

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
June 18, 2019

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

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Scott Gurney, Fire Chief; Gary Giles, Police Chief; Charlene Crozier, Library Director; Chris Tschirki, Public Works Director; Sam Kelly, City Engineer; Brandon Nelson, Finance Division Manager; Lissy Sarvela, Fitness Center Manager; Kathi Beckett, Economic Development Division Manager; Neal Winterton, Water Division Manager; Paul Goodrich, Transportation Manager; Grant Allen, Long Range Planner; Jenna Albers, Long Range Planner; Emily Guffin, Long Range Planner; and Jackie Lambert, Deputy City Recorder

PRESENTATION – State Street Mobility Update

Mr. Kelly and Blake Unguren with Avenue consultants provided an update on the State Street Mobility Project. Mr. Unguren said Mountainland Association of Governments (MAG) and the Utah Department of Transportation (UDOT) funded the study. The focus of the study was on safety and reducing crashes, and mobility, which included reducing delay, better accommodating queues, and increased connectivity. The 2018 Study identified solutions fundable, defensible, and timely. He continued that seven project locations were identified:

- University Parkway
- 800 South
- Center Street
- 400 North
- 800 North
- 1200 North
- 1600 North

Mr. Unguren said they had prioritized three of the projects, which were University Parkway, Center Street, and 800 North. Those projects would involve further study about traffic flows and medians. They were currently in design stages and would soon begin work on environmental clearance. Mr. Unguren said that they were examining areas with higher numbers of angled

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crashes and other incidents. He said there were some restrictions on the funding from UDOT, and some of the MAG funding was set aside for raised medians with landscaping. Though medians may initially be seen as less convenient for drivers, they ultimately made high traffic areas safer to travel.

Mr. Goodrich added that raised medians were part of the Transportation Master Plan, and many of the accesses along State Street would need to become right in/right out only. He said extended left turn pockets would be another way to help with congestion and trim seconds off of wait time. In response to a question from the Council, Mr. Goodrich said they had spoken with business owners along the corridor at the outset of the process and would have ongoing communication with them regarding future plans.

Mr. Unguren continued his presentation, showing aerial maps of the prioritized intersections and some of the proposed improvements.

Discussion ensued regarding:

- The closure of certain turn accesses like the one near Macey's Grocery
- The possible need for additional traffic signals
- The expansion of certain roadways
- The possible removal of all on-street parking along the State Street corridor
- The potential for transit projects in the future.

Mr. Unguren said they had done extensive outreach in 2018 and would continue that into 2019 with public open houses, one-on-one meetings, email updates, and sharing information through the Orem Forum.

PRESENTATION – UVX Update

Mr. Kelly turned the time over to Mary DeLaMare-Shaefer, UTA Regional General Manager, to provide an update regarding the UVX bus rapid transit system. Ms. DeLaMare-Shaefer said she was pleased to bring so much good news regarding UVX.

She said they used laser counters for data regarding boarding numbers at different stations. The Total UVX ridership since the buses began rolling was approximately 1.8 million. UVU made up around 46% of boardings with BYU making up 38%. To gather data on the types of riders, they would have staff ride along the route and speak with the riders. While the great majority of the riders were students at UVU or BYU, there were other riders including faculty and staff at those schools and others in the community.

Kent Millington, UTA Board of Trustees member representing Utah and Tooele Counties, said UTA had engaged a consultant to explore service choices. The main choice boiled down to whether to concentrate limited resources into increasing ridership or increasing coverage. He shared data maps on the concentration of riders along the Wasatch Front. Mr. Millington said they were seeking input through workshops and online forums and working with their consultants to determine priorities moving forward.

There was continued discussion on the benefits of each choice. Mr. Lentz said his initial inclination was to prioritize ridership because it would alleviate congestion on the roads which benefitted everyone. Mr. Millington said it was not necessarily as “black and white” as the issue seemed, and people on each side of the issue felt strongly. Mr. Davidson said revenue generated for this project was tied to sales tax, and Orem had been a significant participant with sales tax. Individual cities may want the access, but their contribution was generally less than that of Orem and Provo.

Ms. DeLaMare-Schaefer said a key component to the success of UVX was the collaboration between Orem, Provo, Utah County, UVU, and BYU. She mentioned that Mr. Davidson was leading the charge in extending the UVX line further north into Utah County. Mr. Millington said representatives from other cities including Ogden and Bountiful had traveled to ride UVX and discuss the possibility of similar projects in their communities.

UPDATE – Sales Tax Capture and Leakage

Mrs. Beckett said Zions Bank Public Finance (ZBPF) would provide an update regarding sales tax capture and leakage in the City of Orem. She turned the time over to Benjamin “Benj” Becker with ZBPF. Mr. Becker shared sales leakage and capture rates for 2018, and explained that any capture rate with a percentage less than 100% indicated that residents were leaving the City to make purchases in that category elsewhere. In response to questions as to why the capture rates were so low for performing arts, spectator sports, and related industries, Mr. Becker indicated that most cities would show significantly lower capture rates unless they contained a large arena like Rio Tinto Stadium or the Vivint Smart Home Arena. He said the information was gathered statewide, and then compared to Orem.

Mr. Becker shared information from retail areas in specific surrounding communities, with data ranging from 2013 to 2018. He said anyone who paid sales tax was included in the data, including home construction and related businesses; the residential economy was booming. In response to Mr. Lentz’s questions, Mr. Becker said he believed each of the identified cities had increased their sales tax capture, but that their population had also grown which offset the percentage of capture. Mr. Davidson said that was a growing concern that could have impact in Orem.

Mr. Becker showed categories in which Orem did well, including grocery stores, home furnishings and furniture, and restaurants. Categories which struggled in many areas throughout the state included gas stations, large department stores, and jewelry stores. He pointed to online sales as an explanation as to why some retail was struggling. Mr. Davidson said one thing stores were trying to do was make more efficient use of the property and floor plates they had, which in some cases included mixed uses or rethinking business models.

Mr. Becker said the topic of overbuilt retail came up often in these discussions, particularly with developers. Along the Wasatch Front the state was at 25 square feet of retail space per capita, but the recommended number was between 15 and 20 square feet of retail space per capita. He said if the City was providing increment dollars through taxing and financing, that could be leveraged to require specific types of retailers that generated more dollars per square foot per year. Mr. Macdonald commented that many residents said they did not want more residential

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developments because the City needed more retail space, but the data showed that retail space was already in excess.

There was continued discussion on retail space, transient room tax, new formats and functions to existing retail space, and Orem's strong sales tax generation. Mrs. Lauret said she had requested that this report be done, and implored them all to study the data and take it seriously. She thanked Ms. Beckett and Mr. Becker for sharing the information.

ANNUAL REPORT – Gang Loitering Areas

Chief Giles provided a brief report, saying that gang activity was still present in the City but was certainly not as big a problem in Orem as it was for cities like West Valley and Salt Lake City. He said there was a homicide in February that they believed to have been gang related, but no other significant incidents beyond that. He said that Orem was fortunate in that gang activity was not as visible considering the population growth, which was a good sign. Chief Giles said School Resource Officers (SROs) worked to maintain close ties with students, and addressing more minor issues helped stem those from escalating into major issues. Gang members did not “grow out of” being in a gang simply because they were no longer in school, so community ties were so important in keeping them away from gang activity.

Chief Giles said not all graffiti was gang related, though it sometimes was. In response to a Council question, Chief Giles said the gangs they saw in Orem included MS-13 and other Mexican gangs, as well as Tongan crypt gangs and other lesser known gangs. He said sometimes the gang affiliation came from being part of the same minority group, but other times it was tied more to a geographical area where members lived. This particularly caused “turf wars” and often led to violence. Chief Giles said they kept a close eye on this activity and he was confident in the work his officers were doing to reduce gang violence and activity in the City.

ANNUAL REPORT – 2018 Municipal Wastewater Report

Mr. Winterton reviewed the 2018 Municipal Wastewater Report, and said it was required that the report be shared with the Council. The average amount charged to residents for sewer was \$312.00 annually. He said property taxes were not allocated to wastewater and that it was a fee-based enterprise fund. The collections system evaluation showed that the City had only two Class 2 Sanitary Sewer Overflows (SSOs) and no Class 1 SSOs in the year 2018. Mr. Winterton said a Class 1 would be a significant backup of the system, where a Class 2 was a more minor backup that caused less damage. For a system of Orem's size, that was a glowing report. Mr. Davidson said both of the more minor issues had been on Orem Boulevard and city engineers were designing a solution.

Mayor Brunst asked about recent issues the City had dealt with, including system odor and the City's so-called Phantom Dumper. Mr. Winterton said an odor study was being conducted, and they had found a small belly in the methane gas flare that would occasionally “burp”. They had identified the issue and were resolving it. As for the Phantom Dumper, the campaign against the illegal dumping had been effective and they had not seen the problem in some time.

Mr. Lentz spoke of an issue that had come up in his neighborhood where a line had been crushed and took a few weeks to replace. Mr. Winterton said that was a rare instance where the repair and maintenance did not fall on the resident. Typically residents would deal with private lateral issues which they were responsible for, and not mainline issues.

Mr. Winterton showed information from the Mechanical Plant Evaluation, and the 2018 average daily flow of approximately 8.5 million gallons per day. The rated capacity for the facility was 13.5 million gallons per day, so they would need to closely watch any increase in the average daily flow. There was continued discussion on conservation and the effects of reduced water usage especially in residential areas. Mr. Winterton said they had received zero notices of violations, which was their ultimate goal. He briefly discussed the hotly debated issue of whether nutrients were coming from facilities or nature and how that could be regulated.

UPDATE – Fitness Center Project

Mr. Davidson invited consultants with Method Studio and Big D Construction to lead the discussion about an internal concept for the building that would meet the needs of the patrons and was consistent with the feedback they had been receiving for the last number of years from the public. They had a public open house scheduled at the Orem Fitness Center (OFC) on Thursday, June 27, 2019, from 5:00 to 7:00 PM. Individuals would be invited to see conceptually what had been designed up to this point and how the design came to be. Mr. Davidson said they were working diligently to manage the cost associated with the building of the facility, and some things were specifically redesigned to help manage costs while minimizing the number of corridors to increase square footage.

Mr. Davidson said the hope was to go into the open house with a relatively good idea of the direction they would like to go, and so asked the City Council to consider a recommendation at this time. Mrs. Sarvela said this was in part so they could prepare the materials that would be used at the open house.

Joe Smith with Method Studio gave an overview of the proposed schedule, and identified key packages such as demolition, footings and foundation, structural, and finishes. In response to the Mayor's question, Mr. Smith assured them that the design team and now the construction team were involved in the review process at every milestone to make sure the building would have everything it needed.

Discussion ensued regarding the square footage of the proposed building, where existing equipment would be stored during the build, and options for OFC pass holders during the shutdown. Mr. Bybee said the City's Senior Center would host some fitness classes, and also had a track. Mrs. Sarvela elaborated on the options pass holders would have to place their membership on hold.

Mr. Davidson said there had been discussion about certain amenities in the new building, but those questions would need to be resolved quickly so that footings and foundation could be incorporated. Brennon Baker with Big D Construction said the cost of building racquetball courts ranged anywhere from about \$250,000 to \$350,000 per court depending on the manner in which they were built. He said the concrete wall system the City had selected was the most expensive

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way to build courts. Mrs. Sarvela said there had been some discussion about retrofitting the racquetball courts to be used for other purposes to help offset their cost, but that was not an option for many reasons. Mr. Bybee said another consideration was revenue generation versus operational expenses. Mr. Macdonald felt they could move forward with the proposal as it was, and the racquetball community could fundraise and return in the future to request additional courts.

Mr. Smith shared two proposed exterior elevations. The first option had a great deal of glass on the exterior while the second option had more brick incorporated. There was discussion on the heating and cooling of the building, as well as the options for natural light and outside views. Mrs. Lauret expressed a preference for the option with more brick, while the rest of the Council indicated preference for the first option with more glass.

Mr. Davidson said in addition to the open house scheduled June 27, they would have an ongoing “virtual open house” that would be available online; people could view the proposal and leave feedback on the amenities.

Agenda Review

The City Council and staff reviewed the items on the evening’s agenda.

Preview Upcoming Agenda Items

The City Council briefly reviewed items that would be coming before the Council in future meetings.

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

Mr. Macdonald gave a brief report on his assignments as a City Council liaison to City and community advisory boards and commissions. He worked with the Heritage Advisory Commission, which was responsible for the City’s great Memorial Day and Veteran’s Day programs. He also served on the IHC Community Outreach Committee. He said they had great awareness and relationships within the community and he was grateful for that opportunity to serve with them. Mr. Macdonald said finally that he served as liaison to the City’s Transportation Advisory Commission.

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 Stephens, City Attorney; Steve Earl, Deputy City Attorney; Scott Gurney, Fire Chief; Gary Giles, Police Chief; Richard Manning, Administrative Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Director; Sam Kelly, City Engineer; Grant Allen, Long Range Planner; Jenna Albers, Long Range Planner; Gena Bertelsen, Senior Center Program Coordinator; Pete Wolfley, Communications Specialist; and Jackie Lambert, Deputy City Recorder

INVOCATION /

INSPIRATIONAL THOUGHT Brent Sumner

PLEDGE OF ALLEGIANCE Debby Lauret

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

UPCOMING EVENTS

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

REPORT – Senior Advisory Commission

Mrs. Bertelsen introduced Kay Bradford, Chair of the Senior Advisory Commission, and invited her to present the annual report. Ms. Bradford, a long-time member, shared information about the Senior Center. The Senior Center averaged 400 visitors every day, and served over 1,000 meals each month. They held classes, dances, picnics, bingo nights, and other community events including Flamingo Day and “The Grammys”. Ms. Bradford shared the Senior Center newsletter, and spoke about the importance of kindness and compliments. She specifically wanted to thank Mrs. Bertelsen and Karl Hirst, Recreation Director, for their dedication to improving the lives of seniors in the community.

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.

Shaun Heaton said Mayor Brunst and Mrs. Lauret had joined them for racquetball and he appreciated that. He felt it gave them the opportunity to see what their community was all about, and he invited all others to join them as well. Mr. Heaton said they looked forward to the public open house that would be held on June 27 regarding the Fitness Center, and said to expect many racquetball players to be in attendance. He said they were starting a GoFundMe page, and he was hopeful that they could find the money for more courts.

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Val Gibson said his understanding of this process was that the City got their authority from the State, and he did not believe the City had the authority to tear down the Fitness Center. He was also unsure about the authority to issue a bond to do so. As he saw it, the State gave allowance for acquiring, improving, repairing, or extending the Fitness Center. He felt city ordinances were being violated, and urged the Council to look at this closely as there could be severe consequences. Mr. Gibson said he would willingly discuss his concerns with the Council any time.

CONSENT ITEMS

- Approval of May 28, 2019 City Council Meeting Minutes
- Appointment of Mayor Pro Tem – July through December, 2019
- Appointment of D. Craig Huish to the Senior Citizen Advisory Commission
- RESOLUTION – Authorizing the execution of an Interlocal Cooperation Agreement to authorize Orem's participation in the Utah Valley Home Consortium in the U.S. Department of Housing and Urban Development's Home Investment Program for Federal Fiscal Years 2020, 2021, and 2022

Mayor Brunst moved to appoint Brent Sumner as Mayor Pro Tem and approve the Consent Agenda as listed. **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**.

SCHEDULED ITEMS

PUBLIC HEARING

ORDINANCE – Amending the Current Fiscal Year 2018-2019 Budget

Mr. Nelson presented the City Manager's recommendation that the City Council hold a public hearing to discuss amending the current Fiscal Year 2018-2019 Budget and, by ordinance, amend Fiscal Year 2018-2019 Budget.

The Fiscal Year 2018-2019 City of Orem budget had many adjustments that occurred throughout the fiscal year. These adjustments included grants received from Federal, State, other governmental or private entities/organizations; appropriating reserves in the General Fund and transferring them to the Capital Projects Fund in order to meet state legal compliance requirements regarding maximum General Fund fund balance as well as providing various project funding; additional funds received for the water reuse project; and transferring funds from the Friends of the Orem Public Library fund to the Capital Projects fund for the new Library Hall.

Mr. Nelson said Item 2 on his exhibit referred to \$1 million given to the City by the Metropolitan Water Conservancy District for the Water Reuse Project. Item 3 was related to the Friends of the Library and the funds allotted to the new Library Hall. Item 4 was a transfer of \$4.6 million from the General Fund to the Capital Projects Fund; this was to remain in compliance with state

regulations regarding the total amounts of reserves a municipality could have in their General Fund and to put toward various capital projects. Mrs. Lauret clarified the state cap on reserve funds as 25%. Mr. Nelson said that was correct, but Orem's percentage was 15%.

Mayor Brunst opened the public hearing; no one came forward so he closed the public hearing.

Mr. Sumner asked when the money would be used. Mr. Nelson said likely in 2020 or 2021 for already identified capital projects. Mr. Davidson added a point of clarification that some of the funds were earmarked for parks or roads or city infrastructure/facilities, and some was unallocated currently. Mr. Nelson said the amount with no specific allocation was approximately \$1.5 million.

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

PUBLIC HEARING

ORDINANCE – Vacating 590 East Street located between 1000 South and 1100 S as well as that portion of 1100 South between 590 East and the West side of 545 East Street

Mr. Allen presented Development Services' recommendation that the City Council, by ordinance, vacate approximately 0.99 acres of 590 East Street located between 1000 South and 1100 South as well as that portion of 1100 South between 590 East and the West side of 545 East Street.

Currently, 590 East was a through street with a connection to 1100 South and 1000 South. 1100 South connected to 545 East and 590 East. The existing homes on the West side of 590 East and both sides of 1100 South had been purchased by University Mall Shopping Center, LC. University Mall Shopping Center, LC was planning to re-develop this area. University Mall Shopping Center, LC requested that the City vacate 590 East Street located between 1000 South and 1100 South as well as that portion of 1100 South between 590 East and the West side of 545 East Street.

Typically, upon the vacation of a public street, half the street area reverts to the property on one side and the other half reverts to the property on the other side. In the case of 590 East, the street area would revert to the only lots that abut the street which were those lots along the west side of the street. University Mall Shopping Center LC proposed to use the vacated street area for future development in the PD-34 zone. The City Council may vacate 590 East Street located between 1000 South and 1100 S as well as that portion of 1100 South between 590 East and the West side of 545 East Street if it found (1) there was good cause for the vacation, and (2) the vacation would not be detrimental to the public interest.

The applicant would be required to record a subdivision plat that combined the area of the vacated street with the rest of their property and included public utility easements in portions of the vacated street.

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Mr. Allen invited Kathy Olson to come forward, as a representative of the applicant. He said there would be a temporary cul-de-sac location until the point where the permanent cul-de-sac could be built. He shared the Planning Commission's recommendation for approval.

Mayor Brunst asked about the homes on the west side of the road. Ms. Olson said that Woodbury did not own those homes but they had been noticed on this action. Mrs. Lauret asked about the homes Woodbury did own and what would happen with them. Ms. Olson said up until this point they had been rental properties, but they would not demolish them to consolidate the land for the proposed Hale Center Theater project. She said they would probably pave the area and install the planned wall so they could use the area to store some construction materials during building.

Mayor Brunst opened the public hearing; no one came forward so he closed the public hearing.

Mayor Brunst moved, by ordinance, to vacate 590 East Street located between 1000 South and 1100 S as well as that portion of 1100 South between 590 East and the West side of 545 East Street. **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**.

PUBLIC HEARING

ORDINANCE – Amending Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zoning on approximately 7.89 acres of property located generally at 759 East Timpanogos Parkway from the PD-6 (Timpanogos Research & Development Park) zone to the PRD (Planned Residential Developments) zone; and Amending Appendix KK of Orem City Code by adding Abbey Road Town Homes PRD concept plan and elevations

Mr. Allen presented the Planning Commission's recommendation that the City Council, by ordinance, amend Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zoning on approximately 7.89 acres of property located generally at 759 East Timpanogos Parkway from the PD-6 (Timpanogos Research & Development Park) zone to the PRD (Planned Residential Developments) zone; and amend Appendix KK of Orem City Code by adding Abbey Road Town Homes PRD concept plan and elevations.

The applicant was proposing to rezone the property to develop the parcel as a planned residential development with 32 single family homes which was a density of 4.03 units per acre. This density was allowed and met the requirements of the PRD zone. The homes would have stucco, brick, cement board and architectural shingles on the roof. They would be one story, with approximately 1900 square feet on the main level and 2400 square feet in basements. The height would be 24 feet 11.5 inches from grade. The materials and height met the standards of the PRD zone. A Development Agreement would be signed prior to City Council approval to address parking lot reconfiguration with the adjacent property to the west (Canyon Park Owner II, LLC). The developer would submit a bond to cover the requirements of the development agreement.

Mr. Lentz asked about a different residential proposal he remembered in the same neighborhood that the Council had considered some months before, and was unclear about the zoning on the current proposal. After further discussion it was determined that the zoning map included with the agenda was not the most current version, which caused the confusion.

Mr. Macdonald commented that in past discussions in this area he had recused himself but had since sold his interest in that property and would be able to participate and vote.

Mayor Brunst opened the public hearing; no one came forward so he closed the public hearing.

Mr. Seastrand moved, by ordinance, to amend Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zoning on approximately 7.89 acres of property located generally at 759 East Timpanogos Parkway from the PD-6 (Timpanogos Research & Development Park) zone to the PRD (Planned Residential Developments) zone; and amend Appendix KK of Orem City Code by adding Abbey Road Town Homes PRD concept plan and elevations. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

PUBLIC HEARING

ORDINANCE – Amending Appendix KK of the Orem City Code for ‘Baxter Gardens’ with an updated concept plan, and elevations for the property located at 195 East 1600 North in the PRD zone

Mr. Allen presented a recommendation that the City Council, by ordinance, amend Appendix KK of the Orem City Code for ‘Baxter Gardens’ with an updated concept plan, and elevations for the property located at 195 East 1600 North in the PRD zone

In June of 2018, the applicant applied to rezone the property to PRD and for concept plan approval for 6 units. This was approved at City Council on August 28, 2018. The applicant was seeking to amend the concept plan from 6 units to 10 units. The PRD zone allowed up to 7 units per acre, with a bonus up to 8 for removing an existing structure. The original concept plan was approved with 6 units, which was 3.65 units per acre. The amended concept plan would increase the density to 6.02 units per acre, below the maximum allowed.

The Baxter Family trust initially sought to amend the concept plan with 13 units. However, after meeting with the neighbors, they compromised with 10 one-story units with heights 26 feet, 28 feet and 24 feet for the 3 different floor plan variations. The PRD ordinance was recently updated in February 2019, allowing the City Council discretion in approving modifications to an already approved concept plan. According to Section 22-7-5 the City Council shall not be obligated to approve an amended Concept Plan even if a proposed amended Concept Plan otherwise complies with all requirements of the PRD zone.” The Planning Commission recommended approval.

Mr. Allen invited Lon Lewis, applicant, forward to answer any questions. Mayor Brunst asked about the units’ cost and basements. Mr. Lewis said they would have basements, but whether they would be finished or unfinished was yet to be determined. They were still doing market studies so they did not have a definitive price point at this time, though it would likely be in the high \$300,000s.

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Mrs. Lauret asked about neighborhood reaction. Mr. Lewis said the neighborhood reaction to the original proposal had been negative, but he was able to take the feedback and return with a compromise. He felt the neighbors were generally supportive of the new proposal.

Mr. Seastrand asked why the proposal for the property had changed since the one they had seen last year. Mr. Lewis said he was not privy to the history of the project and what the family had proposed other times, and could only guess as to why they would not pencil. He believed the partial cul-de-sac had been one of the issues others had not been able to overcome. He felt they could make the current proposal work.

Mr. Lentz asked if there would be parking on both sides of the street. Mr. Lewis said it was a standard sub-local street and the City's decision to red curb. The property would be managed by an HOA, which he anticipated would address issues of parking. He said they would also manage the landscaping along the west side.

Mr. Macdonald asked for clarification regarding one of the adjacent properties and whether the cul-de-sac would impede any other property owner's ability to develop. Mr. Allen said they had addressed the issues of access with a street easement, and the other property owners should not be affected by this proposal.

Mayor Brunst opened the public hearing; no one came forward so he closed the public hearing.

Mr. Sumner moved, by ordinance, to amend Appendix KK of the Orem City Code for 'Baxter Gardens' with an updated concept plan, and elevations for the property located at 195 East 1600 North in the PRD zone. **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**.

PUBLIC HEARING

ORDINANCE – Amending Section 17-8-2(F) of the Orem City Code by removing “Section 7010 of the Uniform Building Code,” and adding Chapter 18, Sections 1803 and 1804 of the International Building Codes as a reference

Mr. Allen presented the recommendation that the City Council, by ordinance, amend Section 17-8-2(F) of the Orem City Code by removing “Section 7010 of the Uniform Building Code,” and adding Chapter 18, Sections 1803 and 1804 of the International Building Codes as a reference.

The City's Development Services Department was updating the code referenced in the Subdivision Ordinance for Hillside Developments to match the state adopted building code. Currently, it referenced Section 7010 of the Uniform Building Code. This would update the code reference to Chapter 18, Sections 1803 and 1804 of the International Building Code. The Planning Commission recommended approval.

Mr. Lentz asked if the proposed change was relevant to any recent projects, or if it was more a matter of cleaning up code. Mr. Kelly said it was to clean up code; the code referenced no longer existed.

Mayor Brunst opened the public hearing; no one came forward so he closed the public hearing.

Mr. Lentz moved, by ordinance, to amend Section 17-8-2(F) of the Orem City Code by removing “Section 7010 of the Uniform Building Code,” and adding Chapter 18, Sections 1803 and 1804 of the International Building Code as a reference. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

RESOLUTION – Site Plan approval of Golden Pond at Sleepy Ridge, Phase 7 located generally at 1900 West Golden Pond Way in the PD-15 Zone

Mr. Allen presented the applicant’s request to approve the site plan for Golden Pond at Sleepy Ridge. The applicant was seeking to develop the parcel with 8 twin home units. Units 1-6 were proposed as two-story twin homes. Units 7-8 were one story units. Total building area for the site was 11,650 square feet. The zone required 2.5 stalls per unit for a total parking requirement of 20 stalls. The site was providing 28 stalls with one accessible stall. Units 1-6 were 30 feet tall, with brick and siding. Units 7-8 were 1 story units with siding and stucco stone finish. The proposed landscaping and overall plan complied with the requirements of the PD-15 zone.

The Home Owners Association (HOA) of Golden Pond at Sleepy Ridge had approved the proposed addition as part of the existing HOA. Documentation was part of the agenda summary outlining the approval. A neighborhood meeting was held on May 20, 2019. The applicant had held additional meetings with HOA with the proposed plan, in addition to including the proposed site plan on the HOA website for members to view. PD-15 Zone requires City Council approval for site plans. Mr. Allen said the Planning Commission recommended approval, and he invited applicant Boyd Brown to come forward to answer questions.

Mayor Brunst asked about the square footage and cost of the units. Mr. Brown said it would depend on which unit for the size and cost. Units one through six were approximately 1,700 square feet with 450 square feet in the basement, and units seven and eight would be closer to 1,900 square feet. Units one through six were three bedroom/two bathrooms with a powder room, and units seven and eight would have a slightly different floor plan. Mr. Brown said they had not settled on a price per unit, but the range was about \$319,000 to \$369,000.

Mr. Lentz asked about the pond, and whether this was a potential flood zone. Mr. Brown said it was a true pond and did not connect to Utah Lake. To his knowledge there had been no additional requirements they had had to meet as far as flooding went. They had done multiple soil tests, and several nearby homes also had basements, so he felt confident that it would not be a significant issue.

Mrs. Lauret moved, by resolution, to approve the site plan for Golden Pond at Sleepy Ridge, Phase 7 located generally at 1900 West Golden Pond Way in the PD-15 zone. **Mr. Spencer seconded** the motion.

A member in the audience said they wanted a chance to speak on this matter. Several others agreed, saying they had come to the meeting to speak on this specific item. Mayor Brunst clarified that the item was not a public hearing, and there had been a time for public comment

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when the item was heard by the Planning Commission. Mayor Brunst returned the discussion to the Council and stated that there had been a motion and a second. He then asked for the vote.

Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

RESOLUTION – Conditional Use Permit approval for an accessory structure of 1,776 square feet located at 466 East 1500 North in the PD-14 zone

Mr. Allen presented the applicant's request for a conditional use permit. The applicant was building an accessory building containing a living room, bedroom, two car garage, guest house/pool house, and pool equipment. The lot contained a total area of 41,468 square feet (sf) or .95 acres. The accessory building contained a total building area of 1,776 sf on two levels. The ordinance required a conditional use permit for accessory structures in the PD14 zone 1,000 square feet or greater. Accessory structures could not be more than 33% of the area of the parcel; this structure was 4 % of the lot at 1,776 sf. The structure was 22 feet high, well below the maximum height of 43 feet allowed. The proposed elevations consisted of stucco and wood siding. The proposed landscaping and overall plan complied with the requirements of the PD-14 zone.

Mr. Allen said the Planning Commission had recommended approval. He then invited Wes Holcomb forward; Mr. Holcomb was the contractor on the proposed accessory structure. Mayor Brunst asked if the pool was already being dug. Mr. Holcomb said that was a separate contractor's project and he assumed the proper permits had been obtained.

Mr. Macdonald clarified that the pool and its permits were not related to the conditional use permit they were considering for the accessory structure.

Mr. Lentz surmised that the structure would not be an accessory apartment, as he saw no kitchen in the proposed elevations. Mr. Holcomb said that was correct; it would not be an apartment but more like a pool house. Mr. Lentz asked about the requirement for a conditional use permit. Mr. Earl said it was specific to the PD zone, as it was a larger size than typical accessory structures in the zone.

Mr. Macdonald moved, by ordinance, to approve a Conditional Use Permit for an accessory structure of 1,776 square feet located at 466 East 1500 North in the PD-14 zone. **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**.

COMMUNICATION ITEMS

The Monthly Financial for May 2019 was included in the full agenda packets available electronically.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson had no additional items to share.

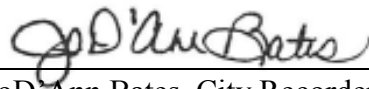
ADJOURN TO A CLOSED MEETING FOR CITY MANAGER EVALUATION

Mayor Brunst moved to adjourn to a closed meeting in Room #107 to discuss “the character, professional competence, or physical or mental health of an individual”, pursuant to Utah Code Section 52-4-205(1)(a). **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

The meeting adjourned at 7:23 p.m.

Approved: July 16, 2019




JoD Ann Bates, City Recorder