

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
April 14, 2020

*This meeting was held electronically
to allow Councilmembers and Staff to participate.*

4:30 P.M. WORK SESSION – CITY COUNCIL CONFERENCE ROOM

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, 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; Jason Earl, Deputy Fire Chief; Gary Giles, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Department Manager; Brandon Nelson, Finance Department Manager; Karl Hirst, Recreation Department Manager; Jason Bench, Planning Division Manager; Stephen Cannon, Assistant I.T. Division Manager; Pete Wolfley, Communication Specialist and JoD'Ann Bates, City Recorder

DISCUSSION – CARE Major Grant and Facility Presentations

Mr. Downs presented information regarding the three major grant applicants: Utah Metropolitan Ballet (formerly Utah Regional Ballet) (UMB), Hale Center Foundation for the Arts (Hale), and SCERA Center for the Arts (SCERA). He excused representatives from UMB but said there were representatives from Hale and SCERA on the call to answer questions.

Mr. Downs first reviewed the request from UMB, including the amounts requested and the amounts given going back to 2015-2016. He reviewed the achievements, including special performances for Title 1 school children and the special show for Families Affected by Autism. These special performances were often the first or only cultural events the children attended in the year, and UMB was happy to provide those experiences for those children and families. Mr. Downs shared the cost breakdown of UMB's operating expenses.

Mr. Lambson asked if any Community Development Block Grant (CDBG) money was ever used toward organizations like UMB that had special performances for Title 1 schools. Mr. Downs said he was not sure UMB would qualify for CDBG funds because of the kind of organization they were. In response to the question of how many performances actually took place in Orem, Mr. Downs said UMB held five shows in Orem in the last year and planned to have additional

performances at the Noorda Theater at UVU. He explained that UVU was also the home of the UMB.

Mr. Downs moved on to share information regarding the Hale organization. He clarified that major grant applicants could request 35% of their operating expenses, but ultimately the City would determine the amount awarded. Hale representatives Cody Swenson and Jeff Fisher shared details from the past year, including special involvement in the City's Centennial Celebration and discounted ticket prices for performances for lower-income neighborhoods. Discussion continued regarding the percentage of Orem residents that participated in Hale programs and attended performances, as well as support from season ticket holders.

Mr. Fisher shared that the current situation with COVID-19 and social distancing requirements meant their theater was not open, but they were beginning a program called "Hale at Home" where patrons could pay a discounted ticket fee and stream a recorded performance at home. Mr. Fisher said Hale was fortunate and had qualified for the Paycheck Protection Program, which gave them eight to ten weeks of funding to cover payroll for their employees. He added that CARE money was playing a role in covering those expenses as well, and was grateful for the support from the City.

Mr. Downs then presented the information from the SCERA, and asked SCERA representative Adam Robertson to share additional information. Mr. Robertson said this was the first time 86 years the SCERA had had to close their doors; it was unprecedented for the organization. He said SCERA had also had special involvement with the City's Centennial Celebration, including the Summerfest outdoor concert with Josh Gracin and John Michael Montgomery that finished with fireworks, and the actor that played Walter C. Orem at various events throughout 2019. Mr. Robertson said they too were streaming performances for viewers at home, mostly of "theater for young audiences" performances.

Mr. Downs said SCERA had seen steady growth in the past year; Mr. Macdonald complimented Mr. Robertson on his ability to grow his programming while maintaining costs and utilizing the CARE dollars well. Mr. Robertson thanked Mr. Macdonald, and said that was a conscious effort on their part. He added that they had also qualified for the Paycheck Protection Program.

Mr. Downs said each major applicant was using their CARE money prudently and for the approved uses. There was discussion on how the COVID-19 pandemic would affect the amount of CARE dollars that would be collected, and the feasibility of giving the recommended award amounts. Mr. Downs said there would not be any effect on this year's granting round, but it was possible they would see changes for next year.

Discussion continued on the likelihood of SCERA summer programs and camps being able to go forward. Mr. Robertson said they were waiting to make those difficult decisions until they had more information. Mr. Downs finished his presentations and said he would come before the Council at a future meeting with final recommendations for major grant awards.

Agenda Review & Preview of Upcoming Agenda Items

The City Council reviewed the evening's agenda. Mr. Lambson said there was a minor correction needed for the minutes to be approved. Mayor Brunst asked about the extension of the local emergency to be considered as part of the Consent Agenda. Mr. Davidson said the extension would be indefinite for now, as there was no predicting when the emergency would be resolved. Mr. Stephens added that the city manager had the authority to extend the emergency 30 days at a time; Mr. Davidson said he would follow the state's lead.

At Mr. Davidson's suggestion, Mr. Downs shared some thoughts from the Summerfest Committee. He said the Summerfest Committee had discussed the possibility of what they were calling "Summerfest-Lite" to take place August 14 and 15, 2020. It would coincide with the Senior Center's "Geezer Fest" event, and they would try to keep popular Summerfest activities like the car show, pool party, kids' crafts, and fireworks. There was the possibility of a children's parade as they would not be able to have the traditional large-scale parade. Other things they would likely have to forego would be the carnival, Orem's Got Talent, and the baby contest. Mr. Downs said this was all contingent on the progress in flattening the curve with the COVID-19 pandemic.

Mr. Davidson advised the Council that the State Legislature would reconvene for a special session of 10 days looking at issues that related directly to the emergency situation, particularly the state budget and federal stimulus package, emergency powers and declarations, and powers of local health departments to issue orders during times of emergency. Mr. Davidson said he expected they would determine that the elections this year would be exclusively "Vote by Mail" statewide to avoid public crowds and opportunities for the COVID-19 virus to spread. There was continued discussion on business sales tax assessments and how that would impact the City.

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

Mr. Peterson briefly updated the Council on his committee assignments. His assignments included the UVU Community Outreach Committee, the Utah League of Cities and Towns (ULCT) Legislative Committee, and Orem Planning Commission. With the advent of COVID-19 Mr. Peterson had not had much chance to meet with the UVU or ULCT committees. He said had the opportunity to attend Planning Commission meetings and was impressed by the Planning staff and commissioners. He said they did great work for the City, and he particularly wanted to recognize Jason Bench for his impressive attention to detail and thoroughness.

Mayor Brunst commented that the ULCT was working with Congress to see if they could define how the stimulus money would be distributed. In particular, smaller Utah cities would prefer to receive the funding directly, rather than going through the counties. Mr. Davidson commented that there was no framework in place for something on this scale, and it would be interesting to see how it would unfold.

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

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, 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; Jason Earl, Deputy Fire Chief; Gary Giles, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Brandon Nelson, Finance Department Manager; Karl Hirst, Recreation Department Manager; Chris Tschirki, Public Works Department Manager; Jason Bench, Planning Division Manager; Stephen Cannon, Assistant IT Division Manager; Steve Earl, Deputy City Attorney; Kena Mathews, Community and Neighborhood Services Specialist; Pete Wolfley, Communications Specialist; and JoD'Ann Bates, City Recorder

CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT PLEDGE OF ALLEGIANCE

Terry Peterson
Jody Bates

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

There were no Mayor's Items to share.

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 make a comment provided staff with written comments.

There were no personal appearances submitted.

CONSENT ITEMS

- Approval of the March 31, 2020 City Council Meeting Minutes
- RESOLUTION – Authorizing the extension of the City Manager's March 16, 2020 Proclamation declaring a local emergency in the City of Orem

Mr. Macdonald moved to approve the Consent Agenda as listed. **Mr. Peterson seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

SCHEDULES ITEMS

PUBLIC HEARING – The City will receive public comment on the Community Development Block Grant (CDBG) Projected Use of Funds for Fiscal Year 2020-2021

Ms. Mathews said this was the first of two public hearings required when the CDBG Commission made recommendations for grant awards. There was a 30 day comment period between the two hearings, and then the CDBG Commission would bring the recommendations on May 26th, 2020 for approval. Ms. Mathews said Ken Ransom, CDBG Commission Chair, would later share the commission recommendations. Ms. Mathews reviewed the qualifications of entitlement communities, and said they received \$700,335 from the U.S. Department of Housing and Urban Development (HUD) and had an additional \$114,000 in rollover income. In response to a Council question, Ms. Mathews said the Trump Administration had attempted to remove the CDBG funding, but Congress had overturned that decision and the funding was made available. She added that there was an additional \$411,983 they expected to receive as part of the COVID-19 Stimulus CDBG Funding.

Ms. Mathews spoke to the specific priorities of the City, Provo City, Utah County, and service agencies. She said they had formed a Joint Commission with the other entitlements for Countywide Public Services and Capital Projects. Mr. Ransom said the CDBG Commission was included in the Joint Commission and had the chance to attend meetings and here presentations from the applicant service agencies. Mr. Ransom reviewed the proposed joint public service projects, including early head start program funding through Kids on the Move and a receiving center for Wasatch Mental Health.

Mr. Ransom reviewed the proposals for Orem-only public services, specifically the Orem Police Department's Mental Health Response Team. He also addressed non-public services, including the Orem Critical Home Repair and Home Rehabilitation Program, neighborhood revitalization activities and park improvements, administration of the City's CDBG program, and funding for the City's Neighborhood Preservation Unit (NPU).

Mayor Brunst thanked Ms. Mathews and Mr. Ransom for the information they shared, and opened the public hearing for comment. No public comments were submitted electronically, so Mayor Brunst closed the public hearing and turned time to the City Council for any further questions.

Mrs. Lauret asked if there was a deadline to spend the rollover funding from the previous year. Ms. Mathews said there was a deadline, but also a set timeframe for correction if the deadline was missed. Ms. Ransom said the Orem CDBG Commission proposals matched the proposal of the Joint Commission. Ms. Mathews said the 30 day comment period was now open and they would return when it was closed with final recommendations.

PUBLIC HEARING – The City will receive public comment on the 2020-2024 Community Development Block Grant (CDBG) Consolidated Plan and the 2020 Annual Action Plan

Ms. Mathews reviewed the requirements for the 5-year plan and the process by which they

completed this plan. She said the plan was developed with input from residents and various community groups. All four entitlements (Orem, Utah County, Provo, and Lehi) selected Civicus Consulting Group to prepare necessary documents for the plan and help the entitlements identify housing and other needs and priorities in the community. A survey was sent out to the community in English and Spanish via social media and email, and local service providers were asked to administer paper survey to clients.

Ms. Mathews shared the overall priorities identified in the plan, and next steps. She said the 5-year plan had the same 30 day comment period requirement as annual recommendations, and they would bring the plan back to the City Council for consideration on May 26th, 2020.

Mayor Brunst opened the public hearing for comment. No public comments were submitted electronically, so Mayor Brunst closed the public hearing. There were no further questions from the Council.

PUBLIC HEARING

ORDINANCE – Amending Section 22-6-9(G)(2) Private Schools and Commercial Day Care Services by clarifying language

Mr. Bench said the request before the Council was to clarify language in the City Code. The language change would amend Section 22-6-9(G)(2) *Private Schools and Commercial Day Care Services* to clarify that two commercial day cares could not be within two thousand six hundred forty (2,640) feet of each other in a residential zone, but a commercial day care in a residential zone could be within two thousand six hundred forty (2,640) of another commercial day care if located in a commercial zone. Mr. Bench reviewed information regarding the setback requirements in residential zones. He said the Planning Commission recommended approval.

Mr. Sumner asked if this was a simple “house cleaning” issue, or if there was pressing need based on current applications. Mr. Bench said there was a current request for a commercial daycare in a residential zone; he did not see it as a big issue but more as a clarification.

Mayor Brunst opened the public hearing for comment. No public comments were submitted electronically, so Mayor Brunst closed the public hearing. There were no further questions from the Council.

Mayor Brunst moved to approve amending Section 22-6-9(G)(2) Private Schools and Commercial Day Care Services of the Orem City Code pertaining to proximity of commercial day care services in a residential zone. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

PUBLIC HEARING

ORDINANCE – The applicant (The Church of Jesus Christ of Latter-Day Saints) request the city enact Section 22-11-63 PD-50 (Orem Utah Temple – 1465 South Geneva Road) Zone, and Appendix “XX” of the Orem City Code, and amend Article 22-5-3(a) and the zoning map of the City of Orem by changing the zone on approximately 15.39 acres from OS5 zone

to the PD-50 zone at 1465 South Geneva Road

Mr. Bench reviewed the request regarding the PD-50 zone. The purpose of the proposed PD-50 zone was to allow the development of a temple site and a church building. The proposed zone was designed to be applied only to a parcel of property located at approximately 1465 South Geneva Road. No other use except churches, synagogues, and temples would be permitted in the proposed zone.

Development on the parcel would be required to conform to the standards outlined in the text of the PD-50 zone as well as the concept plan and exhibits included in Appendix XX.

The height of the proposed temple structure was approximately 70 feet to the top of the main structure and 218 feet, 6 inches to the top of the central spire.

The number of parking stalls required for the proposed zone was based on the City's existing standards for churches, synagogues and temples as outlined in Article 22-15 of the City Code which required one parking stall for every four fixed seats. The proposed temple will have 722 fixed seats and the church building will have 802 fixed seats. Application of the parking standard for churches and temples therefore required a total of 381 parking stalls. The concept plan for the site shows a total of 520 stalls with the possibility of adding another 136 stalls if needed in the future.

Mr. Bench said Tom Heath, Project Manager with the Church of Jesus Christ of Latter-Day Saints, was on the line to answer questions. Mr. Bench reviewed the proposal and showed the proximity of the site to University Parkway and the I-15 exchange, FrontRunner, and Geneva Road. He said 1100 West would be extended to the south through the property, and any necessary widening of the road would be in coordination with UDOT. Mr. Bench showed the rendering provided by the applicant, and commented that it was not a complete rendering as many details and complete elevations were still awaiting approval by The Church. He said the applicant's architects were comfortable with the code language proposed for the PD-50 zone. Mr. Bench said the Planning Commission recommended approval of this request.

Mr. Peterson asked about the center spire and whether the Angel Moroni would be added and if that was included in the proposed height. Mr. Heath said the inclusion of the Angel Moroni on the spire was in discussion with the Presiding Bishopric and First Presidency of the Church. He added that not all temples included the Angel Moroni statue at present. Mr. Peterson said he would like that addition, but understood that the applicant would ultimately make that decision. In response to Mr. Lambson's inquiry, Mr. Heath said they would be able to work within the proposed height with or without Angel Moroni.

Mrs. Lauret asked if there would be delays for the ground breaking. Mr. Heath said they were aiming for a late summer or early fall timeframe. They were still working through the internal approvals of the architecture, and if all went according to plan he did not see a reason for any delay.

Mayor Brunst opened the public hearing for comment. No public comments were submitted electronically, so Mayor Brunst closed the public hearing. There were no further questions from the Council.

Mayor Brunst moved to enact Section 22-11-63 PD-50 (Orem Utah Temple – 1465 South Geneva Road) Zone, and Appendix “XX” of the Orem City Code, and amend Article 22-5-3(a) and the zoning map of the City of Orem by changing the zone on approximately 15.39 acres from OS5 zone to the PD-50 zone at 1465 South Geneva Road. **Mr. Peterson seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson had no additional information items to share.

ADJOURNMENT

Mr. Spencer moved to adjourn the meeting. **Mr. Sumner seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

The meeting adjourned at 6:57 p.m.

Approved: May 12, 2020



A handwritten signature in dark ink, appearing to read "JoD'Ann Bates".

JoD'Ann Bates, City Recorder