CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
May 26, 2020

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

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

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Jeff Lambson, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner
EXCUSED	Debby Lauret
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Gary Giles, Police Chief; Karl Hirst, Recreation Department Manager; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Department Manager; Brandon Nelson, Finance Department Manager; Jason Bench, Planning Division Manager; Ernesto Lazalde, IT Division Manager; Pete Wolfley, Communication Specialist; JoD'Ann Bates, City Recorder; and Jackie Lambert, Deputy City Recorder

NOTE: The referenced report and presentation documents for each discussion may be viewed at orem.org/meetings under "City Council Presentations"

PRESENTATION – CARE Deliberations

Mr. Downs presented information regarding the CARE Advisory Commission's recommendations for CARE awards in 2020. He said this had been a year unlike any other, and the COVID-19 pandemic had a profound effect on the City's sales tax revenues; recent data suggested a decrease of approximately 12% in sales tax revenues for CARE awards. Mr. Davidson added that while the sales tax information was not completely up to date, the information they did have was more positive than anticipated. Unfortunately, they were not as optimistic for sales tax figures from April and May, and so recommended a reduction in CARE awards.

Mr. Macdonald commented that since final CARE money amounts were fluid it may be wise to adjust award amounts to quarterly payments or something similar. He was concerned with being

faced with a shortfall after committing funds that may never exist. Mr. Nelson said that was a possibility they could consider.

Mr. Downs continued sharing the information on CARE awards from previous years as well as 2020, and thanked Mr. Lambson for putting the information together. Mr. Downs pointed out that some award amounts looked much different from recent years, but cancellations and postponement of events were typically the reasons for the change. For example, the Colonial Heritage Festival would not be held this year but they had expenses for storage of the equipment and vehicles used throughout the festival, so the amount they would receive would go toward storage fees. Mr. Downs said the 2020 recommendations represented a 10.5% decrease for the mini and mid-major grant applicants, and major applicants would see an equal cut of approximately 2.4% from last year.

Mr. Downs briefly addressed the recreation side of the CARE funding, including cosponsored sports like baseball and soccer, and the Fitness Center project. There was continued discussion regarding CARE award recommendations. Mr. Spencer made a clerical correction on the presentation. Mr. Peterson said the participation numbers for the Hale organization had remained static while numbers for the SCERA had climbed annually. For that reason, Mr. Peterson felt the SCERA deserved a larger award amount. Discussion ensued; Mayor Brunst said the SCERA organization already received around 50% more than Hale annually, thus that concern had been addressed.

Mr. Downs said both organizations were facing challenges because of COVID-19. Mayor Brunst asked representatives for Hale and SCERA to share any additional information. Jeff Fisher of Hale and Adam Robertson of SCERA both said they were working toward reopening safely, and they understood that the City would need to adjust award amounts according to revenues received. It was a fair approach, and both organizations expressed appreciation to the City for their support.

The Council continued to discuss details of the CARE awards. Mr. Downs said they would adjust the agreements with all award recipients reflecting a change in how the awards would be given. They would provide 75% of the award amount upfront, and 25% would be awarded when the final data was in place. He thanked the Council for their feedback and said they planned to bring final recommendations forward at the next scheduled meeting.

DISCUSSION – Amended and Restated Interlocal Agreement

Mr. Davidson shared information regarding changes to the Utah Risk Management Mutual Association (URMMA). He said URMMA was created by Interlocal Agreement and Orem had been a member since its creation in 1985. It was proposed that the Interlocal Agreement be amended to reflect some key changes, including but not limited to:

1. The "association" as originally defined has been redefined as an "agency" subject to the recommendations of the Utah Code and the State of Utah. Prospectively, the organization shall be known as the "Utah Risk Management Agency" or "URMA"
2. All votes of the agency shall be weighted votes per $1,000 of contribution paid by each member (excluding outstanding claims).
3. The agency's board of directors shall determine the number of members to serve on the executive committee.

4. The board of directors shall conduct quarterly meetings or as often as directed by a majority of the board or chairman of the board. The board should hold at least one regular meeting annually.
5. The agency's board of directors shall establish criteria for new members and has the authority to admit new members on such terms and conditions as it deems appropriate.
6. Any member which has formally provided its notice of intent to withdraw its membership in the agency shall: (a) not be able to rescind its withdrawal notice without the approval of the board of directors; (b) pay or repay the agency any monies owning to the agency even though the member has withdrawn or is withdrawing; and (c) not serve as a member of the executive committee or any other agency committees.
7. The first amended agreement may not be amended, changed, modified or altered except by an instrument in writing which shall be: (a) submitted, approved and executed by each member's governing body and in accordance with the Utah Code; (2) reviewed and approved by the attorney authorized to represent each member, in accordance with the Utah Code; and (c) filed with the person who keeps each member's records
8. The board of directors may amend the First Amended Agreement without following the procedures of the agreement if the proposed amendment is minor, insignificant, or clerical. The board's decision to amend the agreement must be unanimous.

Mr. Davidson clarified the reasons for the proposed changes. Mayor Brunst asked how many entities were involved with the URMMA organization; Mr. Davidson said his recollection was there were 11 entities that were members of the agency. Mayor Brunst clarified that Mr. Davidson sat on the Board of Directors for the agency. Discussion ensued regarding the proposed changes and self-insurance policies for cities. Mr. Davidson anticipated bringing the amended agreement before the Council at the next scheduled meeting.

Note: Debby Lauret was excused from the meeting at 4:10 p.m.

DISCUSSION – Recycling Market Update

Mr. Bybee introduced Brad Mertz, Executive Director for the Recycling Coalition of Utah (RCU), to present information regarding the City's recycling program. Mr. Mertz said Utah disposed of 2.1 million tons of municipal solid waste (MSW) per year, with approximately 38,000 tons per year were recycled; that represented about 1.78% of municipal waste according to the Department of Environmental Quality (DEQ). Mr. Mertz said the cost of recycling had gone up in recent years for a variety of reasons, but a big factor was that China no longer accepted recycled MSW from the United States because of contamination. To solve issues of contamination, the RCU recommended standardizing recycling and educating people on clean recycling.

Mr. Mertz shared an educational mailer with information and graphics that explained the top 10 items that could be recycled in curbside bins, and specifically identified items that were not accepted in curbside recycling bins. Other items were commonly confused for recyclable items but were in fact waste, like pizza boxes and Styrofoam. Mr. Mertz said education would go a long way to reducing or eliminating issues of contamination.

Mr. Mertz shared information from a survey RCU conducted which showed that residents were willing to pay for recycling services. Nearly 80% of respondents supported recycling outright, and

about 17% would support recycling as long as the fee was less than the fee to send materials to the landfill. He said it was interesting how numbers were conveyed to the public about the increasing costs of recycling, and shared an example from Ogden City where an increase was identified as 47% increase but the amount of the increase was $0.12 per household per month. Mr. Mertz said Orem already did many of the things the RCU suggested, and said they were eager to help the City educate residents about recycling programs.

Discussion continued regarding Orem's recycling programs and the Recycle Coach app available on residents' phones. Mr. Mertz explained ways the app helped users with convenience of information and education. Mr. Macdonald expressed apprehension about mandatory recycling programs; Mr. Bybee said the City had an opt-out recycling program since 2012 but in May of 2018 the City Council passed a resolution making curbside recycling mandatory for new utility customers.

DISCUSSION – Southwest Area General Plan Review

Mr. Bench said planning staff held an electronic neighborhood meeting regarding the Southwest Area General Plan; 2,600 notices were sent to residents in the area and 34 residents "attended" the online meeting. He shared land use maps reflecting current requirements and the proposed options that were discussed at the meeting, and reviewed the differences between them. He also shared results from a survey conducted after the meeting, and said the majority of respondents were in favor of Option 2.

Mr. Bench and the Council discussed specifics of certain areas near Geneva Road, the train tracks, and the incoming LDS Orem temple. There was continued discussion regarding PRD requirements, HOAs and property landscaping, density and land use options, UDOT plans for the area and nearby transit systems, trail connections, and infrastructure/lift station needs. Mr. Bench pointed out that some of the land in the southwest area was part of agricultural or conservation easements but they wanted to have established land uses for the whole area for any future planning.

The Council thanked Mr. Bench and his staff for their efforts in developing the options and working with the public to find fitting solutions. Mr. Bench said not everyone was in favor of Option 2, but there was a majority behind that proposal. Mayor Brunst said he liked Option 2, though with a handful of adjustments. Mr. Bench said they would continue with the area planning and encouraged the Council to reach out to him for additional information or with any questions.

DISCUSSION – City Retention Schedule

Mrs. Bates said in the last several years the State Archives had been reviewing, changing, updating, and grouping agency specific records into one schedule. This forced municipalities who had not adopted their own retention schedule to use the State's voluminous retention schedule, which had combined records for entities like municipalities, special service districts, school districts, counties, and more. Mrs. Bates said this was a good idea in theory, but the realities of using a "one size fits all" retention schedule were constant changes and confusion. She shared examples from the State's retention schedule and the discrepancies in record title and length of retention.

In June of 1992, Orem City adopted, by ordinance, a Records Access and Management Policy, Retention and Classification Schedule which would allow the City to manage and control city records according to Utah Code 63G-2-701. A municipal retention schedule would provide:

- A tailored plan that classified records specific to municipalities
- Control over how long municipalities retained their own records
- Municipal-specific language
- User-friendly, searchable definitions that would not be confused with records specific to other entities

For the past year, staff started a project to revise and tailor a records retention schedule specific to Orem's records. The project involved support and cooperation from records officers from each department, department heads, and city administration. Mrs. Bates shared the proposed look of the schedule, and of the City's records management computer program. She emphasized that records management included destruction when records have met their assigned retention dates. She said there were currently four archive rooms in which city records were stored, and space was limited. In an increasingly paperless world, the goal was to maintain a majority of records electronically and downsize to only two archive rooms.

Mayor Brunst said having electronic access to records was a good thing, and asked about the requirements for paper records. Mrs. Bates said only a handful of records had physical paper requirements, and staff would work toward maintaining most city records electronically. She said the City's retention schedule would be considered in pieces according to department records, and would be proposed resolutions in upcoming City Council meetings until the full retention schedule was considered and adopted.

Agenda Review & Preview of Upcoming Agenda Items

The City Council reviewed the evening's agenda. Discussion ensued regarding the scheduled items that would be considered.

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

There was no City Council report or new business discussed.

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

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Jeff Lambson, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner
EXCUSED	Debby Lauret

APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Gary Giles, Police Chief; Jason Earl, Deputy Fire 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; Ernesto Lazalde, IT Division Manager; Kena Jo Mathews, Community Services Manager; Pete Wolfley, Communications Specialist; JoD'Ann Bates, City Recorder; and Jackie Lambert, Deputy City Recorder

CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT	Rajan Zed
PLEDGE OF ALLEGIANCE	Mayor Brunst

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

There were no Mayor's Items.

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 May 12, 2020 City Council Meeting Minutes

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

SCHEDULES ITEMS

PUBLIC HEARING

RESOLUTION – The City will receive Public Comment on the Community Development Block Grant (CDBG) Projected Use of Funds for Fiscal Year 2020-2021

RESOLUTION – The City Council will receive public comment and adopt the 2020-2024 Community Development Block Grant Consolidated Plan and the 2020 Annual Action Plan

Ms. Mathews, Community Services Manager, presented a recommendation that the City Council hold the second of two public hearings to receive public comment on the projected uses of the funds for the 2020-2021 Community Development Block Grant and adopt the recommendation of the CDBG Advisory Commission. Additionally, the Community Services Manager recommended the City Council receive public comment and adopt, by resolution, the 2020-2024 Community Development Block Grant Consolidated Plan and the 2020 Annual Action Plan.

During March 2020, the Orem CDBG and Joint CDBG Commissions reviewed and heard funding proposals from community organizations and others who wish to receive CDBG funding for Fiscal Year 2020-2021. Ken Ransom, CDBG Commission Chair, presented their recommendations. Ms. Mathews said the public hearing would be the second of two opportunities for public comment on the recommendations before the City Council officially adopts the Final Statement of Projected Uses of Funds for Orem's 2020-2021 Community Development Block Grant.

Public Services Recommendations: $5,000 Orem Police Mental Health Response Team, $5,000 Kids on the Move, Rocky Mountain University Foundation $20,000, RAH $45,000. Non Public Services Recommendations: Neighborhood Housing Services of Provo $100,000, City of Orem Critical Home Repair and Home Rehab Program $100,000, City of Orem CDBG Administration $130,000, City of Orem Section 8 Loan Repayment $88,000, City of Orem Neighborhood Revitalization $15,950, City of Orem Code Enforcement $155,000, City of Orem Eligible Park Project $40,813, City of Orem, United Way of Utah County $43,867, Wasatch Mental Health $51,670.

Mayor Brunst opened the public hearing for the 2020 Annual Action Plan.

Sharlene Wilde, Executive Director at NeighborWorks, said she was grateful to work with the City of Orem to help those most in need in the community. A recent project the City had contributed to was the building of a housing 4-plex for low-income seniors, which had been particularly successful. Ms. Wilde hoped to continue collaborating with the City on needed projects and programs for the community.

Seeing no further comments, Mayor Brunst closed the public hearing. Mr. Ransom said the CDBG Commission would reconvene later in the year to discuss the best ways to utilize additional funding received for COVID-19 relief. They would come before the Council at a later date with those recommendations.

Ms. Mathews continued her presentation. In accordance with the planning requirements of the Department of Housing and Urban Development (HUD), the City of Orem prepared a Consolidated Plan for its Community Development Block (CDBG) program. This planning document outlined priorities and strategies for meeting the needs of low-income residents and special populations within the community. The plan had been developed with input from citizens and various community groups and had been available for public inspection during a publicized comment process from April 14, 2020 to May 25, 2020.

Mayor Brunst opened the second public hearing. No public comments were received, so Mayor Brunst closed the public hearing.

Mayor Brunst moved, by resolution, to approve the CDBG Fiscal Year 2020-2021 action plan and adopt the 2020-2024 CDBG Consolidated Plan. **Mr. Macdonald seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed.**

PUBLIC HEARING
ORDINANCE – Amending Sections 22-1-5(G) and 22-14-20(I), of the Orem City Code pertaining to neighborhood meeting and noticing requirements

Mr. Bench presented the Planning Commission's recommendation that the City Council, by ordinance, amend Sections 22-1-5(G) and 22-14-20(I), Orem City Code pertaining to neighborhood meeting and noticing requirements.

Under current requirements, a neighborhood meeting must be held prior to the submission of an application to rezone any property for new commercial development adjacent to residentially zoned property, or as required by specific PD zone text. This amendment would require a neighborhood meeting to be held prior to the rezoning of any property. It also would change the area notification requirements from three hundred feet to one thousand feet if the proposed site contained attached residential units or from three hundred feet to five hundred feet if the proposed site did not contain attached residential units. This will codify the policy currently being followed by staff as it pertains to neighborhood noticing. This amendment also required an applicant applying for a site plan either in or adjacent to a residential zone to comply with the distance requirements as outlined above. It would require that all notices be provided at least one week prior to the date of the meeting.

Mayor Brunst opened the public hearing. No public comments were received, so he closed the public hearing.

Mayor Brunst moved, by ordinance, to amend Sections 22-1-5(G) and 22-14-20(I), of the Orem City Code pertaining to neighborhood meeting and noticing. **Mr. Spencer seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed.**

RESOLUTION – Establishing a formal and uniform policy regarding the naming of City facilities and streets by adopting the "Facility and Street Naming Policy" for the City of Orem

Mr. Bench said the proposed policy outlined general guidelines and criteria pertaining to the naming of city facilities and streets. The policy outlined criteria for naming a city facility or a street after an individual or entity and outlines the application process and procedure pertaining to naming a facility or street after an individual or entity. The policy also outlined the procedure to name new streets through the subdivision process and the Planning Commission using coordinate

addressing as the primary method and only using descriptive names for diagonal, curvilinear or other reason and would be limited to topographical or historical feature.

Mayor Brunst moved, by resolution, to establish a formal and uniform policy regarding the naming of City facilities and streets by adopting the "Facility and Street Naming Policy" for the City of Orem. **Mr. Lambson seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed.**

RESOLUTION – Declaring the City of Orem's intent to purchase the Hillcrest Elementary School property from Alpine School District

Mr. Davidson presented the city's recommendation to declare the intent to purchase the Hillcrest school property. Utah Code Section 53G-4-902 gives cities the right to purchase surplus school district real property within their jurisdictions. In a letter dated March 11, 2020, Alpine School District declared the former Hillcrest Elementary School property to be surplus and asked the City to express its intent regarding the potential purchase of the property. If the City desired to purchase surplus school district property, Utah Code Section 53G-4-902 required the City adopt a resolution declaring its intent to purchase the property. The proposed resolution declared that intent.

Alpine School District received an appraisal estimating the value of the Hillcrest Elementary School property at $6 million as is, or $8.5 million if rezoned commercial. Utah Code Section 53G-4-901(2) provided that the purchase price for a city's purchase of school district surplus property shall be the average of the School District's appraisal and the City's appraisal, based on the predominant zone in the surrounding area. If the City proceeded with the purchase of the property, the next step would be to deliver an earnest money offer to the school district within ninety (90) days of the date the school district received the resolution declaring the City's intent to purchase the property. Once purchased, the City may only use the property for the following purposes: (a) a county, city, or town hall; (b) a park or other open space; (c) a cultural center or community center; (d) a facility for the promotion, creation, or retention of public or private jobs within the state through planning, design, development, construction, rehabilitation, business relocation, or any combination of these, within a county, city, or town; (e) office, industrial, manufacturing, warehousing, distribution, parking, or other public or private facilities, or other improvements that benefit the state or a county, city, or town; or (f) a facility for a charter school.

If the City decided to resell the property, it must first offer it to the school district at the price paid by the City, plus the cost of existing improvements that the City made to the property after purchase. If the school district did not repurchase the property, the City must equally share with the school district any sale proceeds that exceeded the amount of the City's original purchase price plus the cost of existing improvements that the City made to the property after purchase.

Mr. Davidson said in March, the Board expressed that they would declare it as surplus and there began a process whereby the City may purchase that property. The City had first right of refusal, as well as an agreement with Alpine School District from 1990 that allowed the City to lease a section of the property for a park and the City had operated the Hillcrest park. He said the City had engaged its own appraiser to determine the value of the property and was waiting for those results. Mr. Davidson reiterated that the resolution before the Council did not commit the City to a

purchase, but notified the Alpine School District of the intent to potentially purchase the property.

Mayor Brunst shared his thoughts about the purchase of the property. He had concerns about the cost Alpine School District had shared, and felt it was appropriate for the City to get its own appraisal. He did not want the City to purchase the property for development, particularly development of high density housing. Additionally, he was concerned about costly adjustments to existing traffic intersections onto University Parkway. He was not interested in purchasing the land for development, and did not feel like this was the right time for this purchase.

Mr. Peterson said he lived in this area and his children attended Hillcrest. It was a tight-knit neighborhood that he felt would benefit from a city park in the southeast part of the City. He agreed that the appraisal from Alpine School District seemed exceptionally high, and he looked forward to receiving the data from the City's own appraisal. Mr. Peterson said if you have the opportunity to build a park, you take it; it was much more than just a matter of dollars and cents.

Mr. Macdonald commented that the resolution did not require the purchase of the land, but without the resolution the City would forfeit the option to purchase; Mr. Davidson said that was the case. Mr. Lambson commented that the appraisal and notification of intent to purchase seemed to be part of the City's due diligence in deciding whether the purchase the Hillcrest property.

Mayor Brunst then moved, by resolution, to declare the City of Orem's intent to purchase the Hillcrest Elementary School property from Alpine School District. **Mr. Spencer seconded** the motion. Those voting aye: Jeff Lambson, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. Those voting nay: Richard F. Brunst. The motion **passed.**

CITY MANAGER INFORMATION ITEMS

Mr. Davidson said last week the City transitioned to the yellow COVID-19 risk category, and was in the process of reopening and adjusting the availability of city facilities. The SCERA pool was opened on Memorial Day, the library was operating on modified hours, and city employees were returning to work but still had the opportunity to work remotely. He said they anticipated this yellow stage staying in place until further instruction came from the Governor's office.

Mr. Davidson provided information regarding Utah County's reimbursement approach to COVID-19 funding from the federal government. He said money was given to the State and divided among the counties. There was not clear criteria established for the reimbursement, which put the city in a difficult position as the County "held all the cards", or relief funding dollars. Thus far no money had come from Utah County for small business relief, and all of the mayors in Utah County had signed a letter demanding action and clarification from County officials.

Mayor Brunst said both physical and mental as well as economic health had been attacked during this pandemic. Domestic violence cases had increased, sales tax revenue had decreased, and unemployment levels continued to rise. It had been over ten weeks since the COVID-19 pandemic had shut most businesses down, but they had not yet received aid they qualified for. They did not want to lose small and home-grown businesses in the City. Orem particularly relied on the generation of sales tax revenue for its economy, and businesses needed the promised aid to rebound and get the economy going again. Mayor Brunst said there was also a deadline on spending the

relief money, and they did not want to lose that resource. It was criminal for the County to just sit on this money while so many were in desperate need.

ADJOURNMENT

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

The meeting adjourned at 6:57 p.m.

JoD'Ann Bates, City Recorder

Approved: May 12, 2020