

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
April 12, 2016

2:00 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Councilmembers Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Karl Hirst, Recreation Department Manager; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Chris Tschirki, Public Works Director; Scott Gurney, Fire Department Director; Ned Jackson, Police Department Captain; Charlene Crozier, Library Director; Sam Kelly, City Engineer; Jason Bench, Planning Division Manager; Neal Winterton, Water Division Manager; Reed Price, Maintenance Division Manager; Ryan Clark, Economic Development Division Manager; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

EXCUSED

David Spencer

DISCUSSION – Draft Utility Master Plan

Mr. Winterton gave a presentation on the Draft Utility Master Plan. He said the Master Plan and User Rate Study would come before the Council for consideration at the April 26, 2016, City Council meeting. He shared a graphic that illustrated the water utility in a city, and said utilities like water were taken for granted. He said the key points to a water utility system were water sources/rights, conveyance, storage, and distribution. Orem's water sources were wells, springs, and surface water. The surface water was stored in the Jordanelle Reservoir through the Central Utah Water Conservancy District (CUWCD). He said there were approximately 354 miles of pipe to convey the water throughout the city, as well as to the treatment plant, and every street had a distribution line in it.

Mr. Lentz asked about the process of providing water to Vineyard. Mr. Winterton said that Orem provided water to Vineyard wholesale, so any increases to Orem's water fees would see an increase to Vineyard as well. He said that if Vineyard needed a system upgrade Vineyard would pay for their upgrades entirely.

Mr. Sumner asked if Vineyard had a per door connection fee for sewer like Orem did. Mr. Winterton said they did charge per door for sewer in Vineyard, but water was charged differently.

Mr. Winterton said the issue of water infrastructure and meeting the needs of the city had been ongoing for many decades. He shared rate increases through the years and the equivalent amounts in today's dollars. He said people expected water to be clean, reliable, abundant, and responsibly managed. Orem had never had a water violation, and staff worked hard to ensure these expectations were met. He said one hot topic in water circles was conservation and sustainability. Utah's Governor Gary Herbert had set goals for water conservation efforts, and some legislation would change the way the water utility would be regulated throughout the state. The Master Plan identified 5 main areas of focus in the first 5 years:

- 10 million gallon water tank
- 2" and 4" undersized lines replacement
- Water reuse
- 2 new wells
- AMI – new meters/new meter transmitters

Mr. Seastrand asked about developers needing to buy water shares when developing land. Mr. Winterton said most communities did that but in Orem they paid into a water right.

Mr. Stephens clarified that there was a constitutional prohibition on the transferring of water rights. Orem had a Metropolitan Water District to allow for better flexibility which helped with community planning. Mr. Davidson said many cities used a similar system for the same reasons.

Mr. Winterton shared graphs depicting percentages of water distribution pipes' lengths and diameters, seasonal demand for indoor and outdoor water use, and projected annual production requirements with and without conservation. He shared several maps showing existing pressure conditions in water lines during static and peak hours, future pipe projects, fire flow projects, build out with no projects and build out with projects. He said leaving conditions as they were would lead to several areas of low pressure. He said Orem was lucky in that gravity created a fair amount of the water pressure throughout the city. Mr. Winterton said some of the projects would address fire flow issues, mostly areas with 2" and 4" pipes that had insufficient capacity. He said they had planned carefully to address needs through the coming years.

Mr. Winterton said the issue of building a 10 million gallon storage tank was pressing, as they would soon be in violation of drinking water system requirements. He said in years past operators would watch the tanks 24/7 to ensure they never emptied to dangerous levels, and so they had periodically made upgrades. Currently Orem borrowed storage capacity from CUWCD but that option was not going to be available much longer. The additional storage capacity was important not only to serve day-to-day needs but in case of a fire. He said the consequences of not building the tank were serious.

Mr. Winterton said water reuse could be used for the entire city, and not only for the sports park and golf course near the treatment plant. They hoped to either construct an additional pipe or enlarge the existing distribution line for that purpose. He said Automated Metering Infrastructure (AMI) had been a hot button issue recently, but said the benefits of using AMI to read water usage were great. It helped the city get more accurate readings of usage and pressure, which could identify leaks and other issues, but also helped consumers be more aware of their usage. When consumers were aware of how much water they were using, they could adjust for cost and

conservation. AMI was a tool for data collection to have more accurate readings in specific areas to help refine planning of projects. If AMI were approved in future, it would be an incremental rollout over a reasonable time period. The whole AMI system would cost approximately \$8 million over the rollout period, but would garner much more in savings over the lifetime of the infrastructure.

Mayor Brunst asked about legislation passed in the 2016 legislative session regarding water rate structures. Mr. Winterton said Senate Bill 28 (SB28) was passed requiring retail water providers to establish an increasing rate structure for culinary water and provide certain information to customers.

Mr. Davidson said the effective date given at the legislature was May 10, 2016. He anticipated this would be the first of several bills in a multi-step plan to get everyone on the same page, whether they wanted that or not. He said tiered structure billing was a complicated system, and often confusing for customers. Mr. Winterton added that AMI alerts could help consumers control their usage and understand the tier structure better.

Mr. Macdonald asked about summer rates versus winter rates. Mr. Winterton said Orem did not currently charge a summer rate and winter rate, but were moving toward that per changing state requirements. The current rate for indoor water use was \$0.58/1,000 gallons and meters were read from April to October.

Mr. Lentz said water usage was higher in summer months than in winter months, so it made sense to have summer and winter rates. He said the current system incentivized conservation in winter months when conservation was more needed in summer months.

Mr. Seastrand said years ago the Council had discussed a 20 million gallon tank to meet storage needs and that it would serve the system for a long time. He asked if additional water usage was feeding the need for the 10 million gallon storage tank. He said he was concerned about the cost of the 10 million gallon tank and wondered if conservation efforts might curb the need for it.

Mr. Davidson said it was not necessarily additional water being used, but the storage of the water. Orem could no longer borrow storage space from CUWCD, and this was also a public health and safety issue. He said in order to save you first needed to spend, so putting up capital costs now for conservation, storage, distribution, reuse, etc. would see savings down the road.

Mr. Winterton said Orem had between 2- and 3-million gallons in storage with CUWCD at any given time, but that option was going away and they needed additional storage to meet requirements from the State. He said conservation strategies could only go so far, and the population would continue to grow. They could conserve and reduce usage per capita, but the storage tank would also help address issues of distribution throughout the city. He said the Master Plan would outline capital projects in the next five years that would optimize the next fifteen years.

Mr. Seastrand asked if the Geneva Road area was a location they were considering for reuse programs. Mr. Davidson said that was most feasible, as the area had not been built out yet.

Mr. Winterton reviewed the 5-, 7-, 10-year and bonding rate scenarios. He said they were looking at an increase of about \$2.80 average over ten years. He showed comparisons of water rates in surrounding and similarly sized municipalities in Utah, where Orem was the lowest. He said even with the proposed increases Orem would stay in the lower half – lower than Lindon and Spanish Fork. He said following the plan was critical in moving forward to meet the needs of residents, comply with State regulations and requirements, and maintain a clean and reliable water system. He said they hoped to bring the plan forward for adoption at the April 26, 2016 City Council meeting.

UPDATE – Envision Utah – “Your Utah, Your Future” Survey Results

Robert Grow, CEO of Envision Utah, presented results from the “Your Utah, Your Future” survey that was given statewide. He said conversations about water and other utilities, infrastructure and growth were taking place in every city in Utah. He said Utah’s current population was 3 million and by 2050 the population would grow to 5.4 million. The challenges with that kind of growth would be keeping life along the Wasatch Front convenient, affordable, and enjoyable for families. Utahns wanted to keep their children and grandchildren close, and build strong communities. He said Utah Valley was an important area with two universities and lots of growth opportunities for businesses. Mr. Grow said the survey asked respondents about eleven issues that would affect the future of Utah. 400 Utah experts were brought together to develop choices for 2050 and 52,845 Utahns responded to the survey to help get a better understanding of what Utahns want for the future.

Mr. Grow said the four cornerstone growth scenarios were: A network of quality communities; homes, buildings, landscaping, and vehicles of the future; a thriving rural Utah; and future preparation through education. He said Utahns were never going to lose their love of single-family homes, but affordability would force some to look at townhomes, condos and apartments. The organization of centers was also a factor in how many trips a household made in a day for daily services which would play into costs for infrastructure. He said four out of five respondents said they wanted more walkable communities designed for walking, biking, transit systems and shorter/fewer car trips. Walkable communities would have lower taxes, more convenience and healthier residents. He said the simplest way to make housing more affordable was to give up a vehicle and walk or use transit options instead.

Mr. Grow said people wanted organized and planned urban space with amenities because it was more convenient to get around without a car, it limited congestion, and it limited the space that would be dedicated for homes and business. He said there had been a seismic shift in people’s attitudes toward having smaller lots for homes and more land for agriculture and farming. There was a tremendous resurgence in those interests, and a more compact urban form helped with that. He said Orem had the most dynamic urban center in the valley with the four freeway interchanges. He said the reason Orem had four freeway interchanges was because of the Geneva Steel Mill, and that infrastructure put Orem in a unique position to be a dominant urban center. There were many simple things that could be done to keep trips down and make an area more walkable. He saw many cities revitalizing historic downtown centers for this reason, and said there was great opportunity along Orem’s State Street. He commented that Orem was ahead of the curve with the recent State Street Master Plan in considering the future growth of the city.

Mr. Grow said many of Orem’s opportunities for growth and revitalization would be in older commercial areas. With internet sales ever rising, brick and mortar stores were trending smaller

and smaller, which was something to consider from a tax revenue standpoint. Light rail was something to consider into the future as well, allowing growth to accommodate future transit systems. Mayor Brunst added that the future bus rapid transit line in Provo would run along the Plumtree retail center, which would be redone to accommodate the line.

Mr. Grow said high-density housing and transit systems had been topics of much discussion. He said people worried about things they perceived as threats to the value of their homes which was their great investment. He had discussions with people complaining about “riff raff” living in high-density housing, and he pointed out that most of the “riff raff” living in those complexes were their children or their neighbor’s children, or they might be retirees looking for smaller, more affordable housing to live out their lives. Apartment dwellers were not drastically different from single-family home dwellers, just ten or so years younger. People in all walks of life needed somewhere decent to live. He commented that the LDS church hoped neighborhoods would be multi-age to sustain the church buildings long-term.

Mr. Seastrand asked about working with UVU to accommodate both the growth of the university and the city. Mr. Grow said he had recently worked with Rexburg on this issue, and he suggested having city and UVU administrators meet regularly and coordinate joint planning. He said Orem would continue to see growth because of its location and amenities, but market forces would play their part as well.

***The Council took a break at 3:50 p.m.*

***The meeting resumed at 3:57 p.m.*

BUDGET DISCUSSION/PREVIEW – Enterprise Funds

Mr. Manning turned the time over to Mr. Tschirki and Mr. Bybee to present information about city enterprise funds. He introduced six enterprise funds and their corresponding fund numbers:

- B&C Road Fund (20)
- Water Fund (51)
- Water Reclamation Fund (52)
- Storm Water Fund (55)
- Street Light Fund (58)
- Solid Waste Fund (57)

Mr. Tschirki said these funds were different from other funds in the city because they supported 100 percent of operations. He spoke to the B&C Road Fund and showed annual revenues from 2003 to present. He said some road fund projects would be crack and slurry sealing which was done on an 8-year rotation with a year offset. Micro-surfacing would be done in key areas, as well as street overlay. He said they did not want to get to a point where a road showed significant failure. He said every year main city roads were restriped with smaller, local roads being restriped every other year.

Mr. Davidson said one source of frustration for the city was when significant roads were not recognized as regionally significant and therefore did not qualify for MAG funding. 1200 West was one such road, and they hoped long-term to convince MAG that 1200 West was deserving of funding for reconstruction projects.

Mr. Lentz asked about funding to expand 1200 West into a three-lane street. Mr. Davidson said the money currently allocated for projects on 1200 West was for maintenance, and expanding the road was something they hoped to do with MAG funding. Mr. Tschirki added that there was some funding saved specifically for improvements on that road.

Mr. Tschirki reviewed Water Fund revenues, and water, distribution, and supply expenses. He said water treatment expenses were not directly tied to the Jordanelle payment, and this was the last year they were recommending an increase to cover that payment. That said, they fully expected treatment expenses to increase for costs of chemicals, improvements to the facility, human resource costs, power costs, etc. He said they were careful about replacement of equipment because of the expense, so they made sure equipment and vehicles were properly serviced and had met their useful lives. Mr. Tschirki said there were miscellaneous water fund projects including 2" and 4" water main replacements for undersized and aging pipes. He said they had saved around \$4 million over the course of recent years to address water reclamation needs.

Mr. Tschirki reviewed Water Reclamation collection and treatment expenses, and proposed allocations for unplanned projects and repairs. There was a 4" lateral project for the cemetery to be completed within the year, as well as a project for the Carterville forcemain. The Carterville forcemain was to pump back up from a low spot to a higher spot and on to the treatment plan. He said hydrogen sulfide gas was a concern with pipes, and they would do a condition assessment this year; they also planned to conduct an odor-control study. Mr. Tschirki reviewed the Storm Water Fund projects including pipe installation upgrading from 12" to an 18" line near UVU to increase capacity.

***Mr. Spencer arrived at 4:23 p.m.*

Mr. Tschirki reviewed the Street Light Fund revenues and expenses. He said \$600,000 came into this fund from franchise tax revenues. He said the bond from 2001 would be paid off in December 2018. He said Rocky Mountain Power had a proposal for the City to consider purchasing 405 lights in the community that were currently owned by Rocky Mountain Power. He said it cost approximately \$58,000 a year to pay for the maintenance for 405 lights, so the City would save those costs for maintenance and would only have to pay for the power.

Mr. Lentz asked if the lights were LED lights, and if they were not he asked if they could be replaced to garner even more savings. Mr. Tschirki said they were not LED but could be replaced if the City were to buy and save up for that. He said if the City purchased the 405 lights then Orem would own every street light on public land.

Mrs. Lauret asked if there was a plan for reinvestment. Mr. Tschirki said that would be a discussion in the future.

Mr. Sumner asked about the current Questar gas line project that was affecting Orem roads, and how that played into the schedule for road maintenance. Mr. Kelly said Questar would be responsible for repairing roads to their original state using trench patches and the like. Mr. Seastrand asked about outside projects tearing up new or recently redone roads. Mr. Tschirki said they aggressively charged for road cuts when a road was new to help offset those costs.

Mr. Bybee reviewed the Solid Waste Fund, which was with the North Pointe Special Service District. He said when the Waste Management contract was renewed CPI and tipping increases were considered. For the upcoming budget year they anticipated the fund holding steady and seeing an increase of \$0.10-\$0.15 next year to cover costs at the transfer station. He said they had doubled the number of recycling cans throughout the city since 2011, and savings from the recycling program generally increased from year to year.

Mr. Macdonald asked about the percentage of homes that used the recycling program. Mr. Davidson said about 60 to 65 percent of single-family homes did, and multi-family units were contracted separately though he believed many had recycling requirements for garbage and green waste.

Mr. Bybee said the supply of green waste was increasing faster than the demand for the fertilizer it made. Excess green waste was compressed to a fraction of the size and then taken to the landfill.

Mr. Lentz asked about the data for savings from compression. Mr. Bybee said it made for cheaper transportations costs. Mr. Davidson added that it was cheaper for a customer to get a green waste can than a second garbage can.

UPDATE – Provo/Orem TRIP Interlocal Agreement & Landscaping

Mr. Goodrich introduced the Provo/Orem TRIP (Transportation Improvement Project) Interlocal Agreement and Lease Agreement with UTA. He said they had considered some of the concerns that arose when they initially presented the landscaping plan along University Parkway, like saving parking spaces in critical areas, and made some changes to the scroll plot.

Mr. Davidson said this had been a long-time effort with regular meetings on the subject. He said City Council had passed a resolution (R-2008-0021) with certain requirements for a bus rapid transit (BRT) system. They had been meeting with UTA for months to work through those qualifications and felt they were at a point where concerns had been resolved or identified for completion within construction of the project. He said they felt they had protected the interests of the city and wanted to bring the agreements to the Council for consideration on April 26, 2016.

Mr. Goodrich said the project was shovel-ready and they hoped the plans presented to the Council met their requirements. He said the project was much more than adding a BRT component but also included improvements for roads and intersections. He said they were planning along major corridors to make sure they were not taking away transit opportunities in the future. There would need to be some improvements at the roundabout near UVU to allow for growth, as UVU was projected to grow by approximately 15,000 students in the coming years. He said they had submitted a federal funding request through MAG, and would use some funding to complete an environmental analysis.

Mayor Brunst asked if getting the MAG funding would be a problem. Mr. Goodrich said his understanding was that the Provo/Orem TRIP was ranked high on MAG's prioritization schedule.

Mr. Goodrich discussed some of the proposed changes to regain some of the parking spaces lost in previous versions of the plan. One change was to eliminate certain left turn opportunities along University Parkway to reconfigure parking lots and reclaim some of the lost parking

spaces. They would also make some changes for safety reasons, and to improve flow through the intersections. They would work with property and business owners in the area to make sure the configuration worked for all parties. He said if they were able to find savings through engineering or design they would do so.

Mr. Earl said there were certain items that were not practical to list in the lease agreement, but they would plan for 15 percent contingency. The interlocal agreement was to put in place a mechanism for resolving issues that could not be dealt with in the lease agreement. It would establish an executive committee with UDOT, Orem, Provo, MAG, UTA, and Utah County to allow stakeholders to have a greater voice in making decisions. This committee would primarily deal with big issues like how contingency money would be spent. He said an executive committee had been functioning informally for months, and functioning well, but it was time to create a more formal committee.

Mr. Davidson said this was a way for Orem to have significant input in how this project would proceed and be involved in key decisions to ensure that the project was successful. One of those key decisions was which type of bus to use along the proposed route: clean diesel or hybrid (half electric/half diesel). He said the hybrid had advantages over the clean diesel, but those had higher costs. A hybrid bus would cost approximately \$760,000-\$1 million each, but were faster and had more power to climb some of the steeper hills and required less fuel. He said Provo's Council had generally been leaning toward the hybrid bus option, and asked for the Council's opinion.

Mr. Sumner asked if other cities were using hybrid buses. Grey Turner with UTA said hybrid busses were used on some local routes. He said this was not a new technology.

Mayor Brunst thought there would be a benefit in using hybrid buses, as they had greater speed and power. There was also the public perception of using clean fuel technology.

Mr. Lentz asked about operational cost difference between clean diesel and hybrid buses. Mr. Turner said it benefitted the entire project to have buses that could accelerate out of the stations faster. He said the functionality of day to day operations and fuel costs would be lower with a hybrid bus.

The general consensus of the Council was a preference for the hybrid bus option, though Mr. Macdonald said he would like to know the cost of the hybrid over the lifetime of the bus.

Mr. Turner said he would get that information to the Council. He said they would not suggest investing in buses that would be too costly over their lifetime. He said if the hybrid option was the decision of the stakeholders they needed to order the buses as soon as possible. Some agencies were waiting up to 9 months for vehicles after ordering, so they needed to think strategically about the timeline.

The question was asked about contractors for the project. Mr. Turner said the contractors were Kiewit and W. W. Clyde. Mr. Turner asked Public Involvement Manager Chris McBride to address the Council.

Mr. McBride said he wanted to address five things: key milestones, public feedback, commitment to the public, the project schedule and timeline, and the public relations plan. For key milestones, Mr. McBride said the design phase was 90 percent complete, with construction set to begin Summer 2018. Testing and start up would be Winter 2018, and the goal was for the system to be operational by Spring 2019. He said he had spoken with about 250 businesses and residents along the alignment for the project, and while he heard concerns about how construction would proceed and how it would affect people's homes he also heard lots of positive feedback about the project. The majority of respondents to a telephone survey believed that the project would provide transportation for students and people without cars, it would increase transportation choices for local residents, provide reliable transit to support a younger and growing population, and that it would take cars off the roads and help reduce traffic congestion. Mr. McBride said the commitment to the public was to follow the "rules of the road", which were to:

- Maintain existing traffic lanes
- Ensure safe and efficient access
- Minimize impacts
- Develop mutually-beneficial solutions

Mr. McBride shared a map graphic of the planned construction phasing. He said the construction phasing was subject to change and dates were subject to change, but they intended to minimize impacts on the public and keep traffic flowing by maintaining the same number of lanes in operation. He said the communications plan identified four audiences: local elected officials and staff, businesses, Orem and Provo residents, and the media. He said they wanted to be proactive with the media and with residents to give them the tools to manage during construction and help them have a clear vision of the project and its progress.

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

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Councilmembers Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner

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Preview Upcoming Agenda Items

Staff presented a preview of upcoming agenda items.

Agenda Review

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

City Council New Business

There was no City Council new business.

The Council adjourned 5:52 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 Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner

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INVOCATION /

INSPIRATIONAL THOUGHT

Ernesto Lazalde

PLEDGE OF ALLEGIANCE

Greg Stephens

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

Mayor Brunst **moved** to appoint Carole P. Miller to the Arts Council. Mrs. Lauret **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

PROCLAMATION – Arbor Day 2016

Mayor Brunst read the proclamation naming April 29, 2016, Arbor Day in the City of Orem. He said this was the 23rd consecutive year that Orem was recognized as a Tree City USA.

Mr. Seastrand **moved** to accept the proclamation. Mr. Sumner **seconded** the motion.

Josh Story, Orem City Arborist, said it was an honor to be recognized for the 23rd consecutive year. He said the designation of Tree City USA was not necessarily prestigious, but required an impressive amount of work to maintain and he was proud to have Orem be recognized.

Mr. Seastrand asked Mr. Story about Orem's trees. Mr. Story said Orem had approximately 6,400 trees that were cared for by him and two seasonal employees. Mr. Davidson showcased the flag Orem received from the Arbor Day Foundation.

Mayor Brunst called for a vote. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

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.

There were no Personal Appearances.

CONSENT ITEMS

There were no Consent Items.

SCHEDULED ITEMS

6:10 P.M. PUBLIC HEARING – R5 LDR to MDR – 1750 South 50 East

RESOLUTION – Amending the General Plan land use map on property at 1750 South 50 East in the R5 zone from Low Density Residential to Medium Density Residential

Mr. Bench presented Philroy Brown's request that the City Council amend the General Plan land use map on property at 1750 South 50 East in the R5 zone from Low Density Residential to Medium Density Residential.

The applicant owned a home in the R5 zone and desired to have an accessory apartment. However, the R5 zone did not allow accessory apartments. He therefore proposed to amend the General Plan land use map for his property from Low Density Residential to Medium Density Residential (MDR). This would open the door for the applicant to request a rezone of his property from the R5 zone to the R6 zone where accessory apartments were allowed.

The General Plan land use designation on the property was currently Low Density Residential (LDR). The LDR classification generally supported the R8, R12, and R20 zones. The MDR designation, which the applicant would like to apply to his property, generally supported the R6, R6.5 and R7.5 zones. The nearest MDR land use designation was approximately two blocks (825 feet) to the north of the subject property.

The General Plan was a guide for future growth and development. Although the General Plan was advisory and not mandatory, it was generally good planning practice for zoning to be consistent with the General Plan.

The applicant rezoned his property several years ago to the R5 zone in order to have the reduced setbacks of the R5 zone. The R5 zone required side setbacks of at least five feet with both side setbacks adding up to at least 15 feet. In contrast, the R6 zone, to which the applicant would like to rezone his property, required a minimum side setback of six feet with both side setbacks adding up to 16 feet.

The building permit for the applicant's home showed a side setback of five feet on the north side and so if the applicant was successful in getting the General Plan change and a future rezone to R6, he would need to work with his neighbor to acquire extra property to meet the R6 setback requirements. In anticipation of this, the applicant had prepared a new subdivision plat that showed how his lot would meet all the requirements of the R6 zone.

Staff held a neighborhood meeting regarding this application on August 13, 2015. There were no objections to the applicant's proposal.

The Planning Commission recommended that the City Council amend the General Plan land use map on property at 1750 South 50 East in the R5 zone from Low Density Residential to Medium Density Residential. Staff supported the recommendation of the Planning Commission.

Mr. Bench said the Council zoned this land as R5 in 2000 to accommodate an existing structure on the property. It was zoned R5 with the stipulation that only four lots be allowed at that time. Some years later two lots were zoned back to R8, and two remained R5. The concern was that the R5 zone, at 5,000 square feet, was not big enough to allow for an accessory apartment. Mr. Brown was trying to bring his accessory apartment into compliance and so requested a rezone of the property to an R6 zone. There was a setback standard that needed to be met in the R6 zone, and Mr. Brown intended to coordinate with his neighboring property owner – his daughter – to accommodate the setback standard.

Mayor Brunst asked about the accessory apartment on the property. Mr. Brown said it was originally a mother-in-law style accessory apartment that housed his aging parents. His parents had both now passed and he hoped to rent the apartment to a non-family member.

Mr. Seastrand asked if the area had adequate parking to support the accessory apartment. Mr. Bench said the parking was adequate and requirements were met. He clarified that the apartment had not been out of compliance in its original use for his parents but needed to be adjusted for rental to a non-family member.

Mr. Sumner asked about the neighbors' feedback. Mr. Brown said they had sent out a few notices but had not heard much from any neighbors. He said one neighbor expressed concern about the land being used for a high-rise apartment building but Mr. Brown assured them that he was simply fixing his mother-in-law apartment. Mr. Brown clarified for the Council that he was unaware that he was not meeting certain requirements and was doing what was necessary to be compliant with this property.

Mr. Seastrand asked about the size of the lot. He asked if a zone change created a problem for that area. Mr. Bench showed the area map and said it was approximately 6,000 square feet. He said it was not a problem, and had met previous requirements.

Mayor Brunst asked about the property that would be acquired to meet setback standards. Mr. Bench said the other property owner was Mr. Brown's daughter and he was confident they could work to solve the issue.

Mr. Lentz asked what the next steps were for Mr. Brown. Mr. Bench said there were other fees involved in the next steps, and so Mr. Brown first wanted to make sure the zone change was approved by the Council. He said the plans would be brought back to the City Council soon for consideration, though he was not yet sure of the timeline.

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

Mr. Spencer **moved**, by resolution, to amend the General Plan land use map on property at 1750 South 50 East in the R5 zone from Low Density Residential to Medium Density Residential. Mr. Lentz **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

6:10 P.M. PUBLIC HEARING – PD-22 – Fairfield Inn Sign Requirements
ORDINANCE – Amending Section 22-11-35(L)(16)(b)(7) of the Orem City code
pertaining to signage requirements in the PD-22 zone at 800 North 1200 West

Mr. Bench presented the applicant's request that the City, by ordinance, amend Section 22-11-35(L)(16)(b)(7) of the Orem City code pertaining to signage requirements in the PD-22 zone at 800 North 1200 West.

In May 2011, the City Council amended the PD-22 zone to allow a total of three (3) pole signs west of 1200 West. One of the three pole signs was allowed to be eighty (80) feet tall with a sign area of 300 square feet and oriented towards Interstate 15. The applicant installed the eighty (80) foot sign with the allowed 300 square feet advertising the TownePlace Suites.

The applicant recently completed the new Fairfield Inn and would like to place an additional sign panel on the eighty (80) foot pole sign for the Fairfield Inn. The applicant therefore requested that the PD-22 zone be amended to allow an additional sign of equal size (300 square feet) to be located on the 80 foot sign below the already existing sign. The proposed amendment would allow two separate signs on the 80 foot pole but would not allow either sign to be larger than 300 square feet.

Although the TownePlace Suites and the Fairfield Inn were located on separate parcels and the Fairfield Inn was located in the HS zone while the TownePlace Suites was in the PD-22 zone, the two hotels and the existing Maverik convenience store were part of a commercial complex which allowed the two hotels to share a sign.

If the applicant were to construct a sign on their own property and not share the eighty (80) foot tall sign, they would be subject to the requirements of Sign Zone "E." Sign Zone "E" allowed a maximum sign size of 300 square feet and a maximum height of thirty-five (35) feet, or twenty-five (25) feet above the deck of the freeway, whichever was greater. Allowing the larger sign to be shared could eliminate the need for an additional pole sign along Interstate 15.

The Planning Commission recommended that the City Council amend Section 22-11-35(L)(16)(b)(7) of the Orem City code pertaining to signage in the PD-22 zone at 800 North 1200 West. City staff supported the Planning Commission recommendation.

Mayor Brunst asked if the Fairfield Inn sign would be made of the same materials and to the same quality as the sign for the TownePlace Suites. Mr. Bench said it would be the same materials.

Mrs. Lauret asked for clarification on the option for a second sign pole. She asked if the current proposal was to include the sign on the existing pole. Mr. Bench said they did have the option of a separate sign pole of their own, but the maximum height for that pole would be 35 feet. Sharing the pole for the sign would allow for additional height.

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

Mr. Spencer **moved**, by ordinance, to amend Section 22-11-35(L)(16)(b)(7) of the Orem City code pertaining to signage requirements in the PD-22 zone at 800 North 1200 West. Mayor Brunst **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

COMMUNICATION ITEMS

There were no Communication Items.

CITY MANAGER INFORMATION ITEMS

There were no City Manager Information Items.

ADJOURNMENT

Mr. Lentz **moved** to adjourn to the meeting. Mr. Spencer **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

The meeting adjourned at 6:26 p.m.

Donna R. Weaver, City Recorder

Approved: May 10, 2016