

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
June 30, 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
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Jason Earl, Deputy Fire Chief; 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; and JoD’Ann Bates, City Recorder.

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

PRESENTATION - Annual Open Meeting, Ethics and Land Use Training

Mr. Stephens stated the State requires the City Council to have an Open Meetings training and URMA requires City Council to have an annual Ethics and Land Use Training. He will be reviewing the Open Meeting and Ethics training and Mr. Earl will review the Land Use.

Mr. Stephens reviewed the following:

- Open Meeting requirements and the definition of an open meeting.
- Closed Meetings; when and when it is and is not allowed.
- Non-agenda items
- Electronic Messages
- Electronic Meetings; recent changes regarding provisions for electronic meetings due to Covid 19.
- Review of new HB 5002 recently approved by Governor Herbert on June 25, 2020.
- Noticing requirements for Meetings

- Emergency Meetings
- Rules of Conduct for the public
- Roll call votes and when they are required.

Mr. Stephens moved the discussion onto the Ethic Training by reviewing the following:

- State Law- Use of office for personal benefit
 - o Improper use of information
 - o Improper use of position
 - o Improper acceptance of gift and exceptions to gift prohibitions
- State Law – 4 things that must be disclosed:
 - o Transaction involving City
 - o Business regulated by City
 - o Doing business with City
 - o Personal interest
- City Ordinance stricter than State Law
 - o Conflict of interest must be disclosed and possibly recuse yourself from meeting

Mr. Stephens continued to explain the stated disclosures and possible penalties. He then turned the time over to Mr. Earl to proceed with the Land Use Training.

Mr. Earl stated there are several aspects of Land Use, but the Council typically only works with two specific areas. The first is when the City Council acts in a legislative capacity, which is when laws are being made by Ordinances, Resolutions, text amendment and zones are approved. The second is when they act in an administrative capacity. This is when the Council is applying laws that have already been passed such as site plans, plat amendments and conditional use permits (CUP). He continued to state that the most typical discussion and denial of a CUP is when the city can be subject to a lawsuit. Utah laws limits the discretion of what the Council can and cannot do with a CUP application. State law states that “a land use authority shall approve a conditional use if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards”. He continued to discuss what the City Council can and cannot regulate when dealing within the administrative capacity. He related an example of another city that had issues and the fall out of those issues regarding their administrative actions.

General discussion ensued regarding the abilities and actions of legislative actions versus administrative actions.

DISCUSSION - Fraud Risk Assessment

Mr. Nelson indicated 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. Mr. Nelson reviewed the assessment form and what has and has not been complied with pursuant to the form requirements. General discussion ensued regarding the requirements and issues the City Council felt the city could do to improve the scoring for the city.

DISCUSSION – City Retention Schedule

Mrs. Bates indicated the City Council had been provided with the proposed retention schedule for the Legal Department. She said this process would continue with all individual departments making recommendations according to their needs.

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 - Neighborhood Plan - Sunset Heights East, Sunset Heights West, Cherry Hill, and Lakeview plans

Mr. Bench indicated this is an overview of the recent neighborhood plan areas. These are the last 2 neighborhood plans that will be coming before the Council. He turned the time over to Mr. Allen to present the information to the Council.

Mr. Grant reviewed what a neighborhood plan is which typically include the following:

- Demographic Characteristics
- Land Use
- Transportation
- Economic Development
- Public Works
- Neighborhood Preservation
- Implementation

Mr. Allen reviewed the plan schedule with the advisory committee and the Orem.org website information and meeting recordings via audio and video meetings. He reviewed some of the goals the residents had brought forward and shared the visions statements for each of the neighborhoods. Mr. Allen concluded with some upcoming dates where the plans will go before the Planning Commission and City Council for approval.

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. Davidson advised the City Council on several issues as listed below:

- He indicated there is still a lot to do with the Fitness Center and is very appreciative of staff that have been working on this project for over a year. Mr. Clark described some of the issues they had been dealing with in regard to the pool and when they are hoping to have the pool open, it is currently undetermined at this time.

- He stated the city has a CARES Act Committee that is continuing to look at what the city can use the funds for in providing help with expenses related to Covid 19.
- He indicated he met with Alpine School District and discussed the purchase of the Hillcrest Elementary property and said the purchase number was at the low end of what was previously provided. The District does have a firm condition of a cash purchase and will not work with a payment schedule.
- He stated they are getting to the point where individuals have been given time to complete the Census on their own and in a few weeks will transition from self-respond to a Census effort of individuals going throughout the community to gather census information. He reviewed a contest between north and south cities to get numbers up and Orem is in the lead with a collection rate of 68%.
- He stated there was a recent announcement that Major League Baseball in cooperation with Minor League Baseball had announced there will not be a minor league season in 2020. This means the Orem Owls will not be in play this season due to Covid 19.
- He indicated the city has received notification from Rocky Mountain Power that in the next 12 months they will be in the process of reconstructing power lines along 1600 North. They are going to be in the process of upsizing the line and be replacing the poles due to the upsizing. He continued to discuss the process and cost of burying of those line versus the overhead option.
- He concluded by stating the new Fire Chief, Marc Sanderson had completed all his onboarding processed have been completed and he has been cleared and plans to start work tomorrow morning.

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;;

Pete Wolfley, Communications Specialist; and JoD'Ann Bates, City Recorder.

CALL TO ORDER

INVOCATION /

INSPIRATIONAL THOUGHT Debby Lauret

PLEDGE OF ALLEGIANCE Debby Lauret

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

No items were discussed at this time.

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.

Comments that were submitted for "Public Appearance" are attached to the end of the minutes in their entirety.

CONSENT ITEMS

- Approval of the June 16, 2020 City Council Meeting Minutes
- Approval of Terry Peterson to serve the assignment as Mayor Pro Temp from July through December 2020.
- RESOLUTION – Approval of the City of Orem Recreation and Library Departments Retention Schedule.

Mayor Brunst moved to approve the Consent Agenda as listed. **Debby 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**.

SCHEDULES ITEMS

PUBLIC HEARING

ORDINANCE – Amending the Fiscal Year 2019-2020 Budget

Mr. Nelson stated the Fiscal Year 2019-2020 City of Orem budget had many adjustments that occurred 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 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.

Mayor Brunst opened the public hearing. Hearing no comments Mayor Brunst closed the public hearing and brought the item back to the Council for further discussion.

Mayor Brunst moved, by Ordinance, to approve amendments to the Fiscal Year 2019-2020 Budget as presented. **Brent 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 – Conditional Use Permit – Approval of the commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 Zone

Mr. Bench stated 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. Planning Commission recommend the City Council approve the commercial daycare 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. That no more than ten (10) pick up/drop off vehicles shall be allowed within any ten (10) minute period.

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

General discussion ensued with the applicant regarding parking and how that would be regulated and the concern of traffic issues. Discussion continued regarding the results of the neighborhood meeting and comments made at the recent Planning Commission meeting in regard to the proposed use. Mr. Earl reviewed the law and how it relates to the City Council's administrative decision of the Conditional Use Permit. Discussion of concerns continued.

Mayor Brunst was notified there had been some public comments regarding this issue. He declined those comments due to the item not being a public hearing. Mr. Macdonald asked if the council could hear the comments. Mrs. Lauret and Mr. Sumner agreed to hear the comments.

Comments submitted are attached to the end of the minutes in their entirety.

General discussion by the City Council and Mr. Earl continued regarding possible issues with approval or denial of the proposed Conditional Use Permit.

Mayor Brunst moved, by Resolution, a Conditional Use Permit Approval for the commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 Zone to include the 7 recommended Planning Commission conditions and an additional condition to red line the 2 stalls on Main Street to the north and the south of the main building. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst and Debby Lauret. Those voting nay: Terry Peterson, David Spencer, and Brent Sumner. Those abstaining: Tom Macdonald and Jeff Lambson. The motion **failed**.

Mr. Lambson moved to continue the Conditional Use Permit for the commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 Zone to the July 14, 2020 City Council Meeting. **Mrs. Lauret seconded** the motion. Those voting aye: Tom Macdonald, Debby Lauret, Jeff Lambson and Mayor Brunst. Those voting nay: Dave Spencer, Brent Sumner and Terry Peterson. The motion **passed**.

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

Mr. Bench stated 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.

Mayor Brunst moved, by Resolution, an Annexation Petition for the Cache Park Addition located at 1526 South 1250 West as presented. **Tom 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**.

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

Mr. Tschirki stated 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 is 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.

Tom Macdonald moved, by 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. **Debby 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**.

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

Mr. Davidson indicated a copy of the proposed interlocal agreement was included in the agenda packet and as discussed earlier, the purpose of this interlocal agreement is to memorialize the appropriation of funds from Utah County to the City of Orem as part of the CARES Stimulus Covid 19 response effort. As a city in signing this agreement agree to the terms of the interlocal which include that we will expend these funds between now and November 1, 2020 and subject ourselves to audit requirements as set by the Federal Department of the Treasury as well as the State of Utah and Utah County among other requirements.

Mayor Brunst moved, by Resolution, Approving the Interlocal Cooperation Agreement between Utah County and the City of Orem for Disbursement from the Coronavirus Relief Fund. **Debby 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**.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson had no information items to share.

ADJOURN TO A CLOSED MEETING FOR CITY MANAGER EVALUATION

The City Council adjourned 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).

Mayor Brunst moved to adjourn to a closed meeting or City Manager evaluation. **Tom 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**.

The meeting adjourned at 8:17 p.m.

CLOSED MEETING

Closed Meeting



A handwritten signature in cursive script, reading "JoD'Ann Bates".

JoD'Ann Bates, City Recorder

Approved: July 14, 2020

Public Comments for City Council Meeting June 30, 2020

Nichelle Jensen

First off, thanks for the presentation by Chief Giles before he retired. Thank you council member Lauret for proactively asking questions about mental health officers to get a discussion going. He addressed a lot of concerns on the minds of a lot of citizens right now, but I'd like to continue that conversation as I still have requests that the council address.

With the process of hiring a new police chief, there is a lot to be considered and a lot of input the public would like to weigh in on. I would like to request the council to start the process of organizing such a civilian/citizen oversight board that can not only in the future help with internal reviews, but can also be a part of the hiring process of the new chief.

In addition to the immediate need of a developed citizen review board, I'd like to request the council review and address solutions for the below as soon as possible. Chief Giles went over some of these and mentioned that some of these are state laws but there seemed to be quite a lot of room for exceptions. My request would be that we locally explicitly unauthorize many of these things WITHOUT exceptions:

Use of Force

A. Authorize deadly force **only** when there is an **imminent** threat to an officer's life or the life of another person and such force is strictly unavoidable to protect life as required under International Law. Deadly force should only be authorized after all other reasonable alternatives have been exhausted. This is a state law but there are exceptions and caveats we can address locally.

B. Require that an officer's tactical conduct and decisions leading up to using deadly force be considered in judgements of whether such force was necessary.

C. Require officers give a verbal warning, when possible, before using deadly force and give people a reasonable amount of time to comply with the warning. Chief Giles mentioned this is also a state law but there are exceptions. Can we eliminate exceptions locally?

D. Require reporting of police killings and serious injuries of civilians

E. Require the names of both the officer(s) involved and victim(s) to be released within 72 hours of a deadly force incident

Revise and strengthen local police department use of force policies

Revised police use of force policies should protect human life and rights. Policies should include guidance on reporting, investigation, discipline, and accountability and increase transparency by making the policies available online. This use of force policy should require officers to:

- -restrict officers from using deadly force unless all reasonable alternatives have been exhausted
- -use minimum amount of force to apprehend a subject, with specific guidelines for the types of force and tools authorized for a given level of resistance
- -utilize de-escalation tactics (verbalization; creating distance, time and space; tactical repositioning, etc.) whenever possible instead of using force
- carry a less-lethal weapon
- -ban using force on a person for talking back or as punishment for running away (

- -ban [chokeholds](#), strangleholds (i.e. carotid restraints), hog-tying and transporting people face down in a vehicle
- -intervene to stop other officers who are using excessive force and report them to a supervisor
- -have first aid kits and immediately render medical assistance to anyone in police custody who is injured or who complains of an injury

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End traffic-related police killings and dangerous high-speed police chases

Prohibit police officers from:

- shooting at moving vehicles
- moving in front of moving vehicles
- high-speed chases of people who have not and are not about to commit a violent felony

A. Report all uses of force to a database with information on related injuries and demographics of the victims.

B. Establish an early intervention system to correct officers who use excessive force.

[These systems have been shown to reduce the average number of complaints against officers in a police department by more than 50%.](#) This system should:

- -report officers who receive two or more complaints in the past month
- -report officers who have two or more use of force incidents or complaints in the past quarter
- -require officers to attend re-training and be monitored by an immediate - supervisor after their first quarterly report and terminate an officer following multiple reports

C. Require police departments to notify the state when an officer is found to have willfully violated department policy or the law, committed official misconduct, or resigned while under investigation for these offenses. Maintain this information in a database accessible to the public and prohibit these officers from serving as police officers, teachers or other governmental employees

Establish effective civilian oversight structures

Establish an all-civilian oversight structure with discipline power that includes a Police Commission and Civilian Complaints Office with the following powers:

The Police Commission should:

- determine policy for the police department based on community input and expertise
- share policy and policy changes in publicly accessible formats
- discipline and dismiss police officers
- hold public disciplinary hearings
- select the candidates for Police Chief, to be hired by the Mayor
- evaluate and fire the Police Chief, if needed
- receive full-time, competitive salaries for all members
- receive regular training on policing and civil rights
- not have current, former or family of police officers as members

- select its members from candidates offered by community organizations

The Civilian Complaints Office should:

- receive, investigate and resolve all civilian complaints against police in 120 days
- establish [multiple in-person and online ways](#) to submit, view and discuss complaints
- [be immediately notified](#) and required to send an investigator to the scene of a police shooting or in-custody death
- be allowed to interrogate officers less than 48 hours after an incident where deadly force is used
- access crime scenes, subpoena witnesses and files with penalties for non-compliance
- make disciplinary and policy recommendations to the Police Chief
- compel the Police Chief to explain why he/she has not followed a recommendation
- have the Police Commission decide cases where the Police Chief does not follow recommendations
- issue [public quarterly reports](#) analyzing complaints, demographics of complainants, status and findings of investigations and actions taken as a result
- be housed in a separate location from the police department
- be funded at an amount no less than 5% of the total police department budget
- have at least 1 investigator for every 70 police officers or 4 investigators at all times, whichever is greater
- have its Director selected from candidates offered by community organizations
- not have current, former or family of police officers on staff, including the Director

Remove barriers to reporting police misconduct

For all stops by a police officer, require officers to give civilians their name, badge number, reason for the stop and a card with instructions for filing a complaint to the civilian oversight structure.

End Policing of Minor "Broken Windows" Offenses

The following activities do not threaten public safety and are often used to police black bodies. Decriminalize these activities or de-prioritize their enforcement:

- Consumption of Alcohol on Streets
- Marijuana Possession
- Disorderly Conduct
- Trespassing
- Loitering
- Disturbing the Peace (including Loud Music)
- Spitting
- Jaywalking
- Bicycling on the Sidewalk

Establish Alternative Approaches to Mental Health Crises

Mental health crises should not be excuses for heavy-handed police interventions and are best handled by mental health professionals. Establish and fund Mental Health Response Teams to respond to crisis situations. These approaches have been proven to reduce police use of force in these situations by nearly [40 percent](#) and should include:

- -establish a team of mental health professionals, social workers and/or crisis counselors to send as first responders to calls involving mental health crises, - such as the [CAHOOTS model](#) implemented in Eugene, OR.
- -involvement of this multidisciplinary team in planning, implementation and response to crises
- -at least 40 hours of crisis intervention training for police officers

Require independent investigations of all cases where police kill or seriously injure civilians

The independent investigators should be:

- required and authorized to prosecute all cases of where police kill or seriously injure a civilian, in-custody deaths and cases where a civilian alleges criminal misconduct against a police officer
- required to investigate all cases where police kill chosen at random from a list of the largest ten agencies in the state
- required to report their findings to the public

Use community feedback to inform police department policies and practices

Require a regular survey (Ex: [Milwaukee survey](#)) to be fielded to the community to gauge their experiences and perceptions of the police and use this information to inform:

- police department policies and practices
- police officer evaluations
- police officer pay incentives

End police department quotas for tickets and arrests

Ban police departments from using ticket or arrest quotas to evaluate the performance of police officers

Limit fines and fees for low-income people

Pass policies requiring local governments to:

- ban issuing fines or arrest warrants for civilians who fail to appear in court for a traffic citation
- ban generating more than 10% of total municipal revenue from fines and fees
- allow judges discretion to waive fines and fees for low-income people or initiate payment plans
- prohibit courts from ordering individuals on parole or probation to pay supervision fees and other correctional fees

Prevent police from taking the money or property of innocent people

Prohibit police from:

- seizing property of civilians (i.e. civil forfeiture) unless they are convicted of a crime and the state establishes by clear and convincing evidence that the property is subject to forfeiture
- keeping any property that has legally been forfeited (instead, this property should go to a general fund)
- participating in the federal [Equitable Sharing program](#) that allows police to

Require police departments to bear the cost of misconduct

- Require the cost of misconduct settlements to be paid out of the police department budget instead of the City's general fund
- Restrict police departments from receiving more money from the general fund when they go over-budget on lawsuit payments

Remove barriers to effective misconduct investigations and civilian oversight

Remove contract provisions, local policies, and provisions in state Law Enforcement Officers' Bills of Rights laws that:

- allow officers to wait 48 hours or more before being interrogated after an incident
- prevent investigators from pursuing other cases of misconduct revealed during an investigation
- prevent an officer's name or picture from being released to the public
- prohibit civilians from having the power to discipline, subpoena or interrogate police officers
- state that the Police Chief has the sole authority to discipline police officers

- enable officers to appeal a disciplinary decision to a hearing board of other police officers
- enable officers to use the contract grievance process to have an outside arbitrator reverse disciplinary decisions and reinstate officers who have committed misconduct
- prevent an officer from being investigated for an incident that happened 100 or more days prior
- allow an officer to choose not to take a lie detector test without being punished, require the civilian who is accusing that officer of misconduct to pass a lie detector first, or prevent the officer's test results from being considered as evidence of misconduct

Keep officers' disciplinary history accessible to police departments and the public

Remove contract provisions, local and state policies, and provisions in state Law Enforcement Officers' Bills of Rights laws that allow police officers to:

- expunge or destroy records of past misconduct (both sustained and unsustained) from their disciplinary file
- prevent their disciplinary records from being released to the public via a Freedom of Information Act (FOIA) request

Ensure financial accountability for officers and police departments that kill or seriously injure civilians

Remove contract provisions, local policies, and provisions in state Law Enforcement Officers' Bills of Rights laws that:

- require officers to be given paid administrative leave or paid desk-duty during an investigation following a police shooting or other use of deadly force
- prevent officers from receiving unpaid suspensions as discipline for misconduct or allow officers to use vacation or discretionary time to pay themselves while on suspension
- allow officers to receive paid leave or paid desk-duty after being charged with a felony offense

The Right to Record Police

Ban police officers from taking cell phones or other recording devices without a person's consent or warrant and give people the right to sue police departments if they take or destroy these devices.

There is so much preventative work here we can address with a citizen's review board to save us from expensive lawsuits and investigations and I would love to be able to prevent unnecessary death and financial strain wherever possible. Please let me know who will be on board to move forward in the next steps of creating a system such as a board to begin to tackle some of these aforementioned issues. I would like to request the council begin the process of considering to adopt as many of the policies within this as possible. Thank you so much for all your work!

Jim Hadlock - Orem

What is the city going to do to prevent an incident like what happened to George Floyd? What has or will the city do to know if any of its police officers have such violent tendencies as Derek Chauvin? Does the city know now if there are any such officers? Will the city consider reducing the budget of the police and spend more on programs that help reduce poverty and provide training for people to obtain better jobs thus reducing two of the main causes of crime?

Austin Texas US

Apologies - unsure which agenda item will be the Police Chief's comments this meeting. I want to express strongly, as a new citizen of Orem, that I want to see a reallocation of Police Department funds into Social Work and Community Building Departments. I want to see specific resolutions banning brutality and unlawful warrants. I want a citizen-driven review board for reviewing incidents of police violence. I want the police department to decommission any or the vast majority of tactical gear. I want police patrols to be minimally armed - as has been the case in four other very peaceful countries I have lived in my life. I'm enraged at a culture that trains people to escalate at the drop of a hat and spends their days looking for excuses to arrest citizens. I want this to change now. You have an opportunity to be leaders, forward-thinkers. Take that opportunity. Don't prolong the problems.

michael.witting

It is time for the city council to discuss budgeting for universal body camera use and the establishment of a civilian review board for all police complaints and incidents.

Catherine Eslinger

Recently, Orem High School's softball field was vandalized with graffiti attacking people of color and LGBTQ+ individuals. While the graffiti can be removed, the sense of fear and intimidation that hateful acts like this create in students and the rest of the community continue. I urge the council to not let this incident be forgotten now that that the graffiti has been cleaned up. Continuing the investigation of this crime and focusing on restorative justice would benefit the spirit of community in Orem and be an example to the rest of Utah County. It is unacceptable to allow vandals and bullies to intimidate people in our community. I know Orem wants to be a place where everyone feels safe and included, and I hope we can all work toward making that dream a reality.

Thank you,
Catherine Eslinger
Vineyard

Chad Sumsion

My name is Chad Sumsion. I own the property directly east of the property seeking to receive this conditional use permit. I believe a daycare would be an appropriate use of

these existing buildings, and it would be great to have them occupied and cared for again. After participating in the Planning Commission meeting, however, I'm wondering if the thinking is backwards for how parking would be used and how drop-off & pick-up is being planned? Currently, the plan is to have the on-site parking configured and saved for the drop-off and pick-up of children, and for the employees to then park only on the street. Since the employees are there all day long during business hours, this will cause a maximization of the amount of street parking being generated. (Plus, I'm betting when temperatures are warm, parking will creep southward on Main Street to use the tree shade provided by neighboring properties.) On the other hand, parents will be there for very short durations as they come and go. If they were to park at the curbs adjacent to the property, it would seem that street parking would be greatly reduced overall and parents would not have to back up to get out of parking stalls on-site, which seems like an improvement in traffic flow. This is just a thought that I'd like to hear discussed and commented on. Thank you,

Chad Sumsion

Item # 9.2: Conditional Use Permit Comments

[Adam Lewis](#) – Thayne, Wyoming

I grew up on the property just south of the proposed daycare and my parents still own the property. By the time children are escorted into or out of the building, that parking spot is tied up for 3-5 minutes per car, I would think. If 100 children are coming, you can imagine how far the cars will stack up on Main Street and 400 South in both directions, making it very difficult to get in and out of our homes. I don't think it is realistic to expect all of the parents dropping kids off to arrive exactly on time for their scheduled time. Many other schools in this neighborhood struggle with this same problem regardless of scheduled drop off times.

Lines of waiting cars in the street with engines running is a safety concern, a health hazard for us and our neighbors, and an unpleasant residential experience.

Consider the close proximity of three popular intersections at 400 South: Main Street, Orem Blvd, and State Street. Consider also that Main Street is fairly narrow. This will be a traffic nightmare not only for the neighborhood but for the parents using the daycare center. The amount of traffic traveling east on 400 south will also be increasing steadily due to Vineyard residents coming to Orem.

The space within the complex is not sufficient to have cars pulling in, dropping kids off, then turning around again to exit. I believe there will be congestion on both 400 S and Main Street because of this difficulty.

I have spoken with multiple neighbors who live near the complex and many have expressed concerns. I am surprised that the applicant has said that there are no concerns from the neighbors.

I understand that parking is lined off on the roads and was code approved, but that does not mean that this site is prepared for large quantities of cars to arrive in a small window of time. The previous business hardly ever had cars coming and going. It is a very different business.

[Darrin VandenBos](#) - American Fork, Utah

What neighborhood meeting? I was never invited to a neighborhood meeting. He dropped off a gift basket at my house after he said in the Planning Commission that he talked to all of us. And I wasn't even home when dropped off the gift basket, he never asked my son for my number, and he never came back. He has NOT communicated like he thinks he has.

The play area is rather small. Does the owner feel that it is large enough to accommodate the group sizes that will use it? Also, it is not completely enclosed. There is no fence between the yard and the parking lot. Does he plan to build one?

[Karen Bartholomew](#)

I live behind the Daycare that is being discussed right now. My concern is the play area, it doesn't appear it would accommodate that many children.