



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
May 24, 2016

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

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

1. **DISCUSSION – Orem Police Department Victim Assistance Report (10 min)**
Presenters: Renee Flitton and Stephany Cochran
2. **INTRODUCTION – Police Body Cameras (30 min)**
Presenters: Chief Gary Giles
3. **INTRODUCTION – Orem Natural Resources Stewardship Committee (15 min)**
Presenters: Ryan Clark and Sarah Bateman
4. **DISCUSSION – Recreation Co-sponsored Group Fees (20 min)**
Presenters: Karl Hirst
5. **UPDATE – Spring Clean Up Program (10 min)**
Presenters: Brenn Bybee
6. **DISCUSSION – Water Conservation Rate Structure (45 min)**
Presenters: Chris Tschirki and Neal Winterton

5:15 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM

PREVIEW UPCOMING AGENDA ITEMS

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

AGENDA REVIEW

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

CITY COUNCIL - NEW BUSINESS

9. **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

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

PLEDGE OF ALLEGIANCE: By Invitation

APPROVAL OF MINUTES

- 10. MINUTES of Joint Orem/Provo City Council Meeting – April 14, 2016
- 11. MINUTES of City Council Meeting – April 26, 2016
- 12. MINUTES of Joint City Council/Alpine School District Meeting – April 28, 2016

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

- 13. **UPCOMING EVENTS**
- 14. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
 - Beautification Advisory Commission.....1 vacancy
 - Senior Citizen Advisory Commission1 vacancy
- 15. **PRESENTATION** – All-Together Playground Donation – AshLee Winterrose and the Playful Studies Preschool & Private Kindergarten
- 16. **REPORT** – Summerfest Advisory Commission

PERSONAL APPEARANCES – 15 MINUTES

- 17. **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

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

SCHEDULED ITEMS

- 6:00 P.M. **PUBLIC HEARING – Fencing Requirements for Utility Substations**
- 19. **ORDINANCE – Amending Section 22-6-10(F) of the Orem City Code pertaining to fencing requirements for utility substations**

PRESENTER: Jason Bench

REQUEST: The Department of Development Services requests that the City Council amend Section 22-6-10(F) of the Orem City Code pertaining to fencing requirements for utility substations.

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: The City Code currently allows utility substations in residential zones, but requires an eight foot high masonry fence on the property line of all adjoining parcels.

This is suitable for smaller utility station properties, but can be burdensome for larger properties.

Rocky Mountain Power (RMP) operates a utility substation on a 5.56 acre parcel at approximately 650 South Geneva Road. The actual area devoted to the substation facility is only about 0.68 acres with the remainder of the property being used for pasture.

RMP plans to expand the substation by 15 feet in each direction which would then cover an area of about 0.95 acres. Under the current code, RMP would be required to install 2,000 feet of concrete wall on the entire perimeter of the parcel concurrent with its expansion.

RMP has requested that the ordinance be amended to allow the City Council to grant a modification to the fencing requirement to require the eight foot fence only around the substation facility itself and not the entire parcel when the parcel is five acres or greater and when fencing only the utility facilities would still provide an adequate buffer to adjoining properties. If such a modification were granted by the City Council, the length of RMP's required fence could be reduced from 2,000 feet to about 800 feet.

A few additional changes are also proposed to Section 22-6-10 to specify what is required for landscaping and requirements for driveways accessing a substation.

Staff is not aware of any other utility substations that would be affected by the proposed fence modification amendment. The next two largest utility substation facilities are both less than five acres in size. One is located on North State Street and the other is at 800 North and University Avenue. The North State Street location is already surrounded by a block wall while the 800 North facility is surrounded by chain-link fencing.

The proposed amendments are shown below:

22-6-10

F. Utility substations. Utility substations or similar facilities are permitted in residential zone subject to the following standards:

1. ~~T~~he primary access must be from an arterial or collector street;
2. ~~A~~n 8-foot high decorative masonry fence wall shall be constructed and maintained on the property line of all adjoining parcels and along the frontage of all streets (but set back as required by subsection 4);
3. The City Council may approve a modification to the wall requirement to allow the wall to enclose only the immediate utility structure and support facility area if the parcel is at least five (5) acres in size and the Council finds that limiting the wall enclosure to the immediate utility structure and support facility area would provide an adequate buffer to neighboring properties;
34. ~~T~~he fence wall shall be set back at least 20 feet from ~~dedicated all~~ streets and shall not be located in a public utility easement unless approved by each utility company in accordance with Section 22-6-8(D)(1)(d);
45. At least 70% of the required setback area from any streets shall be landscaped with a combination of grass, shrubs, and/or trees (both deciduous and coniferous) with a minimum of one tree for every forty linear feet of street frontage (minimum two inch caliper size). The required trees may be clustered; and
56. All structures (excluding the required masonry fence wall) shall be set back from the all property lines a distance of at least equal to the height of the structure and in no case less than 20 feet;

7. Any driveway accessing a utility enclosure shall be paved from the street right-of-way a distance of at least seventy-five (75) feet; and
8. The Planning Commission shall be the final approving authority for a utility substation site plans unless a wall location modification is requested in which case the Planning Commission shall provide a recommendation to the City Council and the City Council shall be the final approving authority.

RECOMMENDATION: The Planning Commission recommends the City Council amend Section 22-6-10(F) of the Orem City Code pertaining to utility substations. City staff supports the Planning Commission recommendation.

6:00 P.M. PUBLIC HEARING – Fencing Requirements in Nonresidential Zones
20. ORDINANCE – Amending Section 22-14-19(D)(2) of the Orem City Code pertaining to fencing requirements in nonresidential zones

PRESENTER: Jason Bench

REQUEST: The Department of Development Services requests that the City Council amend Section 22-14-19(D)(2) of the Orem City Code pertaining to fencing requirements in nonresidential zones.

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: The City recently received a request from the owner of a corner lot at approximately 1200 North State Street (C2 zone) to install a six foot high fence immediately behind his required landscaping, or about ten feet behind the property line. The owner would like the fence in this location in order to secure the outdoor display of the owner's merchandise (landscaping products).

Although the City Code typically allows fences up to eight feet in height in nonresidential zones, any fence higher than three feet must be set back a distance at least equal to the required setback. In most situations, the required setback and the width of the required landscaping are the same and so a fence can usually be installed right behind the required landscaping. However, with corner lots, the width of the required landscaping is often less than the required setback.

For example, a corner lot in the C2 zone has a required setback of 20 feet from all public streets, but the width of the required landscaping is only ten feet from the property line. In such a case, a fence higher than three feet must be installed ten feet behind the required landscaping. This has the potential to create undesirable "dead space" between the back of the required landscaping and the point where a fence higher than three feet may be installed (a distance of ten feet). For the owner referred to above, the current ordinance would cause him to lose the practical use of ten feet of area between the back of his required landscaping and the point where he can install his six foot fence.

In order to address this situation, Staff proposes to amend the fencing requirements for nonresidential zones to provide that a fence greater than three feet in height may not be located in a required landscaped area instead of in a required setback area. This would then allow corner lot owners to install a fence higher than three feet right behind the required

landscaping as opposed to ten feet behind the required landscaping. However, the ordinance would still prohibit any sight-obscuring fence higher than three feet in any clear vision area.

The text of the proposed amendment is as follows:

22-14-19(D)

D. Nonresidential Zones. The following restrictions shall apply to all fences located in nonresidential zones:

1. **Height.** The maximum height of fences in nonresidential zones shall be eight feet (8').
2. **Location.** No fence higher than three feet (3') ~~may~~ shall be located in a required landscaped area in a the front yard setback or side yard setback adjacent to a street. ~~Exception: Property located in the M1 and M2 zones may have a fence up to eight feet (8'), provided that no fence is located within a required landscaped area in a front yard or side yard adjacent to the street. No~~In no case shall a fence shall be closer than ten feet (10') to a public-right- of-way. No fence may be located in the clear vision area as outlined in Section 22-14-10 of the Orem City Code.
3. **Materials**
 - a. Fences in all nonresidential zones except for the M1 and M2 zones shall be constructed with stone, brick, block, stucco, cedar, vinyl, wrought iron or steel reinforced polyethylene panel that has the appearance of stone.
 - b. Fences in the M1 and M2 zone shall be constructed with any of the materials described above or with chain link or chain link with factory installed sight-obscuring slats. ~~in the M1 and M2 zone. Fences located within the M1 and M2 zone shall be constructed with stone, brick, block, stucco, cedar, steel reinforced polyethylene panel that has the appearance of stone, chain link or chain link with factory installed sight-obscuring slats~~

RECOMMENDATION: The Planning Commission recommends the City Council amend Section 22-14-19(D)(2) of the Orem City Code as it pertains to nonresidential development standards. City staff supports the Planning Commission recommendation.

6:00 P.M. PUBLIC HEARING – Mobile Vendors – Summerfest

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

PRESENTER: Jason Bench

REQUEST: Development Services requests the City Council amend Section 12-5-12 of the Orem City Code pertaining to mobile vendors.

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: Approximately one year ago, the City Council enacted an ordinance that prohibited mobile vendors (food trucks) from parking on public streets within 1000 feet of the City Center Park during the Summerfest celebration. The intent of that ordinance was (1) to prevent food trucks from occupying parking spaces that would otherwise be used by Summerfest patrons, (2) to prevent customers of food trucks from congregating on sidewalks while waiting in line and potentially obstructing pedestrian traffic, and (3) to prevent food trucks from taking advantage of the economic opportunity created by Summerfest without sharing in the costs of putting on the event.

This year the Summerfest activities will be expanded to the Scera Park. The concerns that apply to mobile vendors at the City Center Park during Summerfest will also apply to mobile vendors at the Scera Park. Staff therefore proposes to amend the mobile vendor ordinance to limit mobile vendors near the Scera Park during Summerfest in the same way that mobile vendors are limited at the City Center Park.

The proposed amendment will prohibit mobile vendors from parking on public streets within 1000 feet of the Scera Park during the Summerfest celebration. The language of the proposed amendment is shown below:

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 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 or Scera Park during the annual Summerfest celebration typically held in June of each year.

RECOMMENDATION: The Planning Commission recommends the City Council amend Section 12-5-12 of the Orem City Code as it pertains to mobile vendors. City staff supports the Planning Commission recommendation.

22. ORDINANCE – Approving the amounts to be awarded to the CARE Grant Recipients for the 2016 CARE Granting Round

PRESENTER: Steven Downs

POTENTIALLY AFFECTED AREA: Citywide

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

On February 9, 2016, the City Council amended the CARE Program policies and procedures, establishing eligibility requirements and an application process for this competitive granting program. Three categories of grants were established, including Recreational and Cultural Facilities, available for publicly-owned or operated facilities; Cultural Arts Major Grants, of \$10,000 or more for operating costs of nonprofit cultural arts organizations, Cultural Arts Mid-Major Grants, of between \$5,000 - \$9,999 or more for operating costs of nonprofit cultural arts organizations and, Cultural Arts Mini Grants, of up to \$4,999 for operating costs of nonprofit cultural arts organizations.

Applications for this CARE granting round were due on March 10, 2016. As a group and with members serving as a smaller review panel, the City Council, along with the CARE Tax Advisory Commission, met in a series of public meetings in March and April to hear from applicants and to consider their grant requests.

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

RECOMMENDATION: The City Manager recommends the City Council, by ordinance, approve the amounts to be awarded to CARE grant recipients for the 2016 granting round.

6:00 P.M. PUBLIC HEARING – 2016 Water Rate Adjustment

23. RESOLUTION – Adopt the 2016 Water Rate Adjustment

PRESENTER: Chris Tschirki and Neal Winterton

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: On April 28th, the City Council adopted the 2016 Water Master Plan and recommended the 7-year CIP values found in the Water User Rate Study. The City Council recommended that instead of a winter/summer seasonal rate, the City adopt a tiered rate structure to meet the revenues in the 7-year CIP plan. This adjustment would meet the requirements found in Utah State Code 73-10-32.5 Culinary Water Pricing Structure (<http://le.utah.gov/~2016/bills/static/SB0028.html>).

City Staff, Bowen Collins and Associates, and Lewis, Young, Robertson, and Burningham studied 3-tier and 4-tier rates, analyzed historic water use data, and studied several volume block limits. Depending on the block volume option selected, the final rate for each block will be established to meet the CIP increase of \$2,100,000 for FY 2017.

One goal of the tiered rate structure is to capture most users' indoor water use within the first tier. 78% of the utility accounts are 3/4" meters. The first tier block volume amount for the 3/4" meter are established by analyzing winter (indoor) water use data and setting the limit so that most (90%) 3/4" accounts will not reach tier 2 in the winter months (Nov - April). For a 3/4" meter, this value is 13,000 gallons.

The second tier block volume value was calculated so that most (90%) 3/4" accounts would be under the volume consumed in the shoulder months (May, June, and October). For a 3/4" meter, this value is 34,000 gallons.

The third tier block volume value was calculated so that most (90%) 3/4" accounts would be under the peak months (July-Sept). For a 3/4" meter, this value is 65,000 gallons.

The fourth tier block volume is anything above the third tier. For a 3/4" meter, this value is any volume above 65,000 gallons.

Once the 3/4" block volumes were established there are several options for setting volumes for meter 1" and greater.

- A. Use the same block volumes throughout all meter sizes - This becomes very punitive for large meter sizes (and larger water users). Most larger meters would reach Tier 4 even in the winter months and the goal of indoor water use remaining in Tier 1 is not met.
- B. Utilize arbitrarily set block volumes - This is discouraged because there is little rationale behind the numbers and is not repeatable from year to year.
- C. Use the 90th percentile method throughout all meter sizes - This is a viable option. This option produces larger block volumes than the AWWA multiplier option shown below, particularly in the larger meters.
- D. Use the AWWA multiplier for block volumes - This option produces block volumes less than the 90th percentile option (which would encourage more conservation), is the method that base rates strive to follow, is repeatable from year to year, and is a defensible form of setting water rate structures.

Options A and B were not analyzed for rate structures for each block because it was determined that options C and D had more advantages as described above. Both C and D block rate structures are similar. Because option C had slightly larger block volume ranges, the rates are slightly higher.

Tier rates under both scenarios graduate with multipliers of 1, 1.25, 1.5, and 2.0, respectively.

Option C

- Tier 1 - \$0.73
- Tier 2 - \$0.91
- Tier 3 - \$1.10
- Tier 4 - \$1.42

Option D

- Tier 1 - \$0.71
- Tier 2 - \$0.89
- Tier 3 - \$1.07
- Tier 4 - \$1.46

Option C block volumes by meter size are shown in the table below.

Meter	Tier 1	Tier 2	Tier 3	Tier 4
0.75	11	34	65	>65
1	21	64	112	>112
1.5	94	231	389	>389
2	120	324	580	>580
3	477	655	1362	>1362
4	930	1405	2921	>2921
6	1069	2161	4860	>4860
8	995	5736	6474	>6474
10	1088	1435	1592	>1592

Option D block volumes by meter size are shown in the table below.

Meter	Tier 1	Tier 2	Tier 3	Tier 4
0.75	11	34	65	>65
1	18	57	109	>109
1.5	37	113	216	>216
2	59	181	346	>346
3	110	340	650	>650
4	220	680	1300	>1300
6	458	1417	2709	>2709
8	587	1813	3466	>3466
10	1063	3287	6284	>6284

City staff recommend Option D.

RECOMMENDATION: The Public Works Director recommends that the Orem City Council, by resolution, adopt the 2016 Water Rate Adjustment.

COMMUNICATION ITEMS

24. Monthly Financial Summary – April 2016

CITY MANAGER INFORMATION ITEMS

- 25. 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

DRAFT

CITIES OF OREM AND PROVO
SPECIAL JOINT MEETING
56 North State Street, Orem, Utah
April 14, 2016

This meeting was for discussion purposes only. No action was taken.

CONDUCTING	Mayor Richard F. Brunst, Jr.
OREM ELECTED OFFICIALS	Mayor Richard F. Brunst, Jr. and Councilmembers Debby Lauret, Sam Lentz, and Brent Sumner
PROVO ELECTED OFFICIALS	Councilmembers Dave Harding, Dave Knecht, Kim Santiago, Dave Sewell, and George Stewart
OREM STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder
PROVO STAFF	Wayne Parker, Chief Administrative Officer; Cory Norman, Deputy Mayor; Bryce Mumford, Policy Analyst; and Karen Tapahe, Neighborhood Program Coordinator
EXCUSED	Councilmembers Tom Macdonald, Mark Seastrand, and David Spencer

Call to Order

Mayor Brunst called the meeting to order at 12:03 p.m.

Items of Common Interest

Balance of Housing Distribution

This was a continued discussion from the Joint Orem/Provo City Council meeting held February 11, 2016. Ms. Santiago spoke of a map showing concentrations of student populations in the Orem/Provo area, and said some areas were struggling because of higher concentrations of free and reduced lunches that needed to be provided. She said they also had heard from “anchor families” in those areas that did not feel supported and wanted more even distribution to relieve overwhelmed areas. She spoke of recent higher-density developments in Orem and Provo and said they should consider the distribution in those projects.

Mayor Brunst said the Orem projects she was referring to were not low-income housing projects. Ms. Santiago said some of the projects in Provo were low-income, and there would be further development into the future. She thought it would be valuable for both cities to consider the issues of balance.

Mr. Lentz said one way to help make housing more affordable was to make transportation more affordable. He thought design principles could be implemented to help with issues of balance.

1
2 Mayor Brunst agreed that it was an issue that needed to be addressed, and said he thought this
3 was the kind of long-term problem that needed to be addressed at the County level. Ms. Santiago
4 said that was true, and they were planning to organize a committee with representatives from the
5 different entities involved to discuss possible solutions to meet the needs of the people.
6

7 Mr. Davidson said he appreciated the fact that this was a regional concern. He felt most cities in
8 the valley would say they had enough low- to moderate-income housing, but there were also
9 Department of Housing and Urban Development (HUD) guidelines that needed to be met. Ms.
10 Santiago said HUD would be an important group to coordinate with to better distribute low- and
11 moderate-income housing projects throughout the valley.
12

13 Mr. Knecht said with the housing market inflated the way it was people were more likely to
14 move to areas of higher concentration. He said a healthy community would have options for low-
15 income families as well as affordable housing for young professionals and empty nesters that
16 wanted amenitized apartment-style housing.
17

18 Mr. Sumner said Orem had over 2,000 apartments coming online that were higher range
19 apartments and he was finding that the rents for older units were also being driven up because of
20 the demand for affordable housing.
21

22 Provo/Orem TRIP Lease Agreement

23 Mr. Davidson gave an update on the Provo/Orem TRIP (Transportation Improvement Project)
24 Lease Agreement. He said Orem had met with UTA for the go-forward plan, which was to adopt
25 an interlocal agreement between Orem, Provo, Utah County, UTA, and MAG as well as enter
26 into a lease agreement with UTA. He said he had spoken with Steve Earl, Deputy City Attorney,
27 about modifications to that lease agreement that reflected some of Provo's stipulations and felt
28 they had reached a good common ground. He said the goal was to bring the item forward for the
29 Council's consideration on April 26, 2016.
30

31 Trampoline Gyms

32 Ms. Santiago said the trauma surgeons from the Utah Valley Regional Medical Center
33 (UVRMC) in Provo had reached out about the severe injuries they were seeing from people at
34 trampoline gyms. She said they only saw the most major of injuries but were concerned about
35 the trends they were seeing. Trampoline gyms had little if any regulation and some said their
36 policies were formed by trial and error. She said a group of surgeons, attorneys, and
37 representatives from the Board of Health were planning to meet to set a standard of rules that
38 trampoline gyms would be subject to. Ms. Santiago said this was a statewide issue that should be
39 addressed in the legislature, but as the legislative session was completed for the year it was
40 important to get regulations in place before then. She said the surgeons did not want to shut
41 down trampoline gyms, but it was tough for them to see these dramatic injuries that were life-
42 altering for mostly young victims so they were seeking more regulations.
43

44 Mr. Stewart asked what the main causes of injury were. Ms. Santiago said sometimes it was
45 falling from the height of the platform structures and landing incorrectly. Most of the climbing
46 walls had no harnesses, and often the injuries were caused by a larger person falling into a
47 smaller person below.

1
2 Mr. Lentz asked if they had yet reached out to owners of trampoline gyms and how they felt
3 about this. Ms. Santiago said the majority were in favor, though they had experienced some
4 pushback. She said they wanted consensus between all groups and to draft legislation that would
5 make the most sense for all parties.
6

7 Mr. Knecht said his son worked at a trampoline gym and one of the issues he talked about was
8 having regular trampolines and professional trampolines that were side by side. Most people did
9 not know the difference and so they used both. To use a professional trampoline typically
10 required some training but even when employees were certified, they were not certified to train
11 others.
12

13 UVU student Bradley Thomas said putting too many regulations in place would keep people
14 from wanting to go to trampoline gyms, especially for those that were trained and had experience
15 on the equipment.
16

17 Mr. Harding said crafting the regulations would be a tight needle to thread between experienced
18 and not-experienced participants. Waivers were so common place that people usually did not
19 read them before signing, but the point of a waiver was to make people aware of the injuries that
20 could occur and help them better understand the risks. Signage also had its place to keep safety
21 regulations on people's minds. He thought informing people about serious injuries that happened
22 at one trampoline gym or another could also make the companies self-regulate for best safety
23 practices, as they would not want to be known as a gym that had seen more serious injuries than
24 another.
25

26 Ms. Santiago said there were some regulations currently in place regarding taller platforms, and
27 most gyms kept records of any injury whether it was serious or minor. Most gyms had spotters
28 and their employees were first aid and CPR certified, but that training was insufficient for the
29 more serious injuries that could happen. The Board of Health recommended having a trained
30 EMT on-site full time; the issue there was that an EMT would not want to work full time at a
31 trampoline gym.
32

33 Mr. Lentz asked about competing business types like sports gyms and pools/water parks, and
34 whether trampoline gyms may feel their regulations unfair in comparison. Ms. Santiago said
35 trauma surgeons were not seeing the level of injury from competing businesses that they were
36 seeing from trampoline gyms. They compared injuries from trampoline gyms to those involved
37 in ATV accidents, and similar major injuries at these other facilities were few and far between.
38

39 Ms. Santiago said tracking the data was difficult because people did not check in at hospitals by
40 saying where they got their injuries but the nature of the injury was what they recorded. That
41 would be another aspect of the legislation they hoped to craft, so they would have a better
42 database to refer to. She invited Orem to be a part of the conversation about these regulations
43 moving forward. Mayor Brunst said that would be a good idea.
44

45 Orem NIA Program

46 Provo councilmembers invited Orem to give an update on their Neighborhoods in Action (NIA)
47 program. Mr. Downs said Orem was not separated into districts but into neighborhoods, typically
48 tied closely with elementary schools and LDS stake boundaries. He said neighborhood chair

DRAFT

1 positions were getting harder and harder to fill for various reasons, and they were looking for
2 better ways to engage in neighborhoods to help residents take ownership of their community. He
3 said the annual Spring Clean-Up program had been adjusted this year to be more like Provo's
4 same program, with dumpsters available to all residents throughout the clean-up time period.

5
6 Mr. Harding said they had held a neighborhood chair symposium the previous week where they
7 were able to fill all of their neighborhood chair positions, approximately 34 positions. Mr.
8 Stewart said a fair number of councilmembers had previously been neighborhood chairs.

9
10 Mr. Downs asked about the activity level of the neighborhood chairs. Mr. Harding said some of
11 that was dependent on their personal level of interest and engagement. Some chairs had monthly
12 meetings and organized their own neighborhood clean-ups, while others might only meet yearly.

13
14 Mr. Davidson said that was similar to what Orem was seeing. He asked how they maintained
15 active chairs long-term, especially during transitional times from one chair to another. He asked
16 how they maintained consistency across neighborhoods.

17
18 Mr. Harding suggested giving chairs real responsibilities and letting them know that the City
19 would listen to them. He said there were training programs neighborhood chairs could participate
20 in that would help empower them, and help motivate their neighbors to engage more. Provo had
21 a matching grant program to help neighborhoods fund their projects and programs. He said
22 neighborhoods that were worried about "losing their neighborhood" seemed to be the most
23 active. When neighbors worked together on something they believed in, they came together and
24 were more tight-knit.

25 26 Provo High School

27 Mr. Parker said the Provo School District had been in negotiations to sell Provo High, and there
28 was a groundbreaking for the new school on Lakeshore Drive the next week. They were moving
29 forward under the assumption they could sell the old property at market value. Thus far they had
30 some interested buyers but no outcome yet. He said it was zoned for public facilities currently
31 but was likely subject to a rezone.

32 33 2016 Water Laws and Water Infrastructure

34 Mr. Parker said there were changes in water laws that had come from the recent legislative
35 session. One of the new State requirements was a tiered fee structure for water, and conservation
36 standards. He said Provo had summer rates and winter rates, but did not have a tiered system
37 currently. They needed to review their fees to be compliant with the State.

38
39 Mr. Davidson asked if the summer bump to the rates was the first gallon usage, and Mr. Parker
40 said it was. Mr. Davidson asked if they had considered an automated metering infrastructure
41 (AMI) system. Mr. Parker said they had, and they were about 70 percent of the way through
42 upgrading their meters, which had been a four or five year process.

43
44 Mr. Seastrand asked what they thought about using AMI. Mr. Parker said the website had been
45 helpful especially to staff who could contact consumers about spikes in their usage. AMI showed
46 different data than the old meter system, which showed a bump in consumption. It was a more
47 accurate reading, and using AMI had improved customer relations.

DRAFT

1 Mr. Seastrand asked about Provo building water storage tanks. Mr. Parker said they were
2 building two, which, between them, would hold 10 million gallons. The one currently being built
3 would hold 4 million gallons. That would give them 42 million gallons total water storage in the
4 city. They were primarily designed to improve flows to the west side of the city. Mayor Brunst
5 said Orem was looking at these same issues.

6
7 Mr. Parker asked about charging a sewer rate per door, since Orem had recently changed to that
8 fee structure. Mr. Davidson said it was a fairness issue for everyone to be on equal footing before
9 moving forward in the future with additional rate increases when necessary. He said there had
10 been a disproportional benefit to apartment complexes before, and single-family homes had been
11 subsidizing apartment complexes for waste water. He said there had been some pushback, but the
12 majority understood why this was a better way. Orem had engaged in a significant outreach
13 effort before moving forward, and there had been an element of compromise on a lesser fee
14 attached to subsequent units in a given complex. He said in the end the change would net
15 \$800,000 in revenue to dedicate to capital improvement projects to the infrastructure.

16
17 Mr. Lentz said one frustration in the process had been negative feedback from apartment
18 dwellers whose landlords were misleading them on what was happening. He clarified that this
19 had not been a problem across the board, but it was important for the City to provide clear
20 information on how it would affect the sewer bill and let both tenants and landlords know.

21
22 Mr. Davidson said some landlords took the opportunity to increase their rents, but the City did
23 their best to let residents know of the reasons behind the changes. Mr. Downs said he would
24 share some of Orem's information with Provo regarding the outreach efforts.

25 26 Orem Summerfest and Jimmer Fredette All-Together Shootout

27 Mr. Downs gave an update about Orem's Summerfest celebration, and the 3-pointer Shootout
28 with Summerfest Grand Marshall Jimmer Fredette. He said June 10, 2016, Jimmer Fredette
29 would kick off the Summerfest by shooting 100 3-pointers at Orem High School. The event was
30 a fundraiser for the All-Together Playground, with people pledging a certain amount for each 3-
31 pointer that was made. Mr. Downs said the Fredette Family Foundation was excited about the
32 playground and reached out for the opportunity to contribute. He said people could go to Orem
33 High School to watch the shootout, or could stream the event live.

34 35 36 **Set Date and Time for Next Meeting**

37
38 The next meeting was scheduled for July 14, 2016, at noon in Provo.

39
40 Mr. Sumner **moved** to adjourn the meeting. Mr. Seastrand **seconded** the motion. The motion
41 **passed unanimously**.

42
43 The meeting adjourned at 1:09 p.m.

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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
April 26, 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 (excused), David Spencer (late), 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; Steven Downs, Assistant to the City Manager; Brandon Nelson, Accounting Division Manager; Manager; and Jackie Lambert, Deputy City Recorder

DISCUSSION – Open Meetings Training

Mr. Stephens said that every year there is an open meetings training, as per State law. He explained that cities exist to aid in the target of the people's business. Meetings are defined if any of the following take place:

- If there are four elected officials present
- Input is given and decisions are made
- Workshops
- Site Visits

Meetings do not include chance gatherings that occur publicly, such as at grocery stores or various private social gatherings. However, should these happen, City-related business should not be discussed. Mr. Stephens stated that all meetings are to be open, unless otherwise specified. Closed meetings were only for specific reasons listed in the State code, and have to take place after open meetings; in other words, they can't just happen on their own.

Mr. Macdonald, commenting about a Salt Lake area a council member who was no longer able to perform his duties, asked if it would be appropriate to hold a closed meeting about it. Mr. Stephens answered affirmatively.

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1 Mr. Stephens said strategy sessions could be closed for any of the following reasons:

- 2 • Collective bargaining
- 3 • Pending or reasonably imminent legislation
- 4 • The purchase, lease, or exchange of real property
- 5 • Security issues and investigative proceedings
- 6 • Discussions related to the professional competence of a City official

7
8 Mr. Stephens explained that discussing professional competence is a tricky issue. It is very
9 difficult, if not impossible, to exclude any particular council members from a meeting, should
10 there be an issue with them as elected officials.

11
12 Items not on the agenda should not be discussed during meetings, unless they are raised by a
13 member of the public during the open session. However, the Council is not able to take actions
14 on those items at that time. Furthermore, staff appreciates having time to further investigate the
15 matter and return to the Council with additional information.

16
17 Mayor Brunst recalled that in one situation, a council member was against a particular ordinance,
18 and while he stepped out the rest of his council voted on the item anyway. The council member
19 formally protested the action. Mr. Stephens said that while the rest of the council did not
20 necessarily violate the letter of the law, they essentially violated the spirit of the law.

21
22 Mr. Stephens then said that electronic messages are not allowed to be used outside of meetings in
23 order to deliberate upon issues on the side. He noted that all text messages, emails and other
24 forms of electronic communications are subject to a GRAMA request. Mr. Macdonald asked for
25 recommendations on how to store and save those communications, to which Mr. Stephens
26 suggested that he speak with IT. Mr. Macdonald said his emails were easy to save, but he wasn't
27 sure how to save the text messages. Mr. Bybee added that he would follow up on the matter.

28
29 Mr. Stephens explained that according to State law, electronic meetings could be held as long as
30 one member of the Council was present at the anchor location. He outlined the noticing
31 requirements, and stated that every year the council votes on a regular meeting schedule.
32 Agendas need to be published with the date, time, and meeting location with at least twenty-four
33 hours of advance notice.

34
35 According to State law, emergency meetings are to be limited, and should only take place if there
36 is an item that requires imminent action from the Council and there isn't sufficient time for
37 noticing to take place.

38
39 Mr. Stephens stated that all presentations should be made part of public record.

40
41 With regards to expelling a Councilmember from voting on a specific item, Mr. Stephens stated
42 that a certain procedure must be followed. If the Council feels that another Councilmember has a
43 conflict of interest on the matter, two thirds of the voting members need to vote in favor of
44 expelling that Councilmember. This same procedure must be followed if the Council feels that a
45 member of the public should be expelled for disorderly conduct. If a member of the public is
46 expelled and refuses to leave, then they will be escorted out by a police officer. All decisions to
47 expel someone from the meeting should be discussed openly.

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1 Mr. Stephens noted that roll call votes are needed for passing ordinances, resolutions and any
2 action that creates a liability against the City. Furthermore, roll call votes may be taken any time
3 they are requested by a member of the Council.
4

5 Mr. Downs asked if digital voting constitutes as a roll call vote. Mr. Stephens said if specific
6 votes are indicated then they are considered roll call votes.
7

8 Mr. Stephens outlined three ethical violations as indicated in State law:
9

- 10 1. Improper use of information; disclosing or improperly using private, controlled, or
11 protected information acquired through one's position as a City Councilmember.
12

13 In response to remarks from Mr. Macdonald regarding the purchase and sale of land made by the
14 City of St. George near the new convention center, Mr. Stephens indicated that the
15 aforementioned violation pertains to individuals and not cities.
16

- 17 2. Improper use of position.
18

19 One such example given by Mr. Stephens pertained to a situation in which a municipal employee
20 used their position to get a discounted price on a new car. In another example, a Federal
21 employee used his personal credit card to book hotel stays at a Marriott for other employees, so
22 that he could collect points on his credit card. He then used Federal dollars to reimburse himself
23 for the expense. This Federal employee ended up with a fine of \$5,000 and had to reimburse the
24 government \$90,000.
25

- 26 3. Improper acceptance of a gift; in other words, a gift of substantial value that deviates
27 from the duties of municipal staff or elected officials.
28

29 Mr. Stephens relayed an incident that occurred in the early 1990s involving Deedee Corradini in
30 Salt Lake City. There were allegations between Bonneville Pacific and an offshore company, and
31 Bonneville Pacific was filing bankruptcy. Ms. Corradini was asked to reimburse the bankruptcy
32 trustee by millions of dollars, and she requested gifts from several people in order to meet that
33 obligation. Through this process she acquired bank loans, with terms that average people could
34 not get themselves. Nothing happened to her from an ethical standpoint, but afterwards the State
35 Legislature came up with these rules and provisions. Mr. Stephens stated that there are some
36 exceptions to these provisions, such as an occasional nonpecuniary gift having value of less than
37 \$50, an award publicly presented in recognition of public service, a bona fide loan, etc.
38

39 Mr. Stephens explained that there are certain things that are allowed by State law as long as they
40 are disclosed, but he did not recommend them. For example, while is okay for a Councilmember
41 to own a small business on the side, he would be concerned with whether or not there was a
42 conflict of interest in the Councilmember were involved with a transaction closely related to their
43 business. He stated that as a Councilmember, it is best not to participate if there is a specific
44 business interest. Consequences to the violation of this law may include criminal prosecution,
45 removal from office, and having one's contract voided.
46

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1 Mr. Lentz asked what the process was if they became aware of this kind of misconduct from a
2 Councilmember or staff. Mr. Stephens said a formal complaint may be made to the Recorder's
3 Office. The person making the complaint would need to state by way of an affidavit that they
4 were personally aware of the situation (not based on hearsay) and an ethics committee would
5 then convene and investigate.

6
7 Mr. Stephens then quoted similar requirements as outlined within Orem City's ordinances. He
8 explained other situations that wouldn't constitute as violations, but should be avoided anyway.
9 For example, military personnel using a Black Hawk helicopter to take friends to lunch. While
10 they might have the proper clearance to do so, it does not look good. He cautioned the Council
11 by explaining that sometimes even though an action is not specifically prohibited, it is best to
12 avoid the appearance of a conflict.

13
14 Mrs. Lauret asked about organizing an ethics commission to review violations. Mr. Stephens said
15 that at one point there was an interlocal agreement in place with Pleasant Grove, Spanish Fork,
16 Lehi, and Springville, for representatives from those cities to consider ethical violations. Mayor
17 Brunst asked if this commission was recently organized. Mr. Stephens answered that he was not
18 aware of the committee ever coming together.

19
20 Mr. Davidson noted that a law passed which provided a state ethics group and gave latitude for
21 local governments to create a local them as well. Mrs. Lauret inquired on a recent embezzlement
22 case and wondered how this matter would move forward, to which Mr. Stephens replied that the
23 case would be investigated on a criminal and ethical level.

24 DISCUSSION/UPDATE – Library Auditorium

25
26
27 Mr. Davidson stated that goals were identified for the City Center and the Center for Story, and
28 staff asked Mrs. Crozier and Mr. Joe Smith with Method Studio to provide an update on what
29 had been done to move the project forward. There were discussions on this project several years
30 ago, at which time the project costs were much lower. The project has not slipped off the radar,
31 but it is taking longer than anticipated. Currently, there are dedicated CARE monies and private
32 contributions going towards a variety of thriving programs.

33
34 Mrs. Crozier reported that the library holds between 900 and 1,000 programs a year, with around
35 62,000 total participants. The library staff, along with Mr. Smith and Nathan Robison, Outreach
36 Librarian, put together programming for both children and adults. Mrs. Crozier explained that
37 clarification is needed on the purpose which the Center for Story will serve. She noted that it will
38 be a performance facility added on to the library which will celebrate art in all of its forms, such
39 as film, dance, music, dramatic presentations, etc. For now, the facility will be called the Library
40 Auditorium in order to eliminate confusion.

41
42 Pictures were included in a PowerPoint presentation to show how accommodations have been
43 made with limited space. Mrs. Crozier explained that they have been tracking programs that
44 exceed 200 participants. Space limitations have been challenging for larger programs, and they
45 do not want to have people sitting in areas where they cannot see. Furthermore, they need to
46 keep fire areas clear. She stated that turning people away is the worst feeling, and they are
47 seeking opportunities to offer better staging and seating for both performers and audience

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1 members. She turned the time over to Mr. Smith to review several items that were developed by
2 a steering committee on the matter.

3
4 Mr. Smith stated that he has been part of the process for a long time. He raised his children in
5 this community, and he wants to make sure this project moves forward. He walked through the
6 design and money-saving opportunities as follows:

- 7 • Multiple locations on the City site were reviewed, in order to identify the prime location.
- 8 • Connecting to the story wing and creating an architectural feel that is consistent
9 throughout the entire building. Mr. Smith shared the floor plans that were generated.
- 10 • The initial RFP and goals were set to create a multipurpose auditorium that could support
11 a huge variety of programs, such as performances, lectures and classrooms that can
12 accommodate up to 500 participants.
- 13 • The stage was sized to be a dance studio and classroom, with a large bifolding wall to
14 close off the stage from the audience. Other important pieces included classrooms,
15 circulation and lobby space, and break out areas for art collections to be displayed in the
16 lobby area.
- 17 • Window configurations were reviewed.
- 18 • With regards to the second floor, Mr. Smith reviewed the committee's desire to include a
19 balcony level, which would create intimacy and flexibility for program size. There will
20 be some costs involved with cantilevering out a balcony level.
- 21 • Elevations as indicated in the concept plan were reviewed.

22
23 Mr. Smith stated that the economy has changed significantly. There have been six to eight cost
24 estimates completed for the project, the most recent one having been done in the fall of 2015. At
25 that time, the current design was estimated at around \$6.2 million range. He asked for input on
26 how to bring these costs down without losing any of the design elements.

27
28 Subsequent discussion touched on the following:

- 29 • The facility is 2,300 square feet, and with a current estimate of \$260 per square foot.
- 30 • The bid for the auditorium includes auditorium seating.
- 31 • UVU's new center will cost \$325 to \$360 per square foot/
- 32 • The Salt Lake City Arts Center had cost \$560 a square foot
- 33 • The Covey Center, built in 2011, cost \$2 million for the exact same set of drawings.
- 34 • Local contractors have indicated a desire to help with the project which could potentially
35 bring down the costs significantly to a point where people might even be willing to
36 donate financially to a certain extent.
- 37 • Since improvements or changes to the City Center were being researched to address
38 seismic concern, the construction of the auditorium could take place at the same time.
- 39 • There is a real need for this project considering how crowded the library's programs have
40 become.
- 41 • The second phase, to allow a sound studio for families to use as a way to record life
42 stories, that had been previously considered isn't feasible.
- 43 • Fundraising efforts were ongoing, and they recently received a donation of \$50,000 and
44 another donation of the same amount is anticipated from another foundation. A few more
45 substantial donations would probably get them where they needed to be financially.

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- 1 • A donation that was pledged by Utah County in the amount of \$300,000 has a sunset of
2 2018.
- 3 • Outside organizations will be required to pay to use the facility, which will help defray
4 costs for City-sponsored activities. The City needs to first determine how to
5 accommodate the library's 900+ annual programs.
- 6 • The City needs to be careful not to take away from local business. Mr. Davidson replied
7 that before determining how to open this space up to outside groups,
- 8 • The construction of the City Center will be coordinated with the Library Auditorium
9 ahead of time, which will be more cost effective.
- 10 • The City is contracting with a firm that will find the necessary space and create a master
11 plan for the project. It was noted that costs are not getting any cheaper, and will only
12 continue to increase.
- 13 • While there is some connectivity between the City Center and Library Auditorium, both
14 projects do not necessarily need to be constructed at the same time.
- 15 • From a programming perspective, the Library Auditorium addresses existing needs at the
16 library. The City Center will continue to operate for a future need.
- 17 • This has been a source of significant contention in the past. Every conversation to garner
18 support was, "Wasn't this controversial?" As a result, people have not wanted to give to a
19 house divided.
- 20 • One concern from the Council was that of ongoing maintenance needs.
- 21 • The Council expressed a desire to see more specifics of what will be coming out versus
22 what will be kept, prior to granting approval to move forward.

23
24 *Note: The City Council took a break until 3:41 p.m.*

25 26 PRESENTATION – CARE Major Grant Applicants

27
28 At Mayor Brunst's request, the CARE Advisory Commission introduced themselves as follows:
29 Jeff Lambson, Annette Harkness, Blake Tierney, and Christine Alleman. Mr. Downs turned time
30 over to Adam Robertson.

31 32 *SCERA*

33 Mr. Robertson shared a video presentation of the activities taking place at the SCERA Center for
34 the Arts, as well as the following information from the SCERA Center's most recent Annual
35 Report:

- 36 • The number of outside participating groups was 383.
- 37 • The SCERA Center houses an art gallery and classroom programming.
- 38 • Theatrical experiences for young audiences, based on kid's books.
- 39 • The SCERA is currently producing the musical "Saturday's Warrior".
- 40 • The SCERA supports local playwrights and musical composers
- 41 • The SCERA presents local and regional favorites, including cinema classics every
42 Tuesday night.
- 43 • Participates in new collaborations every year, including the Storytelling Festival, the
44 Freedom Festival, Colonial Days, Cries of Freedom, and a Fireside on Sunday 3rd during
45 which Col. Gale Halverson spoke.

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- 1 • Utah Regional Ballet (URB) and the Miss Orem Pageant will take place at the SCERA
2 Center in coming weeks.
- 3 • Continued growth and use of facility every year, with diligent efforts being made to
4 maximize efficiency and expenses.

6 Subsequent discussion included:

- 7 • Besides Autistic children, were there other under-served groups that could benefit from
8 programming.
- 9 • Weather played into use of the outdoor theater.
- 10 • The additional building which was constructed in the built in the mid-1990s met the
11 seismic code, and the original theater was retrofitted to an extent, with steel
12 reinforcement instead of wood.
- 13 • A great deal went into programming at the SCERA Center, which had funding sources to
14 support programs. In recent years they has chosen to pursue CARE funds to enhance the
15 quality of the materials and performances. CARE has also helped fund the addition of
16 three other facilities in recent years.
- 17 • SCERA sought out contributions from companies in order to provide basic needs such as
18 painting, internet, carpet cleaning, etc.
- 19 • The SCERA rarely turned anyone away and free tickets are distributed to a wide variety
20 of organizations.
- 21 • Most arts organizations need subsidizing throughout the country, but with the CARE
22 funds the SCERA Center was able to improve their programs and see increased ticket
23 sales.
- 24 • The SCERA sold around 18,000 tickets annually, though with the majority of audience
25 members coming from Orem and the immediate area.
- 26 • While the SCERA Center is a real asset to the community, they needed to reevaluate their
27 marketing strategy, as well as ticket prices.

29 *Hale Center Theater Orem*

30 Jim Murphy from Hale Center Theater Orem (HCTO) expressed appreciation for the SCERA
31 Center and CARE for their support of the arts. He then turned the time over to Mr. Cody
32 Swenson for the Hale presentation.

34 Mr. Swenson read the HCTO's mission statement and reviewed the following:

- 35 • HCTO is strictly a performing arts theater, and has received national acknowledgment.
- 36 • They have a thriving education department and a focus on improved programming.
- 37 • Orem's arts programs have been enriched because of the HCTO and many cannot
38 believe how low the ticket prices are for Broadway-quality shows.
- 39 • Production quality had risen dramatically because of CARE, and local celebrities have
40 commented that HCTO was their favorite theater with which to work, with particular
41 mention of their costuming. They now had a building just for costuming located in West
42 Orem.
- 43 • Their projector program is so impressive that actors can stand within three feet of the
44 screen and not block the projection.
- 45 • He highlighted the LED floor for the production *Joseph and the Technicolor Dream*
46 *Coat*, as an example of LED technologies that have been used in recent shows.

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- Set crews built a fog delivery system using CO2.

Mr. Swenson reviewed the many improvements that have been made to patron services, including the following:

- A website to buy tickets and register for classes
- Email newsletter
- Excellent playbills
- Growth of HCTO's education department; when they started they did not have an education program. With CARE funds, HCTO has since developed a vocal studio which has exploded. The vocal studio currently has 100 students who take weekly voice lessons. HCTO holds master classes, recitals and adjudications. This growth has required double the size of the smaller original facility.
- Expanded rehearsal space
- Year-round performing arts classes
- Kids programming for youth under the age of 18 has a five-show season; the kids are getting a professional experience in set design, directing, choreography, costuming, etc.
- Educational outreach did work with schools for tours, Reflections, Title 1 schools, etc.
- There were 406 performances in 2015, which is up from 372 in 2014.

Subsequent discussion included the following:

- A moderate increase in funding would allow them to expand educational programming, enhance production quality, and increase relationships with Orem businesses.
- In-kind contributions included relationships that have been developed with restaurants to supply food for the actors, as well as flooring that was installed at no cost by Halifax Flooring.
- HCTO receives annual contributions from about four or five main sponsors.
- HCTO currently has 288 seats, and that they are hoping to double that number to 568 in a future facility.
- Approximately 40 percent of their attendees are Orem residents

Utah Regional Ballet Company (URB)

The time was turned over to the Utah Regional Ballet Company (URB), and Board Members Mark Chen, Michelle Moon and Sean Moon, all introduced themselves.

Ms. Moon provided a history of the URB and explained how it was governed. They have performed at the SCERA Shell, Ragan Theater at UVU, and the Covery Center in Provo. About 75 percent of school performance attendees were from Orem, with students being required to pay \$5. She would like to do one free school show just for Orem students.

Mr. Chen said Orem was the anchor city, and that public partnerships are critical to their success. He noted that their revenue sources include ticket sales, fundraising efforts, miscellaneous grants, and corporate sponsorships. He then provided URB's Annual Report as follows:

- Last year, over 7,000+ attendees came to the production of the Nutcracker.
- Each year hundreds of Orem students attend performances through a grant subsidy; the cost of which is around \$11,200 per show.
- URB participated in a Choreography Design Competition, held at the Ragan Theater.

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- 1 • Participated in Families Affected by Autism. Each show cost around \$10,000 to subsidize
2 this program.
- 3 • The Snow White production was a new show with many professional improvements.
4

5 Ms. Moon outlined the goals that they have with future CARE funding:

- 6 • Expand into elementary schools and provide completely free productions of the
7 Nutcracker.
- 8 • They would also like to continue the free performances for high school students, and
9 would like to add a free show for UVU students—all held at the Ragan Theater.
- 10 • They would like to increase awareness and attendance.
- 11 • They would like to add to the fairy tale ballets, by creating scenery specifically for
12 *Twelve Dancing Princesses*.

13
14 They then shared a video presentation.

15
16 Karl Hirst provided an update on recreation.

- 17 • Current allocations
 - 18 ○ Splash Pad
 - 19 ○ Playground
 - 20 ○ Dog Park
- 21 • 2016 Recreation Advisory Commission Recommendations
 - 22 ○ Additional to splash pad \$350,000
 - 23 ○ Additional to playground \$100,000
 - 24 ○ Additional to dog park \$100,000
 - 25 ○ Fitness center – liner, hot tub, steam room \$400,000
 - 26 ○ Co-sponsored groups \$15,000
 - 27 ○ Total \$965,000

- 28 • CARE Project Budgets

	<u>Current</u>	<u>New</u>	<u>Totals</u>
29 ○ Splash pad	\$500,000	\$350,000	\$850,000
30 ○ Playground	\$150,000	\$100,000	\$250,000
31 ○ Dog park	\$ 75,000	\$100,000	\$175,000
32 ○ Fitness center pool		\$400,000	\$400,000
33 ○ Co-sponsored groups		\$ 15,000	\$ 15,000

34
35
36 Mr. Hirst concluded by saying that if an ideal dog park location does not quickly present itself,
37 he would recommend retaining the previously allocated \$75,000 for when a location is
38 determined in the future and transferring the \$100,000 that is part of the 2016 recommendation to
39 the playground.

40
41 Mr. Davidson reported that Utah County has been maintaining Canyon Park near Timpanogos
42 Park. There have been preliminary discussions about taking over maintenance of that park to turn
43 it into a dog park. Mr. Davidson stated that UDOT owned the property and could indicate that
44 they have plans to use the park property to widen the road, but he said he did not anticipate that
45 this would happen any time soon.

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1 Mr. Lentz inquired about the status of some tennis courts that were in need of repair. Mr. Hirst
2 replied that he thought there was some funding available in the General Fund to meet that need.

3 4 **5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

5
6 CONDUCTING Mayor Richard F. Brunst

7
8 ELECTED OFFICIALS Councilmembers Debby Lauret, Sam Lentz, Tom
9 Macdonald, David Spencer, and Brent Sumner

10 APPOINTED STAFF Jamie Davidson, City Manager; Brenn Bybee, Assistant
11 City Manager; Greg Stephens, City Attorney; Richard
12 Manning, Administrative Services Director; Bill Bell,
13 Development Services Director; Lissy Sarvela, Recreation
14 Division Manager; Chris Tschirki, Public Works Director;
15 Scott Gurney, Fire Department Director; Gary Giles, Police
16 Department Director; Charlene Crozier, Library Director;
17 Steve Earl, Deputy City Attorney; Jason Bench, Planning
18 Division Manager; Keith Larsen, Traffic Operations
19 Engineer; Sam Kelly, City Engineer; Neal Winterton,
20 Water Division Manager; Reed Price, Maintenance
21 Division Manager; Steven Downs, Assistant to the City
22 Manager; Brandon Nelson, Accounting Division Manager;
23 and Donna Weaver, City Recorder

24
25
26 EXCUSED Mark Seastrand

27
28 Preview Upcoming Agenda Items
29 Staff presented a preview of upcoming agenda items.

30
31 Agenda Review
32 The City Council and staff reviewed the items on the agenda.

33
34 City Council New Business
35 There was no City Council new business.

36
37 The Council adjourned at 5:50 p.m. to the City Council Chambers for the regular meeting.

38 39 **6:00 P.M. REGULAR SESSION – COUNCIL CHAMBERS**

40
41 CONDUCTING Mayor Richard F. Brunst

42
43 ELECTED OFFICIALS Councilmembers Debby Lauret, Sam Lentz, Tom
44 Macdonald, David Spencer, and Brent Sumner

45
46 APPOINTED STAFF Jamie Davidson, City Manager; Brenn Bybee, Assistant
47 City Manager; Greg Stephens, City Attorney; Richard

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1 Manning, Administrative Services Director; Bill Bell,
2 Development Services Director; Karl Hirst, Recreation
3 Director; Chris Tschirki, Public Works Director; Scott
4 Gurney, Fire Department Director; Gary Giles, Police
5 Department Director; Charlene Crozier, Library Director;
6 Jason Bench, Planning Division Manager; Steven Downs,
7 Assistant to the City Manager; Pete Wolfley,
8 Communications Specialist; and Jackie Lambert, Deputy
9 City Recorder

10
11 **EXCUSED**

Mark Seastrand

12
13 **INVOCATION /**
14 **INSPIRATIONAL THOUGHT**
15 **PLEDGE OF ALLEGIANCE**

Mary Cryer

Owen Shumway

16
17 Mayor Brunst acknowledged the presence of Utah County Commissioner Bill Lee.

18 19 **APPROVAL OF MINUTES**

20
21 Mr. Sumner **moved** to approve the January 22, 2015; July 16, 2015; February 11, 2016, Joint
22 Provo/Orem City Council meeting minutes; and the March 29, 2016, City Council meeting
23 minutes. Mr. Lentz **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret,
24 Sam Lentz, Tom Macdonald, David Spencer, Brent Sumner. The motion **passed unanimously**.

25 26 **MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL**

27 28 Upcoming Events

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

30 31 Appointments to Boards and Commissions

32 Mr. Lentz **moved** to appoint Bart Francis to the Arts Council and to reappoint K.C. Shaw, Carol
33 Walker, and Tai Riser to the Public Works Advisory Commission. Mr. Macdonald **seconded** the
34 motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, David
35 Spencer, Brent Sumner. The motion **passed unanimously**.

36 37 **PERSONAL APPEARANCES**

38
39 Time was allotted for the public to express their ideas, concerns, and comments on items not on
40 the agenda. Those wishing to speak should have signed in prior to the meeting, and comments
41 were limited to three minutes or less.

42
43 No one signed up to speak.

44 45 **CONSENT ITEMS**

46
47 There were no Consent Items.

1 **SCHEDULED ITEMS**

2
3 6:00 P.M. PUBLIC HEARING – PD-21 – University Downs Concept Plan
4 ORDINANCE – Amending Appendix “O” of the Orem City Code pertaining to the concept
5 plan applicable to Area 3 of the PD-21 zone at 1200 South Geneva Road
6

7 Mr. Bench presented Keith Hansen’s request that the City amend Appendix “O” of the Orem
8 City Code pertaining to the concept plan applicable to Area 3 of the PD-21 zone at 1200 South
9 Geneva Road. He explained that the PD-21 zone is divided into three areas with each owned by
10 different entities. Area 1 is composed of Wolverine Crossing, Holiday Inn Express, Subway, and
11 the CNG station. Area 2 is known as Parkway Lofts and is currently under construction. Area 3,
12 the subject of this request, is owned by Nelson Brothers and is known as University Downs. The
13 City Council initially approved the concept plan for Area 3 in August, 2015. The applicant now
14 requests that the City Council approve certain modifications to the concept plan.
15

16 The original concept plan provides a location for a hotel, resident amenity building, parking
17 garage, and a married or single student housing building. The new concept plan has the same
18 uses as the original concept plan, but the location and size of buildings have changed enough that
19 approval of a new concept plan is required.
20

21 The greatest changes that have been implemented in the new concept plan are in relation to the
22 parking garage and the student housing building. The original concept plan showed residential
23 units attached to the south and east sides of the parking garage. The new concept plan removes
24 all but eight of these residential units and adds residential units to the student housing building.
25 As a result, the proposed footprint of the parking garage has been reduced and the footprint of
26 the student building has increased.
27

28 The new concept plan also modifies the height of the different buildings. The PD-21 text states
29 that building heights in Area 3 were determined by what was shown on the concept plan. The
30 original concept plan shows the parking garage at ninety-one feet, and the new concept plan
31 increases that height to one hundred feet. The amenity building has a current height of eighty-
32 seven feet and the new plan reduces this to seventy feet. Various parts of the student housing
33 building are currently approved at 72/88/109 feet. These heights were changed to 70/70/110 feet
34 in the new plan with the highest location adjacent to University Parkway. The future hotel
35 concept has not changed and remains at 120 feet high. With the building size changes, the
36 elevations will change as well. New building elevation plans have been submitted and will be
37 part of the revised appendix.
38

39 Although the new concept plan shows the parking garage at a height of one hundred feet, the
40 applicant intends to initially construct the parking garage to a height of only sixty-four feet, two
41 inches measured at the highest parking deck, and seventy-five feet, eleven inches measured at the
42 highest architectural feature. If and when the hotel is constructed, the applicant will add
43 additional levels to the parking garage to accommodate hotel parking demand and will also
44 construct meeting rooms and conference facilities on the top level of the parking garage. The
45 highest point would then be ninety-eight feet, eleven inches above grade.
46

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1 With regard to density, the original concept plan included 316 apartment units with 1,040 beds.
2 The amended concept plan contains 446 units with 1,532 beds. This increases the density from
3 160 occupancy units per gross acre to 235 occupancy units per gross acre. Because the original
4 intent of the PD-21 zone was to encourage as much density as possible, the PD-21 zone does not
5 have a maximum density. In fact, unlike most zones in the City, the PD-21 zone contains a
6 minimum required density. For Area 2 and Area 3 the minimum required density is ninety
7 occupancy units per acre, while Area 1 requires 140 occupancy units per acre.

8
9 A neighborhood meeting was held by the applicant on March 18, 2016, to discuss the concept
10 plan with surrounding property owners and residents. Four residents were in attendance and were
11 “complimentary about the project.”

12
13 The Planning Commission recommends the City Council amend Appendix “O” of the Orem City
14 Code pertaining to the concept plan of Area 3 of the PD-21 zone at 1200 South Geneva Road.
15 Staff agrees with the Planning Commission’s recommendation.

16
17 Mayor Brunst stated that the new concept appears to increase the population by about 50 percent
18 and asked how that change would impact parking. Mr. Bench responded that parking has also
19 been increased in the new proposal, and the provided parking would meet the standards of the
20 parking ordinance. He also commented that there would be some surface parking, but it is
21 limited.

22
23 The applicant, Keith Hansen, responded to a question from Mr. Macdonald and explained how
24 the project would be phased. The amenities, and building and parking structure would be
25 constructed first and the student building would be constructed approximately one month
26 afterward. The hotel would be done once they secured a hotel chain.

27
28 Mr. Sumner questioned the possibility of having married and student housing in the same
29 building. Mr. Hansen explained that the two wings are labeled as such because of the type of
30 units that will be in either side. The married housing wing would contain mostly one and two
31 bedroom units and a few studio apartments, while the student housing wing would have three or
32 four bedroom units. Mr. Hansen commented that they did anticipate single student uses spilling
33 over into the married housing wing and vice versa.

34 Mr. Lentz asked if there would be a road near the married wing that would provide some street
35 parking. Mr. Hansen stated that the majority of the parking would be at the parking structure.

36
37 Mr. Hansen commented that he intends to begin construction as soon as the site plan is approved.

38
39 Mrs. Lauret inquired about the building heights in relation to the surrounding buildings, and Mr.
40 Hansen stated that the proposed buildings will be much higher than any of the surrounding
41 buildings.

42
43 Mayor Brunst asked about amenities, and Mr. Hansen reviewed them. He also clarified that if
44 there is a demand for condominiums, they would like to make them available. If there was no
45 demand, the units would be used for student housing.

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1 Mr. Lentz asked about the noticing distance for this project, and Mr. Bench said they noticed
2 1,000 feet per policy. He also commented that few residents came to the neighborhood meeting
3 for this project.

4
5 Mr. Sumner asked if a new traffic study was required with this new concept, and Mr. Bench
6 responded that it has been requested but has not been received by staff. Mr. Hansen stated that
7 the study was finished earlier that week and that it would be reviewed by the Planning
8 Commission at their next meeting.

9
10 Mayor Brunst opened the public hearing. Seeing no interested parties, Mayor Brunst closed the
11 public hearing.

12
13 Mayor Brunst then **moved**, by ordinance, to amend Appendix “O” of the Orem City Code
14 pertaining to the concept plan applicable to Area 3 of the PD-21 zone at 1200 South Geneva
15 Road. Mrs. Lauret **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret,
16 Sam Lentz, Tom Macdonald, David Spencer, Brent Sumner. The motion **passed unanimously**.

17 RESOLUTION – Adopt the 2016 Water Master Plan and accept the Water User Rate Study

18
19
20 Mr. Tschirki, Public Works Director, recommended that the Orem City Council, by resolution,
21 adopt the 2016 Water Master Plan prepared by Bowen Collins & Associates, Inc. (BCA) and
22 accept the Water User Rate Study prepared by Lewis Young Robertson & Burningham, Inc.
23 (LYRB). He explained that this information would be available to the public online. Mr. Tschirki
24 turned the time over to Neal Winterton.

25
26 Mr. Winterton reviewed a history of Orem’s growth and previous needs to increase rates. He
27 then reviewed the difference between water, sewer, and storm, by way of a PowerPoint
28 presentation (included).

29
30 The City of Orem provides culinary water to over 22,000 connections. The system utilizes
31 twenty-two million gallons of storage and 354 miles of pipes, to deliver water from treated
32 surface sources, wells, and springs to a peak demand of nearly sixty million gallons per day.
33 Much of the infrastructure has met its life expectancy and beyond.

34
35 In February 2014, the City hired BCA to prepare a Water Master Plan. The request for
36 engineering services was organized into fifteen tasks. Some of the highlights included: develop a
37 hydraulic model, identify existing and future needs, develop a Capital Facilities Plan, evaluate
38 hydroelectric power, water reuse, and AMI (Advanced Metering Infrastructure), and develop
39 water rates to support the operations and capital needs of the water utility. Together with City
40 staff, the Public Works Advisory Commission, the general public, and the City Council, BCA
41 has created a Water Master Plan for consideration.

42
43 Recommended improvements identified by BCA include improvements in the water utility
44 totaling sixty-two million dollars (present value). While some projects have been identified,
45 others are yet to be determined and will be constructed as the need arises. BCA has outlined five
46 main projects to take place in the next five years:

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1. Ten Million Gallon Tank: Provide Orem with sufficient storage needed for State Code and peak day operations.
2. Two inch and four inch Waterline Replacements: Upgrade aging and undersized waterlines and replace waterlines in areas where road surface improvements are planned.
3. Water Reuse: Delay future upsizing of pipes from the east to the west to service Lakeside Sports Park and the Links at Sleepy Ridge by supplying reclaimed water from the Orem Water Reclamation Facility. This will also reduce Orem's overall water supply needs and is an environmentally responsible action moving forward.
4. Two New Wells: Develop new wells to make it possible for Orem to access underground water for which it has already acquired rights for ongoing annual and daily needs.
5. Automated Metering Infrastructure: Replace aging, inaccurate meters and provide residents quick and up-to-date information about their water use. Providing this data to the residents is the best first step toward responsible water use.

LYRB was subcontracted by BCA to review the existing water rates and provide a recommended rate schedule based on changes in forecasted expenses and capital improvements and on a pay-as-you-go basis. The primary objectives of the rate analysis were to ensure sufficient revenues to cover all operation and maintenance expenses while maintaining bond covenants, ensuring the appropriate debt service coverage ratio, and providing sufficient revenue to fund the proposed projects identified in the master plan.

A review of projected revenues under the existing rate structure relative to proposed expenses illustrated that the City would not have sufficient revenues to fund the needed capital improvements without a rate increase. The results of this master plan were the basis for a rate study that was used to establish supporting water rates for the City. Originally, a five-year rate increase was proposed by City staff in conjunction with BCA and LYRB. After receiving public feedback and upon the recommendation of the City Council, a pay-as-you-go funding plan over five, seven, and ten-year periods and a bonding plan, were developed.

The rate scenarios were structured to produce a 2026 base rate of \$26.10, a summer usage rate of \$1.41/1,000 gallons, and a winter usage rate of \$0.94/1,000 gallons. Scenarios 2 and 3 fund a reduced CIP in order to allow for a more moderate annual increase in the rates and result in an overall revenue reduction of \$5,600,229 and \$10,706,169, respectively, over the same ten-year period. The result was a delay in completion of capital facility projects and an on-going liability for lack of water supply during peak demand, water outages, water quality concerns, and potential violations. Scenario 4 includes some bonding and allows for projects to be completed within the five year CIP plan but keeps rates to more moderate increases.

Following the presentation, Mayor Brunst commented that the City would encounter large and expensive issues if they did not keep up with the infrastructure now.

Mrs. Lauret stated that she had received some negative responses from residents in regards to the summer/winter rates. She asked if they had considered a tiered rate system. Mr. Winterton explained that they had examined several options, and they felt that changing to the summer/winter rate would be simplest for the residents to understand.

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1 Mr. Macdonald said some of the challenges the City is now facing stem from not following
2 recommendations like this in the past. He thanked the presenters for their efforts in putting this
3 information together. In regards to the rates, Mr. Macdonald said he believed that fairness was
4 more important than simplicity, and stated that he would also like to see a two- or three-tiered
5 rate system rather than the summer/winter rates.

6
7 Mr. Tschirki explained that they did consider a tiered rate system.

8
9 Mr. Macdonald commented that Vineyard was using about 1.5 percent of the water supply and
10 asked if they had plans to construct their own water storage facility. Mr. Tschirki stated that
11 Vineyard had bought into the twenty million gallon tank at the Wastewater Treatment Plant and
12 had plans to build a water tank in their town proper. He also confirmed that Vineyard paid for
13 their share of the water.

14
15 Mr. Macdonald asked how much treated water was being used to water the golf course. Mayor
16 Brunst stated that they use one million gallons of water in the summer, and they were currently
17 using treated water. The City would save a tremendous amount of money if the golf course used
18 reuse water. Mr. Tschirki added that reuse water could be used at a number of other locations
19 throughout the City as well.

20
21 In regards to rates, Mayor Brunst believed that those who use more water should pay more. He
22 also commented that a State law was recently passed encouraging all cities to create a tiered
23 system for utilities. He asked Mr. Winterton to look into the tiered rate system and come back
24 before the City Council with some options. Mr. Winterson stated that he could have numbers
25 ready for review by May 10, 2016.

26
27 Mayor Brunst commented that he would be the most comfortable with the seven-year plan. He
28 said he believed that bonding would be an unwise choice for the City at this time, and a five-year
29 plan was too quick.

30
31 Mr. Macdonald stated that bonding should be reserved for times when there is an immediate or
32 critical need. He agreed that a seven-year plan would be the best option.

33
34 Mr. Lentz said he liked the idea of stretching the expense out over a longer period of time to
35 better distribute the cost, and agreed that they needed to be cautious with bonding. Mrs. Lauret
36 agreed that bonding could be used if it made sense to the City's financial situation, but in this
37 instance she favored the seven-year plan.

38
39 Mr. Sumner agreed with the seven-year plan and expressed that he was not comfortable with
40 bonding at all.

41
42 Mr. Spencer said he favored the seven-year plan and commented that the Council would still be
43 able to reexamine this plan every year and adjust the rates if needed.

44
45 Mayor Brunst **moved**, by resolution, to adopt the 2016 Water Master Plan and accept the Water
46 User Rate Study and suggest the use of the seven-year rate plan. Mr. Spencer **seconded** the

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1 motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, David
2 Spencer, Brent Sumner. The motion **passed unanimously**.

3
4 RESOLUTION – Authorizing the Mayor to execute the following two agreements related
5 to the Provo/Orem TRIP (Transportation Improvement Project):

- 6 • A Lease Agreement between the City and UTA; and
- 7 • An Interlocal Agreement between the City, UTA, UDOT, MAG and Provo

8
9 Mr. Goodrich, City Transportation Engineer, said that for the past several years, the City has
10 been working with UTA, UDOT, Utah County, Mountainland Association of Governments
11 (MAG), Provo City and others with regard to the Provo/Orem Transportation Improvement
12 Project (the “Project”). After years of discussions, negotiations and planning, the interested
13 parties are ready to move forward with the Project by formally executing two agreements that are
14 fundamental to the success of the Project.

15
16 The first agreement is a lease agreement between the City and UTA (the “Lease Agreement”).
17 The Lease Agreement authorizes UTA to use a portion of 400 West and 1200 South for its Bus
18 Rapid Transit (BRT) system. The Lease Agreement also delineates how numerous issues related
19 to the construction and operation of BRT in the City will be handled. The issues that are
20 addressed in the Lease Agreement include, among others, the baseline scope of the Project,
21 landscaping and sidewalk along University Parkway, station locations and design, BRT lane
22 configuration and design, the three quarter accesses on University Parkway (which access Chili’s
23 and Mimi’s), traffic signal priority for BRT buses, compatibility of traffic signal equipment, and
24 maintenance issues.

25
26 The second agreement is an Interlocal agreement between the City, UTA, UDOT, MAG and
27 Provo (the “Interlocal Agreement”). The purpose of this agreement is to establish an Executive
28 Committee and a Project Management Committee to make decisions and resolve issues relating
29 to the Project that are not addressed in the Lease Agreement.

30
31 The Project Management Committee will consist of staff representatives from each of the above
32 entities (and Utah County) and will meet at least weekly to resolve the day to day issues that may
33 arise with respect to the Project.

34
35 The Executive Committee will consist of executive level representatives of each of the above
36 entities (and Utah County) and will meet at least monthly to resolve issues that cannot be
37 resolved at the Project Management Committee level. The Executive Committee will also have
38 responsibility to make high-level decisions regarding the Project such as significant change
39 orders to the Project (in excess of \$200,000) and decisions concerning the disposition of
40 contingency funds (expected to be about 10 percent of the total Project budget).

41
42 The execution of the Lease Agreement by the City and the execution of an equivalent lease
43 agreement by the City of Provo are necessary for UTA to obtain funding and begin construction
44 of the Project. The execution of the Interlocal Agreement by the City is necessary to give the
45 City a voice in deciding the larger issues that will arise during the course of the Project. The City
46 Transportation Engineer therefore recommends that the City Council authorize the Mayor to
47 execute both the Lease Agreement and the Interlocal Agreement on behalf of the City.

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1 Janelle Robertson, with UTA, went through a PowerPoint presentation about the proposed
2 project. She said they hoped to complete the entire project by early spring of 2019.

3
4 Mrs. Lauret asked about the anticipated ridership, and Ms. Robertson stated that they expect to
5 have an average of 12,000 riders per day.

6
7 Mr. Macdonald asked for clarification on which roads belonged to the City and which roads
8 belonged to the State.

9
10 Using a map from the presentation, Mr. Goodrich explained that Geneva Road and University
11 Parkway were owned by the State. The only Orem road in this project would be 400 West
12 between 1200 South and 1300 South.

13
14 Mayor Brunst asked a question about the other cities in Utah who were installing rapid transit.
15 Mr. Meyer, Chief Development Officer of UTA, stated that South Davis, Bountiful, Centerville,
16 and parts of Salt Lake City were also looking into projects like this one.

17
18 Mrs. Lauret asked if UTA had a formula that could translate bus ridership into cars on the
19 freeway. Ms. Robertson said that there was not a specific formula, but the proposed project
20 would increase the capacity of the roads. Mayor Brunst commented that a previous report
21 estimated that 30 percent of road wear-and-tear would be decreased by residents using busses.

22
23 Mayor Brunst believed this project would be beneficial to the Orem and Provo communities. He
24 commented that President Holland of Utah Valley University has committed to encouraging his
25 students to use transit.

26
27 Mrs. Lauret **moved** that the City Council authorize the Mayor to execute the following two
28 agreements related to the Provo/Orem Transportation Improvement Project:

- 29
- A Lease Agreement between the City and UTA; and
 - An Interlocal Agreement between the City, UTA, UDOT, MAG and Provo.

30
31 Mr. Lentz **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz,
32 Tom Macdonald, David Spencer, Brent Sumner. The motion **passed unanimously**.

33 34 COMMUNICATION ITEMS

35
36 The Monthly Financial Summary for March 2016 was provided to the Council.

37 38 CITY MANAGER INFORMATION ITEMS

39
40 There were no City Manager Information Items.

41 42 ADJOURNMENT

43
44 Mr. Spencer **moved** to adjourn to the meeting. Mr. Macdonald **seconded** the motion. Those
45 voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, David Spencer, Brent
46 Sumner. The motion **passed unanimously**.

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1 The meeting adjourned at 8:06 p.m.

DRAFT

1 OREM CITY COUNCIL/ALPINE SCHOOL DISTRICT
2 SPECIAL JOINT MEETING
3 56 North State, Orem, Utah
4 April 28, 2016
5

6 *This meeting was for discussion purposes only. No official action was taken.*
7

8 CONDUCTING Mayor Pro Tem Mark Seastrand
9
10 OREM ELECTED OFFICIALS Councilmembers Debby Lauret, Sam Lentz, Tom
11 Macdonald, Mark Seastrand, and Brent Sumner
12
13 OREM STAFF Jamie Davison, City Manager; Brenn Bybee,
14 Assistant City Manager; Stephen Downs, Assistant
15 to the City Manager; Karl Hirst, Recreation
16 Department Director; and Jackie Lambert, Deputy
17 City Recorder
18
19 ALPINE BOARD OF EDUCATION John Burton, Paula Hill, JoDee Sundberg, and
20 Deborah Taylor
21
22 ALPINE SCHOOL DISTRICT ADMIN. Sam Jarman, Superintendent; Jess Christen,
23 Administrative Director of Operations
24
25 ABSENT/EXCUSED Mayor Richard F. Brunst and David Spencer
26
27 INVOCATION Brent Sumner
28

29 Mayor Brunst called the meeting to order at 12:03 p.m.
30

31 **Items of Common Interest** 32

33 DISCUSSION – Alpine School District Bond – “Growing Forward”

34 Superintendent Jarman said they had been engaged in a public outreach effort regarding the
35 proposed 2016 Alpine School District bond. He said the bond had not yet been approved by the
36 school board, but they were having meetings to get feedback from the community. He said
37 Alpine School District was the largest district in the state, with over 75,000 students and just
38 under 8,000 employees. He said they felt student achievement was the way to succeed, so they
39 believed in teacher quality and a comprehensive curriculum. He said the graduation rate in the
40 district was 92.3 percent, up from 75 percent in 2010, and that included Polaris High school,
41 which was a special purpose school for at-risk students. Polaris individually had a graduation
42 rate of nearly 70 percent. He said the 92.3 percent did not meet every need, particularly for
43 special needs students with IEPs that typically were in place until the student was 22-years-old.
44

45 Mrs. Lauret asked what had made the difference from 2010 to present in raising the graduation
46 rate. Superintendent Jarman said they used team teaching programs where teachers were grouped
47 by either subject or grade level and viewed *all* students as *their* students, not just those in their

1 classrooms. Mr. Macdonald asked what the Governor’s goal was for graduation rates, to which
2 Superintendent Jarman answered 90 percent.

3
4 Mr. Christen said teacher assessments helped identify which students were not learning at the
5 point they should be, and helped those students refocus to be successful. The graduation rate was
6 tied to intervention programs that were in place. Ms. Taylor added that the intervention programs
7 were a K-12 effort, and they had changed what they did in specialty high schools like Polaris to
8 include extra help.

9
10 Superintendent Jarman said 96 percent of the 2015 graduates took the ACT with an average
11 composite score of 21.4. He said the State helped all juniors take the ACT test by waiving the
12 fee, which was why that percentage was so high. Over 5,000 Alpine School District students
13 took AP exams, with approximately 3,800 of them passing. They earned over 11,300 credit hours
14 through concurrent enrollment. As a district, they scored higher than the State average in all
15 areas.

16
17 Mrs. Sundberg added that 11th graders did not take standardized tests to accommodate for taking
18 the ACT, so they were not burned out by taking multiple standardized tests.

19
20 Superintendent Jarman said a research report was done in 2014 by the Utah Foundation. The
21 study showed Utah County would grow faster than Salt Lake County and would grow
22 tremendously from now until 2050. Alpine School District’s projected enrollment in 2020 was
23 80,000, up from 75,403 in 2016 from population growth. He said the district did an independent
24 survey with about 1,400 respondents. He said the three things to remember from the independent
25 survey were:

- 26 1. Given only the ballot language as information, 59 percent of those surveyed said they
27 would support a potential school bond.
- 28 2. A description of growth and no tax increase are the messages that most resonated with
29 those surveyed.
- 30 3. Following a series of informational messages about the bond, support jumped to 74
31 percent.

32
33 Superintendent Jarman said in their message testing they found that people wanted to know
34 details of what the bond would be used for. He said the first response from people was to pay the
35 teachers more, which he found interesting. He clarified that the bond money would only be
36 allowed to go toward things like capital improvements to rebuild or retrofit schools, improved
37 security, building maintenance, and land acquisition for future school sites. He reviewed survey
38 results about overall satisfaction with Alpine School District, academic performance, how
39 respondents felt while children were at school, school safety, access to technology, and
40 alternative plans if the proposed bond did not pass.

41
42 Mr. Macdonald commented that most alternative plans if the bond did not pass would be
43 additional burdens on the teachers. Superintendent Jarman agreed.

44
45 Superintendent Jarman said over the four year bond period they would address the following
46 topics:

- 47 • Growth

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- 1 ○ 1 new high school
- 2 ○ 2 new middle schools
- 3 ○ 5 new elementary schools
- 4 ○ Property for future schools
- 5 • Safety and Security
- 6 ○ Secure access entrances for elementary schools
- 7 ○ Security cameras
- 8 ○ Key card access points
- 9 • Reconstruction
- 10 ○ Finish rebuild of Lehi High
- 11 ○ Renovate Mountain View High
- 12 ○ Rebuild elementary schools
- 13 ○ Clear Creek Education Center
- 14 ○ Roof replacements
- 15 • Technology
- 16 ○ Update wireless access points in all ASD schools
- 17 ○ Rewire infrastructure

18

19 Superintendent Jarman shared some of the projects that would move forward under the proposed
20 bond, including projects in the Orem area with a partial rebuild of Mountain View High and a
21 rebuild of Cascade Elementary. He said they had also considered a rebuild of Geneva
22 Elementary, but part of the challenge was its close proximity to Suncrest Elementary and they
23 might need to rebuild the whole area. He said the Central Elementary School Space Center
24 would either need to be upgraded or shut down, which was the same problem the Clear Creek
25 camp facility was facing.

26

27 Mr. Lentz asked if in replacing the roofs like they had at Timpanogos High School they had
28 considered building in solar panels. Superintendent Jarman said they had not looked at solar yet
29 though they did work with groups like Siemens Energy to guide them to better energy use. Mrs.
30 Sundberg said solar panels were a good idea that they should look into in the future.

31

32 Superintendent Jarman said they wanted to make upgrades in elementary schools that would
33 have the entryways lead right to the main offices and keep classrooms and hallways more secure
34 with keycard access points. Security cameras were installed in Alpine School District schools in
35 1988, but that system was getting older and needed to be updated. Most cameras recorded to a
36 digital hard drive and in some cases police departments had remote access to the system. There
37 were also issues to be addressed regarding video storage of the data.

38

39 Superintendent Jarman said the bond issue would be voted on by the school board in August. He
40 hoped that if they moved forward with the bond that the Mayor and City Council would be
41 supportive of it.

42

43 Mrs. Lauret asked the approximate cost per household for the bond. Superintendent Jarman said
44 there were certain things that would factor into that amount, so he could not definitively say but
45 it would be a relatively small increase if there was any increase at all. Mrs. Lauret said some
46 people had a hard time with these kinds of small increases because there always seemed to be a
47 new debt introduced once one was retired.

1
2 Ms. Taylor said it was true that bonds were layered. She said there were no impact fees for
3 education, so the bond option had become their impact fee. They had capital costs and other
4 needs that could only go so far on tax revenue alone. Public education was a community benefit,
5 and they did try to spread the debt out over years to help minimize cost.

6
7 Mr. Lentz asked about the 26 percent that had opposed the bond in the survey and asked if they
8 had given feedback. Superintendent Jarman said traditionally certain communities would just
9 oppose bonds outright, without giving a specific reason. He said the Orem community had
10 supported bonds in the past, which they were grateful for.

11
12 Mr. Sumner asked about the decision to have the bond voted on by the school board in August.
13 Superintendent Jarman said they wanted adequate time to educate the public on the reasons for
14 the bond and the needs throughout the district. They also hoped to minimize pushback.

15
16 Mr. Davidson said the question was sometimes asked, “Why pay for schools built outside of our
17 community?” He asked what the appropriate responses were to that question. Mrs. Sundberg said
18 she would remind people that most of their children and grandchildren were living in the
19 surrounding communities where these schools were going to be built. She also said that people in
20 our community understood the importance of having an education and wanted to ensure that all
21 children had that opportunity.

22
23 The question was asked about the possibility of Alpine School District splitting, as it was the
24 largest district in the state. Superintendent Jarman first said that splitting the district would not
25 remove the need for the bond. Secondly, every claim people had about large districts not being
26 able to meet the needs of the students could be refuted with Alpine School District’s data. There
27 was an economy of scale that came into play with being a large district. He said there would
28 likely be a tipping point in the future where splitting the district would make the most sense, but
29 they were not there yet.

30
31 Mr. Lentz asked if the cities involved in the bond would be responsible for their shares if the
32 district were to split during a bond period. Mr. Davidson said yes they would, but it would be
33 proportional.

34
35 UPDATE – All-Together Playground

36 Mr. Downs said the All-Together Playground would be built at the Orem City Center Park from
37 September 5-11, 2016. He said Vivint was the playground’s biggest sponsor, and other sponsors
38 included Brian Regan and Jimmer Fredette. He said the playground build would be during the
39 United Way “Day of Caring” in conjunction with Habitat for Humanity’s 25th anniversary, and
40 groups like UVU employees were having specific build days. He said they could have a specific
41 Alpine School District build day if they were interested in participating in the build of the
42 playground.

43
44 Mrs. Sundberg said they would be interested in that opportunity and would contact Mr. Downs.

45
46 Mr. Seastrand asked if schools could benefit from taking fieldtrips to the playground once it was
47 built. It allowed all children to play together regardless of their potential physical limitations.

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1 Superintendent Jarman said he would pass the information along to the elementary school
2 supervisors.

3
4 Mr. Macdonald said he was impressed by Alpine School District's graduation rates and all the
5 work they did to support students. He thanked them for their commitment to the community.

6
7 Mrs. Sundberg said they had partnered with the Juvenile Court Justice System working with
8 principals from elementary and secondary schools to have regular meetings with Judge Mary
9 Noonan. She was particularly committed to issues of those in difficult home situations, and the
10 goal of the program was to help children get the educations they deserved. Mrs. Sundberg said
11 the district was grateful for the partnership between the schools and the community.

12 13 FOLLOW UP – HAWK Signal

14 Superintendent Jarman asked for an update on the progress of the HAWK signal.

15
16 Mr. Davidson said they were planning to follow up with Rob Smith and Mr. Christen about that.
17 They were also following up with engineering to get the project out to bid for a reasonable cost.

18 19 20 **Set Date and Time for Next**

21
22 The next meeting was scheduled for June 30, 2016, at noon in Orem.

23
24 Mr. Lentz **moved** to adjourn the meeting. Mrs. Lauret **seconded** the motion. The motion **passed**
25 **unanimously**.

26
27 The meeting adjourned at 1:27 p.m.

Commission Appointments

Beautification Advisory Appointments

Reappointment(s)

Aaron Orullian

Senior Advisory Appointments

First Review
by Council

Sterling Bascom

CITY OF OREM
CITY COUNCIL MEETING
MAY 24, 2016



REQUEST:	6:00 P.M. PUBLIC HEARING – FENCING REQUIREMENTS FOR UTILITY SUBSTATIONS ORDINANCE – Amending Section 22-6-10(F) of the Orem City Code pertaining to fencing requirements for utility substations
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**

6-0 for approval

PREPARED BY:

David Stroud, AICP
Planner

REQUEST:

The Department of Development Services requests that the City Council amend Section 22-6-10(F) of the Orem City Code pertaining to fencing requirements for utility substations.

BACKGROUND:

The City Code currently allows utility substations in residential zones, but requires an eight foot high masonry fence on the property line of all adjoining parcels. This is suitable for smaller utility station properties, but can be burdensome for larger properties.

Rocky Mountain Power (RMP) operates a utility substation on a 5.56 acre parcel at approximately 650 South Geneva Road. The actual area devoted to the substation facility is only about 0.68 acres with the remainder of the property being used for pasture.

RMP plans to expand the substation by 15 feet in each direction which would then cover an area of about 0.95 acres. Under the current code, RMP would be required to install 2,000 feet of concrete wall on the entire perimeter of the parcel concurrent with its expansion.

RMP has requested that the ordinance be amended to allow the City Council to grant a modification to the fencing requirement to require the eight foot fence only around the substation facility itself and not the entire parcel when the parcel is five acres or greater and when fencing only the utility facilities would still provide an adequate buffer to adjoining properties. If such a modification were granted by the City Council, the length of RMP's required fence could be reduced from 2,000 feet to about 800 feet.

A few additional changes are also proposed to Section 22-6-10 to specify what is required for landscaping and requirements for driveways accessing a substation.

Staff is not aware of any other utility substations that would be affected by the proposed fence modification amendment. The next two largest utility substation facilities are both less than five acres in size. One is located on North State Street and the other is at 800 North and University Avenue. The North State Street location is already surrounded by a block wall while the 800 North facility is surrounded by chain-link fencing.

The proposed amendments are shown below:

22-6-10

F. **Utility substations.** Utility substations or similar facilities are permitted in residential zone subject to the following standards:

1. The primary access must be from an arterial or collector street;
2. Aan 8-foot high decorative masonry-fence wall shall be constructed and maintained on the property line of all adjoining parcels and along the frontage of all streets (but set back as required by subsection 4);
3. The City Council may approve a modification to the wall requirement to allow the wall to enclose only the immediate utility structure and support facility area if the parcel is at least five (5) acres in size and the Council finds that limiting the wall enclosure to the immediate utility structure and support facility area would provide an adequate buffer to neighboring properties;
4. The fence wall shall be set back at least 20 feet from dedicated-all streets and shall not be located in a public utility easement unless approved by each utility company in accordance with Section 22-6-8(D)(1)(d);
5. At least 70% of the required setback area from any streets shall be landscaped with a combination of grass, shrubs, and/or trees (both deciduous and coniferous) with a minimum of one tree for every forty lineal feet of street frontage (minimum two inch caliper size). The required trees may be clustered; and
6. All structures (excluding the required masonry fence wall) shall be set back from the-all property lines a distance of at least equal to the height of the structure and in no case less than 20 feet;
7. Any driveway accessing a utility enclosure shall be paved from the street right-of-way a distance of at least seventy-five (75) feet; and
8. The Planning Commission shall be the final approving authority for a utility substation site plans unless a wall location modification is requested in which case the Planning Commission shall provide a recommendation to the City Council and the City Council shall be the final approving authority.

RECOMMENDATION:

The Planning Commission recommends the City Council amend Section 22-6-10(F) of the Orem City Code pertaining to utility substations. City staff supports the Planning Commission recommendation.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 22-6-10(F) OF THE OREM CITY CODE PERTAINING TO UTILITY SUBSTATIONS

WHEREAS on February 4, 2016, the Department of Development Services filed an application with the City of Orem requesting the City amend Section 22-6-10(F) of the Orem City Code pertaining to utility substations; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on May 4, 2016, and the Planning Commission recommended approval of the request; and

WHEREAS a public hearing considering the subject application was held by the City Council on May 24, 2016; and

WHEREAS the agenda of the City Council meeting at which the request was heard was posted at the Orem Public Library, on the Orem City webpage, at the City Offices at 56 North State Street and at utah.gov/pmn; 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; the effect upon adjacent properties: 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 this request is in the best interest of the City because it will allow the City Council to grant a modification to the fencing requirement for utility substations in situations where a utility substation is located on a parcel of at least five acres and where fencing only the actual area of the utility substation would provide an adequate buffer to adjacent properties.
2. The City Council hereby amends Section 22-6-10(F) of the Orem City Code pertaining to utility substations as shown on Exhibit "A" which is 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 other ordinances and polices in conflict herewith, either in whole or part, 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 24th day of May 2016.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

DRAFT

EXHIBIT A

22-6-10

F. **Utility substations.** Utility substations or similar facilities are permitted in residential zone subject to the following standards:

1. The primary access must be from an arterial or collector street;
2. An 8-foot high decorative masonry fence wall shall be constructed and maintained on the property line of all adjoining parcels and along the frontage of all streets (but set back as required by subsection 4);
3. The City Council may approve a modification to the wall requirement to allow the wall to enclose only the immediate utility structure and support facility area if the parcel is at least five (5) acres in size and the Council finds that limiting the wall enclosure to the immediate utility structure and support facility area would provide an adequate buffer to neighboring properties;
34. The fence wall shall be set back at least 20 feet from dedicated-all streets and shall not be located in a public utility easement unless approved by each utility company in accordance with Section 22-6-8(D)(1)(d);
45. At least 70% of the required setback area from any streets shall be landscaped with a combination of grass, shrubs, and/or trees (both deciduous and coniferous) with a minimum of one tree for every forty lineal feet of street frontage (minimum two inch caliper size). The required trees may be clustered; and
56. All structures (excluding the required masonry fence wall) shall be set back from the all property lines a distance of at least equal to the height of the structure and in no case less than 20 feet.;
7. Any driveway accessing a utility enclosure shall be paved from the street right-of-way a distance of at least seventy-five (75) feet; and
8. The Planning Commission shall be the final approving authority for a utility substation site plans unless a wall location modification is requested in which case the Planning Commission shall provide a recommendation to the City Council and the City Council shall be the final approving authority.

1 **DRAFT PLANNING COMMISSION MINUTES – MAY 4, 2016**

2 **AGENDA ITEM 3.8** is a request by Development Services to amend **SECTION 22-6-10(F) OF THE OREM CITY CODE**
3 **AS IT PERTAINS TO UTILITY SUBSTATIONS.**

4
5 **Staff Presentation:** Mr. Stroud said the City Code currently requires a utility substation to be enclosed on the
6 property lines by an 8-foot decorative masonry fence. This is suitable for smaller utility station properties but
7 becomes problematic with larger properties.



8
9 Rocky Mountain Power (RMP) owns a 5.56 acre parcel at approximately 650
10 South Geneva Road. The existing chain-link utility enclosure on the parcel
11 only occupies 0.68 acres. The remainder of the property is used for pasture.
12 RMP has plans to expand the station by 15 feet in each direction. Under the
13 current code, RMP is required to install 2,000 feet of concrete wall on the
14 perimeter of the parcel. The extent of the expansion is greater than 10% of the
15 existing site which requires current code compliance. Staff drafted an
16 ordinance change to allow a reduced area to be fenced.

17
18 The biggest change proposed is that on a substation site of at least five acres,
19 the City Council may approve a wall that is located around the immediate
20 facility and not on the lot perimeter. In the case of the RMP property on
21 Geneva Road, with future expansion of the site, the wall length will be
22 approximately 800 feet as opposed to 2,000 feet. The planned expansion will increase the enclosure size to
23 approximately 0.95 acres.

24
25 The nearest in size utility substations are located on North State Street and 800 North/University Avenue. Each of
26 these facilities is less than 5 acres. The North State location is already surrounded by a block wall while the 800
27 North facility is surrounded by chain-link fencing. Should the applicant expand the 800 North facility in the future, a
28 masonry wall will be required.

29
30 The remaining changes expand on what is required for landscaping and minimum distance of the paved driveway
31 access. The Planning Commission shall approve substation site plans unless a wall modification is requested. In
32 such a case, the City Council will then approve or deny the modification/site plan.

33
34 The proposed text is as follows:

35 22-6-10

36 F. **Utility substations.** Utility substations or similar facilities are permitted in residential zone subject to the
37 following standards:

- 38 1. ~~The~~ primary access must be from an arterial or collector street;
- 39 2. ~~A~~an 8-foot high ~~decorative~~ masonry ~~fence wall~~ shall be constructed and maintained on the
40 property line of all adjoining parcels ~~and along the frontage of all streets (but set back as required by subsection~~
41 ~~4)~~;
- 42 3. ~~The City Council may approve a modification to the wall requirement to allow the wall to enclose~~
43 ~~only the immediate utility structure and support facility area if the parcel is at least five (5) acres in size and the~~
44 ~~Council finds that limiting the wall enclosure to the immediate utility structure and support facility area would~~
45 ~~provide an adequate buffer to neighboring properties;~~
- 46 4. ~~The fence wall~~ shall be set back at least 20 feet from ~~dedicated-all~~ streets ~~and shall not be located~~
47 ~~in a public utility easement unless approved by each utility company in accordance with Section 22-6-~~
48 ~~8(D)(1)(d)~~;
- 49 5. ~~At least 70% of the required~~ setback area from ~~any~~ streets shall be landscaped with a combination
50 of grass, shrubs, and/or trees (both deciduous and coniferous) ~~with a minimum of one tree for every forty lineal~~
51 ~~feet of street frontage (minimum two inch caliper size). The required trees may be clustered; and~~
- 52 6. ~~All~~ structures (excluding the required masonry ~~fence wall~~) shall be set back from ~~the-all~~ property
53 lines a distance ~~of~~ at least equal to the height of the structure and in no case less than 20 feet.;
- 54 7. ~~Any driveway accessing a utility enclosure shall be paved from the street right-of-way a distance~~
55 ~~of at least seventy-five (75) feet; and~~

56 | 8. The Planning Commission shall be the final approving authority for a utility substation site plans
57 | unless a wall location modification is requested in which case the- Planning Commission shall provide a
58 | recommendation to the City Council and the City Council shall be the final approving authority.
59 |

60 | **Recommendation:** The Development Review Committee recommends the Planning Commission forward a positive
61 | recommendation to the City Council to amend Section 22-6-10(F) of the Orem City Code as it pertains to utility
62 | substations.

63 |
64 | Chair Larsen asked if the Planning Commission had any questions for Mr. Stroud.

65 |
66 | Chair Larsen asked if it is five acres because of the acreage of the property in question. Mr. Stroud said if there are
67 | other locations that are interested the code could be amended in the future.

68 |
69 | Mr. Cook asked if this goes to the City Council. Mr. Stroud said yes and future modification will need to go to City
70 | Council also.

71 |
72 | Chair Larsen opened the public hearing and invited those from the audience who had come to speak to this item to
73 | come forward to the microphone.

74 |
75 | When no one came forward, Chair Larsen closed the public hearing and asked if the Planning Commission had any
76 | more questions for the applicant or staff. When none did, she called for a motion on this item.

77 |
78 | **Planning Commission Action:** Chair Larsen said she is satisfied that the Planning Commission has found this
79 | request complies with all applicable City codes. She then moved to recommend the City Council amend Section 22-
80 | 6-10(F) of the Orem City Code as it pertains to utility substations. Mr. Moulton seconded the motion. Those voting
81 | aye: Carl Cook, Becky Buxton, Carlos Iglesias, Lynnette Larsen, and David Moulton. Those voting nay: Karen
82 | Jeffreys. The motion passed unanimously.
83 |
84 |

CITY OF OREM
CITY COUNCIL MEETING
MAY 24, 2016



REQUEST:	6:00 P.M. PUBLIC HEARING – FENCING REQUIREMENTS IN NONRESIDENTIAL ZONES ORDINANCE – Amending Section 22-14-19(D)(2) of the Orem City Code pertaining to fencing requirements in nonresidential zones
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**

6-0 for approval

PREPARED BY:

David Stroud, AICP
Planner

REQUEST:

The Department of Development Services requests that the City Council amend Section 22-14-19(D)(2) of the Orem City Code pertaining to fencing requirements in nonresidential zones.

BACKGROUND:

The City recently received a request from the owner of a corner lot at approximately 1200 North State Street (C2 zone) to install a six foot high fence immediately behind his required landscaping, or about ten feet behind the property line. The owner would like the fence in this location in order to secure the outdoor display of the owner’s merchandise (landscaping products).

Although the City Code typically allows fences up to eight feet in height in non-residential zones, any fence higher than three feet must be set back a distance at least equal to the required setback. In most situations, the required setback and the width of the required landscaping are the same and so a fence can usually be installed right behind the required landscaping. However, with corner lots, the width of the required landscaping is often less than the required setback.

For example, a corner lot in the C2 zone has a required setback of 20 feet from all public streets, but the width of the required landscaping is only ten feet from the property line. In such a case, a fence higher than three feet must be installed ten feet behind the required landscaping. This has the potential to create undesirable “dead space” between the back of the required landscaping and the point where a fence higher than three feet may be installed (a distance of ten feet). For the owner referred to above, the current ordinance would cause him to lose the practical use of ten feet of area between the back of his required landscaping and the point where he can install his six foot fence.

In order to address this situation, Staff proposes to amend the fencing requirements for nonresidential zones to provide that a fence greater than three feet in height may not be located in a required landscaped area instead of in a required setback area. This would then allow corner lot owners to install a fence higher than three feet right behind the required landscaping as opposed to ten feet behind the required landscaping. However, the ordinance would still prohibit any sight-obscuring fence higher than three feet in any clear vision area.

The text of the proposed amendment is as follows:

22-14-19(D)

D. Nonresidential Zones. The following restrictions shall apply to all fences located in nonresidential zones:

1. **Height.** The maximum height of fences in nonresidential zones shall be eight feet (8').
2. **Location.** No fence higher than three feet (3') ~~may~~ shall be located in a required landscaped area in a the front yard setback or side yard setback adjacent to a street. ~~Exception: Property located in the M1 and M2 zones may have a fence up to eight feet (8'), provided that no fence is located within a required landscaped area in a front yard or side yard adjacent to the street. No~~In no case shall a fence shall be closer than ten feet (10') to a public-right- of-way. No fence may be located in the clear vision area as outlined in Section 22-14-10 of the Orem City Code.

3. Materials

- a. Fences in all nonresidential zones except for the M1 and M2 zones shall be constructed with stone, brick, block, stucco, cedar, vinyl, wrought iron or steel reinforced polyethylene panel that has the appearance of stone.
- b. Fences in the M1 and M2 zone shall be constructed with any of the materials described above or with chain link or chain link with factory installed sight-obscuring slats. in the M1 and M2 zone. Fences located within the M1 and M2 zone shall be constructed with stone, brick, block, stucco, cedar, steel reinforced polyethylene panel that has the appearance of stone, chain link or chain link with factory installed sight obscuring slats

RECOMMENDATION:

The Planning Commission recommends the City Council amend Section 22-14-19(D)(20) of the Orem City Code as it pertains to nonresidential development standards. City staff supports the Planning Commission recommendation.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING
SECTION 22-14-19(D)(2) OF THE OREM CITY CODE PERTAINING
TO FENCE REQUIREMENTS IN NON-RESIDENTIAL ZONES

WHEREAS on March 29, 2016, the Department of Development Services filed an application with the City of Orem requesting the City amend Section 22-14-19-(D)(2) of the Orem City Code pertaining to fence requirements in non-residential zones; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on May 4, 2016, and the Planning Commission recommended approval of the request; and

WHEREAS a public hearing considering the subject application was held by the City Council on May 24, 2016; and

WHEREAS the agenda of the City Council meeting at which the request was heard was posted at the Orem Public Library, on the Orem City webpage, at the City Offices at 56 North State Street and at utah.gov/pmn; 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; the effect upon adjacent properties: 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 this request is in the best interest of the City because it promotes the efficient and orderly use and development of land in non-residential zones.
2. The City Council hereby amends Section 22-14-19(D)(2) of the Orem City Code pertaining to non-residential development standards as shown on Exhibit "A" which is 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 other ordinances and polices in conflict herewith, either in whole or part, are hereby repealed.
5. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City.

DRAFT

PASSED, APPROVED and ORDERED PUBLISHED this 24th day of May 2016.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

DRAFT

EXHIBIT A

22-14-19(D)(2)

D. Non-residential Zones. The following restrictions shall apply to all fences located in non-residential zones

1. **Height.** The maximum height of fences in nonresidential zones shall be eight feet (8').

2. **Location.** No fence higher than three feet (3') ~~may~~shall be located in a required landscaped area in a the front yard setback or side yard setback adjacent to a street. ~~Exception: Property located in the M1 and M2 zones may have a fence up to eight feet (8'), provided that no fence is located within a required landscaped area in a front yard or side yard adjacent to the street.~~ NoIn no case shall a fence shall be closer than ten feet (10') to a public-right- of-way. No fence may be located in the clear vision area as outlined in Section 22-14-10 of the Orem City Code.

3. **Materials**

a. Fences in all nonresidential zones except for the M1 and M2 zones shall be constructed with stone, brick, block, stucco, cedar, vinyl, wrought iron or steel reinforced polyethylene panel that has the appearance of stone.

b. Fences in the M1 and M2 zone shall be constructed with any of the materials described above or with chain link or chain link with factory installed sight-obscuring slats. in the M1 and M2 zone. Fences located within the M1 and M2 zone shall be constructed with stone, brick, block, stucco, cedar, steel reinforced polyethylene panel that has the appearance of stone, chain link or chain link with factory installed sight-obscuring slats

1 **DRAFT PLANNING COMMISSION MINUTES – MAY 4, 2016**

2 **AGENDA ITEM 3.3** is a request by Development Services to **AMENDING SECTION 22-14-19(D)(2) OF THE OREM**
3 **CITY CODE PERTAINING TO NON-RESIDENTIAL FENCE REQUIREMENTS.**

4
5 **Staff Presentation:** Mr. Stroud said the front building setback requirement in the C2 zone is 20 feet. This applies to
6 corner lots or interior lots. The landscaping requirement is also 20 feet. However, a corner lot has the option to
7 reduce the landscaping to 10 feet on streets other than an arterial (State Street) but the building setback remains at 20
8 feet. If a property owner desires to install a fence, it must be set back at least 20 feet whether it is a corner lot or an
9 interior lot. The proposed text change allows a property owner to install a fence on a corner lot adjacent to the
10 landscaping provided the fencing is not located in the required landscape area and all clear-vision area requirements
11 are met. The proposed text is as follows:

12
13 22-14-19(D)

14 D. Nonresidential Zones. The following restrictions shall apply to all fences located in nonresidential zones:

15 1. Height. The maximum height of fences in nonresidential zones shall be eight feet (8').

16 2. Location. No fence higher than three feet (3') ~~may~~shall be located in a required landscaped area in a the-front yard
17 ~~setback~~ or side yard-~~setback~~ adjacent to a street. ~~Exception: Property located in the M1 and M2 zones may have a~~
18 ~~fence up to eight feet (8'), provided that no fence is located within a required landscaped area in a front yard or side~~
19 ~~yard adjacent to the street. No~~In no case shall a fence shall be closer than ten feet (10') to a public-right-of-way. No
20 fence may be located in the clear vision area as outlined in Section 22-14-10 of the Orem City Code.

21 3. Materials.

22 a. Fences in all nonresidential zones except for the M1 and M2 zones shall be constructed with stone, brick, block,
23 stucco, cedar, vinyl, wrought iron or steel reinforced polyethylene panel that has the appearance of stone.

24 b. Fences in the M1 and M2 zone shall be constructed with any of the materials described above or with chain link
25 or chain link with factory installed sight-obscuring slats. in the M1 and M2 zone. Fences located within the M1 and
26 M2 zone shall be constructed with stone, brick, block, stucco, cedar, steel reinforced polyethylene panel that has the
27 appearance of stone, chain link or chain link with factory installed sight obscuring slats

28
29 **Recommendation:** The Development Review Committee recommends the Planning Commission forward a positive
30 recommendation to the City Council to amend Section 22-14-19(D)(2) of the Orem City Code pertaining to non-
31 residential fence requirements.

32
33 Chair Larsen asked if the Planning Commission had any questions for Mr. Stroud.

34
35 Mr. Moulton asked what the measurements on clear vision area. Mr. Stroud indicated that a sign is 25x25, but the
36 numbers are based on traffic.

37
38 Mr. Cook noted that this is only in non-residential zones. Mr. Earl said this only affects corner lots, where the
39 setback and required landscaping numbers are different. The difficulty is that the corner lots might have some dead
40 space, which is unusable area. This is not a problem on interior lots. Mr. Goodrich said the sight triangle starts at
41 25x25; it is measured along the curb line of the street. On larger streets the triangle can go up to 35 feet or more.

42
43 Chair Larsen opened the public hearing and invited those from the audience who had come to speak to this item to
44 come forward to the microphone.

45
46 When no one came forward, Chair Larsen closed the public hearing and asked if the Planning Commission had any
47 more questions for the applicant or staff. When none did, she called for a motion on this item.

48
49 **Planning Commission Action:** Mr. Iglesias said he is satisfied that the Planning Commission has found this request
50 complies with all applicable City codes. He then moved to recommend the City Council amend Section 22-14-
51 19(D)(2) of the Orem City Code pertaining to non-residential fencing requirements. Mr. Cook seconded the motion.
52 Those voting aye: Carl Cook, Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, and David Moulton.
53 The motion passed unanimously.

CITY OF OREM
CITY COUNCIL MEETING
MAY 24, 2016



REQUEST:	6:00 P.M. PUBLIC HEARING – MOBILE VENDORS – SUMMERFEST 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**

6-0 for approval

PREPARED BY:

David Stroud, AICP
Planner

REQUEST:

Development Services requests the City Council amend Section 12-5-12 of the Orem City Code pertaining to mobile vendors.

BACKGROUND:

Approximately one year ago, the City Council enacted an ordinance that prohibited mobile vendors (food trucks) from parking on public streets within 1000 feet of the City Center Park during the Summerfest celebration. The intent of that ordinance was (1) to prevent food trucks from occupying parking spaces that would otherwise be used by Summerfest patrons, (2) to prevent customers of food trucks from congregating on sidewalks while waiting in line and potentially obstructing pedestrian traffic, and (3) to prevent food trucks from taking advantage of the economic opportunity created by Summerfest without sharing in the costs of putting on the event.

This year the Summerfest activities will be expanded to the Scera Park. The concerns that apply to mobile vendors at the City Center Park during Summerfest will also apply to mobile vendors at the Scera Park. Staff therefore propose to amend the mobile vendor ordinance to limit mobile vendors near the Scera Park during Summerfest in the same way that mobile vendors are limited at the City Center Park.

The proposed amendment will prohibit mobile vendors from parking on public streets within 1000 feet of the Scera Park during the Summerfest celebration. The language of the proposed amendment is shown below:

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 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 or Scera Park during the annual Summerfest celebration typically held in June of each year.

RECOMMENDATION:

The Planning Commission recommends the City Council amend Section 12-5-12 of the Orem City Code as it pertains to mobile vendors. City staff supports the Planning Commission recommendation.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 12-5-2 OF THE OREM CITY CODE PERTAINING TO MOBILE VENDORS

WHEREAS on April 22, 2016, the Department of Development Services filed an application requesting the City amend Section 12-5-2 of the Orem City Code pertaining to mobile vendors; and

WHEREAS the proposed amendment would prohibit mobile vendors from parking on any public street within 1000 feet of the Scera Park during the City's annual Summerfest celebration; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on May 18, 2016, and the Planning Commission recommended approval of the request; and

WHEREAS a public hearing considering the subject application was held by the City Council on May 24, 2016; and

WHEREAS the agenda of the City Council meeting at which the request was heard was posted at the Orem Public Library, on the Orem City webpage, at the City Offices at 56 North State Street and at utah.gov/pmn; 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 this request is in the best interest of the City because it will help: (1) prevent food trucks from occupying parking spaces that would otherwise be used by Summerfest patrons, (2) prevent customers of food trucks from congregating on sidewalks while waiting in line and potentially obstructing pedestrian traffic, and (3) prevent food trucks from taking advantage of the economic opportunity created by Summerfest without sharing in the costs of putting on the event.

2. The City Council hereby amends Section 12-5-2 of the Orem City Code pertaining to mobile vendors as shown on Exhibit "A" which is 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.

DRAFT

4. All other ordinances and polices in conflict herewith, either in whole or part, 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 24th day of May 2016.

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 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 or Scera Park during the annual Summerfest celebration typically held in June of each year.

DRAFT PLANNING COMMISSION MINUTES – MAY 18, 2016

AGENDA ITEM 3.3 is a request by Development Services to **AMEND SECTION 22-5-12 OF THE OREM CITY CODE PERTAINING TO MOBILE VENDORS.**

Staff Presentation: Orem Summerfest is an annual celebration held every June and sponsored by Orem City. Vendors are permitted to sell wares and food at Summerfest which is held at the City Center Park and also at Scera Park. Vendors desiring to participate in Summerfest must obtain a special permit to sell at Summerfest. To prevent a vendor (typically food) from taking advantage of the Summerfest crowds while not having a valid permit, the City Code prevents any mobile vendor from locating on a public street within 1000 feet of the City Center Park. Since Scera Park will now be used for Summerfest events the City Code must be amended to include public streets within 1000 feet of Scera Park from being used by unlicensed Summerfest vendors. The proposed text 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 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 or Scera Park during the annual Summerfest celebration typically held in June of each year.

Recommendation: The Development Review Committee has determined this request complies with Article 12-5. The project coordinator recommends the Planning Commission forward a positive recommendation to the City Council to amend Section 12-5-12 of the Orem City Code pertaining to mobile vendors.

Chair Larsen asked if the Planning Commission had any questions for Mr. Stroud.

Vice Chair Walker noted that a city block is 800 feet. Mr. Bench said the truck can still park within a block from the City Center Park and Scera Park. Vice Chair Walker then stated that this makes a lot of sense during Summerfest. Mr. Bench noted that this is only three days out of a entire year.

Chair Larsen asked if the City enforces the five hour limit during Summerfest. She also wondered if a mobile truck could do five hours in the morning and come back later for five more hours. Mr. Bench said the five hour limit will be enforced. A mobile truck could not do two-five hour shifts in a day; the rule is five hours in one day. Mr. Bench added that violations are on a complaint basis, staff does not go around looking for violators.

Mr. Cook asked if there are any regulations for other times of the year on food trucks. He brought up the food trucks lining up in front of the Scera Park, which causes a safety concern. Mr. Bench said staff is in the process of doing a food truck ordinance. Currently, the trucks are allowed to park for five hours. Mr. Cook said that it is scary when they are all there. Mr. Bench said the ordinance will cover licensing, location, allow them in certain City Parks, etc. which will help with the safety issues and complaints the City receives.

Chair Larsen called for a motion on this item.

Planning Commission Action: Vice Chair Walker said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to recommend the City Council amend Section 12-5-12 of the Orem City Code pertaining to mobile vendors. Ms. Buxton seconded the motion. Those voting aye: Carl Cook, Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker. The motion passed unanimously.

CITY OF OREM
CITY COUNCIL MEETING
MAY 24, 2016



REQUEST:	ORDINANCE – Approving the amounts to be awarded to the CARE Grant Recipients for the 2016 CARE Granting Round
APPLICANT:	The City of Orem
FISCAL IMPACT:	Approximately \$1.969 million

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on 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: Steven Downs Assistant to the CM
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RECOMMENDATION:

The City Manager recommends the City Council, by ordinance, approve the amounts to be awarded to CARE grant recipients for the 2016 granting round.

BACKGROUND:

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

On February 9, 2016, the City Council amended the CARE Program policies and procedures, establishing eligibility requirements and an application process for this competitive granting program. Three categories of grants were established, including Recreational and Cultural Facilities, available for publicly-owned or operated facilities; Cultural Arts Major Grants, of \$10,000 or more for operating costs of nonprofit cultural arts organizations, Cultural Arts Mid-Major Grants, of between \$5,000 - \$9,999 or more for operating costs of nonprofit cultural arts organizations and, Cultural Arts Mini Grants, of up to \$4,999 for operating costs of nonprofit cultural arts organizations.

Applications for this CARE granting round were due on March 10, 2016. As a group and with members serving as a smaller review panel, the City Council, along with the CARE Tax Advisory Commission, met in a series of public meetings in March and April to hear from applicants and to consider their grant requests.

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

DRAFT

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE DISTRIBUTION OF
FISCAL YEAR 2015/2016 CARE TAX REVENUES

WHEREAS on November 8, 2005, Orem residents voted to support the Cultural Arts and Recreation Enrichment Tax (CARE tax); and

WHEREAS the Orem City Council subsequently enacted the CARE tax and the CARE tax became effective on April 1, 2006; and

WHEREAS on November 5, 2013, Orem residents voted to continue their support the Cultural Arts and Recreation Enrichment Tax (CARE tax); and

WHEREAS the City Council recognizes that recreation and the arts enrich the quality of life in a community; and

WHEREAS the City Council desires to encourage and support the advancement of recreational and cultural facilities and cultural arts organizations in Orem; and

WHEREAS the purpose of this ordinance is to provide for the distribution of the Fiscal Year 2015/2016 CARE Tax Revenues.

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

1. The Orem City Council hereby authorizes the distribution of Fiscal Year 2015/2016 CARE tax revenues to the entities and in the amounts set forth in either Proposal A, B, C, D, or E, shown on Exhibit "A," which is attached hereto and incorporated herein by reference.
2. No CARE tax revenues shall be distributed to an entity for operational expenses until the entity has signed a contract with the City meeting the requirements of the City's December 8, 2008, CARE Program Policies and Procedures (Resolution No. R-08-0029).
3. CARE tax revenues in future fiscal years will also be awarded after a competitive application process based on merit and availability of funds. Receipt of CARE tax funding in this round of applications does not guarantee CARE tax funding in future years.
4. The City Manager is hereby authorized to sign any documents required to proceed with the distribution of CARE tax revenues as set forth in this ordinance.
5. All acts, orders, resolutions, ordinances, and parts thereof, in conflict with this ordinance are hereby rescinded.

DRAFT

6. If any portion of this ordinance is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance

7. This ordinance shall become effective immediately after a summary of this ordinance has been published or posted as required by law.

PASSED, APPROVED and ORDERED PUBLISHED this 24th day of May 2016.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

DRAFT

Exhibit A

Proposal A

Mini Grants	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	2016 RECOMMENDATION
The Orem Chorale	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Latinos in Action	\$ 4,500	\$ 4,500	\$ 3,500	\$ 4,999	\$ 3,500
Wasatch Chorale	\$ 4,500	\$ 4,500	\$ 4,000	\$ 4,999	\$ 4,000
Utah Storytelling Guild	\$ 4,500	\$ 4,000	\$ 4,000	\$ 4,999	\$ 4,500
Utah Baroque Ensemble	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Chauntenette Women's Chorus	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Utah Film Center	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,500	\$ 1,500
Center Stage Performing Arts Studio	\$ 4,500	\$ 4,000	\$ 3,500	\$ 4,999	\$ 2,000
Utah Valley Civic Ballet Company	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500
Utah Music Association	\$ -	\$ -	\$ 4,500	\$ 4,999	\$ 4,500
Wasatch Contemporary Dance	\$ -	\$ -	\$ 2,000	\$ 4,999	\$ 2,500
On Site Mobile Dance Series	\$ -	\$ -	\$ 2,000	\$ 4,500	\$ 2,000
4th Wall Players Foundation	\$ -	\$ -	\$ 3,950	\$ 4,999	\$ 1,500
Freedom Vehicles	\$ -	\$ -	\$ -	\$ 4,999	\$ 4,500
SUBTOTAL	\$ 37,000	\$ 36,000	\$ 46,450	\$ 65,489	\$ 48,500

Mid-Major Grants	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	2016 RECOMMENDATION
Colonial Heritage Foundation	\$ 4,999	\$ 4,999	\$ 4,999	\$ 9,999	\$ 9,999
Grassroots Shakespeare	\$ -	\$ -	\$ -	\$ 9,940	\$ 4,500
Witness Music	\$ -	\$ -	\$ -	\$ 6,400	\$ 3,000
Cantorum Chamber Choir	\$ -	\$ -	\$ -	\$ 9,693	\$ 4,500
Roots of Freedom Foundation	\$ 4,999	\$ 4,999	\$ 4,999	\$ 9,999	\$ 6,000
SUBTOTAL	\$ 9,998	\$ 9,998	\$ 9,998	\$ 46,031	\$ 27,999

Major Grants	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	2016 RECOMMENDATION
Hale Center Foundation for the Arts and Education	\$ 388,000	\$ 340,088	\$ 329,600	\$ 900,795	\$ 330,000
Utah Regional Ballet	\$ 40,000	\$ 35,000	\$ 25,950	\$ 75,000	\$ 26,093
SCERA	\$ 510,000	\$ 535,000	\$ 518,665	\$ 668,306	\$ 537,000
SUBTOTAL	\$ 938,000	\$ 910,088	\$ 874,215	\$ 1,644,101	\$ 893,093
TOTAL ARTS ALLOCATION	\$ 1,488,000	\$ 1,480,088	\$ 1,418,830	\$ 2,387,407	\$ 969,592

TOTAL ARTS AVAILABLE	\$	969,592
TOTAL RECREATION AVAILABLE	\$	969,592
ADMINISTRATION	\$	29,530
TOTAL ALLOCATION	\$	1,968,714

Proposal B

Mini Grants	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	2016 RECOMMENDATION
The Orem Chorale	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Latinos in Action	\$ 4,500	\$ 4,500	\$ 3,500	\$ 4,999	\$ 3,500
Wasatch Chorale	\$ 4,500	\$ 4,500	\$ 4,000	\$ 4,999	\$ 4,000
Utah Storytelling Guild	\$ 4,500	\$ 4,000	\$ 4,000	\$ 4,999	\$ 4,500
Utah Baroque Ensemble	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Chauntenette Women's Chorus	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Utah Film Center	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,500	\$ 1,500
Center Stage Performing Arts Studio	\$ 4,500	\$ 4,000	\$ 3,500	\$ 4,999	\$ 2,000
Utah Valley Civic Ballet Company	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500
Utah Music Association	\$ -	\$ -	\$ 4,500	\$ 4,999	\$ 4,500
Wasatch Contemporary Dance	\$ -	\$ -	\$ 2,000	\$ 4,999	\$ 2,500
On Site Mobile Dance Series	\$ -	\$ -	\$ 2,000	\$ 4,500	\$ 2,000
4th Wall Players Foundation	\$ -	\$ -	\$ 3,950	\$ 4,999	\$ 1,500
Freedom Vehicles	\$ -	\$ -	\$ -	\$ 4,999	\$ 4,500
SUBTOTAL	\$ 37,000	\$ 36,000	\$ 46,450	\$ 65,489	\$ 48,500

Mid-Major Grants	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	2016 RECOMMENDATION
Colonial Heritage Foundation	\$ 4,999	\$ 4,999	\$ 4,999	\$ 9,999	\$ 9,999
Grassroots Shakespeare	\$ -	\$ -	\$ -	\$ 9,940	\$ 4,500
Witness Music	\$ -	\$ -	\$ -	\$ 6,400	\$ 3,000
Cantorum Chamber Choir	\$ -	\$ -	\$ -	\$ 9,693	\$ 4,500
Roots of Freedom Foundation	\$ 4,999	\$ 4,999	\$ 4,999	\$ 9,999	\$ 6,000
SUBTOTAL	\$ 9,998	\$ 9,998	\$ 9,998	\$ 46,031	\$ 27,999

Major Grants	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	2016 RECOMMENDATION
Hale Center Foundation for the Arts and	\$ 388,000	\$ 340,088	\$ 329,600	\$ 900,795	\$ 332,000
Utah Regional Ballet	\$ 40,000	\$ 35,000	\$ 25,950	\$ 75,000	\$ 26,093
SCERA	\$ 510,000	\$ 535,000	\$ 518,665	\$ 668,306	\$ 535,000
SUBTOTAL	\$ 938,000	\$ 910,088	\$ 874,215	\$ 1,644,101	\$ 893,093
TOTAL ARTS ALLOCATION	\$ 1,488,000	\$ 1,480,088	\$ 1,418,830	\$ 2,387,407	\$ 969,592

TOTAL ARTS AVAILABLE	\$	969,592
TOTAL RECREATION AVAILABLE	\$	969,592
ADMINISTRATION	\$	29,530
TOTAL ALLOCATION	\$	1,968,714

Proposal C

Mini Grants	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	2016 RECOMMENDATION
The Orem Chorale	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Latinos in Action	\$ 4,500	\$ 4,500	\$ 3,500	\$ 4,999	\$ 3,500
Wasatch Chorale	\$ 4,500	\$ 4,500	\$ 4,000	\$ 4,999	\$ 4,000
Utah Storytelling Guild	\$ 4,500	\$ 4,000	\$ 4,000	\$ 4,999	\$ 4,500
Utah Baroque Ensemble	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Chauntenette Women's Chorus	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Utah Film Center	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,500	\$ 1,500
Center Stage Performing Arts Studio	\$ 4,500	\$ 4,000	\$ 3,500	\$ 4,999	\$ 2,000
Utah Valley Civic Ballet Company	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500
Utah Music Association	\$ -	\$ -	\$ 4,500	\$ 4,999	\$ 4,500
Wasatch Contemporary Dance	\$ -	\$ -	\$ 2,000	\$ 4,999	\$ 2,500
On Site Mobile Dance Series	\$ -	\$ -	\$ 2,000	\$ 4,500	\$ 2,000
4th Wall Players Foundation	\$ -	\$ -	\$ 3,950	\$ 4,999	\$ 1,500
Freedom Vehicles	\$ -	\$ -	\$ -	\$ 4,999	\$ 4,500
SUBTOTAL	\$ 37,000	\$ 36,000	\$ 46,450	\$ 65,489	\$ 48,500

Mid-Major Grants	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	2016 RECOMMENDATION
Colonial Heritage Foundation	\$ 4,999	\$ 4,999	\$ 4,999	\$ 9,999	\$ 9,999
Grassroots Shakespeare	\$ -	\$ -	\$ -	\$ 9,940	\$ 4,500
Witness Music	\$ -	\$ -	\$ -	\$ 6,400	\$ 3,000
Cantorum Chamber Choir	\$ -	\$ -	\$ -	\$ 9,693	\$ 4,500
Roots of Freedom Foundation	\$ 4,999	\$ 4,999	\$ 4,999	\$ 9,999	\$ 6,000
SUBTOTAL	\$ 9,998	\$ 9,998	\$ 9,998	\$ 46,031	\$ 27,999

Major Grants	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	2016 RECOMMENDATION
Hale Center Foundation for the Arts and Education	\$ 388,000	\$ 340,088	\$ 329,600	\$ 900,795	\$ 336,916
Utah Regional Ballet	\$ 40,000	\$ 35,000	\$ 25,950	\$ 75,000	\$ 26,000
SCERA	\$ 510,000	\$ 535,000	\$ 518,665	\$ 700,756	\$ 530,177
SUBTOTAL	\$ 938,000	\$ 910,088	\$ 874,215	\$ 1,676,551	\$ 893,093
TOTAL ARTS ALLOCATION	\$ 1,488,000	\$ 1,480,088	\$ 1,418,830	\$ 2,452,307	\$ 969,592

TOTAL ARTS AVAILABLE	\$ 969,592
TOTAL RECREATION AVAILABLE	\$ 969,592
ADMINISTRATION	\$ 29,530
TOTAL ALLOCATION	\$ 1,968,714

Proposal D

Mini Grants					2016
	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	RECOMMENDATION
The Orem Chorale	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Latinos in Action	\$ 4,500	\$ 4,500	\$ 3,500	\$ 4,999	\$ 3,500
Wasatch Chorale	\$ 4,500	\$ 4,500	\$ 4,000	\$ 4,999	\$ 4,000
Utah Storytelling Guild	\$ 4,500	\$ 4,000	\$ 4,000	\$ 4,999	\$ 4,500
Utah Baroque Ensemble	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Chautenette Women's Chorus	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Utah Film Center	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,500	\$ 1,500
Center Stage Performing Arts Studio	\$ 4,500	\$ 4,000	\$ 3,500	\$ 4,999	\$ 2,000
Utah Valley Civic Ballet Company	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500
Utah Music Association	\$ -	\$ -	\$ 4,500	\$ 4,999	\$ 4,500
Wasatch Contemporary Dance	\$ -	\$ -	\$ 2,000	\$ 4,999	\$ 2,500
On Site Mobile Dance Series	\$ -	\$ -	\$ 2,000	\$ 4,500	\$ 2,000
4th Wall Players Foundation	\$ -	\$ -	\$ 3,950	\$ 4,999	\$ 1,500
Freedom Vehicles	\$ -	\$ -	\$ -	\$ 4,999	\$ 4,500
SUBTOTAL	\$ 37,000	\$ 36,000	\$ 46,450	\$ 65,489	\$ 48,500

Mid-Major Grants					2016
	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	RECOMMENDATION
Colonial Heritage Foundation	\$ 4,999	\$ 4,999	\$ 4,999	\$ 9,999	\$ 9,999
Grassroots Shakespeare	\$ -	\$ -	\$ -	\$ 9,940	\$ 4,500
Witness Music	\$ -	\$ -	\$ -	\$ 6,400	\$ 3,000
Cantorum Chamber Choir	\$ -	\$ -	\$ -	\$ 9,693	\$ 4,500
Roots of Freedom Foundation	\$ 4,999	\$ 4,999	\$ 4,999	\$ 9,999	\$ 6,000
SUBTOTAL	\$ 9,998	\$ 9,998	\$ 9,998	\$ 46,031	\$ 27,999

Major Grants					2016
	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	RECOMMENDATION
Hale Center Foundation for the Arts and Education	\$ 388,000	\$ 340,088	\$ 329,600	\$ 900,795	\$ 336,666
Utah Regional Ballet	\$ 40,000	\$ 35,000	\$ 25,950	\$ 75,000	\$ 26,500
SCERA	\$ 510,000	\$ 535,000	\$ 518,665	\$ 700,756	\$ 529,927
SUBTOTAL	\$ 938,000	\$ 910,088	\$ 874,215	\$ 1,676,551	\$ 893,093
TOTAL ARTS ALLOCATION	\$ 1,488,000	\$ 1,480,088	\$ 1,418,830	\$ 2,452,307	\$ 969,592

TOTAL ARTS AVAILABLE	\$	969,592
TOTAL RECREATION AVAILABLE	\$	969,592
ADMINISTRATION	\$	29,530
TOTAL ALLOCATION	\$	1,968,714

Proposal E

Mini Grants					2016
	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	RECOMMENDATION
The Orem Chorale	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Latinos in Action	\$ 4,500	\$ 4,500	\$ 3,500	\$ 4,999	\$ 3,500
Wasatch Chorale	\$ 4,500	\$ 4,500	\$ 4,000	\$ 4,999	\$ 4,000
Utah Storytelling Guild	\$ 4,500	\$ 4,000	\$ 4,000	\$ 4,999	\$ 4,500
Utah Baroque Ensemble	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Chautenette Women's Chorus	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,999	\$ 4,500
Utah Film Center	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,500	\$ 1,500
Center Stage Performing Arts Studio	\$ 4,500	\$ 4,000	\$ 3,500	\$ 4,999	\$ 2,000
Utah Valley Civic Ballet Company	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500
Utah Music Association	\$ -	\$ -	\$ 4,500	\$ 4,999	\$ 4,500
Wasatch Contemporary Dance	\$ -	\$ -	\$ 2,000	\$ 4,999	\$ 2,500
On Site Mobile Dance Series	\$ -	\$ -	\$ 2,000	\$ 4,500	\$ 2,000
4th Wall Players Foundation	\$ -	\$ -	\$ 3,950	\$ 4,999	\$ 1,500
Freedom Vehicles	\$ -	\$ -	\$ -	\$ 4,999	\$ 4,500
SUBTOTAL	\$ 37,000	\$ 36,000	\$ 46,450	\$ 65,489	\$ 48,500

Mid-Major Grants					2016
	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	RECOMMENDATION
Colonial Heritage Foundation	\$ 4,999	\$ 4,999	\$ 4,999	\$ 9,999	\$ 9,999
Grassroots Shakespeare	\$ -	\$ -	\$ -	\$ 9,940	\$ 4,500
Witness Music	\$ -	\$ -	\$ -	\$ 6,400	\$ 3,000
Cantorum Chamber Choir	\$ -	\$ -	\$ -	\$ 9,693	\$ 4,500
Roots of Freedom Foundation	\$ 4,999	\$ 4,999	\$ 4,999	\$ 9,999	\$ 6,000
SUBTOTAL	\$ 9,998	\$ 9,998	\$ 9,998	\$ 46,031	\$ 27,999

Major Grants					2016
	2013 AWARD	2014 AWARD	2015 AWARD	2016 REQUEST	RECOMMENDATION
Hale Center Foundation for the Arts and Education	\$ 388,000	\$ 340,088	\$ 329,600	\$ 900,795	\$ 348,478
Utah Regional Ballet	\$ 40,000	\$ 35,000	\$ 25,950	\$ 75,000	\$ 25,950
SCERA	\$ 510,000	\$ 535,000	\$ 518,665	\$ 700,756	\$ 518,665
SUBTOTAL	\$ 938,000	\$ 910,088	\$ 874,215	\$ 1,676,551	\$ 893,093
TOTAL ARTS ALLOCATION	\$ 1,488,000	\$ 1,480,088	\$ 1,418,830	\$ 2,452,307	\$ 969,592

TOTAL ARTS AVAILABLE	\$	969,592
TOTAL RECREATION AVAILABLE	\$	969,592
ADMINISTRATION	\$	29,530
TOTAL ALLOCATION	\$	1,968,714

Recreation Grants	2016 RECOMMENDATION
Splash Pad	\$ 350,000
Pool Relining	\$ 400,000
All-Together Playground	\$ 104,592
Co-Sponsored Groups	\$ 15,000
Dog Park	\$ 100,000
SUBTOTAL	\$ 969,592

CITY OF OREM
CITY COUNCIL MEETING
MAY 24, 2016



REQUEST:	RESOLUTION – Adopt the 2016 Water Rate Adjustment
APPLICANT:	Public Works Director
FISCAL IMPACT:	Increase in Water CIP of \$2,100,000

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:

Neal Winterton
Water Resources
Division Manager

RECOMMENDATION:

The Public Works Director recommends that the Orem City Council, by resolution, adopt the 2016 Water Rate Adjustment.

BACKGROUND:

On April 28th, the City Council adopted the 2016 Water Master Plan and recommended the 7-year CIP values found in the Water User Rate Study. The City Council recommended that instead of a winter/summer seasonal rate, the City adopt a tiered rate structure to meet the revenues in the 7-year CIP plan. This adjustment would meet the requirements found in Utah State Code 73-10-32.5 Culinary Water Pricing Structure (<http://le.utah.gov/~2016/bills/static/SB0028.html>).

City Staff, Bowen Collins and Associates, and Lewis, Young, Robertson, and Burningham studied 3-tier and 4-tier rates, analyzed historic water use data, and studied several volume block limits. Depending on the block volume option selected, the final rate for each block will be established to meet the CIP increase of \$2,100,000 for FY 2017.

One goal of the tiered rate structure is to capture most users' indoor water use within the first tier. 78% of the utility accounts are 3/4" meters. The first tier block volume amount for the 3/4" meter are established by analyzing winter (indoor) water use data and setting the limit so that most (90%) 3/4" accounts will not reach tier 2 in the winter months (Nov - April). For a 3/4" meter, this value is 13,000 gallons.

The second tier block volume value was calculated so that most (90%) 3/4" accounts would be under the volume consumed in the shoulder months (May, June, and October). For a 3/4" meter, this value is 34,000 gallons.

The third tier block volume value was calculated so that most (90%) 3/4" accounts would be under the peak months (July-Sept). For a 3/4" meter, this value is 65,000 gallons.

The fourth tier block volume is anything above the third tier. For a 3/4" meter, this value is any volume above 65,000 gallons.

Once the 3/4" block volumes were established there are several options for

setting volumes for meter 1" and greater.

- A. Use the same block volumes throughout all meter sizes - This becomes very punitive for large meter sizes (and larger water users). Most larger meters would reach Tier 4 even in the winter months and the goal of indoor water use remaining in Tier 1 is not met.
- B. Utilize arbitrarily set block volumes - This is discouraged because there is little rationale behind the numbers and is not repeatable from year to year.
- C. Use the 90th percentile method throughout all meter sizes - This is a viable option. This option produces larger block volumes than the AWWA multiplier option shown below, particularly in the larger meters.
- D. Use the AWWA multiplier for block volumes - This option produces block volumes less than the 90th percentile option (which would encourage more conservation), is the method that base rates strive to follow, is repeatable from year to year, and is a defensible form of setting water rate structures.

Options A and B were not analyzed for rate structures for each block because it was determined that options C and D had more advantages as described above. Both C and D block rate structures are similar. Because option C had slightly larger block volume ranges, the rates are slightly higher.

Tier rates under both scenarios graduate with multipliers of 1, 1.25, 1.5, and 2.0, respectively.

Option C

Tier 1 - \$0.73

Tier 2 - \$0.91

Tier 3 - \$1.10

Tier 4 - \$1.42

Option D

Tier 1 - \$0.71

Tier 2 - \$0.89

Tier 3 - \$1.07

Tier 4 - \$1.46

Option C block volumes by meter size are shown in the table below.

Table 1: Represents Flow Allotment (90th) by Meter Size

Meter	Tier 1	Tier 2	Tier 3	Tier 4
0.75	11	34	65	>65
1	21	64	112	>112
1.5	94	231	389	>389
2	120	324	580	>580
3	477	655	1362	>1362
4	930	1405	2921	>2921
6	1069	2161	4860	>4860
8	995	5736	6474	>6474
10	1088	1435	1592	>1592

Option D block volumes by meter size are shown in the table below.

Table 2: Represents Flow Allotment (AWWA) by Meter Size

Meter	Tier 1	Tier 2	Tier 3	Tier 4
0.75	11	34	65	>65
1	18	57	109	>109
1.5	37	113	216	>216
2	59	181	346	>346
3	110	340	650	>650
4	220	680	1300	>1300
6	458	1417	2709	>2709
8	587	1813	3466	>3466
10	1063	3287	6284	>6284

City staff recommend Option D.

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RESOLUTION NO. _____

A RESOLUTION OF THE OREM CITY COUNCIL ADJUSTING THE WATER VOLUME CHARGE FROM A UNIFORM RATE TO A 4-TIER RATE

WHEREAS the Orem City Council unanimously approved Resolution R-2016-0011 adopting the 2016 Water Master Plan (WMP) prepared by Bowen Collins & Associates, Inc. and accepting the associated Water User Rate Study (WURS) prepared by Lewis Young Robertson & Burningham, Inc. (LYRB); and

WHEREAS that action culminated nearly two years of study and planning which included several presentations to the Council, input from the Public Works Advisory Commission, and numerous efforts to inform the public; and

WHEREAS funding levels for repair and replacement of infrastructure is limited and not meeting the projected need; and

WHEREAS the WMP formalizes the City's strategy to construct needed improvements to resolve existing and projected future deficiencies in the City's water system, storage facilities, wells, AMI infrastructure, and fire flows; and

WHEREAS after receiving public feedback and upon the recommendation of the City Council, LYRB created three pay-as-you-go funding plans over 5-, 7-, and 10-year periods which were all structured to produce a 3/4" base rate of \$15.74 in FY 2017 and a final base rate of \$26.10 and a winter and summer volume rate within ten years; and

WHEREAS Lewis Young Robertson & Burningham, Inc. (LYRB) was subcontracted by BCA to review the existing water rates and provide a recommended rate schedule based on changes in forecasted expenses and capital improvements and on a pay-as-you-go basis for a 5-, 7-, and 10-year period as well as a bonding scenario; and

WHEREAS the City Council selected the pay-as-you-go 7-year implementation for CIP projects but requested that, instead of a winter/summer seasonal volume rate, a tiered rate structure be created that promotes conservation and follows recently passed Utah State Code 73-10-32.5 Culinary Water Pricing Structure (<http://le.utah.gov/~2016/bills/static/SB0028.html>); and

WHEREAS the results of this master plan were the basis for a rate analysis that was used to establish supporting tiered water rates for the City; and

WHEREAS upon the recommendation of the City Council, tiered rate structures were developed; and

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WHEREAS the rates graduate from Tier 1 to Tier 4 with multipliers of 1.0, 1.25, 1.50, and 2.0, respectively, with Tier 1 starting at \$0.71/1,000 gallons.

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

1. The Orem City Council hereby adjusts the ¾” base rate from \$14.19/month to \$15.74/month and 1” and larger meter base rates as shown in the table below:

Meter Size	Year 1
0.75	\$15.74
1	\$39.22
1.5	\$110.42
2	\$181.64
3	\$276.59
4	\$466.48
6	\$1,178.58
8	\$1,574.21
10	\$2,361.32

2. Tier 1 volume block set to 0 - 13,000 gallons.
3. Tier 2 volume block set to 13,001 - 34,000 gallons.
4. Tier 3 volume block set to 34,001 - 65,000 gallons.
5. Tier 4 volume block set to > 65,000 gallons.
6. All meter block volumes 1” and greater set to AWWA multipliers of the ¾” meter as shown in the table below:

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Table 2: Represents Flow Allotment (AWWA) by Meter Size				
Meter	Tier 1	Tier 2	Tier 3	Tier 4
0.75	11	34	65	>65
1	18	57	109	>109
1.5	37	113	216	>216
2	59	181	346	>346
3	110	340	650	>650
4	220	680	1300	>1300
6	458	1417	2709	>2709
8	587	1813	3466	>3466
10	1063	3287	6284	>6284

- 7. Tier 1 rate set to \$0.71/1,000 gallons.
- 8. Tier 2 rate set to \$0.89/1,000 gallons.
- 9. Tier 3 rate set to \$1.07/1,000 gallons.
- 10. Tier 4 rate set to \$1.46/1,000 gallons.
- 11. This Resolution shall become effective immediately and this water rate structure will become effective July 1, 2016.

PASSED AND APPROVED this 24th day of May 2016.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

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CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED APRIL 2016

Percent of Year Expired: 83%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2016	% To Date FY 2015	Notes
10 GENERAL FUND								
Revenues	47,739,953	4,527,138	37,532,921			79%		
Appr. Surplus - Prior Year	2,790,599		2,790,599			100%		
Std. Interfund Transactions	4,236,636		4,236,636			100%		
Total Resources	54,767,188	4,527,138	44,560,156		10,207,032	81%	88%	
Expenditures	54,767,188	4,120,818	42,278,223	917,430	11,571,535	79%	80%	
20 ROAD FUND								
Revenues	2,545,000	2,074	1,593,101			63%		
Appr. Surplus - Prior Year	853,229		853,229			100%		
Total Resources	3,398,229	2,074	2,446,330		951,899	72%	78%	
Expenditures	3,398,229	111,094	1,986,097	378,482	1,033,650	70%	82%	
21 CARE TAX FUND								
Revenues	1,850,000	135,308	1,277,228			69%		
Appr. Surplus - Prior Year	2,188,179		2,188,179			100%		
Total Resources	4,038,179	135,308	3,465,407		572,772	86%	87%	
Expenditures	4,038,179	1,249	1,179,466	5,160	2,853,553	29%	29%	
30 DEBT SERVICE FUND								
Revenues	7,256,314	1,178,071	6,045,474			83%		
Appr. Surplus - Current	720,000		720,000					
Appr. Surplus - Prior Year	43,434		43,434			100%		
Total Resources	8,019,748	1,178,071	6,808,908		1,210,840	85%	95%	1
Expenditures	8,019,748	1,178,913	4,947,048		3,072,700	62%	80%	1
45 CIP FUND								
Revenues	262,800		256,555			98%		
Appr. Surplus - Prior Year	4,562,250		4,562,250			100%		
Total Resources	4,825,050		4,818,805		6,245	100%	100%	
Expenditures	4,825,050	900	625,057	127,538	4,072,455	16%	15%	
51 WATER FUND								
Revenues	12,468,440	1,190,374	10,848,891			87%		
Appr. Surplus - Prior Year	2,858,833		2,858,833			100%		
Total Resources	15,327,273	1,190,374	13,707,724		1,619,549	89%	93%	
Expenditures	15,327,273	584,340	9,083,999	1,141,233	5,102,041	67%	66%	
52 WATER RECLAMATION FUND								
Revenues	7,080,500	602,329	5,958,984			84%		
Appr. Surplus - Prior Year	1,132,177		1,132,177			100%		
Total Resources	8,212,677	602,329	7,091,161		1,121,516	86%	94%	
Expenditures	8,212,677	443,130	5,259,813	291,223	2,661,641	68%	69%	
55 STORM SEWER FUND								
Revenues	3,253,477	321,761	2,822,924			87%		
Appr. Surplus - Prior Year	661,108		661,108			100%		
Total Resources	3,914,585	321,761	3,484,032		430,553	89%	87%	
Expenditures	3,914,585	118,043	2,080,503	316,892	1,517,190	61%	61%	
56 RECREATION FUND								
Revenues	1,794,750	132,301	1,378,502			77%		
Appr. Surplus - Current Year	175,000		175,000			100%		
Appr. Surplus - Prior Year	1,775		1,775			100%		
Total Resources	1,971,525	132,301	1,555,277		416,248	79%	83%	
Expenditures	1,971,525	115,118	1,576,415	39,159	355,951	82%	88%	
57 SOLID WASTE FUND								
Revenues	3,406,000	301,494	2,919,118			86%		
Appr. Surplus - Prior Year	121,558		121,558			100%		
Total Resources	3,527,558	301,494	3,040,676		486,882	86%	83%	
Expenditures	3,527,558	213,468	2,368,891	196,481	962,186	73%	70%	

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED APRIL 2016

Percent of Year Expired: 83%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2016	% To Date FY 2015	Notes
58 STREET LIGHTING FUND								
Revenues	1,555,000	76,248	1,431,990			92%		
Appr. Surplus - Prior Year	278,995		278,995			100%		
Total Resources	1,833,995	76,248	1,710,985		123,010	93%	93%	
Expenditures	1,833,995	693,903	1,285,921	38,976	509,098	72%	71%	
61 FLEET MAINTENANCE FUND								
Std. Interfund Transactions	640,000		640,000			100%		
Total Resources	640,000		640,000			100%	100%	
Expenditures	640,000	30,760	513,056	4,902	122,042	81%	86%	
62 PURCHASING/WAREHOUSING FUND								
Revenues		15	150			100%		
Appr. Surplus - Current Year	50,000		50,000			100%		
Std. Interfund Transactions	310,000		310,000			100%		
Total Resources	360,000	15	360,150		-150	100%	100%	
Expenditures	360,000	20,437	322,193	2,253	35,554	90%	83%	
63 SELF INSURANCE FUND								
Revenues	500,000	38,534	439,800			88%		
Std. Interfund Transactions	1,225,000		1,225,000			100%		
Total Resources	1,725,000	38,534	1,664,800		60,200	97%	95%	
Expenditures	1,725,000	56,473	1,347,220	188	377,592	78%	74%	
64 INFORMATION TECH FUND								
Revenues			7,230			100%		
Appr. Surplus - Prior Year	52,096		52,096			100%		
Std. Interfund Transactions	2,178,000		2,178,000			100%		
Total Resources	2,230,096		2,237,326		-7,230	100%	N/A	
Expenditures	2,230,096	138,385	1,437,602	163,457	629,037	72%	N/A	
74 CDBG FUND								
Revenues	817,988	72,948	380,220			46%		
Appr. Surplus - Prior Year	94,877		94,877			100%		
Total Resources	912,865	72,948	475,097			52%	64%	
Expenditures	912,865	42,970	595,085	762	317,018	65%	74%	
CITY TOTAL RESOURCES	111,639,877	8,502,347	94,118,523		17,083,586	84%	90%	
CITY TOTAL EXPENDITURES	111,639,877	7,037,713	74,163,066	3,421,703	34,055,108	69%	72%	

NOTES TO THE BUDGET REPORT FOR THE MONTH ENDED APRIL 2016:

- 1) Current year expenditures are lower (as percentages) due to the almost \$2.9 million Midtown Village SID bond payoff that occurred in the prior fiscal year. There is no such payment in the current fiscal year.
- 2) The current year revenues are lower in comparison to the prior year due to significantly less capital funds being carried over into the new fiscal year. The Beverly Subdivision capital project was primarily completed in the prior fiscal year.

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Note: In earlier parts of a fiscal year, expenditures may be greater than the collected revenues in a fund. The City has accumulated sufficient reserves to service all obligations during such periods and does not need to issue tax anticipation notes or obtain funds in any similar manner. If you have questions about this report, please contact Richard Manning (229-7037) or Brandon Nelson (229-7010).