



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
October 29, 2019

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

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

NEW EMPLOYEE INTRODUCTION (5 min)

This is an opportunity for department heads to introduce new city employees to the City Council.

DISCUSSION - Voter Participation Area Maps (15 min)

The City Recorder will present information regarding Voter Participation Area (VPA) maps.

Presenter: Jody Bates

DISCUSSION - University Place Update (30 min)

Staff will present an update on University Place.

Presenter: Ryan Clark

UPDATE - UVU Area Transportation Study (30 min)

UDOT will present information regarding the UVU Area Transportation Study.

Presenter: Eric Rasband, UDOT

DISCUSSION - HB-411 with Natural Resource Stewardship Committee (45 min)

The Natural Resource Stewardship Committee (NRSC) will discuss the options available to Orem City regarding HB-411.

Presenter: Sarah Bateman and Darren Hawkins

1. AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

The City Council will review the items on the agenda and in future meetings.

2. 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

3. CALL TO ORDER

4. INVOCATION/INSPIRATIONAL THOUGHT: BY INVITATION

5. PLEDGE OF ALLEGIANCE: BY INVITATION

6. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

6.1. UPCOMING EVENTS

For Review

[Upcoming Events.pdf](#)

6.2. RECOGNITION - Waste Management Think Green Grant Award

Blake Leonelli, Public Sector Solutions Representative from Waste Management, will share information regarding the City of Orem's Think Green Grant.

6.3. RECOGNITION - Orem Parade Float 2019 Awards

Miss Orem Glory Thomas will share the awards the City received for the 2019 Parade Float.

6.4. REPORT - Recreation Advisory Commission

The Recreation Advisory Commission will provide an annual update for the City Council's consideration.

7. 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.)

8. CONSENT ITEMS

8.1. APPROVAL OF MEETING MINUTES

Minutes of City Council Meeting - October 8, 2019

[10.08.2019.ccmin DRAFT.pdf](#)

8.2. APPOINTMENT TO BOARDS AND COMMISSIONS

- Appointments to the Heritage Advisory Commission - Thomas Cook (appointment) & Brad Prescott (reappointment)

[Thomas Cook_Heritage.pdf](#)

[Reappoint__Brad Prescott_Heritage.pdf](#)

8.3. CITY MANAGER'S APPOINTMENTS

Mr. Davidson asks for the Council's advice and consent on the appointments of Michael Sroufe to serve on the Board of Building & Fire Code Appeals.

[Michael Sroufe_Bldg.Fire Code.pdf](#)

8.4. RESOLUTION - 1600 North Jurisdictional Transfer

It is recommended that the City Council, by resolution, approve the agreement to transfer Orem's ownership of the 1600 North right-of-way to UDOT from I-15 to State Street.

[AGR. Cooperative Agree.pdf](#)

[RES. 1600 No Transfer to UDOT](#)

[Lindon RES..pdf](#)

9. SCHEDULED ITEMS

9.1. CONTINUED ITEM

ORDINANCE – Rezoning property located at 355 West University Parkway from the R8 zone to the PD-5 zone

The Wright Development Group (applicant) requests that this item be continued to a 2020 City Council Meeting to be determined.

Presenter: Jason Bench

9.2. PUBLIC HEARING

ORDINANCE - Amending current Fiscal Year 2019-2020 Budget

The City Manager recommends the City Council hold a public hearing to discuss amending the current Fiscal Year 2019-2020 Budget and, by ordinance, amend Fiscal Year 2019-2020 Budget.

Presenter: Brandon C. Nelson

[ORD - Budget Amendments - 2019 - July-Sept.docx](#)

[Budget Amendments FY 2020 - July-Sept.pdf](#)

[10.29.2019-- PH_ Budget Amendment FY 2020 July-Sept.docx](#)

9.3. RESOLUTION - Request for the Utah Judicial Council to Recertify the Orem Justice Court and Commitment by the City Council to Continue Complying with the Operational Standards for Maintaining a Justice Court.

The Finance Director and the City Attorney recommend that the City Council, by resolution: (1) request the Utah Judicial Council to recertify the Orem Justice Court, and (2) agree to continue complying with the operational standards for maintaining a Justice Court.

Presenter: Greg Stephens

[RES.Justice Court Recert.](#)

[Opinion Letter](#)

[Judge Parkin Affidavit](#)

10. COMMUNICATION ITEMS

10.1. MONTHLY FINANCIAL SUMMARY - September 2019

For Review

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

11. 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.

12. 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

UPCOMING EVENTS

DATE	BUSINESS AND LOCATION	TYPE
November 6	Utah Housing Coalition The Startup Building – 111 W 600 S, Provo UT	Affordable Housing Discussion 10am-3pm
November 11	City of Orem Heritage Advisory Commission City of Orem Cemetery	Veterans Day Program 11am
December 4.....	UVU Basketball UCCU Center	Orem City Night 7pm

DRAFT

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
October 08, 2019

3:30 P.M. SITE VISIT – LIBRARY HALL

The Council and Staff participated in a site visit of the Library Hall, currently under construction. Joe Smith with Method Studio assisted Ryan Clark, Director of Development Services, in conducting the tour of the site. Those in attendance were: Mayor Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, and Brent Sumner; Jamie Davidson, Brenn Bybee, Ryan Clark, Greg Stephens, Charlene Crozier, Reed Price, Brandon Nelson, Scott Gurney, and Karl Hirst. Joe Smith with Method Studio and a Daily Herald photo journalist were also in attendance.

4:00 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; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Reed Price, Public Works Maintenance Division Manager; Brandon Nelson, Finance Department Manager; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; Sam Kelly, City Engineer; and Jackie Lambert, Deputy City Recorder

UPDATE – Library Hall and Fitness Center Projects

Mr. Clark asked Joe Smith with Method Studio to share information regarding the Library Hall and Fitness Center projects. He also recognized Brennon Baker, Spencer Stevens, Jameson Fairbourne, and Trevor Hunsaker from Big-D, who would provide additional information regarding construction. Mr. Smith shared the proposed layout and renderings of the Fitness Center, and highlighted some of the key features of the project. He said the public input they had received was for lots of natural light and views of the mountains, more family change rooms, newer and better equipment, more flexible space, and a more functional design.

DRAFT

Mr. Smith described each of the component parts of the Fitness Center and shared the layout and square footage proposed. Additional features planned included:

- Bouldering wall
- Spectator seating in pool area
- Multi-purpose rooms (rentals, community use, etc.)
- Shelled space to respond to market demands
- Indoor and outdoor playgrounds
- Teen lounge

Mr. Davidson said that they had been able to shrink the overall footprint of the building without taking away from the functionality, which was a great savings for the project. Mr. Smith shared areas of opportunity for expansion in the future, particularly for additional racquetball courts and basketball gym area. He then showed updated renderings of the outside of the building, and discussed the signage and parking. There was discussion regarding the project features.

Mr. Fairbourne, Construction Supervisor with Big-D, reviewed the phased construction process and said they had already completed the first phase or bid package, which was the demolition of the old building and mass soil import to the site. The next phase would be for the footings and foundation, which they were just beginning. With the goal to have the pools open by April 2020, the weather would be an important factor for how quickly they would move through the phases.

Mr. Baker shared a budget update on the project, saying they would completely bid out and get the full guaranteed maximum price (GMP) by the end of 2019. He said they were utilizing a design assist approach for select trades, including concrete, masonry and steel, fire sprinklers, mechanical and electrical. The advantages to this were control of costs, improved coordination and early input, and significant schedule advantages. A design assist approach was essential on this project to meet the schedule. As far as subcontractors, Mr. Baker said they worked with key subcontractors that had proven that they could deliver in terms of manpower and cost.

UPDATE – Design for 400 West 1200 South Roundabout

Mr. Kelly provided a brief update regarding the design of the roundabout at 400 West 1200 South. He said it was recently discussed at the Transportation Advisory Commission meeting, where they discussed single lane and turbo roundabouts. Turbo roundabouts were generally too big, and required additional land to expand. Mr. Kelly said they would have an open house in late October/early November where residents could speak with staff and discuss their concerns.

There was continued discussion on the size of the roundabout, acquisition of land, queuing analysis, and funding from UDOT and MAG for roadway projects. Mr. Kelly also shared that they anticipated bringing forward a resolution in the next few weeks regarding the jurisdictional transfer of 1600 North from the City to UDOT.

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

DRAFT

Mrs. Lauret gave a report on her assignments as a City Council liaison to the Planning Commission, the Orem Arts Council, and the Summerfest Committee. She said Summerfest had been particularly successful this centennial year, and said it was a good decision to consolidate the festivities back to one park (with the exception of the car show). She said the Committee had done a great job, and they were actively looking for a new parade chair. Mrs. Lauret said the Arts Council was working on a new project to include more public art throughout the community, starting in the State Street Arts District. She said they would hear more about the project during the regular session when the Arts Council presented their annual report.

Agenda Review & Preview of Upcoming Agenda Items

The City Council briefly reviewed items that would be coming before the Council in future meetings. The Council also discussed upcoming items at future meetings and related issues of concern.

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

NOTE: Due to technical difficulties, the audio of the Regular Session does not begin immediately with the recording. While the audio does eventually begin recording during the Mayor's Items, the video is not synched with the correct 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; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Director; Brandon Nelson, Finance Division Manager; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; Stephen Cannon, Assistant IT Division Manager, and Jackie Lambert, Deputy City Recorder

INVOCATION /
INSPIRATIONAL THOUGHT &
PLEDGE OF ALLEGIANCE Boy Scout Troop 454

DRAFT

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

UPCOMING EVENTS

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

PRESENTATION – Recreation Volunteer of the Year Award – Kyle Bilbao

Mr. Hirst asked Recreation Program Coordinator Debbie Boone to present the award to the Recreation Department's Volunteer of the Year. Ms. Boone invited Kyle Bilbao to come forward to be recognized, and then she shared information on his contributions to Orem recreation. She said Kyle had participated in Orem youth programs himself, and was now involved as a coach for his own children. He was always made sure that everyone on his teams got to play, and that they set the example for good sportsmanship. Kyle coached everything from baseball to soccer to basketball to football, and was one of the Recreation Program's most popular and requested coaches. On top of his countless hours as a volunteer, he was also a teacher and coach at Orem Junior High School. Ms. Boone thanked him for his service to the youth in the community.

Mayor Brunst invited Kyle Bilbao to shake hands with the City Council and to get a photo with him, Ms. Boone, and Mr. Hirst.

REPORT – Orem Arts Council

The Orem Arts Council (OAC) provided an annual update of the activities for 2019. Cody Clark, Arts Council Chair, said 2019 had been a busy year for the OAC because of the City's Centennial. He reviewed programs and projects from the past year, including Orem Stories, the Summer Concert Series, Summerfest performances, and centennial events like the Kick-Off Party and City Birthday Party. Mr. Clark said they had other projects in the works, including a project to include public art on city utility boxes. Initially these painted utility boxes would be in the Arts District, but they hoped to expand throughout the city. These projects would be painted with unique art by local artists, and would serve a two-fold function in giving opportunities to the artists and creating public art to beautify the city.

Mrs. Lauret said the OAC was comprised of world-class artists, musicians, and performers and Orem was fortunate to benefit from their volunteer service. She said she was excited about the utility box project, and appreciated all of the efforts the OAC put toward promoting the arts within the community.

OATH OF OFFICE – Orem Youth Council

Mr. Stephens said he had the opportunity to work with the Orem Youth Council (OYC), which was comprised of students from three Orem high schools that were interested in learning how local governments operated. They had activities throughout the year, which included mock trials

DRAFT

and council meetings and a trip to the Utah State Legislature. Mr. Stephens invited those OYC members that were present to come forward and introduce themselves and which school they represented.

Ms. Lambert, Deputy Recorder, then administered the oath of office for the Orem Youth Council. The OYC was invited to shake hands with the Mayor and Council.

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.

Martin Wright said he wanted to address the state of Orem City. He felt there were many things to be proud of in Orem, but the City was dysfunctional. He felt there was bullying and sniping amongst the City Council, and not enough was being done to serve the residents. Mr. Wright felt the way by which the City billed for utilities was confusing and added to people's problems in falling behind on bills. He pointed to other cities that were able to keep billing consistent even through winter months. He was also frustrated to hear about a landlord program that seemed to require landlords to pay utility bills. He wanted to know why this was being mandated through an email instead of being discussed and voted on by the Council. He also wondered when the firefighters were going to get their raises. Mr. Wright said the Council needed to stop wasting time on things that did not matter, and get down to the business of the city.

CONSENT ITEMS

- Approval of September 17, 2019 City Council Meeting Minutes
- City Manager's Reappointment of Bryant Christensen and James Williams to Board of Building and Fire Code Appeals
- ORDINANCE – Article 2-8 through Article 2-37 of the Orem City Code to reflect changes to various Orem boards, commission, and committees

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

SCHEDULES ITEMS

PUBLIC HEARING

ORDINANCE – Amending Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones

Mr. Bench said the first State Street District zones were created by the City in June 2018 when

DRAFT

the City Center District was adopted by the City Council. The remaining districts, including The North Village District, Canyon Crossing District, The Arts District, and the HUB District, were adopted in October 2018. Currently, parking for the districts was based on four parking stalls for every one-thousand (1000) square feet of gross leasable floor area for non-residential uses. Since any residential use in these zones was required to be part of a mixed-use development, no parking stalls should be required for residential units included within the base residential density. The base residential density was calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 2.25 parking stalls shall be provided (of which .25 stalls per unit shall be dedicated to visitor parking). In addition to the parking requirements stated above, one (1) additional parking stall shall be required for each large residential unit (three bedrooms or more) (including three-bedroom units in the base residential density). In addition, for the residential only areas within certain district zones 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Visitor parking was required at 0.5 stalls per unit.

At the time the districts were developed staff proposed parking standards within the districts to be on the higher end of parking requirements in order to ensure parking would not be an issue. However, as several developers have investigated developing within the Districts, parking requirements have been an issue in determining the feasibility of a project within the districts. In May 2018, the City hired a consultant to complete a city-wide parking study to review and make a possible recommendation to current parking standards. As a result of the parking study, the consultant determined that parking reductions within the districts should be considered. Within the study it was recommended to prohibit developments from charging for parking, to reduce commercial parking requirements, and to adjust the numbers of stalls per bedroom. In addition to the recommendation from the parking study, staff had also worked with several developers to determine a standard that would work for both the city and developers parking demands.

Based on a combination of the Orem City Parking Study (2019), developer recommendations, and city staff review the city proposed the following parking modifications to the State Street District zones. As part of the proposed parking amendments staff ran several scenarios to determine how the proposed parking amendments would work based on currently developed projects. As a result, staff determined that although the proposed parking standards fluctuated depending on the unit mix the overall standard proposed was a workable standard for both the city and developers. The proposed parking amendment was intended to provide property owners with flexibility as they designed their projects to meet all the district requirements and at the same time provide the city with the assurance that proposed projects would meet the parking needs of the residents and employees of a development. The Planning Commission recommended the proposed changes, and staff supported the recommendation.

Mr. Lentz asked for clarification on charging for parking spots. Mr. Bench said the cost of parking would be included in rent, but there could be additional charges for additional or covered parking spots. Mrs. Lauret said she wanted the cost of parking incorporated with the rent. Mr. Earl mentioned that some mixed use areas may have adjusted parking rates because residential had different parking needs than commercial.

DRAFT

Mr. Sumner asked if a particular individual or group was advocating for this change. Mr. Bench this was a staff recommendation, but they had met with developers who said the parking standard made it difficult to develop multi-family or mixed use projects. He said they had conducted a study and found that they could lower the parking standard slightly; it was a concerted effort to come up with a medium standard that would suit the developers and the City.

Mr. Seastrand expressed concerns about areas where parking was an issue. Mr. Bench said the study showed sufficient parking available in those areas, but people were choosing to park elsewhere for their own convenience. He said Midtown 360 was an example of how residential and commercial could share parking and still have sufficient space for both uses.

Mayor Brunst opened the public hearing. No one came forward to speak, so he closed the public hearing.

Mr. Seastrand said his overall concern was that there was no way to go back and retroactively address parking issues if the standards changed. He said that Midtown 360 shared parking may function well, but other housing developments like Monteval had parking issues that affected nearby businesses. Mr. Bench said that was a valid concern. The proposed change would only be applicable in State Street districts, and each development had a minimum commercial component that must be met. He said the requirement for mixed use would help balance the parking needs.

Mrs. Lauret moved, by ordinance, to amend Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones. **Mayor Brunst seconded** the motion. Those voting aye: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, and Mark Seastrand. Those voting nay: 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 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amending Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations

Mr. Bench invited applicant and owner Mike Staker and developer Paul Washburn to come forward to answer questions. Mr. Bench said the request was to rezone the property to develop the parcel as a planned residential development with 11 total residential units consisting of five twin home structures and one single unit structure, with a density of 4.54 units per acre. The proposed density met the requirements of the PRD zone; the PRD zone allowed up to 7 units per acre. The property was currently zoned R8 which would allow approximately 8 single-family homes. An R8 development would allow a developer or home owner to construct a single-family dwelling with an accessory apartment. The Planned Residential Development zone did not allow accessory apartments. One of the objectives of the Canyon View, Orchard and Cascade Neighborhood plan was to preserve the single-family nature of the neighborhoods through low-density development and appropriate infill. “The use of legal accessory apartments (often basement apartments), deep lot houses, twin homes, cottage apartments, and Planned Residential

DRAFT

1 Developments similar to the Da Vinci development may be appropriate ways to accommodate
2 population growth in the neighborhoods while maintaining the single family nature.” (Page 13,
3 Canyon View, Orchard & Cascade Neighborhood Plan)
4

5 The proposed development, in Staff’s opinion, was low-density residential in nature and was
6 consistent with the neighborhood plan. The finishing materials for the structures would include
7 stucco, stone, and board and batten. The proposed structures would be one story, with 4 different
8 floor plan variations with approximately 2,136, 1,700 square feet with 3 car garages and 1,850
9 and 1,700 square feet with 2 car garages. The height of the structures would not exceed 28 feet
10 above grade. The PRD zone allowed an overall height of 30 feet. Mr. Bench said the Planning
11 Commission recommended approval 4 to 1; staff supported the Planning Commission
12 recommendation.
13

14 Mayor Brunst asked about the pricing and layout of the proposed units. Mr. Washburn said those
15 details were still being calculated, but the approximate costs would begin in the high \$400,000s.
16 He said these were planned to be high-end units with basements and quality finishes inside. An
17 HOA would care for the outdoor grounds and there would be no parking for RVs, boats, or other
18 recreational vehicles. All vehicles would need to be in the garage or on the driveway, with a few
19 guest parking spots available during the day. In response to Mayor Brunst’s question, Mr.
20 Washburn said it was not a 55+ senior living development, though in his experience retired or
21 “empty-nest” couples often moved to units like these.
22

23 Mr. Sumner asked what the price might be of single-family homes instead of the proposed twin
24 homes. Mr. Staker said that would likely range from the high \$600,000s to the \$800,000s. Those
25 were much more difficult to sell, as few people could afford such a home. Mr. Washburn said
26 this kind of product would “fly off the shelves” so to speak, and allow people to be homeowners
27 at a more reasonable cost. Mr. Sumner asked if the twin homes would be allowed to have
28 accessory apartments. Mr. Staker said they would not, but single-family homes may.
29

30 Mr. Seastrand said he asked himself what was the compelling reason for a zone change whenever
31 a request like this came forward, and asked the applicants the same question. Mr. Washburn said
32 this proposed development would help create a mix of housing types within the community,
33 which had been outlined in the neighborhood’s Master Plan. He said there was a great need for
34 more affordable units within existing neighborhoods, and PRDs were generally well maintained.
35 He felt this was an appropriate place for these twin home units.
36

37 Mr. Lentz said housing affordability was an area of focus for the Council. On the one hand, the
38 twin homes would have a lower price point, but on the other hand single-family homes would be
39 able to have accessory apartments to help with affordability. There was discussion regarding
40 legal accessory apartments and the costs and requirements. Mr. Washburn said it was much
41 easier to create an illegal accessory apartment, which was the reason so many did not conform to
42 the requirements.
43

44 Mr. Macdonald shared his thoughts, saying he generally liked the product and thought it would
45 work in the area. However, he did not see that the project helped much in terms of housing
46 affordability regardless of twin homes or single-family homes, and the overwhelming opposition

DRAFT

1 from the neighborhood made him more inclined to deny the request. Discussion continued
2 regarding traffic, HOA maintenance, and reasons to rezone the property.

3
4 Mayor Brunst opened the public hearing at 7:12 p.m. and requested that those wishing to speak
5 organize themselves into lines according to their favor or opposition of the project. He asked that
6 they alternate for and against, and that each side not exceed 10 speakers.

7
8 Stella Walsh, a former mayor of Orem, said she lived near this proposed project and thought it
9 would be a good development for the area. She had lived near a similar development for over 20
10 years and never had any problems. She felt homes of the size and price of the twin homes were
11 needed in the city, and she did not understand her neighbor's opposition to a reasonable project.

12
13 Tiffany Williams said she was opposed to the rezone, and felt it was a prime area for single-
14 family homes as a new elementary school was under construction nearby. There were also other
15 schools and a park for children to enjoy. She expressed concerns with parking, and the width of
16 the road seemed a concern for large vehicles to maneuver.

17
18 Hoa Labras said she appreciated the clarification provided by the developers during this
19 discussion. She felt this would be a beautiful subdivision that would be a good place for older
20 residents to move to, and it would be maintained by an HOA. She applauded the City for
21 establishing standards to keep neighborhoods nice. She felt other neighbors agreed that it was a
22 good project, but usually only those opposed came to meetings like this.

23
24 Dawn Zollinger said she was against a rezone because it was an ideal place for family homes to
25 be established. She felt there had been enough rezoning in Orem as of late. She echoed concerns
26 about parking, and said there seemed to be too much speculation around the project.

27
28 Paul Pitcher said he felt the proposed development would add beautiful homes to the
29 neighborhood, which was better than the empty land it was currently. He liked that it would be a
30 well maintained area, and said he and his wife agreed that it would be a good addition.

31
32 Finn Rucker said while the product would be beautiful, he felt the reason behind the proposal
33 was to make more money. He spoke to people who wanted to get into single-family homes but
34 had to wait for elderly people to die and make those homes available. He disagreed that the
35 nearby project from many years ago had been well maintained.

36
37 Cathy Crawford said she was not for or against the project itself, but was against accessory
38 apartments. She felt the city had too many already and they caused major parking problems. She
39 said either twin homes of single-family homes would be beautiful, but the twin homes removed
40 the possibility of accessory apartments.

41
42 John Hilton said he agreed with those who had spoken against the proposal. He felt many
43 families would love to live in single-family homes in this area, and he was not opposed to
44 accessory apartments helping with the affordability issue.

45
46 Ann Marie Hilton said she was providing the "youth perspective" and said she would love to
47 have more families move into her neighborhood.

DRAFT

Barbara Harrison said a petition with over 100 signatures from the neighborhood was submitted against this proposal. She said they wanted to preserve the neighborhood as it was.

Melissa Wilson said this was an area she would have loved to move to and build a home to accommodate her growing family. She had settled elsewhere, but would have wanted the opportunity in this neighborhood.

Mayor Brunst closed the public hearing at 7:30 p.m. and returned the discussion to the Council.

There was continued discussion on costs and square footage, and the costs of finishing basements for accessory apartments. Mr. Sumner said most people could not afford to do it the right way and there was not enough staff to enforce and regulate the illegal apartments they knew about. Mr. Washburn said his experience was that legal accessory apartments usually did not pencil. Discussion continued on accessory apartments.

Mr. Spencer said he was against the rezone, and agreed with those who had said there was not a compelling reason for a change. Discussion continued on the size and cost of single-family homes, and the standards of the PRD. Mr. Staker said it was possible that he would not be able to develop single-family homes on the land, and may sell the lots individually.

Mr. Seastrand said one of the comments he heard over and over in Council meetings was that neighbors “just wanted families” to live around them. According to the narrow definition put forth, widows or widowers, empty-nesters, and newlyweds did not qualify as “families” because no children lived with them. The unknown often drove fear, but that fear could rob us of great new people and experiences in life. He commented that families came in many different combinations, and he said we should welcome all people in Orem. He said he was struggling with his decision, because he saw both sides.

After sharing his thoughts on the proposal, **Mayor Brunst moved** to deny the request 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 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amending Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations. **Mr. Macdonald seconded** the motion to deny. Those voting in favor of denial: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, and David Spencer. Those voting against denial: Mark Seastrand and Brent Sumner. The motion **passed**.

COMMUNICATION ITEMS

The Monthly Financial Summary for August 2019 was included as part of the agenda packet.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson said had no additional information to share.

DRAFT

1
2
3 **ADJOURNMENT**
4

5 **Mayor Brunst moved** to adjourn the meeting. **Mrs. Lauret seconded** the motion. Those voting
6 aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David
7 Spencer, and Brent Sumner. The motion **passed**.
8

9
10 The meeting adjourned at 7:51 p.m.

Customer Information:

Thomas Cook

> > 10/6/2019 11:34 AM

> > -----

Issue:

First Name: Thomas

Last Name: Cook

Street Address 1: [REDACTED]

Street Address 2:

City: Orem

State: Utah

ZIP: 84058

Phone Number: [REDACTED]

Email: [REDACTED]

Board/Commission

: Heritage 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.: The Heritage Advisory Commission has a very important mission, which includes focusing on and ensuring that our US and Utah history, heritage and those that have and will continue to protect our nation are properly acknowledged and thanked. The idea of assisting with doing so would be a privilege and honor.

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.:

Grew up in Orem until I joined the US Army

Attended Mountain View High School

Graduated from the University of Utah and Ohio University

Served 26 years in the US Army, which included deployments to Kosovo, Bosnia and Afghanistan.

Currently an Orem Police Officer and have volunteered for Orem City cleanup events

The military taught me techniques for planning and preparing events.

First Name: Thomas

Last Name: Cook

Email: [REDACTED]



Citizen Commission Appointment Application

Personal Information

Name Bradley G. Prescott

Street Address

City ST ZIP Code

Home Phone

Work Phone

E-Mail Address

Preferred method of correspondence?

Person to Notify in Case of Emergency

Name: Helen Prescott Relationship: Wife

Phone: [REDACTED]

Availability

Please specify when you would NOT be available for city commission appointments (e.g. weekends, mornings, specific day(s) of the week, etc.).

Retired - Can be available at most times

Interests

Tell us the top three (3) city commissions you are interested in volunteering, in order of priority.

☐ Alcoholic Beverage License Hearing Board

☐ Arts Council

☐ Beautification Commission

☐ Board of Adjustment

☐ Board of Building and Fire Code Appeals

☐ CDBG Advisory Commission

☒ 1 Heritage Advisory Commission

☒ 2 Historic Preservation Advisory Commission

☐ Library Advisory Commission

☐ Planning Commission

☐ Public Works Commission

☐ Recreation Advisory Commission

☒ 3 Senior Citizen Advisory Commission

☐ SummerFest Committee

☐ Transportation Advisory Commission

Reasons Interested in Appointment

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 am active with the American Legion Post 72.
The Heritage Commission would be a natural fit.

Brief Biography and Special Skills (Please also attach your resume and references)

Tell us a little about yourself by giving a brief biography. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.

Was raised in Orem. Career Army Officer. Good organizer. Work well with diverse groups of people.

Previous Appointments

Summarize your previous experience on city commission(s).

None.

Agreement and Signature

To help safeguard the public, the City withholds the right to perform a background check on all volunteers.

As a condition of volunteering, I give the City of Orem permission to conduct a thorough background check on me, which may include a review of city records, sex offender registries, criminal history records, driving records and federal FBI records. I understand that all volunteer positions are conditioned upon the City never receiving inappropriate information on my background.

As a volunteer, I agree to be subject to the policies and procedures of the City of Orem and I will abide by the Volunteer Code of Conduct and will treat everyone with respect, loyalty, patience, integrity, courtesy, dignity and consideration.

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)

Bradley G. Prescott

Signature

Date

Our Policy

It is the policy of this organization to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability.

This application does not guarantee an appointment to one of the city's citizen commissions. The selection process may include consideration by the city elected body, narrowed down over two (2) council meetings or may require a recommendation from the City Manager. If you are not selected at this time, your application will remain on file for a one (1) year period, to be considered again should a new vacancy occur.

Thank you for completing this application form and for your interest in serving the City of Orem!



Board, Commission & Committee Application

City of Orem

Submitted On:

October 2nd, 2019 @ 7:08pm

Personal Information

Full Name	Michael Sroufe
Full Address	[REDACTED] Orem UT 84057
Phone Number	[REDACTED]
Email	[REDACTED]

Boards & Commissions

What board or commission are you applying for?	Board of Building & Fire Code Appeals
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.	Working in the field of Architecture, I love seeing peoples visions become a reality. I would enjoy serving on this board to help the many great contractors working within our city overcome obstacles that prevent great buildings from being built, including ever changing and sometimes confusing building codes.
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 moved to Orem when I was 6 years old and have been here ever since. I attended grades 2-12 in Orem, and studied 3 years at UVSC/UVU. I served a church mission for 2 years in Washington DC. My wife and I own a home in Orem, from which I transferred, and commuted to the University of Utah and studied there for almost 6 years. I have a background in residential construction and drafting and design. I have a Masters of Architecture and love the career i have had so far designing commercial buildings and preparing for licensure as an architect.

Signature Data

First Name: Michael

Last Name: Sroufe

Email Address: [REDACTED]

[REDACTED]

Signed at: 10/02/2019 07:03PM



City Council Agenda Item Report

Meeting Date: October 29, 2019

Submitted by: Sam Kelly

Submitting Department: Development Services

Item Type: Resolution

Agenda Section:

Subject:

RESOLUTION - 1600 North Jurisdictional Transfer

Suggested Action:

It is recommended that the City Council, by resolution, approve the agreement to transfer Orem's ownership of the 1600 North right-of-way to UDOT from I-15 to State Street.

Presenter:

Background:

As discussed in the Oct 8, 2019 City Council work session, UDOT would like to formalize the jurisdictional transfer of the 1600 N corridor from I-15 to State St. The City will still be able to operate and maintain/upgrade all City owned utilities within the transferred ROW. UDOT will assume roadway maintenance as well as the responsibility to widen the corridor to meet the current traffic demands. The allocation of State funds for the corridor widening will remain with the corridor and will be utilized by UDOT for the future project.

Potentially Affected Area:

Attachments:

[AGR. Cooperative Agree.pdf](#)

[RES. 1600 No Transfer to UDOT](#)

[Lindon RES..pdf](#)

THE CITY OF OREM AND LINDON CITY
COOPERATIVE AGREEMENT
Transfer of 1600 North, OREM and 600 South, LINDON to UDOT Jurisdiction
UTAH COUNTY

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT ("Agreement"), is made and entered into this _____ day of _____, 2019 by and between the UTAH DEPARTMENT OF TRANSPORTATION, hereinafter referred to as "UDOT", THE CITY OF OREM, a municipal corporation of the State of Utah, hereinafter referred to as "OREM", and LINDON CITY, a municipal corporation of the State of Utah, hereinafter referred to as "LINDON."

RECITALS

WHEREAS OREM AND LINDON desire to transfer ownership and full jurisdiction of 1600 North, OREM and 600 South, LINDON beginning at SR-241 mile post 0.416 (I-15 NB off-ramp) and ending at the junction of US-89 (State Street), approximately 1.15 +/- miles to UDOT ("1600 North Corridor"); and

WHEREAS UDOT will need to invest \$1,150,000 along 1600 North from the I-15 northbound off-ramp to State Street, with a 2 inch mill and overlay of the pavement surface, to meet the long term pavement preservation needs of the corridor; and

WHEREAS UDOT will need to invest \$30,000 to upgrade the 1200 West signal (\$15,000 for replacement of plastic junction boxes with polymer concrete on the north side of the intersection, new pedestrian ramps and a new service pedestal to replace the existing meter) and 800 West signal (\$15,000 for new address signs, replacement of plastic junction boxes with polymer concrete, new pedestrian ramps); and

WHEREAS UDOT will need to invest \$5,000 to upgrade the traffic control signs along the 1600 North Corridor; and

WHEREAS UDOT acknowledges existing OREM and LINDON utilities, including third-party utilities within the 1600 North Corridor right-of-way; and

WHEREAS OREM and LINDON currently share maintenance responsibilities along the corridor length of approximately 1.15 miles, with OREM responsible for 0.65 miles (56.5%) and LINDON responsible for the remaining 0.5 miles (43.5%); and

WHEREAS THIS COOPERATIVE AGREEMENT is written to set out the terms and conditions under which the jurisdictional transfer shall be performed and maintenance of existing facilities;

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

1. UDOT will assume responsibility of snow removal and roadway maintenance services (sweeping, pavement repair, striping, signing, etc.) for 1600 North Corridor beginning the date the Transportation Commission adopts the resolution to accept jurisdictional transfer of 1600 North Corridor as a state

THE CITY OF OREM AND LINDON CITY
COOPERATIVE AGREEMENT
Transfer of 1600 North, OREM and 600 South, LINDON to UDOT Jurisdiction
UTAH COUNTY

highway. After that date, OREM and LINDON will no longer provide snow removal and roadway maintenance services. All other operations and maintenance responsibilities, construction projects, access and encroachment authority, services, needs and costs become the sole responsibility of UDOT effective upon the execution date of the jurisdiction transfer. UDOT agrees to assume ownership and all maintenance responsibilities, as determined by UDOT, associated with the above described route.

2. OREM and LINDON acknowledge that UDOT will retain the \$4,000,000 funded in the 2019 Utah Legislative Session under Senate Bill 268 for right-of-way acquisition, design, engineering, and constructions costs related to 1600 North Corridor in Orem City.
3. OREM and LINDON will NOT be responsible for costs to upgrade pavement, traffic signals and signing, as identified above.
4. The State Highway Access Category for 1600 North Corridor will be a Category 6: Regional-urban importance as outlined in Utah Administrative Rule R930-6. The parties acknowledge that no new signals will be installed along this corridor and OREM and LINDON will not request any signals.
5. New raised medians may be installed along this corridor as outlined in the Statewide Raised Median Toolkit available at <http://www.udot.utah.gov/raisedmedians/>.
6. UDOT will assume maintenance of the existing traffic signals located at 1200 West and 800 West along 1600 North from the date of the adoption of the resolution by the Utah Transportation Commission. UDOT further agrees that upon the adoption of the resolution by the Utah Transportation Commission, UDOT will accept the power service payment responsibilities of the existing signals along this segment of roadway. The street lighting at these locations will continue to be owned and maintained by OREM and LINDON in accordance to Section 72-3-109(1)(f) of the Utah Code, including the street lighting at the top of the signal poles. Any change to street lighting regarding payment for service or maintenance responsibility shall be addressed by OREM and LINDON. OREM and LINDON will contact the power utility provider for each traffic signal and request that the service be placed into UDOT's name. UDOT will need to verify the change in payment responsibility. OREM and LINDON will assist UDOT with this procedure.
7. OREM and LINDON will provide a quit claim deed to UDOT for the existing right-of-way from back of sidewalk to back of sidewalk and include roadway appurtenances associated with 1600 North Corridor within 10 days from the date the Transportation Commission adopts the resolution.
8. OREM and LINDON will comply with Utah Administrative Rule R930-7 for construction, maintenance, repair, and access to their utility facilities.
9. OREM and LINDON will continue to own, operate, maintain their culinary water systems, secondary water systems, sanitary sewer systems and storm water systems including, but not limited to: pipe, valves, manholes, catch basins, diversion boxes, detention ponds and associated concrete collars.

THE CITY OF OREM AND LINDON CITY
COOPERATIVE AGREEMENT
Transfer of 1600 North, OREM and 600 South, LINDON to UDOT Jurisdiction
UTAH COUNTY

10. OREM and LINDON will allow UDOT to discharge storm water into the storm water drain system serving the 1600 North Corridor. However, if and when the 1600 North Corridor is widened such that the amount of storm water runoff from the 1600 North Corridor is increased and depending upon funding, UDOT shall work with the City to upsize the City's storm water system to handle the additional storm water runoff or shall separate the UDOT storm water from the OREM and LINDON storm water.
11. UDOT, OREM and LINDON will meet the requirements as set forth in the Municipal Separate Storm Sewer System (MS4) permit issued by the Utah Division of Water Quality for storm water discharge.
12. UDOT retains the right to remove any and all landscape improvements from the 1600 North Corridor right-of-way if deemed necessary for safety, roadway widening or other activities. UDOT will not be responsible for replacement costs for damage to plant materials, landscaping facilities or aesthetic features owned by OREM and LINDON.
13. To the extent it may lawfully do so, OREM agrees to indemnify and hold UDOT harmless from any responsibility or liability that may result from the negligence or wrongful acts of OREM related to OREM's installation, operation and/or maintenance activities covered herein. However, OREM shall not be obligated to indemnify UDOT to the extent that such responsibility or liability arises out of the negligence or wrongful acts of UDOT.
14. To the extent it may lawfully do so, LINDON agrees to indemnify and hold UDOT harmless from any responsibility or liability that may result from the negligence or wrongful acts of LINDON related to LINDON's installation, operation and/or maintenance activities covered herein. However, LINDON shall not be obligated to indemnify UDOT to the extent that such responsibility or liability arises out of the negligence or wrongful acts of UDOT.
15. The parties are governmental entities for purposes of the Governmental Immunity Act of Utah, Utah Code Ann. Section 63G, Chapter 7. Consistent with the terms of this Act, it is mutually agreed that each party is responsible and liable for its own wrongful or negligent acts which it commits or which are committed by its agents, officials, or employees. No party waives any defenses otherwise available under the Governmental Immunity Act.
16. OREM and LINDON shall retain ownership and shall operate, and maintain their fiber optic conduit bank and cabling placed by or for OREM and LINDON within the 1600 North Corridor.
17. Amendment/ Waiver. No waiver, termination, amendment or other modification of any provision to this Agreement shall be effective unless the same shall be in writing and signed by all Parties, and then such waiver, termination, amendment or modification shall be effective only in the specific instance and for the specific purpose for which it is given.
18. Entire Agreement. This Agreement constitutes the entire Agreement by and between the Parties with respect to the subject matter of this Agreement and supersedes all prior agreements,

THE CITY OF OREM AND LINDON CITY
COOPERATIVE AGREEMENT
Transfer of 1600 North, OREM and 600 South, LINDON to UDOT Jurisdiction
UTAH COUNTY

understandings and negotiations, both written and oral, with respect to the subject matter of this Agreement. No representation, warranty, inducement, promise, understanding or condition which is not set forth in this Agreement has been made or relied upon by any of the Parties hereto.

19. Severability. In the event that any provision, clause or other part of this Agreement should be held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability will not affect the validity or enforceability with respect to other clauses, applications or occurrences and this Agreement is expressly declared to be severable.
20. Authority. The individuals executing this Agreement each represent and warrant: (i) that he or she is authorized to do so on behalf of the respective Parties hereto, (ii) that he or she has full legal power and authority to bind the respective Parties hereto, and if necessary, has obtained all required consents or delegations of such power and authority, and (iii) that the execution, delivery and performance by the respective Parties hereto of this document will not constitute a default under any agreement to which it is a Party.

THE CITY OF OREM AND LINDON CITY
COOPERATIVE AGREEMENT
Transfer of 1600 North, OREM and 600 South, LINDON to UDOT Jurisdiction
UTAH COUNTY

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers as the day and year first above written.

THE CITY OF OREM

UTAH DEPARTMENT OF TRANSPORTATION

James P. Davidson, City Manager

Recommended for Approval:

Date: _____

ATTEST

Rob Clayton, Region Three Director

Date: _____

By: _____

Title: _____

Date: _____

Ben Huot, Director of Program Development

Date: _____

LINDON CITY

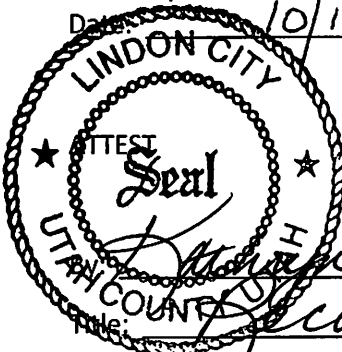
APPROVED:

Jeff Acerson, Mayor

Date: 10/15/2019

Carlos Braceras, Executive Director

Date: _____



Dana Moosman
Recorder

Date: 10/15/19

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE OREM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO TRANSFER OWNERSHIP OF 1600 NORTH IN OREM FROM THE I- 15 NORTH BOUND OFF-RAMP TO US89 STATE STREET TO UDOT

WHEREAS the City currently owns and maintains that portion of 1600 North Street between the I-15 Northbound off-ramp and State Street; and

WHEREAS this road is classified as an important arterial on UDOT's Functional Classification Map; and

WHEREAS between 1200 West and State Street, this important east-west arterial is one lane each direction, has more than 28,000 Annual Average Daily trips on it, is over capacity and is failing daily; and

WHEREAS there is currently a great need to expand and improve 1600 North between 1200 West and State Street in order to more effectively handle existing traffic volumes and to accommodate future additional traffic volumes; and

WHEREAS the City does not currently have funding sources available to make the necessary improvements to 1600 North in a timely manner; and

WHEREAS because of the region-wide importance of 1600 North, it would be in the best interest of the City of Orem, Utah County and the State of Utah for the City of Orem to transfer ownership and responsibility for that portion of 1600 North located between the I-15 Northbound off-ramp and State Street to UDOT so that the necessary improvements to that section of 1600 North can be made in a timely manner; and

WHEREAS the Orem City Council supports the transfer of this section of 1600 North to UDOT.

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 City Manager to execute the Cooperative Agreement with UDOT and Lindon in order to transfer ownership and responsibility of that portion of 1600 North between I-15 and State Street to UDOT.
2. The City Council hereby authorizes the City Manager to execute the Cooperative Agreement in substantially the form shown in Exhibit "A" which is attached hereto and by reference is made a part hereof.

DRAFT

3. The City Council hereby express their support for and encourage the State of Utah to make the improvements to that section of 1600 North necessary to keep up with the demanding growth rate of the Utah County economy and to maintain the quality of life we enjoy and value.

4. 3.This resolution will take effect immediately upon passage.

PASSED and APPROVED this ____ day of _____ 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	☐	☐	☐

RESOLUTION 2019-22-R

A RESOLUTION OF THE LINDON CITY COUNCIL APPROVING A COOPERATIVE AGREEMENT BETWEEN THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT), THE CITY OF OREM, AND LINDON CITY TO TRANSFER FULL JURISDICTION OF LINDON CITY'S 600 SOUTH ROADWAY (OREM'S 1600 NORTH) TO UDOT, AND SETTING AN EFFECTIVE DATE.

WHEREAS, Lindon City (Lindon) and the City of Orem (Orem) desire to transfer ownership and full jurisdiction of 1600 North, Orem and 600 South, Lindon beginning at SR-241 mile post 0.416 (I-15 NB off-ramp) and ending at the junction of US-89 (State Street), approximately 1.15 +/- miles to UDOT ("1600 North Corridor"); and

WHEREAS, Lindon and Orem currently share a common boundary along the centerline of the 1600 North Corridor; and

WHEREAS, UDOT maintains a portion of the 1600 North Corridor, identified as State Route 241 (SR-241), between Geneva Road and Lindon Park Drive, and

WHEREAS, east of the SR-241 section of the roadway Lindon and Orem currently share maintenance responsibilities along the 1600 North Corridor length of approximately 1.15 miles, with OREM responsible for 0.65 miles (56.5%) and LINDON responsible for the remaining 0.5 miles (43.5%); and

WHEREAS, the traffic along the 1600 North Corridor between Geneva Road and I-15 and continuing to State Street (US-89), thereby connecting two State roads, is of regional and State significance and not primarily used for local traffic; and

WHEREAS, transfer of the 1600 North Corridor to UDOT will provide for consistent maintenance responsibility of the roadway, instead of relying upon three different jurisdictions to maintain various segments of the road, thus improving the efficient movement of goods and services, enabling coordinated traffic signal efforts along the corridor, and improving safety of the traveling public.

NOW, THEREFORE, be it resolved by the Lindon City Council as follows:

SECTION 1. The Cooperative Agreement between Lindon, Orem, and UDOT transferring jurisdiction of Lindon's 600 South roadway to UDOT is hereby approved by the Lindon City Council and attached to this Resolution as **Exhibit A**.

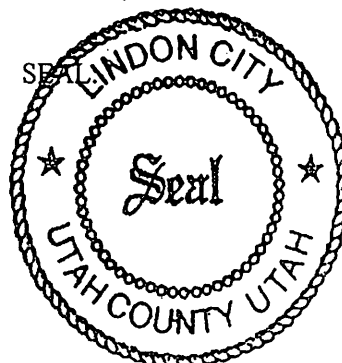
SECTION 2. This resolution shall take effect immediately upon passage.

Adopted and approved this 15th day of October, 2019.

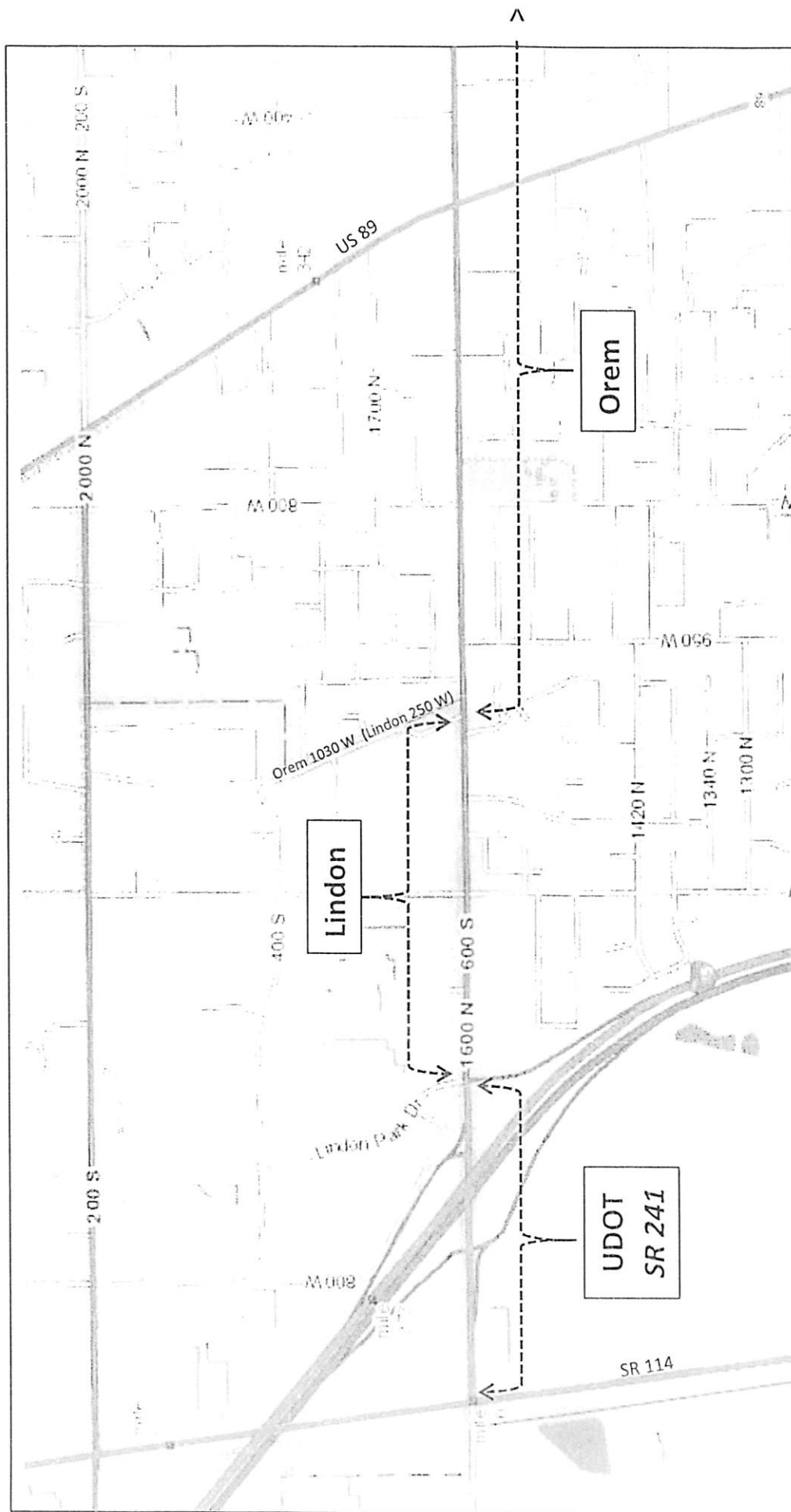
Attest:

By Kathryn A. Moosman
Kathryn A. Moosman, City Recorder

By Jeff Acarson
Jeff Acarson, Mayor



Map of maintenance responsibilities for Orem 1600 North (Lindon 600 South; UDOT SR 241)





City Council Agenda Item Report

Meeting Date: October 29, 2019

Submitted by: Brandon Nelson

Submitting Department: Finance

Item Type: Ordinance

Agenda Section:

Subject:

PUBLIC HEARING

ORDINANCE - Amending current Fiscal Year 2019-2020 Budget

Suggested Action:

The City Manager recommends the City Council hold a public hearing to discuss amending the current Fiscal Year 2019-2020 Budget and, by ordinance, amend Fiscal Year 2019-2020 Budget.

Presenter:

Brandon C. Nelson

Background:

The Fiscal Year 2019-2020 City of Orem budget has many adjustments that occur throughout the fiscal year. These adjustments include grants received from Federal, State, and other governmental or private entities or organizations; funds being held for Utopia operations being transferred to the Capital Projects Fund; interest earnings on unspent 2019 G.O. Bond funds; and adjusting the Community & Neighborhood Services Fund budget to the approved CDBG budget.

An adjustment within the Police Department is also part of this budget amendment recommendation. One FTE dispatcher position has been eliminated from the FY 2019-2020 budgeted positions. A note relating to this recommendation has been included in Exhibit "A" which is attached hereto.

Potentially Affected Area:

Citywide

Attachments:

[ORD - Budget Amendments - 2019 - July-Sept.docx](#)

[Budget Amendments FY 2020 - July-Sept.pdf](#)

[10.29.2019-- PH_ Budget Amendment FY 2020 July-Sept.docx](#)

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY
OF OREM, UTAH, AMENDING THE FISCAL YEAR 2019-
2020 BUDGET.

WHEREAS On August 27, 2019, the City Council adopted a final budget following State law; and

WHEREAS the City Council held a public hearing on October 29, 2019, to receive input from the public regarding proposed amendments to the Fiscal Year 2019-2020 budget; and

WHEREAS the budget has been revised as deemed appropriate to accommodate unexpected revenues and expenses.

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

1. The Council hereby amends the Fiscal Year 2019-2020 Budget as shown in Exhibit "A" which is attached hereto and incorporated herein by reference.
2. The City Manager is directed to implement these budget amendments in accordance with State laws and appropriate City procedures.
3. This ordinance shall take effect immediately upon publication.

PASSED AND APPROVED this **29th** day of **October 2019**.

CITY OF OREM, by
Richard F. Brunst, Mayor

ATTEST:

JoD'Ann Bates, City Recorder

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

EXHIBIT "A"
BUDGET AMENDMENTS
FISCAL YEAR 2019-2020

REVENUES

Account Number	Note	Description	Previous Budget	Current Budget
GENERAL FUND				
10-3316-003	1	Library - Provo River Day Grant	\$ -	\$ 425.00
10-3316-004	1	Library - Local Arts Agency Grant	-	3,500.00
10-3316-006	1	Library - Book Festival Partner Grant - UHC	-	4,500.00
10-3318-024	1	Internet Crimes Against Children Grant - ICAC	-	24,000.00
10-3341	1	EMS Grant	-	3,978.00
10-3690	1	Miscellaneous Revenues	100,522.00	102,522.00
10-3690-007	3	Misc Revenues - Police - Auction Funds	-	10,896.00
10-3995-013	1	Cont. From - Fund 73 - Orem Foundation	20,000.00	20,200.00
10-3997-018	3	App. Surp - Operations	583,000.00	593,896.00
Total			<u>\$ 703,522.00</u>	<u>\$ 763,917.00</u>
Net Fund Increase				<u>\$ 60,395.00</u>
MAJOR CRIMES TASK FORCE (MCTF)				
25-3318-005-001	1	JAG Grants - SAFG/STFG - FY 2020	\$ 250,000.00	\$ 275,000.00
25-3424	1	MCTF - Participation Funds	178,082.00	204,239.00
25-3424-004-003	1	MCTF - Forfeitures Revenues - Federal (Justice-Safe St)	-	20,000.00
25-3424-005	1	MCTF - Restitution/Seizure Revenues	-	25,000.00
25-3424-009	1	MCTF - Evidence Revenues	-	35,000.00
Total			<u>\$ 428,082.00</u>	<u>\$ 559,239.00</u>
Net Fund Increase				<u>\$ 131,157.00</u>
CAPITAL IMPROVEMENT PROJECT FUND				
45-3321	1	Grant - EPA - Geneva Road	\$ -	\$ 300,000.00
45-3342	1	Grant - Tourism Tax Advisory Board - Geneva Park	-	50,556.00
45-3380	1	Award - VW Environmental Mitigation Agreement	-	308,269.47
45-3995-001	5	Cont. From - Fund 10 - CIP	-	483,681.00
Total			<u>\$ -</u>	<u>\$ 1,142,506.47</u>
Net Fund Increase				<u>\$ 1,142,506.47</u>
CAPITAL IMPROVEMENT PROJECT FUND - 2019 G.O. BONDS				
47-3610	2	Interest Earnings - G.O. Bonds	\$ -	\$ 120,288.18
47-3997	2	App. Surp - Operations - Interest Earnings - FY 2019	-	253,522.79
Total			<u>\$ -</u>	<u>\$ 373,810.97</u>
Net Fund Increase				<u>\$ 373,810.97</u>
OREM FOUNDATION TRUST FUND				
73-3910-003	1	Donations - Orem Library	\$ -	\$ 200.00
Total			<u>\$ -</u>	<u>\$ 200.00</u>
Net Fund Increase				<u>\$ 200.00</u>
COMMUNITY & NEIGHBORHOOD SERVICE FUND				
74-3620	4	Housing Rehabilitation Loans - Payments	\$ 5,000.00	\$ 19,750.00
74-3921	4	Grant - Community Development	779,120.00	846,630.00
Total			<u>\$ 784,120.00</u>	<u>\$ 866,380.00</u>
Net Fund Increase				<u>\$ 82,260.00</u>
Total City Funds			<u>\$ 1,915,724.00</u>	<u>\$ 3,706,053.44</u>
Net City Funds Increase				<u>\$ 1,790,329.44</u>

EXHIBIT "A"
BUDGET AMENDMENTS
FISCAL YEAR 2019-2020

EXPENDITURES

Account Number	Note	Description	Previous Budget	Current Budget
GENERAL FUND				
Public Safety Administration				
10-6510-743-099	3	Equipment - Police - Auction Funds	\$ -	\$ 21,792.00
Investigation Services				
10-6530-230-008	1	Employee Development - ICAC Grant	-	12,000.00
10-6530-250-008	1	Equipment - ICAC Grant	-	12,000.00
Neighborhood Preservation Unit				
10-6533-240-005	1	Supplies - Reading with Police Grant - Dollar General	-	2,000.00
EMS Grant				
10-7043-741-001	1	Equipment - EMS Grant	-	3,978.00
Library Administration				
10-8510-310-003	1	Prof. & Technical Services - Local Arts Agency Grant	-	3,500.00
10-8510-310-006	1	Prof. & Technical Services - UHC - Book Festival Grant	-	4,500.00
Technical Services				
10-8520-464-001	1	Media Collection - e-books Donation	65,100.00	65,300.00
Patron Services				
10-8530-310	1	Professional & Technical Services	8,415.00	8,555.00
10-8530-480	1	Special Department Supplies	3,500.00	3,785.00
Total			<u>\$ 77,015.00</u>	<u>\$ 137,410.00</u>
Net Fund Increase				<u>\$ 60,395.00</u>
MAJOR CRIMES TASK FORCE (MCTF)				
25-6531-140	1	Overtime	\$ 10,000.00	\$ 36,157.00
25-6531-140-001	1	Overtime - JAG Grant	70,000.00	95,000.00
25-6531-230	1	Employee Development	16,000.00	31,000.00
25-6531-230-007	1	Employee Development - Forfeitures (Justice - Safet St)	-	10,000.00
25-6531-250	1	Equipment	10,000.00	31,862.86
25-6531-250-007	1	Equipment - Forfeitures (Justice - Safet St)	-	10,000.00
25-6531-623	1	Equip/Facility Lease/Rent	-	13,137.14
25-6531-743	1	Equipment	-	10,000.00
Total			<u>\$ 106,000.00</u>	<u>\$ 237,157.00</u>
Net Fund Increase				<u>\$ 131,157.00</u>
CAPITAL IMPROVEMENT PROJECT FUND				
45-6034-310-023	1	Prof & Tech Services - EPA Grant - Geneva Road	\$ -	\$ 300,000.00
45-6034-720-306	5	Fitness Center	509.69	484,190.69
45-6034-730-330	1	Electric Vehicle Charging Stations - VW Agreement	8,498.94	316,768.41
45-6034-732-442	1	Geneva Park Renovation Projects	96,036.33	146,592.33
Total			<u>\$ 105,044.96</u>	<u>\$ 1,247,551.43</u>
Net Fund Increase				<u>\$ 1,142,506.47</u>
CAPITAL IMPROVEMENT PROJECT FUND - 2019 G.O. BONDS				
47-8015-720-306	2	Fitness Center Capital Project	\$ 22,103,648.98	\$ 22,477,459.95
Total			<u>\$ 22,103,648.98</u>	<u>\$ 22,477,459.95</u>
Net Fund Increase				<u>\$ 373,810.97</u>
OREM FOUNDATION TRUST FUND				
73-8591-920-002	1	Cont. To - Fund 10 - Orem Library	\$ -	\$ 200.00
Total			<u>\$ -</u>	<u>\$ 200.00</u>
Net Fund Increase				<u>\$ 200.00</u>
COMMUNITY & NEIGHBORHOOD SERVICE FUND				
74-4133-570-001	4	Housing Rehab - Revolving	\$ 20,000.00	\$ 70,000.00
74-4133-730-513	4	Family Support Treatment Project	-	32,260.00
Net Fund Increase			<u>\$ 20,000.00</u>	<u>\$ 102,260.00</u>
				<u>\$ 82,260.00</u>
Total City Funds			<u>\$ 22,411,708.94</u>	<u>\$ 24,202,038.38</u>
Net City Funds Increase				<u>\$ 1,790,329.44</u>

**BUDGET AMENDMENTS
FISCAL YEAR 2019-2020**

NOTES

These notes are attached to the budget amendments summary to describe the more unusual or extraordinary amendments to the Fiscal Year 2019-2020 City of Orem Budget that have been necessitated to this point in the fiscal year. Many of the amendments listed in the summary are immaterial and/or are technical corrections that any organization of this size would expect to encounter during an operating year and therefore, no specific note has been given for these items. Please contact Brandon C. Nelson, CPA, Finance Director, at 801-229-7010, if you have any questions or concerns.

- 1) The City receives grant or donation funds during the year to aid many different operations such as the Police Department (Major Crimes Task Force Grants, Internet Crimes Against Children Grant), Development Services (EPA Brownsfield Grant), Public Works (Volkswagon Environmental Mitigation Grant), and Library Services (Utah Humanities Council). The funds are received from Federal, State, and other governmental (or private) entities. These entries represent the adjustments necessary to adjust the appropriate budgets.
- 2) The 2019 General Obligation Bonds holding account earns interest on any unused funds. Thus, these additional funds need to be added to the funds available for use on the fitness center and/or library hall projects.
- 3) The Police Department holds an annual auction of various items (primarily bicycles) in June. The funds from this auction are used in the following fiscal year and thus, require an appropriation of surplus budget amendment. These funds are used for various Police Department needs.
- 4) This amendment to the Community and Neighborhood Services (CNS) Fund budget adjusts its final budget to the approved CDBG budget.
- 5) Funds being held for potential coverage of Utopia operations shortfalls have not been needed and now appear as though they will not be needed in the immediate future. Thus, these funds are being transferred to the Capital Improvement Projects Fund to be used to fund the Fitness Center project.

Note: Within the Police Department, one FTE dispatcher position has been eliminated from the FY 2019-2020 budgeted positions and will no longer be considered a vacant position and will not be included in future budget years (unless specifically approved to be increased through normal budgetary procedures). The budgeted wages and benefits tied to this eliminated position have been used to increase wages among existing dispatch personnel. This item has no financial impact to the current FY 2019-2020 budget and thus, is not reflected in the budget amendment summary (Exhibit "A" pages 1-2) but is noted here for informational, reference, and approval purposes.

CITY OF OREM
NOTICE OF CITY COUNCIL
BUDGET AMENDMENT PUBLIC HEARING

The Orem City Council will hold a Public Hearing on Tuesday, October 29, 2019, at 6:00 p.m. in the City Council Chambers, 56 North State Street, Orem, to consider proposed amendments to the City's Fiscal Year 2019-2020 Budget.

Copies of the budget amendments are available for public inspection at least 10 days prior to the scheduled Public Hearing in the City Manager's Office, the City Recorder's Office, and the Orem City Library, located at 56 North State Street, Orem, Utah, during regular business hours. All interested persons are invited to attend the public hearing and will have an opportunity to make written or oral comments concerning any aspect of the budget amendments.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.

**If you need a special accommodation to participate in the City
Council Meetings, please call the City Recorder's Office.
(801-229-7074)**



City Council Agenda Item Report

Meeting Date: October 29, 2019

Submitted by: Greg Stephens

Submitting Department: Legal

Item Type: Resolution

Agenda Section:

Subject:

RESOLUTION - Request for the Utah Judicial Council to Recertify the Orem Justice Court and Commitment by the City Council to Continue Complying with the Operational Standards for Maintaining a Justice Court.

Suggested Action:

The Finance Director and the City Attorney recommend that the City Council, by resolution: (1) request the Utah Judicial Council to recertify the Orem Justice Court, and (2) agree to continue complying with the operational standards for maintaining a Justice Court.

Presenter:

Greg Stephens

Background:

Orem has successfully operated a Justice Court since September 1, 2010. The Utah Judicial Council last recertified Orem's Justice Court in January, 2016. State law requires municipal justice courts to be recertified every four years. The Orem Justice Court's current certification expires in February, 2020. To extend the Orem Justice Court's certification, the City must submit a recertification application to the Administrative Office of the Courts no later than November 8, 2019.

The City must submit the following three documents as part of the recertification request:

1. An opinion letter from the City Attorney to the City Council outlining the requirements for operating a justice court and giving an opinion regarding the feasibility of maintaining a justice court.
2. A Court Certification Affidavit from the Justice Court judge stating that the Orem Justice Court meets specified statutory and regulatory requirements.
3. A Resolution from the City Council requesting recertification of the Justice Court and agreeing to continue complying with the justice court operational standards for the term of recertification (four years).

Documents 1 and 2 have been completed and submitted to the City Council for review. The proposed resolution satisfies the requirements for Document 3.

Potentially Affected Area:

Attachments:

[RES.Justice Court Recert.](#)

[Opinion Letter](#)

[Judge Parkin Affidavit](#)

RESOLUTION NO. _____

A RESOLUTION BY THE OREM CITY COUNCIL REQUESTING
RECERTIFICATION OF THE OREM JUSTICE COURT.

WHEREAS, the City of Orem operates a Justice Court; and

WHEREAS, the provisions of U.C.A. §78A-7-103 require Justice Courts to be recertified at the end of each four-year term; and

WHEREAS, the term of Orem's Justice Court expires on February, 8, 2020; and

WHEREAS, the members of the Orem City Council have received an opinion letter from the Orem City Attorney which sets forth the requirements for the operation of a Justice Court and the feasibility of continuing to maintain a Justice Court in Orem; and

WHEREAS, the members of the Orem City Council have determined that it is in the best interests of the City of Orem to continue to provide for a Justice Court in Orem.

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

1. The Orem City Council hereby requests the Board of Justice Court Judges and the Utah Judicial Council to recertify the Orem Justice Court.
2. The Orem City Council hereby affirms its willingness to continue to meet all requirements set forth by the Judicial Council for the continued operation of the Orem Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.
3. The Orem City Council hereby authorizes and directs City staff to complete any actions necessary to complete the recertification process.
4. All acts, orders, resolutions and ordinances, and parts thereof, in conflict with this Resolution are hereby rescinded.
5. This Resolution shall become effective immediately upon passage.

PASSED AND APPROVED this **29th** day of **October** 2019.

Richard F. Brunst, Mayor

ATTEST:

JoD’Ann Bates, City Recorder

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



October 23, 2019

Mayor and City Council Members
56 North State St.
Orem, UT 84057

Dear Mayor and City Council Members,

At the October 29, 2019 City Council meeting, you will be considering a resolution requesting the Utah Judicial Council to recertify Orem's Justice Court. In the proposed resolution, the City Council also expresses its willingness to continue complying with Judicial Council standards for operating a Justice Court. As part of the recertification process, I am required to give you a written opinion advising you of all requirements for operating a justice court and giving my opinion on the feasibility of maintaining a Justice Court in Orem.

Requirements for Operating a Justice Court

I will list the statutory and administrative rule requirements for maintaining a Justice Court in Orem. Orem currently complies with all of these requirements.

State Statutes

Statutes of the State of Utah require Justice Courts to meet specific operating standards. These statutory requirements include:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (78A-7-213).
2. Each court shall be open and judicial business shall be transacted every day as provided by law (78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207).

6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (78A-7-205).
7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).
8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (78A-7-103).
9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).
10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).
11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court (10-7-76 and 17-50-319).
12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).
13. Every entity creating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (78A-7-206).
14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).
15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge (78A-7-103).
16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council (78A-7-215).
17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).
18. An audio recording system shall maintain the verbatim record of all court proceedings (78A-7-103). The system must:
 - a. be a stand-alone unit that records and audibly plays back the recording;
 - b. index, back-up and archive the recording and enable the record to be retrieved;
 - c. have at least four recording channels;
 - d. have a one step "on" and "off" recording function;

- e. have conference monitoring of recorded audio;
- f. have external record archiving from the unit with local access; and
- g. be capable of being integrated with the court's public address system.

Judicial Council Rules

In addition to those requirements which are directly imposed by statute, section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and certification of Justice Courts. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:

1. That the Court be opened for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.
2. That the judge be available to attend court and conduct court business as needed.
3. That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public.
4. A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.
5. Appropriate office space for the judge and clerk. (Under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed.) The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.
6. A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
7. The entity must have at least one peace officer (which may be contracted).
8. A court security plan must be submitted consistent with C.J.A. Rule 3-414.
9. Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting

and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. In addition, all justice courts must use the CORIS case management system.

10. Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

Additional Requirements for Class I Justice Courts

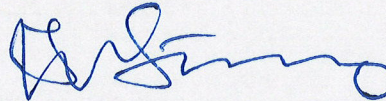
Courts which have an average monthly filing of more than 500 cases (such as Orem's) are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three clerks, must be open during regular business hours, must have a courtroom which is dedicated for the exclusive use as a court and which meets the master plan guideline adopted by the Judicial Council, and must have a judge's chambers and clerk's office that cannot be shared by another entity.

Feasibility of Maintaining a Justice Court in Orem

In my opinion, it is feasible for Orem to continue operating a Municipal Justice Court. In reaching this opinion, I have spoken to Justice Court Administrator Jody Thenot, Finance Director Brandon Nelson and Orem Prosecutor Jake Summers, to get their perspectives on the current operation and funding of the Orem Justice Court.

Please feel free to call me if you have any questions or concerns.

Best Regards,

A handwritten signature in blue ink, appearing to read "Greg W. Stephens", with a stylized, cursive script.

Greg W. Stephens
Orem City Attorney

COURT CERTIFICATION AFFIDAVIT

Court Location: City of Orem

Judge: Reed S Parkin

Address: 97 E Center, Orem, Utah 84057

Telephone: 801-724-3900

Level of Court: Class I

Average Case Filings Per Month: Over 500

Daily Court Hours: Monday – Friday, 8am – 5pm

Number of Full-time Clerks: 6

Hours Worked Per Week Per Clerk: 40

Number of Part-time Clerks: 3

Hours Worked Per Week Per Clerk: 1 at 25, 1 at 25, 1 at 15 hours

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived.. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the instructions to Applicant included with the Application for Recertification.

Comes now Judge Reed S Parkin, Justice Court Judge for the City of Orem and, except as specifically noted below, certifies as follows:

SECTION I

THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED.

CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.

Please indicate YES OR NO to each of the following:

1. All official court business is conducted in a public facility. YES
2. Court is open daily. YES
3. The hours of court operation are posted conspicuously. YES
4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. YES
5. The judge is compensated at a fixed rate, within the statutory range. YES
6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. YES
7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. YES
8. The responsible governmental entity assumes the expenses of the travel of the clerk for the purposes of attending training sessions conducted by the Judicial Council.
YES
9. The responsible governmental entity provides the Court with:

- a. Sufficient prosecutorial support YES
 - b. Funding for attorneys for indigent defendants, as appropriate YES
 - c. Sufficient local law enforcement officers to attend court as provided by statute
YES
 - d. Security for the court as provided by statute YES
 - e. Witness and juror fees YES
 - f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws
affecting local governments, local ordinances and other necessary legal
reference materials YES
10. Fines, surcharges and assessments which are payable to the state are forwarded
as required by law. YES
11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-
212). YES
12. All required reports and audits are filed as required by law or Rule of the Judicial
Council. YES
13. A record of all court proceedings is maintained by an appropriate audio recording
system. YES

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Please indicate YES OR NO to each of the following:

1. Court is open each day as appropriate for the classification of the court. YES
2. The judge is available to attend court and to conduct court business as needed.
YES
3. Minimum furnishings in the courtroom include:
 - a. Desk and chair for the judge YES
 - b. A six inch riser YES
 - c. Desk and chair for the Court Clerk YES
 - d. Chairs for witnesses YES
 - e. Separate tables and appropriate chairs for plaintiffs and defendants YES
 - f. A Utah State flag YES
 - g. A United States flag YES

- h. A separate area and chairs for at least four jurors YES
- i. A separate area with appropriate seating for the public YES
- j. An appropriate room for jury deliberations YES
- k. An appropriate area or room for victims and witnesses which is separate from the public YES
- l. A judicial robe YES
- m. A gavel YES
- n. Current bail schedules YES
- o. A copy of the Code of Judicial Administration YES
- p. Necessary forms and supplies YES
- q. Office space for the judge YES
- r. Office space for the court clerk YES
- s. Secure filing cabinets YES
- t. Appropriate office supplies YES
- u. A cash register or secured cash box YES

- v. At least one computer with internet access YES
- w. Access to a copy machine YES
- 4. The appropriate number of clerks as required by the classification of the court, are present during the time court is open each day and as needed during court sessions. YES
- 5. Does the applicant have a law enforcement department? YES
- 6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant:
- 7. A security plan has been filed consistent with C.J.A. Rule 3-414. YES
- 8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. YES
- 9. If the court is a Class I court:
 - a. Judge is employed on a full-time basis. YES
 - b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council. YES
 - c. Court has a jury deliberation room. YES
 - d. Judge's chambers, clerk's office and courtroom are in the same building.

YES

- e. Judge has his or her own private chambers. YES
- f. Clerk's office is separate from any other entity. YES
- g. Court is open during normal business hours. YES

If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request. If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).

I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the City to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this 30th day of September, 2019.



Judge Reed S Parkin

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this 30th day of September, 2019.



CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED SEPTEMBER 2019

Percent of Year Expired: 25%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2020	% To Date FY 2019	Notes
10 GENERAL FUND								
Revenues	54,190,065	4,211,627	8,890,852			16%		
Appr. Surplus - Current	593,896		593,896			100%		
Appr. Surplus - Prior Year	3,967,885		3,967,885			100%		
Std. Interfund Transactions	5,513,875		5,513,875			100%		
Total Resources	64,265,721	4,211,627	18,966,508		45,299,213	30%	28%	
Expenditures	64,265,721	3,291,141	17,812,680	2,023,418	44,429,623	31%	33%	
20 ROAD FUND								
Revenues	3,265,000	411,293	418,491			13%		
Appr. Surplus - Current	307,350		307,350			100%		
Appr. Surplus - Prior Year	1,928,582		1,928,582			100%		
Total Resources	5,500,932	411,293	2,654,423		2,846,509	48%	51%	
Expenditures	5,500,932	823,239	1,989,759	417,448	3,093,725	44%	48%	
21 CARE TAX FUND								
Revenues	2,300,000	203,039	221,728			10%		
Appr. Surplus - Prior Year	3,801,309		3,801,309			100%		
Total Resources	6,101,309	203,039	4,023,037		2,078,272	66%	64%	
Expenditures	6,101,309	271,945	1,606,034	1,108,286	3,386,989	44%	19%	1
30 DEBT SERVICE FUND								
Revenues	5,791,627	273	586,602			10%		
Appr. Surplus - Prior Year	5,953	5,953	5,953			100%		
Total Resources	5,797,580	6,226	592,555		5,205,025	10%	10%	
Expenditures	5,797,580	48,797	146,578		5,651,002	3%	3%	
45 CIP FUND								
Revenues	1,417,506	82,035	103,364			7%		
Appr. Surplus - Prior Year	15,570,035		15,570,035			100%		
Total Resources	16,987,541	82,035	15,673,399		1,314,142	92%	99%	
Expenditures	16,987,541	1,201,677	1,463,805	3,288,310	12,235,426	28%	9%	2
51 WATER FUND								
Revenues	20,455,740	2,627,038	8,355,635			41%		
Appr. Surplus - Current Year	625,000		625,000			100%		
Appr. Surplus - Prior Year	15,192,483		15,192,483			100%		
Total Resources	36,273,223	2,627,038	24,173,118		12,100,105	67%	67%	
Expenditures	36,273,223	237,343	5,001,082	2,354,614	28,917,527	20%	28%	
52 WATER RECLAMATION FUND								
Revenues	12,013,694	1,114,661	3,216,900			27%		
Appr. Surplus - Prior Year	7,758,132		7,758,132			100%		
Total Resources	19,771,826	1,114,661	10,975,032		8,796,794	56%	50%	
Expenditures	19,771,826	421,614	2,706,238	1,101,029	15,964,559	19%	23%	
55 STORM WATER FUND								
Revenues	4,994,195	418,529	1,392,988			28%		
Appr. Surplus - Current Year	538,000		538,000			100%		
Appr. Surplus - Prior Year	3,850,922		3,850,922			100%		
Total Resources	9,383,117	418,529	5,781,910		3,601,207	62%	59%	
Expenditures	9,383,117	424,839	1,802,158	146,590	7,434,369	21%	33%	3
56 RECREATION FUND								
Revenues	1,682,300	23,945	619,629			37%		
Appr. Surplus - Prior Year	12,180		12,180			100%		
Total Resources	1,694,480	23,945	631,809		1,062,671	37%	39%	
Expenditures	1,694,480	99,892	608,544	225,947	859,989	49%	45%	
57 SOLID WASTE FUND								
Revenues	4,025,000	348,032	1,040,802			26%		
Appr. Surplus - Prior Year	168,851		168,851			100%		
Total Resources	4,193,851	348,032	1,209,653		2,984,198	29%	30%	
Expenditures	4,193,851	353,280	1,286,539	44,220	2,863,092	32%	29%	

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED SEPTEMBER 2019

Percent of Year Expired: 25%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2020	% To Date FY 2019	Notes
58 STREET LIGHTING FUND								
Revenues	1,730,000	62,841	973,953			56%		
Appr. Surplus - Prior Year	864,329		864,329			100%		
Total Resources	2,594,329	62,841	1,838,282		756,047	71%	62%	4
Expenditures	2,594,329	28,492	530,128	306,706	1,757,495	32%	48%	4
61 FLEET MAINTENANCE FUND								
Revenues		1,810	1,810			100%		
Std. Interfund Transactions	830,000		830,000			100%		
Total Resources	830,000	1,810	831,810		-1,810	100%	100%	
Expenditures	830,000	47,291	325,991	682	503,327	39%	39%	
62 PURCHASING/WAREHOUSING FUND								
Revenues		15	45			100%		
Std. Interfund Transactions	395,000		395,000			100%		
Total Resources	395,000	15	395,045		-45	100%	100%	
Expenditures	395,000	20,587	153,506	930	240,564	39%	45%	
63 SELF INSURANCE FUND								
Revenues	772,000	47,235	168,810			22%		
Std. Interfund Transactions	1,345,000		1,345,000			100%		
Total Resources	2,117,000	47,235	1,513,810		603,190	72%	78%	
Expenditures	2,117,000	961,467	1,286,849	1,789	828,362	61%	67%	
64 INFORMATION TECH FUND								
Revenues	8,200	678	2,712			100%		
Appr. Surplus - Current Year	56,000		56,000			100%		
Appr. Surplus - Prior Year	119,123		119,123			100%		
Std. Interfund Transactions	2,430,000		2,430,000			100%		
Total Resources	2,613,323	678	2,607,835		5,488	100%	100%	
Expenditures	2,613,323	176,980	625,713	236,746	1,750,864	33%	35%	
74 CDBG FUND								
Revenues	1,028,380	4,061	22,282			2%		
Appr. Surplus - Prior Year	310,481		310,481			100%		
Total Resources	1,338,861	4,061	332,763			25%	6%	
Expenditures	1,338,861	56,526	179,468	60,677	1,098,716	18%	15%	
CITY TOTAL RESOURCES	174,650,441	9,499,546	87,754,872		85,889,471	50%	48%	
CITY TOTAL EXPENDITURES	174,650,441	8,259,638	36,369,231	10,773,940	127,507,270	27%	28%	

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

- 1) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$1,108,286) being significantly higher than in the prior fiscal year (\$58,315) at this date in time. Primarily due to the Library Hall project.
- 2) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$3,288,310) being significantly higher than in the prior fiscal year (\$636,197) at this date in time. Primarily due to the Library Hall construction project and the 1200 West road reconstruction project.
- 3) The current year expenditures are lower in comparison to the prior year due to the 400 N & 250 E capital project which had expended \$940,489 YTD in the prior fiscal year while no such project has occurred thus far in the current fiscal year.
- 4) The appropriation of surplus from the prior year is significantly higher than the previous year due to a larger capital projects carryover in FY 2020 which caused the carryover to be about \$787,000 higher. Primarily due to the expected replacement of old RMP poles.

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).