CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
June 30, 2020

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

NOTICE OF ALL-ELECTRONIC MEETING & PUBLIC COMMENTS

To minimize the potential spread of COVID-19, and as authorized by Utah Governor Gary Herbert's March 18, 2020 Executive Order, the Orem City Council meeting on June 30, 2020 will be an all-electronic meeting. There will be no public access to the Orem City Council chambers. Those desiring to view or participate in the meeting must do so electronically.

Those wishing to make comment should submit through:
orem.org/comments

OR

CityCouncilPublicComments@orem.org

Comments will be accepted before and during the meeting. All comments received will be read into the record during the live meeting. Once an item has been voted on, that item will be closed to additional comments. The live meeting event may be streamed at orem.org/meetings.

Thank you for your cooperation during these challenging times.

4:00 P.M. WORK SESSION - CITY COUNCIL CONFERENCE ROOM

PRESENTATION - Annual Open Meeting, Ethics and Land Use Training (30 min)
Staff Presentation
Presenter: Greg Stephens

DISCUSSION - Fraud Risk Assessment (15 min)
Discuss any actions city council deems necessary based upon this risk assessment discussion.
Presenter: Brandon Nelson
Fraud Risk Assessment Questionnaire - FY 2020.pdf

DISCUSSION - City Retention Schedule (5 min)
Presentation and Discussion of a proposed City of Orem Retention Schedule for the Legal Department.
Presenter: Jody Bates, City Recorder
Legal.pdf

DISCUSSION - Neighborhood Plan - Sunset Heights East, Sunset Heights West, Cherry Hill, and Lakeview plans (15 min)
Staff with review the process in preparing the neighborhood plans and will update the City Council on the draft plans.
Presenter: Jason Bench

1. AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS
The City Council will review the items on the agenda.

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: DEBBY LAURET

5. PLEDGE OF ALLEGIANCE: DEBBY LAURET

6. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

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 - June 16, 2020
06.16.2020.ccmin--Draft.pdf

8.2. APPROVAL - Mayor Pro Tem assignment July through December 2020 (5 min)
Mayor and Council discussed the Mayor Pro Tem assignment in the June 16, 2020 work session. Mayor Brunst brought forth the recommendation of Council Member Terry Peterson as Mayor Pro Tem to serve July through December 2020. There was a general consensus with the City Council.
2010-Current -- MAYOR PRO TEM.docx

8.3. RESOLUTION - Approval of the City of Orem Recreation Department and Library Department Retention Schedule.
Approval of the City of Orem Retention Schedule for the Library and Recreation Departments

Presenter: Jody Bates
Library.docx
1.Recreation.docx
2.Senior Center.docx
RES-- Records Retention Schedule Approval.doc

9. SCHEDULED ITEMS

9.1. PUBLIC HEARING
ORDINANCE - Amending the 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 Nelson
ORD - Budget Amendments - 2020 - Feb-June.docx
Budget Amendments FY 2020 - Feb-June.pdf

9.2. RESOLUTION – Conditional Use Permit - Approval of the commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 zone
The City Council, by resolution, approve the conditional use of the commercial daycare, Smiling Faces, located at 410 S Main Street in the R8 zone with the following conditions:
1. That all residents, visitors and employees who arrive at the facility in connection with the Commercial Day Care facility shall be legally parked on the lot occupied by the facility or on that part of the street which immediately abuts the lot.
2. That signage be provided in the existing off-street parking lot that clearly indicates pick-up/drop-off stalls.
3. That one stall in the existing off-street parking lot shall be used as a back-up area for vehicles in the off-street parking lot.
4. That the facilities have a maximum occupancy of one hundred (100) children for both buildings combined.
5. That two ADA stalls be provided in the existing off-street parking lot.
6. That children must be picked up and dropped off within the existing parking lot.
7. That no more than ten (10) pick up/drop off vehicles within a ten (10) minute period.
Presenter: Jason Bench
Agenda-CUP-CommercialDaycare.docx
Vicinity Imagery.pdf
Map.pdf
Aerial Imagery.pdf
Site Plan.pdf
Parking Layout.pdf
Traffic Study.pdf
22-6-9(G) Private Schools and Commercial Daycares.pdf
Street View - From 400 South.pdf
Street View - From Corner.pdf
Street View - From Main Street.pdf
400 south looking east.pdf

3

400 south looking west.pdf
Main looking east.pdf
Main Street Looking North.pdf
Mailer Front.pdf
Mailer Back.pdf
Mailer Labels.docx
Planning Commission Minutes 6.17.2020.docx
Resolution-CUP-CommericalDaycare.docx

9.3. RESOLUTION – Annexation Petition – Cache Park Addition 1526 South 1250 West
Staff recommends the City Council, by resolution, accept the proposed petition for annexation for further consideration.
Presenter: Jason Bench
Agenda-Annexation-CachePark.docx
Petition for Annexation-Cache Park (1).pdf
Cache Park Plat - Annexation.pdf
DRC Application - Welch Cache Park Annexation.pdf
Resolution-Annexation-CachePark.docx

9.4. ORDINANCE - Amending Section 23-4-8(7).B. and Section 23-2-1 of the Orem City Code to require certain developments to prevent the off-site discharge of precipitation from all rainfall events less than or equal to the 80th percentile rainfall event
The Public Works Director recommends that the City Council amend the Orem City Code pertaining to storm water.
Presenter: Chris Tschirki
Agenda Summary--23.4.8(7).B. 80th Percentile Storm Water Retention.docx
ORD--Chapter 23.Storm Water Utility.Changing to 80th Percentile Storm Event and implementing HB 226.6.18.2020 FINAL REVIEW 6.24.2020.docx

9.5. RESOLUTION - Approving the Interlocal Cooperation Agreement between Utah County and the City of Orem for Disbursement from the Coronavirus Relief Fund
The City Manager recommends that the City Council, by resolution, approve the Interlocal Cooperation Agreement between Utah County and the City of Orem for Disbursement from the Coronavirus Relief Fund and authorize the Mayor to sign the interlocal agreement.
Presenter: Jamie Davidson
COVID-19 Interlocal Cooperation Agreement. Final County Approved Version.06-17-2020.pdf

10. 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.

11. ADJOURN TO A CLOSED MEETING FOR CITY MANAGER EVALUATION
The City Council moves to adjourn to a closed meeting to discuss "the character, professional competence, or physical or mental health of an individual", pursuant to Utah Code Section 52-4-205(1)(a).

CLOSED MEETING

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in the City Council Meetings and Study Sessions, please call the City Recorder's Office at least 3 working days prior to the meeting.
(Voice 801-229-7000)

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

Agenda Item No:

City Council Agenda Item Report

Meeting Date: June 30, 2020
Submitted by: Brandon Nelson
Submitting Department: Finance
Item Type: Discussion Item
Agenda Section:

Subject:
DISCUSSION - Fraud Risk Assessment (15 min)

Suggested Action:
Discuss any actions city council deems necessary based upon this risk assessment discussion.

Presenter:
Brandon Nelson

Background:
The Office of the Utah State Auditor has developed a Fraud Risk Assessment to help local government board members understand best practices in fraud detection and prevention. The Assessment assigns an overall risk level of undetected fraud based upon points earned for the implementation of the identified best practices.

Potentially Affected Area:
City-wide

Attachments:
Fraud Risk Assessment Questionnaire - FY 2020.pdf

OFFICE OF THE
STATE AUDITOR

Questionnaire

Revised March 2020

Fraud Risk Assessment

INSTRUCTIONS:

- Reference the *Fraud Risk Assessment Implementation Guide* to determine which of the following recommended measures have been implemented.
- Indicate successful implementation by marking "Yes" on each of the questions below.
- Total the points of the questions marked "Yes" and put on the "Total Points Earned" line below.
- Using the points earned, circle the risk level on the "Risk Level" line below.

Total Points Earned: 315 Risk Level:

Very Low	Low	Moderate	High	Very High
> 355	316-355	276-315	200-275	< 200

	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?	Y	200
2. Does the entity have written policies in the following areas:		
a. Conflict of interest?	Y	5
b. Procurement?	Y	5
c. Ethical behavior?	Y	5
d. Reporting fraud and abuse?	Y	5
e. Travel?	Y	5
f. Credit/Purchasing cards (where applicable)?	Y	5
g. Personal use of entity assets?	Y	5
h. IT and computer security?	Y	5
i. Cash receipting and deposits?	Y	5
3. Does the entity have a licensed or certified expert as part of its management team? (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO)	Y	20
a. Do any members of the management team have at least a bachelor's degree in accounting?	Y	10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?		20
5. Have all of the board members completed the State Auditor online training at least once in the last four years?		20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	Y	20
7. Does the entity have or promote a fraud hotline?		20
8. Does the entity have a formal internal audit function?		20
9. Does the entity have a formal audit committee?	Y	20

Certified By: _____ Certified By: _____

* MC = Mitigating Control

Basic Separation of Duties

See page 2 of this questionnaire for instructions and definitions.

	Yes	No	MC*	N/A
1. Does the entity have a board chair, clerk, and treasurer who are three separate people?	X			
2. Are all the people who are able to receive cash or check payments different from all of the people who are able to make general ledger entries?	X			
3. Are all the people who are able to collect cash or check payments different from all the people who are able to adjust customer accounts? If no customer accounts, check "N/A".	X			
4. Are all the people who have access to blank checks different from those who are authorized signers?	X			
5. Does someone other than the clerk and treasurer reconcile all bank accounts OR are original bank statements reviewed by a person other than the clerk to detect unauthorized disbursements?	X			
6. Does someone other than the clerk review periodic reports of all general ledger accounts to identify unauthorized payments recorded in those accounts?	X			
7. Are original credit/purchase card statements received directly from the card company by someone other than the card holder? If no credit/purchase cards, check "N/A".	X			
8. Does someone other than the credit/purchase card holder ensure that all card purchases are supported with receipts or other supporting documentation? If no credit/purchase cards, check "N/A".	X			
9. Does someone who is not a subordinate of the credit/purchase card holder review all card purchases for appropriateness (including the chief administrative officer and board members if they have a card)? If no credit/purchase cards, check "N/A".	X			
10. Does the person who authorizes payment for goods or services, who is not the clerk, verify the receipt of goods or services?	X			
11. Does someone authorize payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	X			
12. Does someone review all payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	X			

Agenda Item No:

City Council Agenda Item Report

Meeting Date: June 30, 2020
Submitted by: Jody Bates
Submitting Department: City Manager' s Office
Item Type: Discussion Item
Agenda Section:

Subject:
DISCUSSION - City Retention Schedule (5 min)

Suggested Action:
Presentation and Discussion of a proposed City of Orem Retention Schedule for the Legal Department.

Presenter:
Jody Bates, City Recorder

Background:
In the last several years the State Archives has been moving in the direction of reviewing, changing, updating and grouping agency specific records into one schedule. This forces municipalities who have not adopted their own schedule into the State's voluminous retention schedule.
The majority of the prior Municipal Schedule 1 records are now either "obsolete" of have been moved within the new State Retention Schedule with some classification changes being minor, and others having a significant impact on cities.
Utah Code (63G-2-701) allows a municipality to adopt by ordinance a policy relating to information practices including classification, designation, access, denials, segregation, appeals, management, retention, and amendment of records.
In other words, its own retention schedule.
In June 1992, Orem City adopted by Ordinance their Records Access and Management Policy, Retention and Classification Schedule which allows us to manage and control how we manage and retain our records. (OCC 2-26-15.A) This allows the City Council to approve the various City of Orem Retention Schedules by Resolution for each section presented as a Consent Item.

Orem City has embarked on a project to revise and tailor their records retention schedule. This project involved the by-in and cooperation of each department head, as well as records officers of each department, and the City Administration. It has taken over a year of scheduled meetings to review and revise the records definitions and descriptions which resulted in a schedule that was specific to Orem's' records.
A municipal retention schedule will provide:

- A tailored plan that classifies records specific to municipalities
- Control over how long municipalities retain their own records
- Municipal-specific language
- User-friendly, searchable definitions which won't include records specific to other entities.

Over the next several months the City Council will have the opportunity to review and approve retention schedules for each department of the City of Orem.

Potentially Affected Area:

Attachments:
Legal.pdf

SCHEDULE 5 – LEGAL SERVICES DEPARTMENT

Section 1: Legal Records

5.101: CIVIL CASE FILES

These case files document significant civil court cases in which the municipality is a party or represents the interests of the State of Utah. They include case number, plaintiff and defendant, nature of case, attorney's notes, related correspondence, and final verdict. This information is largely duplicated in court files and could be weeded after the case is closed.

RETENTION - 10 years after case closed and then destroy

5.102: CLAIM PETITION FILES

These files contain petitions claiming damages caused by municipal employees and/or equipment. They are used to determine liability. These files include petitions, correspondence and police reports if applicable.

RETENTION - 6 years provided no litigation pending, and then destroy

5.103: FORMAL LEGAL OPINIONS

These are the formal legal opinions written by city attorneys in response to requests received from various municipal departments in the course of municipal business. They are necessary to maintain consistency of opinion in related matters. They show date of opinion, advice or opinion, and name of requesting office or department.

RETENTION - Permanent

5.104: LEGAL COUNSEL RECORDS

These are legal interpretations given by attorneys at the request of other departments asking for guidance in enforcing, obeying, complying with and/or interpretation of the law. This would also include any work-product done inter-departmentally or at the request of other departments in the City.

RETENTION - Retain for 5 years after issue is resolved, and then destroy

5.105: MISDEMEANOR AND INFRACTION CASE FILES

These case files document routine misdemeanor criminal cases prosecuted in district courts. They contain the case number, defendant's name, charge, dates of indictment and arraignment, plea, bond amount, trial date, verdict, and sentence. May also contain police records, offense reports, witness lists, subpoenas, FBI reports, photographs, and attorneys' notes. This information is largely duplicated in court files and should be weeded after the case is closed.

RETENTION - 7 years after case is closed and then destroy

SCHEDULE 5 – LEGAL SERVICES DEPARTMENT

Section 1: Legal Records

5.106: NOTICES OF CLAIM

These are demands for damages filed with the Legal Department pursuant to the GIA.

RETENTION - 10 years after case is closed and then destroy

5.107: ROUTINE LAWSUIT CASE FILES

These are case files for routine lawsuits filed by the city and those filed against the city. They are used in pleading cases in court and later for research purposes. They contain various court pleadings, research material, and attorneys' notes.

RETENTION - 7 years after case is closed and then destroy

5.108: SIGNIFICANT LAWSUIT CIVIL CASE FILES

These case files document the investigation and prosecution of significant civil cases. A case may be significant due to the subject, such as natural resource ownership or corruption of public officials; or because it sets precedent and/or leads to public policy or laws being changed, written, or rewritten; or because it involves individuals wherein there is historic interest.

RETENTION – 10 years after case is closed and then destroy

5.109: SIGNIFICANT LAWSUIT CRIMINAL CASE FILES

These case files document the investigation and prosecution of significant civil cases referred to a prosecutor's office. A case may be significant due to the subject, such as natural resource ownership or corruption of public officials; or because it sets precedent and/or leads to public policy or laws being changed, written, or rewritten; or because it involves individuals wherein there is historic interest.

RETENTION - Permanent

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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
June 16, 2020

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

4:00 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 (at UCCU meeting)
EXCUSED	If applicable
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; 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"

DISCUSSION – Storm Water Code Amendment

Mr. Tschirki introduced proposed changes to Orem City Code Chapter 23 pertaining to the City's Storm Water utility. He reviewed concepts and definitions pertinent to his presentation, and provided a general explanation of the ways Orem managed storm water. Mr. Tschirki said HB226 from the 2020 Utah Legislative Session enacted a provision related to storm water permits and certain appeals related to post-construction retention requirements. The legislation was also the impetus for the reduction from the 90th to the 80th percentile storm event. He shared data related to Orem's rainfall events and exceedance intervals.

Mr. Tschirki said a five-year Storm Water Master Plan had been approved in 2016 which provided guidance and examples to developers on managing and mitigating storm water quality and

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quantity, as well as minimizing adverse environmental impacts and potential property damage. He shared photos of various storm water management options. The City was required to have a Utah Pollutant Discharge Elimination System (UPDES) general permit from the Department of Environmental Quality – Division of Water Quality. It was updated every five years, with the current permit set to expire at the end of February 2021.

In response to a Council question, Mr. Tschirki spoke about the West Union Canal and West Smith Ditch and the City's responsibilities with the canal. General discussion continued regarding the City's storm water infrastructure, maintenance and operations of existing sumps and wells, and harvest and reuse systems within the city. Mr. Tschirki said he planned to bring the proposed code amendments to the next City Council meeting.

ANNUAL REPORT – Gang Loitering Areas

Chief Giles provided a brief report on the City's Gang Loitering Areas. He said the Orem City Council adopted specified gang loitering areas throughout the City in 2009; the areas defined included city parks, public schools, and church buildings among others. He said they had not had major gang issues for many years. Occasionally graffiti was found that "marked" territories, but Chief Giles said it was not on such a scale as to worry. The Orem Police Department had tools in place if necessary to subdue gang activity within the City.

DISCUSSION – Law Enforcement Accountability Update

Chief Giles said recent national events let to questions and discussions regarding policing and law enforcement as well as the Black Lives Matter protests in response to the killing of George Floyd in Minneapolis, MN. He said many in the community had reached out to him regarding these issues, and he wanted to share some of his thoughts and information from the Orem Police Department (OPD). One idea that had come from the protests was to "Defund the Police"; Chief Giles said this did not mean eliminating police departments entirely, but rather redistributing funds to go to other non-police resources, like social workers and mental health advocates. He said Orem was already doing some of these things, including employing two full-time mental health officers and a part-time social worker, and felt the OPD was on the right path.

Chief Giles said he had received letters citing the "8 Can't Wait" Campaign to bring change to police departments. The eight points of the campaign are:

1. Ban chokeholds and strangleholds
2. Require de-escalation
3. Require warning before shooting
4. Require to exhaust all alternatives before shooting
5. Duty to intervene
6. Ban shooting at moving vehicles
7. Require use of force continuum
8. Require comprehensive reporting

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Related to point two, Chief Giles said he had a goal for 100% of his officers to be Crisis Intervention Team (CIT) certified. They were currently at about 80% certified, and the remaining officers were new and would have the chance to certify soon. He said Sgt. Jeremy Jamison, one of the City's mental health officers, took a big role in ensuring that officers become CIT certified. Chief Giles said officers were already required to provide a warning before any type of shooting as was feasible, per Utah Code 76-2-404, though events may escalate so quickly there may not be time to do so. He said Orem police policy already included the exhausting of all alternatives before shooting, which may include use of pepper spray, Taser, baton, or less-lethal shotguns (which may shoot bean bags or rubber bullets) and potentially carotid chokeholds. Chief Giles said the ban on chokeholds was a complex issue that required study and careful consideration. He felt there may be a place for that kind of hold, but he condemned the actions of the Minneapolis officer that knelt on George Floyd's neck; that was deeply wrong and there was never a place for that. He said Orem policy already discouraged shooting at vehicles, and established a force continuum throughout and officers had many tools at their disposal. In Orem, all use of force was reported and investigated by a lieutenant or higher. Chief Giles said there was an argument that police should not investigate themselves, and while he understood that argument, investigators needed a level of expertise and understanding to properly review and investigate. He said they could consider community advisors as part of that audit process.

General discussion ensued regarding police policies in Orem. In response to a question from Mrs. Lauret, Chief Giles said the mental health officers were not always the responding officers that firs interacted with individuals but were usually brought in for follow up meetings with those who needed mental health services. Chief Giles said Wasatch Mental Health and other treatment options were available resources the officers had at their disposal, but he said the city could certainly benefit from having more mental health officers, more full-time social workers, more non-police personnel to help bridge the gap. Discussion continued regarding body cameras, dash cam videos, community outreach and events, and the citizen's police academy.

Mayor Brunst said he participated in the citizen's police academy and recommended it to all council members to attend. Others who had participated in the citizen's police academy shared their experiences. In light of Chief Giles' announced retirement, the Mayor and Council expressed their appreciation and heartfelt gratitude to Chief Giles for his work with the police department and the community as a whole. They thanked Chief Giles for his vision in leading the police department and putting out a thoughtful statement as quickly as he did.

DISCUSSION – City Retention Schedule

Mrs. Bates reviewed the plan to adopt an Orem City Retention Schedule. She shared a comparison of a specific proposed record in the Orem Retention Schedule with the same record from the State's General Retention Schedule. According to the state schedule, sports team records were required to be kept permanently. Mrs. Bates said the Orem Recreation Department had reviewed the schedule and felt a more appropriate retention length for sports team records was two years. She said this process would continue with all individual departments making recommendations according to their needs.

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Mrs. Bates encouraged the Council to reach out with any questions they may have regarding the City's Retention Schedule. Mayor Brunst thanked Mrs. Bates for the efforts of staff in this process.

DISCUSSION – Mayor Pro Tem assignment July through December 2020

Mayor Brunst thanked Mrs. Lauret for her service as current Mayor Pro Tem and suggested that Terry Peterson be put forth to serve from July through December. The general consensus of the Council was favorable and would formalize the assignment at the next City Council meeting.

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.)

Mr. Macdonald presented a brief report on his liaison assignments. He said the COVID-19 pandemic had interfered with most organization's ability to meet together. There had been no Orem Youth Council or IHC Outreach meetings as a result, and the Heritage Advisory Commission had coordinated the Memorial Day Program electronically. Mr. Macdonald said he was impressed by the Heritage Advisory Commission's ability to adapt the program so the community could still celebrate together from the safety of their own homes.

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; 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

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CALL TO ORDER

INVOCATION /
INSPIRATIONAL THOUGHT Taylor Spencer
PLEDGE OF ALLEGIANCE Julie Spencer

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

REPORT – Senior Advisory Commission

Gena Bertelsen, Orem Senior Friendship Center Program Coordinator, introduced Kaye Bradford who served as Chair of the Senior Advisory Commission. Ms. Bradford wanted to express how grateful she and the seniors of Orem were for Gena and Karl Hirst, and the efforts of the Senior Center to help people feel connected during these trying times. Mrs. Bertelsen shared information about the Senior Center and the classes and events they typically held. These included TED talks, hobby classes, Geezerfest, and more. She said the COVID-19 pandemic had shut the senior center down in order to protect seniors, and she was challenged to find other ways to connect with the patrons. They created mix and match phone trees so patrons could get to know new people, they hosted Zoom fitness classes as well as Facebook Live Bingo. Additionally, they prepared and distributed hot meals for approximately 150 seniors daily. Mrs. Bertelsen said these were small but vital things to help the community seniors feel connected during such an isolated time.

Mayor Brunst thanked Mrs. Bertelsen and her staff for the service the Senior Center was providing during this time as human contact and connection was so critical for seniors.

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.

An anonymous comment was received regarding a program with Rocky Mountain Power and mandatory solar panel installation. The commenter wanted more information and the costs and requirements.

Mayor Brunst said the City Council had voted not to move forward with that program, so no money was involved and no one was required to have solar panels.

CONSENT ITEMS

- Approval of the May 26, 2020 City Council Meeting Minutes

- ORDINANCE – Approving the amounts to be awarded to the CARE Grant recipients for the 2020 CARE granting round
- RESOLUTION – Approval of amended and restated Interlocal Agreement with the Utah Risk Management Agency

Mayor Brunst moved to approve the Consent Agenda as listed. **Mr. Macdonald 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
RESOLUTION – The City will receive Public Comment on the Community Development Block Grant (CDBG) Projected Use of Funds for CARES ACT CDBG-CV funding and consider approval of a substantial amendment to the 2019-2020 Annual Action Plan

Ms. Mathews, Community Services Manager, presented a recommendation that the City Council hold a public hearing to receive public comment on the projected uses of the funds for the CARES ACT CDBG-CV funding, adopt the recommendations of the CDBG Advisory Commission, and approve a substantial amendment to the 2019-2020 Annual Action Plan.

In response to the Coronavirus Pandemic (COVID-19), the U.S. Department of Housing and Urban Development Community Development Block Grant notified the City of Orem that it would receive an allocation of $411,983 to be used to prevent, prepare for, and respond to COVID-19. Ken Ransom, CDBG Commission chair, shared the recommendations of the CDBG Advisory Commission. Ms. Mathews said the City of Orem would like to allocate approximately $30,000 to program administration and planning costs and approximately $42,950.34 to public services. The balance of the funding of approximately $339,032.66 will be noticed and allocated at a future date.

Mrs. Lauret asked for clarification on the amount going toward program administration. Ms. Mathews said that helped to cover some of the salary costs for a new city intern as well as Mr. Downs, who had dedicated many additional hours to CDBG programming and COVID-19 pandemic response.

Mayor Brunst opened the public hearing.

Janelle Christensen, Executive Director at Utah Valley Family Support & Treatment Center, thanked the City's CDBG program staff for their time and work. She said the COVID-19 pandemic had given rise to mental health crises as well as higher occurrences of substance abuse and domestic violence. The CDBG program was especially important during this time to provide assistance to those who may not otherwise have opportunities for these critical services.

With no additional comments received, Mayor Brunst closed the public hearing.

Mayor Brunst moved, by resolution, to approve the CDBG Projected Use of Funds for CARES ACT CDBG-CV Funding and approve a substantial amendment to the 2019-2020 Annual Action

Plan. **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.**

PUBLIC HEARING

ORDINANCE – Amending Sections 22-24-3(F)(1)(a) and 22-24-3(F)(2)(d) "Design Standards" of the Orem City Code, pertaining to accessory buildings in the Canyon Crossing District (CXD) zone

Mr. Bench presented the Planning Commission's recommendation that the City Council, by ordinance, amend Sections 22-24-3(F)(1)(a) and 22-24-3(F(2)(d) "Design Standards" of the Orem City Code, pertaining to accessory buildings in the Canyon Crossing District (CXD) zone.

The Canyon Crossing District zone (encompassing the area around the intersection of 800 North and State Street), like the other State Street district zones, contained design standards that were intended to create an urban design feel and to maximize the development of properties in that zone. Two of the main development requirements were that buildings must be brought up close to the street with a maximum setback of ten feet and must also have a minimum of two stories.

As an exception to the above requirements, the current ordinance provided that one existing building on a parcel may be expanded by up to 15% of the floor area of the building without meeting the minimum height and maximum setback requirements. However, all other building additions as well as new buildings must comply with the minimum height and maximum setback requirements.

A property owner in the CXD zone recently expressed a desire to construct a large accessory structure in the back of his lot and behind the existing buildings on the parcel. Upon consideration of the request, staff realized that the current CXD zone did not allow the construction of an accessory building for things like storage unless it complied with the minimum height and maximum setback requirements. Since it would generally be impracticable to construct an accessory building that met those requirements, staff believed that it was reasonable to allow an accessory building in the CXD zone to be built in the rear of a lot even though it did not meet the height and setback requirements. However, staff believed that the size of such an accessory building should be limited in order to avoid encouraging the construction of new buildings in the rear of a lot that ultimately may be devoted to primary uses since the intent of the ordinance is to bring the primary uses out to the front of the lot.

As staff considered what size of accessory building would be reasonable to allow as an exception to the height and setback requirements, staff looked to the exception that allowed a building to be expanded by 15%, as referenced above, as an example. Staff therefore proposed to amend the CXD zone to allow one accessory building that did not meet the minimum height and maximum setback requirements to be constructed on a lot provided that the accessory building was no larger than 15% of the floor area of one primary building on the parcel. Staff believed that this would allow property owners to meet their legitimate need for storage while still preventing primary buildings or uses from being constructed in the rear of a lot.

DRAFT

Under the proposed amendment, one accessory structure would be allowed on a parcel in the CXD zone provided it met the following:

1. A maximum area of 15% of the gross leasable floor area (GLFA) of the primary structure on the property.
2. A maximum height of one story.
3. The use must be exclusively for storage in connection with the primary use of the property.
4. It must be an accessory use to the principal use of the property.
5. It must be located behind the primary structure.
6. It cannot be connected to water or sewer services.
7. The parcel on which it is located cannot have already used the one-time 15% building exception noted above.
8. It must comply with all other applicable City ordinances.

Mr. Spencer expressed concerns about the outline or reach of the district boundaries, as well as the suggested percentage allowed for accessory buildings in relation to the square footage amounts of the businesses. His opinion was that it seemed anti-business to have such restrictions and suggested some changes to the proposal, including a higher percentage amount and including the car wash property. He said he did not like the CXD zone at the moment.

Mayor Brunst said the district had the boundary it did because it included the VASA property and they had plans in the future within the district. Mr. Bench clarified that while the car wash did have a 30 year lease on the property, they did not own the land and that was an important aspect. Discussion continued regarding the calculation and suggestion of 15%, the sizes and allowed uses of accessory buildings in the CXD zone, utility infrastructure, and requirements in other State Street districts. Mr. Bench said the use of the accessory structure had to be tied to the primary use of the property.

Eric Watts said the accessory building was vital to the operations of the business. The business required a lot of equipment and they needed a place to store it. When equipment was replaced, they did not simply dispose of the old equipment but often cannibalized for parts and they needed a storage area. Mr. Watts thought the Overtons bought the building and then the ordinance was changed so they could not put up the structure. Mr. Bench said that was not the case because they did not include the storage building in any site plan they obtained approval for, and had they done that at that time this proposed change would not be necessary.

Mr. Peterson echoed some of Mr. Spencer's concerns, and said it was important to support businesses or they would be lost. Mr. Clark said staff had conducted an extensive and lengthy public outreach campaign to design the State Street Districts, and business owners and residents had commented that they wanted to eliminate haphazard planning and create a sense of place for future development and redevelopment. Mr. Clark said the city already had an excess of storage facilities it would be difficult to regulate businesses adding accessory structures if they were not clear in the code. Mr. Spencer clarified that the storage would not be a commercial rental unit and was not the kind of storage facility Mr. Clark was referring to, and it would be located behind the

DRAFT

property and out of site from State Street. Mr. Spencer felt they should reevaluate the issue before moving forward. Mr. Bench said they would need to continue the item if substantial changes were proposed.

After continued discussion, Mayor Brunst felt it would be best to continue the public hearing to allow for the involved parties to meet and review the proposal. **Mayor Brunst moved** to continue the public hearing to the July 14, 2020 City Council meeting. **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 – Amending Section 22-11-33(F) PD-21 Zone, Student Housing Village, 1200 South Geneva Road of the Orem City Code to allow drive-thru windows

Mr. Bench presented the Planning Commission's recommendation that the City Council amend Section 22-11-33(F) PD-21 Zone, Student Housing Village, 1200 South Geneva Road of the Orem City Code to allow drive-thru windows.

Section 22-11-33(F) of the City Code stated that drive-thru windows were not allowed in the PD-21 zone. Fast food restaurants were allowed in the PD-21 zone and many restaurants prefer to have a drive-thru window, especially in today's environment. The COVID-19 pandemic had led to a majority of restaurants adapting to drive-thru or curbside pickup. The applicant would like to locate a drive-thru soda retail store at 1296 West University Parkway. The existing natural gas fuel station would be removed.

Another drive-thru was inadvertently approved in the PD-21 zone back in 2012 when the Subway sandwich store located directly to the east at 1278 W University Parkway was built with a drive-thru window. Because a drive-thru window was previously approved, staff supported the proposed change.

Mrs. Lauret said she lived near this area and felt a drive-thru business like a Swig or Sodalicious would be a good fit with what had already developed there.

Mr. Sumner commented that the increase is drive-thru or curbside options at restaurants had caused some traffic problems and congestion with ingress and egress in parking lots. Mr. Bench said they would ensure that it would not be a hazard when plans came before the Planning Commission.

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

Mayor Brunst moved, by ordinance, to amend Section 22-11-33(F) PD-21 Zone, Student Housing Village, 1200 South Geneva Road of the Orem City Code to allow drive-thru windows. **Mr. Lambson 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 – Amending Chapter 10 Flood Damage Prevention of the Orem City Code pertaining to updating the ordinance to comply with the State of Utah and FEMA (Federal Emergency Management Agency) standards as it relates to the revised Flood Insurance Rate Map (FIRM) and other requirements outlined by the State and FEMA

Mr. Bench said the Development Services Department recommended that the City Council, by ordinance, amend Chapter 10 Flood Damage Prevention of the Orem City Code.

The State Floodplain Manager in connection with FEMA had asked each community in the State of Utah who had a flood plain ordinance to update the ordinance to reflect several modifications requested by both the State of Utah and FEMA as it related to the management of the flood plain areas in their respective communities. The City of Orem was proposing to make the requested modifications in order to be in compliance with State and FEMA standards. The provision were required by FEMA in order to stay eligible for the National Flood Insurance Program (NFIP) for the City.

Modifications to the existing ordinance included adding additional definitions, designating a Floodplain Administrator, and additional standards pertaining to reducing hazards within floodplain areas. As part of the update, new Flood Insurance Rate Maps (FIRM) had been updated and provided additional details and reflected updated scientific and engineering analysis. These maps would go into effect on June 19, 2020.

Mr. Bench reviewed the proposed updates and said the changes would not impact the majority of Orem homes. Mayor Brunst asked about the lake levels after a major flood in 1983, and if that was reflected on the map. Mr. Bench said the Powell Slough area on the map reflected the potential floodplain if the lake levels were to rise; he added that the southwest area was not part of that.

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

Mayor Brunst moved, by ordinance, to amend Chapter 10 Flood Damage Prevention of the Orem City Code pertaining to updating the ordinance to comply with the State of Utah and FEMA (Federal Emergency Management Agency) standards as it relates to the revised Flood Insurance Rate Map (FIRM) and other requirements outlined by the State and FEMA. **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 – Enterprise Fund Transfers

Mr. Nelson presented a recommendation that the City Council hold a public hearing to consider input from Orem residents regarding proposed transfers from Enterprise Funds to the General Fund in the Fiscal Year 2020-2021 Budget.

On May 12, 2020, the City Council received a draft of the Tentative Budget for the Fiscal Year 2020-2021. The budget contained a proposed transfer of funds from the utilities to cover non-administrative or overhead costs to cover the City's own use of City owned utilities. The State

DRAFT

Auditor required that cities pay the retail rate for their own use of city owned utilities. The City of Orem used water, sewer, storm water and street lighting to supply its own properties. These properties were primarily parks but also include the Cemetery, City Hall, Police Station, Fire Stations, and other city properties. The City had long built the cost of supplying these properties into the utility rates. The reasoning behind this decision was that the taxpayers and the utility rate payers were almost always the same people. Therefore, the simplest way to cover these costs was to include them in the respective utility rates. Now that the City was required to pay the utilities for these services, the options available to the City were: 1) Increase property taxes to cover the cost of these utilities 2) Cut services enough to free up the cash to pay for the utilities 3) Transfer the funds back to the General Fund. The first two options involved either paying more for the same services or paying the same for lower service. By making the transfer the City could provide the same level of service for the same fees.

The amounts proposed to be transferred were:

Transfer From Amount % of Total Fund Expenditures

- Water Fund $900,000 .....4.4%
- Sewer $16,000 .....0.1%
- Storm Water $141,000 .....2.5%
- Street Lighting $15,000 .....1.6%
- Total: $1,072,000

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

PUBLIC HEARING
ORDINANCE – Approve and Adopt Fiscal Year 2020-2021 City of Orem Budget

Mr. Nelson presented a recommendation that the City Council, by ordinance, approve and adopt the Fiscal Year 2020-2021 Budget, adopt the compensation programs, adopt the fees and charges schedule, set the property tax, franchise tax, municipal energy sales and use tax, telecommunications license tax, transient room tax, and E-911 fee rates.

On May 12, 2020, the City Council received the Tentative Budget for the Fiscal Year 2020-2021. Various budget work sessions were held between January and April 2020. In addition, two public hearings were held to review CDBG budget requests. The purpose of this hearing was to consider the budget for Fiscal Year 2020-2021, along with the compensation program and the fees, charges, and tax rates of the City. Property taxes would not be increased, the franchise tax and municipal energy sales and use tax rates would remain at 6%, and the transient room tax would stay at 1%. The telecommunications license tax remained at 3.5% and the E-911 fee stayed at the state allowed maximum rate per month. Various adjustments and/or additions to miscellaneous fees and charges were proposed in many departments.

Mr. Nelson provided a review and shared budget highlights. He said the COVID-19 pandemic had an impact on the estimates they originally projected and they were still receiving data, in particular related to sales tax revenue from April and May. He said they estimated an approximate 1.7%

DRAFT

decrease in those revenues, and anticipated a significant decrease in building permit revenues. He shared expenditures by type and also by fund, and reviewed the items added to the FY2020-2021 budget including fleet replacements, streets capital projects, water, reclamation, and storm water fund projects, recreation, and solid waste rates and fees.

Mayor Brunst opened the public hearing.

Dave Busath asked for assurance that the water fund was used wisely. Mayor Brunst commented that they were using the fund wisely, and Mr. Busath was welcome to speak to staff for additional information.

Mayor Brunst then closed the public hearing.

Mr. Spencer had questions regarding the Library Hall fees and how they were determined. He had concerns that Orem businesses may be hurt by this. Mr. Bybee said they went through a process of looking at Provo and other municipal auditorium fee schedules, as well as the school district rates and wedding venues throughout the county. They also compared internally to venues like Timpanogos Park and the Senior Center, and they determined different levels for rental rates. Mr. Bybee said in general the intent was to be on the conservative side of average, and those rates could be revisited. Mrs. Crozier said the Class 2 designation was more for community partners rather than CARE grant recipients specifically and it would depend on what CARE recipients wanted to use the Library Hall for, be it a free performance versus ticketed events. Discussion continued regarding uses and rates for the Library Hall.

Mrs. Lauret asked about a recent procurements from the Department of Justice for three additional police officers. Mr. Davidson said they had not included that money in the budget as they had yet to accept the money formally. They wanted to more fully understand the parameters of the grant before including that.

Mr. Spencer said he wanted to discuss some of the specific fees related to cosponsored recreation groups, and felt the fee schedule was out of whack. He was unsure why there were two seasons listed for soccer, corresponding to two fees. Additionally, he did not agree with the field prep fee for the youth baseball programs in Group 3; 50% of those teams were from Orem, and he felt those teams were being penalized for using the fields on Monday nights. Mr. Lambson said he had been involved in soccer and though games were in fall and spring it was considered one season. Mr. Downs said he recently had signed up his son for soccer, and it was split into two seasons where participants had to sign up for both seasons in order to play.

Mr. Davidson said these fees specifically related to cosponsored groups that were not run and operated by the City of Orem. The participation fees were the only fees accepted from those participants on an annual basis. These sports used fields that needed to be mowed, watered, and maintained, have electricity to run the lights, etc. and without the fees the cosponsored groups would be using the fields for free. Programs run by Orem had those costs built into their fees. Because of their uses, these fields were maintained at a higher level than other parks and there were costs associated with that maintenance. Mr. Davidson said the numbers were negotiated a few years ago and they incrementally increased based on costs of materials and goods which

DRAFT

increased yearly. In response to a question from Mrs. Lauret, Mr. Davidson said the fees charged were dramatically less than the cost the City incurred to maintain the fields.

The discussion regarding fees continued, and Mr. Spencer repeated his opinion that the fees for the cosponsored sport groups should be adjusted. Mr. Nelson said the fee schedule was reviewed annually, but the Council may also adjust the budget throughout the year with budget amendments. Mayor Brunst suggested that Mr. Spencer have additional conversations with the recreation staff.

Mayor Brunst then moved, by ordinance, to approve and adopt the Fiscal Year 2020-2021 City of Orem Budget. **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.**

RESOLUTION – Authorizing the Pick-Up of Specified Employee Contributions to the New Public Safety and Firefighter Tier II Contributory Retirement System

Mr. Davidson presented a recommendation that the City Council, by resolution, authorize the pick-up of specified employee contributions to the New Public Safety and Firefighter Tier II Contributory Retirement System.

Due to the cost of enhancements to the New Public Safety and Firefighter Tier II Contributory Retirement System, participating City employees would now be required to contribute 2.27% of their salary or wages to the retirement plan. An employer may "pick-up" the employee's portion of the retirement contribution and treat it as an employer contribution under the Internal Revenue Code. In the proposed resolution, the City agreed to pick-up the entire amount of the FY 2020/2021 employee contribution (2.27% of salary or wages) and committed to continue picking-up the 2.27% contribution in future years.

Mr. Macdonald received confirmation that this proposal was part of the budget that was approved moments ago. Mr. Davidson said this was a change that came from legislation that enhanced the retirement benefits extended to Tier II employees, an amount of approximately $150,000 for the City of Orem. Mr. Peterson asked if other cities were covering this cost for their employees; Mr. Davidson said there were some that were covering the cost and others that required employees to cover the cost. Mr. Peterson said it was important to make the public safety and fire employees aware of this, which Mr. Davidson said was the goal. Mayor Brunst said it was a competitive world for public safety employees and he was glad they were offering something other cities may not.

Mayor Brunst moved, by resolution, to authorize the pick-op of specified employee contributions to the new Public Safety and Firefighter Tier II Contributory Retirement System. **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.**

RESOLUTION – Approving the Interlocal Cooperation Agreement between Utah County and the City of Orem for Disbursement from the Coronavirus Relief Fund

DRAFT

It was recommended that this item be continued to the next City Council meeting or a Special City Council meeting to be scheduled in the near future. **Mayor Brunst moved** to continue the item. **Mr. Spencer 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**.

COMMUNICATION ITEMS

The Monthly Financial Summary for May 2020 was included in the packets distributed to the Council.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson had no information items to share.

ADJOURN TO A MEETING OF THE OREM REDEVELOPMENT AGENCY (RDA)

Mayor Brunst moved to adjourn to a meeting of the Orem Redevelopment Agency. **Mr. Spencer 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 8:22 p.m.

DRAFT

RDA – Consent – Mayor moved, Debby 2nd. All in favor.
RDA – Scheduled – Budget – Mayor moved, Tom 2nd. All in favor.
Mayor moved, Debby 2nd. Ended at 8:26 pm

SSLD – Consent – Mayor moved, Tom 2nd. All in favor.
SSLD – Scheduled – Budget – Mayor moved, Tom 2nd. All in favor.
Mayor moved, Jeff 2nd. Ended at 8:31 pm

MBA – Consent – Mayor moved, Dave 2nd. All in favor.
Mayor moved, Tom 2nd. Ended at 8:34 pm

MAYOR PRO TEM

2010 — Current

Year	*January-June*	*July-December*
2010	Margaret Black	Karen McCandless
2011	Brent Sumner	Carl Hernandez
2012	Mary Street	Mark Seastrand
2013	Karen McCandless	Margaret Black
2014	Brent Sumner	Hans Andersen
2015	Tom Macdonald	David Spencer
2016	Mark Seastrand	Brent Sumner
2017	Debby Lauret	Sam Lentz
2018	Tom Macdonald	Mark Seastrand
2019	David Spencer	Brent Sumner
2020	Debby Lauret	

SCHEDULE 6 – LIBRARY DEPARTMENT

Section 1: Library Records

6.101: ANNUAL OR OFFICIAL REPORT

These are official reports summarizing activities and accomplishments of a governmental entity or program which are produced and distributed regularly. They may include statistics, narrative reports, graphics, and diagrams.

RETENTION – Retain permanently. Records may be transferred to the archives.

6.102: CIRCULATION RECORDS

These are records of all library materials checked out from the library system. They may be automated or manual systems. The information includes the item title, identification number (barcode number), date item due, patron name and library card number.

RETENTION – Until administrative need ends and then destroy.

6.103: COMMISSION AGENDA FILES

These files document the public notification of regular and special commission meetings. The files include agenda (containing date, time location of meeting, items to be discussed) and completed forms requesting items to be included on the agenda.

RETENTION – Retain permanently.

6.104: CONTRACT RECORDS

These records document contractual agreements for products or services. Records may include preliminary requirements, contractor payroll records bids, and the signed contract.

RETENTION – Retain for ten years after expiration of contractual agreement, and then destroy.

6.105: CUSTOMER REQUEST OR COMPLAINTS

These records document customer complaints or requests for service received and answered by the governmental entity. Information includes requester or complainant details, description of the request or problem, and actions taken by the agency.

RETENTION – Retain for three years and then destroy.

SCHEDULE 6 – LIBRARY DEPARTMENT

Section 1: Library Records

6.106: EMPLOYEE AND PROGRAM PRODUCTIVITY RECORDS

Reports documenting work productivity of employees or an office. Includes weekly activity or production reports, monthly activity reports, etc.

RETENTION – Retain for two years and then destroy.

6.107: FIXED ASSETS RECORDS

These records relate to tangible assets such as property and equipment owned by a governmental entity. Information includes substantiation, purchases, depreciation, inventories, and related records.

RETENTION – Retain for ten years after disposition of asset and then destroy.

6.108: GRANT RECORDS

These records document grants received or awarded by governmental entities, which may contain applications, notice of award, reports, correspondence, and related records.

RETENTION – Retain for seven years after final action and then destroy.

6.109: HOLDINGS CATALOG

This catalog serves as a finding aid for library users in locating library materials currently in library collection. Manual card catalogs have been replaced in many libraries with online catalogs. These catalogs are constantly being updated as materials are added and withdrawn. The information includes call number, author, title, publisher, number of copies, date and subject headings. Computer catalogs also include number and status of copies (on shelf, checked out, and date due).

RETENTION - Until administrative need ends and then destroy.

6.110: INTERLIBRARY LOAN RECORDS

These records document the lending and borrowing of library materials through the interlibrary loan network. They include interlibrary loan forms, computer searches, related correspondence and memoranda. The interlibrary loan forms include patron's name, address, telephone number, description of material being requested (author, title, publisher, publication date), a signed statement indicating patron is willing to assume costs for borrowing material, status indication (overdue, lost, out-of-print), indication of search strategy, date material provided, and date material to be returned.

Section 1: Library Records

RETENTION – Retain until final action and then destroy.

6.111: LIBRARY REGISTRATION RECORDS

This registration card is completed by patrons applying for a library card. This information is used for the checkout of library materials, monitoring of overdue books, fines and fees, and for the on-going verification of address and telephone number. Some libraries issue library cards for a specified period while other library cards never expire if used on a regular basis. Non-expiring library cards normally become inactive after one year of nonuse. The card may be retained for verification purposes. The card includes patron name, home and business addresses and telephone numbers, application date, and birth date.

RETENTION – Retain for one year and then destroy.

6.112: LOCAL GOVERNMENT ACCOUNTS PAYABLE AND RECEIVABLE RECORDS

These are records related to monies collected, paid, or invested in the conduct of business. Information may include bank records, invoices, revenue, expenses, and related accounting records. Trust records are not included.

RETENTION – Retain for four years and then destroy.

6.113: OPEN MEETING MINUTES

Approved minutes of an open meeting are the official record of the meeting of a public body. Contained in or with the minutes shall be the substance of all matters proposed, discussed or decided and votes taken. This includes any public materials distributed at the meeting.

RETENTION – Retain permanently. Records may be transferred to the archives.

6.114: **OPEN MEETING RECORDING

Audio or video recording documenting what transpired in an open meeting of a public body and are the official record of the meeting until and unless written meeting minutes are approved. Recordings used in placed of written minutes in accordance with Utah Code 52-4-203(2)(b) are meeting minutes and are subject to the general retention schedule for open meetings and public materials (GRS-109), per Utah Code 52-4-203 (6) (2018).

RETENTION – Retain for three years after approval of written minutes then destroy.

SCHEDULE 6 – LIBRARY DEPARTMENT

Section 1: Library Records

6.115: OPERATIONAL PROCEDURES AND GUIDELINES

These records document actions taken to achieve objectives and implement policies through day to day operations. They govern routine business activities that do not impact the rights of an individual.

RETENTION – Retain for two years after superseded and then destroy.

6.116: PATRON REQUEST

These are requests by library patrons for materials currently checked out or to add new materials to the library collection. They may include library card number; patron's name, address, telephone number, and signature; call number, author, and title of material requested; patron's signature, and indication of material's status (checked out, overdue, reordered, out-of-print).

RETENTION – Retain for one year and then destroy.

6.117: PROGRAM AND POLICY DEVELOPMENT RECORDS

These records are created by executive decision-makers to document the establishment and dissemination of agency programs, policies, and procedures. Executive decision-makers may include the Chair, Director, Chief Administrative Office, Public Information Office, Commissioner, Mayor, or other internal administrator as identified by the executive office. Related correspondence and email is included.

RETENTION – Permanent. Retain for three years after final action, then transfer to the archives.

6.118: PUBLICATIONS

Any record of enduring value, regardless of format or platform that is disseminated by a governmental entity for public distribution. These may include website content, printed publications, newsletters, social media posts, and similar records. See Utah Code Section 9-7-101 (7) (2017) and 9-7-208 (4) (2006).

RETENTION – Retain permanently. Transfer records to the archives.

6.119: TIMEKEEPING RECORDS

Information regarding hours worked, paid or unpaid permitted absence from work for family emergency, sickness, personal time, vacation or other reasons as outlined by policy are included in this schedule.

Section 1: Library Records

RETENTION – Retain for three years and then destroy.

6.120: WORKING FILES

These records contain unique information in rough notes or drafts assembled or created and used to prepare or analyze other documents. The information adds proper understanding to the formulation and execution of policies, decisions, actions, or responsibilities.

RETENTION – Retain until one year after end of project or program, then destroy.

SCHEDULE 9 – RECREATION DEPARTMENT

Section 1: Recreation Records

9.101: CLASS ROLLS

These sheets record participation in recreational programs sponsored by the municipality (e.g., crafts, nutrition, and exercise). They include program or activity title, date, and participant's name.

RETENTION - Retain for 1 year and then destroy

9.102: CONSTRUCTION PROJECT FILES

These project files document the actual construction for park development, park renovation, and other recreational facility improvements. They are used for reference while projects are in progress and after completion. They include final drawings of all park/recreational facility development projects along with specifications, as-built construction drawings, and related correspondence. They may also include property acquisition records including original deeds.

RETENTION - Permanent. May be transferred to the State Archives after park closure

9.103: MAINTENANCE COMPLAINTS

These files contain a record of complaints or requests received from the general public concerning municipal parks and recreational facilities. They are used to verify that action was taken to resolve issues. They include date, name, telephone, and address of requesting person; type of request; and comments of foreman handling request.

RETENTION - Retain for 1 year after resolution of complaint and then destroy

9.104: PARKS AND RECREATION FACILITY FILES

These files contain information concerning each of the city parks. They are used to maintain a record of construction projects in each park for historical and informational purposes. They include correspondence, architectural drawings, contracts, specifications, newspaper clippings, histories of individual parks, and photographs.

RETENTION - Permanent, may be transferred to the State Archives

9.105: RECREATION PROGRAM FILES

These program files document specific municipally sponsored recreation programs. They are used for reference in developing future programs. They include flyers of specific programs, reservation records, and copies of receipts for fees paid. They also include an accounting of

participants and receipt numbers.

RETENTION - Retain for 2 years and then destroy

9.106: RECREATIONAL ACTIVITY RELEASE RECORDS

This form is completed by individuals participating in municipal recreational activities. It is used to verify that participants have released all rights and claims for possible injuries in municipal recreational activities. They include individual's name, team name, sport, date, medical insurance company, and signature.

RETENTION - Retain for 2 years or until all litigation is resolved and then destroy

9.107: RECREATIONAL FACILITY FILES

These files document each municipal recreational facility (i.e., parks, golf courses, fair grounds). They are used to maintain a record of construction and renovation projects in each facility for historical and informational purposes. They may include correspondence, architectural drawings, contracts, specifications, newspaper clippings, histories of individual facilities, safety reports, and photographs.

RETENTION - Permanent. May be transferred to the State Archives after closure of park

9.108: RECREATIONAL FACILITY MAPS

These maps document the layout of all parks, trails, open spaces, recreational facilities, and golf courses. They are used for planning purposes.

RETENTION - Permanent, may be transferred to the State Archives

9.109: REGISTRATION RECORDS

These forms are used to register for municipal recreational programs. They include registrant's name, address, and telephone number; program name and date(s); parent's/guardian's name if registrant is a minor; and a signed liability waiver statement.

RETENTION - Retain for 2 years and then destroy

9.110: RESERVATION RECORDS

These files contain the actual request forms submitted by the general public. They are used as a record to schedule park facilities and/or sports facilities (e.g., baseball, softball, football, soccer).

SCHEDULE 9 – RECREATION DEPARTMENT

Section 1: Recreation Records

The files include date of request, name of group, number of people, name, address, and telephone number of requesting person, area and park requested, time, date, and amount paid.

RETENTION - Retain for 1 year and then destroy

9.111: SPECIAL EVENTS PERMITS

These applications are completed by persons requesting permits to hold special events (i.e., film crews, races, parades) on the municipal right-of-way. They include application number; event type and description; sponsoring group's name; admission fee; event date; event times; promotional agency name; contact person's name; address; and telephone number; proposed location or route; whether a fee waiver is requested; estimate number of participants and spectators; authorizing signature and date; date to appear on city council agenda; police department's and local health department's recommendations; decisions; and authorizing signatures.

RETENTION - Retain for 1 year after event and then destroy

9.112: SPORTS TEAMS RECORDS

These records document the sponsorship of adult and/or youth team sport activities (e.g., baseball, basketball, volleyball, soccer, softball). They include information on teams, participants, and sponsors; regular play schedules; and tournament schedules.

RETENTION - 2 years and then destroy

SCHEDULE 9 – RECREATION DEPARTMENT

Section 2: Senior Center Records

9.201: ANNUAL MEMBERSHIP FORMS

These forms are filed annually to establish or renew membership at the Senior Center for a set fee. Forms contain information like name, contact phone number and/or email, residential address, etc. and expire December 31 each year. Membership is open to all individuals 55 years of age and older without restriction as to race, religion, creed, sex, national origin, political belief, or income.

RETENTION - Retain for 2 years and then destroy

9.202: LIFETIME / GOLDEN MEMBERSHIP RECORDS

Members reaching the "golden age" of 80 years are considered Golden Members and are not required to pay a membership due.

RETENTION – Retain until member deceased

9.203: PUBLIC PRESENTATION FILES

Speeches, addresses, and comments. Remarks made at formal ceremonies and during interviews by heads of agencies or their senior assistants concerning the programs of their agencies.

RETENTION - Permanent

9.204: SENIOR CENTER ATTENDANCE ROLLS

These are created by instructors or administrators to track class or activity attendance.

RETENTION – Retain for 1 year and then destroy

9.205: SENIOR CENTER EMERGENCY CARDS

These are cards on all senior center members. They are used to contact senior center member's next of kin. They include member's name, address, birth date, telephone, whether they are a member, health information, name and telephone number of next of kin.

RETENTION - Retain for 2 years and then destroy

9.206: SENIOR CENTER FOOD DELIVERY REPORT

This is a report on the condition of foods delivered to senior centers. It is used for compiling reports and for future planning. The report includes center name, date, time food arrived at center, temperatures for milk and hot and cold foods, homebound and congregate meals, time

homebound meals left kitchen, a list of any missing items, a list of any additional foods, any comments from center staff and clients, and suggestions.

RETENTION – Retain until completion of publication or report and then destroy

9.207: SENIOR CENTER MEAL RESERVATION LIST

This list records reservations made for meals served at senior centers. It is used for meal planning and to create reports. The form includes center's name, dates, participant's names, days of week, indication of dates reservations made, whether meal served, and whether individual is a volunteer.

RETENTION - 1 year after final action and then destroy

9.208: SENIOR CENTER'S MONTHLY REPORT

This is a monthly report on senior center activities. It is used to compile quarterly reports for the Mountainland Association of Governments (MAG). This report includes senior center name, date, actual service units provided, service (general category access service, in-home, community service, other services, meals, and transportation), year-to-date budget, actual budget, and current budget

RETENTION - Retain for 4 years and then destroy

9.209: SENIOR CENTER PARTICIPANT CARDS

These are cards on all participants in senior center programs. These programs include both those held at the center and any others provided (e.g., friendly visits, homebound meals, reassurance calls). The cards record the individual's participation for four quarters. They are used to compile an annual report. They include participant's name, quarter and year, and code for services provided.

RETENTION – Retain for 2 years and then destroy (Gena recommendation)

9.210: TITLE V PERSONNEL CASE FILES

These files document the participation of persons in the Senior Service Employment Program under 20 CFR 641 (2008). This program provides for the hiring of low-income persons over the age of fifty-five. The files include income certification form, client intake form, any related correspondence, and if applicable termination forms.

RETENTION - Retain for 4 years after separation and then destroy

SCHEDULE 9 – RECREATION DEPARTMENT

Section 2: Senior Center Records

9.211: TITLE V QUARTERLY REPORT

This is a quarterly report that is submitted to the U.S. Department of Health and Human Services on persons employed through the Senior Community Service Program. It includes the sponsor's name and address, month and year, program number, agreement number, subproject number, project period, number of enrolled positions established, unsubsidized placement goal, number of enrollees and enrollment levels, job inventory, categories indicating services to general community and services to elderly community, enrollee characteristics (sex, education, race/ethnic group, income, age), signature, date, and may include an attached narrative report.

RETENTION – Retain for 2 years after final action and then destroy

9.212: VAN DRIVER'S STATEMENT

This is a form signed by all senior center van drivers. It is used to inform the driver of all driving policies. The statement includes a listing of driving policies, general statement on van insurance information, comments on winter driving, driver's signature and date.

RETENTION - Retain for 1 year after separation and then destroy

9.213: VOLUNTEER CALENDAR

This calendar documents the scheduling of volunteers at the senior centers. It is a monthly calendar containing notations indicating volunteer's name and specific times scheduled to work at center.

RETENTION – Retain for 1 year and then destroy

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF OREM, UTAH
APPROVING A RECORDS RETENTION SCHEDULE

WHEREAS pursuant to Utah Code § 63G-2-701, the City of Orem has enacted Article 2-26 Records Access and Management establishing information practices for the City including classification, designation, access, denials, segregation, appeals, management retention and amendment of City records; and

WHEREAS Orem City Code Section 2-26-15.B. requires the City Records Officer to classify, designate and schedule City records for retention; and

WHEREAS the City is in the process of scheduling its records for retention; and

WHEREAS this scheduling is an ongoing process that will be periodically submitted to the City Council of Orem, Utah (Orem City Council) for approval; and

WHEREAS the Orem City Council has reviewed the proposed records retention schedule attached hereto as Exhibit A and hereby finds that adopting the proposed records retention schedule to be in the best interest of the public's health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE OREM CITY COUNSEL, as follows:

1. The Orem City Council hereby adopts the City Records Officer's proposed records retention schedule which is attached hereto as Exhibit A and incorporated herein by reference.

2. This resolution shall take effect immediately upon passage.

3. All other resolutions and policies in conflict herewith, either in whole or in part, are hereby repealed.

PASSED AND APPROVED this **30th** day of **June 2020**.

_____
Richard F. Brunst, Jr., Mayor

ATTEST:

_____
JoD'Ann Bates, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	□	□	□
Jeff Lambson	□	□	□
Debby Lauret	□	□	□
Tom Macdonald	□	□	□
Terry Peterson	□	□	□
David Spencer	□	□	□
Brent Sumner	□	□	□

Agenda Item No: 9.1

City Council Agenda Item Report

Meeting Date: June 30, 2020
Submitted by: Brandon Nelson
Submitting Department: City Manager' s Office
Item Type: Public Hearing
Agenda Section:

Subject:
PUBLIC HEARING
ORDINANCE - Amending the 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 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; appropriating reserves in the General Fund and transferring them to the Capital Projects Fund in order to meet state legal compliance requirements regarding maximum General Fund fund balance as well as providing various project funding; interest earnings on unspent 2019 G.O. Bond funds; appropriating Debt Service fund surplus for the final Northgate SID bonds payment; and appropriating Information Technology fund surplus for a couple of projects.

Potentially Affected Area:
City-wide

Attachments:
ORD - Budget Amendments - 2020 - Feb-June.docx

Budget Amendments FY 2020 - Feb-June.pdf

D R A F T

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 June 30, 2020, 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 **30th** day of **June 2020**.

CITY OF OREM, by
Richard F. Brunst, Mayor

ATTEST:

JoD'Ann Bates, City Recorder

COUNCIL MEMBERS	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	□	□	□
Jeff Lambson	□	□	□
Debby Lauret	□	□	□
Tom Macdonald	□	□	□
Terry Peterson	□	□	□
David Spencer	□	□	□
Brent Sumner	□	□	□

EXHIBIT "A"
BUDGET AMENDMENTS
FISCAL YEAR 2019-2020

REVENUES

Account Number	Note	Description	Budget	Budget
		GENERAL FUND		
10-3316	1	Library - CLEF Grant	$ -	$ 1,500.00
10-3316-003	1	State of Utah Census Grant	425.00	1,425.00
10-3316-004	1	Library - Local Arts Agency Grant	3,500.00	6,000.00
10-3316-025	1	Library - LSTA CARES Act Grant	-	2,019.00
10-3318-001	1	SHSP Grant - Fire	-	14,170.00
10-3690-003	1	Misc Revenues - Police Department Donations	-	37,600.00
10-3690-005	1	Misc Revenues - Police Department Fundraisers	7,044.25	16,319.25
10-3690-911	1	Misc Revenues - UCA PSAP COVID-19 Relief	-	55,314.67
10-3698	1	Library - Donations	3,536.59	53,536.59
10-3997-004	4	App. Surp - CIP Projects	-	4,600,000.00
Total			$ 14,505.84	$ 4,787,884.51
Net Fund Increase				$ 4,773,378.67
		MAJOR CRIMES TASK FORCE (MCTF)		
25-3318-005-003	1	HIDTA Grant - Calendar Yr 2020	$ -	$ 279,294.00
25-3424-005	1	MCTF - Restitution/Seizure Revenues	25,000.00	40,000.00
25-3424-009	1	MCTF - Evidence Revenues	40,000.00	60,500.00
Total			$ 65,000.00	$ 379,794.00
Net Fund Increase				$ 314,794.00
		DEBT SERVICE FUND		
30-3997-002	5	App. Surp - Northgate SID	$ -	$ 115,000.00
Total			$ -	$ 115,000.00
Net Fund Increase				$ 115,000.00
		CAPITAL IMPROVEMENT PROJECT FUND		
45-3322	1	Grant - UOR - Bike Skills Park Phase 2	$ -	$ 17,262.00
45-3380	1	Award - VW Envrnmntl Mitigation Agrmnt - Dump Trucks	308,269.47	738,269.47
45-3690	1	Misc. Rev - Geneva Park Parking Lot Project	-	67,042.00
45-3995-001	1 & 4	Cont. From - Fund 10 - CIP	483,681.00	5,133,681.00
Total			$ 791,950.47	$ 5,956,254.47
Net Fund Increase				$ 5,164,304.00
		CAPITAL IMPROVEMENT PROJECT FUND - 2019 G.O. BONDS		
47-3610	2	Interest Earnings - G.O. Bonds	$ 369,305.04	$ 472,099.93
Total			$ 369,305.04	$ 472,099.93
Net Fund Increase				$ 102,794.89
		WATER FUND		
51-3690-004	6	Misc Revenues - Metro Water - Water Reuse Project	$ -	$ 1,500,000.00
Total			$ -	$ 1,500,000.00
Net Fund Increase				$ 1,500,000.00
		INFORMATION TECHNOLOGY FUND		
64-3997	3	App. Surplus - Operations - Google Suite & UPS Battery	$ 56,000.00	$ 211,000.00
Total			$ 56,000.00	$ 211,000.00
Net Fund Increase				$ 155,000.00
		COMMUNITY & NEIGHBORHOOD SERVICE FUND		
74-3921	1	Grant - Community Development	$ 861,630.00	$ 908,253.00
Total			$ 861,630.00	$ 908,253.00
Net Fund Increase				$ 46,623.00
Total City Funds			$ 2,158,391.35	$ 12,830,285.91
Net City Funds Increase				$ 10,671,894.56

EXHIBIT "A"
BUDGET AMENDMENTS
FISCAL YEAR 2019-2020
EXPENDITURES

Account Number	Note	Description	Budget	Budget
		GENERAL FUND		
10-6020-600-010	1	Miscellaneous Expenses - 2020 Census	$ -	$ 1,000.00
10-6510-230-010	1	Washington DC Travel - Police - Officer Shinners	-	41,875.00
10-6530-250	1	Equipment	-	5,000.00
10-6551-600-911	1	Miscellaneous Expenses - UCA PSAP COVID-19 Relief	-	55,314.67
10-7040-230	1	Employee Development - SHSP Grant	38,365.25	43,535.25
10-7040-310	1	Prof. & Technical Services - SHSP Grant	12,500.00	21,500.00
10-8510-310-003	1	Prof. & Technical Services - Local Arts Agency Grant	3,500.00	6,000.00
10-8510-600-010	1	Misc Expenses - State Library Grant - CLEF	-	1,500.00
10-8520-250-025	1	Equipment - LSTA CARES Grant	-	2,019.00
10-9910-920-001	1 & 4	Cont. To - Fund 45 - CIP	-	4,650,000.00
Total			$ 54,365.25	$ 4,827,743.92
Net Fund Increase				$ 4,773,378.67
		MAJOR CRIMES TASK FORCE (MCTF)		
25-6531-140-003	1	Overtime - HIDTA - Jan-June	$ -	$ 80,000.00
25-6531-230-003	1	Employee Development - HIDTA - Jan-June	-	6,000.00
25-6531-250	1	Equipment	31,862.86	46,862.86
25-6531-280	1	Telephone & Communications	-	20,000.00
25-6531-290-003	1	Maintenance & Repairs - HIDTA - Jan-June	-	17,539.00
25-6531-290-021	1	Maintenance & Repairs - Fleet	-	500.00
25-6531-600-003	1	C.I. Funds - HIDTA - Jan-June	-	60,000.00
25-6531-623-003	1	Equip/Facility Lease/Rent - HIDTA - Jan-June	-	115,755.00
Total			$ 31,862.86	$ 346,656.86
Net Fund Increase				$ 314,794.00
		DEBT SERVICE FUND		
30-4521-810-027	5	Principal - Northgate SID Bonds	$ -	$ 115,000.00
Total			$ -	$ 115,000.00
Net Fund Increase				$ 115,000.00
		CAPITAL IMPROVEMENT PROJECT FUND		
45-6034-720-445	1	Library Hall	$ 635,250.00	$ 685,250.00
45-6034-731-230	4	Future Projects	-	4,600,000.00
45-6034-732-442	1	Geneva Park Renovation Projects	146,592.33	213,634.33
45-6034-732-879	1	Bike Skills Park Phase 2	-	17,262.00
45-6034-792-001	1	Dump Truck #8205 - VW Agreement	-	215,000.00
45-6034-792-002	1	Dump Truck #8206 - VW Agreement	-	215,000.00
Total			$ 781,842.33	$ 5,946,146.33
Net Fund Increase				$ 5,164,304.00
		CAPITAL IMPROVEMENT PROJECT FUND - 2019 G.O. BONDS		
47-8015-720-306	2	Fitness Center Capital Project	$ 22,726,476.81	$ 22,829,271.70
Total			$ 22,726,476.81	$ 22,829,271.70
Net Fund Increase				$ 102,794.89
		WATER FUND		
51-7573-733-284	6	Water Reuse Project	$ 2,232,958.80	$ 3,732,958.80
Total			$ 2,232,958.80	$ 3,732,958.80
Net Fund Increase				$ 1,500,000.00
		INFORMATION TECHNOLOGY FUND		
64-4190-743-595	3	Google Suite	$ -	$ 90,000.00
64-4190-743-596	3	911 UPS Battery	-	65,000.00
Total			$ -	$ 155,000.00
Net Fund Increase				$ 155,000.00
		COMMUNITY & NEIGHBORHOOD SERVICE FUND		
74-4133-732-442	1	Geneva Park Project	$ 295,480.75	$ 342,103.75
Total			$ 295,480.75	$ 342,103.75
Net Fund Increase				$ 46,623.00
Total City Funds			$ 23,890,028.00	$ 34,561,922.56
Net City Funds Increase				$ 10,671,894.56

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, UCA), Library Services (Utah Arts Council), Fleet Services (VW Grant), and the City's new civic auditorium (private donation). 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 Information Technology division is moving the City to the Google Suite of products and needs to update the UPS battery backup equipment for the dispatch center. They would like to appropriate IT Fund fund balance reserves to pay for the equipment and other costs to get these projects completed.

4) After completing the Fiscal Year 2018-2019 Comprehensive Annual Financial Report (CAFR) and calculating the State of Utah's maximum allowable General Fund fund balance, the City exceeded the maximum allowable amount of 25%. Therefore, the City is required to either spend or transfer $4,600,000 by the end of the current fiscal year. City staff has identified a number of projects that could be funded by these excess funds. However, these projects would not be able to be completed by fiscal year end and thus, the funds need to be transferred to the Capital Projects Fund so that the funds will be available when the specific projects are identified and receive approval to proceed. By making this transfer, the General Fund fund balance would fall below the State of Utah's fund balance maximum and the City would then be in compliance.

5) The final piece of property located within the Northgate Village Special Improvement District was sold late in FY 2019 and the City received the funds necessary to payoff the remaining bonds outstanding. The bond payment, however, was in FY 2020 and thus, the funds received from the sale of the property and necessary to pay the bonds need to be appropriated from the Debt Service Fund reserves in the current fiscal year.

6) The City received a $1,500,000 payment from the Metropolitan Water District of Orem for use on the Water Reuse project.

Agenda Item No: 9.2

City Council Agenda Item Report

Meeting Date: June 30, 2020
Submitted by: Jake Harding
Submitting Department: Development Services
Item Type: Resolution
Agenda Section:

Subject:
RESOLUTION – Conditional Use Permit - Approval of the commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 zone

Suggested Action:
The City Council, by resolution, approve the conditional use of the commercial daycare, Smiling Faces, located at 410 S Main Street in the R8 zone with the following conditions:
1. That all residents, visitors and employees who arrive at the facility in connection with the Commercial Day Care facility shall be legally parked on the lot occupied by the facility or on that part of the street which immediately abuts the lot.
2. That signage be provided in the existing off-street parking lot that clearly indicates pick-up/drop-off stalls.
3. That one stall in the existing off-street parking lot shall be used as a back-up area for vehicles in the off-street parking lot.
4. That the facilities have a maximum occupancy of one hundred (100) children for both buildings combined.
5. That two ADA stalls be provided in the existing off-street parking lot.
6. That children must be picked up and dropped off within the existing parking lot.
7. That no more than ten (10) pick up/drop off vehicles within a ten (10) minute period.

Presenter:
Jason Bench

Background:
The applicant's existing business is located nearby this site on State Street. In order to expand his current business, he is proposing to move it entirely to this new location. He is not proposing any changes to the site, it would remain as is. However, because the site is in a residential zone, he is required to receive conditional use approval.

Commercial daycares are permitted in a residential zone provided they are located either on a collector or arterial street. Both 400 South and Main street are classified as collector streets. A commercial daycare facility must also comply with the requirements of Section 22-6-9(G) which are part of the report for your review. Staff has determined the proposed site complies with the requirements of 22-6-9(G) subject to several conditions of approval as outlined below.

As part of the requirements of the conditional use permit the applicant submitted a professional traffic study that outlined the requirements of Section 22-6-9(G)(13) as follows:

1. No more than two car trips per hour shall be generated before 5:30am or after 9:00 pm.

2. No vehicle will back out onto a dedicated street.
3. Persons who arrive at the facility shall be legally parked on the lot or on that part of the street which immediately abuts the lot.
4. Ingress, egress, drop-off areas, traffic flow, and parking spaces will be contained on the site and will not adversely affect surrounding properties.

The submitted traffic study showed that the facility was going to require a minimum of twenty-four (24) stalls based upon one hundred (100) children attending the day care. The study also found that they would not generate more than two trips in the unpermitted times and that one of the stalls in the parking lot would be required to be used as a back-up area. If you combine the total stalls in both the existing parking lot and the on-street parking and remove the required back-up stall, twenty-six (26) stalls are available.

Potentially Affected Area:
Stonewood

Attachments:
Agenda-CUP-CommercialDaycare.docx

Vicinity Imagery.pdf

Map.pdf

Aerial Imagery.pdf

Site Plan.pdf

Parking Layout.pdf

Traffic Study.pdf

22-6-9(G) Private Schools and Commercial Daycares.pdf

Street View - From 400 South.pdf

Street View - From Corner.pdf

Street View - From Main Street.pdf

400 south looking east.pdf

400 south looking west.pdf

Main looking east.pdf

Main Street Looking North.pdf

Mailer Front.pdf

Mailer Back.pdf

Mailer Labels.docx

Planning Commission Minutes 6.17.2020.docx

Resolution-CUP-CommericalDaycare.docx

CITY OF OREM

CITY COUNCIL MEETING

JUNE 30, 2020

REQUEST:	**RESOLUTION**– Approving a Conditional Use Permit for a commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 zone.
APPLICANT:	Smiling Faces LLC
FISCAL IMPACT:	None

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

SITE INFORMATION:
- General Plan Designation: N/A
- Current Zone: R8

PLANNING COMMISSION RECOMMENDATION
Vote: 7-0 for approval

PREPARED BY:
Jake Harding
Associate Planner

REQUEST: The applicant requests the City Council approve a conditional use permit for a commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 zone.

BACKGROUND: The applicant currently operates a daycare business on State Street. In order to expand his daycare business, he would like to relocate it to this new location. He is not proposing any changes to the new site; it would remain as is. However, a conditional use permit for a commercial daycare is required for the current site because it is located in a residential zone.

Commercial daycares are permitted in a residential zone provided they are located on either a collector or arterial street. Both 400 South and Main street are classified as collector streets. A commercial daycare facility must also comply with the requirements of Section 22-6-9(G). Staff has determined the proposed site complies with the requirements of 22-6-9(G) subject to several conditions of approval as outlined below.

The applicant has provided a professional traffic study that showed that the following four requirements of Section 22-6-9(G)(13) will be met.

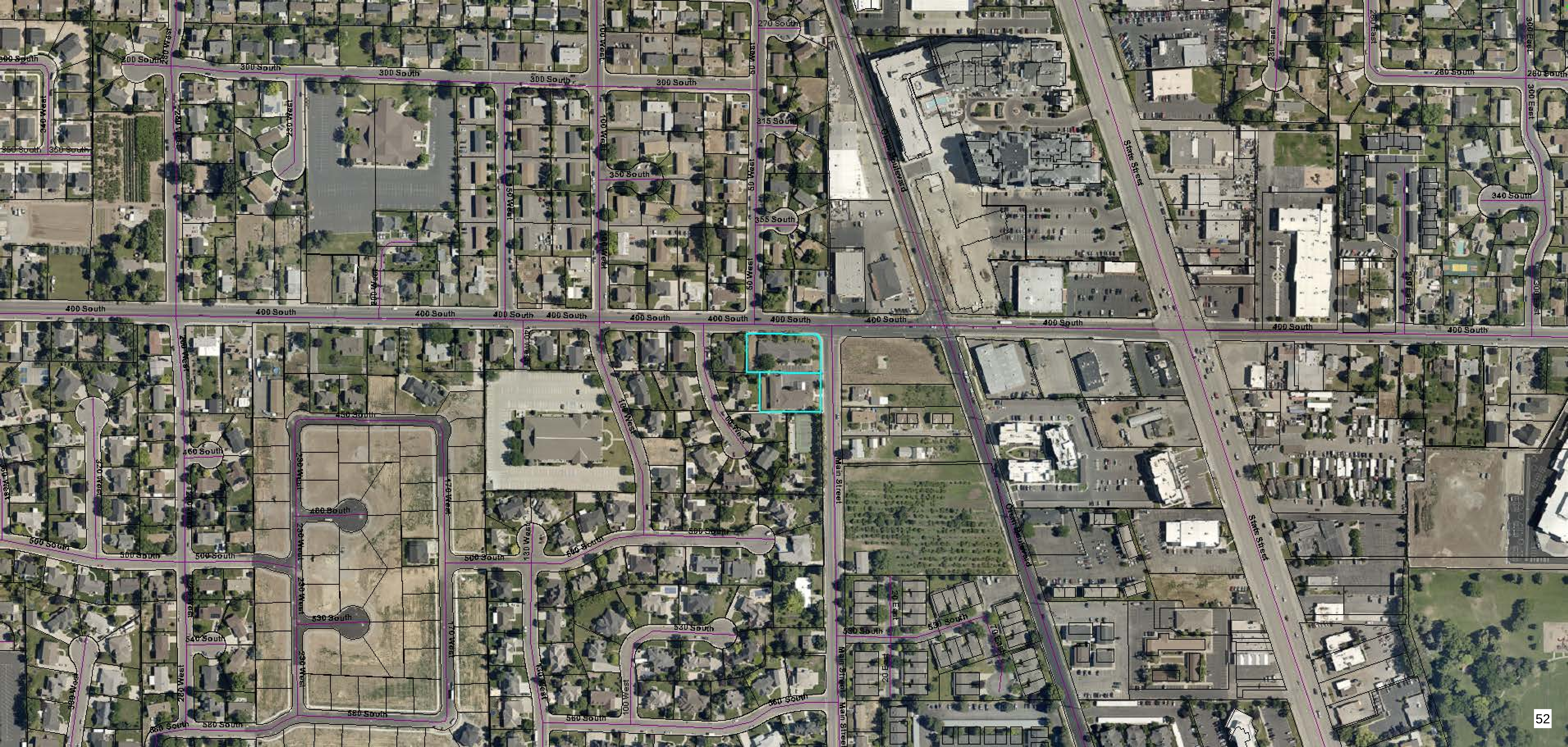
1. No more than two car trips per hour shall be generated before 5:30am or after 9:00 pm.
2. No vehicle will back out onto a dedicated street.
3. Persons who arrive at the facility shall be legally parked on the lot or on that part of the street which immediately abuts the lot.
4. Ingress, egress, drop-off areas, traffic flow, and parking spaces will be contained on the site and will not adversely affect surrounding properties.

The traffic study showed that the facility would require a minimum of twenty-four (24) parking stalls based upon one hundred (100) children attending the day care. The study also found that the proposed daycare would not generate more than two trips in the unpermitted times and that one of the stalls in the parking lot would need to be used as a back-up area. Twenty-six (26) parking stalls are available for the site including the on-site parking lot (minus the back-up stall) plus the on-street parking adjacent to the site.

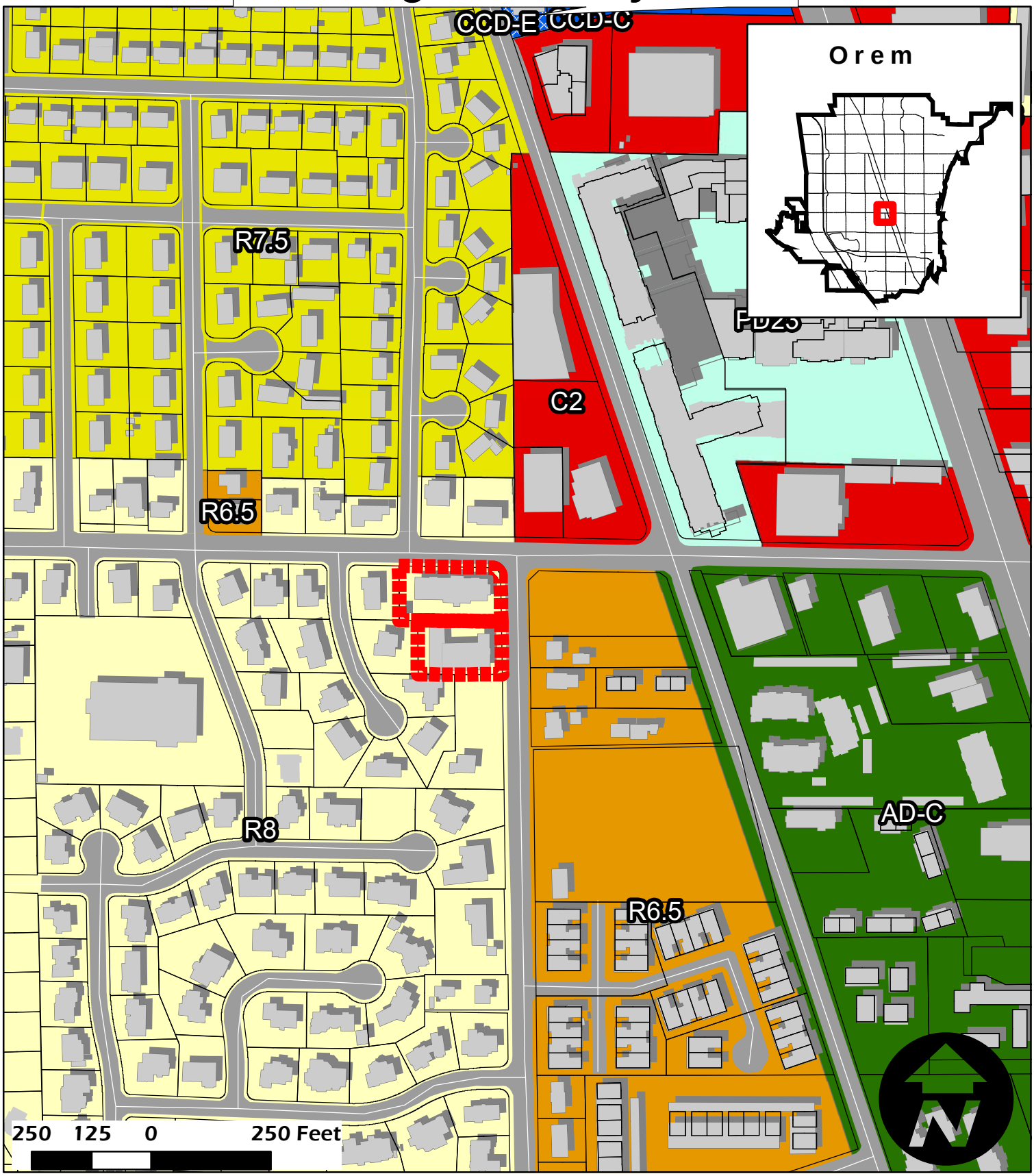
RECOMMENDATION: The Planning Commission recommends the City

Council, by resolution, approve a conditional use permit for the commercial daycare, Smiling Faces, located at 410 S Main Street in the R8 zone with the following conditions:

1. That all visitors, employees and other persons who arrive at the facility in connection with the Commercial Day Care facility be legally parked on the on-site parking lot or on that part of the street immediately abutting the site.
2. That signage be provided on the on-site parking lot that clearly indicates pick-up/drop-off stalls.
3. That one stall in the parking lot be used as a vehicle back-up area.
4. That the facility be limited to a maximum occupancy of one hundred (100) children for both buildings combined.
5. That two ADA stalls be provided in the parking lot.
6. That all children must be picked up and dropped off within the existing parking lot.
7. That no more than ten (10) pick up/drop off vehicles shall be allowed within any ten (10) minute period.


300 South
270 South
30 West
100 West
200 South
200 West
230 West
340 West
350 South
315 South
350 South
50 West
355 South
Orem Boulevard
State Street
280 East
280 South
300 East
340 South
400 South
400 South
450 South
460 South
480 South
500 South
530 South
540 South
560 South
580 South
Main Street
170 West
280 West
130 West
100 West
20 East
70 East

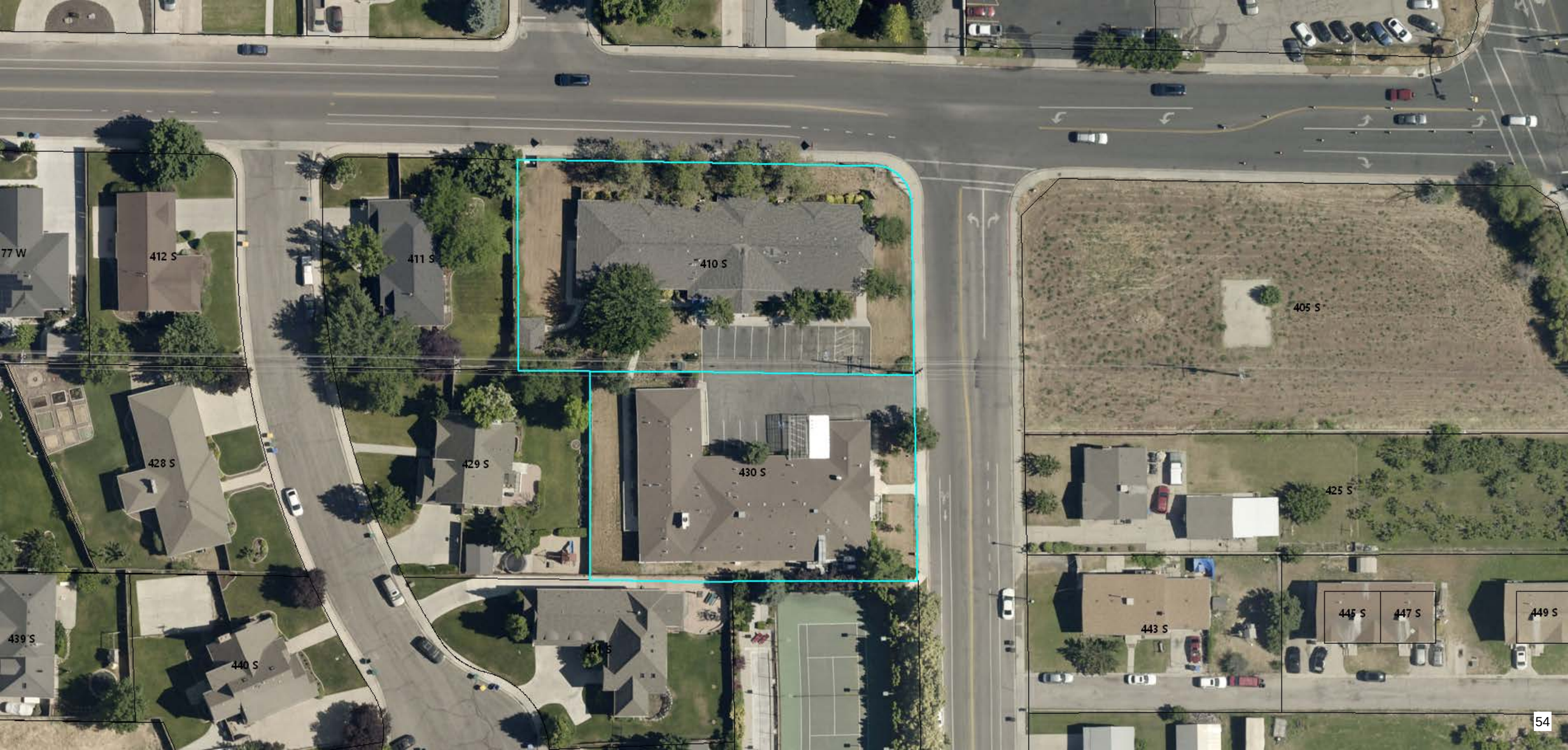
Smiling Faces Day Care

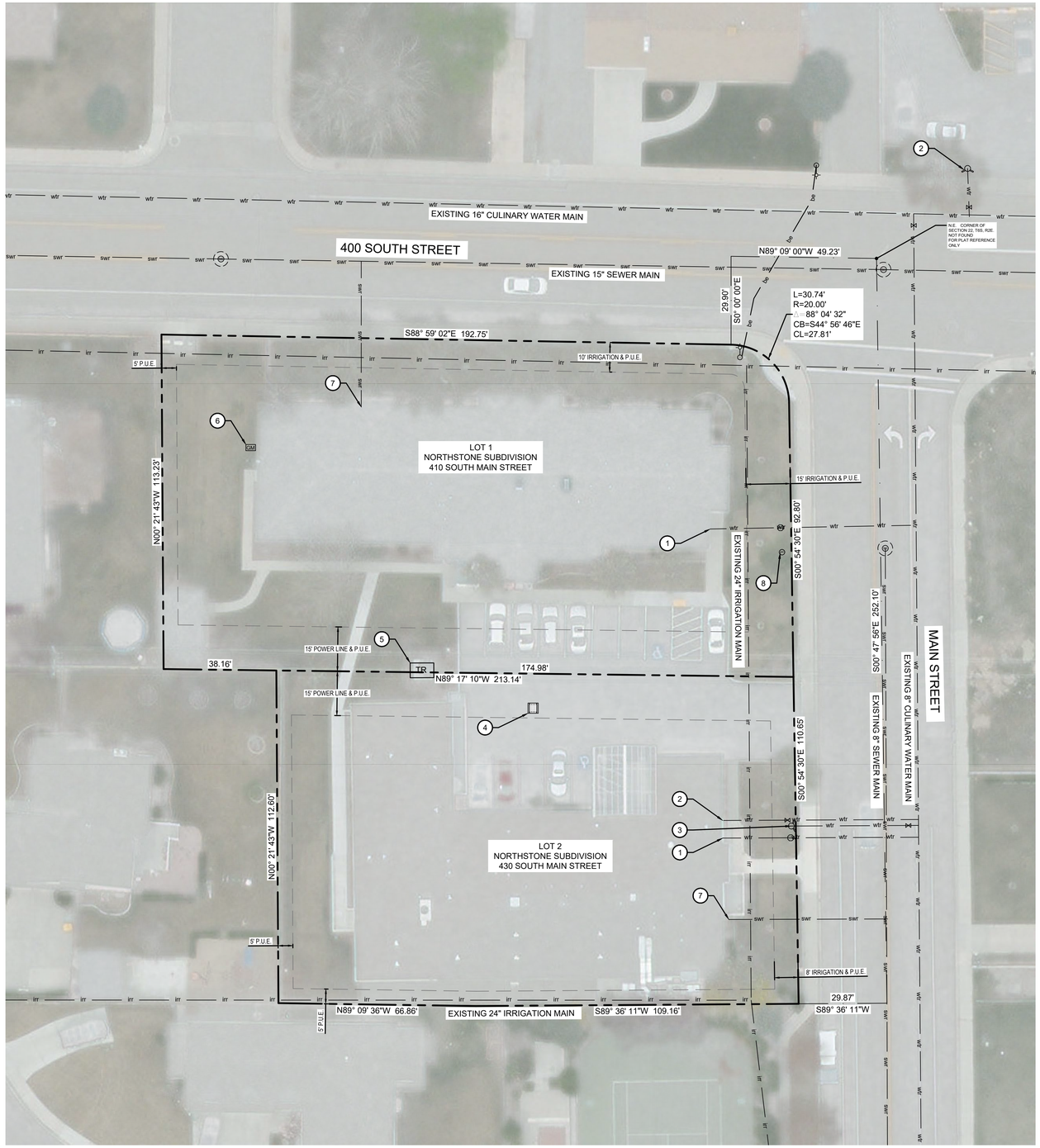


Smiling Faces Day Care
R8 Zone
1.00 acres

NEIGHBORHOOD
Stonewood

Legend
Parcels selection
Parcels
Buildings


77 W
412 S
411 S
410 S
405 S
428 S
429 S
430 S
425 S
439 S
440 S
441 S
443 S
445 S
447 S
449 S



DEPARTMENT REVIEW

SEWER____/DATE_____

WATER____/DATE_____

STORM DRAIN ____/DATE_____

TRAFFIC _____/DATE_____

STREET LIGHTS____/DATE_____

FIRE MARSHAL____/DATE_____

N

30 0 30 60 90

SCALE: 1" = 30'

SITE PLAN LEGEND

PROPERTY BOUNDARY	
EXISTING EASEMENT	
EXISTING RIGHT OF WAY	
irr — irr	EXISTING IRRIGATION LINE
wtr — wtr	EXISTING WATER LINE
swr — swr	EXISTING SEWER LINE
⋈	EXISTING WATER VALVE
WM	EXISTING WATER METER
	EXISTING FIRE HYRDANT
	EXISTING SANITARY SEWER MANHOLE
TR	EXISTING ELECTRICAL INFRASTRUCTURE
	EXISTING STORM DRAIN BOX
RPZ	EXISTING IRRIGATION BACK FLOW VALVE
GM	EXISTING GAS METER

NOTES

1.UTILITIES SHOWN ARE BASED OF MAPPING PROVIDED BY THE CITY AND ARE QUALITY LEVEL D

2.AERIAL USED IS FROM THE AGRC AND IS FROM 2012

3. PROPERTY BOUNDARY SHOWN IS APPROXIMATE NO FIELD SURVEY WAS CONDUCTED

SITE PLAN KEY NOTES

1. EXISTING CULINARY LATERAL PROTECT IN PLACE
2. EXISTING FIRE LINE PROTECT IN PLACE
3. EXISTING FIRE HYDRANT PROTECT IN PLACE
4. EXISTING STORM DRAIN PROTECT IN PLACE
5. EXISTING ELECTRICAL INFRASTRUCTURE PROTECT IN PLACE
6. EXISTING GAS METER PROTECT IN PLACE
7. EXISTING SEWER LATERAL
8. REPLACE EXISTING DOUBLE CHECK BACKFLOW ASSEMBLY AND INSTALL A RPZ BACKFLOW ASSEMBLY AND A STOP AND WASTE FOR SHUT OFF

Received
Date: 5/28/2020
By:

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Taylorsville, UT 84123
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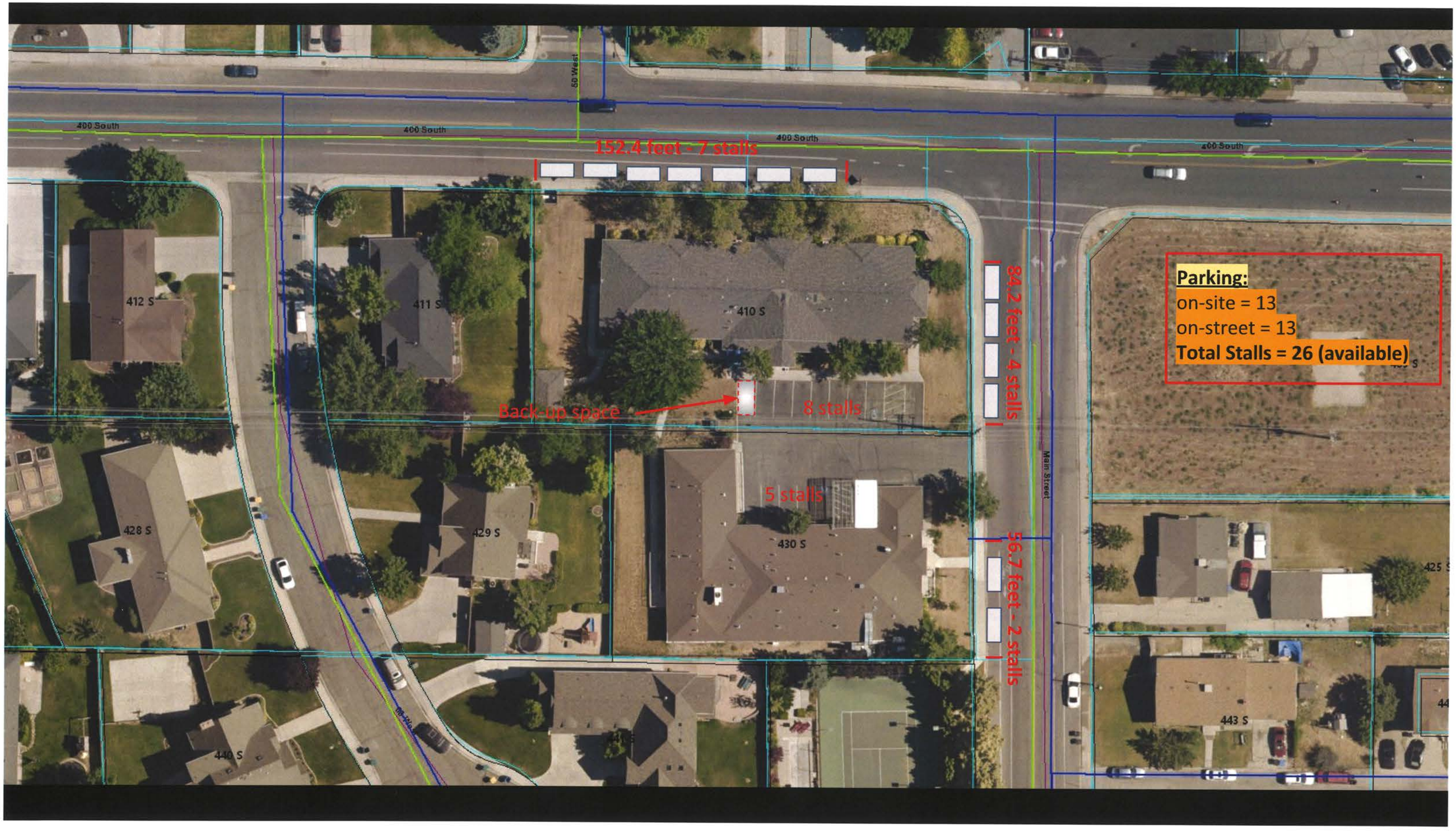
SITE PLAN EXHIBIT

Smiling Faces Daycare
410 South Main Street
430 South Main Street
OREM, UTAH

Engineer	CC
Designer	TJB
Reviewer	CC

SHEET NO.
C1-0

Avenue Project No. 18-176
P:_2020\20-047 - Smiling Faces Child Care & Preschool Traffic Flow And Parking Plan Study\000_CAD\004_Site Design\20-047_C1-0 SITE PLAN.dwg
5/13/2020 12:26 PM


400 South
400 South
400 South
400 South
50 West
152.4 feet - 7 stalls
84.2 feet - 4 stalls
Parking:
on-site = 13
on-street = 13
Total Stalls = 26 (available)
412 S
411 S
410 S
Back-up space
8 stalls
5 stalls
430 S
429 S
428 S
440 S
443 S
425 S
56.7 feet - 2 stalls
Main Street

MEMORANDUM

To: Orem City Community Development

From: Avenue Consultants

Date: May 29, 2020

Subject: Smiling Faces Child Care & Preschool Traffic Flow and Parking Plan Study

1 INTRODUCTION

Smiling Faces Child Care & Preschool has requested that Avenue Consultants perform a traffic flow and parking study for the relocation of their existing business in Orem, Utah. The new location has two buildings with 14 parking stalls and is located at 410/430 South and Main Street in Orem, Utah. Figure 1 shows the site location in relation to the surrounding neighborhood. The business is currently operating within a single, smaller building that accommodates 70 children and has shared/limited parking. With this relocation, Smiling Faces Child Care and Preschool anticipates possibly expanding their enrollment to a maximum of 100 children. To accommodate parents coming to drop-off and pick up children, the new location will have 14 parking spots with a singular access on Orem Main Street. This memo summarizes the planned ingress and egress, drop-off plan, traffic flow, and parking spaces, and parking recommendations for the new proposed facility.



Figure1. Project Location & Site Plan

2 TRAFFIC FLOW

From previous projects in Orem city, Avenue extracted traffic counts performed at the study location. PM peak hour traffic counts were available at the intersection of 400 South and Main Street for a weekday in November 2018 and AM peak hour traffic counts were available at the intersection for a weekday on August 2015. The counts are presented in Table 1.

Table 1. Traffic Counts at 400 South and Main Street Intersection

Peak Period	NBL	NBT	NBR	EBL	EBT	EBR	WBL	WBT	WBR
AM	20	0	40	0	300	70	120	110	0
PM	46	0	81	0	494	54	62	484	0

Based on UDOT's historical AADT (Annual Average Daily Traffic) data, 400 South has an average 5.4% growth in daily volumes. The AADT growth applied to the collected traffic volume gives the existing traffic volume at the intersection which is presented in Figure 2.



Figure 2. AM (PM) Peak Hour Volumes

Avenue estimated vehicle trips generated by the proposed development based on the characteristics of the intended land use and the intensity of development. The project trip generation was derived from trip rates published by the Institute of Transportation Engineer's (ITE) *Trip Generation Handbook, 10th Edition*. This handbook provides trip generation standards and recommendations for various land uses based upon nationwide studies of existing developments in comparable settings.

Avenue selected the land use type that most accurately reflects the planned use of the project site, which was Day Care Center (ITE Code 565). The variable used to estimate the number of vehicle trips is the number of children. Table 2 reports the vehicle trip generation estimates for the proposed land use and splits the trips into number of entering (in) and exiting (out) trips for the AM and PM peak hours.

Table 2. Trip Generation Estimate

ITE Land Use	ITE Code	Number of Units	Unit Type	Weekday Daily	AM Peak Hour			PM Peak Hour		
					Total	In	Out	Total	In	Out
Day Care Center	565	100	Children	403	78	41	37	79	37	42

Based on the trip generation data above, the proposed development is expected to have 403 daily weekday vehicle trips with 78 trips during the AM peak hour and 42 trips during the PM peak hour.

The distribution of the anticipated trips was based the existing traffic patterns in the study area. During the AM peak period, approximately 76% was routed from the north, and 24% from the south. During the PM peak period, approximately 48% was routed from the north, 52% from the south. The assigned site traffic for the new development is shown in Figure 3.



Figure 3. Trip Generation for the Daycare

3 PARKING EVALUATION

The facility is planning to accommodate 100 children and employ 8 staff. Avenue estimated parking demand generated by the proposed development based on the characteristics of the intended land use and the intensity of development. The project parking generation was derived from parking rates published by the Institute of Transportation Engineer's (ITE) *Parking Generation Handbook, 4th Edition*. This handbook provides parking demand standards and recommendations for various land uses based upon nationwide studies of existing developments in comparable settings.

Avenue selected the land use type that most accurately reflects the planned use of the project site, which was Day Care Center (ITE Code 565). The variable used to estimate the peak period parking demand for the number of children as this unit results in a higher parking demand. Table 3 reports the parking demand estimates for the proposed land use.

Table 3. Parking Demand Estimate

ITE Land Use	ITE Code	Number of Units	Unit Type	Parking Generation Rate	Average Peak Period Parking Demand
Day Care Center	565	100	Children	0.24	24

The new proposed location in Orem has 14 available parking spots on-site, including 2 ADA (Americans With Disabilities Act) compatible parking stalls. While determining the parking supply, it was considered that if the parking lot is full, one parking spot will be kept empty to facilitate turning around of cars. This resulted in 11 parking spots for simultaneous parking. Additionally, there is 300 feet of adjacent on-street parking available on 400 South and Main Street adjacent to the site. This on-street parking availability is calculated based on Utah Traffic Code Chapter 6a, Part 14, Section 1401 (Section for Standing or parking vehicles). No on-street parking is estimated-

- within 15 feet of a fire hydrant
- within 20 feet of a crosswalk
- in front of a public or private driveway
- within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway

Figure 4 shows the available parking spot in the vicinity of the proposed daycare. Assuming one car takes 20 feet of space, the nearby on-street can accommodate up to 15 cars. The parking spots at a daycare are primarily used for dropping off and picking up children. This requires short term parking with an average duration of less than 5 minutes per car. With a total of 11+15=26 parking spots the availability of parking is more than the parking demand generated by the daycare.



Figure 4. Parking Availability

Avenue obtained typical parking drop-off and pick up data from the existing daycare facility to further illustrate the actual ingress and egress parking requirements for this facility. The data shows the number of parking stalls used within 15-minute periods to drop-off or pick-up a child throughout the day. The data has been aggregated to show concurrent drop-off and pick-ups. The "drop-off and pick up roster" is provided as an appendix.

Table 4. Typical Daily Parking Occupancy at the Existing Daycare Location

Time	Parking Stalls Used	Time	Parking Stalls Used	Time	Parking Stalls Used
6:00 AM-6:15 AM	2	9:30 AM-9:45 AM	3	3:00 PM-3:15 PM	2
6:30 AM-6:45 AM	4	10:30 AM-10:45 AM	1	3:30 PM-3:45 PM	2
7:30 AM-7:45 AM	9	11:00 AM-11:15 AM	1	4:00 PM-4:15 PM	4
8:00 AM-8:15 AM	6	12:00 PM-12:15 PM	10	4:15 PM-4:30 PM	1
8:15 AM-8:30 AM	2	12:30 PM-12:45 PM	7	4:30 PM-4:45 PM	6
8:30 AM-8:45 AM	9	12:45 PM-1:00 PM	1	5:00 PM-5:15 PM	4
8:45 AM-9:00 AM	1	1:00 PM-1:15 PM	8	5:30 PM-5:45 PM	9
9:00 AM-9:15 AM	10	1:30 PM-1:45 PM	2	5:45 PM-6:00 PM	5
9:15 AM-9:30 AM	1	2:00 PM-2:15 PM	2	6:00 PM-6:15 PM	8

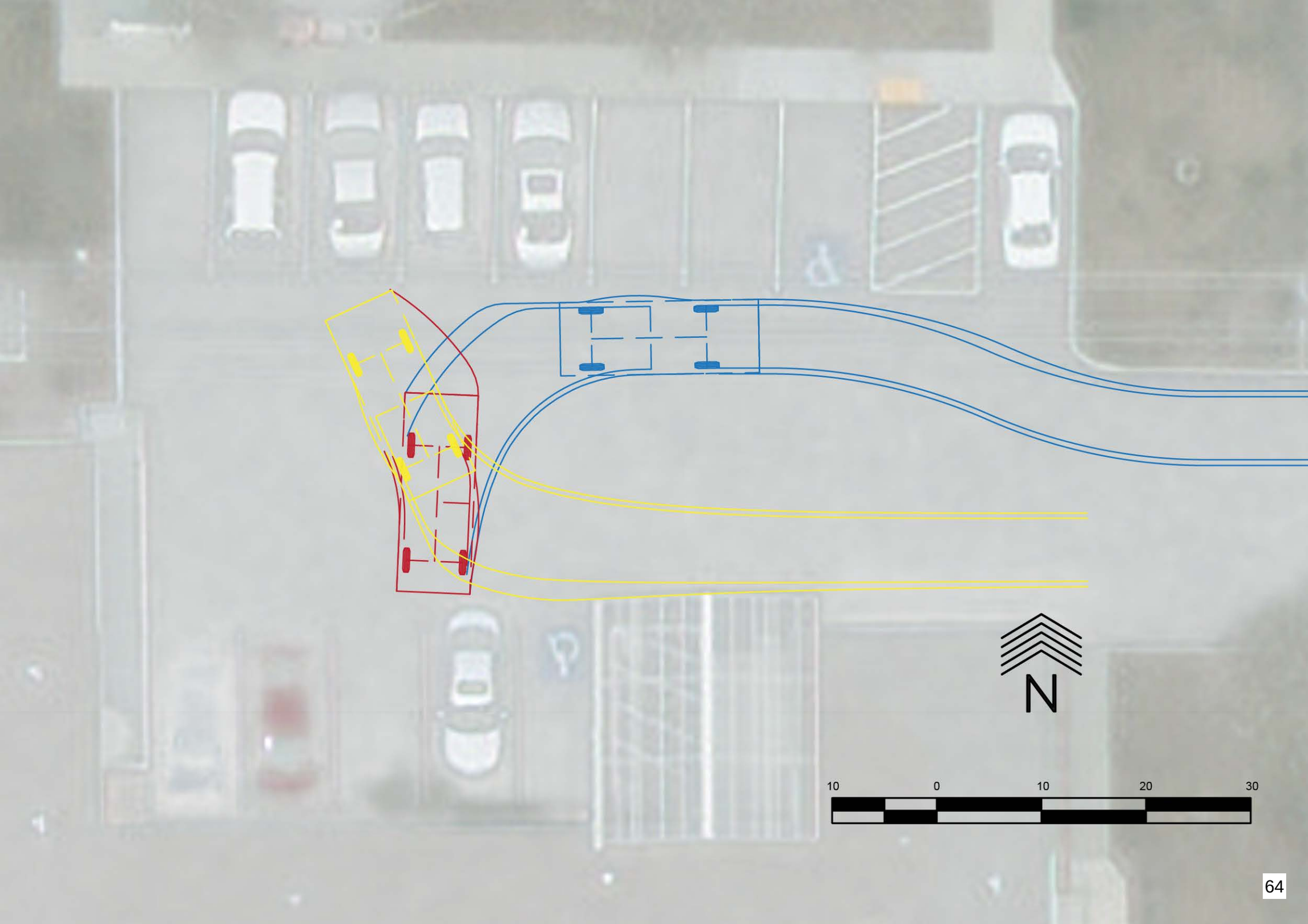
From the above parking occupancy data, even during the busiest times of the day (9:00 AM – 9:15 AM and 12:00 PM – 12:15 PM) the parking demand doesn't exceed 10 concurrent vehicles within any 15-minute slot. The parking demand is well below the availability of the proposed daycare location. 15-minutes is a large drop-off or pick-up window with most clients likely using a much smaller time period and not arriving together. It is likely that fewer vehicles are concurrently using the parking stalls.

4 CONCLUSION

This study evaluated the traffic and parking demand based on the operations of the Smiling Faces Daycare & Preschool in Orem, Utah. The generated trip of the facility was distributed based on the existing traffic volume and presented in the report. According to parking rates derived from ITE parking generation manual a facility of similar number of children would require 24 parking spots. Also, from the data provided by the daycare, the facility would require 10 parking spots within a busy 15-minute window. Based on the parking evaluation, the existing parking plan is adequate for the proposed development. To improve safety for the children crossing the parking area, parents should be instructed to park their vehicle, turn off the engine, and walk their children into the facility. A condition which may ensure the parking supply does not exceed the demand would be to limit the number of children dropped off to 10 children within a 5-minute window.

APPENDIX

Smiling Faces Child Care & Preschool Roster								
Name	Drop-off	Pick-up	Name	Drop-off	Pick-up	Name	Drop-off	Pick-up
Allison	12:30 PM	5:30 PM	Caleb	8:00 AM	3:30 PM	Mateo	9:00 AM	3:30 PM
Lilyann	12:30 PM	4:15 PM	Chezare	8:45 AM	4:30 PM	Levi	8:30 AM	1:00 PM
Melanie	6:00 AM	12:30 PM	Leonardo	9:30 AM	12:30 PM	Isaiah	7:30 AM	6:00 PM
Jovani	9:00 AM	4:30 PM	Kambria	12:00 PM	5:30 PM	Josiah	7:30 AM	6:00 PM
Ariani	6:00 AM	2:00 PM	Cassara	11:00 AM	3:00 PM	Sophie	6:30 AM	4:00 PM
Yaretzy	8:30 AM	12:45 PM	Forest	6:30 AM	5:30 PM	Alexa	8:30 AM	5:30 PM
Stella	6:30 AM	4:00 PM	Elijah	12:00 PM	5:45 PM	Aria	9:30 AM	6:00 PM
Baxter	8:15 AM	1:00 PM	Frida	10:30 AM	6:00 PM	Amberly	8:30 AM	5:45 PM
Lilian	8:15 AM	5:00 PM	Angel	12:00 PM	5:30 PM	Mckenzie	9:00 AM	5:45 PM
Bobby	7:30 AM	1:00 PM	Jevanie	8:30 AM	1:00 PM	Theodore	9:15 AM	4:30 PM
Wayne	7:30 AM	1:00 PM	Kayla	9:00 AM	12:00 PM	Gordon	8:00 AM	12:30 PM
Loretta	8:30 AM	5:45 PM	David	12:30 PM	6:00 PM	Jett	7:30 AM	4:30 PM
Seth	7:30 AM	4:30 PM	Ethan	12:00 PM	5:00 PM	Penelope	7:30 AM	4:30 PM
Natalia	9:00 AM	3:00 PM	Sione	9:00 AM	1:00 PM	Vince	12:00 PM	5:00 PM
Frost	8:00 AM	5:30 PM	Dexter	8:30 AM	1:30 PM	Kamron	7:30 AM	5:00 PM
Skye	8:00 AM	5:30 PM	Emma	12:00 PM	6:00 PM	Nicolas	9:30 AM	6:00 PM
Elizabeth	9:00 AM	5:45 PM	Aaliyah	12:00 PM	12:00 PM	Luca	2:00 PM	6:00 PM
Ava	6:30 AM	5:30 PM	Oliver	9:00 AM	1:00 PM	Alejandro	8:30 AM	5:30 PM
Eric	8:30 AM	1:30 PM	Scarlett	9:00 AM	1:00 PM	Kairo	8:00 AM	4:00 PM
Luca	9:00 AM	12:30 PM	Marcos	7:30 AM	12:00 PM	Emilynn	8:00 AM	4:00 PM


N
10
0
10
20
30

22-6-9(G) Private Schools and Commercial Daycares

G. **Private Schools and Commercial Day Care Services (SLU Codes 6261 and 6262)**. Private Schools and Commercial Day Care Services are Commercial Day Care Services are defined to include (1) Commercial Child Day Care Facilities, and (2) Commercial Adult Day Care Facilities. Commercial Day Care Services shall be allowed in residential zones only upon the issuance of a conditional use permit and must, at a minimum, meet the following requirements:

1. In residential zones, Commercial Day Care Services shall only be allowed on properties adjacent to either a collector or an arterial street.
2. A Commercial Day Care facility shall not be established within two thousand six hundred and forty feet (2640') of another Private School or Commercial Day Care facility that is located in a residential zone.
3. Commercial Day Care Services shall comply with the site plan requirements set forth in Section 22-14-20.
4. The entire area of the front yard setback shall be landscaped except for permitted driveways.
5. No more than two car trips per hour shall be generated before 5:30 a.m. or after 9:00 p.m.
6. The site plan shall be configured so that no vehicle will back out on to a dedicated street. Parking and turn-around areas shall be located in the side or rear yard unless the site includes a circular driveway.
7. The rear yard shall be enclosed with a six-foot (6'), sight-obscuring fence. All gates shall be self-closing and self-locking.
8. The exterior building design shall resemble a single-family residential dwelling in harmony with any neighboring residential dwelling units.
9. A maximum of one wall sign no greater than six square feet ($6ft^2$) in area shall be allowed unless otherwise prohibited as part of the conditional use permit. The sign shall be designed to minimize the visual impact on surrounding properties.
10. There shall be no exterior evidence of a business other than a permitted sign. No activities connected with the operation of the Commercial Day Care facility shall be conducted in the front yard or in a side yard adjacent to a street with the exception of parking in a permitted drive-way and use of the front entrance to enter and exit the building.
11. All residents, visitors and employees who arrive at the facility in connection with the Commercial Day Care facility shall be legally parked on the lot occupied by the facility or on that part of the street which immediately abuts the lot.
12. Commercial Day Care Facilities shall obtain a license from the State of Utah Department of Human Services, where required. Private Schools and Commercial Day Care Facilities must also obtain a business license from the City of Orem in accordance with the provisions of CHAPTER 12 prior to operating the business.
13. Applicants for site plan approval of private schools shall submit an engineered traffic flow and parking plan showing sufficient ingress and egress, drop-off areas, traffic flow, and parking spaces so that parking for school functions will be contained on the site and the school will not adversely affect surrounding properties. The Planning Commission shall review the plan and based on the City Engineer's recommendations may modify the site plan and impose additional requirements in order to meet all projected needs of the site for traffic flow and parking.




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City Council
Tue, Jun 30, 2020
6:00 pm

Planning Commission
Wed, Jun 17, 2020
4:30 pm

Smiling Faces LLC requests the City approve the approval of the conditional use of a commercial daycare in the R8 zone located at 410 S Main Street in the R8 zone.

Additional information can be viewed on orem.org/planning under the "Current Planning (Public Hearing Noticing)" tab or by contacting Orem City Development Services at 801-229-7060.

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155 W WISCONSIN AVE
OCONOMOWOC, WI 53066

For more information, contact
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JEFF LAMBSON
156 E 1060 N
OREM, UT 84057

For more information, contact
Jake at (801) 229-7239 or
jrharding@orem.org

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SUMSION, WILLIAM CHAD
1322 E 13200 S
DRAPER, UT 84020

For more information, contact
Jake at (801) 229-7239 or
jrharding@orem.org

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JASON BENCH
1911 N MAIN STREET
OREM, UT 84057-2101

NOTICE OF ALL ELECTRONIC MEETING

To minimize the potential spread of COVID-19, and as authorized by Utah Governor Gary Herbert's March 18, 2020 Executive Order, the Orem City Planning Commission meeting on June 17, 2020 will be an all-electronic meeting. There will be no public access to the Orem City Council chambers. Those desiring to view or participate in the meeting must do so electronically. You can view the meeting live at orem.org/meetings. If you want to make a comment, please submit them to orem.org/comments or email them to PlanningCommissionPublicComments@orem.org.

Comments will be accepted before and during the meeting. All comments received will be read into the record during the live meeting. Once an item has been voted on, that item will be closed to additional comments. Thank you for your cooperation during these challenging times.

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CARTER, DENNIS B (ET AL)
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FINCH, BRADLEY DAVIS
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GIBSON, GREGORY THOMAS & TAMARAS SUE
12 W 560 S
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REAL LIFE INVESTMENTS L L C
--OR CURRENT RESIDENT--
15 E 400 SOUTH
OREM, UT 84058

CALL, LEONARD KODY & HEATHER MARIE
22 W 400 S
OREM, UT 84058

JAL FAMILY LTD
24 W 500 S
OREM, UT 84058

KASPERSON, KEITH W & LAVERNE S
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OREM, UT 84058

ALT-F HOLDINGS LLC
35 E 400 S
OREM, UT 84058

BLAKELY, AARON R
36 W 355 S
OREM, UT 84058

GOODMAN, BRIAN D & RENEE L
38 W 355 S
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NASSRI, MOHAMMAD
39 W 315 S
OREM, UT 84058

SUMMERS, KERRY D & CARLA M
39 W 355 S
OREM, UT 84058

IVIE, JOHN
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50 E NORTH TEMPLE 22ND FLOOR ST
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CORP OF PRES BISHOP CHURCH OF JESUS CHRIST OF LDS
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SALT LAKE CITY, UT 84150

JAL FAMILY LTD
--OR CURRENT RESIDENT--
54 W 500 SOUTH
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SUMMERTREE LLC
--OR CURRENT RESIDENT--
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OREM, UT 84058

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KRISTIE SNYDER
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DRACOULIS, JENNIFER S
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OREM, UT 84058

MARIN, MELISSA
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SUMMERTREE LLC
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63 W 350 SOUTH
OREM, UT 84058

LLH1 LC
64 W 530 S
OREM, UT 84058

WAGNER FAMILY TRUST 05-03-2016 (ET AL)
69 W 500 S
OREM, UT 84058

COLLINGS, MICHAEL E & BREANNE
70 W 500 S
OREM, UT 84058

CORDNER, ROBERT ROY & MERALYN
--OR CURRENT RESIDENT--
77 W 400 SOUTH
OREM, UT 84058

BRIDGES, NATHAN & ALYSSA
78 W 400 S
OREM, UT 84058

AZAR, ANTONE N & EMILY A
87 W 500 S
OREM, UT 84058

CAMPOS, ADELA GINSELVI
96 W 400 S
OREM, UT 84058

COMMON AREA
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PROVO, UT 84606

WRIGHT, SUSAN M
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OREM, UT 84058

PYNE, DEE RANDY & ANN N
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102 W 400 SOUTH
OREM, UT 84058

CHANG, PAO CHUNG (ET AL)
--OR CURRENT RESIDENT--
108 E 400 SOUTH
OREM, UT 84058

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155 W WISCONSIN AVE
OCONOMOWOC, WI 53066

JEFF LAMBSON
156 E 1060 N
OREM, UT 84057

SUMMERTREE LLC
180 S 100 W # 873
PLEASANT GROVE, UT 84062

PYNE, DEE RANDY & ANN N
255 W 100 S
OREM, UT 84058

HABITAT FOR HUMANITY OF UTAH COUNTY
--OR CURRENT RESIDENT--
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OREM, UT 84058

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OREM, UT 84057

PRISBREY, AMBER (ET AL)
331 S 50 W
OREM, UT 84058

LANG, BRIAN E & KAREN D (ET AL)
--OR CURRENT RESIDENT--
332 S 50 WEST
OREM, UT 84058

HABITAT FOR HUMANITY OF UTAH COUNTY
340 S OREM BVLD
OREM, UT 84058

HINOJOSA, WILMA & LUIS
344 S 50 W
OREM, UT 84058

SUMMERTREE LLC
--OR CURRENT RESIDENT--
351 S 100 WEST
OREM, UT 84058

SILVA, GUILLERMO
356 S 50 W
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-102
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-104
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-105
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-202
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-204
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-205
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-302
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-304
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-305
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-402
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-404
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-405
OREM, UT 84058

SUMMERTREE LLC
--OR CURRENT RESIDENT--
361 S 100 WEST
OREM, UT 84058

SUMMERTREE LLC
--OR CURRENT RESIDENT--
365 S 100 WEST
OREM, UT 84058

BROWER, LANI E
--OR CURRENT RESIDENT--
368 S 50 WEST
OREM, UT 84058

ZENITH PROPERTIES LLC
--OR CURRENT RESIDENT--
371 S 100 WEST
OREM, UT 84058

GUNOE, SAMUEL PERRY & AMY
373 S 50 W
OREM, UT 84058

MILTON, ANDREW R & BRIEANNA U
380 S 50 W
OREM, UT 84058

BELL, RUSSELL
383 S 100 W
OREM, UT 84058

SUMSION, WILLIAM CHAD
--OR CURRENT RESIDENT--
405 S MAIN
OREM, UT 84058

FIRST BANK FINANCIAL CENTRE
--OR CURRENT RESIDENT--
410 S MAIN
OREM, UT 84058

VANDENBOS, DARRIN S & MARSIA
411 S 60 W
OREM, UT 84058

BARTHOLOMEW, BRENT & KAREN
412 S 60 W
OREM, UT 84058

VAN LANGEN, JACOBUS REED & CHRISTINE
413 S 100 W
OREM, UT 84058

DUSTIN, ALLEN F (ET AL)
414 S 100 W
OREM, UT 84058

GREN, MILDRED K
425 S MAIN ST
OREM, UT 84058

GRANGE, SAMUEL L JR & PAMELA D
427 S 100 W
OREM, UT 84058

HOFFMAN, CURTIS B & ELIZABETH B
428 S 60 W
OREM, UT 84058

PAUL, SCOTT C & TARA
429 S 60 W ST
OREM, UT 84058

FIRST BANK FINANCIAL CENTRE
--OR CURRENT RESIDENT--
430 S MAIN ST
OREM, UT 84058

BISHOP, DAVID L & JENNIFER
439 S 100 W
OREM, UT 84058

BUCKNER, GENE CHRIS & LISA M
440 S 60 W
OREM, UT 84058

HILTON, JEFFERY C & LING
441 S 60 W
OREM, UT 84058

MIRANDA, NORMA
443 S MAIN
OREM, UT 84058

JANAMA ENTERPRISES III LLC
--OR CURRENT RESIDENT--
445 S MAIN ST
OREM, UT 84058

LLH1 LC
--OR CURRENT RESIDENT--
447 S MAIN ST
OREM, UT 84058

CORP OF PRES BISHOP CHURCH OF JESUS CHRIST OF LDS
--OR CURRENT RESIDENT--
450 S 100 WEST
OREM, UT 84058

BETHERS, KATIE
--OR CURRENT RESIDENT--
451 S MAIN
OREM, UT 84058

GIBSON, GREGORY THOMAS & TAMARAS SUE
--OR CURRENT RESIDENT--
453 S 100 WEST
OREM, UT 84058

HELQUIST, DALLAS B & CYNTHIA L
454 S 60 W
OREM, UT 84058

MACKAY, JULIE ANNE (ET AL)
455 S 60 W
OREM, UT 84058

RIESKE, RONALD G & ALICE A
455 S MAIN ST
OREM, UT 84058

ELLERMAN, BROC W & KAITLYN D
465 S 100 W
OREM, UT 84058

SHEPHERD, RICHARD
466 S 60 W
OREM, UT 84058

JAL FAMILY LTD
--OR CURRENT RESIDENT--
468 S MAIN
OREM, UT 84058

HAGEDORN, CAMI
--OR CURRENT RESIDENT--
482 S 100 WEST
OREM, UT 84058

BEETON, RUSSELL PAUL &
DEBORAH L
483 S 100 W
OREM, UT 84058

THOMAS MACDONALD
489 NORTH PALISADES DR
OREM, UT 84097

RIESKE, RONALD G & ALICE A
505 S MAIN ST
OREM, UT 84058

KING, TAYLOR J
--OR CURRENT RESIDENT--
510 S 20 EAST
OREM, UT 84058

POWELL, WILLIAM W & MARILYN L
512 S MAIN ST
OREM, UT 84058

BETHERS, KATIE
526 W 650 S
OREM, UT 84058

PEAY CONSTRUCTION CO INC (ET
AL)
585 E 300 S
PROVO, UT 84606

BROWER, LANI E
628 NE CHERAPPLE CIR
OREM, UT 84097

DEBBY LAURET
641 S 1920 W
OREM, UT 84059

BRENT SUMNER
744 WEST 550 SOUTH
OREM, UT 84058

ZENITH PROPERTIES LLC
793 S 40 E
SALEM, UT 84653

DAVID SPENCER
899 NORTH 550 EAST
OREM, UT 84097

MAYOR RICHARD F. BRUNST, JR.
900 E HIGH COUNTRY DRIVE
OREM, UT 84097-2389

MIDTOWN360 LC
%DE ANZA PROPERTIES
960 N SAN ANTONIO RD STE 114
LOS ALTOS, CA 94022

TERRY PETERSON
1125 LYNNWOOD DRIVE
OREM, UT 84097

SUMSION, WILLIAM CHAD
1322 E 13200 S
DRAPER, UT 84020

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057-2101

PATTEN, KRISTIAN N
2215 N 1400 E
PROVO, UT 84604

LANG, BRIAN E & KAREN D (ET AL)
3448 GREENMONT CIR
WEST VALLEY CITY, UT 84120

UTAH DEPARTMENT OF
TRANSPORTATION
4501 S 2700 W
SALT LAKE CITY, UT 84119

CORDNER, ROBERT ROY &
MERALYN
5524 ROCKY RAVINE AV
LAS VEGAS, NV 89131

CHANG, PAO CHUNG (ET AL)
11413 S BLACK FOREST DR
SANDY, UT 84094

REAL LIFE INVESTMENTS L L C
%VINCENT, MICHAEL
30031 HILLSIDE TER
SAN JUAN CAPISTRANO, CA 92675

Agenda Item 3.3 is a request by Smiling Faces LLC for the Planning Commission to approve the commercial daycare, Smiling Faces, located at 410 S Main Street in the R8 zone.



Staff Presentation: The applicant's existing business is located nearby this site on State Street. In order to expand his current business, he is proposing to move it entirely to this new location. He is not proposing any changes to the site, it would remain as is. However, because the site is in a residential zone, he is required to receive conditional use approval.

Commercial daycares seeking conditional use approval within a residential zone are required to have an outdoor area in the rear yard that will be enclosed by a 6' site obscuring fence with self-closing, self-locking gates. There is an area existing in the rear yard that is currently surrounded by a 6' wood fence. As per State Code, this area will be required to have self-closing, self-locking gates. The applicant will be providing these.

Commercial daycares seeking conditional use approval within a residential zone are required to submit a professional traffic study that shows the following:

1. No more than two car trips per hour shall be generated before 5:30am or after 9:00 pm.
2. No vehicle will back out onto a dedicated street.
3. Persons who arrive at the facility shall be legally parked on the lot or on that part of the street which immediately abuts the lot.
4. Ingress, egress, drop-off areas, traffic flow, and parking spaces will be contained on the site and will not adversely affect surrounding properties.

The submitted traffic study showed that the facility was going to require a minimum of twenty-four (24) stalls based upon on hundred (100) children attending the day care. The study also found that they would not generate more than two trips in the unpermitted times and that one of the stalls in the parking lot would be required to be used as a back-up area. If you combine the total stalls in both the existing parking lot and the on-street parking and remove the required back-up stall, twenty-six (26) stalls are available.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission forward a positive recommendation to the City Council for the approval of the conditional use of the commercial daycare, Smiling Faces, located at 410 S Main Street in the R8 zone with the following conditions:

1. That all residents, visitors and employees who arrive at the facility in connection with the Commercial Day Care facility shall be legally parked on the lot occupied by the facility or on that part of the street which immediately abuts the lot.
2. That signage be provided in the existing off-street parking lot that clearly indicates pick-up/drop-off stalls.
3. That one stall in the existing off-street parking lot shall be used as a back-up area for vehicles in the off-street parking lot.
4. That the facilities have a maximum occupancy of one hundred (100) children for both buildings combined.
5. That two ADA stalls be provided in the existing off-street parking lot.

Chair Cochran asked if the Planning Commission had any questions for Mr. Bench and invited the applicant to speak up via telephone. Dave Bezzant, Avenue Consultants and German Pardo, Smiling Faces Preschool introduced themselves.

Mr. Sakar asked how many employees there are at this location. Mr. Pardo said he currently has eight employees and it may go as high as ten. Mr. Sakar asked if the employees will use the parking stalls. Mr. Pardo said most of the employees are part-time employees with three or four there at a time. Mr. Bench said they could use the on-street parking for employees and use the internal stalls for dropping off children. Mr. Sakar asked how many children there are. Mr. Pardo said they currently have forty children (lower than normal due to Covid 19). Mr. Cochran said it was presented that there are currently sixty children that come to the daycare facility and you are considering expanding

to one hundred. Mr. Pardo said many families have multiple children and we will be able to accommodate them at this location.

Mr. Jensen asked how many on street parking spaces are there. Mr. Cochran said the estimated onsite and offsite parking spaces is twenty-six. Mr. Bezzant said they typically go over the amount of parking that they need, and he does feel like this location has ample parking for the planned use. Mr. Pardo said as a small business owner, he wants to have a good relationship with the neighbors and wants to comply with the regulations.

The discussion continued regarding parking, dropping children off and picking children up. The major points were:

- Multiple parents dropping children off at the same time. Mr. Bezzant said they found in the traffic study that there were 10 parents at the most, at one time. Mr. Staker asked regarding that estimate of about ten drop offs in fifteen minutes, is that the current rate and will that double as the number of children go up. Mr. Bezzant said that is the current facility with sixty to seventy kids. He has done a similar study with another facility with one hundred thirty kids, within a five minute window there were eight people there at the same time over six months.
- Ms. Jensen said being a daycare, they are not going to have all parents there at the same time, this is a daycare versus preschool. Mr. Pardo said when they have large activities involving parents and family, they have a good relationship with UVU and other institutes that allow the use of their facilities.
- Mr. Staker asked if the children will be dropped off at the curb or in the parking lot. Mr. Pardo said parents have to sign in the children and sign them out so they cannot just drop them off at the curb.
- Mr. Staker had one more point of concern, from the entrance of the parking lot to the corner of 400 South the southbound lane narrows and if someone pulls over to drop off their child and they open their door, there is not enough room for a car to get around, and it seems dangerous. Mr. Hale said that is typically addressed with the Utah Traffic Code. By ordinance they are allowed to park there and the space from the crosswalk is twenty feet. Mr. Cochran said he believes there is a pickup/drop-off zone in the parking lot. Mr. Cook said he agrees with Mr. Staker and with only twenty feet from center stipe to gutter leaving an eleven foot lane and a nine foot stall, that is really tight if someone opens their door into that traffic on Main Street. Mr. Bench said Condition #2 requires signage to indicate drop-off/pick up in the parking lot. Mr. Hale said what is key here is the structure of drop-off/pick up. A condition can be made to limit no more than ten people picking up/dropping off at the same time, so they are not getting an excess amount of people, arriving at the same time. If it can stay at ten people, this site will function.
- Ms. Jensen said the applicant has had to make this work at his current location, and has shown that this is important to him, and he thinks it is doable. He has obviously had to work in a small space with a worse situation. She thinks he has made a huge effort to make it work where he is now, and he will make a huge effort to make it work at this new space. He will make it work for the children.
- Mr. Pardo said drop-off must be in the parking lot, it cannot be in the street. We are offering a service to the community, and the first concern is for the safety of the children.
- Mr. Bench said there are currently five conditions of approval. Number six can be all children must be picked up/dropped off within the parking lot. Number seven can be no more than ten drop-offs/pickups within a five minute period. Mr. Cook asked where does enforcement come from and how does that translate to reality. They have a schedule, but if someone is five minutes late or early, would it be based on complaints. Mr. Bench said yes, our office would go out and investigate and work with the applicant to resolve it based on these conditions that are imposed.
- Ms. Jensen thinks this is a good central location for this type of business, and it comes down to working with the neighbors. The applicant needs to make friends and be good to his neighbors and make it a priority so there are not complaints. Mr. Cochran said the public comments have had nothing against the business, just concerns about traffic.

Chair Cochran then opened the public hearing and invited those who wanted to make a comment on this item to send in their comments via email or chat.

Mr. Clark said a comment was received earlier from Darrin VandenBos and sent to all Planning Commission members for review (see attachment). In addition, Mr. VandenBos said ten employees could mean ten cars and he noted that Mr. Pardo had not spoken to him (regarding a comment by Mr. Pardo that he had spoken to several neighbors). Chair Cochran said all the comments had been addressed.

Brent Bartholomew signed on to the chat line but did not leave any comments.

Chad Sumsion submitted a comment during the meeting (see attachment) including four questions with commentary. Would like to hear adequate and enforceable answers to the following:

1. Statistically, do clients of the daycare arrive and depart in similar timeframes or is it spread throughout the day. If traffic peaks, will the company's plan handle the required traffic flow.
    a. Mr. Bezzant said that in the traffic study that was prepared, the number of people that arrived in the peak periods were accommodated, as well as the people that came throughout the day. The traffic flow question was discussed previously.
2. How does the company and City plan to enforce the parking only in the off-street parking lot or on the street that immediate abuts the lot.
    a. Mr. Earl said he is trying to suggest that the employees park on the street not adjacent to the property. There is no way to enforce that. It is public street, if someone wants to park somewhere else, there is not a lot that can be done about that. What the owner can do is to strongly suggest the employees not park in those other areas.
3. Is it to be assumed that of the twenty-six identified parking stalls in the traffic study, the company's staff would always use the street parking, making the off-street parking available for drop-off and pickup. Or would it be the opposite, where the street stalls would be used exclusively for drop-off and pick up queuing.
    a. Chair Cochran said that item had been discussed previously.
4. What is the companies plan for snow removal.
    a. Mr. Pardo said they hire a professional to handle that. They will remove the snow and not put it on his property. Mr. Earl said technically if someone is pushing their snow on someone else's property, it is a trespass and the police can be contacted.

Chair Cochran closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Cochran moved to forward a positive recommendation to the City Council for the approval of the conditional use of the commercial daycare, Smiling Faces, located at 410 S Main Street in the R8 zone with the following conditions:

1. That all residents, visitors and employees who arrive at the facility in connection with the Commercial Day Care facility shall be legally parked on the lot occupied by the facility or on that part of the street which immediately abuts the lot.
2. That signage be provided in the existing off-street parking lot that clearly indicates pick-up/drop-off stalls.
3. That one stall in the existing off-street parking lot shall be used as a back-up area for vehicles in the off-street parking lot.
4. That the facilities have a maximum occupancy of one hundred (100) children for both buildings combined.
5. That two ADA stalls be provided in the existing off-street parking lot.
6. Children must be dropped off/picked up within parking lot
7. No more than ten drop offs/pick ups can occure within a five minute period

Ms. Jensen seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, Barry Roberts, Haysam Sakar, Ross Spencer and Mike Staker. The motion passed unanimously.

Public Comment received 6.16.2020:

I've lived for 30 years in the home that borders 410 S Main Street on the west. I have several concerns about the conditional use permit for the day care. 1) Traffic: I'm not sure the traffic study accurately reflects the difficulty of that multiple intersection area (400 S \ Main and 400 S \ Orem Blvd). Both high traffic numbers and traffic congestion (backup) from the Orem Blvd lights impacts turning both left and right onto 400 South from Main Street, not to mention poor westbound visibility when cars are parked on 400 South (along the property frontage). No center turn lane on 400 South anymore (removed to accommodate bike lane) impacts turning off of 400 South onto 60 West (left turn) and onto 400 South from 50 West (right turn) which will both be done by westbound cars needing to turn around and use the property's frontage parking stalls on 400 South. These are just two examples of the already difficult (and dangerous) traffic in the area.

2) Parking: The request says that there are 24 parking stalls. It also says they have 8 employees. In reality, that means 16 parking stalls for up to 100 children. The parking study says that the current daycare parking never exceeds 10 stalls used even at the busiest time of the day. But the current daycare has around 60 children. The math doesn't add up for me. So, if that is the case, and there are parking issues, who is going to enforce the conditional use requirement that "Persons who arrive at the facility shall be legally parked on the lot or on that part of the street which immediately abuts the lot"? Is the business going to train their clients on appropriate parking areas? Are they going to monitor and police themselves and be firm with their clients when they complain? In short, are they going to be a good neighbor or a negligent neighbor that requires external policing? I recognize that this is a negative, worst-case scenario, but it seems to be a real possibility which is why I'm asking.

I want to make it clear. I have nothing against this business. I've looked at their website and they offer a great service to the community. I just don't feel like it is a good fit based on the property's traffic and parking limitations.

Thank you.
Darrin VandenBos

Public comment received 6.17.2020:

Agenda Item 3.3
Conditional Use Permit – 410 S Main Street – Smiling Faces daycare

My name is Chad Sumsion. I own property directly east of the property seeking to receive this conditional use permit. I believe a daycare could be a great use of the existing buildings, and is obviously a need in our society. However, I would like to hear "adequate" and "enforceable" answers to the following questions prior to giving my full support to approving the conditional use permit:

1. Statistically, do clients of the daycare arrive and depart in similar timeframes, or is it spread throughout the day? If traffic peaks, will the company's plan handle the required traffic flow?

It would seem that just before and just after normal work hours for parents would statically be when customer traffic for a daycare would spike, instead of being a consistently spread out flow.

2. How does the company & city plan to enforce the parking ONLY in "off-street parking lot" or on the street that "immediately abuts the lot?"

I would fully support their parking plan as stated, if it were kept. However, observation makes me believe these types of promises are unenforceable. I foresee at least one temptation to break this promise are the trees that provide shade on the street just south of the daycare property.

3. Is it to be assumed that of the 26 identified parking stalls in the traffic study, the company's staff would always use the street parking, making the off-street parking available for drop- off and pick-up? Or would it be the opposite, where the street stalls would be used exclusively for drop-off and pick-up queuing?

The traffic study concluded that there would be 26 stalls available between the off-street parking lot and immediately abutting street spots. Aerial photos show about 13 parking stalls off-street, so that would mean 13 on street are planned. Seems like 10 or so employees would effectively use all of the non-ADA off-street parking.

4. What is the company's plan for snow removal?

Because there apparently is no space on-site to pile snow when it is plowed, contractors for the prior operator of the property would push their snow totally out of their "off-street parking lot" and straight across the street, piling it on my property or on the street curb adjacent to my property. Doing what has been done in the past is obviously not an acceptable solution.

DRAFT

RESOLUTION NO. _____

A RESOLUTION BY THE OREM CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT FOR A COMMERCIAL DAYCARE AT 410 S MAIN STREET IN THE R8 ZONE

WHEREAS on February 14, 2020, Smiling Faces LLC filed an application with the City of Orem requesting that the City approve a conditional use permit for a commercial daycare at 410 S Main Street in the R8 zone; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on June 17, 2020, and the Planning Commission recommended that the City Council approve the application with conditions; and

WHEREAS a public hearing considering the subject application was held by the City Council on June 30, 2020; and

WHEREAS the City posted the agendas of the Planning Commission meeting and the City Council meeting at which the request was heard in the Orem Public Library, on the Orem City Webpage, and at the City Offices at 56 N State Street; and notices of the meetings were sent to 112 residents who live within 500 feet of the subject property; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; the orderly development of land in the City; the effect upon surrounding neighborhoods; and the special conditions applicable to the request.

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

1. The City Council finds that it is in the best interest of the City to approve a conditional use permit for a commercial daycare at 410 S Main Street because the property at the subject location is currently configured to be suitable for a commercial daycare use and because a commercial daycare is appropriate at the proposed location subject to the conditions enumerated below.

2. The City Council hereby approves a conditional use permit for a commercial daycare at 410 S Main Street in the R8 zone subject to the following conditions:

1) All visitors, employees and other persons who arrive at the facility in connection with the Commercial Day Care facility must be legally parked on the on-site parking lot or on that part of the street immediately abutting the site.

DRAFT

2) Signage shall be provided on the on-site parking lot that clearly indicates pick-up/drop-off stalls.

3) One stall in the parking lot shall be used as a vehicle back-up area.

4) The occupancy of the facility shall be limited to a maximum of one hundred (100) children for both buildings combined.

5) Two ADA stalls be provided in the parking lot.

6) All children must be picked up and dropped off within the existing parking lot.

7) No more than ten (10) pick up/drop off vehicles shall be allowed within any ten (10) minute period.

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

4. This resolution shall take effect immediately upon passage.

PASSED and APPROVED this **30th** day of **June** 2020.

_____

Richard F. Brunst, Jr., Mayor

ATTEST:

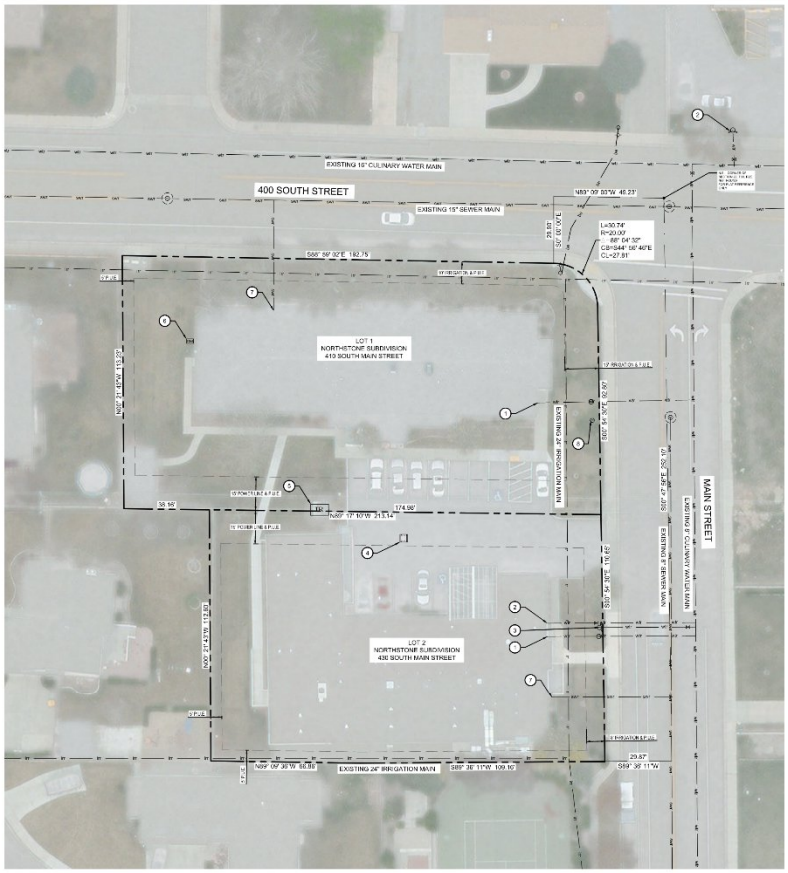
_____

JoD'Ann Bates, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	□	□	□
Jeff Lambson	□	□	□
Debby Lauret	□	□	□
Tom Macdonald	□	□	□
Terry Peterson	□	□	□
David Spencer	□	□	□
Brent Sumner	□	□	□

EXHIBIT A

DRAFT



DEPARTMENT REVIEW

SEWER ____/DATE_____
WATER ____/DATE_____
STORM DRAIN ____/DATE_____
TRAFFIC ____/DATE_____
STREET LIGHTS ____/DATE_____
FIRE MARSHAL ____/DATE_____

N

SCALE: 1" = 30'

SITE PLAN LEGEND

	PROPERTY BOUNDARY
	EXISTING EASEMENT
	EXISTING RIGHT OF WAY
	EXISTING IRRIGATION LINE
	EXISTING WATER LINE
	EXISTING SEWER LINE
WV	EXISTING WATER VALVE
WM	EXISTING WATER METER
FH	EXISTING FIRE HYDRANT
SS	EXISTING SANITARY SEWER MANHOLE
TR	EXISTING ELECTRICAL INFRASTRUCTURE
SD	EXISTING STORM DRAIN BOX
IRV	EXISTING IRRIGATION BACK FLOW VALVE
GM	EXISTING GAS METER

NOTES

1.UTILITIES SHOWN ARE BASED OF MAPPING PROVIDED BY THE CITY AND ARE QUALITY LEVEL D

2.AERIAL USED IS FROM THE AGRC AND IS FROM 2012

3. PROPERTY BOUNDARY SHOWN IS APPROXIMATE NO FIELD SURVEY WAS CONDUCTED

SITE PLAN KEY NOTES

1. EXISTING CULINARY LATERAL PROTECT IN PLACE
2. EXISTING FIRE LINE PROTECT IN PLACE
3. EXISTING FIRE HYDRANT PROTECT IN PLACE
4. EXISTING STORM DRAIN PROTECT IN PLACE
5. EXISTING ELECTRICAL INFRASTRUCTURE PROTECT IN PLACE
6. EXISTING GAS METER PROTECT IN PLACE
7. EXISTING SEWER LATERAL
8. REPLACE EXISTING DOUBLE CHECK BACKFLOW ASSEMBLY AND INSTALL A RPZ BACKFLOW ASSEMBLY AND A STOP AND WASTE FOR SHUT OFF

Received
Date: 5/26/2020
By:

REVISIONS

Know what's below. Call 811 before you dig.

avenue CONSULTANTS
Avenue Consultants, Inc
8605 South Redwood Road, Suite 200
Taylorsville, UT 84123
801-207-7650
www.avenueconsultants.com

SITE PLAN EXHIBIT

Smiling Faces Daycare
Lot 8 Main Street
Orem, UT

Engineer	CC
Designer	TJR
Reviewer	CC

SHEET NO.
C1-0

Avenue Project No. 19-176
P:\...\2020\20-047 - Smiling Faces Child Care & Preschool Traffic\Dev Rev\Parking Plan Study\02 CAD\04 Site Design\20-047 C1-0 SITE PLAN.dwg
5/7/2020 12:28 PM



Agenda Item No: 9.3

City Council Agenda Item Report

Meeting Date: June 30, 2020
Submitted by: Jason Bench
Submitting Department: Development Services
Item Type: Resolution
Agenda Section:

Subject:
RESOLUTION – Annexation Petition – Cache Park Addition 1526 South 1250 West

Suggested Action:
Staff recommends the City Council, by resolution, accept the proposed petition for annexation for further consideration.

Presenter:
Jason Bench

Background:
On June 8, 2020, the applicant filed a DRC application for the annexation of 1.861 acres into Orem. The required Petition for Annexation was subsequently submitted for review on June 18, 2020.

Should the Council accept this petition, the 30-day certification time period will begin. After the application is certified, the City Council must begin a 30-day noticing and protest period.

The certification process involves the City Recorder, City Attorney, County Clerk and surveyor to determine if the petition meets the requirement of Utah Code. The County Clerk has 30 days to respond.

Once the certification is accepted, an additional 30-day noticing and protest period begins. If a protest is received during the 30-day period, the City Council may deny the annexation petition or take no action until it has received the County Commission's notice of its decision on the protest.

If no protest is received, a public hearing would be scheduled for a future City Council meeting. At the time of the public hearing, the City Council will decide whether or not to annex the property and what the zoning designation of the property will be.

Potentially Affected Area:
Lakeview

Attachments:
Agenda-Annexation-CachePark.docx

Petition for Annexation-Cache Park (1).pdf

Cache Park Plat - Annexation.pdf

DRC Application - Welch Cache Park Annexation.pdf

Resolution-Annexation-CachePark.docx

CITY OF OREM CITY COUNCIL MEETING JUNE 30, 2020	
REQUEST:	**RESOLUTION – Accepting for Further Consideration the Annexation Petition of Cache Park, LLC for Property at 1526 South 1250 West.**
APPLICANT:	Cache Park, LLC - Mark Steffensen, Managing Member
FISCAL IMPACT:	None

NOTICES:
-Posted in 2 public places
-Posted on City webpage
-Posted on the State Noticing Website
-Faxed to newspapers
-E-mailed to newspapers
-Neighborhood Chair

SITE INFORMATION:
General Plan Designation:
N/A
Current Zone:
N/A
Acreage:
1.861
Neighborhood:
Lakeview

PREPARED BY:
Jason Bench, AICP Planning Division Manager
APPROVED BY:

REQUEST:
Cache Park, LLC requests the City Council, by resolution, accept for further consideration the annexation petition of Cache Park, LLC for 1.861 acres located generally at 1526 South 1250 West.

BACKGROUND:
On June 18, 2020, the applicant filed a petition to annex 1.861 acres located generally at 1526 South 1250 West into the City of Orem.

The initial step for the City Council is to either accept the petition for further consideration or to deny the petition. If the Council accepts the petition, the City Recorder, with the assistance of the City Attorney, will have 30 days to determine whether the petition meets the requirements of state law. If the petition is certified by the City Recorder, the City will publish notice of the certification and provide a period for filing of written protests to the annexation.

If a protest is received during the allotted time, the City Council may deny the annexation petition or take no action until it has received the County Commission's notice of its decision on the protest.

If no protest is received, a public hearing would be scheduled for a future City Council meeting. At the time of the public hearing, the City Council will decide whether or not to annex the property and what the zoning designation of the property will be.

Recommendation: Staff recommends the City Council, by resolution, accept the proposed petition for annexation for further consideration.

PETITION FOR ANNEXATION

WE THE UNDERSIGNED owners of certain real property lying contiguous to the present municipal limits of the City of Orem, Utah, hereby submit this PETITION FOR ANNEXATION and respectfully represent the following:

1. This petition is made pursuant to the requirements of Section 10-2-403, Utah Code Annotated (UCA).
2. The property subject to this petition is an unincorporated area contiguous to the boundaries of the City of Orem and the annexation there of will not leave or create an unincorporated island or peninsula.
3. The signatures affixed hereto are those of the owners of private real property that:
   a. Is located within the area proposed for annexation;
   b. Covers a majority of the private land area within the area proposed for annexation;
   c. Covers 100% of the private land area within the are proposed for annexation if the area is within:
      i. An agricultural protection area
      ii. A migratory bird production area
   d. Is equal in value to at least one third (⅓) of the value of all private real property within the area proposed for annexation; and
   e. Lies contiguous to the present boundary of the City of Orem's corporate limits, is described in Exhibit "A," and which is incorporated herein by this reference, and is at:
      1526 South Geneva Road, Orem, Utah 84058.
4. The manner in which it was established that at least one third (⅓) of the value of all the private property sought to be annexed is owned by the signers of this petition is shown in the attached Exhibit "B," and is incorporated herein by this reference.
5. The **total** acres and **total** assessed value of **all** the lands sought to be annexed are 1.861 acres and $ 87,800 assessed value. Values of lands owned by the signers of this petition are as follows:

OWNER OF RECORD	PARCEL SIZE (Acres)	ASSESSED VALUE	UTAH COUNTY TAX ID NUMBER
Cache Park LLC	1.861	$87,800	19:034:0144

6. The petitioners have caused an accurate plat or map of the above-described property to be prepared by a licensed surveyor, which plat or map is filed herewith.
7. This PETITION FOR ANNEXATION does not propose annexation of all or a part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted.
8. This PETITION FOR ANNEXATION does not propose annexation of all or part of an area proposed to be incorporated in a request for a feasibility study under Section 110-2-103 UCA or a petition under Section 10-2-125 UCA if:
   a. The request or petition was filed before the filing of this PETITION FOR ANNEXATION.
   b. The request, a petition under Section 10-2-109 UCA based on that request, or a petition under Section 10-2-125 UCA is still pending on the date this PETITION FOR ANNEXATION was filed.
9. The names and mailing addresses of all the owners of the parcels of land located within the City of Orem within 300 feet of the area proposed for annexation are:

OWNERS OF RECORD	MAILING ADDRESS
Welch Family Trust	1265 East 530 North, American Fork, Utah 84003
Dale C Johnson	1738 South Geneva Road, Orem, Utah 84058
Clinger Family Partnership	140 West 400 South, Provo, Utah 84601

Continued on reverse side.

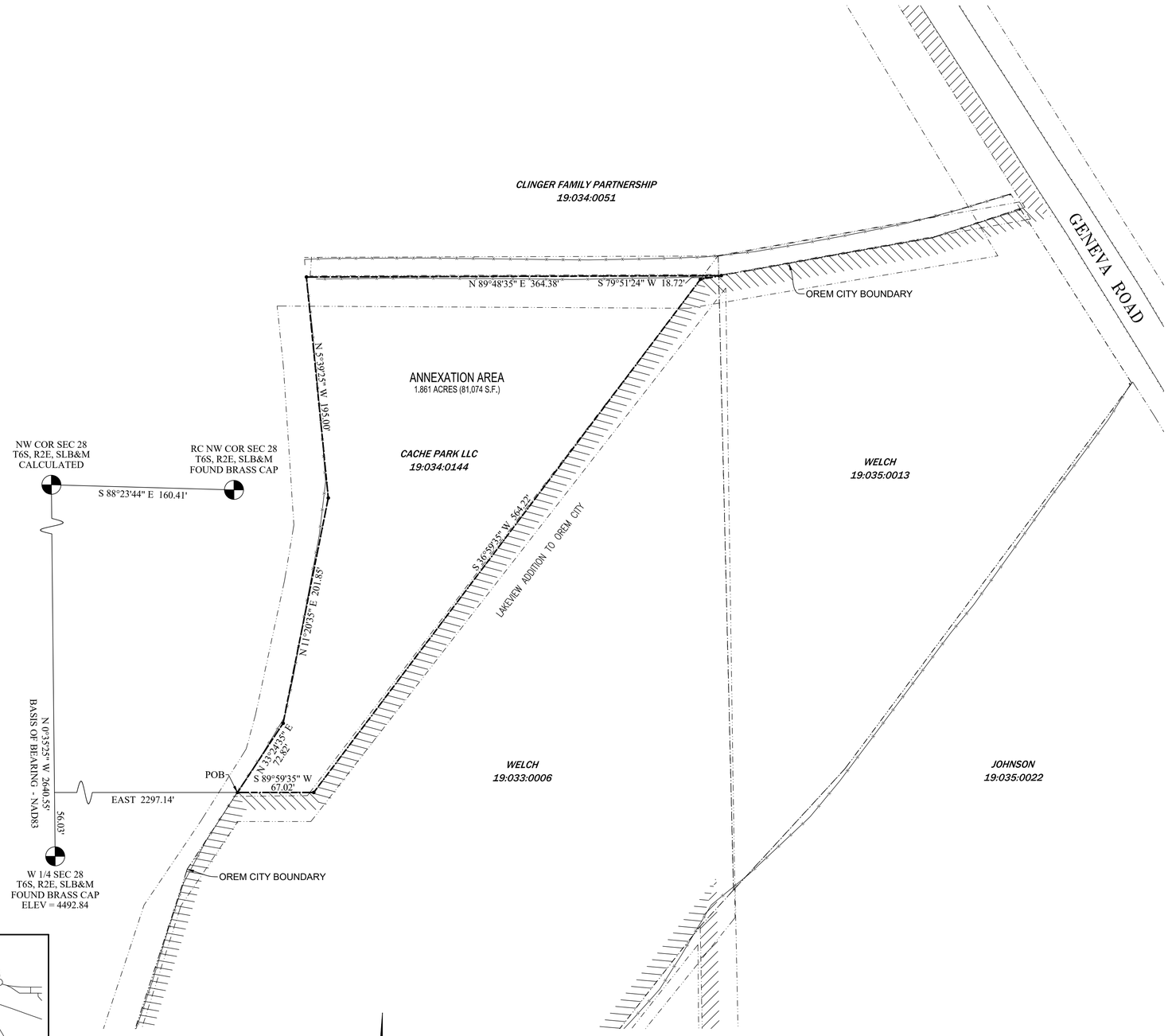
Revision Date: May 21, 2014

WHEREFORE, the petitioners hereby request that this petition be considered by the Orem City Council at its next regular meeting, or as soon thereafter as possible, that a resolution be adopted as required by law accepting this PETITION FOR ANNEXATION for further consideration, and that the governing body take such steps as required by law to complete the annexation herein petitioned.

Dated this 15th day of June, 2020.

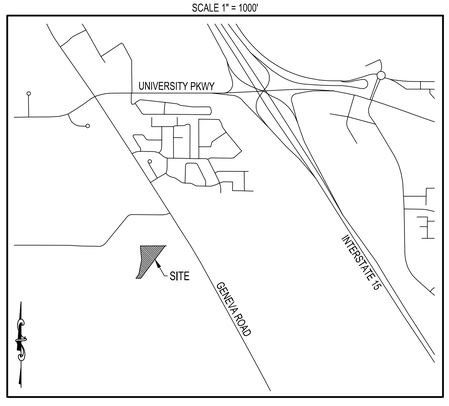
The petitioner(s) hereby sign(s) this PETITION FOR ANNEXATION and designate no more than five of the signers as "Sponsor," one of whom has been designated "Contact Sponsor/Petitioner," and has provided the mailing address and phone number of each sponsor.

	PETITIONER(S)	ADDRESS	PHONE
CONTACT SPONSOR/PETITIONER PRINT NAME: SIGNATURE	Mark Steffensen (managing member of Cache Park LLC)	5148 Cottonwood Lane, Holladay, Utah 84117	801-580-8718
SPONSOR/PETITIONER PRINT NAME: SIGNATURE			
SPONSOR/PETITIONER PRINT NAME: SIGNATURE			
SPONSOR/PETITIONER PRINT NAME: SIGNATURE			
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PETITIONER PRINT NAME: SIGNATURE			
PETITIONER PRINT NAME: SIGNATURE			



VICINITY MAP

SCALE 1" = 1000'



SURVEYOR'S CERTIFICATE

I, AARON D. THOMAS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 6418780 AS PRESCRIBED UNDER LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS PLAT OF ANNEXATION TO THE CORPORATE LIMITS OF OREM CITY, UTAH COUNTY, UTAH IS A TRUE AND CORRECT REPRESENTATION OF DATA COMPILED FROM RECORDS ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER.

DATE

SURVEYOR'S NAME (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED NORTH 0°35'25" WEST ALONG SECTION LINE 56.03 FEET AND EAST 2297.14 FEET FROM THE WEST QUARTER CORNER OF SECTION 28, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE ALONG A FENCE LINE THE FOLLOWING FOUR COURSES AND DISTANCES: 1) NORTH 33°24'35" EAST 72.82 FEET, 2) NORTH 11°20'35" EAST 201.85 FEET, 3) NORTH 5°39'25" WEST 195.00 FEET, AND 4) NORTH 89°48'35" EAST 364.38 FEET; THENCE ALONG THE LAKEVIEW ADDITION TO OREM CITY THE FOLLOWING THREE COURSES AND DISTANCES: 1) SOUTH 79°51'24" WEST 18.72 FEET, 2) SOUTH 36°59'35" WEST 564.22 FEET, AND 3) SOUTH 89°59'35" WEST 67.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.861 ACRES, MORE OR LESS.
BASIS OF BEARING: UTAH STATE PLANE COORDINATE SYSTEM NAD 1983, CENTRAL ZONE.

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE THE UNDERSIGNED OREM CITY COUNCIL HAVE ADOPTED A PETITION OF ITS INTENT TO ANNEX THE TRACT OF LAND SHOWN HEREIN AND HAVE SUBSEQUENTLY ADOPTED AN ORDINANCE ANNEXING SAID TRACT INTO OREM CITY, UTAH AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE SECTION 10-2-418 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS PART OF SAID CITY AND THAT SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE CACHE PARK ANNEXATION.

DATED THIS ____ DAY OF _____, A.D. ___.

MAYOR

ATTEST

CLERK-RECORDER
(SEE SEAL BELOW)

FINAL LOCAL ENTITY PLAT

CACHE PARK
ANNEXATION

LOCATED IN SECTION 28,
TOWNSHIP 6 SOUTH, RANGE 2 EAST, SLB&M
OREM CITY, UTAH COUNTY, UTAH
SCALE: 1" = 50 FEET

COUNTY SURVEYOR'S CERTIFICATE

THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, PURSUANT TO UTAH CODE ANN. § 17-23-20 AS AMENDED.

COUNTY SURVEYOR DATE

COUNTY SURVEYOR'S SEAL	SURVEYOR'S SEAL	CLERK-RECORDER SEAL	UTAH COUNTY RECORDER

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

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

Applicant Information			
Name: John Welch		**Phone:** 8017358703	
Address: 1265 E 530 N		**Email:** JWELCH@GMAIL.COM	
City: AMERICAN FORK		**State:** UT	**Zip:** 84003

Project Information	
Project Name	
Project Address	

	Request	Fees	Total
	Temporary Site Plan Approval	$446	
	Concrete/Masonry Fence	$377	
	Daycare/Preschool Fence	$190	
	Conditional Use Permit	$1,203 + $689 sign fee + notice fee	
	Fence Modification/Waiver	$504 + notice fee	
	Appeal to City Council	$1229 + notice fee	
	Appeal to Planning Commission	$1126+ notice fee	
	Appeal to Board of Adjustment	$906 + notice fee	
	Driveway Entrance Modification	$175	
X	Annexation	$3,297 + $900 PC & CC newspaper notice + $689 sign fee	$4,886
	Street Vacation	$1,674 + $150 newspaper notice	
	Special Exception for Multi-family	$1,462 + notice fee	
	Total		

Required Copies

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

General Notes, Signature, and Contact Person

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

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

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

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

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

Applicant's Signature:

Contact Person: John Welch **Phone:** 8017358703

Office Use Only

Date Filed: 6/8/2020	Fees Paid: $4,886	Received By:	Receipt #:

7 February 2019

RESOLUTION

A RESOLUTION ACCEPTING FOR FURTHER CONSIDERATION THE PETITION OF CACHE PARK, LLC, TO ANNEX 1.861 ACRES LOCATED GENERALLY AT 1526 SOUTH 1250 WEST INTO THE CITY OF OREM

WHEREAS on June 18, 2020, Cache Park, LLC, filed with the City Recorder, a petition to annex 1.861 acres located generally at 1526 South 1250 West into the corporate boundaries of the City of Orem, Utah County, State of Utah; and

WHEREAS the said property for proposed annexation lies contiguous to the present boundaries of the City of Orem, and an accurate plat of the real property proposed for annexation prepared by a licensed surveyor has been filed with the City Recorder; and

WHEREAS the City Council is willing to accept the petition for the purpose of further consideration in accordance with state law.

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

1. The Annexation Petition attached hereto as Exhibit "A" and incorporated herein by reference, is hereby accepted for further consideration pursuant to the provisions of Utah State annexation law and is hereby referred to the City Recorder for review pursuant to Utah Code Section 10-2-405(2).
2. This resolution shall become effective upon adoption.

PASSED, APPROVED, and ORDERED PUBLISHED THIS 30th day of June 2020

_____
Richard F. Brunst, Mayor

ATTEST:

_____
JoD'Ann Bates, City Recorder

COUNCIL MEMBERS VOTING "AYE" COUNCIL MEMBERS VOTING "NAY"

PETITION FOR ANNEXATION

WE THE UNDERSIGNED owners of certain real property lying contiguous to the present municipal limits of the City of Orem, Utah, hereby submit this PETITION FOR ANNEXATION and respectfully represent the following:

1. This petition is made pursuant to the requirements of Section 10-2-403, Utah Code Annotated (UCA).
2. The property subject to this petition is an unincorporated area contiguous to the boundaries of the City of Orem and the annexation there of will not leave or create an unincorporated island or peninsula.
3. The signatures affixed hereto are those of the owners of private real property that:
   a. Is located within the area proposed for annexation;
   b. Covers a majority of the private land area within the area proposed for annexation;
   c. Covers 100% of the private land area within the are proposed for annexation if the area is within:
      i. An agricultural protection area
      ii. A migratory bird production area
   d. Is equal in value to at least one third (⅓) of the value of all private real property within the area proposed for annexation; and
   e. Lies contiguous to the present boundary of the City of Orem's corporate limits, is described in Exhibit "A," and which is incorporated herein by this reference, and is at:
      1526 South Geneva Road, Orem, Utah 84058.
4. The manner in which it was established that at least one third (⅓) of the value of all the private property sought to be annexed is owned by the signers of this petition is shown in the attached Exhibit "B," and is incorporated herein by this reference.
5. The **total** acres and **total** assessed value of **all** the lands sought to be annexed are 1.861 acres and $ 87,800 assessed value. Values of lands owned by the signers of this petition are as follows:

OWNER OF RECORD	PARCEL SIZE (Acres)	ASSESSED VALUE	UTAH COUNTY TAX ID NUMBER
Cache Park LLC	1.861	$87,800	19:034:0144

6. The petitioners have caused an accurate plat or map of the above-described property to be prepared by a licensed surveyor, which plat or map is filed herewith.
7. This PETITION FOR ANNEXATION does not propose annexation of all or a part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted.
8. This PETITION FOR ANNEXATION does not propose annexation of all or part of an area proposed to be incorporated in a request for a feasibility study under Section 110-2-103 UCA or a petition under Section 10-2-125 UCA if:
   a. The request or petition was filed before the filing of this PETITION FOR ANNEXATION.
   b. The request, a petition under Section 10-2-109 UCA based on that request, or a petition under Section 10-2-125 UCA is still pending on the date this PETITION FOR ANNEXATION was filed.
9. The names and mailing addresses of all the owners of the parcels of land located within the City of Orem within 300 feet of the area proposed for annexation are:

OWNERS OF RECORD	MAILING ADDRESS
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Dale C Johnson	1738 South Geneva Road, Orem, Utah 84058
Clinger Family Partnership	140 West 400 South, Provo, Utah 84601

Continued on reverse side.

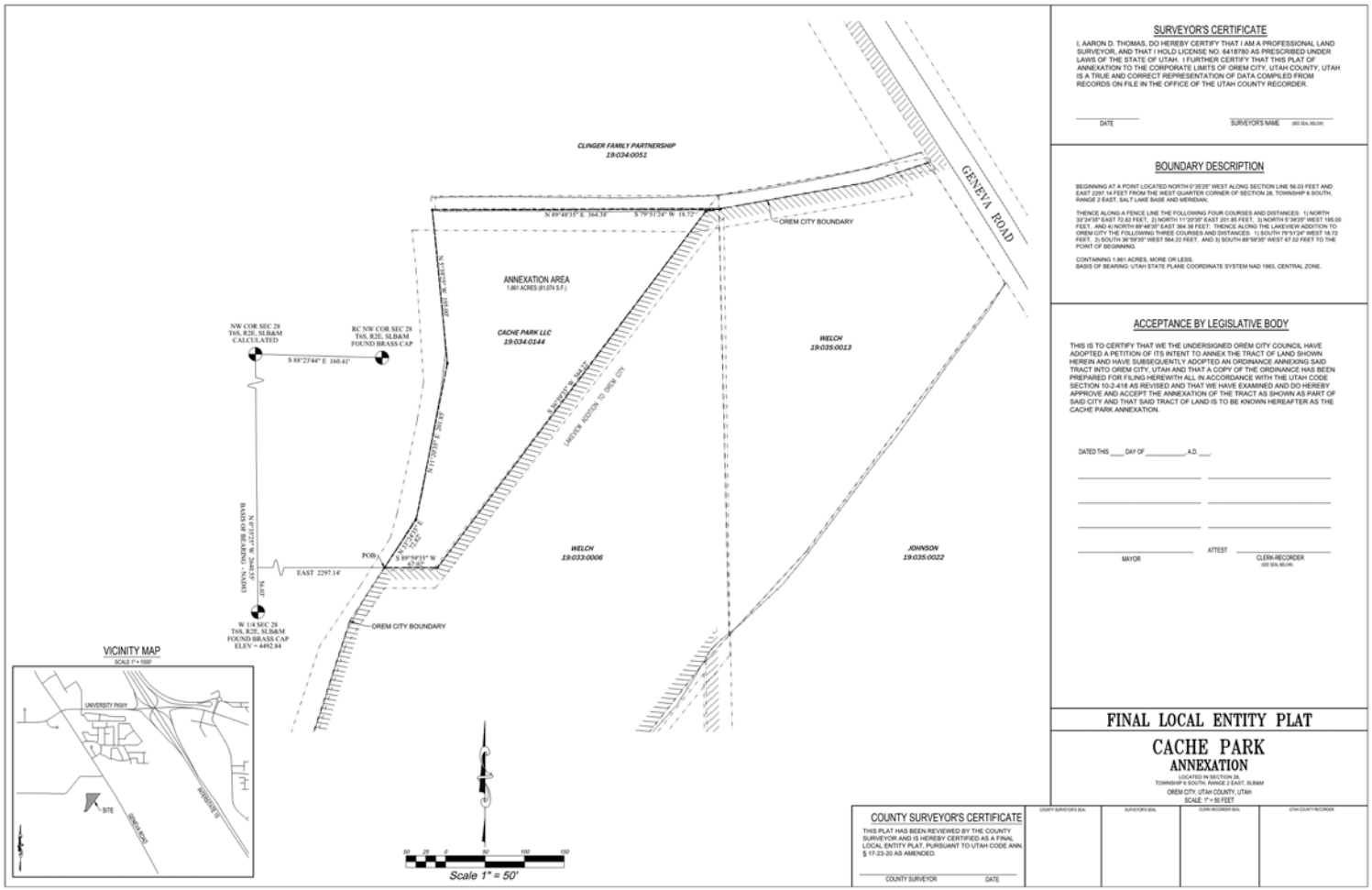
Revision Date: May 21, 2014

WHEREFORE, the petitioners hereby request that this petition be considered by the Orem City Council at its next regular meeting, or as soon thereafter as possible, that a resolution be adopted as required by law accepting this PETITION FOR ANNEXATION for further consideration, and that the governing body take such steps as required by law to complete the annexation herein petitioned.

Dated this 15th day of June, 2020.

The petitioner(s) hereby sign(s) this PETITION FOR ANNEXATION and designate no more than five of the signers as "Sponsor," one of whom has been designated "Contact Sponsor/Petitioner," and has provided the mailing address and phone number of each sponsor.

	PETITIONER(S)	ADDRESS	PHONE
CONTACT SPONSOR/PETITIONER PRINT NAME: SIGNATURE	Mark Steffensen (managing member of Cache Park LLC)	5148 Cottonwood Lane, Holladay, Utah 84117	801-580-8718
SPONSOR/PETITIONER PRINT NAME: SIGNATURE			
SPONSOR/PETITIONER PRINT NAME: SIGNATURE			
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PETITIONER PRINT NAME: SIGNATURE			



SURVEYOR'S CERTIFICATE

I, AARON D. THOMAS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 6418780 AS PRESCRIBED UNDER LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS PLAT OF ANNEXATION TO THE CORPORATE LIMITS OF OREM CITY, UTAH COUNTY, UTAH IS A TRUE AND CORRECT REPRESENTATION OF DATA COMPILED FROM RECORDS ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER.

DATE

SURVEYOR'S NAME (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED NORTH 0°35'25" WEST ALONG SECTION LINE 56.03 FEET AND EAST 2297.14 FEET FROM THE WEST QUARTER CORNER OF SECTION 28, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE ALONG A FENCE LINE THE FOLLOWING FOUR COURSES AND DISTANCES: 1) NORTH 33°24'05" EAST 72.82 FEET, 2) NORTH 11°20'28" EAST 201.85 FEET, 3) NORTH 5°36'25" WEST 195.00 FEET, AND 4) NORTH 89°48'35" EAST 364.38 FEET; THENCE ALONG THE LAKEVIEW ADDITION TO OREM CITY THE FOLLOWING THREE COURSES AND DISTANCES: 1) SOUTH 79°51'24" WEST 18.72 FEET, 2) SOUTH 36°59'35" WEST 564.22 FEET, AND 3) SOUTH 89°59'35" WEST 67.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.861 ACRES, MORE OR LESS.
BASIS OF BEARING: UTAH STATE PLANE COORDINATE SYSTEM NAD 1983, CENTRAL ZONE.

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE THE UNDERSIGNED OREM CITY COUNCIL HAVE ADOPTED A PETITION OF ITS INTENT TO ANNEX THE TRACT OF LAND SHOWN HEREIN AND HAVE SUBSEQUENTLY ADOPTED AN ORDINANCE ANNEXING SAID TRACT INTO OREM CITY, UTAH AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE SECTION 10-2-418 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS PART OF SAID CITY AND THAT SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE CACHE PARK ANNEXATION.

DATED THIS ___ DAY OF _____, A.D. ___

MAYOR ATTEST CLERK-RECORDER (SEE SEAL BELOW)

FINAL LOCAL ENTITY PLAT

CACHE PARK
ANNEXATION

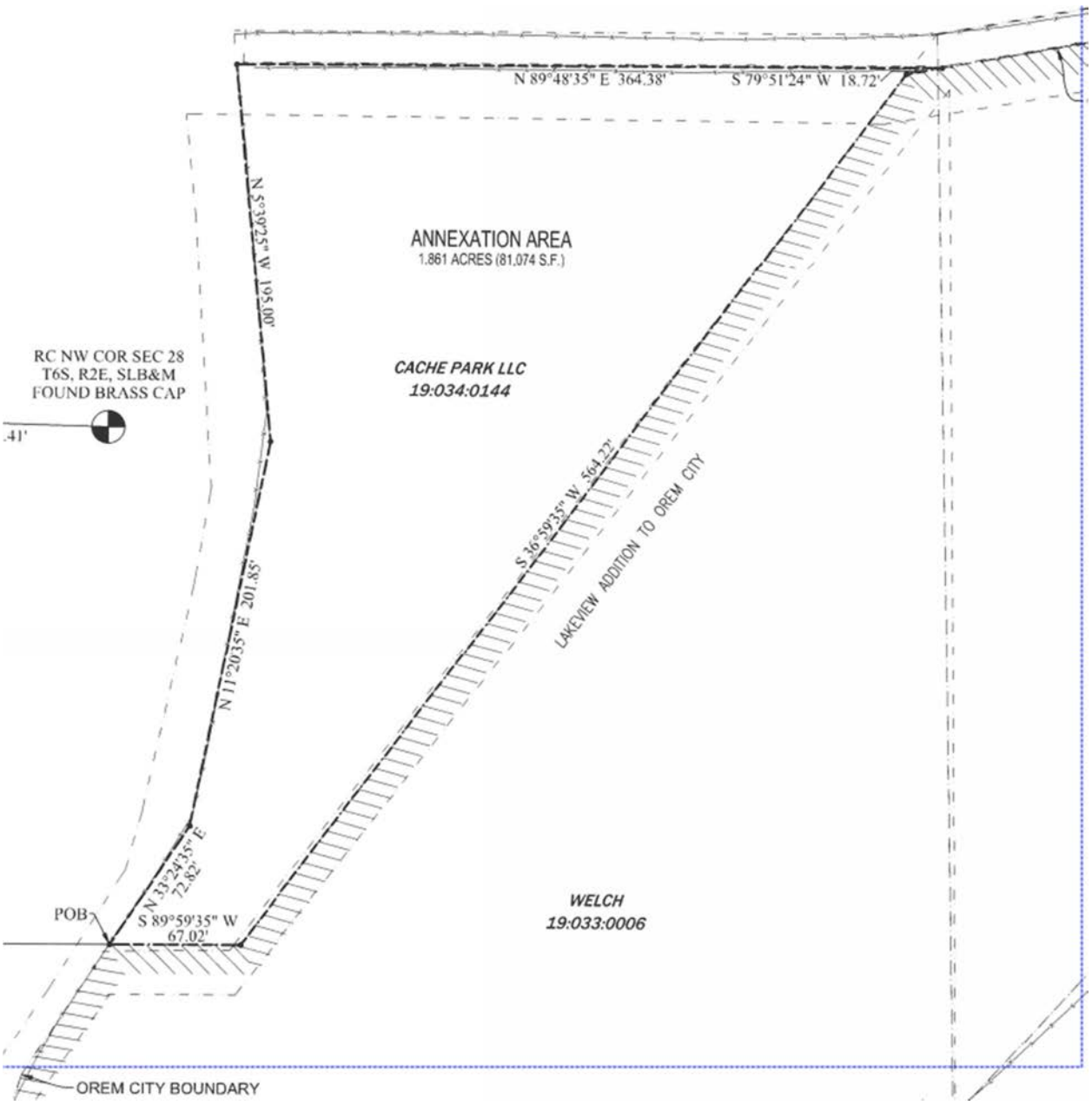
LOCATED IN SECTION 28
TOWNSHIP 6 SOUTH, RANGE 2 EAST, SLB&M
OREM CITY, UTAH COUNTY, UTAH
SCALE: 1" = 50 FEET

COUNTY SURVEYOR'S CERTIFICATE

THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, PURSUANT TO UTAH CODE ANN. § 17-23-20 AS AMENDED.

COUNTY SURVEYOR DATE

COUNTY SURVEYOR'S SEAL	SURVEYOR'S SEAL	CLERK-RECORDER SEAL	UTAH COUNTY RECORDER


N 89°48'35" E 364.38'
S 79°51'24" W 18.72'
N 5°39'25" W 195.00'
ANNEXATION AREA
1.861 ACRES (81,074 S.F.)
RC NW COR SEC 28
T6S, R2E, SLB&M
FOUND BRASS CAP
.41'
CACHE PARK LLC
19:034:0144
S 36°59'35" W 564.22'
LAKEVIEW ADDITION TO OREM CITY
N 11°20'35" E 201.85'
N 33°24'35" E
72.82'
POB
S 89°59'35" W
67.02'
WELCH
19:033:0006
OREM CITY BOUNDARY

Agenda Item No: 9.4

City Council Agenda Item Report

Meeting Date: June 30, 2020
Submitted by: Chris Tschirki
Submitting Department: Public Works
Item Type: Ordinance
Agenda Section:

Subject:
ORDINANCE - Amending Section 23-4-8(7).B. and Section 23-2-1 of the Orem City Code to require certain developments to prevent the off-site discharge of precipitation from all rainfall events less than or equal to the 80th percentile rainfall event

Suggested Action:
The Public Works Director recommends that the City Council amend the Orem City Code pertaining to storm water.

Presenter:
Chris Tschirki

Background:
In order to discharge storm water into waters of the state of Utah, the City is required to obtain and implement all applicable requirements contained in its Utah Pollutant Discharge Elimination System (UPDES) permit. Currently, the City's MS4, or small municipal separate storm sewer system, operates under UPDES Permit No. UTR090000. New requirements included in Utah H.B. 226 Storm Water Permitting Amendments (2020 General Session) and established by the State Division of Water Quality require that storm water be managed on site for all developments that disturb greater than or equal to one acre or part of a common plan development greater than or equal to one acre. All events less than or equal to the 80th percentile storm event are required to be managed on site (retained and infiltrated).

The City currently requires all developments to design and implement storm water management practices that accommodate a minimum of a 25-year storm event with a maximum release rate of 60 gallons per minute per acre. The changes to the UPDES Permit now require these developments to prevent the off-site discharge or precipitation from all rainfall events less than or equal to the 80th percentile rainfall event. The UPDES amendments instruct that this should be accomplished through a combination of practices including site design, structural and non-structural controls that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater. Additionally, H.B. 226 now requires the City to reduce any requirement for a developer to manage and control storm water runoff rates or volumes for flood control purpose to account for the reduction in storm water associated with any approved Low Impact Design (LID) development practices. In accordance with data obtained from the National Oceanic and Atmospheric Administration (NOAA) for Orem, Utah, the 80th percentile storm event yields 0.5" of precipitation.

In order to comply with the State's new permit requirements, the Public Works Director recommends that the City Council amend these sections .

Potentially Affected Area:

Attachments:
Agenda Summary--23.4.8(7).B. 80th Percentile Storm Water Retention.docx

ORD--Chapter 23.Storm Water Utility.Changing to 80th Percentile Storm Event and implementing HB 226.6.18.2020 FINAL REVIEW 6.24.2020.docx

	CITY OF OREM **CITY COUNCIL MEETING** **JUNE 30, 2020**
REQUEST:	**Amend Sections 23-2-1 and 23-4-8(7).B. of the Orem City Code defining an 80th percentile rainfall event and requiring certain developments to design storm water management practices that retain all rainfall events less than or equal to the 80th percentile rainfall event.**
APPLICANT:	Chris Tschirki, Director of Public Works
FISCAL IMPACT:	No Fiscal Impact

NOTICES:
-Posted in 2 public places
-Posted on City webpage
-Posted on the State noticing website
-Faxed to newspapers
-E-mailed to newspapers
-Neighborhood Chair

SITE INFORMATION:
General Plan Designation:
N/A
Current Zone:
N/A
Acreage:
N/A
Neighborhood:
N/A
Neighborhood Chair:
N/A

PLANNING COMMISSION RECOMMENDATION
Vote:

PREPARED BY:
Heather Schriever
Deputy City Attorney

RECOMMENDATION: The Public Works Director recommends that the City Council, by ordinance, amend Section 23-4-8(7).B. and Section 23-2-1of the Orem City Code to require certain developments to prevent the off-site discharge of precipitation from all rainfall events less than or equal to the 80th percentile rainfall event.

BACKGROUND: In order to discharge storm water into waters of the state of Utah, the City is required to obtain and implement all applicable requirements contained in its Utah Pollutant Discharge Elimination System (UPDES) permit. Currently, the City's MS4, or small municipal separate storm sewer system, operates under UPDES Permit No. UTR090000. New requirements included in Utah H.B. 226 *Storm Water Permitting Amendments* (2020 General Session) and established by the State Division of Water Quality require that storm water be managed on site for all developments that disturb greater than or equal to one acre or part of a common plan development greater than or equal to one acre. All events less than or equal to the 80th percentile storm event are required to be managed on site (retained and infiltrated).

The City currently requires all developments to design and implement storm water management practices that accommodate a minimum of a 25-year storm event with a maximum release rate of 60 gallons per minute per acre. The changes to the UPDES Permit now require these developments to prevent the off-site discharge or precipitation from all rainfall events less than or equal to the 80th percentile rainfall event. The UPDES amendments instruct that this should be accomplished through a combination of practices including site design, structural and non-structural controls that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater. Additionally, H.B. 226 now requires the City to reduce any requirement for a developer to manage and control storm water runoff rates or volumes for flood control purpose to account for the reduction in storm water associated with any approved Low Impact Design (LID) development practices. In accordance with data obtained from the National Oceanic and Atmospheric Administration (NOAA) for Orem, Utah, the 80th percentile storm event yields 0.5" of precipitation.

In order to comply with the State's new permit requirements, the Public Works Director recommends that the City Council amend these sections as outlined below:

23-2-1. Definitions.

80th Percentile Rainfall Event. This is a rainfall event occurring in a defined geographic area where the daily rainfall total is less than or equal to 80 percent of all daily rainfall events over an extended period of record. The City's 80th percentile retention requirement is 0.5". This amount was determined by analyzing local weather station data recorded in the City of Orem.

23-4-8(7).B. Minimum Control Requirements.

1. New Development. For a new development site, all storm water management practices will manage rainfall on-site and be designed to prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event.

2. Redevelopment. For a redevelopment site, all storm water management practices must include site-specific and project-specific measures aimed at net gain to onsite retention to impervious surfaces. If a redevelopment site increases the impervious surface by greater than 10%, the site shall manage rainfall on-site and prevent the off-site discharge of the net increase in the volume associated with the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event.

3. Implementation.

a. The requirements outlined in subsections 1 and 2 above, must be accomplished by the use of a site design that contains a combination of practices including structural and non-structural controls that are designed, constructed, and maintained to infiltrate, evapotranspire, and/or harvest and reuse rainwater.

b. A developer is required to evaluate Low Impact Design (LID) approaches and may employ any LID approach found in *A Guide to Low Impact Development Within Utah* found on the Division of Water Quality website.

c. After retention of the 80th percentile amount, discharge will be allowed at sixty (60) gallons per minute per acre.

d. The City shall reduce any requirement for a new development or redevelopment site to manage or control stormwater runoff rates or stormwater runoff volumes for flood control purposes to account for the reduction in stormwater associated with approved LIDs.

e. All other retention, pre-treatment, and maximum release rates are otherwise applicable to new developments and redevelopments located in Drinking Water Source Protection Zones as defined in Chapter 21 of the Orem City Code.

4. Feasibility and Dispute Resolution.

	a. Feasibility. If a developer believes it is infeasible to meet the requirements outlined in subsections 1 through 3, the developer must propose alternative design criteria and that criteria must be approved by the City as part of the Long-Term Storm Water Management Plan approval process as outlined in Orem City Code § 23-4-8(8). (i) In demonstrating infeasibility, the developer must document and quantify that infiltration, evapotranspiration, and rainwater harvesting have been used to the maximum extent feasible and that full employment of these controls is infeasible due to constraints. LID infeasibility may be due to one or more of the following conditions: high groundwater table, drinking water source protection zones, adverse soil conditions, grades, accessibility, excessive costs, or others. (ii) New developments or redevelopments that impact City of Orem Drinking Water Source Protection Zones may request a waiver of infiltration LIDs and/or sumps if it is infeasible to infiltrate or there is an increased risk of pollution but are still required to select and install other structural and non-structural LIDs that evapotranspire, filter, or harvest and reuse rainwater and to otherwise comply with Chapter 21 and Chapter 23 of the Orem City Code. b. If the City and developer are unable to resolve conflicts related to these retention requirements, the dispute will be resolved pursuant to Utah Code § 19-5-108.5 (effective July 1, 2020).

ORDINANCE NO. _____

AN ORDINANCE OF THE OREM CITY COUNCIL
AMENDING CHAPTER 23 OF THE OREM CITY CODE
STORM WATER UTILITY ORDINANCE

WHEREAS the City of Orem owns and operates a storm water utility pursuant to Chapter 23 of the Orem City Code; and

WHEREAS Chapter 23 of the Orem City Code must be amended to reflect changes made to and requirements contained in the United States Environmental Protection Agency's Storm Water Phase II Rule, which requires storm water system operators such as the City to develop and maintain storm water management programs meeting specific criteria; and

WHEREAS the City's Utah Pollutant Discharge Elimination System (UPDES) Permit issued by the State of Utah Department of Environmental Quality – Division of Water Quality has been amended to change certain requirements applicable to the City; and

WHEREAS the Utah State Legislature enacted H.B. 226 during its 2020 General Session requiring amendments to Orem City Code Chapter 23; and

WHEREAS the City Council finds it necessary to amend Chapter 23 of the Orem City Code to bring it into compliance with all federal and state rules and regulations applicable to local storm water management; and

WHEREAS the City Council finds the proposed amendments to be in the best interest of the City and necessary to protect and preserve the welfare and safety of citizens in general; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety, and general welfare of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, AS FOLLOWS:

1. Chapter 23 of the Orem City Code is hereby enacted to read and be numbered as set forth below:

23-2-1. Definitions.

80th Percentile Rainfall Event. This is a rainfall event occurring in a defined geographic area where the daily rainfall total is less than or equal to 80 percent of all daily rainfall events over an extended period of record. The City's 80th percentile retention requirement is 0.5". This amount was determined by analyzing local weather station data recorded in the City of Orem.

23-4-8(7).B. Minimum Control Requirements.

1. New Development. For a new development site, all storm water management practices will manage rainfall on-site and be designed to prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event.

2. Redevelopment. For a redevelopment site, all storm water management practices must include site-specific and project-specific measures aimed at net gain to onsite retention to impervious surfaces. If a redevelopment site increases the impervious surface by greater than 10%, the site shall manage rainfall on-site and prevent the off-site discharge of the net increase in the volume associated with the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event.

3. Implementation.

a. The requirements outlined in subsections 1 and 2 above, must be accomplished by the use of a site design that contains a combination of practices including structural and non-structural controls that are designed, constructed, and maintained to infiltrate, evapotranspire, and/or harvest and reuse rainwater.

b. A developer is required to evaluate Low Impact Design (LID) approaches and may employ any LID approach found in *A Guide to Low Impact Development Within Utah* found on the Division of Water Quality website.

c. After retention of the 80th percentile amount, discharge will be allowed at sixty (60) gallons per minute per acre.

d. The City shall reduce any requirement for a new development or redevelopment site to manage or control stormwater runoff rates or stormwater runoff volumes for flood control purposes to account for the reduction in stormwater associated with approved LIDs.

e. All other retention, pre-treatment, and maximum release rates are otherwise applicable to new developments and redevelopments located in Drinking Water Source Protection Zones as defined in Chapter 21 of the Orem City Code.

4. Feasibility and Dispute Resolution.

a. Feasibility. If a developer believes it is infeasible to meet the requirements outlined in subsections 1 through 3, the developer must propose alternative design criteria and that criteria must be approved by the City as part of the Long-Term Storm Water Management Plan approval process as outlined in Orem City Code § 23-4-8(8).

(i) In demonstrating infeasibility, the developer must document and quantify that infiltration, evapotranspiration, and rainwater harvesting have been used to the maximum extent feasible and that full employment of these controls is infeasible due to constraints. LID infeasibility may be due to one or more of the following conditions: high groundwater table, drinking water source protection zones, adverse soil conditions, grades, accessibility, excessive costs, or others.

(ii) New developments or redevelopments that impact City of Orem Drinking Water Source Protection Zones may request a waiver of infiltration LIDs and/or sumps if it is infeasible to infiltrate or there is an increased risk of pollution but are still required to select and install other structural and non-structural LIDs that evapotranspire, filter, or harvest and reuse rainwater and to otherwise comply with Chapter 21 and Chapter 23 of the Orem City Code.

DRAFT

b. If the City and developer are unable to resolve conflicts related to these retention requirements, the dispute will be resolved pursuant to Utah Code § 19-5-108.5 (effective July 1, 2020).

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

3. All ordinances in conflict herewith are hereby repealed.

4. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.

PASSED, APPROVED and ORDERED PUBLISHED this **30th** day of **June** 2020.

_____
Richard F. Brunst, Jr., Mayor

ATTEST:

_____
JoD'Ann Bates, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	□	□	□
Jeff Lambson	□	□	□
Debby Lauret	□	□	□
Tom Macdonald	□	□	□
Terry Peterson	□	□	□
David Spencer	□	□	□
Brent Sumner	□	□	□

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Agenda Item No: 9.5

City Council Agenda Item Report

Meeting Date: June 30, 2020
Submitted by: Greg Stephens
Submitting Department: Legal
Item Type: Resolution
Agenda Section:

Subject:
RESOLUTION - Approving the Interlocal Cooperation Agreement between Utah County and the City of Orem for Disbursement from the Coronavirus Relief Fund

Suggested Action:
The City Manager recommends that the City Council, by resolution, approve the Interlocal Cooperation Agreement between Utah County and the City of Orem for Disbursement from the Coronavirus Relief Fund and authorize the Mayor to sign the interlocal agreement.

Presenter:
Jamie Davidson

Background:
The federal government passed the Coronavirus Aid, Relief and Economic Security Act ("CARES Act") in March of 2020 and created the Coronavirus Relief Fund ("CRF") to provide financial assistance for the response to the COVID-19 pandemic. The federal government distributed money to the State of Utah, Salt Lake County, and Utah County from the CRF to help state and local governments cover expenditures related to the state or local government's response to the COVID-19 pandemic. The proposed interlocal agreement sets forth the terms and conditions governing the City of Orem's receipt and use of CRF funds distributed from Utah County to the City of Orem.

Potentially Affected Area:

Attachments:
COVID-19 Interlocal Cooperation Agreement. Final County Approved Version.06-17-2020.pdf

INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND LOCAL ENTITY FOR DISBURSEMENT FROM THE CORONAVIRUS RELIEF FUND

THIS IS AN INTERLOCAL COOPERATION AGREEMENT ("Agreement") effective the 15th day of June, 2020 by and between Utah County, a political subdivision of the State of Utah ("County") and The City of Orem, a political subdivision of the State of Utah ("Recipient") (collectively "parties").

WITNESSETH:

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act ("Interlocal Act"), Title 11, Chapter 13, Utah Code Annotated, 1953 as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into written agreements with one another for joint or cooperative action; and

WHEREAS, pursuant to the Interlocal Act, the parties desire to work together through joint and cooperative action that will benefit the residents of Recipient and County; and

WHEREAS, the parties to this Agreement are public agencies as defined in the Interlocal Act; and

WHEREAS, earlier this year the United States of America began battling a public health emergency known as Coronavirus Disease 2019 ("COVID-19"). On March 27, 2020 and in response to COVID-19, President Trump signed the Coronavirus Aid, Relief and Economic Security Act ("CARES Act"); and

WHEREAS, the Federal Government provided $1.25 billion to Utah state and local governments through the Coronavirus Relief Fund ("CRF") included in section 5001 of the CARES Act. Based on the distribution formula in the CARES Act, $934.8 million was paid to the State of Utah ("State"), $203.6 million was paid directly to Salt Lake County, and $111.6 million was paid directly to Utah County (the "County Allocation"). State and local governments can only use the CRF payments to respond to the COVID-19 pandemic. While the County is not required to distribute a portion of its $111.6 million payment to local entities, the County Commission have elected to share a portion with local entities within Utah County; and

WHEREAS, the CARES Act provides that payments from CRF may only be used to cover costs that: (1) are necessary expenditures incurred due to the public health emergency with respect to COVID–19, (2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or local government; and (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

NOW, THEREFORE, the parties do mutually agree, pursuant to the terms and provisions of the Interlocal Act, as follows:

Section 1. EFFECTIVE DATE; DURATION

This Agreement shall become effective and shall enter into force, within the meaning of the Interlocal Act, upon the submission of this Agreement to, and the approval and execution thereof by Resolution of the governing bodies of each of the parties to this

Agreement. The term of this Agreement shall be from the effective date hereof through December 31, 2020.

This Agreement shall not become effective until it has been reviewed and approved as to form and compatibility with the laws of the State of Utah by the Utah County Attorney's Office and the attorney for Recipient. Prior to becoming effective, this Agreement shall be filed with the person who keeps the records of each of the parties hereto.

Section 2. ADMINISTRATION OF AGREEMENT

The parties to this Agreement do not contemplate nor intend to establish a separate legal entity under the terms of this Agreement. The parties hereto agree that, pursuant to Section 11-13-207, Utah Code Annotated, 1953 as amended, County, shall act as the administrator responsible for the administration of this Agreement. The parties further agree that this Agreement does not anticipate nor provide for any organizational changes in the parties. The administrator agrees to keep all books and records in such form and manner as the Utah County Clerk/Auditor shall specify and further agrees that said books shall be open for examination by the parties hereto at all reasonable times.

Section 3. PURPOSE

This Agreement has been established and entered into between the County and Recipient to provide CRF funds to the Recipient from the County Allocation to respond to the COVID-19 pandemic.

Section 4. CRF FUNDING AMOUNTS

1. From the County Allocation, $20 million will be set aside for economic support, to be overseen and recommended by a seven-member committee chosen by the Council of Governments ("COG") within Utah County and then allocated by the County in accordance with the recommendation. This $20 million shall be known as "Part 1" of the County Allocation and shall only be expended as authorized by the CARES Act including the costs incurred by County to administer this Part 1. This seven-member committee shall comply with the Utah Open and Public Meetings Act, Utah Code, Title 52, Chapter 4.

2. From the County Allocation, $45,815,170.95 will be set aside for eligible recipients who may receive an allocation up to the maximum amount listed in the Available Funds for Cities and Unincorporated County document attached hereto as Exhibit "A" and incorporated herein by this reference. This $45,815,170.95 shall be known as "Part 2" of the County Allocation. This amount may be subject to revision by the County due to federal mandate or by an order of a court of law. If Recipient places any CRF funds in an interest-bearing account, Recipient must expend the interest earned on CRF funds in accordance with the requirements of the CARES Act or return the interest earned to County. If Recipient received funds to reimburse or otherwise cover the costs of permissible expenditures, as described in Section 5, from any other sources other than the County Allocation, then Recipient shall provide an accounting to County of all such funds from the other sources and repay to County such funds up to an amount equal to the

Recipient's portion of the County's Allocation. Recipient acknowledges that it shall receive no funds from the County outside of those CRF funds in the County Allocation.

3. From the County Allocation, $45,815,170.95 will be set aside for the County. This $45,815,170.95 shall be known as "Part 3" of the County Allocation.

Section 5. PERMISSIBLE USE OF CRF FUNDING

The CARES Act and additional guidance issues by the United States Treasury Department provides that CRF funds may only be used to cover costs that meet the following conditions:

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
    a. The requirement that expenditures be incurred "due to" the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency.
    b. CRF Funds may NOT be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute.
    c. The expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending the CRF funds.
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the Recipient; and
    a. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially

different use from any expected use of CRF funds in such a line item, allotment, or allocation.

b. The "most recently approved" budget refers to the enacted budget for the relevant fiscal period for the Recipient, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by the Recipient in response to the COVID-19 public health emergency.

c. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

a. A cost is "incurred" when the Recipient has expended funds to cover the cost.

These provisions and guidance are current as of May 26, 2020. The Recipients accepting funds must agree to adhere to any additional current or future Federal or State legislative guidance regarding spending, reporting, or any other matter related to CRF funds. Further, the Recipients shall require that any subgrantee to which it awards CRF funds adhere to the CARES Act and any current or future guidance related to the CRF funds. Federal guidance has been updated regularly and can be found at https://home.treasury.gov/policy-issues/cares/state-and-local-governments.

Section 6. TIME PERIOD

The Recipient has until November 2, 2020 to expend the CRF funds and provide the necessary documentation of the expenditure of the CRF funds to County. CRF funds provided by the County that are not expended on eligible expenditures on or before November 2, 2020, must be returned to the County on or before 5:00 P.M. MST, November 9, 2020, so that the County will have time to reallocate and expend the funds before they expire on December 30, 2020. The

Recipient may petition the County to retain allocated, but unspent CRF funds, after the November 2, 2020 date, with approval from the County. Any requests for exceptions shall be emailed to Peter Brown, Finance Manager COVID Project, in the Utah County Clerk/Auditor's Office, peterb@utahcounty.gov, before 5:00 P.M. MST, November 2, 2020.

Section 7. REPORTING ON USE OF CRF FUNDS

The Recipient shall retain documentation related to any uses of the CRF funds, including but not limited to invoices and/or sales receipts. All payroll expenditures must illustrate compliance with CARES Act by detailed, daily documentation. Any subgrants made by the Recipient shall similarly require, as a term of the grant, that the subgrantee shall retain documentation and shall produce such documentation to the Recipient and the County upon request.

Consistent with County's responsibilities for the management of CARES funds distributed to it and in accordance with being subject to the Federal Single Audit Act, Recipient shall be prepared to submit receipts and HR records if requested in connection with an audit. All receipts should be individually accompanied (either physically or by PO number) by an explanation form that will be provided by the County that will need to explain how the expenses respond to the "reasonably necessary" justification of the CARES Act Coronavirus Relief Fund (CFR). The Recipient is required to report CRF expenditures at the detailed transaction level on a quarterly basis or data uploaded to Transparent Utah if available for use by County and Recipient. CRF Funds will be identified using function codes specified for these CRF funds in the Uniform Chart of Accounts for Local Government of Utah (revised June 2020) and related resources provided by the Office of the State Auditor. The Recipient is also required to provide summary and detailed

documentation supporting the use of CRF Funds upon request of County, state, federal, or independent auditors. The County may request additional reporting if necessary.

Section 8. ACCOUNTABILITY FOR THE USE OF CRF FUNDS

If County, state, or federal audit findings determine that any CRF funds were expended by the Recipient in violation of the requirements of the CARES Act and request repayment of those CRF funds, the Recipient shall provide funds to the County for repayment to the Federal Government as required by the CARES Act. If the County is forced to repay the funds because the Recipient is unwilling or unable to repay the funds, the amount paid by the County will become a past due obligation of the Recipient to the County and may be collected as such.

Section 9. AVAILABILITY OF CRF FUNDS

It is expressly understood and agreed that the obligation of the County to proceed under this Agreement is conditioned upon the availability of CRF funds remaining in the County Allocation. If the CRF funds anticipated for the continuing fulfillment of the Agreement from the County Allocation are, at any time, not forthcoming or insufficient, either through the failure of the Federal government to provide or if CRF funds are not otherwise available to the County, the County shall have the right upon ten (10) working days written notice to the Recipient, to terminate this Agreement without damage, penalty, cost, or expense to the Recipient of any kind whatsoever. The effective date of termination shall be as specified in the notice of termination.

It is also expressly understood and agreed that any disbursement of CRF funds to

Recipient shall be considered an advance payment from County to Recipient subject to repayment of those CRF funds. Recipient shall either submit to County the appropriate justification documents of funds under the CARES Act or repay the CRF funds to the County. If the Recipient is unwilling or unable to repay any portion of the CRF funds which are not expended as required herein, that amount of the CRF funds will become a past due obligation of the Recipient to the County and may be collected as such.

Section 10. METHOD OF TERMINATION

This Agreement will automatically terminate at the end of its term herein, pursuant to the provisions of paragraph one (1) of this Agreement. Prior to the automatic termination at the end of the term of this Agreement, any party to this Agreement may terminate the Agreement sixty (60) days after providing written notice of termination to the other party. The Parties of this Agreement agree to bring current, prior to termination, any financial obligation incurred in the exercise of its rights and obligations set forth herein.

Section 11. INDEMNIFICATION

To the fullest extent permitted by law, Recipient shall indemnify and hold harmless County, its officers, employees, and agents, from and against any and all claims, demands, causes of action, audits, orders, decrees, judgements, losses, risks of loss, damages, expenses, and liabilities arising out of or related to the Agreement. Recipient shall also pay any litigation and appeal expenses that County incurs, including attorney's fees, penalties, and interest arising out of or related to the Agreement. Recipient shall assume sole liability for any injuries or damages caused to a third party as a result of fulfillment of the Agreement. Recipient is not responsible for

other Recipient's or County's misuse of Parts 2 and 3 of the County Allocation. County reserves the right to conduct, control, and direct its own defense for any claims, demands, causes of action, audits, orders, decrees, judgements, losses, damages, expenses, and liabilities arising out of or related to the Agreement. Both Recipient and County agree that the terms of this Agreement are subject to, and not a waiver of, the protections, immunities and liability limits of the Governmental Immunity Act, U.C.A. 63G-1-101, et. seq. Recipient's obligations under this provision shall survive the expiration or other termination of this Agreement.

Section 12. FILING OF INTERLOCAL COOPERATION AGREEMENT

Executed copies of this Agreement shall be placed on file in the office of the County Clerk/Auditor of County and with the official keeper of records of Recipient and shall remain on file for public inspection during the term of this Agreement.

Section 13. ADOPTION REQUIREMENTS

This Agreement shall be (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties (c) submitted to and approved by an Authorized Attorney of each of the parties, as required by Section 11-13-202.5, Utah Code Annotated, 1953 as amended, and (d) filed in the official records of each party.

Section 14. AMENDMENTS

This Agreement may not be amended, changed, modified or altered except by an instrument in writing which shall be (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties, (c) submitted to and

approved by an Authorized Attorney of each of the parties, as required by Section 11-13-205.5, Utah Code Annotated, 1953 as amended, and (d) filed in the official records of each party.

Section 15. SEVERABILITY

If any term or provision of the Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and shall be enforced to the extent permitted by law. To the extent permitted by applicable law, the parties hereby waive any provision of law which would render any of the terms of this Agreement unenforceable.

Section 16. NO PRESUMPTION

Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against the party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being acknowledged that each of the parties have participated in the preparation hereof.

Section 17. HEADINGS

Headings herein are for convenience of reference only and shall not be considered any interpretation of the Agreement.

Section 18. BINDING AGREEMENT

This Agreement shall be binding upon the heirs, successors, administrators, and assigns of each of the parties hereto.

Section 19. NOTICES

All notices, demands and other communications required or permitted to be given hereunder shall be in writing and shall be deemed to have been properly given if delivered by hand or by certified mail, return receipt requested, postage paid, to the parties at their addresses first above written, or at such other addresses as may be designated by notice given hereunder.

Section 20. ASSIGNMENT

The parties to this Agreement shall not assign this Agreement, or any part hereof, without the prior written consent of all other parties to this Agreement. No assignment shall relieve the original parties from any liability hereunder.

Section 21. GOVERNING LAW

All questions with respect to the construction of this Agreement, and the rights and liability of the parties hereto, shall be governed by the laws of the State of Utah.

Section 22. COUNTERPARTS AND FACSIMILE SIGNATURES

The Agreement may be executed in counterparts, each of which when executed and delivered shall be deemed to be an original, binding between the executing parties, and all of which together constitute one and the same instrument. Original, facsimile, emailed, texted, electronic, or power of attorney signatures shall be binding upon the executing party.

Section 23. SUB-RECIPIENT REQUIREMENTS

By virtue of terms and conditions of the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements. CRF funds received through this Agreement make Recipient a sub-recipient of the federal grant.

As Recipient is a Sub-recipient of the grant monies, and as such, shall have no authorization, express or implied, to bind County to any agreements, settlements, liability, or understanding whatsoever, and agrees not to perform any acts as agent for the County, except as herein expressly set forth. Recipient as Sub-recipient shall be responsible for the payment of all income tax and social security amounts due as a result of CRF funds received from the County for these necessary COVID-19 related purchases. Persons employed by the County and acting under the direction of the County shall not be deemed to be employees or agents of Recipient.

a) All Recipient's records with respect to any matters covered by this Agreement shall be made available to the County, State of Utah, and the Comptroller General of the United States or any of their authorized representatives.

b) Failure of Recipient to comply with the above requirements will constitute a violation of this Agreement and may result in the withholding of future payments.

c) Local governments or non-profit organizations that expend $750,000 or more in total federal financial assistance (from all sources) in the Recipient's fiscal year shall have a Single Audit completed.

d) All Sub-recipient's, regardless of Single Audit eligibility, will make all pertinent financial records available for review, monitoring or audit, in a timely manner to appropriate officials of the federal granting agency, State of Utah, County and/or the General Accounting Office.

e) To comply with 2 C.F.R. § 200.331 the County as the pass-through entity is providing the following required information:

Subrecipient Name	[City Name] City of Orem
Subrecipient DUNS number	[City DUNS] 07-298-8710
Federal Award Identification Number	Not Available
Federal Award Date	March 27, 2020
Subaward Period of Performance Start & End Date	March 1, 2020 – December 30, 2020
Amount of Federal Funds Obligated by this action by the County to the Subrecipient	[Award Amount] $6,978,966.73
Total Amount of Federal Funds Obligated to the Subrecipient by the County including the current obligation	[Award Amount] $6,978,966.73
Total Amount of the Federal Award committed to the Subrecipient by the County	[Award Amount] $6,978,966.73
Federal award project description	Project description: Through this subaward, Utah County will provide Covid-19 relief funding for direct support for cities in Utah County, direct support relating to expenditures "reasonably necessary" to help combat the spread of Covid-19.
Name of Federal awarding agency	United States Department of the Treasury
Name of pass-through entity	Utah County Government
Contact information for awarding official of the pass-through entity	Utah County Auditor's Office Attn: Peter Brown, CARES Act Finance Manager 100 East Center Street, Suite 3600 Provo, UT 84606 Phone: 801.851.8222 Email: PeterB@UtahCounty.gov
CFDA Number and Name	21.019
Is the award for Research and Development?	No
Indirect cost rate for the Federal award	None

Nothing contained in this Agreement is intended to, nor shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. Recipient as Sub-recipient shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. County shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance, as the Sub-recipient is an independent contractor.

UTAH COUNTY

Authorized by Resolution No. 2020-___, authorized and passed on the_____day of

_____, 2020.

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

By:_____
TANNER AINGE, Chairman

ATTEST: AMELIA POWERS GARDNER

Utah County Clerk/Auditor

By:_____
Deputy

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:
DAVID O. LEAVITT

Utah County Attorney

By:_____
Deputy County Attorney

RECIPIENT

Authorized by Resolution No._____, authorized and passed on the_____day of

_____, 2020.

By:_____
MAYOR

ATTEST: _____

City/Town Recorder

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

_____

City/Town Attorney