

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
September 22, 2015

3:00 P.M. TOUR – CANYON SPRINGS AND ALTA SPRINGS FACILITIES

CONDUCTING Mayor Richard F. Brunst

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

APPOINTED STAFF Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Chris Tschirki, Public Works Director; Bill Bell, Development Services Director; Charlene Crozier, Library Director; Sam Kelly, City Engineer; Neal Winterton, Water Division Manager; Reed Price, Maintenance Division Manager; Lawrence Burton, Water Reclamation Section Manager; Quinn Fenton, Public Works Field Supervisor; and Jackie Lambert, Deputy City Recorder; Bill Peperone, Public Works Advisory Commission member; Michael Collins, Bowen Collins & Associates.

EXCUSED David Spencer

TOUR – Canyon Springs and Alta Springs Facilities

Mr. Tschirki conducted a tour of the Canyon Spring and Alta Spring water facilities, two natural canyon springs in Provo Canyon. Mr. Tschirki explained how water was collected and treated and passed on to consumers. Discussion touched on treatment, storage, and state regulations for water.

5:30 P.M. STUDY 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; Ryan Clark,

Economic Development Division Manager; Neal Winterton, Water Division Manager; Reed Price, Maintenance Division Manager; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

EXCUSED

David Spencer

Preview Upcoming Agenda Items

Staff presented a preview of upcoming agenda items.

Agenda Review

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

City Council New Business

Mayor Brunst provided an update on the local option quarter-cent transportation sales tax. The Transportation Coalition of Utah was soliciting donations to help with informing voters.

The Council adjourned at 6:00 p.m. to the City Council Chambers for the regular meeting.

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

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, 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; Donna Weaver, City Recorder; Ryan Clark, Economic Development Division Manager; Sam Kelly, City Engineer; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

EXCUSED

David Spencer

**INVOCATION /
INSPIRATIONAL THOUGHT
PLEDGE OF ALLEGIANCE**

Jacob Millett
Bethany Day

APPROVAL OF MINUTES

There were no minutes ready for approval.

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

Upcoming Events

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

Appointments to Boards and Commissions

Mr. Seastrand **moved** to appoint Tayna Harmon to the Beautification Advisory Commission, Bradley Prescott to the Heritage Advisory Commission, and reappoint Kena Jo Mathews to the Summerfest Committee. Mr. Andersen **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, Brent Sumner. The motion **passed** unanimously.

Recognition of New Neighborhoods in Action Officers

There were no new neighborhood officers recognized.

OATH OF OFFICE – Orem Youth Council

Mr. Stephens introduced the Orem Youth Council present: Jacob Millett, Jenna Harmon, Jonathan Shipp, Becky Louder, Bethany Day, Eva Moses, Taryn Holdaway, Mia Barlow, Spencer Yeates, Sydney Baker, Nathan Baker, Calli Schmidt, Lily Hubler, Adam Blackham, Regan Whitworth, Alison Bench, Mattea Shirley. After Donna Weaver, City Recorder, administered the oath of office to them, the Youth Council members were invited to shake hands with the Council.

RECOGNITION – Lifesaving Award

Chief Gurney presented the Life Saving Award to Crista Mella, Marta Mella, and Ellen Swenson, who came to the assistance of Madison Oldham on July 8, 2015, when she had a rare cardiac event which put her in full arrest. Chief Gurney said the department wanted to recognize them as part of the chain of survival. They were then invited to shake hands with the Council.

CITY MANAGER'S APPOINTMENTS

Appointments to Boards and Commissions

There were no appointments to boards and commissions.

PERSONAL APPEARANCES

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

Sarah Bateman, resident, invited the Council and residents to the Free Swap on September 26, 2015, from 9 a.m. to 1 p.m. at the City Center Park Rotary Pavilion. The two-fold mission was to share abundance and unite communities.

John Reinhard, resident, expressed concerns about the following:

- The most recent version of the draft State Street Master Plan included many more apartments but not more jobs.
- The previous plan limited building height to five or six stories while the new plan showed a maximum building height of 150 feet.
- There was nothing in the plan that indicated those buildings would be for office space.
- The plan might combine those tall buildings with a PD zone.
- More public input should be solicited about the plan in the form of booths around town.

He concluded his comments by suggesting the Personal Appearance section on the agenda was inadequate.

CONSENT ITEMS

There were no Consent Items.

SCHEDULED ITEMS

RESOLUTION – Authorizing the Mayor to Enter into an Interlocal Agreement with Utah County for the joint administration of the Municipal General Election and the Utah County Special Election on November 3, 2015 and to Designate One Election Day Voting Center

Mrs. Weaver, the City’s Election Official, noted that the City had conducted the 2015 Municipal Primary Election using the vote-by-mail method. Voter turnout increased dramatically compared to other recent municipal primary elections. It was the City’s intent to conduct the 2015 General Municipal Election using the same vote-by-mail method. Recently, the Utah County Commissioners voted to hold a countywide special election on November 3, 2015, and place on the countywide ballot a proposed local sales tax option for transportation. If Utah County and the City were to proceed with the respective elections independently, voters within the City would be required to vote twice: once in the municipal election and once in the countywide election.

To provide the best access to the election process for the residents of Orem, it was recommended that the City and Utah County enter into an interlocal agreement providing for the joint administration of the 2015 Municipal General Election and the County’s special election.

- It was to the mutual benefit of Utah County and the City to jointly administer the elections.
- Joint administration would decrease the costs of each governmental entity administering and conducting separate elections and would decrease voter confusion.
- Utah County would directly administer the election, and the City would play a secondary role by assisting the County with monitoring the election process. Utah County would create and provide to voters a combined ballot containing the candidates for local office as well as the sales tax ballot proposition.
- The vote-by-mail method used in the 2015 Municipal Primary Election would be preserved through the County’s distribution of vote-by-mail ballots to all registered voters within the City.
- Utah County would canvass the ballot proposition, and the City would canvass its local candidate results.
- The costs of the election would be shared between Utah County and the City.

- The Election Official and City staff would make every effort to provide assistance to the County for the joint administration.
- In order to facilitate the joint administration, the City Council must designate an Election Day vote center to be located at City Center.

Mrs. Weaver indicated they were still working out some minor details with the County and asked the Council to consider approving the agreement while giving staff permission to tweak noncritical language.

Mrs. Black asked how to do that, and Mr. Stephens explained that the wording of the resolution contained terms “substantially similar to those outlined in Exhibit A.” By passing the resolution, the Council would be saying the terms would be substantially similar to what was in Exhibit A tonight.

Mayor Brunst noted that one term in the agreement was providing oversight of the County’s counting process. He said that was very important.

Mrs. Black **moved**, by resolution, to (1) authorize the Mayor to enter into an Interlocal Agreement with Utah County for the joint administration of the Municipal General Election and the Utah County Special Election on November 3, 2015, and to Designate One Election Day Voting Center to be located at 56 North State; and (2) to follow the provisions in Appendix A with any small changes that need to be made. Mr. Macdonald **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, Brent Sumner. The motion **passed** unanimously.

6:00 P.M. PUBLIC HEARING – PD-18 Slope Requirements

ORDINANCE – Amending Section 22-11-30 of the Orem City Code by enacting subsection (Q) pertaining to grading requirements in the PD-18 zone at 1300 South Carterville Road and enacting Appendix PP of the Orem City Code

Mr. Bench presented applicant Scott Sykes’ request that the City amend Section 22-11-30 of the Orem City Code by enacting subsection (Q) pertaining to grading requirements in the PD-18 zone at 1300 South Carterville Road and enacting Appendix PP of the Orem City Code.

Section 17-8-2 (Hillside Developments) contains provisions that limit and restrict the development of areas that have significant slope areas. Specifically, this section provides that no more than 25 percent of the area of a lot that has an average slope of 35 percent or more may be graded. The Code also provides that no more than 50 percent of the area of a lot that has an average slope between 20 to 35 percent may be graded.

The slope ordinance was intended to protect slope areas within the City. Grading steep slopes can cause instability and other issues such as slides and creep. Slopes having a grade in excess of 20 percent are most commonly found along the bench and river bottom areas, but can also be found elsewhere in the City.

The applicant recently received approval of The Berkshires Subdivision Plat S which was located in the PD-18 zone and which was recorded by Utah County in August 2015. The area contained within this nine-lot plat contains areas with significant slopes including some areas with slopes in excess of 35 percent. Application of the City's current hillside ordinance to the lots in this plat would significantly hamper the optimal development of these lots as it would prevent grading and/or construction on significant portions of the lots.

The applicant has therefore proposed that the City enact subsection Q to Section 22-11-30 which would create new standards for the grading of slope areas within Area B (Berkshires Plat S) of the PD-18 zone. The proposed amendment would allow for greater flexibility with regard to the grading of slope areas. Specifically, the proposed amendment would eliminate the limits on the amount of slope areas that could be graded provided that the developer submits a geologic and geotechnical report that demonstrates that the disturbance of any slope areas of 25 percent or greater would not cause any instability or other negative impacts. These reports would identify soil strength, soil characteristics, ground water, and measure seismic slope stability. The reports would also include a slope stability analysis and propose mitigation measures to effectively build/grade the site. The City Engineer would review the reports and issue a grading permit only if the reports meet the applicable criteria contained in the ordinance.

The proposed amendment would significantly change how the City regulated and dealt with development on slope areas, at least in the limited area of the PD-18 zone. Staff felt that the PD-18 zone was a good area to try these new regulations as there was little risk of causing slope instability in this area and little danger of causing any negative impacts to adjacent properties. If the proposed regulations work well in the area, it may be desirable to apply them to other areas of the City as well.

Mr. Bench noted that the proposed change would be limited to this PD zone and was specific to the area. There were some unique slopes related to Area B. It did allow for the grading of any property so long as they provided and completed seismic requirements, geologic report, license from city engineer, etc. There were also water table issues that would have to be met. The Planning Commission did review the request and recommended approval.

Mr. Macdonald asked if the property owners would be building in the area or simply landscaping. Mr. Bench said they wanted to build in parts of the area. Mr. Macdonald asked if the project engineer guaranteed it would be safe to do that.

Roger Dudley, civil engineer for the project, said he had worked with staff to come up with something that would be safe. He did not have as much concern as Mr. Kelly. The homes being proposed for the area would be expensive. They would sit on top of the hill and have walk-out basements.

Mayor Brunst expressed concern about how much the applicant would have to demonstrate there would be no disturbance during the construction and grading. He noted that some years ago in Provo homes had been approved on a hillside. During a year with a lot of moisture, the ground shifted, and the expensive homes broke apart. He asked how to avoid a similar situation here.

Mr. Dudley said the intent of the ordinance was to mitigate those kinds of issues. The City had hired a consultant, as had he, and they had looked at language that would protect the City as well

as the homeowners. Mr. Dudley said the ground composition in the area was different than the neighborhood the Mayor referenced. There were no ground level water issues on the lower and upper levels. The property owner would do some mass grading to soften the slopes. An additional requirement was for the homeowner's association to give approval, and their standards were even higher than the City's.

Mr. Kelly said he had also had concerns and spoken extensively with Mr. Dudley and their consultant. Mr. Kelly said Orem's current hillside ordinance did not fit the area, so it was necessary to draft an ordinance tailored to the area in the application. The ordinance was designed to work with the terrain of each lot and specify factors of safety. They must demonstrate that it would hold up in case of a seismic event. He indicated that he would like to reevaluate the City's current hillside ordinance.

Mayor Brunst asked about the graded slopes, and Mr. Kelly said they would look at the plans on an individual basis—not just how the proposed home was concerned but how its construction might impact the surrounding lots. Mayor Brunst said financial concerns and geologic reports did not always agree.

Mrs. Black, noting she had the same concerns as the Mayor about the Provo incident, asked about the opinion of the consultant.

Mr. Kelly reaffirmed that the area was different from the one in Provo, and he was comfortable with the ordinance being proposed. The consultant was also comfortable with it. Mr. Kelly if he had any concerns, he would take them to the consultant. He would review it and ask certain questions. Engineering and safety would then be addressed. The homeowner in Provo did not do all that.

Mrs. Black asked about the City's ability to enforce the ordinance. Mr. Kelly said they would do the best they could, but he was less concerned about this area where finances were not likely to be an issue.

Mayor Brunst said he understood the proposed ordinance would be a test case for the way the City dealt with slope areas. He expressed concern that it would set a precedent. Orem had many different types of soil.

Mr. Kelly said that for a citywide ordinance they would hire a consultant to do a slope stability analysis and a sensitive slope area. The entire city would be analyzed. Certain parts of Orem would have specific requirements. As far as citywide, he would want a map identifying specific areas that had special treatment needs to stabilize the slopes.

Mr. Davidson observed that there was no scientific exactness to the 30 percent slope figure. As a municipality they tried to build in controls (such as geotech studies) into the development process to help make sure the property owner built on safe ground. The controls that were part of the amendment spoke to that. Tonight's request was for this specific development. However, going forward, they would need to talk about how to insure that those types of construction were appropriate. Mr. Davidson said Mr. Kelly seemed to be proposing a broader citywide discussion.

Mr. Andersen said he did not know about this “stuff.” Staff referenced a study that had already been done, but it sounded like the property owners would need to do another one.

Mr. Kelly said they would. The City’s consultant did evaluate the area. Once the various property owners decided how to development their parcels, other studies would be needed to evaluate the impact of their specific construction plans. He noted that one house in the area went down eight levels. Another hit some groundwater issues and would not be able to go as deep. It depended upon what the homeowners wanted to do.

Mr. Andersen asked how deep the initial study went. Mr. Kelly said they looked at the geological history and then went down about ten feet.

Mayor Brunst asked about the elevation lines, and Mr. Dudley reviewed the different contours. He noted that a great deal of the slope would be removed for walk-out basements. Some very successful homes have been constructed on the Orem bench overlooking Riverwoods. They had had no problems, and the soil was similar to this area. Mayor Brunst said he still had concerns about the broad nature of the proposal; he would prefer more details.

Mr. Sumner asked what the City’s responsibility would be if a home were to be constructed on unsafe property. Mr. Earl said the City would have immunity for the issuance or nonissuance of permits. The approval power would be a discretionary act, and State law gave immunity for that.

When Mr. Sumner inquired about some homes in North Salt Lake that had had problems, Mr. Earl said that had been a different scenario. That municipality had agreed to pay for some mitigation, based largely on the fact that the city owned most of the ground that slid.

Mr. Andersen asked about a home that might be constructed on top and went down only one layer. Half the height would be taken by the house.

Mr. Dudley said the homes would sit on natural ground, not fill. They were not planning to put any homes on engineered fill. He said he did not share the Mayor’s concerns because they constructed homes on slopes all the time. There were some locations in Orem that this would not work well with the proposed ordinance. That was why it was only for this PD zone.

Mr. Earl said there had been discussion as to whether tonight’s ordinance could possibly serve as a model for other areas. Orem had many hills and slopes, with different characteristics and needing different standards. If a builder came forward and wanted to use these same standards, the City would be under no obligation to agree unless the situation were exactly the same. Mr. Earl said that would be unlikely.

Mayor Brunst said he was not in favor of relaxing the standards.

Mrs. Black said the request was probably fine for the area. The statements about it being a model for other areas were what gave her concern.

Mr. Kelly said the proposed ordinance would give a baseline for what to look for in other studies for other requests. That was the only component that he would look to apply to the rest of the city.

Mrs. Black said she would be okay approving this ordinance for this request only.

Scott Sykes, resident and applicant, said he grew up in the area and reviewed its history. He expressed appreciation to staff for how long they had worked to come up with the best criteria. Mr. Sykes said the Mayor had commented on the City's standard being eased but from what he understood the proposed ordinance would make them more defined and strict, with built-in criteria. The previous hillside ordinance did not have those and did not differentiate between this parcel's unique features and other parts of Orem. There were hundreds of homes that had been constructed on the Carterville bench and had stood the test of time. A building permit would not be issued without getting the geotech reports. Mr. Sykes said he recognized that the Council had to consider the needs of the entire city. As the proposed project had been years in the making, he hoped the Council would feel comfortable with the criteria being proposed. Each lot was buildable right now, but change would allow them to modify the backyard. If it was not approved, owners could still build but not grade to the extent the proposed ordinance would allow.

Mr. Earl said he had been involved in preparing the staff report that said the proposed ordinance would relax the slope standards for this particular area. Upon reflection, he thought that might have been misleading. In a sense it would relax the standards because under the current code no more than 50 percent could be graded while the proposed change would permit 100 percent. However, in another sense, the ordinance would tighten the requirements by making owners submit geotech reports which were not currently required. The amendment was an attempt to not restrict the grading of more slope than was necessary, and to put safeguards in place to ensure stability of the slopes.

Mr. Macdonald stated that he was no expert on the issue. They needed to rely on the experts. He asked Mr. Kelly and Mr. Dudley if they were comfortable with the proposed ordinance. Both men confirmed that they were. Mr. Macdonald asked for and received clarification on current placement of the roads. He then observed that, regardless of the sentence referenced by Mr. Earl, the Council would only be approving application of the ordinance to this project.

Mr. Seastrand said it seemed homes could still be built under the current ordinance. The extra requirements could be a better solution. It would not make it wide open. He asked who would make the final decision on those, and Mr. Kelly said he would.

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

In response to a query from Mr. Sumner about construction of the cul-de-sac, Mr. Sykes said someone could submit a building permit to begin construction on the cul-de-sac lots within three weeks. The critical point was that, should the proposed ordinance not pass, some of those homes would be less attractive for development. Mr. Sumner said the required geotech studies would make it more like three months.

Mr. Kelly confirmed that each individual lot would have to go through the process and receive approval.

Mr. Andersen said he liked that they were at the top and not the bottom.

Mayor Brunst restated that he was uncomfortable with this being a standard going forward.

Mr. Andersen **moved**, by ordinance, to amend Section 22-11-30 of the Orem City Code by enacting subsection (Q) pertaining to grading requirements in the PD-18 zone at 1300 South Carterville Road and enacting Appendix PP of the Orem City Code. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, Brent Sumner. Those voting nay: Richard F. Brunst The motion **passed** unanimously. The motion **passed, 5-1**.

6:00 P.M. PUBLIC HEARING – Amending Appendix A – SLU Codes

ORDINANCE – Amending Appendix A of the Orem City Code pertaining to standard land uses in the C2 and other zones of the City

Development Services requests the City amend Appendix A of the Orem City Code pertaining to standard land uses in the C2 and other zones of the City.

The C2 zone was “established to promote commercial and service uses for general community shopping.” The majority of the C2 zone was located along State Street which serves as a major commercial corridor in the City.

The City recently hired an outside consulting firm to conduct a study of State Street and to create a master plan that includes recommendations regarding the future growth and development of State Street. The vision statement of the completed State Street Master Plan encourages future development that would result in an “enhanced community image and identity” and that would “promote a family-friendly culture while becoming an attractive, urban lifestyle alternative for residents, businesses and visitors.”

In light of the objectives described in the vision statement, staff had undertaken a review of the currently permitted uses in the C2 zone to determine what currently permitted uses might be incompatible with the new vision for State Street as well as new uses that might now be appropriate. Following this review, staff had identified and were now proposing to eliminate a number of permitted uses that appear to be incompatible with the future vision for State Street and to add new uses that are compatible.

The uses that were being proposed for elimination as permitted uses in the C2 zone include ice manufacturing, furniture manufacturing, commercial and industrial equipment, lumber yards, farm equipment, chimney sweep, tattoos and body piercing, crematory services, animal kennels and runs, and golf driving ranges. Although these uses were proposed for elimination from the C2 zone, they are either currently permitted, or were being proposed to be made permitted in other zones as part of this application.

The uses that were proposed to be added to the C2 zone as permitted uses include intermodal (station), office/warehousing, medical and dental labs, ropes course, and indoor soccer facility.

A review of current business licenses shows that there were eight businesses in the C2 zone that fall under the SLU codes that are being proposed for elimination and could be affected by this

change. A list of these businesses along with the zones where such businesses would still be permitted was provided below:

Wind Ridge Cabinets (SLU 2431 – M1, M2, CM)

Wasatch Laminate (SLU 2431 – M1, M2, CM)

Convicted Ink Tattoo (SLU 6232 – M1, M2)

Forever Yours Tattoo (SLU 6232 – M1, M2)

Arcane Art Tattoo (SLU 6232 – M1, M2)

Bongo's Dog Resort (SLU 6517 – M1, M2)

Siggy's Paradise (SLU 6517 – M1, M2)

Nyman Ski and Snowboard Rental (SLU 7412* – eliminated- this use was added to Code while Cascade Golf Course was in operation)

If the City Council eliminated the uses from the C2 zone as proposed, the above-listed businesses would become legal nonconforming uses and could continue to operate in their current form. However, legal nonconforming uses could not be expanded, so their ongoing viability could be affected. As an example, if Wind Ridge Cabinets wanted to expand into the vacant tenant space next door, they would not be allowed to. Any affected business would be able to continue operating in its existing square footage at the time of the change and continue to operate so long as they maintained their business licenses and did not cease operations for more than one year.

Mr. Bench said the State Street Plan had been a long time in the making. They wanted to improve the State Street corridor to promote a family-friendly culture while improving the appearance. Mr. Bench noted there were over 900 businesses on State Street and some would be impacted by the proposed change. He reviewed some of those and stated that the City was not trying to eliminate those businesses. The code change would merely not allow new businesses of those uses on State Street. If the owners of the nonconforming businesses desired to enlarge or remodel, they would be encouraged to move to the M1 or M2 zones where their uses would be more appropriate. Mr. Bench indicated that they had not been able to notify Ruff House Dog Run. If the Council wished to move forward with considering the proposal to remove kennels from the C2 zone, staff recommended continuing this item until contact could be made. But the decision to move forward was up to the Council.

Mr. Andersen asked if the item would be continued, and Mayor Brunst said it would be his recommendation to hold the public hearing but continue the item until the proper noticing could be done.

Mr. Macdonald noted that Ruff House was not technically on State Street. Mr. Bench said it accessed via State Street. The key was that it was in the C2 zone.

Mayor Brunst opened the public hearing.

Eric Wilke, resident and owner of Wasatch Laminate, said his business was not on State Street but did access via it. His was a manufacturing use. He said he understood the concerns but stated that manufacturing was not a dirty business. Not being allowed to expand was a problem for them. He said he believed they could work together to find a good solution and would prefer the issue of use be visited case by case.

Jeremy Johnson, resident and owner of Wind Ridge Cabinets, said he was in a similar situation as Mr. Wilke. They were clean and kept everything contained. New EPA requirements had eliminated lacquers so concerns about noxious odors might already have been addressed. He said he considered his business more artistic than manufacturing because they did so much custom work. He expressed concern about not being able to expand or shrink with the economy, fearing he could be eliminated as a nonconforming business.

Jenna McGuire, Provo resident and UVU student, said arts were often left out of community conversations. Tattooing was an art form that deviated from the norm and had had a rough history, but over recent years tattoos had become more reputable and desirable. The owner of Arcane Art Tattoo had a background in fine arts. Ms. McGuire asked the Council to consider the benefits of additional art venues, even if they were of a different nature.

Aaron Atkin, said he owned Convicted Ink Tattoo. He said he frequently worked with the City of Orem's gang squad, covering gang tattoos for juveniles at no charge. He said his shop was clean and governed by Utah Health Department, which had asked for his help in writing a book on cleanliness and sterilization for tattoos.

J. Henry Calas Peran said he represented Resorts International which owned pet resorts, etc. He expressed concern that he had not been properly notified about the proposed change. His business was not on State Street but four blocks west. They had spent \$250,000 to bring the building up to Orem's code and had no idea when they made the investment that they might not be able to expand. He asked for (1) the item to be continued; and (2) an explanation of the City's criteria for determining what businesses to exclude.

Chris Van Leuven, Springville resident and owner of Arcane Art Tattoo, said he opened his Orem tattoo shop in 2014 with plans for immediate expansion, but the building next door did not become available until two weeks ago. He said his business continued to grow every month, and he had an art gallery inside the shop. Cleanliness was—and had to be—the key to his kind of business. With the proposed change, he would have to take his business elsewhere in order to expand.

Cassandra Chapman, Provo resident, said people could find healing in tattoos as a way to help come to terms with their pasts. She reviewed troubling moments in her life, concluding that people who had struggled with abuse, health issues, etc. had used tattoos to celebrate their life's victories. She said she hoped the Council would consider tattoo parlors as an important service in the community.

John Reinhard, resident, questioned why these particular businesses were detrimental to the new zoning style proposed on State Street. He said he thought these businesses could be accommodated unless they had been identified otherwise. The kinds of families who chose high-density housing were not typical and might prefer to be close to some of these uses. Mr. Reinhard then said he wondered why an indoor soccer facility would be acceptable and wondered if that use was related to a specific request.

Sam Lentz, resident, said he had posted about the agenda item on his Facebook campaign page, and he received many responses from business owners. He said he fully supported the City's desire to create a State Street master plan, and he knew staff and Council had worked hard to

engage the public in the process. A concern for him was the list of specific uses being proposed for elimination. He said he had been to nearly all of the City Council meetings in the recent past and had not heard the justification used to determine which uses to allow and which to remove. He proposed the Council consider allowing cyclical businesses the ability to expand to adjoining property only within that zone. Those businesses could still grow or subtract as needed.

Gary Sorrells, resident, said his concern was the encroachment of government on the rights of the people. He asked the Council to consider the size and depth of these businesses before they “drop the gavel” on them. He suggested the Council members read their oaths of office and the Tenth Amendment.

Mayor Brunst closed the public hearing.

****Mr. Sumner left the meeting at 8:00 p.m.****

Mr. Andersen said he also had not seen those specific uses mentioned before and was glad the item would be continued. He echoed Mr. Sorrell’s comment and expressed concern that the City seemed to like certain businesses but not others.

Mr. Seastrand said it felt as though they were being asked to take action on some things before they had even adopted a master plan for State Street. There were a number of things worth discussing as far as the future of State Street and were coming about as a result of analysis, perspective, and public input. He said, referring to Mr. Andersen’s remarks about choosing some businesses and not others, there were clear reasons for no longer wanting to have slaughter houses in some parts of Orem. Mr. Seastrand said he would be interested in knowing the set of criteria that led to choosing which businesses were no longer acceptable in the commercial zones.

Mrs. Black remarked that a comment by Mr. Reinhard resonated with her somewhat. The State Street plan would have them consider “form-based zoning,” which was not based on what was inside a building so much as its appearance and how well that fit in with the design plan for the zone. She said she thought they should decide first if they wanted to go that direction before eliminating uses.

Mayor Brunst moved to continue the item to the October 13, 2015, City Council meeting. Mrs. Black seconded the motion. Those voting aye: Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand. The motion **passed** unanimously.

COMMUNICATION ITEMS

There was no discussion on the Monthly Financial Summary for August 2015 that had been provided to the Council

CITY MANAGER INFORMATION ITEMS

At the invitation of Mr. Davidson, Mr. Kelly reviewed with the Council Questar Gas’s plans to shift gas lines. He went over the criteria the City had worked through with Questar, including

such things as spacing away from utilities like sewer, water, storm drain, and fiber. Mr. Kelly said the change was needed to accommodate future growth for Questar generally and Orem specifically. Because the City wished to have mass transit run down State Street, the new line would deviate from that thoroughfare.

Mayor Brunst expressed concern about access in some of the construction areas and asked how long the roads would be torn up.

Mr. Sorensen, Questar Gas, said specific areas could potentially be torn up longer than four weeks. They would like to start quickly as they did not want to be in the area of University Mall in November and December.

Mr. Davidson noted that the City enjoyed a good relationship with Questar. Since the lines were within public utility easements, Questar did not necessarily need the City's permission to proceed. While they had worked with the City to find the best path, it was not for the City to decide.

Mr. Seastrand asked about notifying the impacted neighborhoods. Mr. Sorensen said they had been doing that kind of outreach since 2007, sending out representatives to canvas neighborhoods.

ADJOURNMENT

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

The meeting adjourned at 8:21 p.m.

Donna R. Weaver, City Recorder

Approved: December 8, 2015