



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
June 9, 2015

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

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

1. **UPDATE – Transportation Master Plan (30 min)**
2. **UPDATE – H.B. 362 – Road Maintenance Funding Options (30 min)**

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

PREVIEW UPCOMING AGENDA ITEMS

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

AGENDA REVIEW

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

CITY COUNCIL - NEW BUSINESS

5. **This is an opportunity for members of the City Council to raise issues of information or concern.**

6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS

CALL TO ORDER

INVOCATION/INSPIRATIONAL THOUGHT: By Invitation

PLEDGE OF ALLEGIANCE: By Invitation

APPROVAL OF MINUTES

6. **MINUTES of City Council Meeting – May 26, 2015**

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in the City Council Meetings and Study Sessions,
please call the City Recorder's Office at least 3 working days prior to the meeting.
(Voice 229-7074)**

This agenda is also available on the City's Internet webpage at orem.org

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

- 7. **UPCOMING EVENTS**
- 8. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
Public Works Advisory Commission1 vacancy
- 9. **RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS**
- 10. **REPORT – Senior Advisory Commission**
- 11. **RECOGNITION – Water Environment Association of Utah (WEAU) Awards**

CITY MANAGER’S APPOINTMENTS

- 12. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

PERSONAL APPEARANCES – 15 MINUTES

- 13. **Time has been set aside for the public to express their ideas, concerns, and comments on items not on the Agenda. Those wishing to speak should have signed in before the beginning of the meeting. (Please limit your comments to 3 minutes or less.)**

CONSENT ITEMS

- 14. **There are no Consent Items.**

SCHEDULED ITEMS

- 6:00 P.M. **PUBLIC HEARING – City-owned Light Pole Signs**
- 15. **ORDINANCE – Amending Section 14-3-3 of the Orem City Sign Code as it pertains to signs on City-owned light poles**

REQUEST: Development Services requests the City Council, by ordinance, amend a portion of Section 14-3-3 pertaining to signs on City-owned light poles.

PRESENTER: Steve Earl

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: Many City light poles along major roads are equipped with crossbars that allow for the placement of banner signs. The City has traditionally placed banner signs on these light poles to promote community events such as Summerfest and the Storytelling Festival. Under the City’s sign ordinance, these City-owned light poles are limited to City speech and are not open to the public for general use.

The City has recently received substantial financial contributions for the 2015 Summerfest from local businesses which will allow the City to create a better Summerfest experience for the entire community. The City would like to recognize these businesses as sponsors of

Summerfest on some of the City light pole banner signs. This would involve hanging banner signs with the sponsors' names on some of the light pole signs in addition to the traditional Summerfest banner signs.

In order to allow the City to recognize its Summerfest sponsors, the City proposes to amend the sign ordinance to allow off-premise advertising on City light pole signs. Under the current ordinance, off-premise advertising is generally prohibited unless specifically authorized by ordinance. The proposed amendment would create a very limited exception to the general prohibition of off-premise advertising and off-premise signs will likely only be used in connection with sponsorship of major community events such as Summerfest and the Storytelling Festival.

In this context, the City intends to include sponsor signs either interspersed with its traditional Summerfest (or Storytelling Festival) light pole signs or to include a sponsor logo as part of such signs. The City believes that the net effect will be the creation of an attractive signage display that will both enhance the Summerfest (and Storytelling) experience and create a visually appealing and festive atmosphere preceding and during such events. The type, nature, and frequency of off-premise advertising allowed on City light poles will be tightly controlled by the City to limit and prevent any negative aesthetic impact from such advertising.

The language of the proposed amendment is as follows:

14-3-3. Specific Regulations by Sign Type.

All signs shall comply with the following listed requirements.

....

Light Pole Signs (City-owned)

1. May only be located on a City-owned light pole.
2. Shall be attached to a crossbar extending from the light pole at the top of the sign.
3. Shall not exceed two feet in width and six feet in length and shall not exceed twelve (12) square feet in area.
4. Are intended to remain a private forum for the expression of City speech only. Nothing in this Chapter shall be construed to convert City-owned light poles into a public forum.
5. Do not require a permit.
6. No more than two signs may be located on any one light pole.
7. Off-premise signs are permitted on City-owned light poles.

The Planning Commission recommends the City Council, by ordinance, amend a portion of Section 14-3-3 pertaining to off-premise signs on City-owned light poles as described above.

16. ORDINANCE – Amending Section 12-5-12 of the Orem City Code pertaining to mobile vendors.

REQUEST: Development Services requests the City Council, by ordinance, amend Section 12-5-12 pertaining to mobile vendors.

PRESENTER: Steve Earl

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: Mobile vendors (food trucks) have become increasingly popular in the City over the last few years. Under the current ordinance, food trucks are allowed to park on a public street or on private property where permission is given. Food trucks naturally seek locations where large numbers of people congregate or pass by.

Recently, food trucks have discovered that the City's annual Summerfest event provides an attractive market. During the last Summerfest, food trucks parked on City streets immediately adjacent to the City Center Park where the Summerfest celebration was held. This resulted in a number of problems that the City would like to address.

First, food trucks occupied prime parking spaces that might otherwise have been used by patrons of Summerfest. Second, people interested in purchasing food from the food trucks congregated on the sidewalks while waiting in line and obstructed the large numbers of people trying to get to and from Summerfest activities. Third, the food trucks were taking advantage of an economic opportunity without sharing in the costs of putting on the event.

The City authorizes vendors to sell food during Summerfest provided they receive a license to do so. Summerfest food vendors are required to pay a fee, have insurance and sign an agreement in which they agree to abide by numerous conditions including maintaining their selling space clean and free of debris. Authorized vendors are given a designated location within the City Center Park where they are authorized to sell food to Summerfest patrons. The fees paid by these vendors are used to help defray the costs of clean-up, security and other expenses associated with holding Summerfest.

Food trucks that park on City streets adjacent to City Center Park reap the same benefits as the authorized food vendors without bearing any of the same costs which results in unfair competition and an additional financial burden to the City.

In order to eliminate the problems food trucks cause during Summerfest, Staff feel it is appropriate to amend Section 12-5-12 to require that mobile vendors not be allowed to park on a public street located within 1,000 feet of the City Center Park during the annual Summerfest event.

The language of the proposed amendment is as follows:

12-5-12. Mobile Vendors.

A mobile vendor may only be a food vendor, and must have all required licensing from the Utah County Health Department. All equipment related to food preparation must be in a self-contained unit such as the vehicle itself or an attached trailer. An operating mobile vendor may not interfere with vehicular or pedestrian circulation. A mobile vendor may not be parked longer than five (5) hours at any one location (or within 500 feet of said location) per day. Property owner approval is required. A mobile vendor may not park on any public street located within one thousand feet (1000') of the City Center Park during the annual Summerfest celebration typically held in June of each year.

City Staff recommends the City Council, by ordinance, amend Section 12-5-12 pertaining to mobile vendors as described above.

17. RESOLUTION – Supporting the HB362 (2015) Authorized 0.25% Local Option General Sales Tax Dedicated to Transportation

REQUEST: The City Manager recommends that the Orem City Council, by resolution, support the HB362 (2015) Authorized 0.25% Local Option General Sales Tax Dedicated to Transportation.

PRESENTER: Jamie Davidson

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: On December 9, 2014, the City Council adopted resolution R-2014-0022 encouraging partnership with the State of Utah to address transportation funding. In that resolution, the Council supported creating new and changing existing funding sources for transportation improvements; investing in transit; and expanding the approved uses for transportation funding.

HB 362 was passed during the 2015 legislative session and is a broad approach to addressing part of the funding shortfall to meet the transportation needs of local governments throughout the state. The bill will help the City of Orem better preserve its current infrastructure and accommodate projected population growth.

There are two main provisions in the bill. One reforms the existing gas tax and another authorizes a local transportation sales tax to allow for priority investments in roads, transit, and active transportation facilities at the local level. Together, funding currently generated for transportation improvements from transportation-specific sources for the city would increase by \$2.1 million, or 85% per year. It is estimated that this is still about \$1.1 million short of what is needed for long-term sustainability of the city's transportation system.

If approved, the local transportation sales tax option would give the City of Orem and other local governments additional funding to address their transportation needs. Counties are authorized to enact a 0.25% general sales tax for transportation subject to voter approval. The funds would be allocated as follows:

- 0.10% to the city (40% of the increase);
- 0.10% to UTA (40% of the increase);
- 0.05% to the county (20% of the increase).

The municipal 0.10% portion will be distributed according to the traditional 50/50 sales tax formula. The City's portion of this sales tax would increase the funding currently received from the state for transportation improvements by an estimated \$1.6 million, or 68%. The local option sales tax may be spent on a larger range of transportation infrastructure including class C roads, pedestrian safety facilities, active transportation facilities, public transit, or multimodal transportation facilities.

HB 362 authorizes the Utah County Commission to impose a quarter cent sales tax and requires voters in the county to approve the tax during a November election. There is no specific year requirement. A county must decide to put the tax on the ballot by late August so as to comply with state and federal election law. If voters approve the tax opinion

question, the county imposes the tax & provides notice to the Tax Commission. The Tax Commission needs 90 days to prepare the tax. The tax will be effective on the first calendar day of the new full quarter. Counties, cities, towns, and transit systems will start receiving funds 2-3 months later. April 1, 2016 is the first possible calendar day the tax could become effective. Revenues would be received in June/July of that year.

COMMUNICATION ITEMS

- 18. There are no communication items.**

CITY MANAGER INFORMATION ITEMS

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

ADJOURNMENT

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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
May 26, 2015

3:30 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; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Scott Gurney, Fire Department Director; Gary Giles, Police Department Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Sam Kelly, Engineer; Brandon Stocksdale, Long Range Planner; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

Utah Lake Commission – Eric Ellis, Executive Director

Eric Ellis, newly appointed Executive Director of the Utah Lake Commission (ULC), came to introduce himself to the City Council and staff. He wanted to get a feel for what cities around the lake had as priorities for Utah Lake. Mr. Ellis said the purpose of the Utah Lake Commission was to bring all of the communities surrounding the lake together to focus on projects that would improve access, make the lake more inviting, help change and improve public perception, improve and develop trails, etc. Some of the current projects of the ULC were:

- Working to extend a trail that went around the lake, hoping to be fully connected by the fall
- Carp removal, with 18.4 million pounds of carp already removed (at about 60 percent of goal)
- Control and removal of phragmites by the thousands of acres, with 4,000 acres already cleared, stamped, and treated
- Improvement of access points
- “Adopt-a-Shoreline” program, where individuals/groups cleaned and maintained specified areas

Mr. Ellis said each year fourth graders from surrounding schools came to Utah Lake on fieldtrips and it was becoming an increasingly popular field trip spot. Last year, 1,256 students from 48 classes visited the lake and they expected to increase that number in the coming year. Mr. Ellis

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1 invited the Council to the Utah Lake Festival on June 6, 2015, from 10:00 a.m. to 2:00 p.m., with
2 food, music, and other exciting activities for children and families.

3
4 Mr. Seastrand said he was the City's representative on the Utah Lake Commission Board. Some
5 topics of discussion had been the future plan of the Powell Slough area for recreational use, and
6 also the possibility of developing a nature center/research laboratory in collaboration with the
7 ULC, Utah Valley University (UVU), Brigham Young University (BYU), and other groups that
8 could utilize the center/lab to teach and study in a natural setting. Mr. Seastrand also suggested in
9 the future there may be opportunities to support the goals of the ULC with CARE Tax for
10 recreational usage.

11
12 Mr. Ellis said they were looking at the development of such a facility. They understood it was a
13 high priority for the universities in the area to have a research lab. The ULC was looking to
14 establish a non-profit foundation that would help to move that project forward. One assignment
15 would be to establish a non-profit foundation to push that project forward.

16
17 Mr. Hirst said the Parks and Recreation Master Plan study would evaluate some of Orem's goals
18 and objectives for Utah Lake, as well as review the possibility of directing CARE Tax money
19 toward reaching those goals.

20
21 Mr. Davidson said it would be valuable for Orem to meet with Mr. Ellis and the ULC about the
22 specific concerns of Orem's lakefront area. He asked about a universal overlay zone so that
23 developments in the areas around Utah Lake were in line with defining a certain character for the
24 lake and its shoreline areas.

25
26 Mr. Ellis said there was model ordinance language for any city that was interested in adopting
27 such an ordinance. Saratoga Springs had already adopted the ordinance and the Town of
28 Vineyard was applying the guidelines of the ordinance but had not officially adopted it.

29
30 Mr. Bench said they had previously discussed the ordinance with the city attorneys but would be
31 open to reviewing the language again.

32 33 DISCUSSION – University Parkway Interchange landscaping

34 Mr. Bell said David Washburn approached the City about altering the landscaping in the area on
35 University Parkway near the Orem sign and fountain just off I-15. Mr. Washburn wanted to
36 move the large, obscuring trees and plant some smaller trees that would only reach
37 approximately ten feet in height, as well as some kidney-shaped planter areas. Mr. Washburn
38 would be making these changes at his own expense, about a \$75,000 investment. Mr. Bell said
39 Sam Kelly was working with UDOT on this item and was told if that Orem was comfortable
40 with the proposal, UDOT had no objection.

41
42 Mr. Kelly shared some photos of the area and the proposed landscaping plan. He said some of
43 the trees would stay in place, but Mr. Washburn wanted to remove the large pines for visibility
44 reasons. Mr. Washburn's proposed plan was to have two commercial pads in that area, and he
45 was concerned about the visibility of the businesses there. The City currently maintained the area
46 up to the fountain, and would continue to mow and maintain. Mr. Kelly said it was up to the
47 Council whether Mr. Washburn could proceed.

1
2 Mayor Brunst asked what would happen to the trees when they were removed.

3
4 Mr. Kelly said they would likely wood chip them or the trees could be planted in another
5 location.

6
7 Mr. Macdonald asked if staff was comfortable with the proposed plan.

8
9 Mr. Kelly said staff was comfortable with the proposal.

10
11 Mr. Davidson said this was not an item that would be presented in a regular meeting, but they
12 were bringing it to the Council's attention as a courtesy because the City was not generally in the
13 business of taking trees down. There was sensitivity, from staff perspective, that trees generally
14 should not be removed to improve commerce.

15
16 The Mayor and Council were generally in favor of the proposal to make those landscaping
17 changes.

18
19 DISCUSSION – Form-Based Code – BYU consultant

20 Mr. Stocksdale introduced Michael Clay, BYU professor, to present on the basic concepts behind
21 form-based code as a possible tool to explore moving forward with the State Street Corridor
22 Master Plan.

23
24 Mr. Clay said his area of expertise was economic modeling, which meant he built large-scale
25 models to forecast what uses or developments might occur on parcels of land. He was currently
26 working with the Wasatch Provisional Council, MAG, UDOT, UTA, etc. to create a model that
27 would forecast how, why and where land would develop and how different infrastructure
28 investments would impact the direction of development in the counties along the Wasatch Front.
29 Envision Utah was projecting that most growth in Utah County would be on the north and west
30 sides of the county. The development term was, "retail followed rooftops", and with such large-
31 scale growth coming into areas in the near future Orem would need to plan to stay competitive.

32
33 Form-Based Code

- 34
- 35 • Zoning and Land
 - 36 ○ Traditional (Euclidean) Zoning:
 - 37 ■ Rigidly separates land uses
 - 38 ■ Artificially lowers densities
 - 39 ■ Can be cumbersome for developers to interpret
 - 40 ■ Can be difficult to administer and costly to satisfy
 - 41 ■ Can be isolating for households and families
 - 42 ○ "Regulations have been more concerned with controlling land uses rather than
43 shaping the physical form of our communities." – (FBC-I)
 - 44 ■ Public Safety
 - 45 ■ Public Health
 - 46 • Unintended Consequences of Euclidean Zoning
 - 47 ○ Separation of uses
 - Dehumanizing/Scary

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- 1 • Consequences of Euclidean Zoning
 - 2 ○ Non-walkable/not pedestrian friendly
 - 3 ○ Auto-dependent
 - 4 ○ Not well served by public transit
 - 5 ○ Costly to maintain
 - 6 ○ Wasted land – deflates economic demand for and value of land
- 7 • What is a Form-Based Code?
 - 8 ○ “A form-based code is a land development regulation that fosters **predictable**
 - 9 **built results** and a **high quality public realm** by using physical form (rather than
 - 10 separation of uses) as the organizing principle for the code.” – (FBC-I)
 - 11 ○ Purpose
 - 12 ▪ Form-based codes:
 - 13 • “...seek to restore time-tested forms of urbanism. They give unity,
 - 14 efficient organization, social vitality, and walkability to our cities,
 - 15 towns, and neighborhoods.” – (FBC-I)
 - 16 • “...address the relationship between building facades and the
 - 17 public realms, the form and mass of buildings in relation to one
 - 18 another, and the scale and types of streets and blocks.” – (FBC-I)
- 19 • Outcomes of Form-based Code
 - 20 ○ Thriving activity centers
 - 21 ○ Unity and efficient organization
 - 22 ○ Walkable, bikeable places
- 23 • The Transect
 - 24 ○ Continuum of land use divided into six transect zones
 - 25 ▪ T1 – Natural: protected from development
 - 26 ▪ T2 – Rural: little development, primarily agriculture or forestry
 - 27 ▪ T3 – Suburban: clustered residential, limited other uses
 - 28 ▪ T4 – General Urban: primarily residential, other uses interspersed, urban
 - 29 character
 - 30 ▪ T5 – Urban Center: high density, mixed use, “main street” feel
 - 31 ▪ T6 – Urban Core: maximum intensity of multiple uses; node
 - 32 ▪ SD – Special District: the transect leaves room for specialized uses like
 - 33 hospitals, universities, and airports
- 34 • What Can FBC Regulate?
 - 35 ○ Building height
 - 36 ○ Building placement on the site
 - 37 ○ Location of parking
 - 38 ○ Building type
 - 39 ▪ Buffet of building types to choose from – can be customized to local needs
 - 40 and desires
 - 41 ○ Relationship to the street (setback distances)
 - 42 ○ Streetscape standards
 - 43 ○ Architectural/exterior design
 - 44 ○ Accessibility and connectivity
 - 45 ○ Window area/fenestration
 - 46 ○ Building density and mixed uses
- 47 • Form-based Code

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- 1 ○ Provides guidelines for a desired city form
- 2 ○ Ensures that public space works for everyone, not just the movement and storage
- 3 of cars
- 4 ○ Improves current development, which attracts good future development
- 5 ○ Guides development at many scales
- 6 ▪ Can be applied to a small area/nodes, neighborhoods, or citywide
- 7 • Urban Retrofit Using FBC
- 8 ○ “Arlington’s great neighborhoods didn’t happen by accident – they happened by
- 9 design.”
- 10 ▪ Before: Suburban strip mall development along Columbia Pike in
- 11 Arlington, VA.
- 12 ▪ After: More than 12 high-density apartment projects were developed along
- 13 Columbia Pike following the passage of form-based code
- 14 • Potential Benefits
- 15 ○ Streamlined development process – easier for developers
- 16 ○ Better functioning streets
- 17 ○ Unity in appeal and appearance
- 18 ○ Efficient organization – mix of uses determined by market
- 19 ○ Social vitality – facilitates public transit and human interaction
- 20 ○ Walkability – inviting to pedestrians, cyclists, and shoppers
- 21 • Economic Benefits
- 22 ○ Increased tax base
- 23 ▪ Higher levels of density = larger taxable population
- 24 ▪ Leander, TX: form-based code is estimated to produce an additional \$800
- 25 million in tax base value
- 26 ○ Less expensive
- 27 ▪ Less expensive than sprawl in greenfield development projects since
- 28 higher-density patterns require less infrastructure per person to maintain
- 29 ○ Increased property values
- 30 ▪ Sarasota, FL: form-based code enhanced long-term property values in
- 31 areas where they were implemented – (Barry 2008)
- 32 • Form-based Code and Walkability
- 33 ○ Washington, D.C. (Leinberger and Alfonzo 2012)
- 34 ▪ Without exception, people living in more walkable neighborhoods had
- 35 higher incomes, lower unemployment, higher education, and accessibility
- 36 to more parks
- 37 ○ Nation study (Cortright 2009)
- 38 ▪ Homes in neighborhoods with greater walkability are valued \$4,300-
- 39 \$34,000 higher depending on location
- 40 ○ National study (Pivo and Fisher 2011)
- 41 ▪ Office, retail, and apartments assigned walk score based on proximity to
- 42 educational, retail, food, recreation, and entertainment destinations
- 43 ▪ Market value (for high versus low walk score)
- 44 • Office: +54%
- 45 • Retail: +54%
- 46 • Apartments: +6%
- 47 • Potential Incentives for Developers

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- 1 ○ Changes to parking requirements
- 2 ○ Immediate project approval if all requirements are met
- 3 ○ Density bonuses – higher land values
- 4 • Catching on in Utah
- 5 ○ Daybreak (South Jordan)
- 6 ○ Riverwoods (Provo)
- 7 ○ The Station (Farmington)
- 8 ○ Fairbourne Station (West Valley City)
- 9 ○ City Creek (Salt Lake City)
- 10 ○ West Fields (Springville)
- 11 ○ Bonanza Park (Park City)

12

13 Mr. Clay said Traditional or Euclidean zoning had been used for nearly 100 years, and was used
14 to control the land use. Certain uses needed to be separated from residential areas for public
15 health reasons. When cities were first urbanizing and noxious uses like slaughterhouses were in
16 residential areas, rickets and other diseases ran rampant. Zoning noxious uses away from
17 residential areas was a good thing, but most industry was now zoned so far away the majority of
18 it was now in China. With those noxious uses essentially gone, Euclidean zoning was not the
19 most efficient use of land, and was often a burden on both developers and the City to enforce.
20 Mr. Clay said very few areas in Utah had design standards as part of their zoning requirements.
21 Form-based codes included design standards which were to encourage the development of more
22 pedestrian-friendly and land-efficient uses, and to control the way the City looked and felt. He
23 used the example of Provo’s University Avenue compared to Provo’s Center Street. University
24 Avenue was a people-moving traffic roadway with high speeds and little to no pedestrian
25 activity. Center Street on the other hand had a low speed limit, medians with greenery and
26 slanted parking, and was a thriving pedestrian activity center where money was spent. Form-
27 based codes would produce more money per acre of land and more tax revenue per acre in mixed
28 use areas.

29

30 Mr. Bybee asked for an example of a happy medium between the two extremes of University
31 Avenue and Center Street.

32

33 Mr. Clay said there were walking malls like the Riverwoods in Provo where people had to drive
34 to get there, but once there it was a walkable activity center. When people felt comfortable, they
35 would spend more time in an area and usually spend more dollars in that area. He thought Orem
36 could make State Street and University Parkway more pedestrian friendly while still maintaining
37 the ability to allow traffic to flow through the city. One example could be using through-lanes
38 and local-access lanes like was used in Las Vegas, Nevada. Mr. Clay said Salt Lake City had
39 become a more walkable and pedestrian- and cyclist-friendly city in recent years because of the
40 approximately \$2 billion in private development done by the LDS Church. It took time and
41 money to revitalize Salt Lake City on that scale. Orem did not need that level of development,
42 and development would be focused on “nodes” to increase economic vitality. Since Orem did not
43 have the “raw ground” that other developing cities had, form-based code would be used to
44 revitalize areas primarily along State Street, Center Street, and University Parkway.

45

46 Mr. Davidson said that many of the examples being shared of form-based code development
47 involved private investors or a master developer that did the “heavy lifting” financially. He asked

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1 if it was critical or necessary to have such investors to be successful. There were concerns from
2 developers about the expense of form-based code development.

3
4 Mr. Clay said he had seen form-based code developments succeed with and without large private
5 investors. Typically owners were looking at current lease values, which did not cover much in
6 terms of development. There needed to be a paradigm shift for developers to see that lease values
7 would change and increase with better urban design and use in the area.

8
9 Mrs. Black said the design aspect of form-based code was essentially the purpose of having
10 form-based code in development. The idea was to adopt an aesthetic for the city that developers
11 were required to incorporate in their developments.

12
13 Mr. Seastrand asked if form-based code was applied to the new Vineyard development.

14
15 Mr. Stocksdale said he was not aware of form-based code for that development.

16
17 Mr. Clay said density went up as land become less available. If a city decided to no longer
18 develop once raw ground was no longer available, it could deteriorate within one generation. As
19 cities grew in population, development would increase in density. One aspect of form-based code
20 was to have store fronts closer to streets to allow for walkability, and to have parking behind.
21 Form-based code would dictate the design standards and provide guidelines to developers that fit
22 the city's vision for an area. It was a proactive development tool, rather than reactive.

23
24 Mrs. Black asked if Park City's more recent developments would be considered form-based
25 code.

26
27 Mr. Clay said Bonanza Park in Park City was somewhat form-based code, with unity in design
28 and appearance. Urban design form-based code was different from the traditional zoning people
29 were used to, which could cause concern. If the City moved forward using form-based code, it
30 was important to have citizen outreach so residents and developers alike understood the design
31 standards and overall goals of using form-based code in development. The use of form-based
32 code in development led to higher property values and more tax revenue generated.

33 34 BRT – Communication

35 Mr. Davidson invited Andrew Jackson and Chad Eccles with Mountainland Association of
36 Governments (MAG) to address concerns regarding the Provo-Orem Bus Rapid Transit (BRT)
37 project and the public media outreach from groups that were either for or against the project.

38
39 Mr. Jackson reviewed the history and structure of the first, second and third quarter cents of the
40 sales tax revenue bond and how they related to the BRT project. He explained the process of the
41 BRT bond, and how the same bond structure was used to build SR 92, Pioneer Crossing, and
42 North County Boulevard. He said that the first and second quarter cents were voted in by the
43 public with the majority specifically set aside for transit. The third quarter cent, by State law, did
44 not require a vote. By State law, all three quarter cents could be used for transit. The majority of
45 the people voted to use these monies for these purposes. The BRT project was to accommodate
46 the growth Utah County was projected to experience in the future. Mr. Jackson said the Provo-

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1 Orem Bus Rapid Transit project was one of few cities in the country awarded a federal Small
2 Starts grant.

3
4 Mr. Eccles said there was a website about the BRT petition, www.brtpetition.com, making
5 claims that the BRT project would remove trees and be unsafe for pedestrians. He said the BRT
6 project was not removing trees and that the trees identified in the opposition video were not
7 planted yet. The BRT project would not impact the beauty of the setting for the Provo City
8 Center LDS Temple and the LDS Church was aware of this. Mr. Eccles said the designs had
9 safe crossings for pedestrians and would be similar to the TRAX in downtown Salt Lake City,
10 Utah. He said the website www.weneedbrt.com answered frequently asked questions and was a
11 resource for anyone wanting to know more about the BRT project.

12 13 14 **5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

15 16 CONDUCTING

Mayor Richard F. Brunst, Jr.

17 18 ELECTED OFFICIALS

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

21 22 APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant
23 City Manager; Greg Stephens, City Attorney; Richard
24 Manning, Administrative Services Director; Bill Bell,
25 Development Services Director; Karl Hirst, Recreation
26 Director; Chris Tschirki, Public Works Director; Scott
27 Gurney, Fire Department Director; Gary Giles, Police
28 Department Director; Charlene Crozier, Library Director;
29 Jason Bench, Planning Division Manager; Neal Winterton,
30 Water Division Manager; Reed Price, Maintenance
31 Division Manager; Steven Downs, Assistant to the City
32 Manager; and Jackie Lambert, Deputy City Recorder

33 34 35 Preview Upcoming Agenda Items

36 Staff presented a preview of upcoming agenda items.

37 38 Agenda Review

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

40 41 City Council New Business

42 There was no new City Council business.

43
44 Mayor Brunst gave an update on the local option gas tax and UTOPIA.

45
46 The Council adjourned at 5:53 p.m. to the City Council Chambers for the regular meeting.

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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; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Scott Gurney, Fire Department Director; Gary Giles, Police Department Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Brandon Nelson, Finance Division Manager; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

INVOCATION /

INSPIRATIONAL THOUGHT

William Jeffs

PLEDGE OF ALLEGIANCE

Jessica Grotegut

APPROVAL OF MINUTES

Mr. Seastrand **moved** to approve the April 28, 2015, City Council meeting minutes. Mr. Macdonald **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.

Mr. Seastrand **moved** to approve the May 7, 2015, Joint Provo/Orem City Council meeting minutes. Mr. Macdonald **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.

Mr. Seastrand **moved** to approve the May 12, 2015, City Council meeting minutes. Mr. Macdonald **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.

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Appointments to Boards and Commissions

There were no appointments to boards and commissions.

Recognition of New Neighborhoods in Action Officers

There were no new neighborhood officers recognized.

REPORT – Summerfest Committee

Teresa Horn, Chair of the Summerfest Committee, presented a report on the activities of the past year and invited all to attend the upcoming Summerfest on June 12 and 13, 2015. She thanked each of the committee members for their work in specific areas to make Summerfest possible. The 2015 Summerfest theme was “Dream Big”. There would be an appreciation dinner on June 11, 2015 at 6:30 p.m. as a kickoff event for Summerfest where invitees could meet Grand Marshal Ryan Shupe and the eight student marshals. Ms. Horn went over the schedule for Summerfest, highlighting the boutiques, food booths, children’s activities, baby contest, entertainment and more with a free concert from Ryan Shupe and the Rubberband on Friday evening, and the parades and firework display on Saturday evening.

Mrs. Black thanked the Summerfest Committee for their time and efforts in making Summerfest a wonderful community event.

INVITATION – Strawberry Days – Miss Pleasant Grove Royalty

Miss Pleasant Grove Jessie Beck and her attendants, as well as the attendants to the Strawberry Days Rodeo Queen, invited the City Council to attend Strawberry Days June 15 to June 20, 2015. They highlighted events like Huck Finn Days, the concert in the park, baby contest, parade, and the Strawberry Days Rodeo. The rodeo was a fun, family-friendly event held June 17 to June 20, 2015, with show time beginning at 8:00 p.m. They presented a cheesecake to the Council.

Mayor Brunst thanked them for the invitation and the cheesecake.

INTRODUCTION – Mayoral Service and Compensation Committee

Mr. Seastrand introduced Kathy Gowans, Kevin Stocks, and LaNae Millet as members of the Mayoral Service and Compensation Committee.

Ms. Gowans reviewed the Committee Charter that was distributed to the Council. She wanted to clarify the task(s) of the Committee in “examin[ing] the roles and responsibilities of mayor and city manager and appropriate compensation for those positions.” Those tasks were: 1) to evaluate the position of the Mayor and see if it should be designated as part- or full-time; 2) to recommend any pay or salary level changes to match responsibilities; and 3) to evaluate if there were ways to improve the roles and/or working relationships between the City Manager, Mayor and City Council. Ms. Gowans asked the City Council to review the desired results to ensure the Committee was moving forward in the right direction.

Mr. Macdonald asked if the Committee would also be evaluating the compensation of the City Manager, as stated in the charter. He thought it would be beneficial for a citizen committee to advise the Council for both positions.

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1
2 Mayor Brunst said the duties and responsibilities for those positions were outlined by the State.
3 He also stated five of the six largest cities in Utah had full-time mayors.

4
5 Ms. Gowans asked if the Council individually and collectively would be open to the information
6 and recommendation the Committee intended to present.

7
8 The Council generally stated they were open to reviewing the information brought forth from the
9 Committee's proposed evaluations.

10
11 Mrs. Black wanted to clarify that the purpose of the evaluation was not to change Orem's form
12 of government. She further said that of the five cities the Mayor mentioned, only one had the
13 same form of government as Orem. She asked if it was possible to keep the mayor position as
14 part-time, but increase the salary somewhat.

15
16 Ms. Gowans agreed that the purpose of the Committee was not to change the form of
17 government. She said they could review changing the position's salary and keep part-time status.
18 Ms. Gowans reviewed the guidelines set out on the committee charter, and said they would like
19 to invite the Council to consider questions, concerns, or areas of research they wanted explored
20 and share them with the Committee upfront. She asked if there was any budget allocated to the
21 Committee for possible expenses.

22
23 Mr. Davidson said there was not a specifically allocated budget, but the City Council had a
24 contingency fund where money could be available for research and studies if the Council
25 collectively decided to use it for that purpose. He thought there could be value in investigating
26 and evaluating, and if limited resources were necessary to do that the Council had the option to
27 allocate money for that.

28
29 Ms. Gowans said the Committee would begin their research in May, by June/July they hoped to
30 finalize committee members and continue gathering information, and anticipated by July/August
31 they would evaluate their research and present a recommendation to the Council.

32
33 Mr. Seastrand said he would provide the Committee's contact information to the Council.

34
35 Mayor Brunst said he would like to see this process move forward as quickly as possible, and
36 would like a recommendation no later than the beginning of August.

37
38 Ms. Gowans said she could not commit to that timeframe, but it was the Committee's intention
39 to conduct their work quickly and efficiently.

40 41 42 **CITY MANAGER'S APPOINTMENTS**

43 Appointments to Boards and Commissions

44 There were no appointments to boards and commissions.

45 46 47 **PERSONAL APPEARANCES**

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1
2 Time was allotted for the public to express their ideas, concerns, and comments on items not on
3 the agenda. Those wishing to speak should have signed in prior to the meeting, and comments
4 were limited to three minutes or less.

5
6 Kerry Farnsworth, resident, invited the City Council and all to attend the Community Free
7 SWAP in the Geneva Neighborhood on June 6, 2015, from 8:00 a.m. to 12:00 p.m. The Free
8 SWAP had grown over the past ten years, and was now a twice-annual event in Orem committed
9 to its twofold mission of 1) sharing abundance and 2) uniting communities. This was a
10 completely free event, and anyone was welcome to attend, donate, and take whatever they
11 needed. For more information about past or upcoming Free SWAP events people could visit
12 freeswap.info, where they could also find downloadable flyers about the event in English and
13 Spanish. She encouraged people to spread the word

14
15 Bob Wright, resident, said the citizens were fortunate to have qualified city management and
16 employees, and they appreciated their service. He said that when people accepted employment
17 they should move their family into the community. He said people must be residents to apply to
18 run for council and this residency requirement needed to be enforced in Orem on management
19 and department heads. He thought there should be an ordinance enforced.

20 21 22 **CONSENT ITEMS**

23
24 There were no Consent Items.

25 26 **SCHEDULED ITEMS**

27
28 6:00 P.M. PUBLIC HEARING – CDBG Consolidated Plan & Action Plan

29 RESOLUTION – Adopt the 2015-2019 Community Development Block Grant
30 Consolidated Plan and the 2015 Annual Action Plan

31
32 Mr. Downs, Assistant to the City Manager, recommended the City Council, by resolution, adopt
33 the 2015-2019 Community Development Block Grant (CDBG) Consolidated Plan and the 2015
34 Annual Action Plan.

35
36 Mr. Downs said in accordance with the planning requirements of the Department of Housing and
37 Urban Development (HUD), the City of Orem had prepared a Consolidated Plan for its CDBG
38 Program. This planning document outlined priorities and strategies for meeting the needs of low-
39 income residents and special populations within the community. This was a set of goals, not an
40 allocation of money.

41
42 The plans had been developed with input from citizens and various community groups, and had
43 been available for public inspection during a publicized comment process from April 14, 2015 –
44 May 26, 2015. The plans were ready to be adopted by the City Council.

45
46 Mr. Downs said Y2 Analytics was hired to conduct a survey asking about citizens'
47 communication preferences to understand better how citizens wanted to receive and provide

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1 information. The overall goals outlined for the Consolidated Plan were no different than goals in
2 the past, and they would continue to support public services like shelters for battered women and
3 children, continue to have efficient oversight of the CDBG program, and continue to provide and
4 enhance economic development opportunities in the community. These programs had
5 considerable impact in the community. Each organization that received funding kept records of
6 the types of services they provided and how those services helped people in our community.

7
8 Mayor Brunst opened the public hearing.

9
10 Bob Wright, resident, thought the CDBG program was a great opportunity for the City. He
11 objected to the City appropriating \$492,000 of the federal grant for things that had already been
12 pre-budgeted. He felt this was a rebate to the City for various uses like salary that were not going
13 toward low-income projects. Mr. Wright thought there were uses for the money that would be
14 better, like replacing water and sewer lines which he felt was a low-income purpose.

15
16 Mayor Brunst closed the public hearing.

17
18 Mr. Downs clarified that \$235,000 of the CDBG funds had been allocated to any type of
19 personnel use, with \$120,000 for police officers to preserve and protect qualifying low-income
20 neighborhoods. He was not certain where Mr. Wright had gotten the amount of \$492,000.

21
22 Mayor Brunst **moved**, by resolution, to adopt the 2015-2019 Community Development Block
23 Grant Consolidated Plan and the 2015 Annual Action Plan. Mr. Macdonald **seconded** the
24 motion. Those voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E.
25 Seastrand, David Spencer, Brent Sumner. Those voting nay: Hans Andersen. The motion **passed**,
26 6-1.

27
28 ORDINANCE – Approving the Amounts to be Awarded to the CARE Grant Recipients for
29 the 2015 CARE Granting Round

30
31 Mr. Davidson recommended the City Council, by ordinance, approve the amounts to be awarded
32 to CARE grant recipients for the 2015 granting round.

33
34 Mr. Downs said on November 8, 2005, a majority of City of Orem voters voted in favor of
35 enacting a local sales and use tax of 0.1% as a means of enhancing financial support for
36 recreational and cultural facilities, and cultural organizations within the City of Orem. Known as
37 the Cultural Arts and Recreation Enrichment tax (CARE), the Orem City Council enacted the tax
38 by ordinance on November 22, 2005. The tax went into effect April 1, 2006, and was authorized
39 for a period of eight years. On November 5, 2013, a majority of City of Orem voters voted to
40 continue collecting the CARE tax for an additional 10 years.

41
42 On December 9, 2008, the City Council amended the CARE Program policies and procedures,
43 establishing eligibility requirements and an application process for this competitive granting
44 program. Three categories of grants were established, including Recreational and Cultural
45 Facilities, available for publicly-owned or operated facilities; Cultural Arts Major Grants, of
46 \$5,000 or more for operating costs of nonprofit cultural arts organizations; and, Cultural Arts
47 Mini Grants, of up to \$4,999 for operating costs of nonprofit cultural arts organizations.

1
2 Applications for this CARE granting round were due on March 19, 2015. As a group and with
3 members serving as a smaller review panel, the City Council, along with the CARE Tax
4 Advisory Commission, met in a series of public meetings in April to hear from applicants and to
5 consider their grant requests.

6
7 Utah law required that the entire amount of revenues and interest collected as a result of the
8 imposition of the tax be distributed in a manner consistent with Utah Code Ann. 59-12-1403,
9 which allowed for granting to one or more facilities or organizations. Utah law also required the
10 City to provide for that distribution by ordinance.

11
12 Mr. Downs explained the process by which the proposed award amounts were reached, and gave
13 a PowerPoint presentation outlining the program.

14
15 The Council discussed the CARE program and the recommendations from the CARE Advisory
16 Commission that were presented in previous meetings.

17
18 Mrs. Black **moved**, by ordinance, to approve the amounts to be awarded to the CARE Grant
19 Recipients for the 2015 CARE Granting Round. Mr. Macdonald **seconded** the motion. Those
20 voting aye: Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand. Those
21 voting nay: Hans Andersen, David Spencer, Brent Sumner. The motion **passed**, 4-3.

22
23 6:00 P.M. PUBLIC HEARING – PD-1 Zone – Setbacks
24 ORDINANCE – Amending Section 22-11-13(D)(1) of the Orem City Code pertaining to
25 setbacks in the PD-1 zone at 175 West Center Street

26
27 John Lindsley, applicant, requested the City amend Section 22-11-13(D)(1) of the Orem City
28 Code pertaining to setbacks in the PD-1 zone at 175 West Center Street.

29
30 Mr. Bench reviewed the request with the City Council. He said the PD-1 zone contained Target
31 and Taco Bell and enough land area for another commercial pad. The developer requested a
32 change to the PD-1 zone text to modify the setback requirements. The proposed text change was
33 as follows:

34
35 D. Site Development Standards.

36 1. Setbacks: All buildings shall be set back at least twenty feet (20') from Center Street and
37 Orem Boulevard. All buildings shall be set back at least forty feet (40') from 165 South, 200 West and all
38 residentially zoned property. No setback is required from other commercially zoned property.
39 Notwithstanding the above, a portion of an irregular shaped building and any fence may encroach into a
40 required forty foot (40') setback area provided the following criteria are met:

41 a. The square footage of the portion of the building or fence that encroaches into
42 the setback area shall not exceed the total square footage of the area that is located between the forty foot
43 setback line and those portions of the building or fence that are set back more than forty feet from the
44 street.

45 b. In no case shall any building or fence, or portion thereof be closer than thirty
46 feet (30') to 165 South or 200 West.

47
48 The purpose of the proposed change was to allow a new building to be located closer to Orem
49 Boulevard and Center Street and to allow it to be constructed without any setback from interior

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1 property lines. The change only affected development along Orem Boulevard and Center Street
2 and would not change the setback requirements for development adjacent to 165 South or 200
3 West.

4
5 The Planning Commission recommended that the City Council consider reducing the setback
6 even further to only ten feet from Center Street and Orem Boulevard in order to give the
7 developer the option of bringing the building closer to the street. However, the City traffic
8 engineer expressed concern that a further reduction in the proposed setback could cause conflict
9 with future widening of Center Street.

10
11 The Planning Commission recommended the City Council amend, by ordinance, Article 22-11-
12 13(D)(1) of the Orem City Code pertaining to setback requirements in the PD-1 zone at 175
13 West Center Street. The planning staff supported the Planning Commission recommendation.

14
15 Mr. Macdonald asked if there would be parking in front of the bakery, or if it would be parking
16 to the side similar to the Zaxby's parking lot.

17
18 Mr. Bench said it would be side parking similar to Zaxby's with the same twenty-foot setback.
19 The bakery would also have a patio on the Orem Boulevard side for outdoor dining.

20
21 Mayor Brunst opened the public hearing.

22
23 Dora Schoenfield, resident, said she was concerned with all the development in Orem. She
24 believed pedestrian traffic would be reduced because of the development closer to street fronts,
25 especially for seniors who might be afraid to walk from their residences. She would prefer to see
26 the setback stay and not be reduced.

27
28 Warren Daniel, resident, wanted to know why the setback was being changed from forty-feet to
29 twenty-feet. He said he did not like plans to be changed where no reason was specified, and felt
30 this change was just to accommodate a business. He said he was interested in learning more
31 about these kinds of issues.

32
33 Mayor Brunst closed the public hearing.

34
35 Mr. Bench said the reason the forty-foot setback was implemented was that on the south property
36 line on 165 South there were issues with neighborhoods in both directions that wanted the forty-
37 foot setback, which was implemented as part of the PD-1 zone. The proposed change would not
38 affect that setback and would only affect the pad sites out front. It also would not affect the
39 landscaping. Parking had always been able to go to a twenty-foot setback, so they were now
40 requesting that the building could go to the twenty-foot setback. Corner Bakery locations were
41 often positioned closer to the street in high pedestrian areas.

42
43 Mrs. Black said one reason more buildings were moving closer to the street was to create a
44 "neighborhood feeling".

45
46 Mr. Seastrand asked if this proposed setback was consistent with the Kneaders toward the north
47 of Orem, and with developments on University Parkway like Noodles & Co. and Rumbi Island

1 Grill. He asked if the City’s traffic engineer had studied the visibility and safety around the
2 proposed site plan.

3
4 Mr. Bench said it was a similar setback to those restaurants and other developments in the city.
5 The City encouraged this change in position to support a more pedestrian-friendly city. He said
6 that those issues had been studied by the traffic engineer.

7
8 Mr. Seastrand **moved**, by ordinance, to amend Section 22-11-13(D)(1) of the Orem City Code
9 pertaining to setbacks in the PD-1 zone at 175 West Center Street. Mrs. Black **seconded** the
10 motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald,
11 Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

12
13
14 RESOLUTION – Approving the Corner Bakery site plan in the PD-1 zone at 175 West
15 Center Street

16
17 John Lindsley, applicant, requested the City approve the site plan of Corner Bakery in the PD-1
18 zone at 175 West Center Street.

19
20 The City Code required the City Council to approve all site plans in the PD-1 zone. Most
21 recently, the City Council approved the site plan of Taco Bell. The request was for approval of
22 the site plan of Corner Bakery at the southwest corner of the intersection of Center Street and
23 Orem Boulevard.

24
25 The applicant proposed to construct a two-tenant building; one tenant would be Corner Bakery
26 and the second would be announced at a future date. Corner Bakery had 188 locations in 21
27 states and Washington, DC. Utah currently had five locations from Ogden to Draper. From
28 Corner Bakery’s website:

29
30 Inspired by great fresh ingredients, our small neighborhood bakery on a corner in
31 downtown Chicago began creating artisan breads and freshly baked sweets. And upon a
32 little success, neighbors began to ask us for sandwiches made with that fabulous bread,
33 followed by homemade soups and salads, and even made-to-order scramblers. Our
34 guests’ requests continued to inspire us as our bakery’s menu and business grew.

35
36 Corner Bakery would occupy 4,000 square feet with the remaining 2,600 square feet reserved for
37 the future tenant. It was possible the remaining space could house two tenants, but the applicant
38 indicated it would be marketed for a single user.

39
40 Corner Bakery, like Taco Bell, would have an access easement through the Target lot, but must
41 locate all required parking on site. With the loss of parking from Taco Bell and Corner Bakery,
42 Target has 818 stalls remaining whereas only 700 stalls were required. Corner Bakery would
43 have 76 stalls, which was more than required.

44
45 The building elevations would be primarily faced with brick, EIFS, and stucco. The PD-1 zone
46 required all building facades to have similar architectural features including the side and rear

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1 elevations. The elevations submitted by the applicant showed common architectural elements on
2 all four sides. There would also be an outdoor patio area on the east side of the building.

3
4 There was currently a landscaped strip adjacent to Orem Boulevard and Center Street which
5 would remain in place with the current site plan proposal. The end islands in the parking lot
6 would be landscaped and each would contain a tree except for those islands that had a parking lot
7 light.

8
9 The Planning Commission recommended the City Council approve, by resolution, the site plan
10 of Corner Bakery in the PD-1 zone at 175 West Center Street. The planning staff supported the
11 Planning Commission recommendation.

12
13 Mr. Macdonald asked if Mr. Lindsley was the owner of the Corner Bakery, and how many
14 locations there were in Utah.

15
16 Mr. Lindsley said he was a partner with Wasatch Guaranteed Capital. That group owned the
17 Utah rights to the Corner Bakery franchise. He said there were three existing locations with plans
18 for more.

19
20 Mayor Brunst **moved**, by resolution, to approve the Corner Bakery site plan in the PD-1 zone at
21 175 West Center Street. Mr. Macdonald **seconded** the motion. Those voting aye: Hans
22 Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David
23 Spencer, Brent Sumner. The motion **passed** unanimously.

24
25 6:00 P.M. PUBLIC HEARING – Approve and Adopt Budget FY 2015-2016

26 ORDINANCE – Approving and Adopting a Budget for Fiscal Year 2015-2016, Adopting
27 Compensation Programs, Adopting Fees and Charges, Setting the Property Tax, Franchise
28 Tax, Municipal Energy Sales and Use Tax, Telecommunications License Tax, Transient
29 Room Tax, and E-911 Fee Rates

30
31 The City Manager recommended the City Council, by ordinance, approve and adopt the Fiscal
32 Year 2015-2016 Budget, adopt the compensation programs, adopt the fees and charges schedule,
33 set the property tax, franchise tax, municipal energy sales and use tax, telecommunications
34 license tax, transient room tax, and E-911 fee rates.

35
36 On May 8, 2015, the City Council received a draft of the Tentative Budget for the Fiscal Year
37 2015-2016. Budget work sessions were held on March 31, April 14, and April 28, 2015, to
38 discuss the budget. In addition, two public hearings were held to review CDBG budget requests.

39
40 The purpose of this hearing was to consider the budget for Fiscal Year 2015-2016 along with the
41 compensation program and the fees, charges and tax rates of the City.

42
43 The national and local economies had continued to improve over the past year. The Fiscal Year
44 2015-2016 Budget was a balanced budget that was formulated with this environment in mind as
45 it did not include requests for tax increases and included only minor increases in utility rates.

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1 Property taxes were not increased, the franchise tax and municipal energy sales and use tax rates
2 remained at 6% and the transient room tax stayed at 1%. The telecommunications license tax was
3 3.5% and the E-911 fee was \$0.61 per month. Various adjustments and/or additions to
4 miscellaneous fees and charges were proposed in many departments, one of those being the
5 addition of a non-resident category for cemetery fees.

6
7 A \$0.25 per month water rate increase for a ¾” meter service (and a proportionate increase for
8 all other meter sizes) was proposed in the Water Fund. This rate increase was needed to cover
9 the increasing cost of using the City’s allocation of Jordanelle water and increased operating
10 costs at the Utah Valley Water Treatment Plant that had been passed on to the City.

11
12 The following corrections and/or adjustments were made to the original FY 2015-2016 Tentative
13 Budget document:

- 14
15 • While the amounts listed in the Water Fund section were listed correctly, the amounts
16 listed in the City-wide Overview section were not rolled up correctly. Thus, on page 11,
17 13, and 14, Water Fund revenues or expenditures were adjusted from \$12,348,440 to
18 \$12,468,440 & total City-wide revenues or expenditures were adjusted from \$96,992,659
19 to \$97,112,659. The same was true on page 15 where the Public Works amount was
20 adjusted from \$31,104,100 to \$31,224,100 and the City-wide total was again adjusted
21 from \$96,992,659 to \$97,112,659.
- 22
23 • The revenues listed in the Information Technology section (page 136) failed to include an
24 amount to supply this new internal service fund with a \$100,000 beginning reserve
25 balance. Thus, it had been adjusted to match the expenditures amount of \$2,178,000 (see
26 the expenditures total on page 138).
- 27
28 • In the Compensation Programs Exhibit in the Employee Compensation section, the
29 Option A Noncontributory line on page 19 was removed as it was no longer applicable to
30 any employee. On that same page the Option A Contributory and Option B Alternate
31 percentages were changed to their actual percentages. Both should have been listed at
32 18.47% instead of 19.28% and 17.90%, respectively.

33
34 Mr. Manning said the Tentative Budget was accepted at the last City Council meeting, which
35 gave the City the ability to continue to operate in the event the Final Budget was not accepted.
36 The Budget total was \$97,112,659. There was a keying error that was caught from the Tentative
37 Budget, so the internal information was always correct but now the total amount was correct.
38 The Budget had several small components of the \$97,112,659 and was managed in those
39 components. They did not look at the budget as a whole generally, but made sure the pieces were
40 working. Mr. Manning gave a detailed review of the information presented at the previous City
41 Council meeting for the different components of the Final Budget.

42
43 Mayor Brunst asked Mr. Davidson if Orem’s police department was fully staffed or if it was
44 behind in some way.

45
46 Mr. Davidson said that was a somewhat subjective questions based on the benchmark. In many
47 communities there was an officer-per-thousand type ratio, and according to that ratio Orem

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1 would be behind. Another thing closely looked at was “availability time”, where officers were
2 running from call to call and had limited time to conduct proactive police work. He felt they had
3 reached the point where more officers were needed to meet the proactive police work standard
4 Chief Giles was trying to implement.

5
6 Mr. Manning said a flyer was sent out explaining the transfer of monies from the enterprise
7 funds to the General Fund. They did that because the City had to show the rate they paid for
8 water in city parks, for example. The payment of \$750,000 from the General Fund to the Water
9 fund was to pay for water used in the parks. To purchase that water they would either have to cut
10 services in that amount or increase taxes in that amount. The third option was the transfer from
11 the enterprise funds to the General Fund to keep the same service level at the same cost. The
12 money paid from the General Fund to appropriate fund, and then the same amount was
13 transferred right back to the General Fund. The service level stayed the same at no additional
14 cost to the residents of Orem. The State Auditor wanted that process shown.

15
16 There was a discussion of credit card fees. Mr. Manning said the fees would sometimes be as
17 high as six percent. Mr. Davidson said this was a part of the cost of doing business.

18
19 Mayor Brunst opened the public hearing.

20
21 Bob Wright, resident, said he objected that the budget was always being compared to other
22 cities’ budgets. He said most of the bond/indebtedness was for recreation projects over the years.
23 He thought there should be equalization on what was budgeted for Cultural Arts and Recreation.
24 He wanted to make sure the public knew that the proposed utility increases were not a part of this
25 budget.

26
27 Gloria Herndon, resident, said she was concerned about the utility bill and its ongoing costs. She
28 said she had not voted for those changes and it had been a hard thing for her family ever since
29 the rate change. She said some neighbors were cutting down trees and destroying their own
30 properties to accommodate for utility fees. Seniors had worked hard to get where they were, and
31 the water bill was now higher than when their children were living at home. She said when
32 people retired they were on a set income, and the cost of living kept rising. She wanted to
33 propose that the water fees be dropped so families could enjoy their homes and the usage of
34 water.

35
36 Mayor Brunst closed the public hearing.

37
38 Mr. Spencer brought up the recent increases in youth sports fees. He asked how the changes had
39 come about.

40
41 Mr. Hirst said it was a two phase plan so the entire increase would not go in at once. The
42 increased included swim fees per lane and baseball prep fees. Youth sport seasons had not yet
43 paid phase 1 because the timing was difficult. They had been noticed of the increase and in 2016
44 they would pay for the 2015 phase 1 and then phase 2 would be paid at the start of 2017.

45
46 Mr. Spencer remembered only a 50% increase, not an escalation.

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1 Mr. Andersen said his recollection was the same as Mr. Spencer.

2
3 Mrs. Black recalled a stepped fee increase over the two years.

4
5 Mr. Seastrand said he recalled the same things as Mrs. Black, but did not remember the specifics
6 of the timeframe or the amounts.

7
8 Mayor Brunst said he did not recall either way.

9
10 Mr. Macdonald asked if this would be the full step.

11
12 Mr. Hirst said this was the full process; there would be no phase 3.

13
14 Mr. Macdonald asked what would be the effect on the budget if the City did not do the full step.

15
16 Mr. Hirst said it was approximately \$25,000; not a majorly significant financial impact.

17
18 Mr. Spencer suggested a freeze on the fees and that further analysis be done.

19
20 Mr. Davidson said \$2.3 million were spent annually to maintain fields. The challenge in recent
21 years was that those who used facilities needed to pay for them. He questioned how the City
22 could, in an equitable way, have everyone pay for assets they benefitted from. A significant
23 amount of costs were borne by the general tax funds of the city. The intent was to recognize
24 there were some assets everyone benefitted from all the time, and some that only some benefitted
25 from part of the time. He agreed with the idea of looking at those fees.

26
27 Mr. Macdonald said the Council could approve this budget, and then come back in a few weeks
28 and re-examine those fees.

29
30 Mr. Davidson said his recommendation was to move forward, and specifically opt not to adopt
31 the second phase of recreation fees and leave them as they were. There was time to adjust if
32 necessary.

33
34 Mr. Spencer said there should be a study session on exactly what recreational items CARE tax
35 money could be used for. It could go toward maintenance of facilities.

36
37 Mr. Manning proposed exempting the four youth sports fee increases from the budget.

38
39 Mayor Brunst **moved**, by ordinance, to approve and adopt a Budget for Fiscal Year 2015-2016,
40 adopt the compensation programs, adopt the fees and charges schedule, set the property tax,
41 franchise tax, municipal energy sales and use tax, telecommunications license tax, transient room
42 tax, and E-911 fee rates, exempting the fee increase on the youth sports for swimming, football,
43 baseball, and soccer. Mr. Spencer **seconded** the motion. Those voting aye: Margaret Black,
44 Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. Those
45 voting nay: Hans Andersen. The motion **passed**, 6-1.

46 47 COMMUNICATION ITEMS

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MONTHLY FINANCIAL SUMMARY – April 2015

The Monthly Financial Summary was included in the packets distributed to the City Council.

CITY MANAGER INFORMATION ITEMS

There were no city manager information items.

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

Mr. Macdonald **moved** to adjourn to a meeting of the Redevelopment Agency of the City of Orem. 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 7:45 p.m.

Public Works Advisory Appointments

CITY OF OREM
CITY COUNCIL MEETING
JUNE 9, 2015



REQUEST:	6:00 P.M. PUBLIC HEARING – CITY-OWNED LIGHT POLES ORDINANCE – Amending Section 14-3-3 of the Orem City Sign Code as it pertains to signs on City-owned light poles
APPLICANT:	Development Services
FISCAL IMPACT:	None

NOTICES:

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

SITE INFORMATION:

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

**PLANNING COMMISSION
RECOMMENDATION**

7-0 for approval

PREPARED BY:

Steve Earl, Deputy City
Attorney

REQUEST:

Development Services requests the City Council, by ordinance, amend a portion of Section 14-3-3 pertaining to signs on City-owned light poles.

BACKGROUND:

Many City light poles along major roads are equipped with crossbars that allow for the placement of banner signs. The City has traditionally placed banner signs on these light poles to promote community events such as Summerfest and the Storytelling Festival. Under the City’s sign ordinance, these City-owned light poles are limited to City speech and are not open to the public for general use.

The City has recently received substantial financial contributions for the 2015 Summerfest from local businesses which will allow the City to create a better Summerfest experience for the entire community. The City would like to recognize these businesses as sponsors of Summerfest on some of the City light pole banner signs. This would involve hanging banner signs with the sponsors’ names on some of the light pole signs in addition to the traditional Summerfest banner signs.

In order to allow the City to recognize its Summerfest sponsors, the City proposes to amend the sign ordinance to allow off-premise advertising on City light pole signs. Under the current ordinance, off-premise advertising is generally prohibited unless specifically authorized by ordinance. The proposed amendment would create a very limited exception to the general prohibition of off-premise advertising and off-premise signs will likely only be used in connection with sponsorship of major community events such as Summerfest and the Storytelling Festival.

In this context, the City intends to include sponsor signs either interspersed with its traditional Summerfest (or Storytelling Festival) light pole signs or to include a sponsor logo as part of such signs. The City believes that the net effect will be the creation of an attractive signage display that will both enhance the Summerfest (and Storytelling) experience and create a visually appealing and festive atmosphere preceding and during such events. The type, nature, and frequency of off-premise advertising allowed on City light poles will be tightly controlled by the City to limit and prevent any negative aesthetic impact from such advertising.

The language of the proposed amendment is as follows:

14-3-3. Specific Regulations by Sign Type.

All signs shall comply with the following listed requirements.

....

Light Pole Signs (City-owned)

1. May only be located on a City-owned light pole.
2. Shall be attached to a crossbar extending from the light pole at the top of the sign.
3. Shall not exceed two feet in width and six feet in length and shall not exceed twelve (12) square feet in area.
4. Are intended to remain a private forum for the expression of City speech only. Nothing in this Chapter shall be construed to convert City-owned light poles into a public forum.
5. Do not require a permit.
6. No more than two signs may be located on any one light pole.
7. Off-premise signs are permitted on City-owned light poles.

Advantages

- Allows the City to include limited off-premise advertising on City light poles to recognize sponsors of major community events such as Summerfest which provide a benefit to the community as a whole.
- The allowed off-premise advertising on City light poles will be tightly controlled by the City and off-premise signage will be used on a very limited basis.
- The limited off-premise advertising allowed will be controlled by the City to create a positive rather than a negative aesthetic impact.

Disadvantages

- None determined.

RECOMMENDATION: The Planning Commission recommends the City Council, by ordinance, amend a portion of Section 14-3-3 pertaining to off-premise signs on City-owned light poles as described above.

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ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 14-3-3 OF THE OREM CITY CODE PERTAINING TO OFF-PREMISE SIGNS ON CITY LIGHT POLES

WHEREAS the Department of Development Services filed an application on May 12, 2015, requesting the City Council amend Section 14-3-3 of the Orem City Code to allow off-premise signs on City light poles; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on June 3, 2015 and the Planning Commission recommended approval of the proposed amendment; and

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

WHEREAS a public hearing considering the subject application was held by the City Council on June 9, 2015; and

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

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

1. The City Council finds that this request is in the best interest of the City because:
 - A. It will allow the City to include limited off-premise advertising on City light poles to recognize sponsors of major community events such as Summerfest and the Storytelling Festival which will improve such events and provide a benefit to the community as a whole.
 - B. Off-premise advertising used to recognize sponsors of major community events will be used in combination with event signs to create an attractive signage display on City light poles that will both enhance the Summerfest (and Storytelling) experience and will create a visually appealing and festive atmosphere preceding and during such events.
 - C. The type, nature, and frequency of off-premise advertising allowed on City light poles will be tightly controlled by the City to create a positive rather than a negative aesthetic impact.

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2. The City Council hereby amends Section 14-3-3 of the Orem City Code pertaining to off-premise signs on City light poles as shown on Exhibit "A" attached hereto and incorporated herein by reference.

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

4. All ordinances or policies in conflict herewith are hereby repealed.

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

PASSED, APPROVED and ORDERED PUBLISHED this 9th day of June 2015.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

DRAFT

EXHIBIT A

14-3-3. Specific Regulations by Sign Type.

All signs shall comply with the following listed requirements.

....

Light Pole Signs (City-owned)

1. May only be located on a City-owned light pole.
2. Shall be attached to a crossbar extending from the light pole at the top of the sign.
3. Shall not exceed two feet in width and six feet in length and shall not exceed twelve (12) square feet in area.
4. Are intended to remain a private forum for the expression of City speech only. Nothing in this Chapter shall be construed to convert City-owned light poles into a public forum.
5. Do not require a permit.
6. No more than two signs may be located on any one light pole.

7. Off-premise signs are permitted on City-owned light poles.

CITY OF OREM
CITY COUNCIL MEETING
 JUNE 9, 2015



REQUEST:	ORDINANCE – Amending Section 12-5-12 of the Orem City Code pertaining to mobile vendors.
APPLICANT:	Development Services
FISCAL IMPACT:	None

NOTICES:

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

SITE INFORMATION:

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

**PLANNING COMMISSION
 RECOMMENDATION**

7-0 for approval

PREPARED BY:

Steve Earl, Deputy City
 Attorney

REQUEST:

Development Services requests the City Council, by ordinance, amend Section 12-5-12 pertaining to mobile vendors.

BACKGROUND:

Mobile vendors (food trucks) have become increasingly popular in the City over the last few years. Under the current ordinance, food trucks are allowed to park on a public street or on private property where permission is given. Food trucks naturally seek locations where large numbers of people congregate or pass by.

Recently, food trucks have discovered that the City’s annual Summerfest event provides an attractive market. During the last Summerfest, food trucks parked on City streets immediately adjacent to the City Center Park where the Summerfest celebration was held. This resulted in a number of problems that the City would like to address.

First, food trucks occupied prime parking spaces that might otherwise have been used by patrons of Summerfest. Second, people interested in purchasing food from the food trucks congregated on the sidewalks while waiting in line and obstructed the large numbers of people trying to get to and from Summerfest activities. Third, the food trucks were taking advantage of an economic opportunity without sharing in the costs of putting on the event.

The City authorizes vendors to sell food during Summerfest provided they receive a license to do so. Summerfest food vendors are required to pay a fee, have insurance and sign an agreement in which they agree to abide by numerous conditions including maintaining their selling space clean and free of debris. Authorized vendors are given a designated location within the City Center Park where they are authorized to sell food to Summerfest patrons. The fees paid by these vendors are used to help defray the costs of clean-up, security and other expenses associated with holding Summerfest.

Food trucks that park on City streets adjacent to City Center Park reap the same benefits as the authorized food vendors without bearing any of the same costs which results in unfair competition and an additional financial burden to the City.

In order to eliminate the problems food trucks cause during Summerfest, Staff feel it is appropriate to amend Section 12-5-12 to require that mobile vendors

not be allowed to park on a public street located within 1,000 feet of the City Center Park during the annual Summerfest event.

The language of the proposed amendment is as follows:

12-5-12. Mobile Vendors.

A mobile vendor may only be a food vendor, and must have all required licensing from the Utah County Health Department. All equipment related to food preparation must be in a self-contained unit such as the vehicle itself or an attached trailer. An operating mobile vendor may not interfere with vehicular or pedestrian circulation. A mobile vendor may not be parked longer than five (5) hours at any one location (or within 500 feet of said location) per day. Property owner approval is required. A mobile vendor may not park on any public street located within one thousand feet (1000') of the City Center Park during the annual Summerfest celebration typically held in June of each year.

Advantages:

- Will provide more on-street parking for patrons of Summerfest.
- Will reduce obstructions to pedestrian traffic on sidewalks adjacent to City Center Park.
- Will require all food vendors who receive the benefit of selling to Summerfest patrons to pay their respective share of the costs associated with holding the event.

Disadvantages:

- Mobile food vendors may be negatively impacted.

RECOMMENDATION: City Staff recommends the City Council, by ordinance, amend Section 12-5-12 pertaining to mobile vendors as described above.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 12-5-12 OF THE OREM CITY CODE PERTAINING TO MOBILE VENDORS

WHEREAS the Department of Development Services filed an application requesting the City Council amend Section 12-5-12 of the Orem City Code to prohibit mobile vendors from parking on a public street within 1,000 feet of City Center Park during the annual Summerfest celebration typically held in June of each year; and

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

WHEREAS a public hearing considering the subject application was held by the City Council on June 9, 2015; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; and the special conditions applicable to the request.

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

1. The City Council finds that this request is in the best interest of the City because:

A. Mobile vendors (food trucks) that park on City streets adjacent to or in the vicinity of City Center Park during Summerfest create negative impacts for the City because they: (1) take up prime parking space that could otherwise be used by patrons of Summerfest, (2) contribute to the obstruction of pedestrian traffic on sidewalks adjacent to City Center Park because patrons congregate on the sidewalks as they wait to place an order with the mobile vendors, and (3) contribute to the costs the City incurs associated with Summerfest such as the cost of clean-up and security while not paying their respective share toward such costs as do food vendors who are licensed by the City to sell food in the City Center Park during Summerfest.

2. The City Council hereby amends Section 12-5-12 of the Orem City Code pertaining to mobile vendors as shown on Exhibit "A" attached hereto and incorporated herein by reference.

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

4. All ordinances or policies in conflict herewith are hereby repealed.

DRAFT

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

PASSED, APPROVED and ORDERED PUBLISHED this 9th day of June 2015.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

DRAFT

EXHIBIT A

12-5-12. Mobile Vendors.

A mobile vendor may only be a food vendor, and must have all required licensing from the Utah County Health Department. All equipment related to food preparation must be in a self-contained unit such as the vehicle itself or an attached trailer. An operating mobile vendor may not interfere with vehicular or pedestrian circulation. A mobile vendor may not be parked longer than five (5) hours at any one location (or within 500 feet of said location) per day. Property owner approval is required. [A mobile vendor may not park on any public street located within one thousand feet \(1000'\) of the City Center Park during the annual Summerfest celebration typically held in June of each year.](#)

CITY OF OREM
CITY COUNCIL MEETING
JUNE 9, 2015



REQUEST:	RESOLUTION – Supporting the HB362 (2015) Authorized 0.25% Local Option General Sales Tax Dedicated to Transportation.
APPLICANT:	City Manager
FISCAL IMPACT:	None

NOTICES:

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

SITE INFORMATION:

General Plan Designation:

N/A

Current Zone:

N/A

Acreage:

N/A

Neighborhood:

N/A

Neighborhood Chair:

N/A

PREPARED BY:

Reed Price
Maintenance Division
Manager

RECOMMENDATION: The City Manager recommends that the Orem City Council, by resolution, support the HB362 (2015) Authorized 0.25% Local Option General Sales Tax Dedicated to Transportation.

BACKGROUND: On December 9, 2014, the City Council adopted resolution R-2014-0022 encouraging partnership with the State of Utah to address transportation funding. In that resolution, the Council supported creating new and changing existing funding sources for transportation improvements; investing in transit; and expanding the approved uses for transportation funding.

HB 362 was passed during the 2015 legislative session and is a broad approach to addressing part of the funding shortfall to meet the transportation needs of local governments throughout the state. The bill will help the City of Orem better preserve its current infrastructure and accommodate projected population growth.

There are two main provisions in the bill. One reforms the existing gas tax and another authorizes a local transportation sales tax to allow for priority investments in roads, transit, and active transportation facilities at the local level. Together, funding currently generated for transportation improvements from transportation-specific sources for the city would increase by \$2.1 million, or 85% per year. It is estimated that this is still about \$1.1 million short of what is needed for long-term sustainability of the city's transportation system.

If approved, the local transportation sales tax option would give the City of Orem and other local governments additional funding to address their transportation needs. Counties are authorized to enact a 0.25% general sales tax for transportation subject to voter approval. The funds would be allocated as follows:

- 0.10% to the city (40% of the increase);
- 0.10% to UTA (40% of the increase);
- 0.05% to the county (20% of the increase).

The municipal 0.10% portion will be distributed according to the traditional 50/50 sales tax formula. The City's portion of this sales tax would increase the funding currently received from the state for transportation improvements by an estimated \$1.6 million, or 68%. The local option sales tax may be spent on a larger range of transportation infrastructure including

class C roads, pedestrian safety facilities, active transportation facilities, public transit, or multimodal transportation facilities.

HB 362 authorizes the Utah County Commission to impose a quarter cent sales tax and requires voters in the county to approve the tax during a November election. There is no specific year requirement. A county must decide to put the tax on the ballot by late August so as to comply with state and federal election law. If voters approve the tax opinion question, the county imposes the tax & provides notice to the Tax Commission. The Tax Commission needs 90 days to prepare the tax. The tax will be effective on the first calendar day of the new full quarter. Counties, cities, towns, and transit systems will start receiving funds 2-3 months later. April 1, 2016 is the first possible calendar day the tax could become effective. Revenues would be received in June/July of that year.

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OREM, UTAH, SUPPORTING THE HB 362 (2015) AUTHORIZED 0.25% LOCAL OPTION GENERAL SALES TAX DEDICATED TO TRANSPORTATION, ENCOURAGING THE COUNTY OF UTAH TO SUBMIT THE PROPOSAL TO VOTERS IN NOVEMBER 2015, AND ENCOURAGING VOTERS TO SUPPORT THE PROPOSAL.

WHEREAS a safe and efficient transportation system creates the foundation for economic growth, improved air quality and public health, and enhanced quality of life; and

WHEREAS the creation and maintenance of transportation infrastructure is a core responsibility of local government; and

WHEREAS Utah's population is expected to grow by 2 million residents by 2040; and

WHEREAS Orem's residents demand new comprehensive transportation options such as bike lanes, multi-use paths, off-road trails, and transit in addition to traditional roads; and

WHEREAS due to a drastic shortfall in transportation revenue, Orem is using approximately \$2.0 million dollars from the general fund to supplement its transportation system in order to try to meet its local transportation needs; and

WHEREAS research from the Utah Department of Transportation indicates that road rehabilitation costs six times as much as road maintenance, and road reconstruction costs ten times as much as road maintenance, and

WHEREAS investing in transportation results in economic development for Orem City and Utah County and accessible good-paying jobs for its residents; and

WHEREAS improving comprehensive transportation in Orem City and Utah County will reduce private vehicle usage which will in turn lead to improved air quality; and

WHEREAS poor air quality discourages economic development, business recruitment and tourism visits, and contributes to asthma and other health ailments; and

WHEREAS nearly 1 in 10 Utah adults suffer from asthma and struggle to breathe during poor air quality days; and

WHEREAS nearly 57% of Utah adults are overweight, nearly 200,000 Utahns have diabetes, and diabetes and obesity related health care costs in Utah exceed \$700 million; and

WHEREAS investing in safe and connected trails, bike lanes, sidewalks, and multi-use paths will encourage residents to be more active, enable them to spend more time with their families via active transportation, and result in improved personal and community health; and

DRAFT

WHEREAS Utah has created a Unified Transportation Plan to address these comprehensive transportation and quality of life issues; and

WHEREAS Orem City Council adopted resolution R-2014-0022 encouraging partnership with the State of Utah to address transportation funding; and

WHEREAS in that resolution, the Council supported creating new and changing existing funding sources for transportation improvements; investing in transit; and expanding the approved uses for transportation funding; and

WHEREAS the Utah State Legislature recognized the local transportation needs and enacted HB 362 which authorized counties to impose and voters to approve a 0.25% local option general sales tax dedicated to local transportation; and

WHEREAS Orem City will, upon county imposition and voter approval, receive 0.10 of the 0.25% sales tax to invest in critical local transportation needs; and

WHEREAS the City's portion of this sales tax would increase the funding currently received from the state for transportation improvements by an estimated \$1.6 million, or 68%; and

WHEREAS the local option sales tax may be spent on a larger range of transportation infrastructure including class C roads, pedestrian safety facilities, active transportation facilities, public transit, or multimodal transportation facilities.

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

1. Support the 0.25% Local Option General Sales Tax. The City Council supports the proposed 0.25% Local Option General Sales Tax that the Utah County Commission may submit to voters in Utah County in November.
2. Encourage Submission of Proposal to the Voters of Utah County. The City Council urges the Utah County Commission to submit the 0.25% local option general sales tax dedicated to transportation to the voters of the county for the November 2015 election. The City Council also publicly supports the Utah County Commission in submitting the 0.25% local option general sales tax dedicated to transportation to the electorate of the county.
3. Encourage Voters to Enact the 0.25% Local Option General Sales Tax. The City Council encourages voters to carefully consider the potential impact from the 0.25% local option general sales tax and to support the enactment of the 0.25% local option general sales tax because of the potential impact explained below.

DRAFT

4. Road and Street Needs in Orem City. The City has significant traditional transportation needs that the municipal 0.10 portion could address. These include accelerating the asphalt crack seal and slurry coat maintenance program; sidewalk maintenance and replacement; overlay projects following utility replacement and upgrades and due to age; and reconstruction of aging roads. Adoption of the municipal 0.10 would enable the city to invest in the critical projects that its residents expect.

5. Active and Alternative Transportation Infrastructure Needs in Orem City. The City has significant active and alternative transportation needs that the municipal 0.10 portion could address. Residents are demanding improved sidewalks and pedestrian safety modes, connected trail systems, enhanced bike lanes, better connectivity with transit, more traffic calming devices, and other modern transportation infrastructure. Investment in active transportation options will encourage residents to travel via walking, biking, and transit, result in a healthier population, reduced emissions, decreased health care costs, and improved quality of life. Adoption of the municipal 0.10 would enable the city to invest in the critical projects that its residents expect.

6. Investment in Transit. The City Council supports continued investment in public transit because transit can help relieve traffic, promote walkable communities, and improve air quality. The transit system will receive 0.10 of the county imposed and voter approved 0.25% local option general sales tax. The City expects the transit system to utilize the revenues collected within the City for projects that will expand local transit service, foster local and regional connectivity, and benefit the residents of the City.

7. Distribution of this Resolution. A copy of this resolution shall be sent to the Utah County Commission, the Utah League of Cities & Towns, the Utah Association of Counties, the Speaker of the Utah House of Representatives, the President of the Utah State Senate, State Representatives and Senators who represent Orem City, and the Governor of Utah.

8. Effective Date. This Resolution shall become effective upon passage.

PASSED AND APPROVED this 9th day of **June** 2015.

DRAFT

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

