

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
February 12, 2019

3:00 P.M. WORK SESSION – CITY COUNCIL CONFERENCE ROOM

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, and David Spencer
EXCUSED	Councilmember Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Karl Hirst, Recreation Department Director; Richard Manning, Administrative Services Director; Ryan Clark, Development Services Director; Gary Giles, Police Chief; Charlene Crozier, Library Director; Chris Tschirki, Public Works Director; Jason Bench, Planning Division Manager; Kena Mathews, Community Services Manager; JoD’Ann Bates, City Recorder; and Jackie Lambert, Deputy City Recorder

DISCUSSION – NIA 2.0

Mr. Downs said the City Council asked that staff review the current Neighborhoods in Action (NIA) program and design a program that meets the needs and desires of Orem residents in 2019 and beyond. He and Ms. Mathews discussed some of the initiatives staff planned to pursue based on the conversations/feedback from City Council members.

Mr. Downs shared a brief history of the origins of the neighborhood program. The original structure of the program had neighborhoods split primarily by the boundaries of stakes (congregations) in the Church of Jesus Christ of Latter-day Saints, and each neighborhood was to elect a chair as the neighborhood’s representative to the City. He said since the program was launched in 1998, only a handful of neighborhoods had active chairs; they had difficulty filling and maintaining those positions. Mr. Downs shared the new mission statement for what they were calling the Neighborhood Partnership Initiative, an update to the original 1998 NIA model. A few of the updates included more and varying means of electronic communication, branching beyond ecclesiastical networks to include schools and other community organizations, and the City’s 311 Help Center contact options.

Ms. Mathews said the proposal was to consolidate the neighborhoods from 22 into nine following the pattern established in the Neighborhood Plans. The hope was that neighborhood meetings would be more a collaboration between the City and the residents to resolve issues, rather than “complaint” meetings. She spoke of tools the Neighborhood Preservation Unit (NPU)

and other offices could utilize. Programs like the spring clean-up and neighborhood barbeques would continue. Ms. Mathews assured the City Council this was not an attempt to get rid of NIA, but an opportunity to improve how residents communicated with the City. She said they were working with interfaith groups as well as the LDS church, Alpine School District and school administrators, and NPU. Ms. Mathews acknowledged Sgt. Paraskeva with NPU and said officers had started visiting elementary school classrooms to read to the students. Sgt. Paraskeva said this was a program he created so children could interact with police officers and remove some of the fear or anxiety kids may have regarding law enforcement; the first schools they had visited were in lower income areas, where that apprehension was more pronounced. He said they read to the students because literacy and reading levels had a direct correlation with graduation rates.

Mr. Downs added that NPU was funded in part by CDBG funds which also went to important programs that helped fight poverty, abuse, addressed mental health and public safety issues, and other community concerns. Some concerns that were bigger than any one neighborhood or organization, and the new Neighborhood Partnership Initiative would be an instrument for communication and collaboration.

Mr. Davidson said in the past the success of the NIA program would rise and fall with whomever was serving as the neighborhood chair. This shift to the Neighborhood Partnership Initiative would not rely heavily on one or two individuals to ensure communication and neighborhood cohesion, but be more of a group effort.

There was continued discussion about grant matching through CDBG, the spring neighborhood clean-up program, the consolidation and possible renaming of Orem neighborhood groups, and electronic information distribution. Mr. Lentz said he felt this was a good way to modernize the program. He recommended reaching out to existing neighborhood chairs and inviting them to apply to serve on City boards and commissions. Mr. Seastrand asked about liaison assignments to the neighborhoods, and Mayor Brunst said they would need to coordinate those assignments with the new neighborhood boundaries.

DISCUSSION – Amendment of Orem City Election Code 2-3-3 and 2-3-4

Mr. Down asked Mrs. Bates to share information regarding the City's Election Code. She said each year in which a municipal election is held, it is the responsibility of the Recorder to ensure the City Code is up to date and consistent with the State Code regarding elections regulations. The proposed amendments would bring the City Code up to date.

Mrs. Bates said that over the years the City of Orem had grown, with a current population close to 100,000 residents. With that growth, the election of dedicated Mayoral and City Council candidates was more imperative than ever. The proposed candidate filing fee increase would place Orem more in line with other cities of similar size and would help to ensure candidates were committed and willing to work for the residents of Orem. She shared data regarding filling fees from other cities.

Comparable Cities and Fees:

Salt Lake.....\$352 for Mayor and \$84 for Council

Provo City.....\$150 for Mayor and \$75 for Council

Taylorsville.....\$100 for both Mayor and Council
Riverton.....\$50 for both Mayor and Council
Cedar Hills.....\$35 for both Mayor and Council

Mrs. Bates said it was proposed that the candidate filing fee increase to \$75 for both Mayor and City Council candidates. She explained that another indirect benefit of increasing the fee would be to narrow the field of applicants to those genuinely interested in serving as an elected officials. For example, Orem was uniquely positioned near two universities and had had students file to run in the past as a school project, but never intended to serve.

Mayor Brunst said he was in favor of raising the fee, and agreed that there were times candidates filed to run to “fill out” the ballot but did not actively campaign or participate in the process. Mr. Davidson added that if a less serious candidate were to file triggering a primary election when one would otherwise not be needed, it would cost the candidate only \$35 while costing the City thousands of dollars.

There were questions regarding the proposed code changes. Mr. Seastrand asked about financial disclosure, and if the proposed changes altered the requirements set by the state. Mrs. Bates said it would not be altered; the code would still reflect state code requirements. Mr. Stephens added that financial reporting was done on the honor system and up to the candidate to assume the responsibility of integrity.

Mayor Brunst asked about the removal of language specifying that a candidate needed to be a citizen of the United States of America. Mrs. Bates clarified that there was redundancy in the code as it was, because candidates would need to be registered voters in the municipality and they could not meet that qualification without being a U.S. citizen. Mayor Brunst thought it could be misinterpreted and asked that the more specific language be kept; the general consensus among the Council was to keep the language.

Mr. Macdonald suggested that a filing fee of \$75 for Mayor or Council position was still relatively low. Mayor Brunst agreed, and recommended the fee change to \$150 for Mayoral candidates and \$75 for City Council candidates. Mrs. Bates said she would make the changes requested and bring the item as part of the Consent Agenda on February 26, 2019.

DISCUSSION – Street Lighting Fee

Mr. Tschirki provided an update to the City Council regarding the street lighting fee. He said they held a public open house on February 6, 2019, to discuss the proposed changes. Approximately 100,000 residents, land owners, and business owners were invited, with over 33,000 addresses receiving direct invitations. They put a lot of effort into public outreach to ensure that everyone had a chance to attend an open house and ask questions; eight residents were actually in attendance. Mr. Tschirki said the few that were present were asked to fill out comment cards, which he shared with the Council. He continued, providing a history of the creation of the Street Lighting Special Service District in 1999, and the increase of the Franchise Tax from 5.36% to 6.00% in February 2000. The 0.64% increase was used to help pay for the operations and maintenance of the street lighting system. Upon recommendations of street lighting professionals, a monthly street lighting fee was also adopted to pay for the associated

capital debt obligation. In April 2019, this debt obligation would begin to be eliminated, and the franchise tax and street lighting fee would need to be modified.

Mr. Tschirki said it was recommended that the franchise tax revenue be retained in the General Fund and the street lighting fee be reduced over a four-year period as the debt was totally eliminated. The Street Lighting Fund would then function independently of the General Fund altogether. He also addressed the associated details, adjustments, and recommendations for the Council's consideration.

Mr. Macdonald asked about the comments made at the open house, and the issue of fairness. Mr. Tschirki said this was much like the discussion they had in the recent past regarding the sewer base rate and the issues of fairness was addressed by asking the fee to be paid per Equivalent Lighting Unit (ELU). Frontage was a key factor in determining ELU for commercial accounts. He believed the proposal was equitable and fair. Mr. Tschirki shared information about the replacement of cobra lights with Washington lights, and said Orem had been one of the early cities to form districts for street lighting. In response to Mayor Brunst's question, Chief Giles said street lighting had a direct correlation with neighborhood safety.

Mr. Seastrand asked about areas that did not have street lights, but were paying the fee for them. Mr. Manning said while a very few small individual areas may not have street lights, once they left their immediate neighborhood they were into lighted areas.

Mr. Tschirki said the existing street lights had been updated to LED lights, which afforded a savings of about \$430,000 a year. He said if street lights were out, it was likely to do with a fuse, a light sensor, a vehicular accident, etc. rather than the bulb having gone out. He said they hoped to implement the new fee structure in the coming budget. Mr. Davidson said the suggestion was for a certain section rolling off at the end of March to have an effective date of April 1, 2019, mainly to avoid confusion about fees disappearing and reappearing on utility bills. Mr. Tschirki said they would bring the proposed fee change to the Council as part of the next budget amendment in March.

Preview Upcoming Agenda Items

The City Council briefly reviewed items that would be coming before the Council in future meetings. Mr. Bench shared information related to upcoming zoning items.

Agenda Review

The City Council and staff reviewed the items on the evening's agenda. The Mayor reviewed the upcoming events as listed in the agenda.

City Council Reports (Boards and Commissions, New Business, Etc.)

Mayor Brunst gave an update from a Mountainland Association of Governments (MAG) meeting regarding transportation and the preservation of state roads. He mentioned the future project of widening 1600 South to allow better traffic flow to the freeway interchange that would require the purchase of land and MAG funds. Mayor Brunst also shared that he attended the ribbon

cutting for The Green on Campus Drive (formerly known as the Palos Verdes development), and said the CEO of R&O Construction, the contractor building the project, was present.

Mr. Lentz gave an update regarding UTOPIA, saying they were going proceed with a build out of the network in Morgan City. He said it was a good opportunity to “test the waters” with bringing a smaller city onto the network; the UTOPIA Board was in agreement that builds like this would not impact existing UTOPIA cities. Mr. Lentz said they had a plan to build out the remainder of the network in the next three and half to four years, and the information regarding future plans could be found on UTOPIA’s website.

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

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner (participated electronically)

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Karl Hirst, Recreation Department Director; Richard Manning, Administrative Services Director; Ryan Clark, Development Services Director; Scott Gurney, Fire Chief; Gary Giles, Police Chief; Charlene Crozier, Library Director; Chris Tschirki, Public Works Director; Jason Bench, Planning Division Manager; Brandon Nelson, Finance Division Manager; Pete Wolfley, Communications Specialist; and Jackie Lambert, Deputy City Recorder

INVOCATION /

INSPIRATIONAL THOUGHT

Marion Baxter

PLEDGE OF ALLEGIANCE

Vernon Stout

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

UPCOMING EVENTS

Mayor Brunst reviewed the upcoming events, as listed in the agenda packet.

CITY MANAGER’S APPOINTMENTS – Department of Development Services Director

Mr. Davidson asked for the City Council’s advice and consent on his appointment of Ryan L. Clark as the Director of the City’s Department of Development Services.

Mayor Brunst moved to approve the appointment of Ryan Clark as the Director of Development Services. **Mr. Seastrand seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

Ms. Lambert, Deputy Recorder, administered the Oath of Office for Mr. Clark.

PERSONAL APPEARANCES

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

Lon Bowen, resident, shared concerns that the City's Historic Preservation Advisory Commission (HPAC) was not an active advisory board. He assumed it was made all but defunct due to budget constraints. He said Nielson's Grove would not be a city park if not for the HPAC, and the informational pamphlet originally made by the commission was nearly out of print. It needed to be updated and reprinted. He felt the HPAC needed to be revived now, in the City's centennial year. He invited his associate Cory (no last name provided) to share information about historic preservation.

Cory said he was an Orem resident and an employee of the state. Many years ago he served as the Chair of the HPAC, and during that time they surveyed the city for buildings that met the 50 year requirement to be nominated for historic status. He said while not all buildings over 50 years in age were historic, they were enough that would qualify. He believed there was state money to be requested for this. Mr. Bowen added that the grant could cover the reprinting of the pamphlet, and both he and Cory felt the HPAC could be up and running in no time.

CONSENT ITEMS

- Approval of January 16, 2019 Joint City Council/Alpine School District Meeting Minutes
- Approval of January 22, 2019 City Council Meeting Minutes

Mr. Macdonald moved to approve the Consent Agenda as listed. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

SCHEDULED ITEMS

PUBLIC HEARING

ORDINANCE – Amending Section 22-5-3(A) of the Orem City Code, rezoning approximately 2.6 acres of property located generally at 575 East University Parkway from R8 and C2 zones to PD-34 (University Place) zone, amending portions of Appendix BB of the Orem City Code, and amending appendix A and B of the Orem City General Plan

Mr. Bench said the owners of the University Mall had acquired property they desired to include in the PD-34 zone. The proposed uses on these properties included a theater and a hotel. These uses were already approved uses in the PD-34 zone, but the applicant desired additional land on which to build these structures and their required parking and landscaping.

As part of this rezone, portions of Appendix BB of the Orem City Code would need to be updated as well as appendix A and B of the Orem City General Plan.

- Portions of Appendix BB to be amended included the concept plan for the PD-34 zone, which was updated to provide details on where and how the theater and hotel will be constructed. The concept plan would also be updated to include the most recent transportation improvements for the Mall.
- Appendix A of the Orem General Plan was amended to show the revised Land Use Map. The property located at 1145 South 800 East was already designated as Regional Commercial on the Land Use Map. The residential properties along 590 East and 1100 South needed to be changed from Low Density Residential to Regional Commercial.
- Appendix B of the General Plan needed to be amended because it contained a copy of the Zoning Map.

A neighborhood meeting was held by the applicant on January 3, 2018. Notes from the meeting were provided in the online agenda packet.

Mr. Bench invited Kathy Olson and Rick Woodbury, representing the applicant, to come forward. Ms. Olson said the neighborhood meeting had gone well with mostly positive comments. The major concern residents had was ensuring there was no vehicular connection through, and that the eight foot fence would be built to the right height and specifications. They intended to install the fence with no pedestrian access.

In response to Council questions, Ms. Olson said Woodbury Corp. already owned the land. Mr. Woodbury said they had a franchise for a Marriot Courtyard on the piece to the east, and UTA had a right to stay where they were for a time. They intended to build the hotel once UTA vacated. The other piece was the proposed site for the new Hale Center Theater.

Mayor Brunst opened the public hearing at 6:21 p.m.

Bryce Barrett, resident, indicated that he attended the neighborhood meeting and was pleased that the concerns he and some of his neighbors had had were being addressed. They did not want the access through, and felt the neighborhood was otherwise happy with the development.

Mayor Brunst closed the public hearing at 6:22 p.m.

Mayor Brunst moved, by ordinance, to amend Section 22-5-3(A) of the Orem City Code, rezoning approximately 2.6 acres of property located generally at 575 East University Parkway from R8 and C2 zones to PD-34 (University Place) zone, amend portions of Appendix BB of the Orem City Code, and amend appendix A and B of the Orem City General Plan. **Mr. Spencer seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

PUBLIC HEARNG

ORDINANCE – Amending Sections 22-7-12 and 22-7-5 of the Orem City Code pertaining to planned residential development requirements

Mr. Bench said the existing PRD (planned residential development) ordinance required that a concept plan shall be submitted with every application to apply the PRD zone to a parcel of property. Once a property was zoned PRD, it must adhere to the concept plan. The proposed amendments to Sections 22-7-12 and 22-7-5 would clarify the existing ordinance and give more discretion to the City Council on whether to approve or deny a concept plan if a property was already zoned PRD and a property owner desired to submit a new concept plan. Mr. Bench said the Planning Commissions recommended that this amendment be approved.

Mrs. Lauret said she thought this was a good amendment, because it kept developers from coming in and pulling a “bait and switch” when it came to development projects. Mr. Bench said the City Council could require that a developer stick to the original concept plan for a give project or parcel.

Mr. Macdonald addressed the many Boy Scout groups and high school students in the audience, telling them that information for agenda items was shared days, weeks, even months in advance of appearing on the City Council agenda. The City Council had time to consider, study out, and discuss each issue prior to the regular meetings, so these were not snap decisions being made.

Mayor Brunst opened the public hearing at 6:26 p.m.

Martin Wright, resident, said he appreciated this change. He said there was going to be a “bait and switch” issue with a development near his home, and was encouraged that the Planning Commission recommended this change. He felt this would be the best way to protect a neighborhood in the future.

Mayor Brunst closed the public hearing at 6:27 p.m.

Mr. Lentz moved, by ordinance, to amend Sections 22-7-12 and 22-7-5 of the Orem City Code pertaining to planned residential development requirements. **Mr. Seastrand seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

PUBLIC HEARNG

ORDINANCE – Amending Fiscal Year 2018-2019 Budget

The Fiscal Year 2018-2019 City of Orem budget had many adjustments that occurred throughout the fiscal year. These adjustments include grants received from Federal, State, other governmental or private entities/organizations; public safety funds received from various sources to fund fencing at the City's gun range; and to properly account for the portion of impact fees received in the prior fiscal year related to the Southwest Area.

Mr. Nelson said this was a standard budget amendment, and said the funds needed to be included in the FY 2018-2019 budget in order to be spent. Mayor Brunst asked about the funds allocated to HIDTA for the Major Crimes Task Force. Mr. Nelson said it was a federal grant going to the High Intensity Drug Trafficking Areas program. He continued through the notes, and clarified that the impact fees in the southwest area were specific to the area that was annexed in 2015, not the whole southwest quadrant of the city. Mr. Nelson also pointed out the donation from the Sorenson Legacy Foundation, which was for the Library Hall project.

Mr. Sumner asked for clarification on the gun range. Mr. Nelson specified that it was not the indoor gun range at the Orem Fitness Center, but the outdoor police shooting range.

Mayor Brunst opened the public hearing at 6:33 p.m.

Leon (unintelligible) asked where the “future voters” that Mr. Macdonald addressed earlier could see more information on agenda items. Mayor Brunst said city information and agendas were available at orem.org/meetings or through the main page search function.

Mayor Brunst closed the public hearing at 6:35 p.m.

Mayor Brunst moved, by ordinance, to amend the Fiscal Year 2018-2019 Budget. **Mr. Macdonald seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

COMMUNICATION ITEMS

The Monthly Financial Summary for December 2018 was included in the packets distributed to the Council.

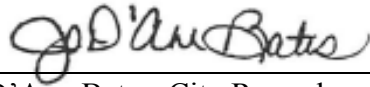
CITY MANAGER INFORMATION ITEMS

Mr. Davidson shared information regarding the current Utah State Legislative Session. He mentioned specific proposed bills that would impact municipalities, and said the City was working with the Utah League of Cities and Towns (ULCT) to track those bills and address concerns. He encouraged the Council to continue to monitor the session and keep the lines of communication open.

ADJOURN

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

The meeting adjourned at 6:52 p.m.



JoD'Ann Bates, City Recorder

Approved: February 26, 2019

