library was running on Windows XP, which was a system that was no longer supported. For library computers to continue to access their ILS system, they had to use old and outdated

equipment. They planned to implement the new ILS system in conjunction with computer replacement in the library.

Mayor Brunst asked about Orem programs on the cloud.

Mr. Lazalde said some programs were currently on the cloud, for example the meter reader and building inspector applications. He said there were several different types of cloud-based services, and to maintain security and data control Orem would create its own cloud-based service, served from Orem's data center.

Mr. Davidson said Chief Giles was working with other agencies to establish cloud-based dispatch services.

Mr. Bybee said Mr. Lazalde had been working to implement a strategic plan for the IT program, and they were trying to spread costs over the years and focus on customer service internally as well as externally.

Mr. Lazalde said the goal of the technology was to help people do more work with fewer personnel.

Mayor Brunst asked if the 311 system would be similar to Provo's.

Mr. Lazalde said it would be similar, with some specific features for Orem.

Mr. Davidson said it would allow the City to set the foundational piece of a 311 system. The idea in the future was if people had a question about a service the City would provide, they would not need to remember the specific phone number of the department they needed but could call 311 and speak to an operator who would direct the call. A physical consolidation, like Provo had, would be additional phase.

Mr. Davidson said several months ago \$2.8 million was transferred into the CIP (Capital Improvement Project) fund to keep the General Fund from reaching its maximum in reserves and to go toward various projected. He invited Sam Kelly, City Engineer, to present the City's recommendations on how some of those funds were proposed to be spent.

#### General Fund Capital Improvement Projects

- Fire Station #1
  - Parking lot replacement
  - Estimated cost \$300,000
- Scera East Parking Lot
  - Parking lot replacement
  - Estimated cost \$200,000
- Westmore Park
  - Parking lot replacement
  - Estimated cost \$40,000
- Senior Center
  - Carpet replacement

- Estimated cost \$40,000
- Cascade Park
  - Playground equipment replacement
  - Estimated cost \$75,000
- Police
  - Body camera
  - Estimated cost \$23,000
- Lakeside Sports Park
  - Fence repair
  - Estimated cost \$25,000
- Nielson’s Grove/Mt. Timpanogos Park
  - Wood structure staining
  - Estimated cost \$60,000
- Signal Upgrade
  - 800 South – 1200 West
  - Estimated cost \$92,000 (cost share with UVU)
- Microsurfacing
  - 1600 North
  - 1060 West – 800 East
  - Estimated Cost \$160,000
- Windsor Park
- Studies
  - MAG Funded Project
    - 1200 South/State Street Intersection Relocation Study
    - Estimated cost \$30,000 (6.77% match)
  - MAG Funded Project
    - Lakeview Parkway
    - Estimated cost \$30,000 (6.77% match)
  - Transportation Oriented Development (TOD) Study
    - Multi-agency study of TOD and University Parkway
    - Estimated cost \$10,000

Mr. Kelly said nearly all the playground equipment at Cascade Park would need to be replaced. Because of its age, it could no longer be cannibalized.

Chief Giles said the real cost with body cameras was not necessarily the cost of the camera itself, but the retention and storage of data. He said following the retention schedules was priority, as well as finding a cost effective way to store and manage the amount of data the cameras would collect. He said body cameras would be a multiyear implementation. There would also need to be staff updates on software training, redacting, and retention schedules. Chief Giles said other municipalities had implemented body cameras with no long-term plan for how to store the data.

Mr. Davidson said body cameras had been discussed in the legislative session, and he applauded Chief Giles for being a step ahead of a mandate. Once they identified the best system for the cost, significant dollars would need to be invested.

Mayor Brunst said he was interested in getting Nielson’s Grove back to full order.

Mr. Hirst said Steve Davis had informed him that the plan was to have the fountains working for the coming season.

Mr. Davidson said the parks crew had done a nice job doing repairs in the park over the winter. He said Mr. Tschirki, Mr. Price, and the park staff were working to get the park back to full working order.

Mayor Brunst asked about the status of the 1600 North intersection in terms of resurfacing.

Mr. Kelly said the intersection would not be done at this time because of the plans to buy property to update the intersection. They were negotiating with property owners to get things out to bid to construct and fix road.

Mayor Brunst asked about the signal upgrade in conjunction with the Alpine School District.

Mr. Kelly said it would be moved to the north where the pick-up and drop off would be.

Mrs. Black asked if the signal would keep the crossing guard.

Mr. Kelly said a crossing guard would still be stationed there during school hours. After hours the intersection would function as a regular hawk signal.

Mr. Davidson said the projects identified were simple things like parking lot reconstructs, but they were long overdue. He said when the City Council authorized the transfer from reserve to CIP fund, within budgeting guidelines and rules the City could now allocate those moneys to these identified projects. If the Council was comfortable with the outlined projects, then those projects could begin in earnest as no additional formal procedure was necessary.

Mr. Macdonald said he agreed with the proposed projects but wanted to make sure these were the top priority projects.

Mr. Davidson said several months ago Mr. Tschirki brought in a long list of CIP for parks. The projects proposed tonight were five of the top priorities on the list, and the idea was to incrementally work through the list as best as possible. They wanted to spread the projects throughout Orem instead of concentrating on specific areas.

Mayor Brunst said the proposed projects were only about half of the money that had been transferred, so the Council could make suggestions for other projects on the list.

The general consensus was to move forward with the proposed projects.

#### ADJOURN TO THE CITY CENTER BASEBALL FIELDS

The Orem Youth Baseball games were delayed due to inclement weather.

#### 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; Chris Tschirki, Public Works Director; Karl Hirst, Recreation Director; Scott Gurney, Fire Department Director; Gary Giles, Police Department Director; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; Ryan Clark, Economic Development Division Manager; Reed Price, Maintenance Division Manager; 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

There was no new City Council business.

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

**6:00 P.M. REGULAR SESSION – COUNCIL CHAMBERS**

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; Chris Tschirki, Public Works Director; Karl Hirst, Recreation Director; Scott Gurney, Fire Department Director; Gary Giles, Police Department Director; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; Ryan Clark, Economic Development Division Manager; Reed Price, Maintenance

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

## **INVOCATION /**

### **INSPIRATIONAL THOUGHT**

Marie Ridge

### **PLEDGE OF ALLEGIANCE**

Sarah Bateman

## **APPROVAL OF MINUTES**

Mrs. Black **moved** to approve the March 24, 2015, City Council meeting minutes. Mr. Seastrand **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.

### Appointments to Boards and Commissions

There were no appointments to boards and commissions.

### Recognition of New Neighborhoods in Action Officers

Mr. Macdonald **moved** to appoint Jed C. Christensen as the Geneva Heights neighborhood chair. 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.

### PROCLAMATION – Arbor Day

Mayor Brunst read the proclamation for Arbor Day, designating April 24<sup>th</sup> as a day to encourage citizens to plant trees in Orem to beautify the landscape, enhance property values, moderate the temperature, clean the air, reduce erosion, and provide habitat for wildlife.

Reed Price, Maintenance Division Manager, said Orem was proud to have been recognized as a Tree City USA for nearly twenty consecutive years. The City had embraced having trees in the community to beautify Orem for residents and visitors, and would continue to strive to maintain the qualifications to be distinguished as a Tree City USA.

### RECOGNITION – 2015 Utah State Mother of Achievement – Gladeeh Begaye

Mayor Brunst recognized Orem resident Gladeeh Begaye, who was named the 2015 Utah State Mother of Achievement by the American Mothers, Inc., Utah Association. Mayor Brunst highlighted some of Ms. Begaye's many accomplishments and contributions to the community, and thanked her for all of her efforts to improve the lives of those around her.

## **CITY MANAGER'S APPOINTMENTS**

### Appointments to Boards and Commissions

There were no appointments to boards and commissions.

## **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.

Alanna Hunter, resident, said she was concerned about the new website set up for the Neighborhood Preservation Unit. The landscaping portion was too general in the code. She said she thought that left the website open to overuse and abuse. There should be clarification on what constituted a legitimate complaint to avoid overzealous neighbors making unfounded reports. She said she appreciated that the website asked what steps had already been taken before turning things over to City officials.

Alysha Milligan, resident, said she wanted to advocate for a dog park in Orem. She referenced a recent survey where many respondents had noted they would be interested in a dog park in Orem, especially for those who did not have spacious yards where dogs could play off the leash. Ms. Milligan said she had a Facebook group called Orem's Bark Park as a forum for dog owners to share ideas and post information.

Mayor Brunst gave a brief update on the Utah League of Cities and Towns midyear conference. He said a main topic of discussion was adopting the local option sales tax for motor fuel, which had been passed by the state legislature and would now go to the county commissioners for adoption. It allowed for tax to be based on a whole sale rate and to be added as a \$0.25 sales tax that would go toward BNC roads, mass transit, and county roads. Mayor Brunst said it was important to improve and maintain roads and transportation for this generation and generations to come.

## **CONSENT ITEMS**

There were no Consent Items.

## **SCHEDULED ITEMS**

6:20 P.M. PUBLIC HEARING – General Plan and Rezone – 1027 & 1045 E 800

RESOLUTION – Amending the General Plan by changing the land use designation from Low Density Residential (LDR) to Community Commercial (CC) on 0.69 acres located generally at 1027 and 1045 East 800 North

ORDINANCE – Amending Article 22-3-5(A) and the Zoning Map of the City of Orem by changing the zone from R8 to C1 on approximately 0.69 acres at 1027 and 1045 East 800 North

Mr. Bench reviewed the applicant's request that the City Council, by resolution, amend the General Plan land use map of the City of Orem from Low Density Residential (LDR) to Community Commercial (CC) and amend, by ordinance, Article 22-3-5(A) and the Zoning Map of the City of Orem by changing the zone from R8 to C1 on approximately 0.69 acres at 1027 and 1045 East 800 North.

The applicant owned two parcels of property on the north side of 800 North at 1027 East and 1045 East 800 North. The two parcels combined contained a total of approximately .567 acres. There was an existing structure on each parcel which had both been used as assisted living facilities since 1995. The building on the east continued to be occupied by Canyon View Assisted Living and the building on the west was currently vacant. The property was currently zoned R8 which allowed assisted living facilities for elderly persons as a permitted use. The combined properties were also bordered by residential dwellings on the west, east and north.

The applicant was requesting that the property be rezoned to the C1 zone. The C1 zone allowed a number of office-type uses, but did not allow retail uses. The C1 zone allowed buildings to be constructed to an overall height of forty-eight (48) feet and had no architectural or finishing material requirements.

The applicant also requested that the City Council amend the General Plan to apply the Community Commercial (CC) designation to the subject properties. The General Plan currently designated the properties as Low Density Residential (LDR). The Community Commercial designation would allow the property to be rezoned to either the C1, C2, or BP zone.

The Planning Commission considered this request at a public hearing on March 18, 2015. Among other things, the Planning Commission discussed the implications of rezoning the property to the C1 zone versus the PO zone.

The Planning Commission believed that the PO zone would be preferable to the C1 zone because the PO zone was specifically created for the 800 North corridor and contained standards that were intended to make buildings more compatible with adjoining residential uses. For example, the PO zone required that buildings be designed with a residential style. It required pitched roofs, limited the types of finishing materials that may be used, provided that no portion of any structure within 100 feet of a residential zone may be more than one floor above the natural grade, limited the total height to thirty-five feet, and limited the footprint of buildings on a site of less than three acres to no more than 7500 square feet. All of these standards were intended to make the PO zone a zone that could be compatibly located adjacent to residentially zoned properties behind the frontage of 800 North. These standards were not included in the C1 zone.

The new owner would like to operate a detox and short-term drug and alcohol rehabilitation facility on the property. This particular use would likely be classified as either a medical service use (SLU Code 6510) or as a transitional treatment facility (SLU Code 1283) depending on the specifics of the proposed use. Neither of these uses were permitted in the R8 zone. The C1 zone would allow the applicant to operate the type of facility he desired since both transitional treatment facilities and medical services were permitted uses in the C1 zone. If the property were rezoned to the PO zone, the applicant could operate a detox facility on the property as a medical use, but a transitional treatment facility would not be permitted.

The applicant held a neighborhood meeting related to his request on January 21, 2015. Eight people were in attendance. Some of the attendees had concerns about the future uses of the property, the security of the facility, and encroaching commercial zoning in a residential area.

If the City Council chose to rezone the property to a commercial zone, Staff recommended that the City execute a development agreement with the owner that would require the owner to install

a seven-foot masonry fence around the property to buffer the adjoining residential properties from commercial uses on the property. A seven foot masonry fence was required for all developments in a commercial zone along the boundaries of adjoining residential property.

Mike Jorgensen, applicant and owner of HDMJ and Steps Recovery Center, said his business operated residential outpatient and sober house facilities in the state and was affiliated with two facilities in Orem. Mr. Jorgensen said he believed the Planning Commission was not supposed to be swayed by public opinion but thought that the outcry of the public at the meeting had influenced the recommendation. Zoning was the issue, not the specific function, he wanted the property to serve, and said the majority of comments at the Planning Commission meeting had negative comments from neighbors about the intended use. Mr. Jorgensen said his understanding was that his intended use for the property would likely be classified as medical service use which could operate in a PO zone. He did not see the area as a residential zone when thousands of cars passed the front door every day on 800 North. Mr. Jorgensen said he believed public outcry came from ignorance of what took place in facilities like the ones he was hoping to establish. He offered to have his medical director address that topic.

Mayor Brunst said he would prefer to hear only comments about the proposed zone change.

Mr. Jorgensen said the actual use of the property would be determined by the outcome of this discussion, whether the property be used as a medical detox center or as a sober living home. If the zone amendment was approved to be a C1 or PO zone, the property would be used as a medical detox center where residents were mostly sickly and not active and were under constant supervision. If it was denied, the property would be used as a sober living home which was transitional housing with limited supervision where resident were allowed to smoke and come and go as they wanted. Mr. Jorgensen said a concern the Planning Commission had was that the C1 zone allowed for buildings over forty-eight feet and had no architectural or finishing material requirements, but he would comply with the requirements on height. He said he believed his intended use was the best chance the neighborhood had to keep the “neighborhood” look and feel. He also stated that it was pocket or spot zoning, and those were the only properties left that were not torn down and were not already commercial properties.

Mr. Macdonald asked if the buildings immediately surrounding the applicant’s property to the east, the south, and the west were all residential, and Mr. Seastrand asked if the zoning in the area was all residential with the exception of the applicant’s property.

Mr. Bench said those buildings were all residences in a residential zone.

Mr. Jorgensen said he thought a business might be operating out of the farthest east residence but was not certain.

Mayor Brunst opened the public hearing.

Paula Berguson, resident, said she had sent an email expressing her concerns to the City Council. She said it seemed clear that a C1 zone did not belong in the area. The City had invested in the trail in that neighborhood, and the sidewalk expansion was very nice. The C1 zone would compromise the safety of pedestrians and cyclists along the path. Something to keep in mind was that the canal used to run through the area and now there was a trail, but there were no roads that

went through except for 800 and 1200 North. Children walking through to schools would need to walk along those paths. It would increase the traffic in the area and endanger child pedestrians.

Blake Tierney, resident, said it was a residential zone and the property directly neighbored five or six residential homes. The property was also near an elementary school. He encouraged the Council to listen to or read the public comments from the Planning Commission meeting, which he believed had been primarily focused on zoning issues and, not as Mr. Jorgensen had said, only on the intended use. Mr. Tierney said there were dozens of Orem residents opposed to the zoning change in their neighborhood, and the opposition was not to the use intended. He said for an ordinance to change the zoning, the applicant had to prove four things: (1) it was reasonably necessary to change, (2) the change was in the interest of the public, (3) the change was in harmony of the master plan, and (4) it would more fully promote the objectives and purposes of the ordinances. Mr. Tierney said he did not see that the applicant had satisfied any of the requirements, let alone all four. There were other locations better suited to accommodating them.

Dr. Jean Ann Johnson-Talbert, medical director for Steps Recovery Center, said she did not fully understand the zoning issue but in reading the minutes and hearing from the community she understood better. From her perspective, the zoning issues were not what she heard people comment on. Dr. Johnson-Talbert did not expect the recovery center to produce much traffic, as clients would stay in the home under medical supervision for five to seven days. She said she believed if the zoning were not amended to allow for the detox recovery center, the alternative was a sober living home where clients with a history of addiction problems would be under minimal or no supervision. She said a detox recovery center would not change the traffic, and they anticipated making minor improvements to the existing, residential-style buildings they had purchased.

Tom Sitake, resident, had home on the north side of the property. He believed in safety first and foremost. He and his wife were empty-nesters who saw their children and grandchildren frequently and spent time in their yard. While facilities like the one proposed helped people, he was concerned about the safety of his family, the elementary school children who passed through the neighborhood, and the neighbors that he loved.

John Williams, resident, said he was concerned about changing the zoning for a current owner when there was no guarantee the current owner would stay in business there for long. Mr. Williams did not believe C1 and PO uses were appropriate for the neighborhood. He said, for lack of a better word, the neighborhood was being blackmailed. Mr. Jorgensen's attitude toward the zoning request was, "If you don't give me what I want, I'll give you something worse." Mr. Williams said he took that as a threat.

Bob Wright, resident, said he had been involved with some of these questions over the years for locations of similar facilities. He understood the use of such a facility and its necessity, residents of the area should have influence on that decision. Mr. Wright suggested the Council ask themselves if they would like this facility in their own neighborhood.

Cathy Smolier, Steps Recovery employee, said that, instead of looking at Mr. Jorgensen's comment as a threat, they should look at it as an opportunity to have more choice in the neighborhood. Having the detox recovery center in that location would not change the fact that Harmons was across the way, and other commercial businesses were in the area on the busy

road. She said they were asking for the most conservative zoning that they could offer a high-end detox facility that would cater to the patients who were generally not a threat to the community. Ms. Smolier said it was best to take the emotion out of the decision-making process.

Linda Larsen, resident, said when Beehive homes were initially built they were well managed and taken care of, but over the years different owners and managers had brought deterioration to those same buildings. The elderly residents of those facilities were not cared for as promised. Ms. Larsen said she wanted to be clear that the area of concern would not be about the first owners running the facility, but the potential future owners or managers who could let the property change or deteriorate. The neighbors would appreciate consideration for not just immediate plans, but for future plans in those buildings.

Mayor Brunst closed the public hearing.

Mr. Seastrand said he could not speak to how other City Council members felt, but if he looked across the street from the applicant's property he could see what a typical PO zone would be, an area that was clearly commercial. The spot zone in question did not seem clear for commercial. His history had been that spot zone requests could start to encroach on residential zoning. He said he believed the reasons for the variety of zoning applications available was there were permitted uses that tended to cluster and attract similar uses in a zone. Mr. Seastrand said his feeling was the particular spot zone seemed to be an isolated area carved out for a specific purpose. He did not see the uses of a C1 zone being compatible in the future for the zone.

Mrs. Black said she agreed with Mr. Seastrand's assessment. She thought all the residents in the area would consider the area to be residential. She did not see a reason to change to a different zone at this time.

Mayor Brunst said his personal feeling was that the current zoning fit the area, and he did not find a compelling reason to change the zone. Those who purchased property were typically aware of the zoning of the property and should have figured the zoning into their plans.

Mayor Brunst **moved** to deny the request to amend the General Plan by changing the land use designation from Low Density Residential (LDR) to Community Commercial (CC) on 0.69 acres located generally at 1027 and 1045 East 800 North. Mr. Seastrand **seconded**. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

6:20 P.M. PUBLIC HEARING – Standard Land Use (SLU) Codes

ORDINANCE – Amending Appendix A of the Orem City Code pertaining to certain Standard Land Use (SLU) Codes in the CM, M1, and M2 Zones

Mr. Bench reviewed the Department of Development Services request that the City Council amend, by ordinance, a portion of Appendix A of the Orem City Code pertaining to certain Standard Land Use Codes in the M1, M2, and CM zones

The purpose of this application was to make several heavy industrial uses non-permitted in the M1, M2, and/or CM zones. Most of the uses proposed to be eliminated were not currently

located within the City and the proposed amendment would prevent them from moving into the zones in the future.

The M1, M2 and CM zones were generally located west of the I-15 corridor in Orem in the vicinity of Geneva Road. There was also a small area zoned CM on 800 North at the mouth of Provo Canyon. The uses currently allowed in these zones were industrial uses such as manufacturing, shipping, storage, warehousing, and recycling among and other similar types of uses. This request would limit certain types of heavy industrial uses that could locate within the City; however, many of the uses to be eliminated were not currently located within the City.

With the expansion and rebuild of Geneva Road, the growth currently taking place in Vineyard and the anticipated growth in Orem, certain several heavy industrial uses that were currently permitted no longer appear to be compatible with the current and anticipated future uses in the vicinity of the Geneva Road corridor, and were not projected to be the best use for the properties located within the M1, M2 and CM zones.

Much of these zones were located generally along the Geneva Road corridor and the proposed changes would facilitate future redevelopment along the corridor. The Geneva Road corridor in Orem was anticipated to undergo major changes in the future with the continued development of Vineyard and the potential redevelopment of areas in Orem.

Staff believed that other the types of development that would be appropriate in the Geneva Road corridor include uses such as more consistent with business parks, and light industrial types of development as well as and retail uses were perceived to become more fitting for this area. In order to encourage this type of development, Staff believed that it was appropriate to remove certain heavy industrial uses from the list of permitted uses in these zones. If these heavy uses were not eliminated, it was likely that without these and other changes the area along the Geneva Road corridor would continue to be a heavy industrial area for many years to come.

The proposed amendments to Appendix A would not affect any current businesses in the City. Of the six (6) uses affected, only SLU 5193 Scrap & Recycling Materials and SLU 4841 Sewage Treatment Plants currently exist in Orem. The amendments to Appendix A did not affect the locations where these existing uses currently operated, but would prohibit them from going in any new locations.

In addition to changing these six SLU codes from permitted to not permitted, SLU code 4851 Green Waste Composting and Recycling was proposed to be enacted and listed in all zones as not permitted. Green Waste Composting was not an appropriate use in the City due to extreme odor issues associated with this type of businesses.

The Orem General Plan stated, “Heavy industrial uses should be reduced in the future by developing more light and controlled manufacturing areas to encourage high-tech jobs.” This proposal was consistent with the General Plan.

During the public hearing on March 18, 2015 the Planning Commission recommended that the permitted Sewage Treatment Plants be classified as ‘Public Only.’ This change was reflected in the proposed amendments.

Mr. Andersen asked about green waste composting and recycling. He wondered what recycling meant in that context.

Mr. Bench said strictly green waste was recycled, no scrap metal or other materials. Businesses where materials decompose have odor problems, and surrounding businesses have problems with the smell.

Mr. Andersen said his recollection was the Council did not want to alter the land use codes without speaking to the businesses in the area first. He wondered what the compelling reason was for doing so now.

Mr. Bench said what Mr. Andersen was referring to was a change in land use codes that would make certain businesses legal nonconforming uses. Currently, Orem did not have any businesses with these uses in these zones. No businesses would be affected by the proposed change. It was just a first step in looking at the land use and zoning in the corridor.

Mr. Sumner asked if notices were sent to the existing businesses in the corridor. He said he agreed with eliminating the option for these undesirable businesses, but he was concerned about the perception.

Mr. Bench said they had done a general notice to the newspaper, not specific notices to the businesses because there were no businesses that would be affected by this change. He said this was the beginning of the process, and there were two meetings scheduled in May where all the businesses in the area would get individual notice to come to the meetings and address these issues. They were not trying to hide the process; this was simply a way to start the process to eliminate undesirable uses while there were no businesses in operation.

Mr. Davidson said if the City were to change something in an R8 zone, which had broad application, a notice would not go to every property owner. They would follow requirements as noted for proper noticing, and that was why no specific property owners had been contacted individually. No property owners would be directly impacted by the change.

Mrs. Black said it would be hard to notify people of a potential slaughterhouse that did not exist and was not proposed. She thought moving forward in this manner here was a good start on the process.

Mayor Brunst opened the public hearing. There were no public comments so Mayor Brunst closed the public hearing.

Mr. Seastrand said he owned property in an M2 zone and was concerned about weighing in, but he had spoken to the city attorney who said the change was general enough to not be a conflict of interest, so he felt comfortable participating. He said he was active in discussions with business owners, and none were requesting to have any of the businesses specified and in fact said they did not want these businesses to come into the area.

Mayor Brunst said that, on a personal note, years ago a business that processed chicken manure had moved in near his own business, which caused a terrible odor even half a mile away. The proposed changes would keep similar issues from arising in Orem.

Mrs. Black **moved**, by ordinance, to amend Appendix A of the Orem City Code pertaining to certain Standard Land Use (SLU) Codes in the CM, M1, and M2 Zones. Mayor Brunst **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, 6-1**.

RESOLUTION – To Appropriate Certain Property to the Orem City Police Department for Public Interest Use

Orem Police Chief Gary Giles asked that the City Council, by resolution, appropriate to the public interest use the following items of property. The Orem City Police Department (OPD) acquired the property as follows:

- The Remington 870 Wing Master Shotgun, Serial Number 4961904V came into the custody of the OPD after it was used in the commission of a suicide. See Case No. 08OR45990. The rightful owners of the property have been given notice that the shotgun is still in the custody of the OPD but have refused to claim the shotgun. The OPD would like to appropriate the shotgun for use as an entry gun by the SWAT team.
- The OPD found the motorized scooter/skateboard inside a garage after a suspect was arrested for vehicle burglary. See Case No. 13OR16739. The suspect indicated that the scooter/skateboard was stolen, and OPD (after reasonable attempts) has been unable to locate its owner. OPD would like to use the scooter/skateboard as decoy in high-theft areas.
- A resident turned the Husqvarna Model 435 Chainsaw, Serial Number 20113700161 over to OPD after finding it. See Case No. 13OR39680. The chainsaw has not been reported as stolen. The OPD has made reasonable efforts to locate the owner of the chainsaw, but has been unsuccessful. The resident who found and turned over the chainsaw has been contacted and has been asked to retrieve the property pursuant to Utah Code § 77-24a-5. He has failed to do so. The OPD would like to appropriate the chainsaw to use as a decoy in high-theft areas.

Before the lost or mislaid property may be appropriated, the OPD was required to obtain permission from City Council to apply the property to a public interest use. See Utah Code § 77-24a-1 et seq. Pursuant to this statute, the OPD sought the approval of the City Council of (1) the appropriation, and (2) that the above-described uses were for the public interest. Chief Giles specified that property owners either could not be identified or had been contact but had failed to retrieve the property after several years.

Mayor Brunst **moved**, by resolution, to appropriate certain property to the Orem City Police Department for public interest use. Mr. Macdonald **seconded**. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

## COMMUNICATION ITEMS

There were no communication items.

## CITY MANAGER INFORMATION ITEMS

There were no city manager information items.

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

Mayor Brunst **moved** to adjourn to a meeting of the Redevelopment Agency. Mr. Seastrand **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.

The meeting adjourned at 7:13 p.m.

---

Donna R. Weaver, City Recorder

Approved: April 28, 2015