



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
April 09, 2019

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

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

DISCUSSION - Continued Participation in Utah Valley HOME Consortium (30 min)

The City Council will discuss continued participation in the Utah Valley HOME Consortium and approval of an Inter-local Cooperating Agreement with Provo City, Lehi City, and Utah County for the new qualification period (Federal Fiscal Year 2020, 2021, and 2022).

Presenter: Daniel Gonzalez, HOME Program Administrator, and Kena Jo Mathews

ANNUAL REPORT - Open Meetings and Ethics Training (30 min)

The City Attorney will conduct the annual training for the City.

Presenter: Greg Stephens

DISCUSSION - Proposed changes to the City's Landscaping Ordinance (30 min)

Staff will review and discuss proposed changes to landscaping requirements.

Presenter: Jason Bench

DISCUSSION - Rank Choice Voting (30 min)

Discussion on municipal election

Presenter: Councilmember Sam Lentz

1. AGENDA REVIEW

The City Council will review the items on the agenda.

2. PREVIEW UPCOMING AGENDA ITEMS

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

3. CITY COUNCIL REPORTS (BOARDS & COMMISSIONS, NEW BUSINESS, ETC.)

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

4. CALL TO ORDER

5. INVOCATION/INSPIRATIONAL THOUGHT: BY INVITATION

6. PLEDGE OF ALLEGIANCE: BY INVITATION

7. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

7.1. UPCOMING EVENTS

For Review

[Upcoming Events.pdf](#)

8. PERSONAL APPEARANCES – 15 MINUTES

Time has been set aside for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the Agenda. Those wishing to speak are encouraged to show respect for those who serve the city. Comments should focus on issues concerning the city. Those wishing to speak should have signed in before the beginning of the meeting. (Please limit your comments to 3 minutes or less.)

9. CONSENT ITEMS

9.1. APPROVAL OF MEETING MINUTES

Minutes of City Council Meeting - March 26, 2019

[03.26.2019.ccmn DRAFT.docx](#)

9.2. APPOINTMENTS TO BOARDS AND COMMISSIONS

Reappointment to the CDBG Advisory Commission - Kenneth Ransom

Appointments to the Recreation Advisory Commission - Deborah Shuman and Rex Alan

[Kenneth Ransom.pdf](#)

[Deborah Shuman.pdf](#)

[Rex Alan.pdf](#)

10. SCHEDULED ITEMS

10.1. PUBLIC HEARING - The City will receive public comment on the Community Development Block Grant (CDBG) Projected Use of Funds for Fiscal Year 2019-2020

The Community Services Manager recommend that the City Council hold the first of two public hearings to receive public comment on the projected uses of the funds for the 2019-2020 Community Development Block Grant and review the recommendations of the CDBG Advisory Commission.

Presenter: Ken Ransom, Chairperson of the CDBG Advisory Commission, and Kena Jo Mathews

10.2. PUBLIC HEARING

ORDINANCE - Amending Section 22-11-17(B) of the Orem City Code by adding Standard Land Use Code 7425 Gymnasiums & Athletic Clubs and Standard Land Use Code 7426 Health Spas as permitted uses in the PD-5 zone

The Planning Commission recommends that the City Council amend the Orem City Code by adding Standard Land Use Code 7425 Gymnasiums & Athletic Clubs and Standard Land Use Code 7426 Health Spas as permitted uses in the PD-5 zone.

Presenter: Jason Bench

[Agenda-PD-5-PermittedUses.docx](#)

[Resolution-PD-5-PermittedUses.docx](#)

[Map_Ashley_Furniture_.pdf](#)

[Section_22-11-17_B__Permitted_Uses.pdf](#)

[PC Minutes 3.20.19.docx](#)

[DRC Application.pdf](#)

10.3. RESOLUTION - Approving conditional use permit for an accessory structure located at 1387 North 430 East in the PD 14 Zone

The Planning Commission recommends the City Council approve the conditional use permit for an accessory structure containing a basketball court, garage, and storage area, located at 1387 North 430 East in the PD-14 Zone.

Presenter: Jason Bench

[Agenda-AccessoryStructure-PD14.docx](#)

[Resolution-CUP-PD14.docx](#)

[Vicinity Map.pdf](#)

[Map_Rasmussen Garage_2019.04.pdf](#)

[Site plan - Existing and Proposed.pdf](#)

[Elevations.pdf](#)

[Elevations Page 2.pdf](#)

[Rasmussen BBall Court & Garage PC Minutes 4.3.19.docx](#)

[DRC Application.pdf](#)

10.4. RESOLUTION - Authorizing the Mayor to execute a development agreement between the City and ESAD Investments, LC regarding the operation of a transfer station at approximately 679 North 1500 West

The City Attorney's office recommends that the City Council authorize the Mayor to execute a development agreement between the City and ESAD Investments (Mike Dunn) regarding the operation of a transfer station at approximately 679 North 1500 West in Orem.

Presenter: Steve Earl

[Agenda-DunnTransferStation.docx](#)

[RES--Dunn Development Agreement.docx](#)

[DevAgreement-Dunn-Final+Exhibits.pdf](#)

11. COMMUNICATION ITEMS

11.1. MONTHLY FINANCIAL SUMMARY - January & February 2019

For Review

[Monthly Financial Summary - Jan 2019.pdf](#)

[Monthly Financial Summary - Feb 2019.pdf](#)

12. CITY MANAGER INFORMATION ITEMS

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.

13. ADJOURN

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 801-229-7000)**

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



Agenda Item No:

City Council Agenda Item Report

Meeting Date: April 9, 2019

Submitted by: Kena Mathews

Submitting Department: City Manager's Office

Item Type: Discussion Item

Agenda Section:

Subject:

DISCUSSION - Continued Participation in Utah Valley HOME Consortium (30 min)

Suggested Action:

The City Council will discuss continued participation in the Utah Valley HOME Consortium and approval of an Inter-local Cooperating Agreement with Provo City, Lehi City, and Utah County for the new qualification period (Federal Fiscal Year 2020, 2021, and 2022).

Presenter:

Daniel Gonzalez, HOME Program Administrator, and Kena Jo Mathews

Background:

On July 1, 2017, the Cities of Provo, Orem, and Lehi together with Utah County, a HUD-designated Urban County, determined that it would mutually beneficial and in the public interest to enter into an Interlocal Cooperation Agreement to continue the Utah Valley HOME Consortium to address the affordable housing shortage in our communities for the purpose of receiving HOME allocation and administering the HOME program.

The HOME program is authorized by the HOME Investment and Partnerships Act, Title II of the Cranston--Gonzalez National Affordable Housing Act (42 U.S.C. 12701), as amended. The Act provides for the formation of Consortia consisting of contiguous Units of General Local Government (UGLG) by entering into a cooperation agreement.

The current agreement expires on June 30, 2020. To continue participation in the HOME program, the Consortium and its members must renew its qualification by entering into an Interlocal Cooperation Agreement for the new qualification period. The new Agreement, which will cover Federal Fiscal Years 2020, 2021, 2022, needs to be executed in early June 2019.

The City of Orem has the option of not participating in the next qualification period. If this is the case, the City of Orem would need to let the City of Provo, as the Lead Entity representing the Consortium, know in writing by May 20, 2019.

Potentially Affected Area:

Citywide

Attachments:



**CITY OF OREM
HERITAGE COMMISSION MEETING
56 NORTH STATE STREET, OREM, UTAH 84057
APRIL 10, 2019**

5:30 PM REGULAR SESSION – CITY CENTER ROOM 107

- OPENING AND WELCOME REMARKS
- INVOCATION – By Invitation
- APPROVAL OF MARCH 6, 2019 MINTUES
- CONTINUE PLANNING MEMORIAL DAY PROGRAM – 5-27-19
- NEW ITEMS
- CLOSING PRAYER: By Invitation
- NEXT MEETING – May 8, 2019 @ 5:30 pm (if needed)

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL HERITAGE COMMISSION MEETINGS.
If you need a special accommodation to participate in the Heritage Commission Meetings, please
call the Commission Secretary at least 3 working days prior to the meeting. (229-7035)
This agenda is also available on the City's Internet webpage at orem.org

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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
March 26, 2019

3:30 P.M. WORK SESSION – CITY COUNCIL CONFERENCE ROOM

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

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

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant
City Manager; Steven Downs, Deputy City Manager; Greg
Stephenson, City Attorney; Todd Mallinson, Police
Captain; Karl Hirst, Recreation Department Director;
Richard Manning, Administrative Services Director;
Brandon Nelson, Finance Division Manager, Ryan Clark,
Development Services Director; Scott Gurney, Fire Chief;
Charlene Crozier, Library Director; Chris Tschirki, Public
Works Director; Reed Price, Maintenance Division
Manager; Jason Bench, Planning Division Manager; Kena
Mathews, Community Services Manager; Kathi Beckett,
Economic Development Program Analyst; Sam Kelly, City
Engineer; and JoD'Ann Bates, City Recorder.

ANNUAL UPDATE - Service Line Warranties of America

Ms. Hohn of Service Line Warranties of American presented background as to their company and the contract they have with the City of Orem. She presented the current numbers of Orem residents with Warranty Service, the number of claims filed, the amount saved and spent on claims as of March 24, 2019:

Customers:

- External Sewer Lines 2,446
- External water line 2,984

Claims:

- External Sewer Lines 212
- External Water Lines 101

Total Customer savings:

- External sewer \$179,963
- External water \$160,671

Average amount spent on claims:

- Sewer \$849
- Water \$1,591

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Discussion ensued regarding the average amount paid in premiums

Ms. Hohn described an additional opportunity to the home owner with “in home plumbing” that will be available in the near future if the city feels this would be beneficial for its residents. They continue to promote the program and work with the city to provide content for social media.

General discussion continued.

UPDATE – Mayor’s Centennial Ball

Mrs. Beckett presented a video from the Centennial Kick-off celebration.

Ms. Mathews stated the theme for the upcoming Mayors Ball is “100 years of Orem” and will be held in the Utah Valley University Grand Ballroom on June 1, 2019. Dress will be black tie with a reception at 5:30 pm in the lobby and at 6:30 pm there will be a dinner, speakers and dancing to conclude the evening. Kena continued to present what would be served as the appetizers, dinner, speakers, MC, entertainment and gifts provided by local companies. Formal invites will be sent out the beginning of May.

DISCUSSION – BUDGET – Capital Improvement Projects

Sam Kelly, City Engineer reviewed the summary information as to the proposed fiscal year 2019-2020 capital improvement projects.

Mr. Davidson indicated the \$4.6 million dollars listed on the summary, includes money that has been unspent in the last fiscal year as well as funds available above and beyond the 15% of the fund balance in the general fund. Historically, they have set aside the 15% of the fund balance making those funds available for capital projects. Approximately, \$2 million of that has been set aside for projects and the remainder is in the fund balance.

Mr. Kelly continued to review the projects their needs, corresponding department and proposed cost. He indicated as they review the projects to keep in mind, there are projects that are part of a *multi-year budgeting process and will not necessarily be done in the 2019-2020 fiscal year.

Administrative Services:

- Finger printing equipment - \$31,043
- CAFR reporting & creation software - \$10,000

Development Services:

- Online plan submission software - \$15,000
- Aerial imagery & linework - \$40,000
- Update data controller for TSC7 - \$7,500
- Trimble handheld GPS units - \$26,000
- Paint for the Senior Center - \$30,000
- Paint for all buildings - \$25,000

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- Roof replacement for Senior Center - \$50,000*
- Roof replacement for City Center - \$92,642*
- Roof replacement for Fire Station #3 - \$20,000*
- Shower stalls Fire Station #3 - \$20,000
- Door lock replacement for all buildings - \$50,000*
- Security cameras – All buildings - \$50,000*
- Boiler at Public Safety - \$20,000
- Chiller for Public Safety - \$23,000
- Chiller for the Library - \$55,000
- Bathroom renovations for City Center - \$50,000*
- Custodial equipment – New Library - \$25,000

Fire Department:

- Cardiac Monitors - \$100,000*

Police Department:

- Digital Radio Replacement - \$60,452

Library Department:

- RFID upgrade - \$20,000

Public Works Department:

- Plotter and printer - \$16,000
- Fountain floor resurfacing – Nielsen’s Grove - \$25,000
- Sand volleyball court at SCERA Park north - \$20,000
- Aerator and blower - \$24,000
- Playground replacement and perimeter fence – Westmore - \$35,000

Parks Division:

- Cremation niche at the cemetery - \$125,000

Streets Division:

- Parking lot projects - \$50,000*
- 400 west 1200 south roundabout project with MAG match - \$190,000*
- Misc. low OCI (Overall Condition Index) street projects - \$300,000*
- Brine system - \$225,000
- Traffic section equipment – Fiber tester - BMS signs – Sign roller table - \$82,350
- Annual roadway maintenance projects - \$2,080,000

Water Division:

- Misc. equipment - \$124,660
- Automated Metering Infrastructure (AMI) - \$2,340,000*
- 10 MG storage tank - \$3,310,000*
- PRV replacement project - \$205,000
- City Center water conservation projects - \$50,000

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Water Reclamation Division:

- Misc. equipment - \$94,640
- Treatment plant maintenance and upgrades as per Master Plan - \$2,065,000*
- System upgrades and maintenance per Master Plan - \$2,175,000*

Storm Water Division:

- Various storm water projects connected to West Union Canal abandonment - \$568,000*
- Various storm water projects as per Maser Plan - \$747,000*
- Misc. projects - \$753,102

Street Lighting Division:

- Lower cemetery street lighting - \$75,000

Recreation:

- Lap pool re-plaster as the SCERA pool - \$125,000*
- Water slide – SCERA pool - \$150,000*

General discussion ensued throughout the presentation regarding questions, concerns and understanding of the projects.

Mr. Davidson stated that Mr. Kelly and his team are really good at looking at a tentative budget for the projects and then determine if they can wait for a more favorable bid environment or other ways to accommodate the bid or get funds from other projects making for a very dynamic process with every bid. They have partitioned the budget to allow for immediate and future projects based on the five-year capital plan. The five-year plan is a fluid document that can change and they have to try to be flexible. The city currently is in a healthy situation with the capital projects account and is able to set aside funds in reserve for future projects with the possibility of minimizing financing of future projects.

DISCUSSION – Capital Facilities Fundraising

Ms. Crozier stated they have been working with Dave Driggs of Mighty Penguin Consulting since late 2017. In that time, he has helped to identify strategies to reach out to donors through “connectors”, prominent citizens and friends of the City who might make introductions or facilitate meetings for us to share our need for funding to enhance both the Library Hall and the New Fitness Centers. Some successes have been a \$100,000 donation from doTerra to name the south lobby for Library Hall, and a \$100,000 donation from the Sorensen Legacy Foundation. They continue to meet with potential donors, both corporations and family foundations. The next level of the campaign, will be finalizing the information for donor walls in both facilities.

Discussion ensued regarding naming opportunities based on donations, special recognition donors, the ranges for those donations and possible sponsorship.

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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.

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.

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

Mr. Davidson stated with the legislative session ending he wanted to review some of the key bills that effect municipalities:

- HB119 which is the Referendum bill was signed by governor yesterday;
- SB129 is the Public Safety Tier 2 Retirement which passed both the House and Senate; and
- SB268 is a Transportation Bill that allocated money for 1600 North also passed the House and Senate. There were amendments made in the final hours of the session and Orem City ended up receiving less than expected but still allowed the city to receive \$4 million for the expansion of 1600 North. He voiced his appreciation to Senator Hemmert who championed Orem getting those funds.

He continued to review the following items of interest:

- They are in the process of recruiting for new URRMA Executive Director; and
- A Press Release came out recently regarding a fine Orem City received by the Department of Labor. They knew this was an ongoing investigation; they had been informed of the fair labor laws relative to the hiring and scheduling of 15 year old lifeguards. They were under the understanding this issue was resolved last fall and was not aware of the fact that they were going to issue a press release. These were instances where they were in compliance with State Law but not aware Federal Law was different. He stated that Recreation Director Karl Hirst did a great job regarding this issue in immediately modifying the operations protecting them from this happening again.

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

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephenson, City Attorney; Steve Earl, Deputy City Attorney; Ryan Clark, Development Services Director;

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Charlene Crozier, Library Director; Richard Manning, Administrative Services Director; Brandon Nelson, Finance Division Manager; Jason Bench, Planning Division Manager; Pete Wolfley, Communications Specialist and JoD'Ann Bates, City Recorder.

INVOCATION /

INSPIRATIONAL THOUGHT

Austin Sherman of Scout Troop 463

PLEDGE OF ALLEGIANCE

Alex Nielson of Scout Troop 463

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

UPCOMING EVENTS

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

REPORT - Natural Resources Stewardship Committee - Sarah Bateman

Ms. Bateman introduced her committee which consists of Erin Lyons, Vice Chair; Darren Hawkins, Gwenna Terry, Quinn Mecham, (present) Brandon Hoffman (present) and Jenna Albers, City Long Range Planner (present). She reviewed the mission, committee members, relevant affiliations of committee members and the advisory rolls. She continued to review some of the aspects they were involved with through the past year:

Engaging with the public:

- Summerfest
- Cyclefest
- Feast Utah
- Sustainability Day

Committee Initiatives:

- Garbage Audit at Orem Fitness Center
 - o City has added recycle bins at the Fitness Center
- Youth Earth Day Meme Contest
 - o Winner - Lara Delgado, Orem Jr. High
- Idling Behavior Research in partnership with Geneva Elementary School
 - o Now part of 6th grade curriculum
 - o Featured on KLS TV by Jed Bool
 - o March 2019 they will present at David R. Keller, Environmental Ethics Symposium at UVU

Committee Retreat for 2019 Mission: To promote the sustainable use of natural resources in Orem and identified five areas:

- Energy
- Food
- Land Use
- Waste
- Water

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Identified roles in the committee

- Sustainability leaders
- Events /service
- Best practices
- Social Media
- Outreach

She continued to state the committee is committed to research emerging trends like HB411 which is the “Community Renewable Energy Act” which has passed House and Senate and is awaiting the Governor’s signature. They will continue to collaborate with internal city departments, local schools, Utah Valley University and other municipalities. She concluded by stating they look forward in serving the community and they feel a need for connection with nature and with each other.

Mr. Lentz voiced his thanks to the committee and the way they inspire those around them. This committee is wanting to inspire the whole community and he appreciates their passion and commitment.

Mr. Seastrand indicated this committee is a good overlap with them working with both UVU and Orem City.

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.

There were none who signed up to speak.

CONSENT ITEMS

- Approval of March 12, 2019 City Council Meeting Minutes
- Appointment of Denee Tyler to the CARE Advisory Commission
- Approval of a Resolution Amending the Community Development Block Grant Use of Funds for Fiscal Year 2018-2019

Mr. Lentz moved to approve the Consent Agenda as listed. **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**.

SCHEDULED ITEMS

PUBLIC HEARNG

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ORDINANCE – Amending Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zone on approximately 0.2 acres of property located generally at 246 West 1400 South from the R8 zone to the PD-5 zone

Mr. Bench stated the City recently acquired the subject property and is requesting the property be rezoned to the PD-5 zone. The existing home on the property will be removed and the land converted to parking area as outlined on the proposed concept plan. A masonry wall will be constructed along the southern boundary of the property adjacent to 1400 South together with a landscaping buffer along 1400 South. These improvements will be required at the time of site plan approval.

Mayor Brunst opened the public hearing at 6:23 p.m.

Hearing no comments Mayor Brunst closed the public hearing and brought the discussion back to the Council.

Mrs. Lauret stated there had been a concern with the wall to the south and inquired if the city could ensure during site plan this issue is addressed. Mr. Bench responded that will be part of the Golden Corral site plan and will be addressed at that time. The site plan will label what they will have to do and then they will have to bond appropriately. On the Ken Garff wall they are assuming they will take the existing wall type and extend it to the east.

Discussion continued as to when to address the wall and what kind the city would prefer to see in that area and who owns and is responsible to maintain the upkeep the parking strip to the south.

Mr. Sumner moved, by ordinance, to amend Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zone on approximately 0.2 acres of property located generally at 246 West 1400 South from the R8 zone to the PD-5 zone **Mrs. Lauret seconded the motion.**

PUBLIC HEARING

ORDINANCE – Amending Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zoning on approximately 5.12 acres of property located generally at 764 North Timpanogos Parkway from the PD-6 (Timpanogos Research & Development Park) zone to the C-1 (Commercial) zone

Mr. Macdonald stated he would need to recuse himself due to a conflict of interest. He then left the Council Chambers.

Mr. Bench stated the applicant desires to separate from the current research and technology park and maintain property independently. The applicant and Canyon Park agree with the proposed rezone. The C1 zone is established to promote nonretail commercial uses such as offices and financial institutions and to encourage development that is compatible with adjacent residential uses.

Mayor Brunst opened the Public Hearing at 6:29 p.m.

Hearing no comments Mayor Brunst closed the public hearing and brought the discussion back to the City Council.

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1 **Mr. Seastrand moved** to approve by Ordinance Amending Section 22-5-3(A) and the Zoning
2 Map of the City of Orem by changing the zoning on approximately 5.12 acres of property
3 located generally at 764 North Timpanogos Parkway from the PD-6 (Timpanogos Research &
4 Development Park) zone to the C-1 (Commercial) zone. **Mr. Spencer seconded** the motion.
5 Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Mark Seastrand, David Spencer,
6 and Brent Sumner. Tom Macdonald abstained. The motion **passed**.

PUBLIC HEARING

ORDINANCE – Amending Sections 22-24-1(D) and 22-24-1(F) of the Orem City Code pertaining to design standards within the City Center District

13 Mr. Bench stated the Development Services Department requests that the City Council adopt
14 several amendments to Section 22-24-1 pertaining to the City Center District zones. The first
15 proposed amendment would amend Section 22-24-1(D) to specify that in case of any conflict
16 between a provision contained in Section 22-24-1 and another section of the City Code, the
17 provision contained in Section 22-24-1 would control. The second proposed amendment would
18 amend Section 22-24-1(F) pertaining to setback requirements in the CCD (Civ) zone (City
19 Center District Civic zone). The proposed amendment provides that where an addition to an
20 existing building is made, only forty-five percent of a building façade must comply with the
21 maximum setback requirements. It also provides that where a building addition is on a lot that
22 has frontage on both State Street and a State Street Connector Street (any public street that
23 intersects with State Street), the building addition only has to comply with the maximum setback
24 requirement from either State Street or the State Street Connector Street. The final amendment
25 would amend Section 22-24-1(F)(6)(b) pertaining to entrances for buildings on a corner lot. This
26 proposed amendment would clarify that an addition to an existing building would not be required
27 to have a building entrance at the corner of the lot where the elements of subsection 22-24-
28 1(F)(2)(d)(vi) are met (the second amendment proposed above). The design of the new Library
29 Hall with the curved façade along State Street required the amendments described above. The
30 proposed amendments would allow this unique and attractive type of building façade while still
31 meeting the intent of bringing new buildings up close to the back of sidewalk.

33 Discussion ensued regarding possible exceptions to other properties in this zone in the future.

35 Mr. Spencer inquired as to what the area to the south of the library would be. Mr. Bench
36 responded this will be open air space obtainable through the library only.

38 Mayor Brunst opened the public hearing at 6:34 p.m.

39 Hearing no comments Mayor Brunst closed the public hearing and brought the discussion back
40 to the City Council

42 **Mrs. Lauret moved** to approve by Ordinance Amending Sections 22-24-1(D) and 22-24-1(F) of
43 the Orem City Code pertaining to design standards within the City Center District. **Mr. Lentz**
44 **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom
45 Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

CONTINUED ITEM

PUBLIC HEARING/ORDINANCE - FY 2018-2019 Budget Amendment of the Street Lighting Fees

Mr. Manning stated this is a continuation of amending the street lighting fee as they transition from building and paying for a system to now operating a mature system. Effective April 1, 2019, two neighborhoods will start to come off the current rate. July 1, 2019 all business will pay their annual fee with their business license renewal at the time of renewal, based on the new fee. Institutional accounts (schools, churches, Non-profits, etc.) and apartments will also begin the new fee on July 1, 2019 based on a per door. Neighborhoods will continue to come off as they went onto the system concluding on July 1, 2022. The order for which the neighborhood were put in place was done based on crime statistics with the safest neighborhood coming off last.

Mrs. Lauret inquired as to how the city notified the residents. Mr. Davidson stated approximately twenty-five thousand mailers were sent out to the residents of Orem notifying them of this process, inviting them to participate in the open houses, social media notifications and information was placed in the city newsletter.

Discussion ensued regarding how all businesses pay the same, the per door fee, the revenue it will make, the ongoing operations of the street lighting maintenance and the personnel that will be involved in working with the residents and the replacement of the lighting fixtures.

Mayor Brunst moved to approve by Ordinance FY 2018-2019 Budget Amendment of the Street Lighting Fees. **Mr. Lentz 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**.

Mayor Brunst indicated Councilmember Lentz had voiced his wishes to discuss Rank Choice Voting. Mr. Lentz stated that due to recent legislation he would like to have another discussion regarding Rank Choice Voting at the next City Council work session.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson stated he would like to pass on the following information:

- A pre-bid meeting had been held for the construction of new Library Hall. They had 7 contractors interested and final bids are due April 11th.
- Utility work is underway out on 100 North. They will be laying a new sewer line to the site as well as other utility work. They are also taking down some trees in the area and a construction fencing has gone up surrounding the construction area mainly to the west of the City Center. When they hire a contractor for the Library Hall project, they propose they stage in the south parking lot of the City Center. He voiced his collective thank you to all those involved with the project.
- They are moving forward with hearing presentations tomorrow for the Recreation Fitness Center Project. They have 3 companies that will be presenting and from there they can move forward with that process.

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- Sgt. Scott Speeth who is receiving this week at the Utah Chiefs of Police the award of Officer of the Year for large jurisdictions.
- The County Attorney has released their report relative to a shooting that took place last fall; an officer involved shooting that resolved in the death of an individual. The County Attorney noted in his report that the City of Orem police officers was legally justified in exercising the force that they did.
- Recognized Council Member Mark Seastrand a Happy Birthday

Mayor Brunst indicated the legislature will call a special session and asked that Mr. Davidson keep the Council updated as to the status of those bills discussed. Mr. Davidson indicated HB441 which is a tax reform bill, will be worked on between the sessions and he will keep the Council updated.

ADJOURN

Mayor Brunst moved to adjourn the meeting. **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**.

The meeting adjourned at 6:52 p.m.



Boards, Committees, and Commissions Application

PERSONAL INFORMATION

Applicant: **Kenneth Ransom**
Address: [REDACTED]
Orem, UT 84057

Phone: [REDACTED]
Email: [REDACTED]

Preferred Communication	Emergency Contact	Emergency Contact #
Email	Julie Ransom	[REDACTED]

AVAILABILITY

I am available evenings and weekends although I can attend occasional meetings during the day with advance notice.

BOARDS & COMMISSIONS

1st Choice	2nd Choice	3rd Choice
Beautification Commission	CDBG Advisory Commission	Recreation Advisory Commission

Please summarize why you wish to serve on a city board or commission:

My interest in serving on a commission for the City is because I would like to contribute the community. I have in Orem for almost my entire life--I grew up here and I have lived almost my entire adult life here as well. I am willing to serve on any board or commission that the City sees me as a good fit for so I am not looking to serve on a specific commission or board.

Brief Biography
I grew up in Orem and attended Mountain View High School. I graduated from BYU with a BA in Political Science. I also have a Master of Public Administration from the University of Utah. I have worked for the State of Utah in Salt Lake City for 23 years. My current job title is Policy Analyst. I have strong writing and research skills as well as experience creating training presentations. I also have good people and organizational skills. My volunteer experience includes 11 years with the Boy Scouts of America and I also enjoy helping on conservation and community service projects.

Previous Experience
I have no previous experience on city commissions.

Application Submitted: 12/19/2016



Board, Commission & Committee Application

City of Orem

Submitted On:

March 29th, 2019 @ 5:55pm

Personal Information

Full Name	Deborah Shuman
Full Address	[REDACTED] Orem Orem UT [REDACTED]
Phone Number	[REDACTED]
Email	[REDACTED]

Boards & Commissions

What board or commission are you applying for?	Recreation Advisory Commission
If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?	No
Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.	I have been a patron of the Orem Recreation Center for many years and feel that I would be able to work with the current board in making decisions that would have a positive impact on our community and it's citizens.
Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.	I am 62 years old with a BSN degree. As a Registered Nurse, I have worked in the medical field now for 25 years as a Burn nurse, Psychiatric nurse, Flight nurse and currently am the night time administrator for both Timpanogos Hospital and the U of U Hospital. I have always been physically active and was a contender on the American Gladiators back in the day. I love helping people work out and stay healthy.

Signature Data

First Name: Deborah

Last Name: Shuman

Email Address: [REDACTED]

Deborah Shuman RN-BC

Signed at: 03/29/2019 05:55PM



Board, Commission & Committee Application

City of Orem

Submitted On:

March 26th, 2019 @ 4:45pm

Personal Information

Full Name	Alan Rex
Full Address	[REDACTED] Orem UT [REDACTED]
Phone Number	[REDACTED]
Email	[REDACTED]

Boards & Commissions

What board or commission are you applying for?	Recreation Advisory Commission
If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?	No
Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.	I was invited to serve and I love seeing good governance. I evaluate and consult on control, risk and governance issues at work.
Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.	Masters of Accountancy from Brigham Young University, Certified Public Accountant, Internal Audit Professional, Citizen, Coach for various sports in Orem, Long time user of Orem Parks and Recreation facilities, properties, and services.

Signature Data

First Name: Alan

Last Name: Rex

Email Address: [REDACTED]

A handwritten signature in black ink that reads "Alan D Rex". The signature is written in a cursive style with a large, sweeping 'A' and a distinct 'D'.

Signed at: 03/26/2019 04:45PM



City Council Agenda Item Report

Meeting Date: April 9, 2019
Submitted by: Kena Mathews
Submitting Department: City Manager' s Office
Item Type: Public Hearing
Agenda Section:

Subject:
PUBLIC HEARING - The City will receive public comment on the Community Development Block Grant (CDBG) Projected Use of Funds for Fiscal Year 2019-2020

Suggested Action:
The Community Services Manager recommend that the City Council hold the first of two public hearings to receive public comment on the projected uses of the funds for the 2019-2020 Community Development Block Grant and review the recommendations of the CDBG Advisory Commission.

Presenter:
Ken Ransom, Chairperson of the CDBG Advisory Commission, and Kena Jo Mathews

Background:
During February and March of 2019, the CDBG Advisory Commission reviewed and heard funding proposals from community organizations and others who wish to receive CDBG funding for Fiscal Year 2019-2020. The Commission will present its recommendations to the City Council then the public hearing will be opened for comment on the proposed uses of funds.

The public hearing will be the first of two opportunities for the public comment on the recommendations before the City Council officially adopts the Final Statement of Projected Uses of Funds for Orem's 2019-2020 Community Development Block Grant. Following the second public hearing to be held May 14, 2019, the City Council will adopt a resolution approving the CDBG Final Statement of Projected Uses of Funds for 2019-2020.

Please see the allocation recommendations below:

Public Service Recommendations - limited by HUD to 15% of new entitlement funding

Community Action Services and Food Bank	\$12,500
Friends of the Food and Care Coalition	\$8,737
Mountainlands Community Health Center	\$5,000
Family Support and Treatment Center	\$11,000
Kids on the Move	\$5,000
Community Health Connect	\$10,000
People Helping People	\$0
PERC	\$5,000
Friends of the Utah County Children's Justice Center	\$20,000
Center for Women and Children in Crisis	\$28,750

Mary Elliott, LCSW		\$0
Boys and Girls Club	\$0	

Non-Public Service Recommendations

City of Orem Critical Home Repair	\$70,000	
NeighborWorks		\$0
City of Orem Neighborhood Revitalization	\$21,549	
Collaborative with Entitlements (House of Hope/Family Support)	\$94,050	
City of Orem Code Enforcement		\$155,000
City of Orem – Westmore Park		\$200,000
City of Orem – CDBG Administration/Planning	\$135,000	
City of Orem – Section 108 Loan Repayment	\$85,000	

Potentially Affected Area:

Citywide

Attachments:



City Council Agenda Item Report

Meeting Date: April 9, 2019

Submitted by: Grant Allen

Submitting Department: Development Services

Item Type: Public Hearing

Agenda Section:

Subject:

PUBLIC HEARING

ORDINANCE - Amending Section 22-11-17(B) of the Orem City Code by adding Standard Land Use Code 7425 Gymnasiums & Athletic Clubs and Standard Land Use Code 7426 Health Spas as permitted uses in the PD-5 zone

Suggested Action:

The Planning Commission recommends that the City Council amend the Orem City Code by adding Standard Land Use Code 7425 Gymnasiums & Athletic Clubs and Standard Land Use Code 7426 Health Spas as permitted uses in the PD-5 zone.

Presenter:

Jason Bench

Background:

The applicant is requesting adding two new permitted uses in the PD-5 zone. The two uses they are requesting be added are Gymnasiums & Athletic Clubs and Health spas.

Currently, SLU Code 7425 Gymnasiums & Athletic Clubs are permitted in the C2, C3, HS, M1, M2, and CM zones. SLU Code 7426 Health Spas are permitted in the C2, C3, M1, and M2 zones.

Potentially Affected Area:

PD-5 Zone

Attachments:

[Agenda-PD-5-PermittedUses.docx](#)

[Resolution-PD-5-PermittedUses.docx](#)

[Map_Ashley_Furniture_.pdf](#)

[Section_22-11-17_B__Permitted_Uses.pdf](#)

[PC Minutes 3.20.19.docx](#)

[DRC Application.pdf](#)

CITY OF OREM
CITY COUNCIL MEETING
APRIL 9, 2019



REQUEST:	6:00 P.M. PUBLIC HEARING—ORDINANCE--Amending Section 22-11-17(B) of the Orem City Code by adding Standard Land Use Code 7425 <i>Gymnasiums & Athletic Clubs</i> and Standard Land Use Code 7426 <i>Health Spas</i> as permitted uses in the PD-5 zone.
APPLICANT:	Aaron Hodgdon
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage and City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Posted at utah.gov/pmn

SITE INFORMATION:

General Plan Designation:
N/A

Current Zone(s):
PD5

Acreage:
N/A

Neighborhoods:
City-wide

**PLANNING COMMISSION
RECOMMENDATION**

Vote: 7-0 for approval

PREPARED BY:
Grant Allen
Orem City Planner

SUGGESTED ACTION: The Department of Development Services recommends that the City Council amend Section 22-11-17(B) of the Orem City Code by adding Standard Land Use Code 7425 *Gymnasiums & Athletic Clubs* and Standard Land Use Code 7426 *Health Spas* as permitted uses in the PD-5 zone.

BACKGROUND: The applicant requests that the City Council add two new permitted uses in the PD-5 zone. The PD-5 zone is located along University Parkway from approximately 400 West to 200 East. The two uses to be added are *Gymnasiums & Athletic Clubs* and *Health spas*.

Currently, SLU Code 7425 *Gymnasiums & Athletic Clubs* is permitted in the C2, C3, HS, M1, M2, and CM zones. SLU Code 7426 *Health Spas* is permitted in the C2, C3, M1, and M2 zones.

RECOMMENDATION: The Planning Commission recommends the City Council, by ordinance, amend 22-11-17(B) of the Orem City Code by adding Standard Land Use Code 7425 *Gymnasiums & Athletic Clubs* and Standard Land Use Code 7426 *Health Spas* as permitted uses in the PD-5 zone. Staff supports the Planning Commission recommendation.

RESOLUTION NO.

AN ORDINANCE OF THE OREM CITY COUNCIL AMENDING SECTION 22-11-17(B) OF THE OREM CITY CODE BY ADDING STANDARD LAND USE CODE 7425 (GYMNASIUMS AND ATHLETIC CLUBS) AND STANDARD LAND USE CODE 7426 (HEALTH SPAS) AS PERMITTED USES IN THE PD-5 ZONE

WHEREAS on February 15, 2019, Aaron Hodgdon filed an application with the City of Orem requesting the City amend Section 22-11-17(B) of the Orem City Code by adding Standard Land Use Code 7425 (*Gymnasiums & Athletic Clubs*) and Standard Land Use Code 7426 (*Health Spas*) as permitted uses in the PD-5 zone; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on March 20, 2019; and

WHEREAS a public hearing considering the subject application was held by the City Council on April 9, 2019; and

WHEREAS the agenda of the Planning Commission meeting and the City Council meeting at which the subject application was heard was posted at the Orem Public Library, on the Orem City webpage and at the City offices at 56 North State Street; 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 the surrounding neighborhoods, 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 two new uses in the PD-5 zone that are compatible with other uses in the PD-5 zone.
2. The City Council hereby amends Section 22-11-17(B) of the Orem City Code by adding Standard Land Use Code 7425 (*Gymnasiums & Athletic Clubs*) and Standard Land Use Code 7426 (*Health Spas*) as permitted uses in the PD-5 zone as shown in Exhibit A which is attached hereto and incorporated herein by reference.
3. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City.

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

PASSED and APPROVED this 9th day of April 2019

ATTEST:

COUNCIL MEMBERS VOTING 'AYE'

COUNCIL MEMBERS VOTING 'NAY'

Exhibit “A”

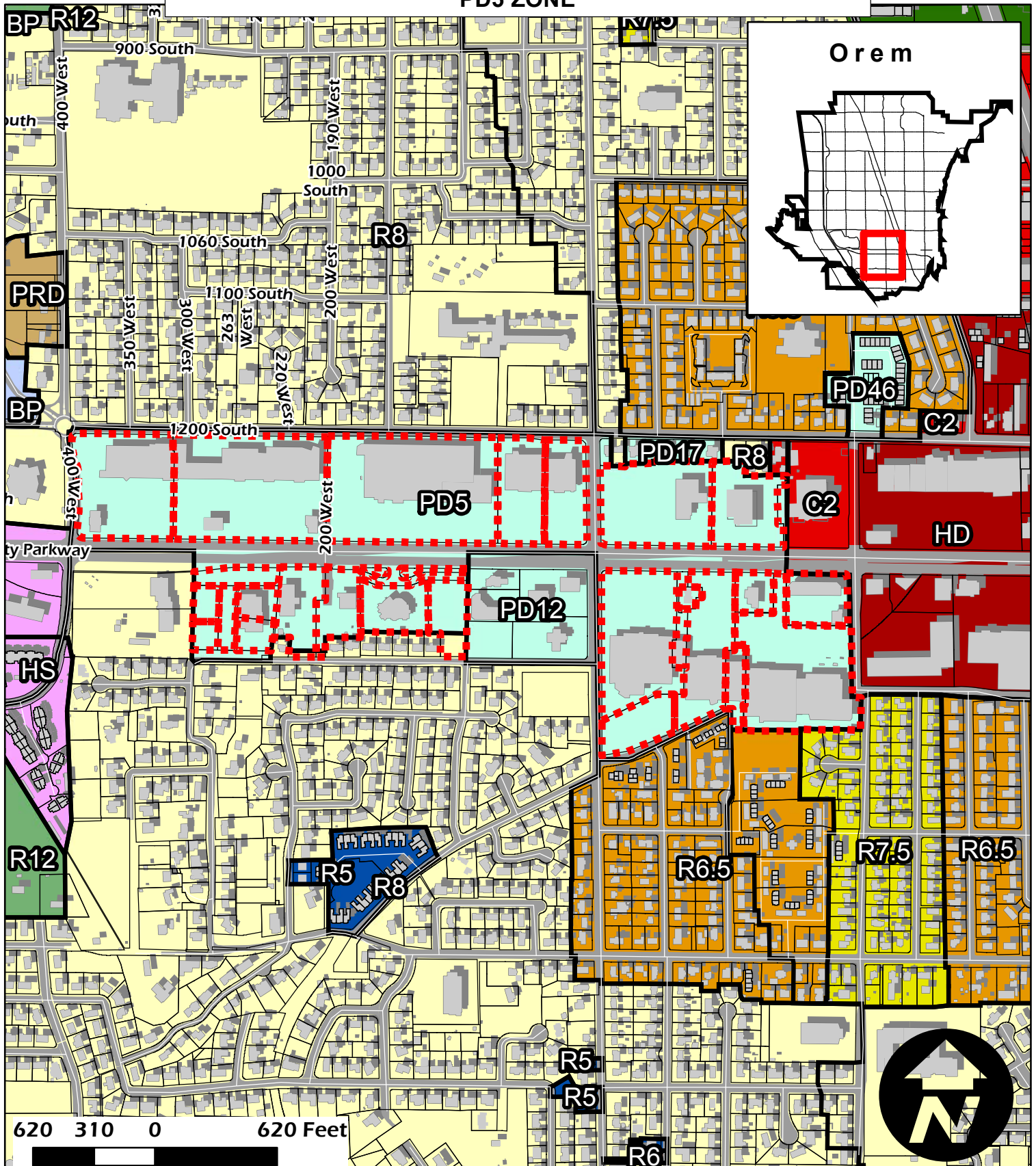
B. **Permitted Uses.** The uses listed below shall be permitted within the PD-5 zone.

Permitted Uses - PD-5 Zone	
Standard Land Use Code	Category
1510	Hotels, tourist courts, and motels
5260	Home Improvement Centers
5392	General Stores
53XX	All General Merchandise Retail Category, (except 5395, Flea Market) NEC*
54XX	All Food Retail Category (except 5420, Farmers Market)
5511	Motor vehicles (new and used)
56XX	All Apparel & Accessories Category
57XX	All Furniture, Home Furnishings and Equipment Category
5810	Restaurants
5811	Fast Food
5910	Drug and proprietary
5931	Antiques
5932	Gold and Silver
594X	Books, Stationary, and Office Supplies Category (except 5949, Video Rental)
5951	Sporting goods
5952	Bicycles
5953	Toys
5970	Computer goods and services
5996	Optical goods
61XX	All Financial, Insurance and Real Estate, Services Category, (except 6161, Pawn Shops)
6220	Photographic Services Category
6230	Beauty and Barber Category
6331	Duplicating, Mailing and Stenographic, Category NEC
6350	News Syndicates Category
6360	Employment Services Category
6392	Business and Management Consulting Services
6396	Photo finishing
65XX	All Professional Services Category (except 6515, Veterinarian Services, Kennels & Runs)
711X	Cultural Activities Category
7212	Motion Picture Theaters
7214	Legitimate Theater
<u>7425</u>	<u>Gymnasiums & Athletic Clubs</u>
<u>7426</u>	<u>Health Spas</u>

* Refer to [Appendix A](#) for a complete category listing.

Zoning Ordinance Amendment

PD5 ZONE



◆ Zoning Ordinance Amendment
PD5 Zone

NEIGHBORHOOD
Cherry Hill
Dale Smith

Legend
 ■ Parcels selection
 □ Parcels
 ■ Buildings

B. **Permitted Uses.** The uses listed below shall be permitted within the PD-5 zone.

Permitted Uses - PD-5 Zone	
Standard Land Use Code	Category
1510	Hotels, tourist courts, and motels
5260	Home Improvement Centers
5392	General Stores
53XX	All General Merchandise Retail Category, (except 5395, Flea Market) NEC*
54XX	All Food Retail Category (except 5420, Farmers Market)
5511	Motor vehicles (new and used)
56XX	All Apparel & Accessories Category
57XX	All Furniture, Home Furnishings and Equipment Category
5810	Restaurants
5811	Fast Food
5910	Drug and proprietary
5931	Antiques
5932	Gold and Silver
594X	Books, Stationary, and Office Supplies Category (except 5949, Video Rental)
5951	Sporting goods
5952	Bicycles
5953	Toys
5970	Computer goods and services
5996	Optical goods
61XX	All Financial, Insurance and Real Estate, Services Category, (except 6161, Pawn Shops)
6220	Photographic Services Category
6230	Beauty and Barber Category
6331	Duplicating, Mailing and Stenographic, Category NEC
6350	News Syndicates Category
6360	Employment Services Category
6392	Business and Management Consulting Services
6396	Photo finishing
65XX	All Professional Services Category (except 6515, Veterinarian Services, Kennels & Runs)
711X	Cultural Activities Category
7212	Motion Picture Theaters
7214	Legitimate Theater
<u>7425</u>	<u>Gymnasiums & Athletic Clubs</u>
<u>7426</u>	<u>Health Spas</u>
* Refer to Appendix A for a complete category listing.	

Planning Commission Minutes – March 20, 2019

Agenda Item 3.3 is a request by Aaron Hodgdon to request the City amend Section 22-11-17(B) of the Orem City Code by adding Standard Land Use Code 7425 *Gymnasiums & Athletic Clubs* and Standard Land Use Code 7426 *Health Spas* as permitted uses in the PD-5 zone.



Staff Presentation: The applicant is requesting adding two new permitted uses in the the PD-5 zone. The two uses they are requesting be added are Gymnasiums & Athletic Clubs and Health spas.

Currently, SLU Code 7425 *Gymnasiums & Athletic Clubs* are permitted in the C2, C3, HS, M1, M2, and CM zones. SLU Code 7426 *Health Spas* are permitted in the C2, C3, M1, and M2 zones.

Recommendation: Development Services recommends the Planning Commission forward a positive recommendation to City Council to amend 22-11-17(B) of the Orem City Code by adding Standard Land Use Code 7425 *Gymnasiums & Athletic Clubs* and Standard Land Use Code 7426 *Health Spas* as permitted uses in the PD-5 zone.

Mr. Cook asked if the Planning Commission had any questions for Ms. Albers.

Mr. Cook invited the applicant to come forward. Tucker White introduced himself. He said the building is currently being used as Ashley furniture. They will subdivide it to use part of it as a gym.

Mr. Cook opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Mr. Cook closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Cook moved to forward a positive recommendation to City Council to amend 22-11-17(B) of the Orem City Code by adding Standard Land Use Code 7425 *Gymnasiums & Athletic Clubs* and Standard Land Use Code 7426 *Health Spas* as permitted uses in the PD-5 zone. Mr. Roberts seconded the motion. Those voting aye: Mickey Cochran (remotely), Carl Cook, Camille Jensen, Barry Roberts, and Ross Spencer (remotely). The motion passed unanimously.

12655



Development Review Committee (DRC) Application Ordinance Amendment

Development Services Department 56 North State Street, Orem, Utah (801) 229-7183

www.orem.org

Applicant Information

Name: <u>AARON HUNGDON</u>	Phone: <u>909-229-2192</u>
Address: <u>1461 EAST COOLEY DR #230</u>	Email: <u>AARON@HUNGDONGROUP.COM</u>
City: <u>COLTON, CA</u>	State: <u>CA</u> Zip: <u>92324</u>

Project Information

Project Name	<u>ASHLEY FURNITURE</u>
Project Address	<u>40 EAST UNIVERSITY PARKWAY, OREM, UT 84058</u>

Request	Fees	Total
Subdivision Text	\$1,160	
☒ Zoning Text	\$1,160	1,160
Sign Text Amendment	\$1,160	
Rezone	\$1,228 + \$689 sign fee	
New PD Zone Text	\$3,685 + \$689 sign fee	
Land Use Map Change	\$1,057 + \$689 sign fee	
General Plan Text Change	\$1,057 + \$689 sign fee	
Neighborhood Notice	TBD at time of submittal, if needed	
☒ Public Notice	\$100 each for PC and CC, if needed	200.00
Development Agreement UT Co. Fees	TBD at time of recordation	
Total		1,360

Required Copies

Two (2) full-size copies no larger than 24" x 36", one (1) 11" x 17" and a PDF and/or Word of all applicable drawings and plans. Files can be emailed to Cheryl Vargas at chvargas@orem.org or submitted on disc prior to the deadline.

General Notes, Signature, and Contact Person

Planning Commission/City Council Meetings. Once the Development Review Committee determines your application is complete and complies with all applicable City ordinances, it shall be forwarded to the Planning Commission if required, and City Council, if required. The City Council is the final approving authority of conditional use permits, appeals, City Code amendments, General Plan amendments, fence modifications, and site plans in the following zones: PD-1, PD-4, PD-5, PD-15, PD-16, and PD-21.

Neighborhood Meeting. The applicant shall hold a neighborhood meeting in accordance with City Code for the following requests: General Plan amendments, Zoning Ordinance amendments, commercial developments adjacent to a residential zone, all non-residential uses in a residential zone.

DRC Application. The DRC application must be complete at the time of submittal or it may not be accepted.

Filing Fee Notice. Applications filed after July 1 are subject to fee changes regardless of the fee listed on the application used at the time of submittal.

Deadline. The deadline for filing a DRC application is Monday noon for first review the following Thursday. In the case of a Monday holiday, the deadline is Tuesday at noon. Contact information to inquire about the status of an application: Kristina Haycock, 801-229-7095; Jason Bench, 801-229-7238; Kirby Snideman, 801-229-7267; Christian Kirkham, 801-229-7267.

Applicant's Signature:

Contact Person: <u>TUCKER WHITE</u>	Phone: <u>801.635.9647</u>
-------------------------------------	----------------------------

Office Use Only

Date Filed: <u>2-15-19</u>	Fees Paid: <u>1,360</u>	Received By: <u>[Signature]</u>	Receipt #: <u>2019 224 647</u>
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Thank you for taking the time to review our application for this ordinance amendment by adding two uses to the PD-5 zone. We currently own the Ashley Furniture store on University Parkway in Orem and are requesting an ordinance amendment of the building to allow Health Spas (7426) and Gymnasiums & Athletic Clubs (7425).

This use will benefit the community overall as easy access to a health club has become expected and a priority for most people and will upgrade the shopping center to a mixed-use experience. The surrounding shopping center will benefit as it will experience a growth of regular patrons and increased sales. We also anticipate investing money into the interior and exterior of the building to upgrade the curb appeal and general appearance of the property.

Please feel free to contact us with any questions and thank you for your consideration.



City Council Agenda Item Report

Meeting Date: April 9, 2019

Submitted by: Grant Allen

Submitting Department: Development Services

Item Type: Resolution

Agenda Section:

Subject:

RESOLUTION - Approving conditional use permit for an accessory structure located at 1387 North 430 East in the PD 14 Zone

Suggested Action:

The Planning Commission recommends the City Council approve the conditional use permit for an accessory structure containing a basketball court, garage, and storage area, located at 1387 North 430 East in the PD-14 Zone.

Presenter:

Jason Bench

Background:

Applicant Dave Rasmussen is removing an existing basketball court and adding an accessory structure that contains a basketball court, garage, and storage area. The lot contains a total area of 53,579 square feet (sf) or 1.23 acres. The accessory building contains a total building area of 7,300 sf on two levels.

The ordinance requires a conditional use permit for accessory structures in the PD-14 zone 1,000 square feet or greater. Accessory structures cannot be more than 33% of the area of the parcel; this structure is 14 % of the lot at 7,300 sf. The structure is within height requirement of the ordinance at 22 feet, 4.5 inches.

The proposed elevations consist of stucco siding and brick which match the main dwelling. The proposed landscaping and overall plan comply with the requirements of the PD-14 zone.

Potentially Affected Area:

Windsor

Attachments:

[Agenda-AccessoryStructure-PD14.docx](#)

[Resolution-CUP-PD14.docx](#)

[Vicinity Map.pdf](#)

[Map_Rasmussen Garage_2019.04.pdf](#)

[Site plan - Existing and Proposed.pdf](#)

[Elevations.pdf](#)

[Elevations Page 2.pdf](#)

[Rasmussen BBall Court & Garage PC Minutes 4.3.19.docx](#)

[DRC Application.pdf](#)

CITY OF OREM
CITY COUNCIL MEETING
APRIL 09, 2019



REQUEST:	6:00 P.M.—RESOLUTION---Approving a conditional use permit for an accessory structure at 1387 North 430 East in the PD-14 zone.
APPLICANT:	Dave Rasmussen
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage and City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Posted at utah.gov/pmn
- Noticed 44 property owners within 500ft of the property.

SITE INFORMATION:

General Plan Designation:
Low Density Residential

Current Zone(s):
PD-14

Acreage:
1.23

Neighborhoods:
Windsor

**PLANNING COMMISSION
RECOMMENDATION**

Vote: for approval

PREPARED BY:
Grant Allen
Orem City Planner

SUGGESTED ACTION: The Department of Development Services recommends that the City Council approve a conditional use permit for an accessory structure containing 7,300 square feet at 1387 North 430 East in the PD-14 zone.

BACKGROUND: The applicant is removing an existing basketball court and would like to add an accessory structure that contains a basketball court, garage, and storage area. The lot contains a total area of 53,579 square feet (sf) or 1.23 acres. The accessory building contains a total building area of 7,300 square feet on two levels.

The PD-14 zone requires a conditional use permit for accessory structures larger than 1,000 square feet. The total square footage of all accessory structures cannot be more than 33% of the area of the parcel. The proposed structure is 14% of the lot at 7,300 square feet. The structure is within the height requirement of the ordinance at 22 feet, 4.5 inches.

The exterior of the proposed structure consists of stucco siding and brick which match the main dwelling. The proposed landscaping and overall plan comply with the requirements of the PD-14 zone.

RECOMMENDATION: The Planning Commission recommends the City Council, by resolution, approve the conditional use permit for an accessory structure containing 7,300 square feet at 1387 North 430 East in the PD14 zone. Staff supports the Planning Commission Recommendation.

RESOLUTION NO.

A RESOLUTION BY THE OREM CITY COUNCIL APPROVING A
CONDITIONAL USE PERMIT FOR AN ACCESORY BUILDING
LOCATED AT 1387 NORTH 430 EAST IN THE PD-14 ZONE.

WHEREAS on February 19, 2019, Dave Rasmussen filed an application with the City of Orem requesting approval of a conditional use permit for an accessory building containing 7,300 square feet located at 1387 North 430 East in the PD-14 zone; and

WHEREAS a public meeting considering the subject application was held by the Planning Commission on April 3, 2019; and

WHEREAS a public meeting considering the subject application was held by the City Council on April 9, 2019; and

WHEREAS notice of the public meetings held by the Planning Commission and City Council on the subject application was mailed to all residents and property owners within 500 feet of the subject properties; and

WHEREAS the agenda of the City Council meeting at which the subject application was heard was posted at the Orem Public Library, on the Orem City webpage and at the City offices at 56 North State Street; 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 the surrounding neighborhood; the compliance of the request with all applicable City ordinances, and the special conditions applicable to the request.

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

1. The City Council finds this request is reasonable and will not negatively affect any neighboring properties.
2. The City Council hereby approves a conditional use permit for an accessory building located containing 7,300 square feet at 1387 North 430 East in the PD-14 zone as shown on Exhibit "A" which is attached hereto and incorporated herein by reference.
3. This resolution shall take effect immediately upon passage.

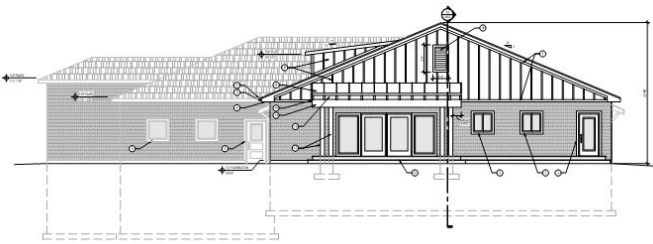
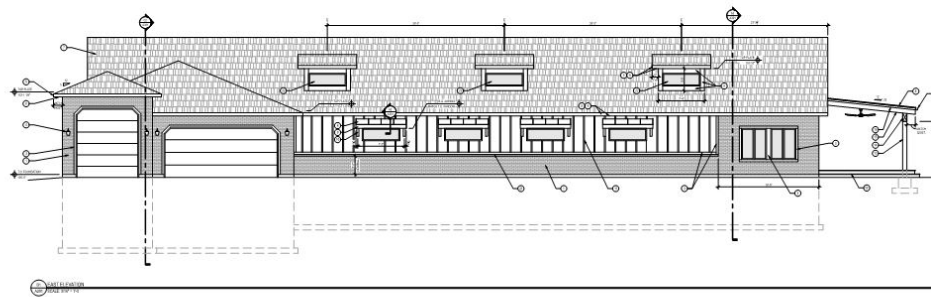
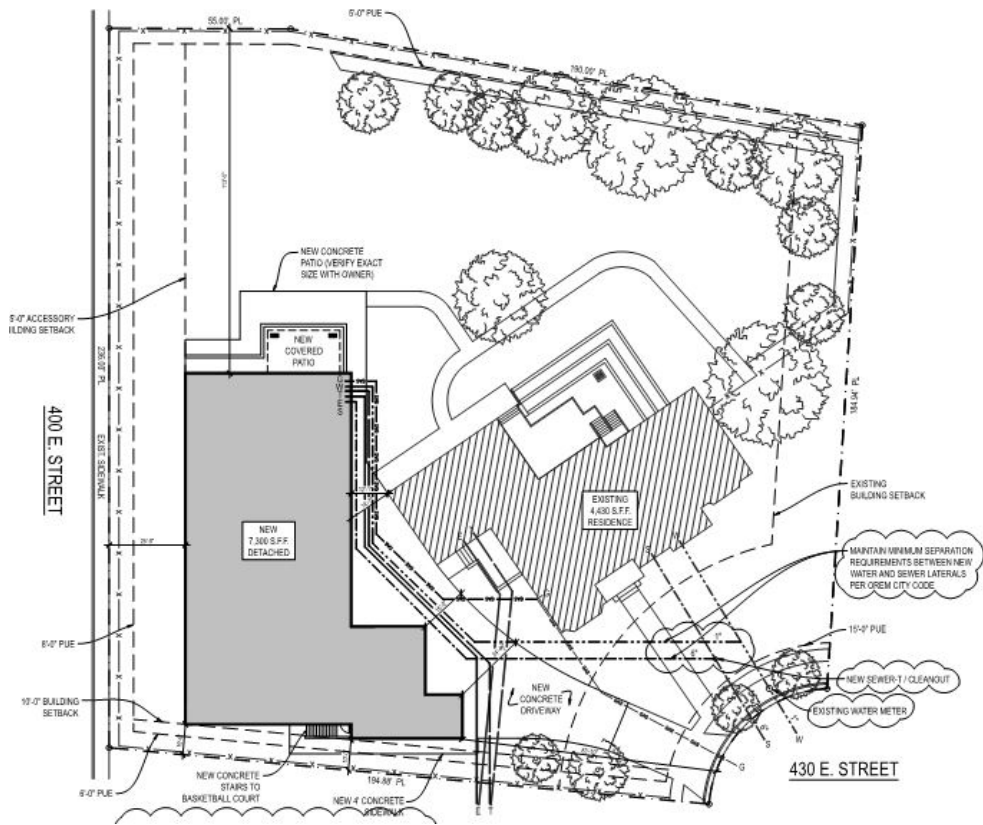
4. If any part of this resolution shall be declared invalid, such decision shall not affect the validity of the remainder of this resolution.

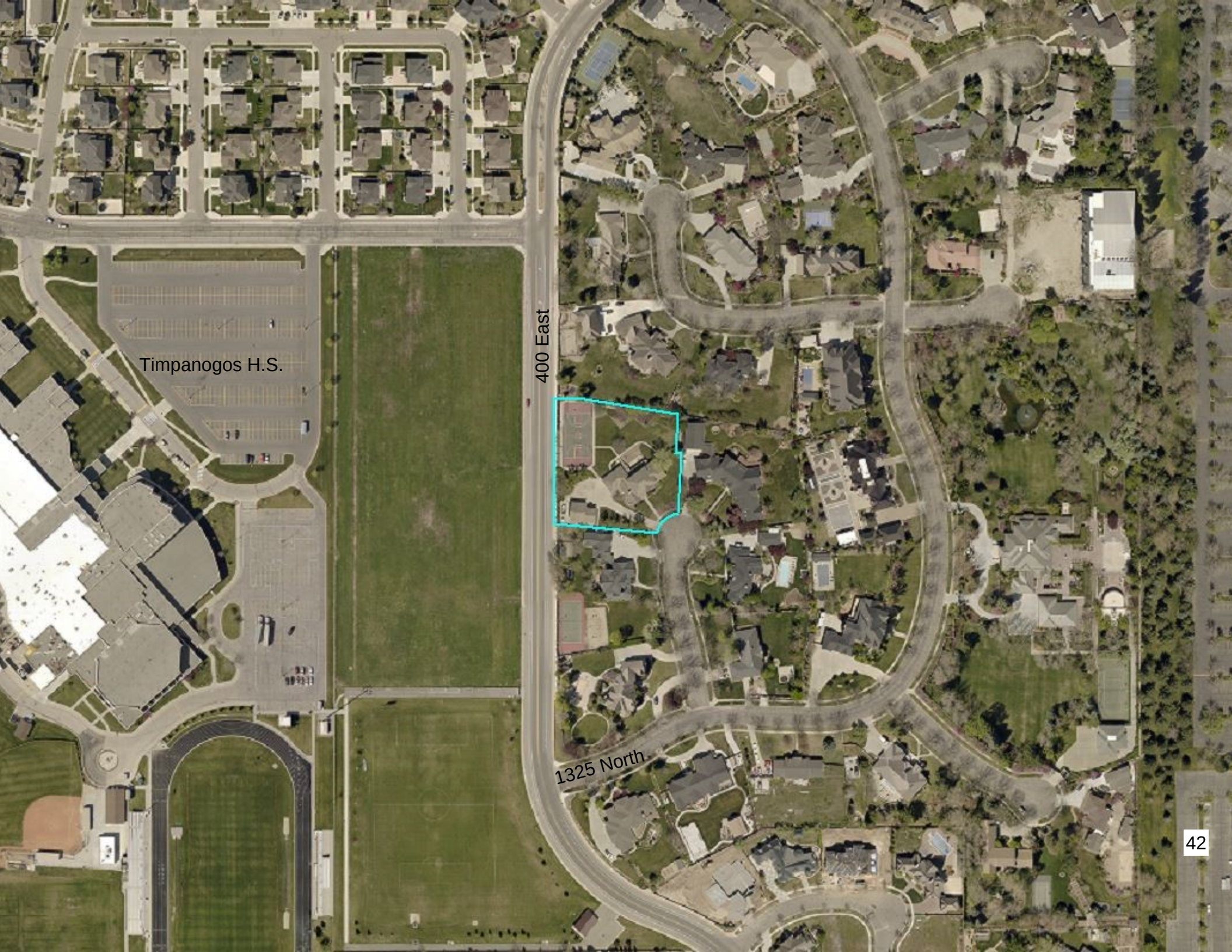
PASSED and APPROVED this 9th day of April 2019

CITY OF OREM, by

ATTEST:

Exhibit "A"



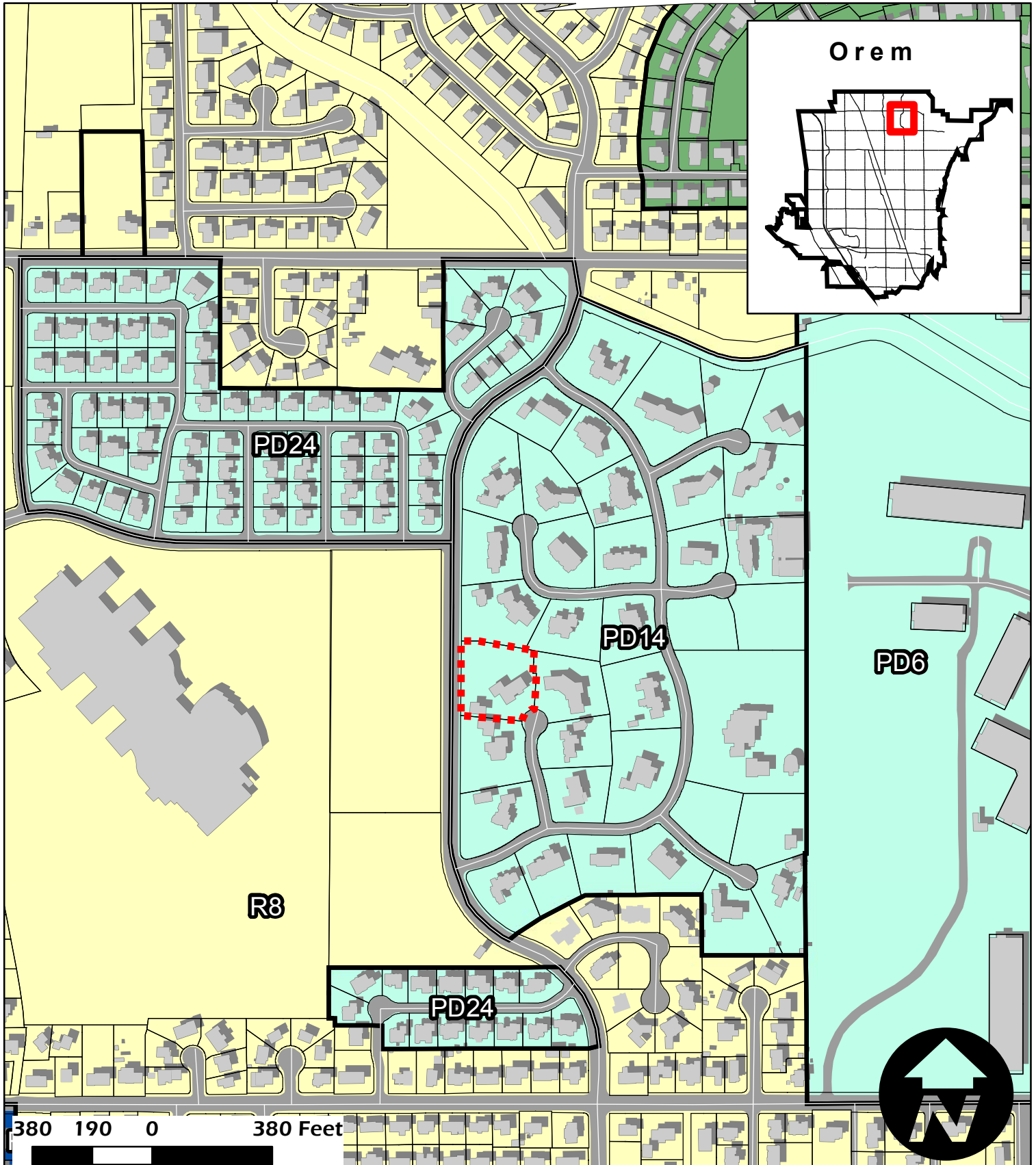


Timpanogos H.S.

400 East

1325 North

Rasmussen Garage

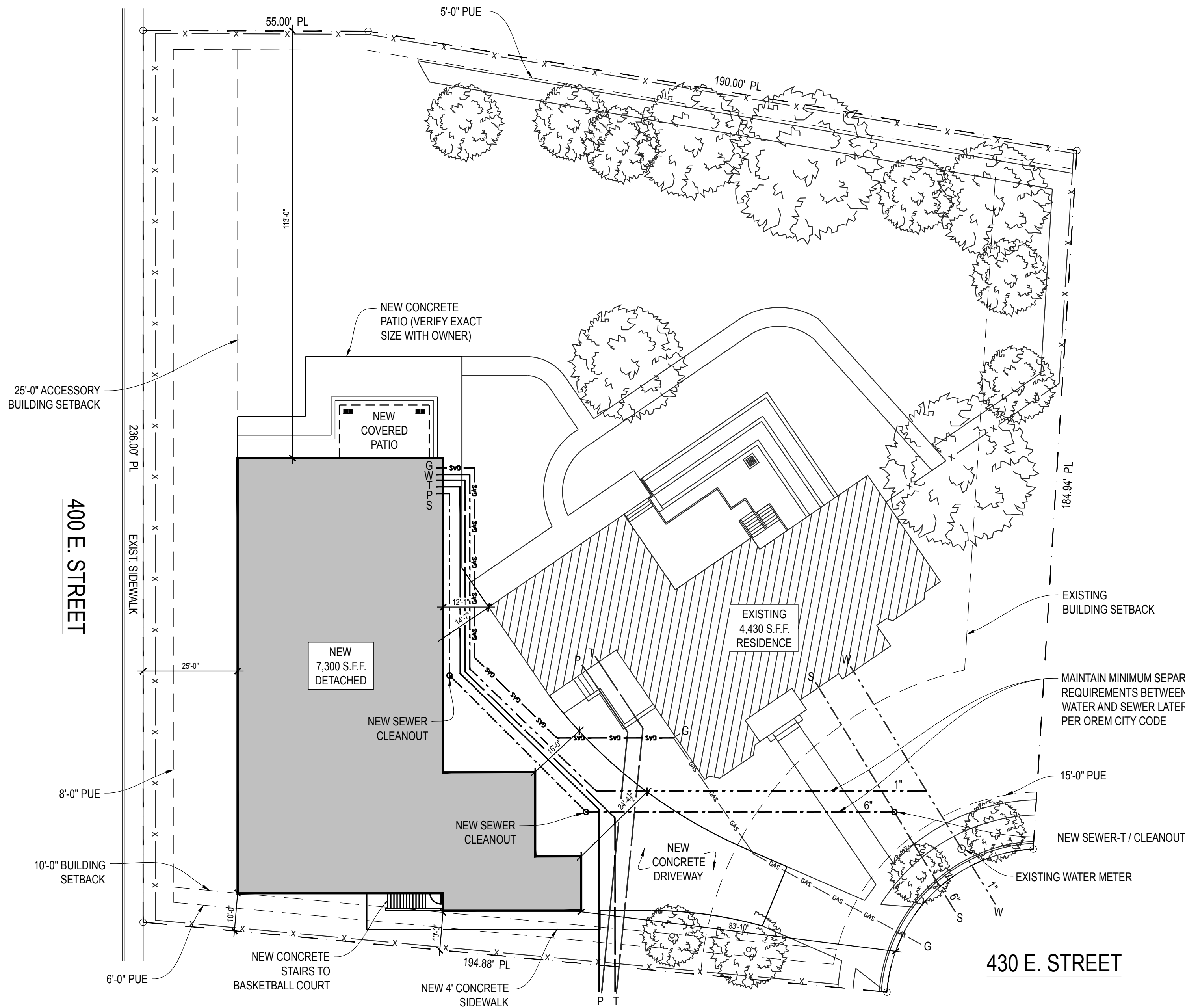


◆ Rasmussen Garage
PD14 Zone
1.23 Acres

NEIGHBORHOOD
Windsor
Cregg Jacobsen

Legend
 Parcels selection
 Parcels
 Buildings

This drawing, as an instrument of professional service, is the property of JSH DESIGNS, INC. and shall not be used, in whole or part, for any other project without the written permission of an authorized representative of JSH DESIGNS, INC. Unauthorised use will be prosecuted to the fullest extent of the law. Copyright © 2018 by JSH DESIGNS, INC.

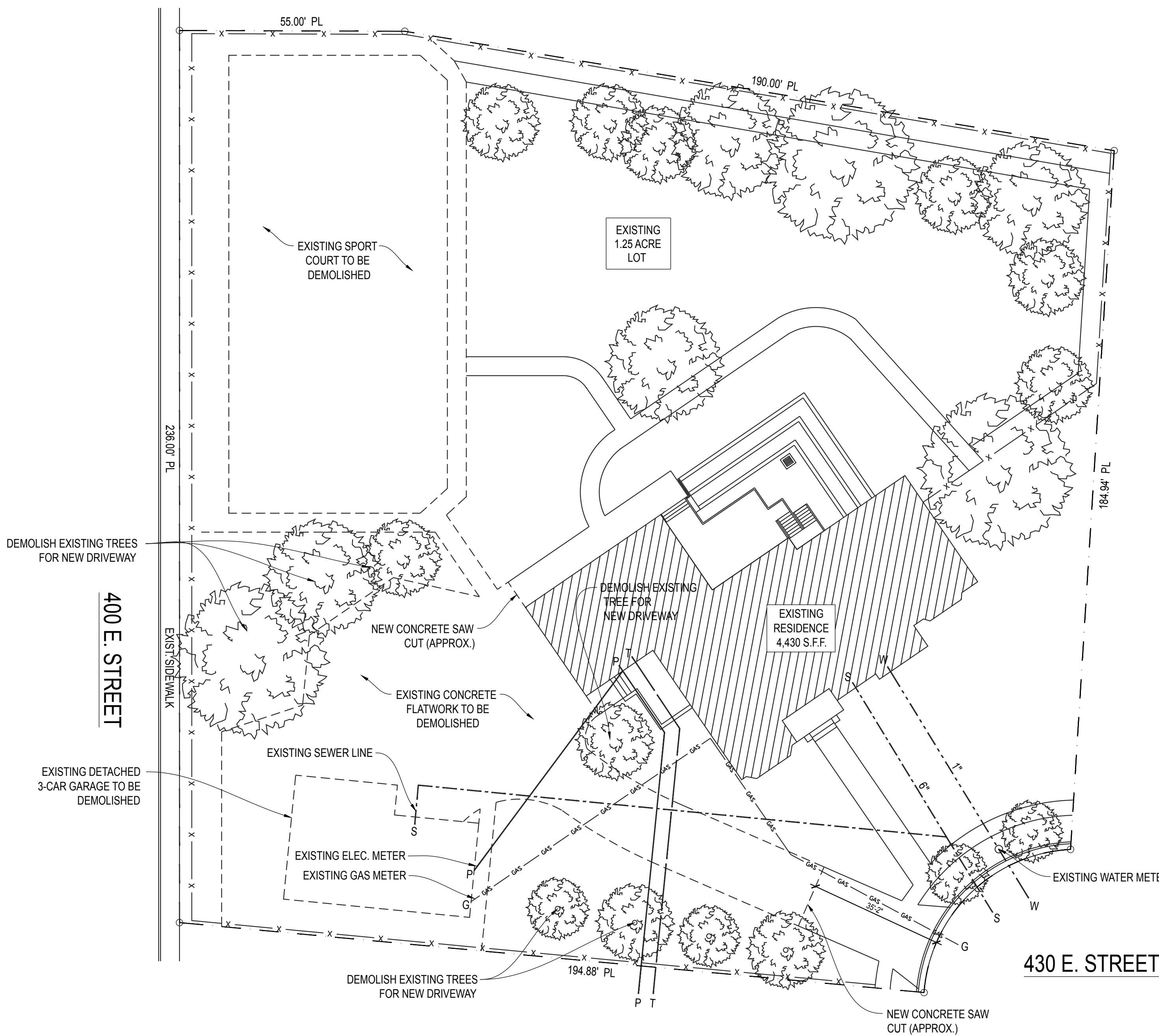


SITE CALCULATIONS - ACCESSORY BUILDING	
EXISTING ZONING:	PD-14
EXISTING AREA:	1.25 ACRES
ALLOWABLE AREA (33% OF TOTAL):	= 17,968.50 SQ. FT.
ACTUAL AREA OF NEW STRUCTURE:	= 7,300.00 SQ. FT.
MINIMUM SETBACK (SIDE) FACING A STREET:	25 FT.
MINIMUM SETBACK (SIDE) NOT ADJACENT TO A STREET:	10 FT.
EXISTING PLUMBING FIXTURE COUNT:	25
NEW PLUMBING FIXTURE COUNT:	6

UTILITIES LEGEND		UTILITY NOTE:
W	DOMESTIC WATER	FOLLOW OREM CITY AND UTILITY COMPANY REQUIREMENTS AS APPLICABLE FOR ANY EXISTING UTILITY LINES ABANDONED IN PLACE.
S	SANITARY SEWER	
G	NATURAL GAS	
P	POWER	
T	TELECOM	

SEWER NOTE:
PROVIDE SEWER CLEANOUTS AT EVERY CORNER / INTERSECTION ALONG LATERAL ROUTE.

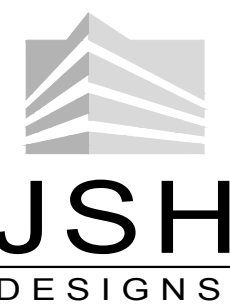
UTILITIES LEGEND	
W	DOMESTIC WATER
S	SANITARY SEWER
G	NATURAL GAS
P	POWER
T	TELECOM



A4
AS101
EXISTING SITE & DEMOLITION PLAN
SCALE: 1" = 20'-0"

MARK	ISSUE DESCRIPTION	ISS. DATE	#	REV. DESCRIPTION	REV. DATE

DAVE & AUBREE RASMUSSEN
DETACHED STRUCTURE
1387 N. 430 E. OREM, UTAH 84097



P: 801-722-9021
3029 N. MEADOW VIEW DRIVE
LEHI, UT 84043

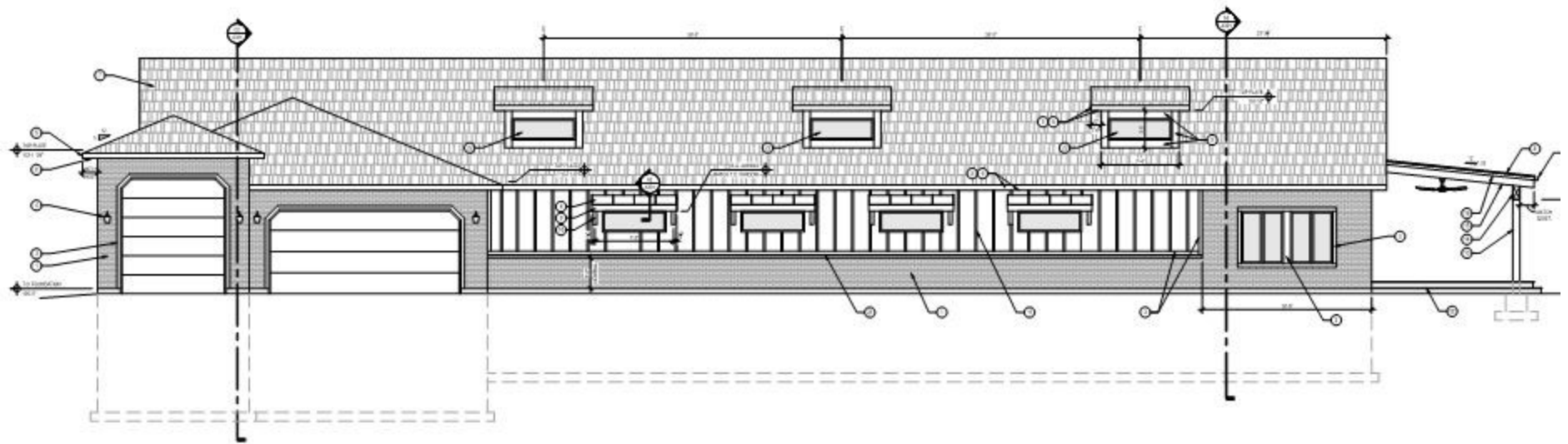
PROJECT NUMBER

PERMIT SET
(11.18.18)

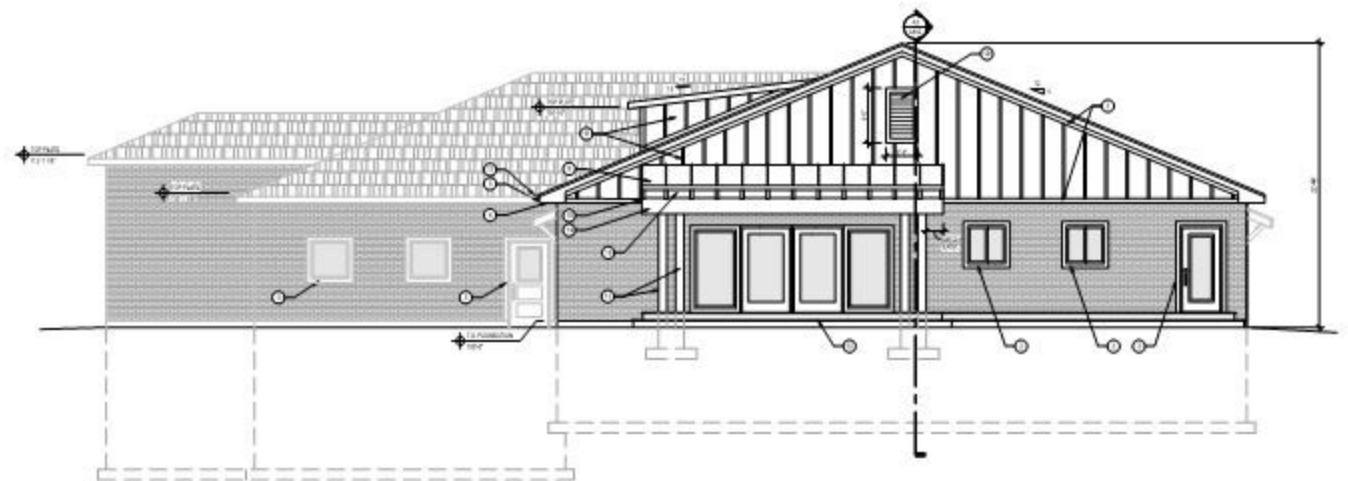
SITE PLAN

DRAWING NUMBER

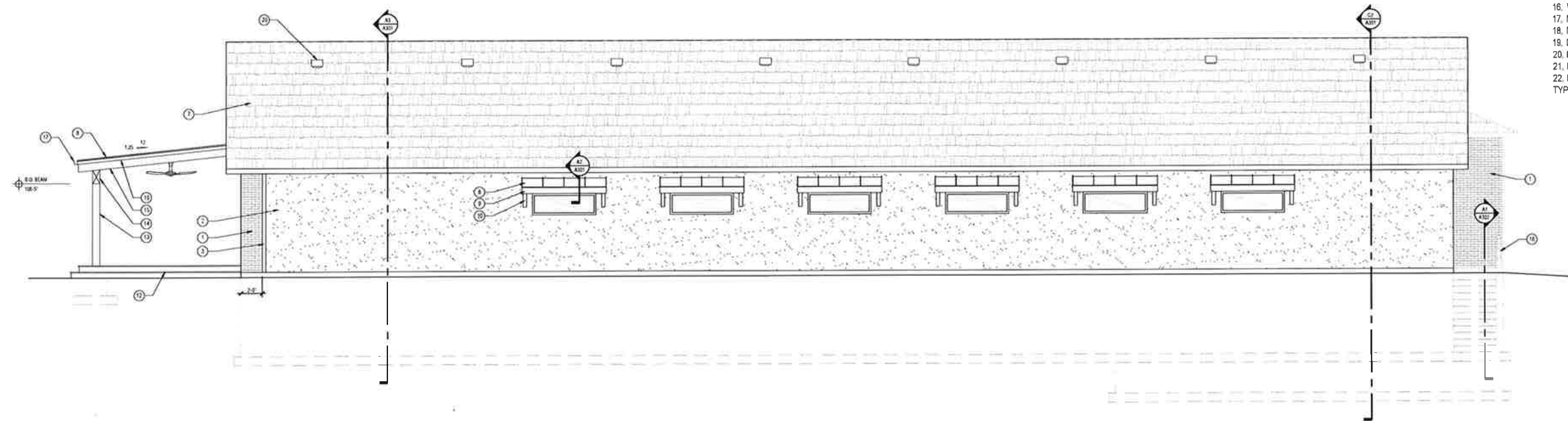
AS101



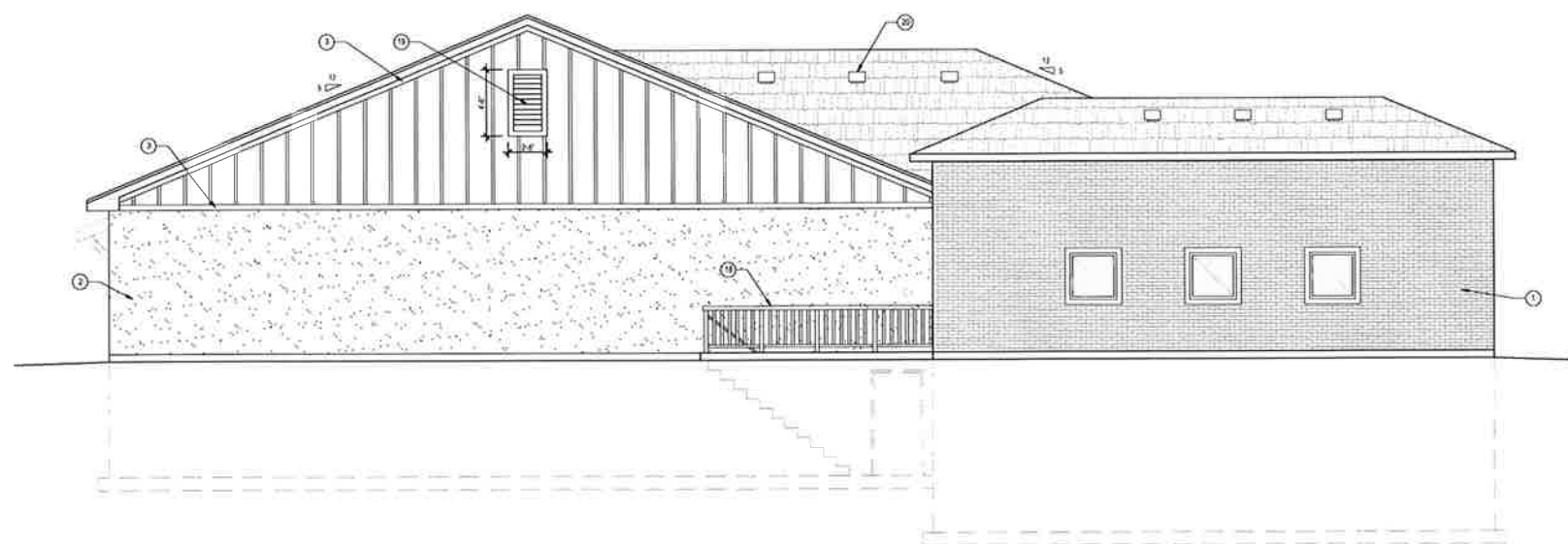
SECTION POSITION
SCALE: 1/8" = 1'-0"



44. In the case of a person who is not a member of the family, the person must be a resident of the United Kingdom at the time of the death. The person must be a resident of the United Kingdom at the time of the death. The person must be a resident of the United Kingdom at the time of the death.




WEST ELEVATION
 SCALE: 3/16" = 1'-0"



A2 SOUTH ELEVATION
A202 SCALE 3/16" = 1'-0"

KEY NOTES: #

1. BRICK
2. STUCCO
3. CEMENT BOARD TRIM
4. LIGHT FIXTURE
5. ALUMINUM FASCIA
6. ALUMINUM SOFFIT (VENTED)
7. ASPHALT SHINGLES
8. STANDING SEAM METAL ROOFING
9. WOOD FASCIA
10. WOOD KNEE BRACE
11. BOARD & BATTEN SIDING
12. COMPOSITE DECKING
13. WOOD POST
14. WOOD BEAM
15. WOOD RAFTERS
16. WOOD FASCIA
17. METAL RAIN GUTTER AND DOWNSPOUT
18. METAL GUARDRAIL
19. DECORATIVE WALL VENT
20. ROOF VENT PER IRC REQUIREMENTS
21. BRICK ROWLOCK CAP
22. FAUX DORMER WINDOW, SEE WINDOW TYPES ON SHEET A101

MARK	ISSUE DESCRIPTION	ISS. DATE	ISS. BY	REV. DESCRIPTION	REV. DATE
1	1	01/15/18	1	1	01/15/18
2	2	01/05/18	2	2	01/05/18
3	3		3	3	
4	4		4	4	
5	5		5	5	
6	6		6	6	
7	7		7	7	
8	8		8	8	
9	9		9	9	
10	10		10	10	

DAVE & AUBREE RASMUSSEN
DETACHED STRUCTURE
1387 N. 430 E. OREM, UTAH 84097



P 801-722-9021
3029 N MEADOW VIEW DRIVE
LEHI, UT 84043

PROJECT NUMBER

PERMIT SET
(11,18,18)

ELEVATIONS

DRAWING NUMBER

A202

Planning Commission Minutes – April 3, 2019

Agenda Item 3.1 is a request by Dave Rasmussen to request the Planning Commission forward a positive recommendation to the City Council to approve the conditional use permit for an accessory structure located at 1387 North 430 East in the PD-14 Zone.



Staff Presentation: The applicant is removing an existing basketball court and adding an accessory structure that will contain a basketball court, garage, and storage area. The lot contains a total area of 53,579 square feet (sf) or 1.23 acres. The accessory building contains a total building area of 7,300 sf on two levels.

The ordinance requires a conditional use permit for accessory structures in the PD-14 zone 1,000 sq feet or greater. Accessory structures cannot be more than 33% of the area of the parcel; this structure is 14 % of the lot at 7,300 sf. The structure is within height requirement of the ordinance at 22 feet, 4.5 inches.

The proposed elevations consist of stucco siding and brick that will match the nearby existing building. The proposed landscaping and overall plan comply with the requirements of the PD14 zone.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the conditional use permit for an accessory structure located at 1387 North 430 East in the PD-14 Zone.

Chair Spencer asked if the Planning Commission had any questions for Mr. Allen.

Chair Spencer invited the applicant to come forward. Wes Holcombe introduced himself. Mr. Cook asked what the finish on the top gable of the structure was. Mr. Holcombe said it is going to be board-and-batten that will match the board-and-batten on the house. Mr. Spencer asked if there will be trees between this building and the wall. Mr. Holcombe said yes, there will be trees planted.

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

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

Planning Commission Action: Mr. Cook moved to forward a positive recommendation to the City Council to approve the conditional use permit for an accessory structure located at 1387 North 430 East in the PD-14 Zone. Mr. Moulton seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, David Moulton, Barry Roberts, Ross Spencer and Mike Staker,. The motion passed unanimously.

12658



Orem City Development Review Committee (DRC) Application Miscellaneous and Appeals

Development Services Department 56 North State Street, Orem, Utah (801) 229-7183

www.orem.org

Applicant Information

Name: DAVE RASMUSSEN	Phone: (801) 735-3909
Address: 1387 N 430E	Email: daveras@gmail.com
City: OREM	State: UT Zip: 84097

Project Information

Project Name	RASMUSSEN BASKETBALL COURT / GARAGE
Project Address	1387 N 430 E

Request	Fees	Total
Temporary Site Plan Approval	\$446	
Concrete/Masonry Fence	\$377	
Daycare/Preschool Fence	\$190	
X Conditional Use Permit	\$1,203 + \$689 sign fee + notice fee (52.00)	1944.-
Fence Modification/Waiver	\$504 + notice fee	
Appeal to City Council	\$1229 + notice fee	
Appeal to Planning Commission	\$1126+ notice fee	
Appeal to Board of Adjustment	\$906 + notice fee	
Driveway Entrance Modification	\$175	
Annexation	\$3,297 + \$900 PC & CC newspaper notice + \$689 sign fee	
Street Vacation	\$1,674 + \$150 newspaper notice	
Special Exception for Multi-family	\$1,462 + notice fee	
Total		1944.-

Required Copies

Two (2) full-size copies no larger than 24" x 36", one (1) 11" x 17" and a PDF and/or Word of all applicable drawings and plans. Files can be emailed to Cheryl Vargas at chvargas@orem.org or submitted on disc/flash drive prior to the deadline.

General Notes, Signature, and Contact Person

Planning Commission/City Council Meetings. Once the Development Review Committee determines your application is complete and complies with all applicable City ordinances, it shall be forwarded to the Planning Commission if required, and City Council, if required. The City Council is the final approving authority of conditional use permits, appeals, City Code amendments, General Plan amendments, fence modifications, and site plans in the following zones: PD-1, PD-4, PD-5, PD-15, PD-16, and PD-21.

Neighborhood Meeting. The applicant shall hold a neighborhood meeting in accordance with City Code for the following requests: General Plan amendments, Zoning Ordinance amendments, commercial developments adjacent to a residential zone, all non-residential uses in a residential zone.

DRC Application. The DRC application must be complete at the time of submittal or it may not be accepted.

Filing Fee Notice. Applications filed after July 1 are subject to fee changes regardless of the fee listed on the application used at the time of submittal.

Deadline. The deadline for filing a DRC application is Monday noon for first review the following Thursday. In the case of a Monday holiday, the deadline is Tuesday at noon. Contact information to inquire about the status of an application: 801-229-7183

Applicant's Signature: *[Signature]*

Contact Person: WES BOLCOMBE

Phone: (801) 520-2350

Office Use Only

Date Filed: 2/19/19	Fees Paid: 1944.00	Received By: <i>[Signature]</i>	Receipt #: 2019.226437
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7 February 2019



City Council Agenda Item Report

Meeting Date: April 9, 2019

Submitted by: Steve Earl

Submitting Department: Legal

Item Type: Resolution

Agenda Section:

Subject:

RESOLUTION - Authorizing the Mayor to execute a development agreement between the City and ESAD Investments, LC regarding the operation of a transfer station at approximately 679 North 1500 West

Suggested Action:

The City Attorney's office recommends that the City Council authorize the Mayor to execute a development agreement between the City and ESAD Investments (Mike Dunn) regarding the operation of a transfer station at approximately 679 North 1500 West in Orem.

Presenter:

Steve Earl

Background:

At its meeting on March 27, 2018, the City Council requested that staff work with the owner of the transfer station at 679 North 1500 West to allow the owner to construct a new building on the property to mitigate the negative impacts from odors, dust and trash blowing off the site.

Staff have subsequently conducted lengthy and detailed negotiations with the owner's representatives regarding a proposed development agreement that would allow the owner to build a building and continue processing MSW on the site. In return, the owner has agreed to a number of operational restrictions and requirements and has made architectural improvements to its proposed building in order to present a more appealing façade on the Geneva Road frontage.

The primary points of the proposed development agreement are as follows:

1. Allows for the operation of a transfer station on the property (including processing MSW).
2. Requires the owner to comply with the amended site plan currently being processed by Development Services, a copy of which is attached.
3. Requires the owner to construct the new building in conformance with the building elevations shown in the amended site plan, copies of which are also attached.
4. Requires the property and all improvements on the property to be maintained in a neat, clean and attractive condition.
5. Requires all transfer station operations to be conducted inside the new building.
6. Prohibits any trash, recyclables or other materials from being stored outside the building on the property.
7. Requires the owner to take measures to prevent any queuing of vehicles on Geneva Road waiting to access the property so that no travel lanes of Geneva Road are blocked and so that no access to another property is blocked for an unreasonable period of time.

8. Allows City representatives to come on the property at any time during operation hours to verify compliance with the agreement.
9. Allows the City to conduct aerial inspections of the property through the use of drones.
10. Requires the owner to pay liquidated damages to the City for any refusal to allow inspection or for violations of the development agreement.
11. Allows the City to suspend the owner's business license to operate a transfer station on the property for repeated refusals to allow inspection and/or repeated violations of the development agreement within a given calendar year.
12. Provides an appeal process that allows the owner to contest the imposition of liquidated damages and/or suspension of owner's business license for a violation.

The owner has agreed to the terms of the proposed development agreement and if the City Council finds it acceptable, staff request that the City Council authorize the Mayor to execute the development agreement on behalf of the City.

Potentially Affected Area:

Attachments:

[Agenda-DunnTransferStation.docx](#)

[RES--Dunn Development Agreement.docx](#)

[DevAgreement-Dunn-Final+Exhibits.pdf](#)

CITY OF OREM CITY COUNCIL MEETING APRIL 9, 2019 	
REQUEST:	6:00 P.M.– RESOLUTION – Authorizing the Mayor to sign a Development Agreement with ESAD Investments, LC, regarding the operation of a transfer station at 679 North 1500 West, Orem, Utah.
PRESENTER:	Steve Earl
APPLICANT:	Legal Services
FISCAL IMPACT:	NA

SUGGESTED ACTION – APPROVE OR DENY MOTION:

The Legal Services Department recommends that the City Council, by resolution, authorize the Mayor to sign a development agreement with ESAD Investments, LC, regarding the operation of a transfer station at 679 North 1500 West, Orem, Utah.

BACKGROUND:

Since approximately 2002, the property at 679 North 1500 West has been used as a transfer station. The City approved a site plan for the property in 2002 and an updated site plan in 2004 for the operation of a transfer station. The 2002 site plan and the 2004 amended site plan as well as minutes from the Planning Commission meetings at which these site plans were approved indicated that the site would be used to accept, sort, process and recycle construction and demolition debris.

Sometime in approximately 2013, the City learned that the owner of the property had begun accepting municipal solid waste (MSW) at the property in addition to construction and demolition debris. The owner had not amended its site plan to allow this use prior to accepting this new type of waste at the site. The City therefore notified the owner by letter that the site plan approved in 2004 did not allow for this type of use and that the site plan was approved only for the recycling of building construction materials.

Over the course of the next several years, the owner submitted several proposed site plan amendments that showed modifications to the site to allow for the processing of MSW. As part of these amended site plan proposals, the owner of the property proposed to construct a new building on the property in order to mitigate concerns regarding odors, dust and trash blowing off the property. With each new application, City staff submitted correction lists back to the owner of items that were missing from the proposed site plans or were incomplete. Because the owner never made all the corrections required by staff, none of the applications were ever deemed complete and none were ever forwarded to the Planning Commission for approval.

On March 27, 2018, the City Council considered and approved an amendment to the City zoning ordinance that made SLU Codes 4850 (Solid Waste Disposal & Incineration) and 5193 (Scrap & Waste Materials)) non-permitted in the M1 and M2 zones. These amendments made the owner's use of the property a legal nonconforming use which would prohibit the owner from expanding the transfer station use or from changing the use on the property to a non-permitted use. This had the

potential of prohibiting the owner from constructing the proposed building on the site as this could be deemed an expansion of the use.

The ordinance also had the potential of preventing the owner from processing MSW on the site. This was a point of contention between the City and the owner as on the one hand City staff believed that the right to process MSW was never a vested right since the owner never obtained an amended site plan that allowed for such use while on the other hand the owner claimed that he had a vested right to process MSW on the site as he had begun accepting such waste prior to the time the ordinance was amended making such use non-permitted.

Because the City Council believed that enclosing the operations of the site in a new building would help mitigate some of the negative impacts of the transfer station operation, the City Council expressed a desire at its meeting on March 27, 2018, that City staff work with the owner (as well as the owner of a neighboring property, MCR) to find ways for the owner to construct its facilities in a timely manner.

City staff subsequently conducted lengthy and detailed negotiations with the owner's representatives regarding a proposed development agreement that would allow the owner to build a building and continue processing MSW on the site. In return, the owner has agreed to a number of operational restrictions and requirements and has made architectural improvements to its proposed building in order to present a more appealing façade on the Geneva Road frontage.

The primary points of the proposed development agreement are as follows:

1. Allows for the operation of a transfer station on the property (including processing MSW).
2. Requires the owner to comply with the amended site plan currently being processed by Development Services, a copy of which is attached.
3. Requires the owner to construct the new building in conformance with the building elevations shown in the amended site plan, copies of which are also attached.
4. Requires the property and all improvements on the property to be maintained in a neat, clean and attractive condition.
5. Requires all transfer station operations to be conducted inside the new building.
6. Prohibits any trash, recyclables or other materials from being stored outside the building on the property.
7. Requires the owner to take measures to prevent any queuing of vehicles on Geneva Road waiting to access the property so that no travel lanes of Geneva Road are blocked and so that no access to another property is blocked for an unreasonable period of time.
8. Allows City representatives to come on the property at any time during operation hours to verify compliance with the agreement.
9. Allows the City to conduct aerial inspections of the property through the use of drones.
10. Requires the owner to pay liquidated damages to the City for any refusal to allow inspection or for violations of the development agreement.
11. Allows the City to suspend the owner's business license to operate a transfer station on the property for repeated refusals to allow inspection and/or repeated violations of the development agreement within a given calendar year.

12. Provides an appeal process that allows the owner to contest the imposition of liquidated damages and/or suspension of owner's business license for a violation.

A copy of the proposed development agreement and amended site plan (including building elevations) are included with the agenda packet. The owner has agreed to the terms of the proposed development agreement and if the City Council finds it acceptable, staff request that the City Council authorize the Mayor to execute the development agreement on behalf of the City.

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE OREM CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH ESAD INVESTMENTS, LC REGARDING THE OPERATION OF A TRANSFER STATION ON THE PROPERTY AT 679 NORTH 1500 WEST, OREM, UTAH

WHEREAS ESAD Investments, LC owns the property located at approximately 679 North 1500 West, Orem, Utah; and

WHEREAS since approximately 2002, the property at 679 North 1500 West has been used as a transfer station; and

WHEREAS on March 27, 2018, the City Council approved an amendment to the City zoning ordinance that made SLU Codes 4850 (Solid Waste Disposal & Incineration) and 5193 (Scrap & Waste Materials)) non-permitted uses in the M1 and M2 zones; and

WHEREAS these amendments made the owner's use of the property as a transfer station a legal nonconforming use; and

WHEREAS the City and owner have disagreed about certain legal issues regarding the effect of the ordinance amendments that made the existing transfer station a nonconforming use—in particular whether constructing a new building on the site would constitute an illegal expansion of a nonconforming use and whether the owner had a vested right to process municipal solid waste (MSW) on the property prior to the ordinance amendment; and

WHEREAS the City Council believes that it is in the best interest of the City to allow the owner to construct a new building on the property to house the transfer station operations because this will mitigate potential negative impacts related to odors, dust and trash blowing off site; and

WHEREAS City staff have negotiated terms of a development agreement with representatives of the owner that resolves the disputed legal issues pertaining to whether the owner has the right to construct a new building on the property and whether the owner has the right to process municipal solid waste (MSW) on the property; and

WHEREAS the proposed development agreement also includes a number of operational restrictions and requirements related to the operation of the transfer station that are intended to ensure that potential problems related to odors, dust and trash are adequately mitigated; and

WHEREAS the proposed development agreement also requires the owner to construct the new building in conformance with enhanced building elevations that are intended to improve the appeal of the building façade facing Geneva Road; and

DRAFT

WHEREAS the City Council has considered the terms of the proposed development agreement and finds that it is in the best interest of the City to authorize the Mayor to execute the development agreement on behalf of the City.

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

1. The City Council finds that it is in the best interest of the City to authorize the Mayor to execute the proposed development agreement between the City and ESAD Investments, LC regarding the operation of a transfer station on the property located at approximately 679 North 1500 West, Orem, Utah.

2. The City Council hereby authorizes the Mayor to execute the development agreement (and attached exhibits) in substantially the form shown in Exhibit "A" which is attached hereto and by reference is made a part hereof.

5. This resolution will take effect immediately upon passage.

PASSED and APPROVED this **26th** day of **March** 2019.

Richard F. Brunst, Jr., Mayor

ATTEST:

JoD' Ann Bates, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	☐	☐	☐
Debby Lauret	☐	☐	☐
Sam Lentz	☐	☐	☐
Tom Macdonald	☐	☐	☐
Mark Seastrand	☐	☐	☐
David Spencer	☐	☐	☐
Brent Sumner	☐	☐	☐

D R A F T

EXHIBIT A

DEVELOPMENT AGREEMENT

This Development Agreement is executed in duplicate this ____ day of February, 2019, by and between the City of Orem, a municipal corporation and political subdivision of the State of Utah, with its principal offices located at 56 North State Street, Orem, Utah 84057 (hereinafter referred to as the "City") and ESAD Investments, LC., (hereinafter referred to as "Owner"), a Utah limited liability company with its principal office located at 679 North 1500 West, Orem, Utah 84057.

RECITALS

WHEREAS Owner owns a parcel of real property located at approximately 520 North Geneva Road, Orem, Utah (hereinafter referred to as the "Property") which parcel is also more particularly described as Lot 2, Plat "P", Bunker Business Park Subdivision, according to the official plat thereof as recorded in the office of the Utah County Recorder, State of Utah; and

WHEREAS the property tax identification number of the Property is 35-566-0002; and

WHEREAS a map showing the location of the Property is attached hereto as Exhibit "A" and by reference is made a part hereof; and

WHEREAS the Property consists of approximately 3.15 acres; and

WHEREAS the Property is currently zoned M2; and

WHEREAS prior to March 27, 2018, standard land use codes (SLU) 4850 (Solid Waste Disposal & Incineration) and 5193 (Scrap & Waste Materials) were permitted uses in the M2 zone; and

WHEREAS on October 18, 2017, Orem City Staff filed an application to amend Appendix A of the Orem City Code to make SLU Codes 4850 and 5193 non-permitted uses in the M1 and M2 zones; and

WHEREAS on November 6, 2017, Owner filed a new application with the City for an amended site plan which proposed a new building on the Property; and

WHEREAS the Orem City Planning Commission considered the application to make SLU Codes 4850 and 5193 non-permitted uses in the M1 and M2 zones at a public hearing held on November 15, 2017, and the Planning Commission recommended that the proposed amendment be approved; and

WHEREAS at its meeting on March 27, 2018, the Orem City Council passed an ordinance amending the Orem City Code to make SLU Codes 4850 and 5193 non-permitted in the M1 and M2 zones (hereinafter referred to as the "Ordinance Amendment"); and

WHEREAS the Orem City Council also expressed a desire that City Staff work with Owner (as well as the owner of a neighboring property, MCR) “to find ways for the two existing businesses—DCD and MCR—to construct their facilities in a timely manner”; and

WHEREAS the City and Owner disagree as to several issues respecting Owner’s use of the Property including whether Owner had a vested right to accept municipal solid waste (MSW) at the Property prior to the Ordinance Amendment, whether Owner’s application for a site plan amendment filed on November 6, 2017 was complete prior to the date the Planning Commission considered the Ordinance Amendment (and thereby prohibited any new application not in compliance with the Ordinance Amendment), whether Owner’s intent to construct a new building on the Property would constitute an unlawful expansion of a nonconforming use, and other issues related to the use of the Property; and

WHEREAS in order to resolve the disputed issues described above, the City and the Owner desire to enter into this Development Agreement; and

WHEREAS the City, acting pursuant to its authority under Utah Code Section 10-9-101, *et. seq.*, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations, has elected to approve this Agreement.

COVENANTS

NOW, THEREFORE, in consideration of the promises and conditions set forth herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the City and Owner hereby agree as follows:

1. Use of Property.

1.1. Permitted Uses.

1.1.1. Transfer and Recycling Station for Certain Types of Waste. Subject to compliance with this Agreement and the approved site plan for the Property, the Property may be used as a transfer and recycling station for the acceptance, sorting, recycling, and transfer of the following types of waste:

1.1.1.1. Nonhazardous construction/demolition waste, inert waste and yard waste.

1.1.1.2. Municipal solid waste (MSW).

1.1.2. Other Uses Permitted by Orem City Code. All uses permitted on the Property by the M2 Zone and all uses permitted by other applicable Orem City ordinances shall also be allowed on the Property.

1.2. Prohibited Uses.

1.2.1. Prohibited Waste. Owner shall not accept any of the following types of waste at the Property:

1.2.1.1. Hazardous Waste

1.2.1.2. Any other type of waste not specifically permitted in subsection 1.1.

1.2.2. No Final Disposal on Property. No waste or other materials may be incinerated or otherwise permanently disposed of on the Property.

1.2.3. **Prohibited Uses.** No other uses are permitted on the Property except for the uses designated in Section 1.1.

1.3. **No Expansion of Transfer and Recycling Station Beyond Property Boundaries.** The parties acknowledge that a transfer and recycling station is no longer a permitted use in the M2 zone. Therefore, although the Owner may operate a transfer and recycling station on the Property pursuant to the provisions of this Development Agreement, the transfer and recycling station use may not be expanded beyond the current boundaries of the Property.

2. **Site Plan.** Owner has proposed an amended site plan for the Property that includes a new building, a revised traffic circulation plan, revised parking and other modifications. Orem City staff have reviewed Owner's proposed amended site plan and are satisfied that it complies with all applicable Orem City ordinances. A copy of the proposed amended site plan (hereinafter referred to as the "Amended Site Plan") is attached hereto as Exhibit "B" and by reference is made a part hereof. The parties acknowledge and agree that the Amended Site Plan will not take effect until it is approved by the Orem City Planning Commission.

2.1. Owner shall use its best efforts to pursue approval of the Amended Site Plan by the Orem Planning Commission as soon as reasonably practicable. The Orem City Staff shall work in good faith with Owner to schedule review of the Amended Site Plan before the Orem City Planning Commission as soon as reasonably practicable.

2.2. Following approval of the Amended Site Plan and completion of construction, Owner shall comply in all respects with the requirements of the Amended Site Plan. Owner shall construct and maintain all improvements as shown on the Amended Site Plan. Traffic and truck circulation on the Property shall also conform with the Amended Site Plan. The new building shown on the Approved Site Plan shall be substantially completed within one year after approval of the Amended Site Plan by the Planning Commission and the Utah Department of Environmental Quality ("DEQ"), and full building permit approval by the Orem Department of Development Services (hereinafter the "Required Approvals"). The new building on the Property shall also be constructed and maintained in conformance with the building elevations attached hereto as Exhibit "C" which is attached hereto and by reference is made a part hereof. Both Owner and the City will put forth good faith efforts to process all plans and approvals in a reasonable and timely manner. All other improvements shown on the Amended Site Plan shall be substantially completed within eighteen months following the Required Approvals.

2.3. The entire Property, including all improvements shown in the Amended Site Plan shall be maintained in a neat, clean and attractive manner. The building(s) shown on the Amended Site Plan shall be maintained in good condition, and Owner shall, as necessary, make any needed repairs and maintenance (including painting) in order to keep the building in a neat and attractive condition.

2.3.1. No trash, waste, recyclables, materials or equipment may be stored or maintained outside of the main building on the Property. Owner shall ensure that all trash, waste, recyclables, materials, debris and/or other similar materials are either removed from the Property at the end of each day or are stored inside the primary building on the Property. Notwithstanding the foregoing, vehicles may be stored or maintained outside of the building provided that no trash, waste, recyclables, or materials are stored in or contained in such vehicles.

2.3.2. All pavement on the Property shall be maintained in a good condition. Any pavement surfaces shown on the Amended Site Plan (asphalt, concrete or other paving material)

shall be repaired or resurfaced as necessary to keep such paved area in a good condition. The parties acknowledge and agree that it is particularly important not to allow any paving area to degrade to a point where it may allow the seepage of storm water or other liquids into the ground underneath the paved surface. Owner shall not allow any paved surface to deteriorate to the point where any liquids may seep into the ground through cracks, seams or other openings in the paved area.

2.3.3. All paved areas shown on the Amended Site Plan shall be properly graded and the grade of such areas maintained as shown on the Amended Site Plan so that all storm water flows as indicated and intended on the Amended Site Plan. The parties acknowledge that this is particularly important in order to prevent the introduction of pollutants into the storm water system.

2.3.4. Owner shall comply with the storm water pollution prevention plan (SWPPP) and long term storm water management plan required by City ordinances in order to prevent the introduction of pollutants into the storm water system.

3. Operations. All operations conducted on the Property in connection with or related to the transfer and recycling station including, but not limited to tipping, sorting, grinding, unloading, loading, etc., shall be conducted inside the building on the Property. No such operations shall be conducted outside the building.

3.1. The bay doors of the building located on the east elevation of the building shall be kept closed when operations are not taking place inside the building. The parties acknowledge that due to the operating conditions of the building, it is not practicable to keep all doors closed during operating hours. However, those doors which can reasonably remain closed during operating hours will remain closed as much as possible in order to prevent odors, dust or debris from escaping from the building.

3.2. All MSW shall be removed from the Property at the end of each day. The parties acknowledge that DEQ also requires that all MSW be removed from the Property at the end of each day.

3.3. Owner shall ensure that there is proper containment, drainage and management of all liquids in the MSW collection area on the Property. The parties acknowledge that this is also a requirement of DEQ.

3.4. The City is concerned that excessive queuing of vehicles on Geneva Road could present problems including blocking a northbound travel lane on Geneva Road and blocking access to other properties. The Owner believes that the configuration of the Amended Site Plan is sufficient to adequately deal with current and expected future traffic trips to and from the Property. However, in the event that excessive queuing does occur, as determined by the City's traffic engineer, Owner shall take measures to prevent queuing of vehicles waiting to access the Property so that no travel lanes of Geneva Road are blocked and so that no access to another property is blocked for an unreasonable period of time.

4. Other Measures to Mitigate Dust, Odors and Trash Blowing Off Site. The parties acknowledge that there have been complaints about excessive dust, odors and trash emanating from the Property. Orem City Code Section 22-9-8(D) states that excessive or offensive dust and odor shall not be emitted beyond the zone boundary lines. Orem City Code Section 15-2-9 states "it shall be unlawful for any person to place, deposit, bury or dump upon any lot, street, alley, or

into any water, waterway or container not intended for his or her use, within the corporate City limits, any solid waste or other matter constituting a nuisance.” Owner will take commercially reasonable measures to mitigate the emanation of dust, odors and trash from the Property in order to eliminate such complaints and to ensure that the operations on the Property do not negatively impact adjoining properties or the City as a whole. The parties acknowledge that Owner has previously undertaken actions to contain dust, odors and trash on the Property in Owner’s Plan of Operations, and the parties intend to incorporate such measures in this Agreement. Therefore, in order to prevent the emanation of dust, odors, and trash from the Property, in addition to the other requirements of this Agreement, the Owner shall do the following:

4.1. Owner shall conduct daily inspections of the Property and promptly collect/pick up any loose trash/debris. In addition to the other requirements of this Agreement, Owner shall take appropriate measures as necessary to prevent trash or other debris from accumulating on the Property (outside the building) and/or blowing off of the Property.

4.2. Owner shall monitor for excessive odors from the Property and, if detected, Owner shall determine the source of such odors on the Property and shall haul away the source of any such odors from the Property daily. The MSW disposal area shall be cleaned out and emptied at the end of each operating day, and all MSW must be removed at the end of each day. The MSW pit must be empty at the end of each day to avoid odors and the harborage of vectors. In addition to the other requirements of this Agreement, Owner shall use best management practices to prevent the emanation of odors from the Property in such a way that creates a significant annoyance to individuals on adjacent or nearby properties.

4.3. Owner shall employ a misting fan(s) in the building as may be necessary to prevent dust from escaping out of the building. In addition to the other requirements of this Agreement, Owner shall use best management practices to prevent the emanation of dust from the Property in such a way that creates a significant annoyance to individuals on adjacent or nearby properties.

4.4 In case of an emergency when the above measures cannot be implemented within the timeframes required, Owner shall notify the City by electronic mail within 24 hours.

5. Business License to Operate a Transfer and Recycling Station on Property. Owner shall maintain a business license with the City to operate a transfer and recycling station on the Property. The City shall not unreasonably delay or deny a business license or business license renewal for transfer and recycling.

6. Compliance with Other Regulatory Requirements. Owner agrees to comply with all other applicable laws, regulations, and lawful orders that are applicable to the Property. In particular, Owner shall comply with the current or any updated Plan of Operations that has been approved by DEQ with respect to operation of a transfer and recycling station on the Property. Owner shall also comply with all corrections or other measures required by DEQ. Owner shall also correct any violations for which Owner is given notice by DEQ. Nothing herein is intended to prevent DEQ or other applicable regulatory entities from imposing additional requirements to mitigate odors, dust, trash or other negative impacts resulting from the operation of a transfer and recycling station on the Property.

7. Enforcement. The parties acknowledge that the City's ability to enforce the provisions of this Development Agreement is an essential part of the consideration for entering into this Development Agreement. The City deems it essential that it have the ability to closely monitor compliance with the provisions of this Development Agreement in order to ensure that potential negative impacts from the Property are mitigated to the greatest extent possible.

7.1. Right to Enter Upon and Inspect the Property. The City's representatives shall have the right to enter upon and inspect the Property at any time during operating hours of the transfer and recycling station in order to determine compliance with the terms of this Agreement. Upon presentation of appropriate credentials, Owner shall allow City representatives (authorized by City management) to inspect the Property and the facilities on the Property and shall instruct facility personnel to work cooperatively with City representatives during the inspection. City inspectors must be accompanied by facility personnel while on the Property and are subject to the same health and safety requirements applicable to all facility visitors.

7.2. Aerial Inspection. The City shall also have the right, and Owner hereby authorizes the City, to conduct visual inspections of the Property through the use of drones or by other aerial means. Owner agrees that drones operated by or on behalf of the City may fly over and conduct visual inspections of the Property at any time, either during or after normal business hours, provided that such drones do not materially interfere with Owner's business operations. Owner shall not interfere with or impede the inspection of the Property by the City through the use of the drones. Drones shall either be clearly marked as belonging to the City, or the City will provide Owner with information that enables Owner to identify drones that will be operated by or on behalf of the City.

7.3. Reliance on DEQ Inspections. For purposes of determining whether a violation of this Agreement has occurred, the City shall have the right to rely on any inspection of the Property conducted by a representative of DEQ, including the written report of such inspection.

7.4. Liquidated Damages for Failure to Allow Inspection. The parties acknowledge and agree that Owner's or Owner's employees' failure to allow inspection of the Property as provided herein would cause damage to the City. The parties agree that preventing the City from verifying compliance with this Agreement increases the likelihood of negative impacts arising from the operation of the transfer station on the Property and that the amount of such damage would be extremely difficult to quantify. The parties agree that the damages to the City are likely to increase with each subsequent refusal as each refusal creates an increased likelihood of violations and resulting damages to the City. Therefore, in the event that Owner or Owner's employees or representatives refuse to allow a representative of the City, after presentation of appropriate credentials, to conduct an inspection of the Property as provided by this Agreement, City shall provide written notice to Owner of such refusal as required by this Agreement. Owner shall pay Liquidated Damages to the City and/or incur suspension of Owner's business license upon receipt of such written notice in accordance with the schedule below. The City agrees that it won't seek monetary damages (other than the Liquidated Damages provided for herein) for failure to allow inspection.

7.4.1. First refusal in any 12 month calendar period—One Hundred Dollars (\$100).

7.4.2. Second refusal in any 12 month calendar period—Two Hundred Fifty Dollars (\$250)

7.4.3. Third refusal in any 12 month calendar period—Five Hundred Dollars (\$500)

7.4.4. Fourth refusal in any 12 month calendar period—One Thousand Dollars (\$1,000)

7.4.5. Fifth refusal in any 12 month calendar period—Twelve Hundred Dollars (\$1,200).
7.4.6. Sixth refusal in any 12 month calendar period—Suspension of Owner's (and any operator's) business license to operate a transfer and recycle station on the Property for a period of thirty (30) days (to run consecutive to any previously imposed suspensions).
7.4.7. Seventh refusal in any 12 month calendar period--Suspension of Owner's (and any operator's) business license to operate a transfer and recycle station on the Property for a period of sixty (60) days (to run consecutive to any previously imposed suspensions).
7.4.8. Eighth and all subsequent violations in any 12 month calendar period--Suspension of Owner's (and any operator's) business license to operate a transfer and recycling station on the Property for a period of ninety (90) days (to run consecutive to any previously imposed suspensions).

8. Violations.

8.1. Notice of Violation, Liquidated Damages, and/or Suspension. The City shall provide notice to Owner of any violation of this Development Agreement that would result in Liquidated Damages within fifteen (15) days of the occurrence of the violation ("Notice"). The Notice of violation shall state the nature of the violation, the date on which the violation occurred, the amount of Liquidated Damages owing as a result of the violation, the basis for any suspension of Owner's (and any operator's) business license, and the duration of any such suspension. Notice shall be deemed provided to Owner when delivered by a courier service that requires signature. Notice is deemed provided even if Owner refuses to provide signature.

Notice shall be provided at the following address:

ESAD Investments, LC
679 North 1500 West
Orem, Utah 84057

8.2. Correction of Violation. Owner shall promptly correct any violation of this Development Agreement for which Notice is provided to Owner by the City. Each day that a violation is not corrected within a commercially reasonable time after Notice is received may be deemed a separate and additional violation, unless Owner demonstrates, pursuant to the appeal process described below, that the violation could not reasonably be corrected (for reasons other than financial reasons) as of the date of the additional violation(s). A separate Notice must be provided to Owner for each additional violation for which the City seeks payment.

8.3. Liquidated Damages for Violation of Development Agreement. The parties acknowledge and agree that violations of this Development Agreement would cause damage to the City because of the likelihood of creating negative impacts such as the emanation of dust, odors or trash/debris from the Property, the contamination of groundwater, or the introduction of pollutants into the storm water system. The parties agree that the amount of damages resulting from a violation(s) of this Agreement would be extremely difficult to quantify. The parties additionally agree that the damages to the City are likely to increase with each additional violation as the negative impacts and damages accumulate from each violation. The City agrees that it won't seek monetary damages (other than the Liquidated Damages provided for herein) for violation of the Development Agreement. Therefore, the parties agree that for each violation

of this Agreement for which Notice is provided the Owner shall pay Liquidated Damages to the City and/or incur suspension of Owner's business license according to the following schedule:

- 8.3.1. First violation in any 12 month calendar period—Written Warning
- 8.3.2. Second violation in any 12 month calendar period—One Hundred Dollars (\$100).
- 8.3.3. Third violation in any 12 month calendar period—Two Hundred Fifty Dollars (\$250)
- 8.3.4. Fourth violation in any 12 month calendar period—Five Hundred Dollars (\$500)
- 8.3.5. Fifth violation in any 12 month calendar period—One Thousand Dollars (\$1,000)
- 8.3.6. Sixth violation in any 12 month calendar period—Twelve Hundred Dollars (\$1,200).
- 8.3.7. Seventh violation in any 12 month calendar period—Suspension of Owner's (or any operator's) business license to operate a transfer and recycling station on the Property for a period of thirty (30) days (to run consecutive to any previously imposed suspensions).
- 8.3.8. Eighth violation in any 12 month calendar period—Suspension of Owner's (or any operator's) business license to operate a transfer and recycling station on the Property for a period of sixty (60) days (to run consecutive to any previously imposed suspensions).
- 8.3.9. Ninth and all subsequent violations in any 12 calendar month period—Suspension of Owner's (or any operator's) business license to operate a transfer and recycling station on the Property for a period of ninety (90) days (to run consecutive to any previously imposed suspensions).

8.4. Payment of Liquidated Damages. Payment of all Liquidated Damages assessed by the City for a violation of this Development Agreement shall be paid within thirty (30) calendar days of the Notice of violation unless the Owner appeals the violation. If Owner has appealed the violation, any Liquidated Damages associated with the violation shall be paid within thirty (30) calendar days following the decision of the City Manager or his/her designee, if the violation (and Liquidated Damages) is upheld. Interest shall accrue on any Liquidated Damages that are not paid within the time stated herein at the rate of ten percent (10%) per annum, compounded daily. In addition, if Liquidated Damages imposed pursuant to this Development Agreement totaling more than \$10,000 are 180 days or more past due, the Owner's business license to operate a transfer and recycling station on the Property shall be immediately suspended and shall not be reinstated until all Liquidated Damages then owing plus interest are paid in full. The City shall provide Notice to Owner and a period of thirty (30) days in which to pay the unpaid Liquidated Damages in full and all interest owing prior to suspending Owner's business license to operate a transfer station on the Property.

8.5. Remedy for Operating Transfer and Recycling Station During a Period of Suspension. In the event that Owner's (or an operator's) business license to operate a transfer and recycling station on the Property is suspended pursuant to the provisions of this Development Agreement, Owner (and any operator) shall cease all activities related to the operation of a transfer and recycling station on the Property as soon as the facility may be safely evacuated and closed ("the Closure Period"). The facility must remain closed until said business license is reinstated. In the event that Owner (or an operator) continues operation beyond such Closure Period during any time when Owner's (or an operator's) business license is suspended pursuant to the provisions of this Development Agreement, then Owner's (or an operator's) operation of a transfer and recycling station during such period shall be deemed a public

nuisance and the City shall have the right to abate the nuisance and to obtain an injunction from the Fourth District Court of the State of Utah enjoining the further operation of the transfer and recycling station during any such period of suspension. In addition, the Owner shall also pay Liquidated Damages to the City in the amount of two thousand dollars (\$2,000) per day for every day after the Closure Period that operations related to a transfer and recycling station occur on the Property while the Owner's (or an operator's) business license to operate a transfer and recycling station on the Property is suspended.

8.6. **Appeals.** Owner shall have the right to appeal the City's determination of a violation of this Development Agreement, the imposition of Liquidated Damages related to such violation(s), and/or the suspension of Owner's (or an operator's) business license to operate a transfer and recycling station by filing a written notice of appeal with the Department of Development Services. Any appeal must be filed within 30 calendar days of the receipt of the Notice of violation and/or Notice of suspension. The notice of appeal must state the date the appeal is filed, the nature of the alleged violation, the date the alleged violation occurred, and a statement indicating the grounds for the appeal. The Owner shall have a right to a hearing before the City Manager or his/her designee regarding the appeal. The Owner may appeal any finding of the City Manager or his/her designee to the Utah District Court in accordance with Utah Code § 10-9a-701 (the "Appeals Process"). To the extent that any decision made by the City Manager or his/her designee in relation to an appeal filed by Owner is overturned by the Appeals Process, all liquidated damages and interest paid by Owner to the City in connection with such overturned decision shall be returned in full to the Owner within 30 days of the Appeals Process decision.

9. **Appointment of Representatives.** To further the commitment of the parties to cooperate in the implementation of this Agreement, the City and Owner shall each designate and appoint a representative to act as a liaison between the City and the transfer and recycling station. The initial representative for the City shall be _____, who may be contacted by email at _____ or by phone at _____. The initial representative for the Transfer and Recycling Station shall be _____, who may be contacted by email at _____ or by phone at _____. The parties may change their designated representatives by providing written notice to the other party. The representatives shall be available at all reasonable times to discuss and review the performance of the parties to this Agreement and the development of the transfer and recycling station.

10. **No Limitation on Other Remedies.** Nothing herein shall be construed to limit the City's or the Owner's ability to pursue any remedies not described herein that would otherwise be available to the City or the Owner either in law or equity including but not limited to the right to seek specific performance of the provisions of this Development Agreement.

11. **No Limitation on Exercise of Police Power.** Nothing in this Agreement shall limit the future exercise of the police power by the City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land use plans, policies, ordinances and regulations after the date of this Agreement.

12. **Compliance With All Applicable Laws.** Owner expressly acknowledges and agrees that nothing in this Agreement shall be deemed to relieve Owner from the obligation to comply with

all applicable requirements of the City necessary for approval and recordation of subdivision plats and a site plan (if applicable), including the payment of fees and compliance with all other applicable ordinances, resolutions, including the Orem City Zoning and Subdivision Ordinances and design and construction standards.

13. **Agreement to be Recorded.** This Agreement may be recorded against the Property and shall be deemed to run with the land and shall be binding on all successors, lessees and assigns of Owner in the ownership, use or development of any portion of the Property.

14. **Indemnification.** Owner agrees to indemnify and hold the City harmless from and against any demand, claim, action, damages or loss of any type arising or resulting from the development or use of the Property except such demands, claims, actions, damages, or losses that are caused by the City's (or its employees') own negligence or willful misconduct.

15. **Force Majeure.** Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, or inability to obtain equipment or reasonable substitutes therefor beyond the Owner's control; acts of nature, governmental restrictions, regulations or controls, judicial orders, enemy or hostile government actions, wars, civil commotions, fires or other casualties or other causes beyond the reasonable control of the party obligated to perform hereunder shall excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage.

16. **Lawful Agreement.** The parties represent that each of them has lawfully entered into this Agreement, having complied with all relevant statutes, ordinances, resolutions, bylaws, and other legal requirements applicable to their operation. The parties further represent that each of them has authority to enter into this Agreement and that the individuals signing this Agreement on behalf of each party have authority to bind the party represented by the signing individual.

17. **Applicable Law.** This Agreement shall be interpreted pursuant to the laws of the State of Utah.

18. **Time of Essence.** Time shall be of the essence of this Agreement.

19. **Interpretation.** The invalidity of any portion of this Agreement shall not prevent the remainder from being carried into effect. Whenever the context of any provision shall require it, the singular number shall be held to include the plural number, and vice versa, and the use of any gender shall include the other gender. Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

20. **Modifications**. No oral modifications or amendments to this Agreement shall be effective, but this Agreement may be modified or amended by written agreement.

21. **Assignment**. Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement.

22. **Incorporation of Recitals**. The Recitals to this Agreement are incorporated by reference into the Covenants section of this Agreement as if fully set forth herein.

SIGNED and ENTERED INTO this _____ day of February, 2019.

City of Orem, by:

Richard F. Brunst, Mayor

ATTEST: _____
JoD'Ann Bates , City Recorder

ESAD Investments, LC

By:

Name and Title

STATE OF UTAH)
 :ss.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this _____ day of February, 2019, by _____ as _____ of ESAD Investments, LC who acknowledged that he/she signed this Agreement on behalf of ESAD Investments, LC.

NOTARY PUBLIC

EXHIBIT A

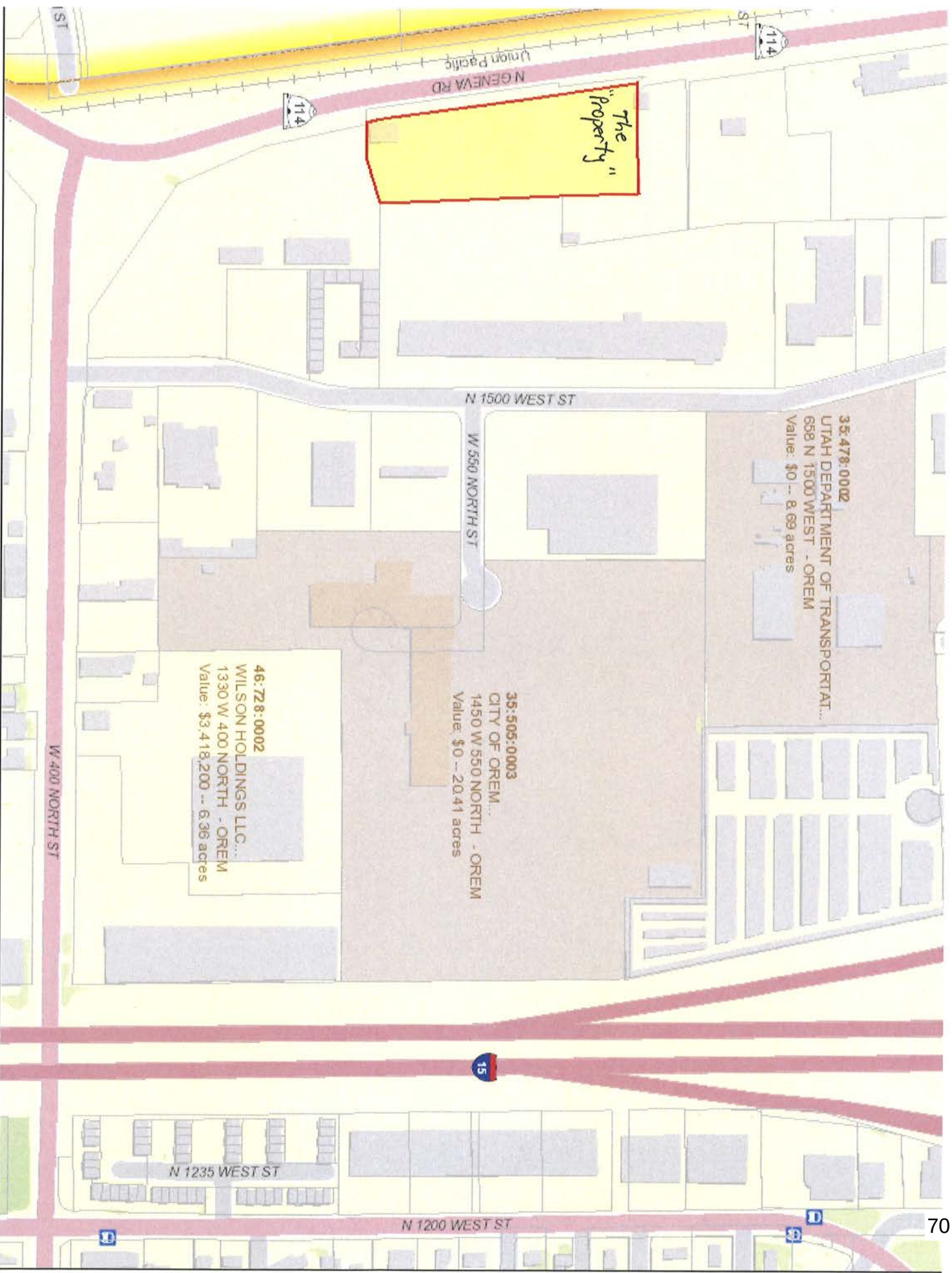


EXHIBIT B

A COMMERCIAL SITE PLAN IN OREM, UTAH

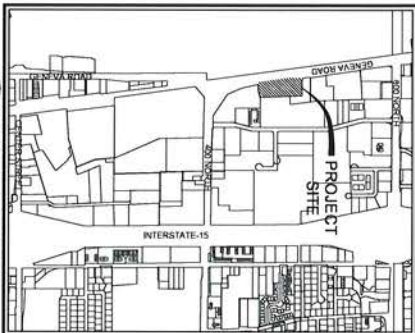
PROJECT NOTES

7. THE CONTRACTOR SHALL BE RESPONSIBLE IN ACCORDANCE WITH THE ONLY CITY AND VILLAGE BOARD OF COMMISSIONERS AND MAYORAL OFFICE POLICY ON HOME STREET RECONSTRUCTION THAT ANY REQUEST FOR A CHANGE FROM THE HOME STREET RECONSTRUCTION WILL ONLY BE DECIDED BY THE CITY ENGINEER.
8. THE CITY ENGINEER WILL NOT BE RESPONSIBLE FOR WEARS, METHODS, PROCEDURES, TECHNIQUES OR SEQUENCES OF CONSTRUCTION THAT ARE REQUIRED FOR SAFETY OR TO MAINTAIN ACCESS TO TRAFFIC DURING THE CONSTRUCTION OF PERSON WORK ACCORDING TO CHARTERED DOCUMENTS.
9. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A STORM WATER RETENTION TOLERATION PLAN (SWRP) FROM THE LOCAL WARDEN DIRECTOR ON PERSONAL.
10. PRIOR TO COMMENCEMENT OF ANY WORK, THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ALL NEIGHBOURS OF THE PROJECT AND PROVIDING INFORMATION RELATING WITH THE PUBLIC WORKS DISTRICTS OF THE LOCAL WARDEN DIRECTOR, CITY INSPECTORS, THE COMMISSIONER AND ALL SUB-COMMITTEES AND THE NEIGHBOUR COUNCIL.

[illegible]

GENERAL PLANS

- | | |
|-------|-------------------------------|
| C-01 | COVER SHEET |
| C-02 | SITE PLAN |
| C-03 | TRUCK ROUTE/SITE DISTANCE |
| C-04 | GRADING PLAN |
| C-05 | STORM DRAIN PLAN-NORTH |
| C-06 | STORM DRAIN PLAN-SOUTH |
| C-07 | UTILITY PLAN |
| C-08 | RETAINING WALL PLAN & PROFILE |
| C-09 | GENERAL DETAILS |
| C-10 | GENERAL DETAILS |
| CD-01 | SITE CROSS SECTIONS |
| CS-01 | EROSION CONTROL PLAN |
| CS-02 | BMP DETAILS |
| CS-03 | BMP DETAILS |
| CS-04 | BMP DETAILS |



Property Address:

520 N Geneva Road
Orem, Utah

Owner / Developer

DCD Transfer Station & Recycling
520 N Geneva Rd
Orem, UT 84057
Tel: 801.221.9001
Attn: Mike Dunn
miked@dunnutah.com
dunnrecycling.com

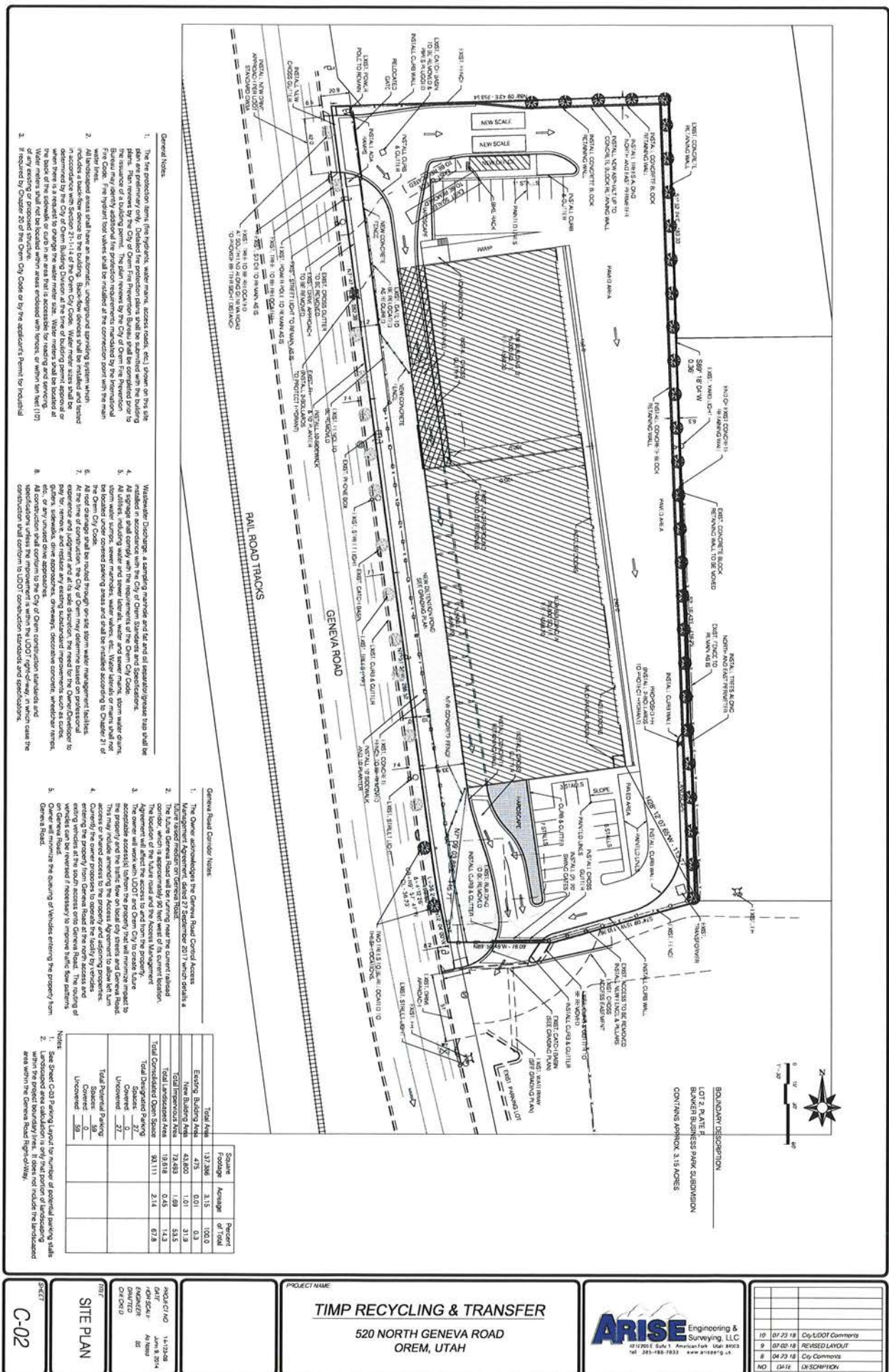
Engineer / Surveyor

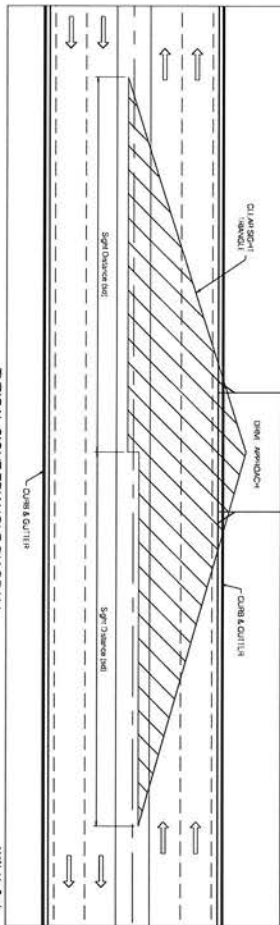
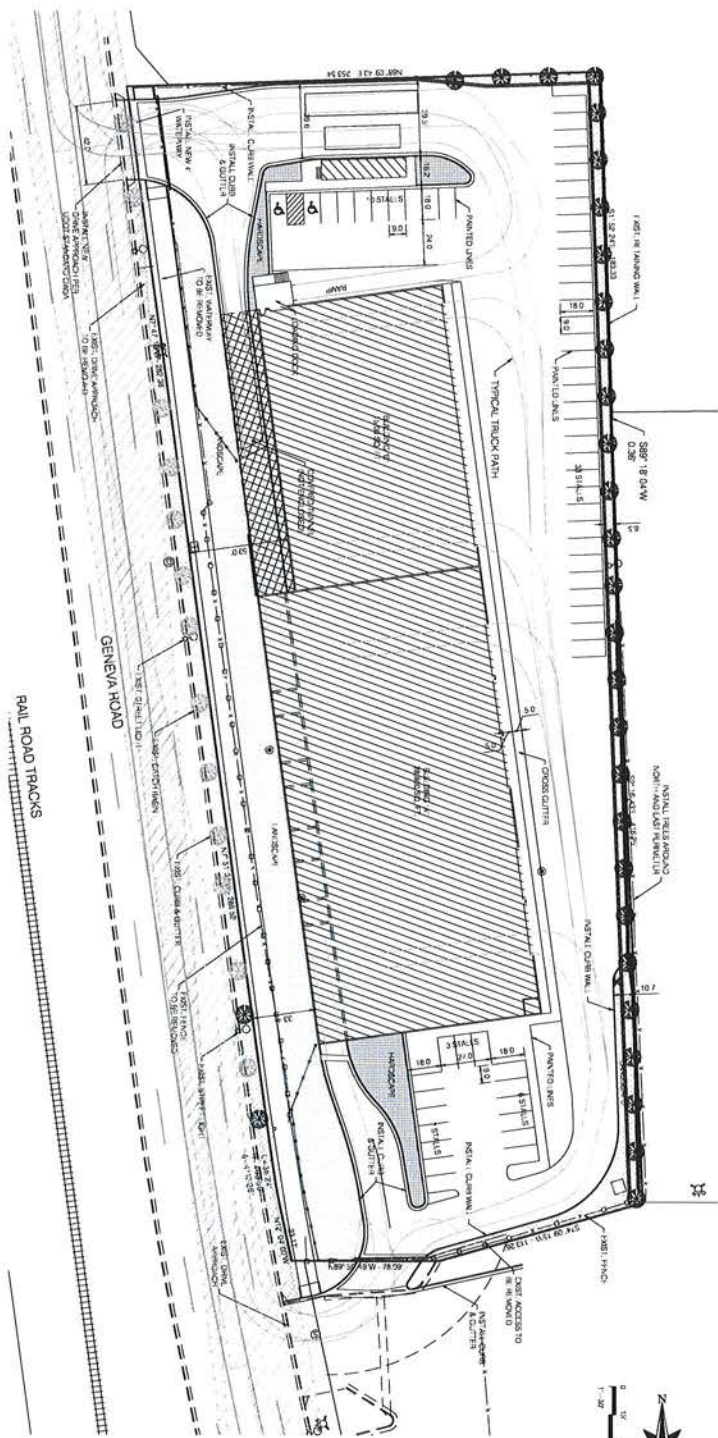
Arise Engineering and Surveying, INC.
42 North 200 East, Suite 1
American Fork, Ut 84003
Tel: 385-498-7833
Attn: Brent Salley
brent@ariseeng.us

520 NORTH GENEVA ROAD
OREM, UTAH



10	07-23-18	City/UDOT Comments
9	07-02-18	REVISED LAYOUT
8	04-23-18	City Comments
VO	(DATE)	(DESCRIPTION)





TYPICAL SIGHT TRIANGLE DIAGRAM

***Not to Scale

Table A1 Intersection Sight Distance - Stop Controlled

Design Vehicle	Right of Way		
	Local	Major	Arterial
Passenger Car	290	335	385
Single Unit Truck	375	440	500
Combination Truck	415	515	620
			775

Notes:

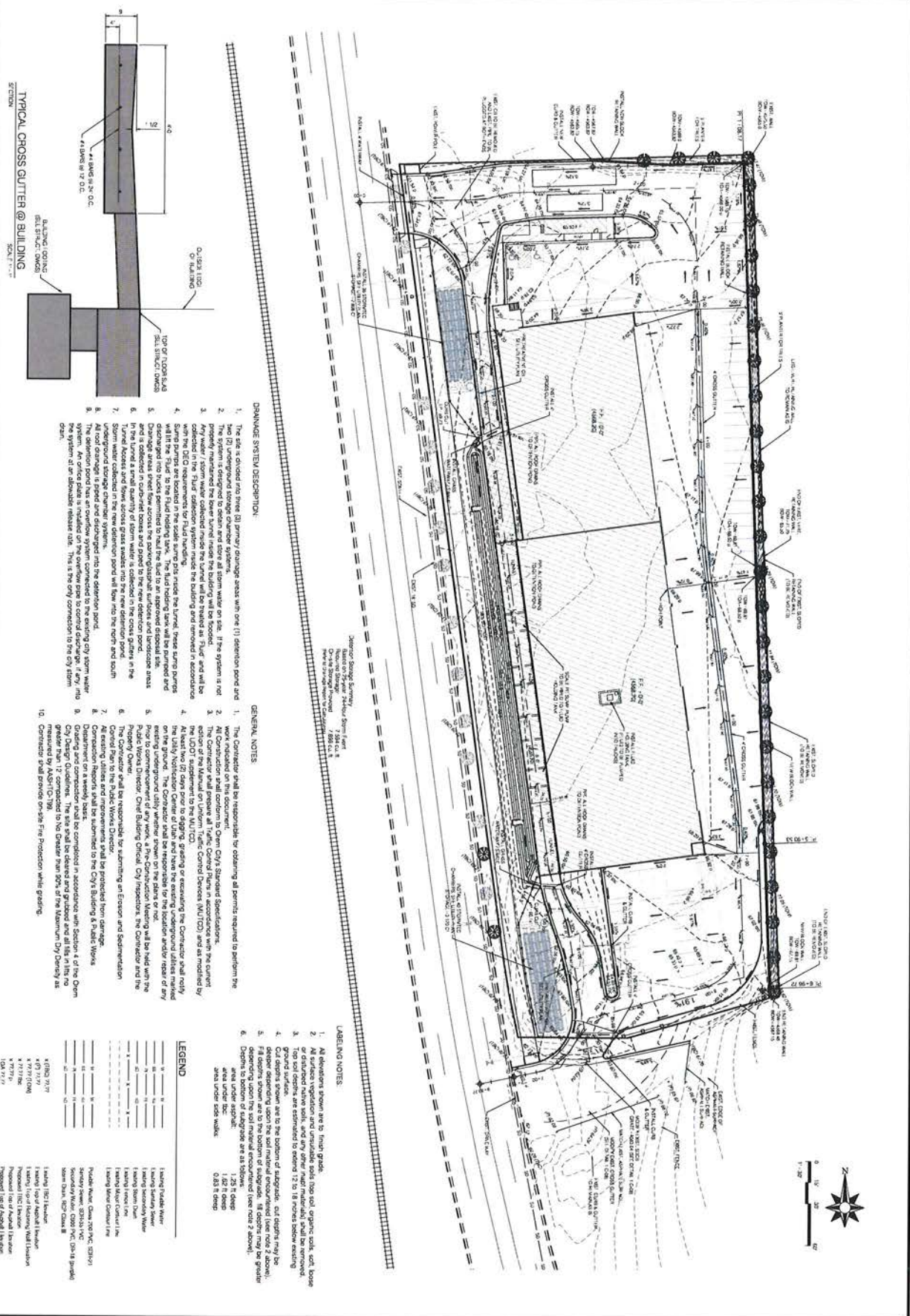
1. Design speed of 35 mph is assumed.
2. Design speed of 30 mph is assumed.
3. Design speed of 25 mph is assumed.
4. Design speed of 20 mph is assumed.
5. Design speed of 15 mph is assumed.

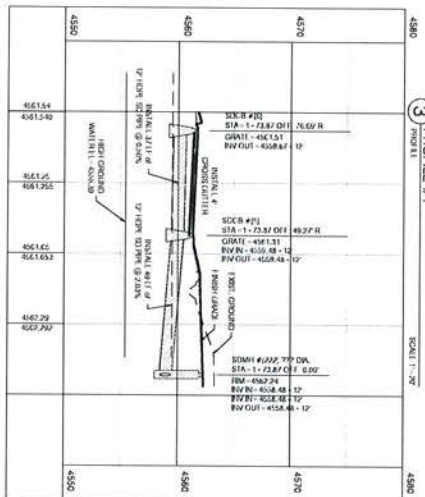
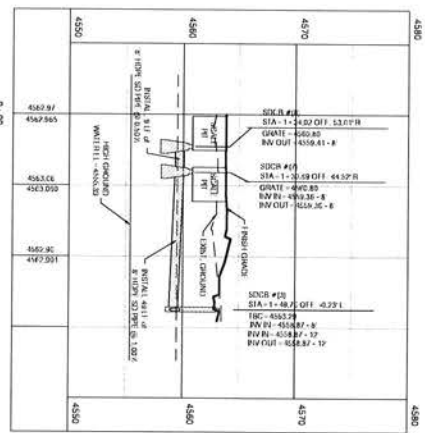
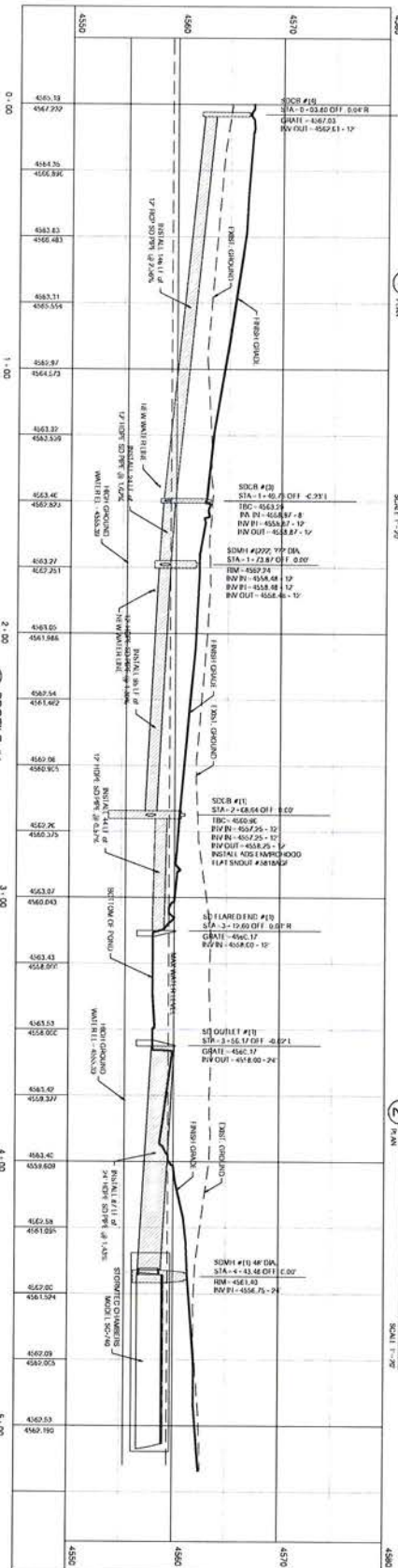
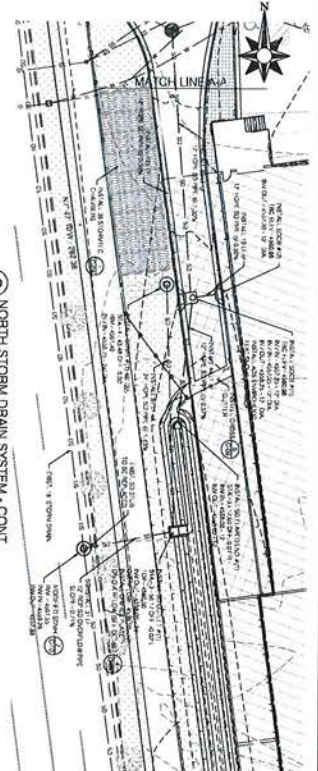
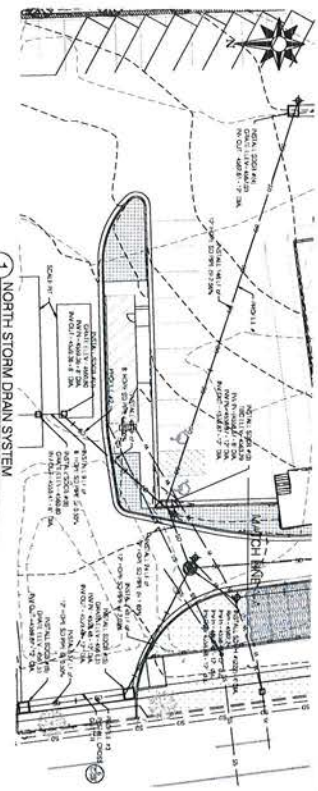
Source: AASHTO Greenbook (2004) Table B2 (p. 663-666)

Sight Distance shown in sight plan above is based on the Arterial Combination Truck (620 ft - 775 ft)

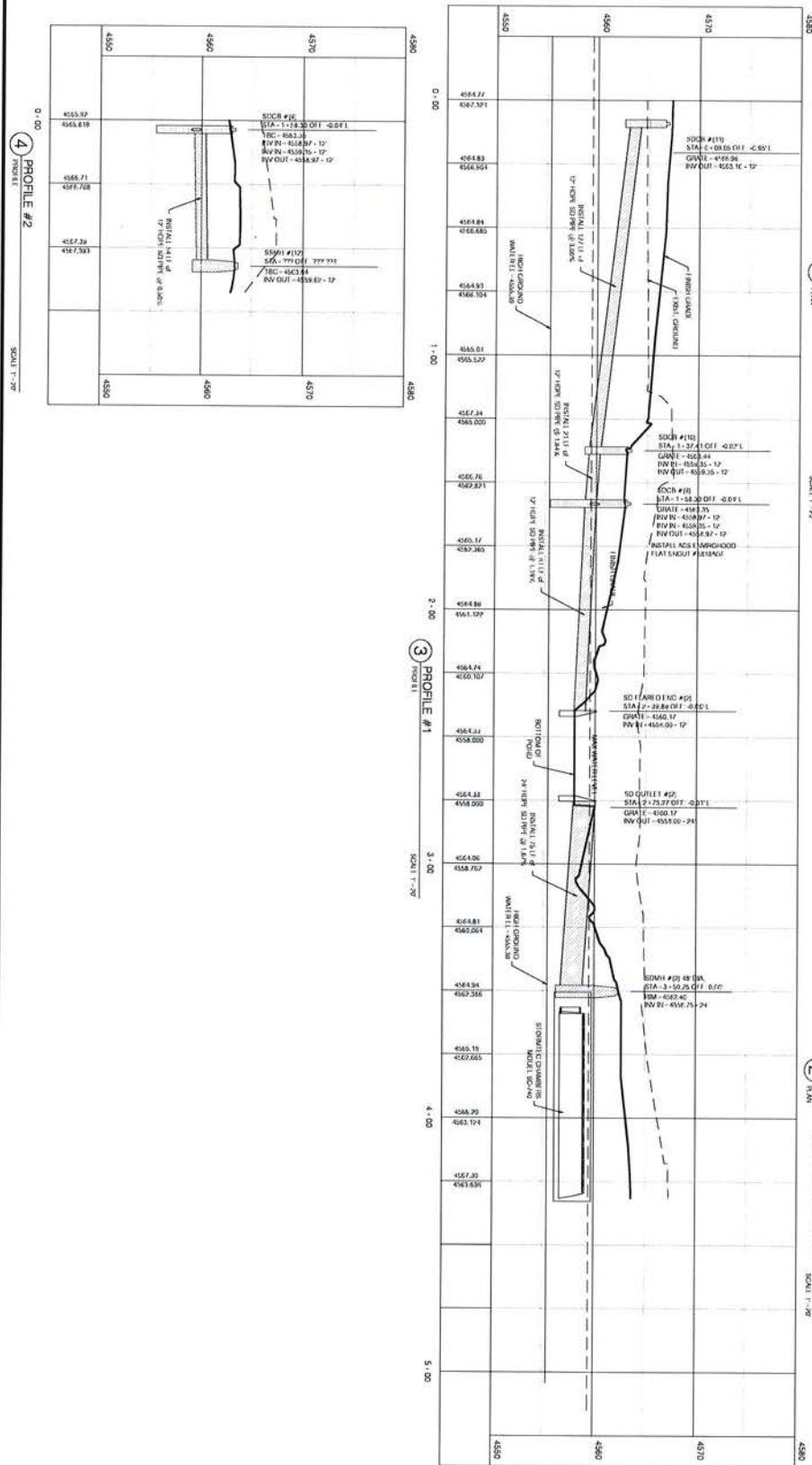
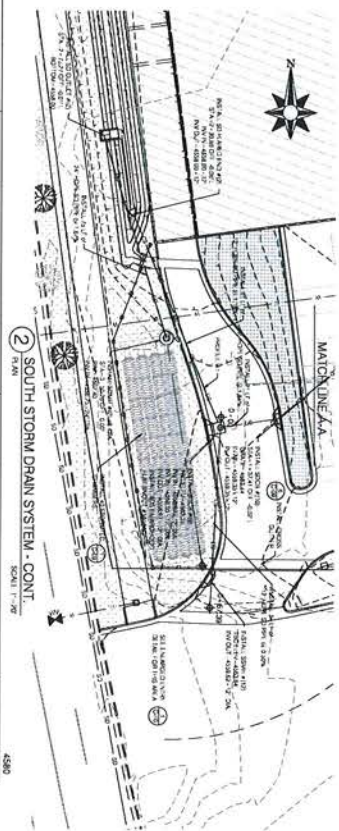
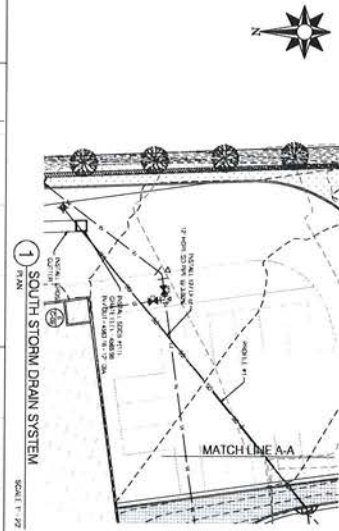
- Notes:
1. The parking layout shown is intended to provide Chem City Parkers with a safe parking area that can be incorporated on the site.
 2. Parking layout shown makes use of the existing drive, entrance, and drive access to the building.
 3. The parking layout shown makes use of the existing drive, entrance, and drive access to the building.
 4. Curb & gutter is intended to be installed only where it is called out on the plan.
 5. Landscaped areas are intended to be along the perimeter of the lot and along Geneva road.

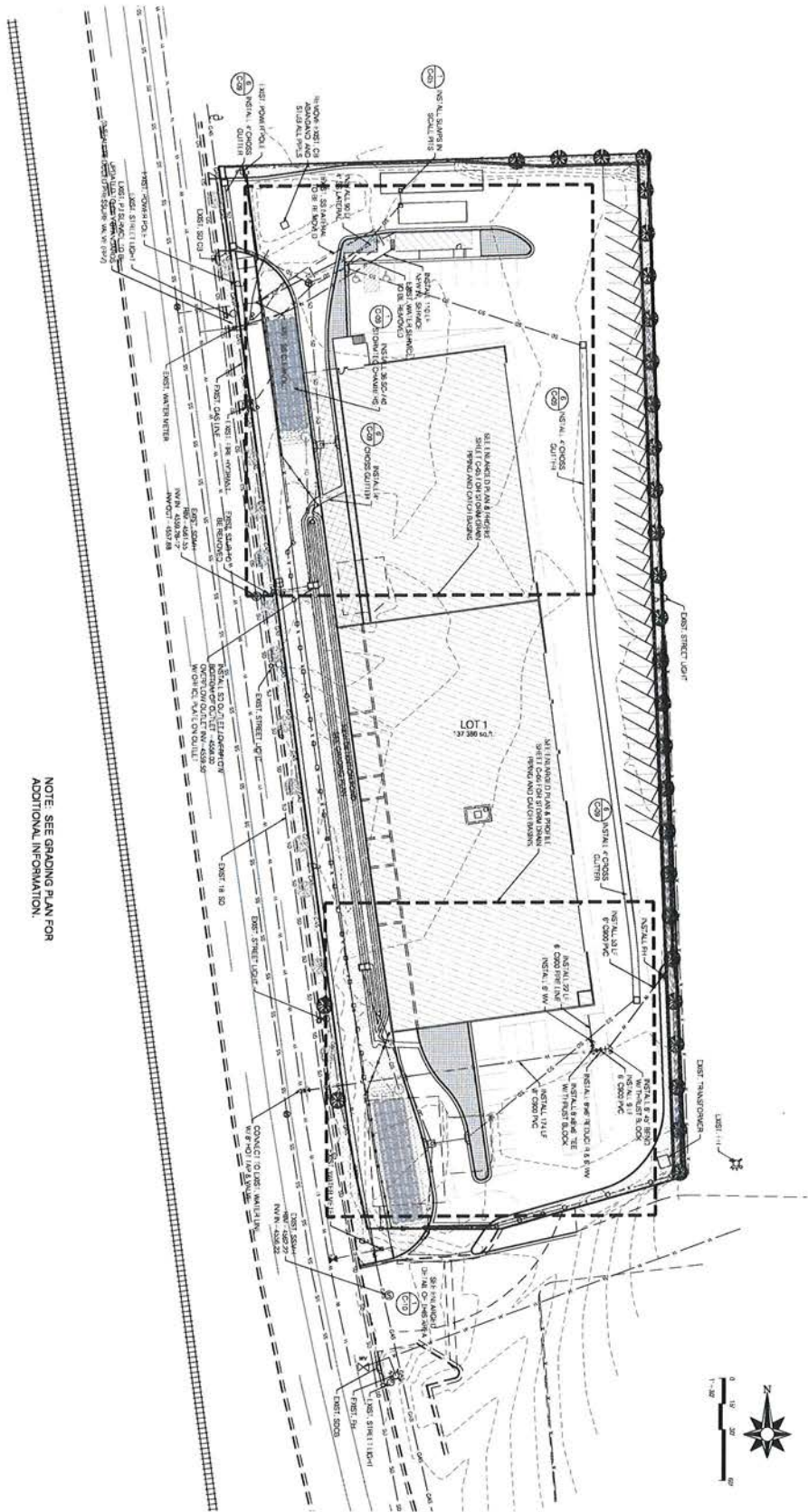
PROJECT C-03	DATE JAN 8, 2014 BY ARISE	PROJECT NAME TIMB RECYCLING & TRANSFER 520 NORTH GENEVA ROAD OREM, UTAH	 4710 N. 200 E. Suite 100, Provo, UT 84601 TEL: 360-438-1822 WWW.ARISE-UTAH.COM	10 01/23/14 City/DOOT Comments 9 01/23/14 PREPARED LAYOUT 8 01/23/14 City Comments 7 01/23/14 City Comments 6 01/23/14 City Comments 5 01/23/14 City Comments 4 01/23/14 City Comments 3 01/23/14 City Comments 2 01/23/14 City Comments 1 01/23/14 City Comments
				10 01/23/14 City/DOOT Comments 9 01/23/14 PREPARED LAYOUT 8 01/23/14 City Comments 7 01/23/14 City Comments 6 01/23/14 City Comments 5 01/23/14 City Comments 4 01/23/14 City Comments 3 01/23/14 City Comments 2 01/23/14 City Comments 1 01/23/14 City Comments





PROJECT NAME TIMP RECYCLING & TRANSFER 520 NORTH GENEVA ROAD OREM, UTAH	ARISE Engineering & Surveying, LLC 4910 S. 1000 E. Suite 100, Provo, UT 84603 Tel: 360-430-1833 Fax: 360-430-1834	10 01/23/18 City/DOOT Comments
		9 07/09/18 REVISED LAYOUT
PROJECT NO 15-128-08 DATE JUN 8, 2014 DESIGNED BY AJS CHECKED BY CJS	PROJECT NAME TIMP RECYCLING & TRANSFER 520 NORTH GENEVA ROAD OREM, UTAH	8 04/23/18 City Comments
		7 04/23/18 City Comments
PROJECT NO 15-128-08 DATE JUN 8, 2014 DESIGNED BY AJS CHECKED BY CJS	PROJECT NAME TIMP RECYCLING & TRANSFER 520 NORTH GENEVA ROAD OREM, UTAH	6 04/23/18 City Comments
PROJECT NO 15-128-08 DATE JUN 8, 2014 DESIGNED BY AJS CHECKED BY CJS	PROJECT NAME TIMP RECYCLING & TRANSFER 520 NORTH GENEVA ROAD OREM, UTAH	5 04/23/18 City Comments
PROJECT NO 15-128-08 DATE JUN 8, 2014 DESIGNED BY AJS CHECKED BY CJS	PROJECT NAME TIMP RECYCLING & TRANSFER 520 NORTH GENEVA ROAD OREM, UTAH	4 04/23/18 City Comments
PROJECT NO 15-128-08 DATE JUN 8, 2014 DESIGNED BY AJS CHECKED BY CJS	PROJECT NAME TIMP RECYCLING & TRANSFER 520 NORTH GENEVA ROAD OREM, UTAH	3 04/23/18 City Comments
PROJECT NO 15-128-08 DATE JUN 8, 2014 DESIGNED BY AJS CHECKED BY CJS	PROJECT NAME TIMP RECYCLING & TRANSFER 520 NORTH GENEVA ROAD OREM, UTAH	2 04/23/18 City Comments
PROJECT NO 15-128-08 DATE JUN 8, 2014 DESIGNED BY AJS CHECKED BY CJS	PROJECT NAME TIMP RECYCLING & TRANSFER 520 NORTH GENEVA ROAD OREM, UTAH	1 04/23/18 City Comments

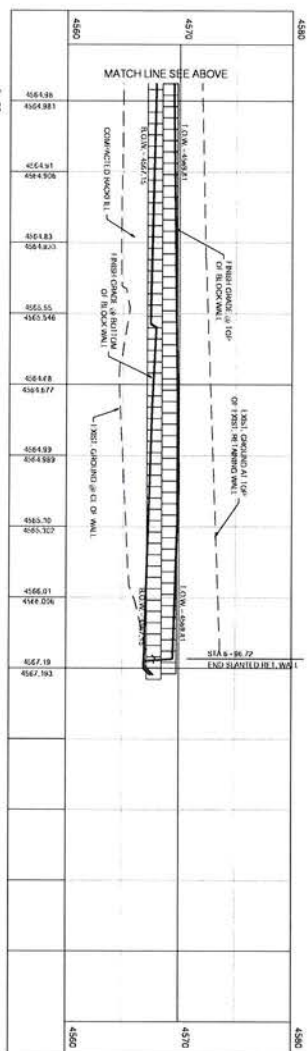
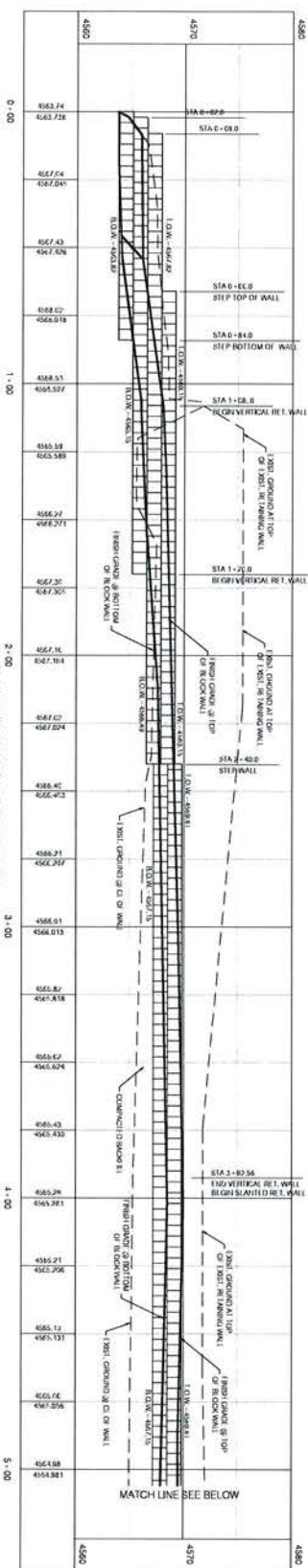
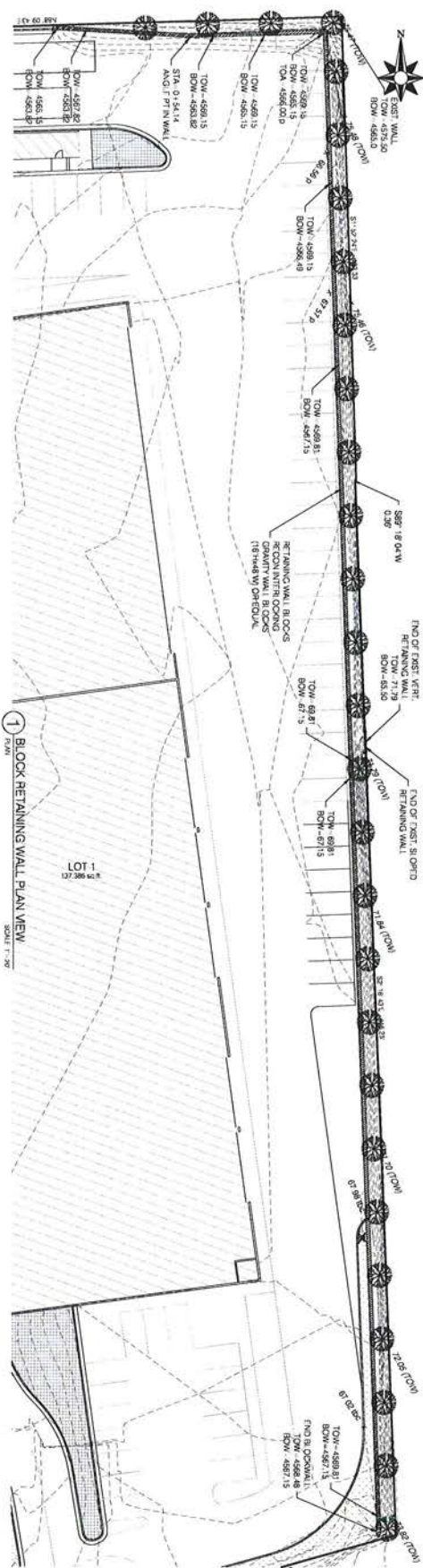


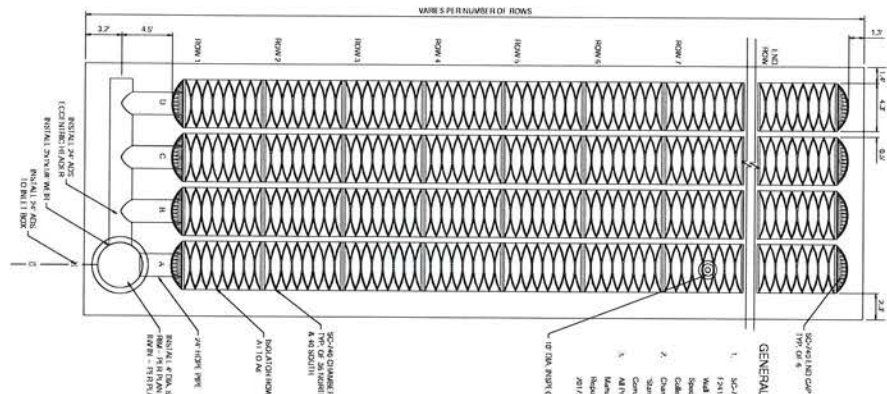


NOTE: SEE GRADING PLAN FOR
ADDITIONAL INFORMATION.

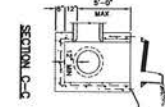
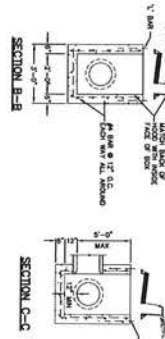
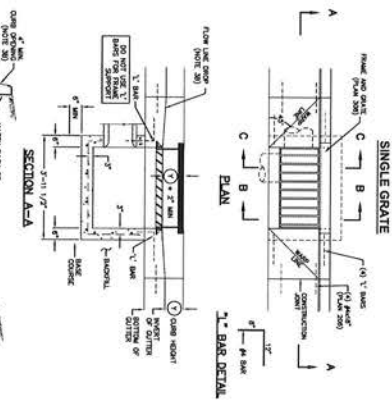
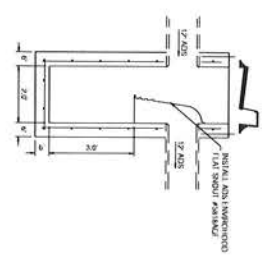
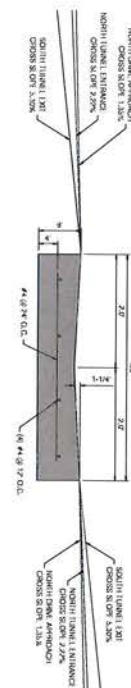
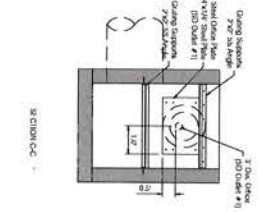
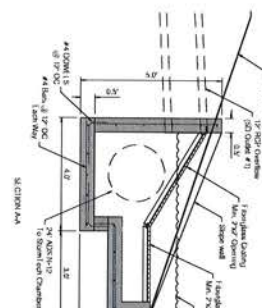
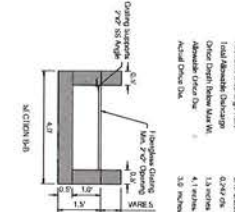
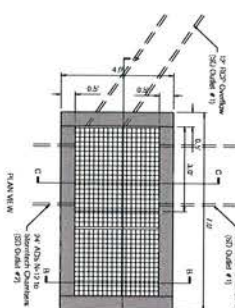
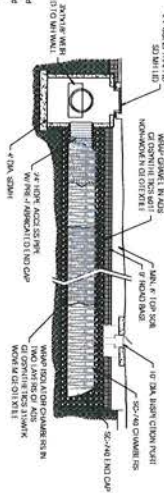
LEGEND

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GENERAL NOTES:

[illegible]

10	07-23-18	City/UDOT Comments
9	07-02-18	REVISED LAYOUT
8	04-23-18	City Comments
VO	(DATE)	DESCRIPTION

80

TIMP RECYCLING & TRANSFER
520 NORTH GENEVA ROAD
OREM, UTAH

ARISE Engineering & Surveying, LLC
421120C E Suite 1 American Fork, Utah 84003
tel 385-498-7832 www.ariseeng.us

C-09

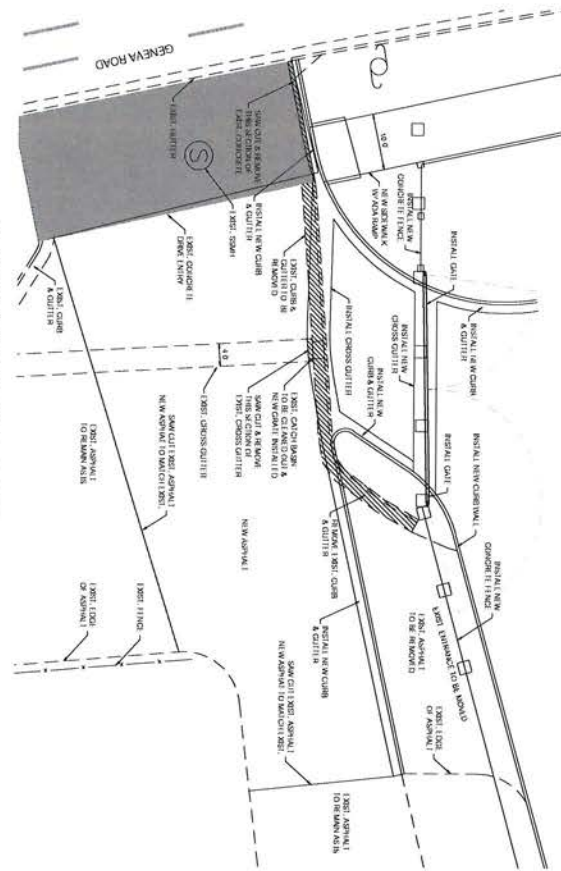
GENERAL DETAILS

DATE: June 9, 20
FOR SCALE: As Noted
ENGINEER: DS
DRAFTED
CHECKED

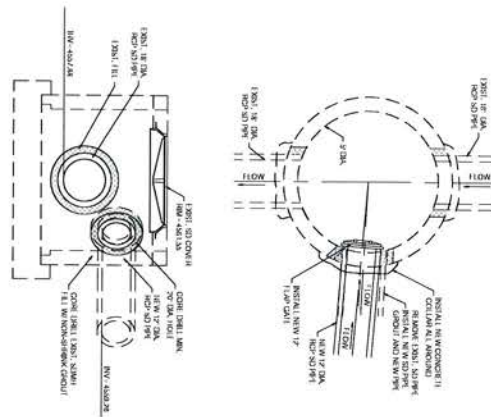
PROJECT NAME

SHEET

① MODIFICATIONS TO EXIST. CROSS GUTTER
PLAN
SCALE: 1" = 12'



② MODIFICATIONS TO EXIST. SDMH
PLAN
SCALE: 1" = 12'



C-10

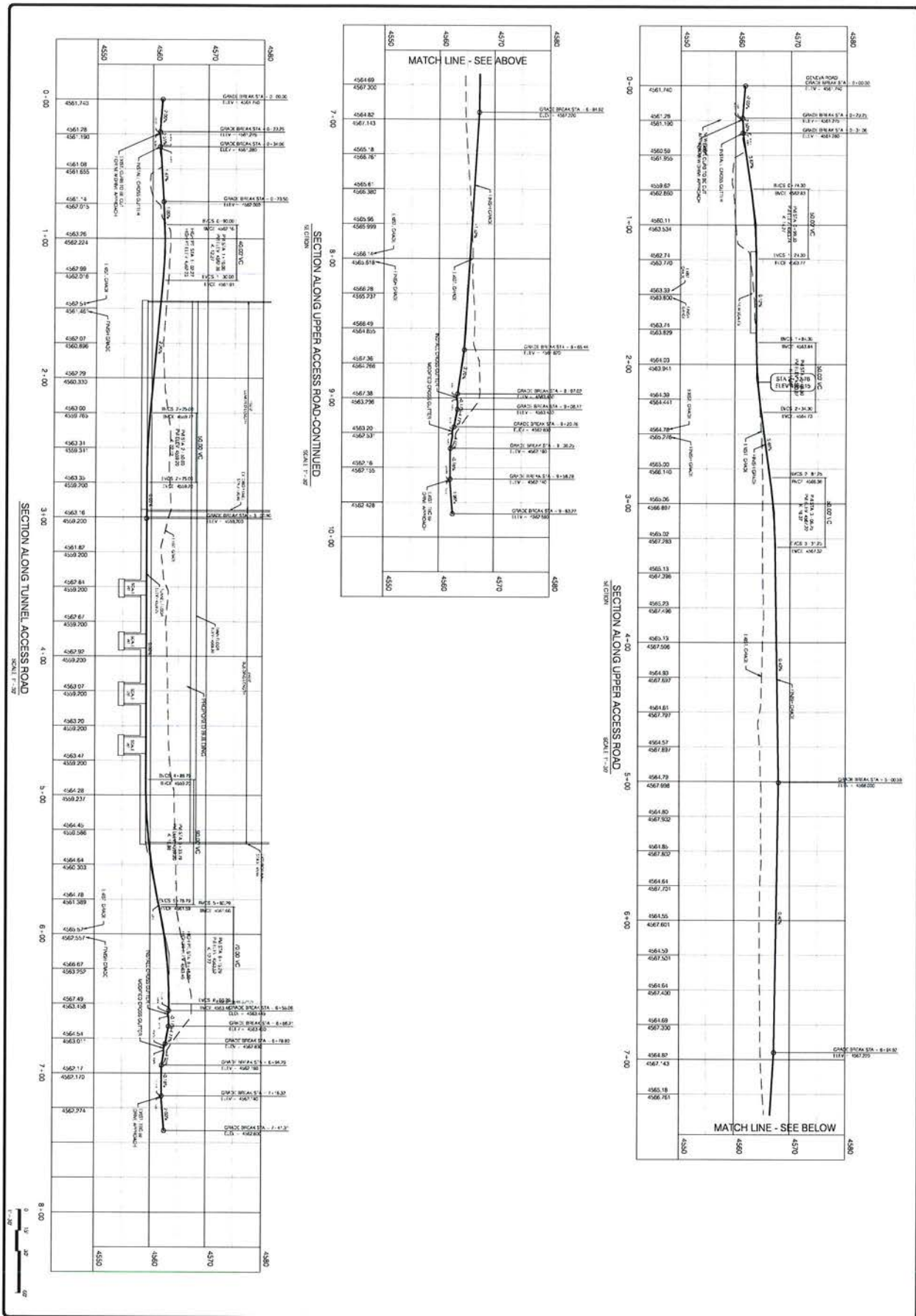
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DETAILS

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DATE: June 8, 2014
DRAWN BY: ARNOLD
CHECKED BY: [Signature]
DATE: [Signature]

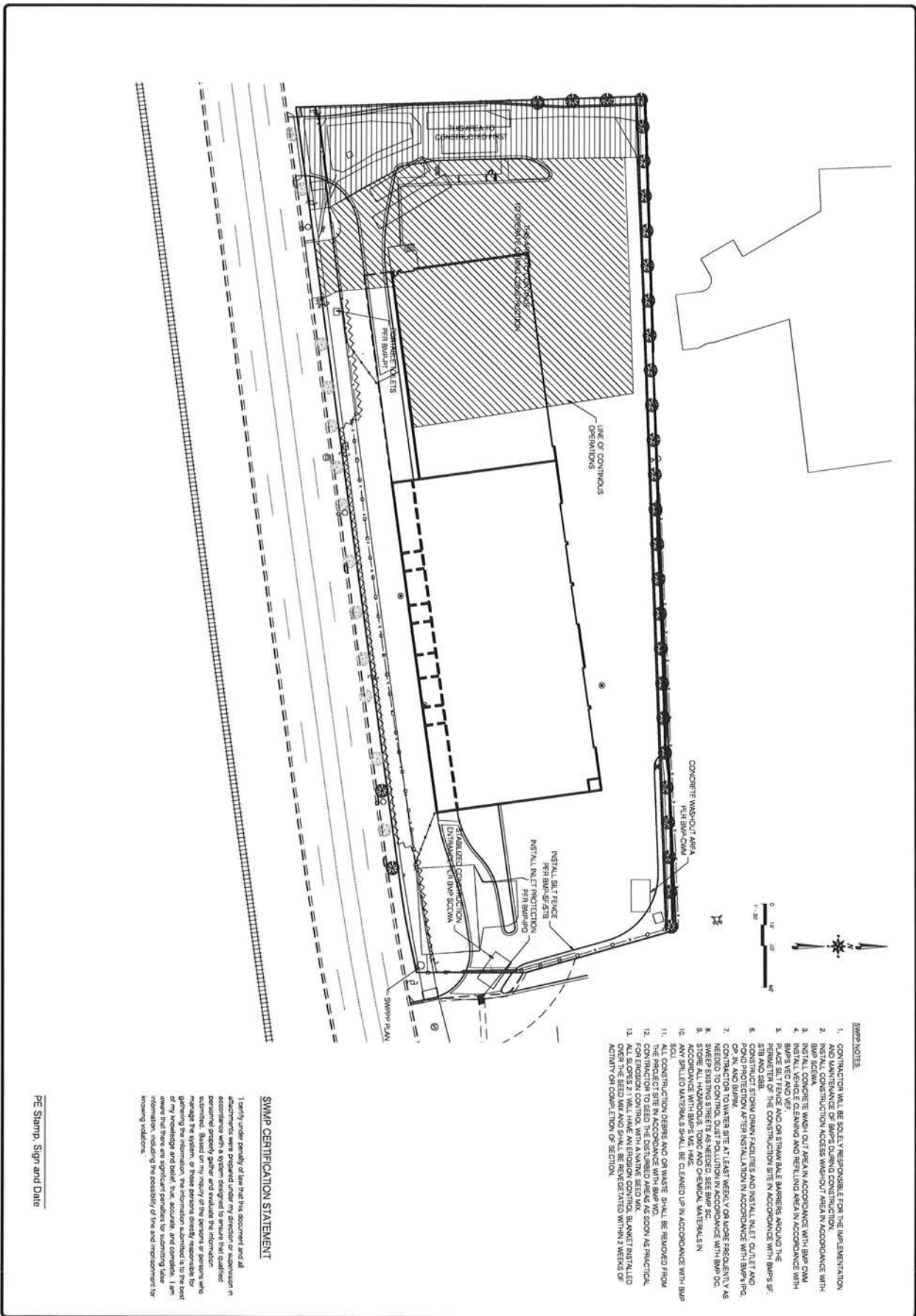
PROJECT NAME
TIMP RECYCLING & TRANSFER
520 NORTH GENEVA ROAD
OREM, UTAH

ARISE Engineering & Surveying, LLC
8211001 Suite 1, American Fork, Utah 84003
Tel: 360-596-7832 www.ariseeng.com

NO.	DATE	DESCRIPTION
10	07-23-18	City/DOOT Comments
9	07-02-18	REVISED LAYOUT
8	04-23-18	City Comments
7		
6		
5		
4		
3		
2		
1		



CD-01 SHEET SITE PROFILES	PROJECT NO. DATE DRAWN CHECKED DESIGNED	PROJECT NAME TIMP RECYCLING & TRANSFER 520 NORTH GENEVA ROAD OREM, UTAH	ARISE Engineering & Surveying, LLC 6710 E. 1000 S. Suite 100, American Fork, Utah 84003 (801) 225-1000 FAX (801) 225-1001	10 07-23-18 City/Client Comments 9 07-20-18 REVISED LAYOUT 8 04-23-18 City Comments 10 04-11-18 DR SCHWACH
	PROJECT NO. DATE DRAWN CHECKED DESIGNED	PROJECT NAME TIMP RECYCLING & TRANSFER 520 NORTH GENEVA ROAD OREM, UTAH	ARISE Engineering & Surveying, LLC 6710 E. 1000 S. Suite 100, American Fork, Utah 84003 (801) 225-1000 FAX (801) 225-1001	10 07-23-18 City/Client Comments 9 07-20-18 REVISED LAYOUT 8 04-23-18 City Comments 10 04-11-18 DR SCHWACH
	PROJECT NO. DATE DRAWN CHECKED DESIGNED	PROJECT NAME TIMP RECYCLING & TRANSFER 520 NORTH GENEVA ROAD OREM, UTAH	ARISE Engineering & Surveying, LLC 6710 E. 1000 S. Suite 100, American Fork, Utah 84003 (801) 225-1000 FAX (801) 225-1001	10 07-23-18 City/Client Comments 9 07-20-18 REVISED LAYOUT 8 04-23-18 City Comments 10 04-11-18 DR SCHWACH
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PROJECT CS-01		DATE 11/13/2018 BY AS/MS REVISION 1		PROJECT NAME TIMP RECYCLING & TRANSFER 520 NORTH GENEVA ROAD OREM, UTAH		ARISE Engineering & Surveying, LLC 4710 West 1000 South, Suite 1000 Salt Lake City, UT 84119		<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>10</td> <td>07/23/18</td> <td>City/DOOT Comments</td> </tr> <tr> <td>9</td> <td>07/23/18</td> <td>REVISED LAYOUT</td> </tr> <tr> <td>8</td> <td>04/23/18</td> <td>City Comments</td> </tr> <tr> <td>7</td> <td>04/23/18</td> <td>City Comments</td> </tr> </tbody> </table>		NO.	DATE	DESCRIPTION	10	07/23/18	City/DOOT Comments	9	07/23/18	REVISED LAYOUT	8	04/23/18	City Comments	7	04/23/18	City Comments
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10	07/23/18	City/DOOT Comments																						
9	07/23/18	REVISED LAYOUT																						
8	04/23/18	City Comments																						
7	04/23/18	City Comments																						

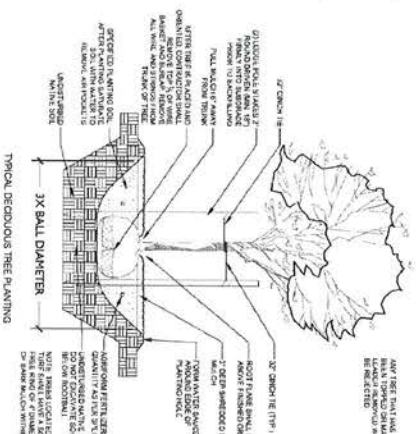
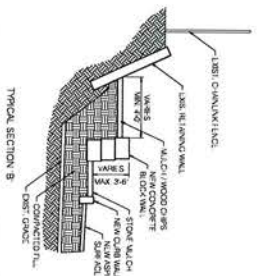
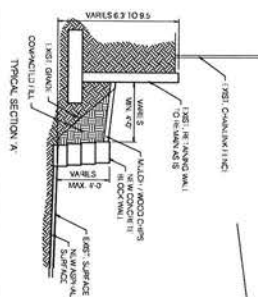
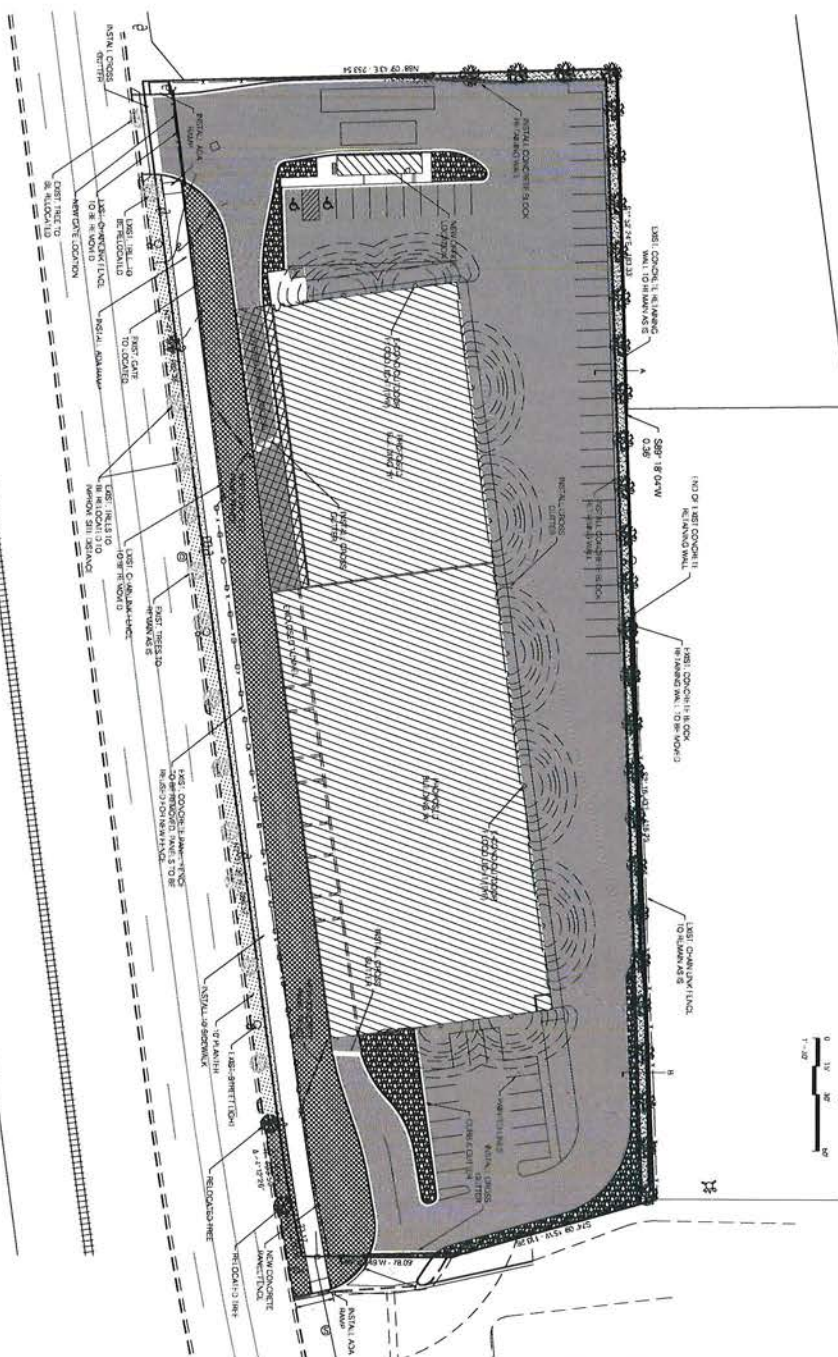
SWMP CERTIFICATION STATEMENT

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons or persons who supplied the information and my review of the information submitted, I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

FE Stamp, Sign and Date

SHEET	CS-03	BMP DETAILS	TITLE NO. OF NO. 1-13258 DATE: June 8, 2014 DRAWN BY: AS CHECKED BY: NS		PROJECT NAME
					<u>TIMP RECYCLING & TRANSFER</u> 520 NORTH GENEVA ROAD OREM, UTAH

SHEET	CS-03	BMP DETAILS	TITLE NO. OF NO. 1-13258 DATE: June 8, 2014 DRAWN BY: AS CHECKED BY: NS		PROJECT NAME
					<u>TIMP RECYCLING & TRANSFER</u> 520 NORTH GENEVA ROAD OREM, UTAH



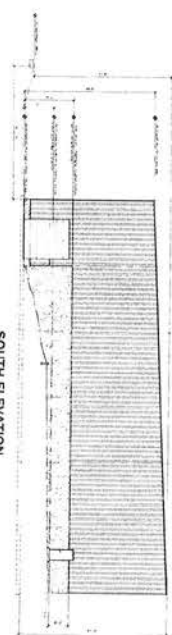
- [illegible]

PLANTING LEGEND					
SYMBOL	QTY	COMMON NAME	BOTANICAL NAME	SIZE	SPACING
	28	Hybrid Poplar	Populus Hybrids	2' Caliper	25 ft
	2	Exotic Tree to be received			

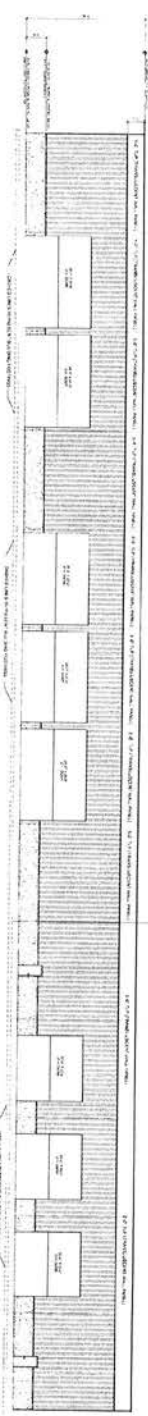
HARDSCAPE LEGEND

10	07-23-18	City/UDOT Comments
9	07-02-18	REVISED LAYOUT
8	04-23-18	City Comments
NO	DATE	DESCRIPTION

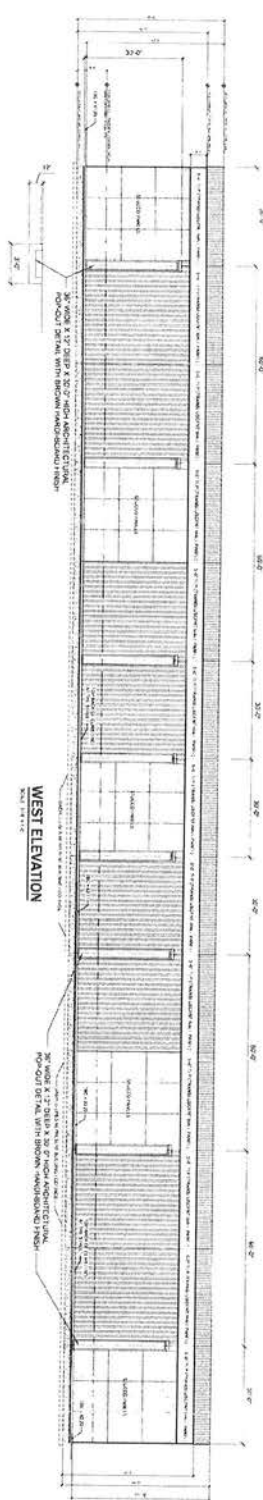
EXHIBIT C



SOUTH ELEVATION

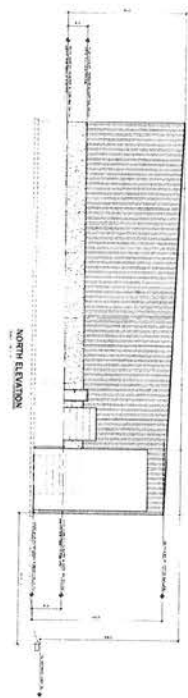


EAST ELEVATION



WEST ELEVATION

POP-OUT DETAIL



NORTH ELEVATION

Diversified

520 NORTH GENEVA ROAD
OREM, UT 84057
TEL: 801.225.1234
FAX: 801.225.1235
Email: diversified@diversified.com

PROJECT NAME

TIMP RECYCLING & TRANSFER

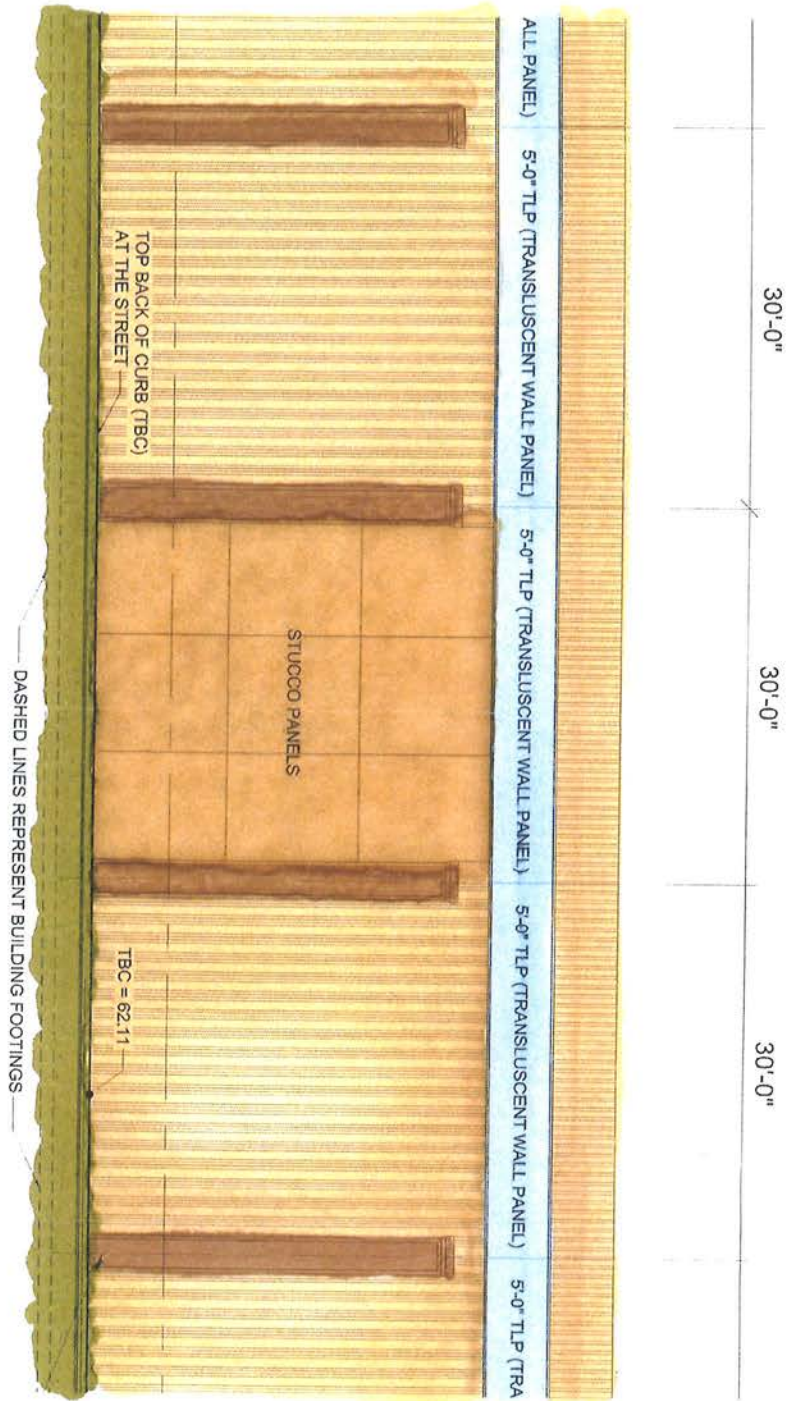
520 NORTH GENEVA ROAD
OREM, UTAH

PROJECT INFO	
PROJECT NO.	2011-003
DATE	10/11/16
DESIGNED BY	ARCHITECT
SCALE	SCALE: 1" = 10'-0"
DATE	10-20-2016

REVISIONS	
NO.	DESCRIPTION
1	DISCUSSION
2	DISCUSSION
3	DISCUSSION
4	DISCUSSION
5	DISCUSSION

EXTERIOR ELEVATIONS

A 201
Sheet 2 of 3



WEST ELEVATION

SCALE: 1/16" = 1'-0"



CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED JANUARY 2019

Percent of Year Expired: 58%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2019	% To Date FY 2018	Notes
10 GENERAL FUND								
Revenues	52,542,672	5,113,063	29,484,258			56%		
Appr. Surplus - Prior Year	3,293,798		3,293,798			100%		
Std. Interfund Transactions	5,275,308		5,275,308			100%		
Total Resources	61,111,778	5,113,063	38,053,364		23,058,414	62%	62%	
Expenditures	61,111,778	6,481,593	34,961,122	1,122,600	25,028,056	59%	56%	
20 ROAD FUND								
Revenues	3,130,000	581,285	1,675,275			54%		
Appr. Surplus - Current	424,000		424,000			100%		
Appr. Surplus - Prior Year	1,862,049		1,862,049			100%		
Total Resources	5,416,049	581,285	3,961,324		1,454,725	73%	68%	
Expenditures	5,416,049	45,432	2,554,371	398,519	2,463,159	55%	61%	
21 CARE TAX FUND								
Revenues	2,075,000	192,133	979,682			47%		
Appr. Surplus - Current	100,000		100,000			100%		
Appr. Surplus - Prior Year	3,002,456		3,002,456			100%		
Total Resources	5,177,456	192,133	4,082,138		1,095,318	79%	72%	
Expenditures	5,177,456	3,232	1,059,081	9,214	4,109,161	21%	24%	
30 DEBT SERVICE FUND								
Revenues	5,706,412	1,170	3,546,403			62%		
Appr. Surplus - Prior Year	6,603		6,603			100%		
Total Resources	5,713,015	1,170	3,553,006		2,160,009	62%	52%	
Expenditures	5,713,015	49,292	1,732,811		3,980,204	30%	27%	
45 CIP FUND								
Revenues	371,019	64,401	454,108			122%		
Appr. Surplus - Prior Year	11,591,434		11,591,434			100%		
Total Resources	11,962,453	64,401	12,045,542		-83,089	101%	101%	
Expenditures	11,962,453	38,085	1,063,684	329,497	10,569,272	12%	23%	1
51 WATER FUND								
Revenues	18,581,062	913,993	12,832,697			69%		
Appr. Surplus - Current Year	1,000,000		1,000,000			100%		
Appr. Surplus - Prior Year	10,973,466		10,973,466			100%		
Total Resources	30,554,528	913,993	24,806,163		5,748,365	81%	79%	
Expenditures	30,554,528	813,507	9,070,351	2,979,465	18,504,712	39%	34%	
52 WATER RECLAMATION FUND								
Revenues	10,603,694	938,177	6,683,542			63%		
Appr. Surplus - Current Year	1,005,000		1,005,000			100%		
Appr. Surplus - Prior Year	4,121,693		4,121,693			100%		
Total Resources	15,730,387	938,177	11,810,235		3,920,152	75%	69%	
Expenditures	15,730,387	369,323	4,400,107	812,485	10,517,795	33%	40%	
55 STORM WATER FUND								
Revenues	4,638,195	405,320	2,904,468			63%		
Appr. Surplus - Current Year	629,988		629,988			100%		
Appr. Surplus - Prior Year	3,010,281		3,010,281			100%		
Total Resources	8,278,464	405,320	6,544,737		1,733,727	79%	75%	
Expenditures	8,278,464	331,837	3,195,402	430,896	4,652,166	44%	33%	2
56 RECREATION FUND								
Revenues	2,063,500	236,881	1,269,670			62%		
Appr. Surplus - Prior Year	2,061		2,061			100%		
Total Resources	2,065,561	236,881	1,271,731		793,830	62%	67%	
Expenditures	2,065,561	150,646	1,221,622	157,881	686,058	67%	68%	
57 SOLID WASTE FUND								
Revenues	3,794,980	298,310	2,234,248			59%		
Appr. Surplus - Prior Year	248,577		248,577			100%		
Total Resources	4,043,557	298,310	2,482,825		1,560,732	61%	62%	
Expenditures	4,043,557	210,124	2,193,624	149,122	1,700,811	58%	52%	

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED JANUARY 2019

Percent of Year Expired: 58%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2019	% To Date FY 2018	Notes
58 STREET LIGHTING FUND								
Revenues	1,733,000	80,229	1,344,766			78%		
Appr. Surplus - Prior Year	108,170		108,170			100%		
Total Resources	1,841,170	80,229	1,452,936		388,234	79%	83%	
Expenditures	1,841,170	57,778	465,052	291,789	1,084,329	41%	69%	3
61 FLEET MAINTENANCE FUND								
Revenues			1,223			100%		
Appr. Surplus - Prior Year	1,421		1,421			100%		
Std. Interfund Transactions	784,000		784,000			100%		
Total Resources	785,421		786,644		-1,223	100%	100%	
Expenditures	785,421	63,014	504,881	1,498	279,042	64%	62%	
62 PURCHASING/WAREHOUSING FUND								
Revenues		15	105			100%		
Appr. Surplus - Prior Year	227		227			100%		
Std. Interfund Transactions	375,000		375,000			100%		
Total Resources	375,227	15	375,332		-105	100%	100%	
Expenditures	375,227	34,215	268,611	544	106,072	72%	70%	
63 SELF INSURANCE FUND								
Revenues	555,000	66,760	368,313			66%		
Std. Interfund Transactions	1,235,000		1,235,000			100%		
Total Resources	1,790,000	66,760	1,603,313		186,687	90%	88%	
Expenditures	1,790,000	158,437	1,411,000	166	378,834	79%	85%	
64 INFORMATION TECH FUND								
Revenues			5,946			100%		
Appr. Surplus - Prior Year	253,755		253,755			100%		
Std. Interfund Transactions	2,380,000		2,380,000			100%		
Total Resources	2,633,755		2,639,701		-5,946	100%	100%	
Expenditures	2,633,755	263,960	1,477,308	164,568	991,879	62%	55%	
74 CDBG FUND								
Revenues	1,157,917	35,060	266,483			23%		
Appr. Surplus - Prior Year	55,321		55,321			100%		
Total Resources	1,213,238	35,060	321,804			27%	37%	4
Expenditures	1,213,238	53,601	296,020	576	916,642	24%	69%	4
CITY TOTAL RESOURCES	154,217,134	8,846,568	111,698,158		41,627,542	72%	70%	
CITY TOTAL EXPENDITURES	154,217,134	8,802,338	63,932,687	6,392,463	83,891,984	46%	46%	

NOTES TO THE BUDGET REPORT FOR THE MONTH ENDED JANUARY 2019:

- 1) The current year expenditures are lower in comparison to the prior year due to the current year encumbrances (\$329,497) being significantly less than in the prior fiscal year (\$1,104,527) at this date in time.
- 2) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$430,896) being more than in the prior fiscal year (\$195,128) at this date in time. Primarily due to the sump rehabilitation project.
- 3) The current year expenditures are lower in comparison to the prior year due to the current year encumbrances (\$291,789) being significantly less than in the prior fiscal year (\$850,915) at this date in time. Primarily due to light pole purchases.
- 4) The City received \$217,650 in HUD grant drawdowns in the previous fiscal year which is higher due primarily to lower reimbursement related to our NPU officers in this fiscal year. The Senior Center HVAC project spent \$57,785 in the previous year by the end of December but no such project has been done so far this fiscal year.

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).

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED FEBRUARY 2019

Percent of Year Expired: 67%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2019	% To Date FY 2018	Notes
10 GENERAL FUND								
Revenues	52,622,820	4,049,313	33,533,571			64%		
Appr. Surplus - Prior Year	3,293,798		3,293,798			100%		
Std. Interfund Transactions	5,275,308		5,275,308			100%		
Total Resources	61,191,926	4,049,313	42,102,677		19,089,249	69%	69%	
Expenditures	61,191,926	3,313,761	38,274,884	1,005,695	21,911,347	64%	61%	
20 ROAD FUND								
Revenues	3,130,000	34,744	1,710,019			55%		
Appr. Surplus - Current	424,000		424,000			100%		
Appr. Surplus - Prior Year	1,862,049		1,862,049			100%		
Total Resources	5,416,049	34,744	3,996,068		1,419,981	74%	68%	
Expenditures	5,416,049	257,787	2,812,158	415,889	2,188,002	60%	61%	
21 CARE TAX FUND								
Revenues	2,075,000	214,000	1,193,681			58%		
Appr. Surplus - Current	100,000		100,000			100%		
Appr. Surplus - Prior Year	3,002,456		3,002,456			100%		
Total Resources	5,177,456	214,000	4,296,137		881,319	83%	78%	
Expenditures	5,177,456	48,845	1,107,926	13,215	4,056,315	22%	24%	
30 DEBT SERVICE FUND								
Revenues	5,706,412	1,216	3,547,619			62%		
Appr. Surplus - Prior Year	6,603		6,603			100%		
Total Resources	5,713,015	1,216	3,554,222		2,158,793	62%	52%	
Expenditures	5,713,015	49,230	1,782,041		3,930,974	31%	28%	
45 CIP FUND								
Revenues	376,019	5,000	459,108			122%		
Appr. Surplus - Prior Year	11,591,434		11,591,434			100%		
Total Resources	11,967,453	5,000	12,050,542		-83,089	101%	101%	
Expenditures	11,967,453	43,800	1,107,484	428,763	10,431,206	13%	24%	1
51 WATER FUND								
Revenues	18,581,062	852,389	13,685,086			74%		
Appr. Surplus - Current Year	1,000,000		1,000,000			100%		
Appr. Surplus - Prior Year	10,973,466		10,973,466			100%		
Total Resources	30,554,528	852,389	25,658,552		4,895,976	84%	83%	
Expenditures	30,554,528	1,439,455	10,509,805	2,669,809	17,374,914	43%	37%	
52 WATER RECLAMATION FUND								
Revenues	10,603,694	951,289	7,634,877			72%		
Appr. Surplus - Current Year	1,005,000		1,005,000			100%		
Appr. Surplus - Prior Year	4,121,693		4,121,693			100%		
Total Resources	15,730,387	951,289	12,761,570		2,968,817	81%	75%	
Expenditures	15,730,387	355,357	4,755,464	739,777	10,235,146	35%	41%	
55 STORM WATER FUND								
Revenues	4,638,195	418,607	3,323,075			72%		
Appr. Surplus - Current Year	629,988		629,988			100%		
Appr. Surplus - Prior Year	3,010,281		3,010,281			100%		
Total Resources	8,278,464	418,607	6,963,344		1,315,120	84%	80%	
Expenditures	8,278,464	214,106	3,409,508	294,375	4,574,581	45%	36%	
56 RECREATION FUND								
Revenues	2,063,500	123,958	1,393,628			68%		
Appr. Surplus - Prior Year	2,061		2,061			100%		
Total Resources	2,065,561	123,958	1,395,689		669,872	68%	74%	
Expenditures	2,065,561	155,141	1,376,763	127,844	560,954	73%	74%	
57 SOLID WASTE FUND								
Revenues	3,794,980	299,221	2,533,469			67%		
Appr. Surplus - Prior Year	248,577		248,577			100%		
Total Resources	4,043,557	299,221	2,782,046		1,261,511	69%	70%	
Expenditures	4,043,557	228,887	2,422,511	1,406	1,619,640	60%	58%	

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED FEBRUARY 2019

Percent of Year Expired: 67%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2019	% To Date FY 2018	Notes
58 STREET LIGHTING FUND								
Revenues	1,733,000	80,638	1,425,404			82%		
Appr. Surplus - Prior Year	108,170		108,170			100%		
Total Resources	1,841,170	80,638	1,533,574		307,596	83%	86%	
Expenditures	1,841,170	191,970	657,022	257,401	926,747	50%	52%	
61 FLEET MAINTENANCE FUND								
Revenues			1,223			100%		
Appr. Surplus - Prior Year	1,421		1,421			100%		
Std. Interfund Transactions	784,000		784,000			100%		
Total Resources	785,421		786,644		-1,223	100%	100%	
Expenditures	785,421	42,615	547,496	7,745	230,180	71%	67%	
62 PURCHASING/WAREHOUSING FUND								
Revenues		15	120			100%		
Appr. Surplus - Prior Year	227		227			100%		
Std. Interfund Transactions	375,000		375,000			100%		
Total Resources	375,227	15	375,347		-120	100%	100%	
Expenditures	375,227	22,135	290,746	1,206	83,275	78%	75%	
63 SELF INSURANCE FUND								
Revenues	555,000	44,002	412,316			74%		
Std. Interfund Transactions	1,235,000		1,235,000			100%		
Total Resources	1,790,000	44,002	1,647,316		142,684	92%	91%	
Expenditures	1,790,000	67,232	1,478,232	20,340	291,428	84%	89%	
64 INFORMATION TECH FUND								
Revenues		678	6,624			100%		
Appr. Surplus - Prior Year	253,755		253,755			100%		
Std. Interfund Transactions	2,380,000		2,380,000			100%		
Total Resources	2,633,755	678	2,640,379		-6,624	100%	100%	
Expenditures	2,633,755	127,043	1,604,351	178,295	851,109	68%	58%	2
74 CDBG FUND								
Revenues	1,157,917	57,613	324,096			28%		
Appr. Surplus - Prior Year	55,321		55,321			100%		
Total Resources	1,213,238	57,613	379,417			31%	48%	3
Expenditures	1,213,238	11,078	307,098	656	905,484	25%	71%	3
CITY TOTAL RESOURCES	154,302,282	7,051,367	118,749,571		34,718,890	77%	75%	
CITY TOTAL EXPENDITURES	154,302,282	6,249,429	70,182,116	5,726,720	78,393,446	49%	49%	

NOTES TO THE BUDGET REPORT FOR THE MONTH ENDED FEBRUARY 2019:

- 1) The current year expenditures are lower in comparison to the prior year due to the current year encumbrances (\$428,763) being significantly less than in the prior fiscal year (\$1,050,491) at this date in time.
- 2) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$178,295) being significantly more than in the prior fiscal year (\$91,515) at this date in time. There have also been approximately \$50,000 more in network upgrades than the year before as well as the purchase of a new \$67,407 server which we did not have in the prior year.
- 3) The City received \$217,650 in HUD grant drawdowns in the previous fiscal year which is higher due primarily to lower reimbursement related to our NPU officers in this fiscal year. The Senior Center HVAC project spent \$57,785 in the previous year by the end of December but no such project has been done so far this fiscal year.

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

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED FEBRUARY 2019

Percent of Year Expired: 67%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2019	% To Date FY 2018	Notes
similar manner. If you have questions about this report, please contact Richard Manning (229-7037) or Brandon Nelson (229-7010).								