

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
August 11, 2020

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

4:45 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	Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Marc Sanderson, Fire Chief; Karl Hirst, Interim Police Department Manager; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Department Manager; Brandon Nelson, Finance Department Manager; Debbie Boone, Interim Recreation Department Manager; Jason Bench, Planning Division Manager; Ernesto Lazalde, IT Division Manager; Pete Wolfley, Communications Specialist; 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 – City Retention Schedule

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

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

DISCUSSION – CARE Tax Policies & Procedures – minor adjustments

Mr. Downs said there were a few proposed changes to the policies and procedures for the City’s CARE Tax program. They were mainly clarifications, including:

- Clarity given to how mid-major applicants would be handled
 - Adds language that was already included in mini grant applicants
 - Preference would be given to applicants that managed and presented in the City of Orem
- Clarity given to what audits are needed in order to not require reimbursements
 - Audit must be completed by a CPA
- Gave additional reporting requirements to organizations that were slow to draw down their grant
 - Organizations that drawn down little to no portion of their grant by January 31st would be required to submit a brief progress report showing how they would spend the grant, or explaining the difficulties preventing them from spending the grant by June 30th

Mrs. Lauret said the COVID-19 pandemic had caused many events to be postponed or cancelled, and asked if allowances would be made. Mr. Downs said the pandemic was the impetus behind requiring a brief progress report from applicants regarding the spending of funds. He said nearly all of the CARE applicants had struggled to hold their usual events and performances, which had impact on each organization's finances. The City wanted to be able to support these organizations now and when they were able to come back and hold their events in the future. Mr. Lambson thanked Mr. Downs for addressing this concern.

ANNUAL UPDATE – Service Line Warranties of America

Mr. Downs introduced Justin Steinburgl and Steve Bieranowski with Service Line Warranties of America (SLWA). Mr. Bieranowski said they had originally planned to travel to Utah for the presentation, but were unable to do so because of travel restrictions during the pandemic. He reviewed the partnership with the City of Orem established in September of 2015 and pointed out that SLWA was the only program endorsed by the National League of Cities. Other important points included:

- Water and sewer line coverage included resident's responsibility of later line
- Always voluntary and no public funds were used on program
- No deductible or service charge
- No coverage cap on claims and work completed up to city code with a one-year warranty through local contractors

Mr. Bieranowski continued, sharing a data overview.

- Number of customers in Orem: 3,503
- Number of coverage contracts maintained: 5,548
- Number of completed covered repairs: 539
- Amount saved by residents in Orem by going through SLWA: \$706,401

He pointed out that there were more contracts than customers, meaning some customers had multiple policies through SLWA. In response to a question from Mr. Lambson, Mr. Bieranowski said there was not a specific age of home threshold he could suggest for when residents may want to consider a policy, but that the age of the home was definitely a factor to consider. Mr. Tschirki said he had personally replaced systems in his own home before SLWA had become available,

which cost him in both actual costs and sweat equity, which was around the time his home was 35 years old. Mr. Tschirki said age, soil conditions, and more were factors residents should take into consideration.

Mr. Bieranowski encouraged people to call SLWA and ask questions, as they had industry experts available to provide additional information to home owners. He added that the policies had no contract length terms and customers could cancel at any point. Discussion continued regarding educational outreach so customers knew about the program and who to call in those emergency situations. In response to Mr. Sumner's question, Mr. Bieranowski said whether multi-family units would qualify for coverage through SLWA would have to be determined by the Y-connection of the infrastructure. Mr. Bieranowski finished his presentation by sharing information on the HomeServe Cares Foundation, a program which aimed to assist homeowners faced with a service emergency when they did not have the funds available for the repairs themselves.

Mr. Downs said the partnership with SLWA had been a good thing for the city, not only in providing the opportunity for residents to have coverage through SLWA, but also in educating residents about their personal responsibilities in cases of needed repairs to the homes' infrastructure. Mr. Downs said SLWA had been a donor to the All-Together Playground as well; Mr. Bieranowski said he enjoyed the partnership they shared with the City of Orem.

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 Manager Information Items

Mr. Bybee said Mr. Davidson was feeling ill and was excused from the meeting. Mr. Bybee said approximately 100 employees had helped lay sod over August 4 and 5 at the Library Hall. He said the work had gone quickly and smoothly, and they were pleased with the final look of the landscaping so far. He added that the trees had been equipped with needed electrical outlets so they would still be able to display Christmas lights at the City Center during the holiday season.

Mr. Nelson said he was asked to address concerns over utility accounts being closed and/or suspended for various reasons. Sometimes landlords did not have a tenant for a property, so they would close their account only to reopen the account a few weeks later when a new tenant moved in. There were also a number of "snowbirds" that spent part of their time living in warmer climates during winter months who would suspend their accounts. Mr. Nelson said there were costs associated with closing and reopening accounts, and base rate fees were not currently collected for properties in these scenarios. He said base rate fees were related to infrastructure like street lighting, storm drain, etc., which benefited the property regardless of occupancy, and they felt it was prudent for the city to collect those fees. There was continued discussion regarding policies and fees for account closures.

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

Mr. Sumner provided a report on his board and city liaison assignments. He said the Public Works Advisory Commission (PWAC) was in the early stages of updating the various utility master plans, but were running into issues with the Western Union Canal company. He shared additional updates on storm water projects in the city. Mr. Sumner said he was a UCCU Board member, and they had been hit hard by the COVID-19 pandemic. 24 events had to be postponed or cancelled this year, but they hoped to recover those losses hopefully when pandemic conditions improved.

Mr. Sumner said the Library Advisory Commission was looking forward to the ribbon cutting for the new Library Hall, which was tentatively scheduled for October 20. He reviewed other programs the library had been providing during the summer, and said new self-checkout machines would soon be installed. As for the Historic Preservation Commission, Mr. Sumner said they were not currently an active commission but there had been discussion on the possibility of doing an Orem time capsule.

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

Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Marc Sanderson, Fire Chief; Karl Hirst, Interim Police Department Manager; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Department Manager; Brandon Nelson, Finance Department Manager; Debbie Boone, Interim Recreation Department Manager; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; Sam Kelly, City Engineer; Ernesto Lazalde, IT Division Manager; Pete Wolfley, Communications Specialist; and Jackie Lambert, Deputy City Recorder

CALL TO ORDER

INVOCATION /

INSPIRATIONAL THOUGHT

Terry Peterson

PLEDGE OF ALLEGIANCE

Terry Peterson

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

Mayor Brunst read the following to begin the meeting:

“Pursuant to Mayor Richard F. Brunst's Proclamation dated August 3 2020, the Orem City Council meeting on August 11, 2020 will be an all-electronic meeting. There will be no anchor location for the meeting. The City cannot ensure the recommended minimum of six feet of social distancing for meeting participants at the usual anchor location in the Orem City Council Chambers. Therefore, holding the meeting at the City Council Chambers would present a substantial risk to the health and safety of those who may be present at the meeting and may contribute to the spread of COVID-19. 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.

To view the meeting: please go to orem.org/meetings.

To make a comment: Please submit your comment through:

orem.org/comments

OR

CityCouncilPublicComments@orem.org

Comments will be accepted before and during the meeting. All comments received will be entered into the record and forwarded to each City Council member for review. Comments will also be read aloud during the live meeting when required by law or when time permits. Once an item has been voted on, that item will be closed to additional comments. Thank you for your cooperation during these challenging times.”

No additional Mayor’s 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.

The public comments submitted were read into the record. Comments that were submitted for “Public Appearance” are attached to the end of the minutes in their entirety.

CONSENT ITEMS

- MOTION – Cancel August 25, 2020 City Council Meeting
- Approval of the July 14, 2020 City Council Meeting Minutes
- RESOLUTION – Approval of the City of Orem Development Services Department Retention Schedule
- ORDINANCE – Amending Section 19-7-5.C. of the Orem City Code to remove the requirement for a parking enforcement company to contact Orem City Dispatch before it places a boot on a vehicle and other technical corrections

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

SCHEDULES ITEMS

PUBLIC HEARING

ORDINANCE – Amending portions of Chapter 2 Land Use and Chapter 6 Transportation of the Orem General Plan updating the Land Use Map and Pedestrian and Bike Path Map and language pertaining to the southwest area

Mr. Bench said the Southwest area was annexed by the City in 2015. At the time of annexation, a general plan map was adopted by the City and generally included a light industrial designation for property on the west side of Geneva Road and a low density residential designation for property on the east side of Geneva road.

With the announcement of the temple site at 1471 South Geneva Road and the additional interest in development in the general area, the City Council asked staff to review the current general plan for the area. Based on the review process, staff proposed several changes to the General Plan for the Southwest area.

Staff held an online neighborhood meeting on May 13, 2020 to discuss the proposed amendments. A total of 2,455 notices were mailed to the entire Lakeview neighborhood, with 38 individuals participating in the online meeting. Many comments were received through the process, which were included in the agenda packet for review. Mr. Bench said many of the participants were in favor of allowing low-density development around the LDS temple site. During the online meeting, staff presented four options relating to land use. Based on comments received, staff developed a preferred option which was also presented to the City Council in a work session on May 26, 2020 for discussion. In addition to the land use designations, staff also proposed the addition of several trails within the Southwest area as shown on the Pedestrian and Bike Path Plan.

The proposed changes included an update to the Land Use Map that would include a new land use designation of Low Density Residential/Southwest (LDR/SW). This new designation would allow a density between 4-8 units per gross acre. Based on this new land use designation, staff anticipated proposing a modified Planned Residential Development ordinance for the LDR/SW designation that would be considered at a later date. Several areas were proposed to be designated as LDR/SW as shown on the proposed land use map.

In addition, two commercial areas would be designated on the revised general plan including at the corner of 2000 South Geneva Road and at the intersection of the future Lakeview Parkway and Geneva Road as shown.

The proposed Land Use Map also showed future areas not part of the City. The intent of the map was to anticipate future land use designations if those properties were annexed in the future. The overall density, including future areas, was included in the overall calculations pertaining to all applicable utilities.

The current general plan designations for the Southwest area allowed for a total density of 1,248 equivalent residential units (ERUs). The proposed amendments to the General Plan for the area would increase the potential ERUs to 2,500 as shown on the density table provided for review. Once the General Plan was amended, staff planned to update the Impact Fee Analysis (IFA) and Impact Fee Facilities Plan (IFFP) and amend the impact fees based on the increased ERUs for the Southwest area in accordance with the revised studies.

The Pedestrian and Bike Path Plan would also be updated to show the trails added to the Southwest area including the Lakeview Parkway Trail, The Geneva Trail, the Rail Trail, and the Walkara Way Trail. These trails were included on the proposed map and additional language had been added to the General Plan outlining the requirement to install these trails when they were applicable to any development in the area. Mr. Bench shared current land use maps of the area, pointing out some specifics including the developments that were planned or underway as well as conservation easement land.

Mr. Bench said there would be specific designations and standards for low-density residential (LDR) in the southwest area that would allow for Planned Residential Developments. In the LDR/SW classification, multiple stories would be allowed including basements if they conducted a scientific study that showed a basement could work there. The area had a high water table, so basements were not typically built there but the LDR/SW would give the option to build a second story or a basement. Mr. Bench said they could build single-family homes or a LDR/SW with a density of up to eight units per gross acre. He said a typical PRD in other areas of the city would have a density of roughly seven units per gross acre.

Mr. Peterson said did not recall a time when the Council said they were in favor of more density. He was concerned about doubling the number of ERUs in the southwest area. Mr. Bench said the figure Mr. Peterson was referring to was just a projection capturing future growth in the area. Mr. Peterson addressed the points made in the public comment submitted by Byron Taylor, and said he too was concerned about the increase of traffic along the Geneva Road corridor.

Mayor Brunst shared information related to Geneva Road and said he and Mr. Davidson had been meeting with UDOT, MAG, and representatives from the State Transportation Commission on this issue. The LDS temple plans included a widening of Geneva Road in front of the temple to a three lane road. Mayor Brunst said recent traffic studies of Geneva Road showed the level of service (LOS) at close to failing level, and he was concerned that widening to three lanes would not be adequate to improve the LOS enough to overcome the failing level that would come with the increased traffic. He said it made more sense to expand to a five lane road all along the corridor now rather than wait for a failing LOS and have to reconstruct the road again. Mayor Brunst said they were in conversations to move up the priority of this project and have the involved parties pay into the project.

Mrs. Lauret said she personally would rather keep density in the PRD consistent with others throughout the city, with allowance for up to seven units and not eight. Mr. Peterson agreed, and said he did not understand why they would increase density while still trying to figure out the roads and the infrastructure, particularly around the LDS temple. Mr. Bench said some of this related to long-term future planning for the area that may or may not eventually be annexed into the city. As

the city grew, improvements to the roads and infrastructure were part of the development of the area. The announcement of the LDS temple location had an impact on previous plans.

Mayor Brunst opened the public hearing. The public comments submitted were read into the record. The service utilized to stream the meeting live suffered a technical malfunction and failed to broadcast the audio of public comments read into the record. Comments that were submitted for this public hearing are attached to the end of the minutes in their entirety.

Mayor Brunst closed the public hearing and brought the item back to the Council for further discussion. Mayor Brunst provided information about the southwest area which had been annexed in 2015. He addressed the Wilkerson Farm, which was now a conservation easement area, and the two proposed developments that had been considered. Affordable housing was an important issue in the city, and the proposed developments could help with that. One was approved which had lower density and more opportunity for ownership, and the other was denied because of its proposed higher density and likelihood of rental units.

There was discussion regarding land trusts and conservation easements in the area, and the options open to landowners.

Mr. Macdonald asked for clarification on the additional density. Mr. Bench said PRDs were in the seven unit range, but there was no requirement to build seven units. He said the Council would still approve the look and feel of a development that met the rules and regulations of the zone. Mr. Bench said they wanted to ensure that infrastructure was able to handle the future capacity that could be built, so they projected a higher, “worst case scenario” number of ERUs. They needed a number to use when updating the utility master plans so they could plan accordingly for the southwest area.

Mrs. Lauret referenced the Chatwin Homes development called “Penni Lane”, which had twin homes as opposed to townhomes. She said she would like to see a similar development in the southwest area. Mayor Brunst agreed that the Penni Lane twin homes were beautiful, but they were expensive units. On the other hand, townhomes were usually more affordable housing options which were needed in the city.

Mr. Peterson voiced his disagreement, saying that 40% of housing in the city was rentals and he felt Orem was doing more than their fair share to provide affordable housing. Mayor Brunst said the state average was 35% rentals and 65% single-family homes, which put Orem in the same general range. He said they had done many things to limit density in recent years, and this proposal was for low density residential zoning.

Mayor Brunst moved, by ordinance, to amend portions of Chapter 2 Land Use and Chapter 6 Transportation of the Orem General Plan updating the Land Use Map and Pedestrian and Bike Path Map and language pertaining to the southwest area, capping the maximum number of units at seven and not eight. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, and David Spencer. Those voting nay: Tom Macdonald, Terry Peterson, and Brent Sumner. The motion **passed, 4-3**.

PUBLIC HEARING

RESOLUTION – Adopting the Sunset Heights East-West and Lakeview-Cherry Hill Neighborhood Plans and amending the Orem City General Plan to include the Sunset Heights East-West Neighborhood Plan and the Lakeview-Cherry Hill Neighborhood Plan in Appendix “Z” of the Orem General Plan

Mr. Allen said the Sunset Heights East and West Neighborhood Plan and the Lakeview and Cherry Hill Neighborhood Plan were created by participating neighborhood residents and Orem City planning staff. It was developed to record residents’ visions for the neighborhood and potential ways to achieve those visions, as well residents’ concerns about how the neighborhood is currently developing. While neighborhood plans are not designed to solve all problems immediately, they allow the local community to influence planning in their neighborhood and guide future development in a way that is cohesive with the neighborhood character. The creation of these two plans was guided by two advisory committees – one for the Sunset Heights East and West neighborhood and one for the Lakeview and Cherry Hill neighborhood.

These advisory committees met nine times over the past several months to hear from city staff members in each department, formulate a vision statement to reflect their aspirations for the future of the neighborhood, and list goals to achieve those aspirations. Many of the themes for the neighborhoods’ vision statements included maintaining the character of the neighborhood, ensuring that the neighborhoods stay safe, clean, and family-friendly. Other themes included working to improve their neighborhoods through better walkability, increasing multi-modal transportation options and improving green space, and overall better environmental practices. Lastly, residents expressed desire in ensuring that new development is responsible and encouraged a stronger working relationship for UVU future development to balance with the neighborhood concerns.

The plan document itself contains seven different sections: current demographics, land use, transportation, economic development, public works, neighborhood preservation, and implementation strategies. Each of these sections addresses the neighborhood’s current conditions, future projects, and goals for achieving the neighborhood’s vision statement. Public participation was a key component of this process. In addition to the nine advisory committee meetings that were held, two neighborhood meetings were held; one at the beginning, where we had approximately 120 attendees, and one at the end, where we had 59 participants (due to Covid-19 restrictions the second meeting was held through an online webinar format). Notices for these open houses were sent to every resident in the neighborhood and the meetings had over one hundred residents in attendance. There who participated in the planning process represented a wide range of community stakeholders who may be impacted by decisions regarding development within these neighborhoods, including property owners, business owners and tenants, and residents and representatives from UVU.

Mr. Lambson said these neighborhood plans were a great testament to how much residents cared about their community. Mayor Brunst suggested that the plans be revisited every year; Mrs. Lauret said the goals identified in the plan should be reviewed during internal budget planning. Mr. Downs said that was already a practice in place, in fact the recent rental licensing program had come about because of goals and suggestions from the neighborhood planning committees. Mayor Brunst added that city parks had been updated and improved with suggestions from the plans. Additionally, Mr. Clark said the sidewalk plans on 2000 South that were part of the plan the Council had just approved were being built in response to a neighborhood plan suggestion.

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 resolution, to adopt the Sunset Heights East-West and Lakeview-Cherry Hill Neighborhood Plans and amend the Orem City General Plan to include the Sunset Heights East-West Neighborhood Plan and the Lakeview-Cherry Hill Neighborhood Plan in Appendix “Z” of the Orem General Plan. **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 unanimously**.

PUBLIC HEARING

ORDINANCE – Enacting Section 22-14-21(D) and Standard Land Use Code 5945 Orem City Code pertaining to requirements for retail tobacco specialty businesses

Mr. Bench said there had recently been a surge of retail tobacco specialty businesses coming into the City. Currently there were at least eight businesses that were operating as retail tobacco specialty businesses in Orem (some of which staff believed were doing so illegally). In contrast, Provo had four such businesses, Pleasant Grove had two and Lehi had one. Staff was concerned about the proliferation of such businesses in the City and felt that the over-concentration of such businesses in Orem was not in the best interest of the City.

The Utah County Health Department was also concerned about the increasing number of retail tobacco specialty businesses both in Orem and the rest of the county. The county was concerned about increasing usage of tobacco products (including vaping) in the county and particularly among minors. County representatives believed that reducing the visibility and accessibility of tobacco/vaping products would help mitigate the increasing usage of such products.

To address these concerns, staff proposed an ordinance amendment to limit the total number of retail tobacco specialty businesses that may locate in the City. This was similar to what the City did with check cashing businesses several years ago. The proposed amendment would limit the number of retail tobacco specialty businesses to one per 15,000 residents which would mean a limit of six based on the City’s current population.

According to information from the county, several other cities in the state had already adopted ordinances limiting the number of retail tobacco specialty businesses including Murray (one per 10,000), West Valley City (one per 10,000), and Lehi (one per 50,000). Other cities such as Provo allowed these businesses only in industrial zones. Mr. Bench said this proposal was similar to a proposal from some years ago when the Council limited the number of check cashing businesses within the city.

Mr. Macdonald asked how the number staff proposed had been calculated. Mr. Bench said it was simply a number they felt comfortable with and had used the percentages other cities had set as a guide. Mr. Macdonald said the market would control the number of these specialty businesses in one city; Mr. Bench said that was a fair point, but there were some of these existing businesses that were not living up to the agreement of not selling more than 35% of tobacco products.

In response to Mr. Sumner's question, Mr. Bench said the businesses that were currently operating would be grandfathered in as legal, non-conforming businesses until they ceased operations. Mr. Earl said a business that stayed at the same location but transferred ownership would be allowed to continue operations. They could even expand their business in some circumstances, but the business would not be permitted to relocate within Orem.

Mayor Brunst said the city of Riverton had a restriction that kept convicted felons from opening a tobacco retail specialty shop, and asked if that would be the case in Orem. Mr. Earl said there would need to be a rational basis for that restriction and that was not something that had been looked at yet, but he could get more details if the Mayor wished.

Mr. Lambson said tobacco products were a huge concern for public health, particularly for young residents. He asked if they could limit the number even more now or in the future; Mr. Bench said that was something the Council had the power to do. Mr. Peterson agreed with Mr. Lambson that vaping in particular was dangerous to people's health, and he did not want to see Orem become the "vaping capital of the county". Mr. Peterson suggested they limit the number of permitted tobacco retailers to four, with a ratio of one shop per 25,000 residents. Mr. Spencer voiced his support to limit the number of allowed shops to four throughout the city.

Mayor Brunst said he was also comfortable limiting to four shops and added there had been legislation passed that would go into effect in 2021 that adjusted the age for the purchase of tobacco products from 19 years old to 21 years old. The goal of the change was to regulate and try to limit the effects of tobacco products on the youth in the community.

Mayor Brunst then 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 enact Section 22-14-21(D) and Standard Land Use Code 5945 Orem City Code pertaining to requirements for retail tobacco specialty businesses, limiting one shop per 25,000 residents and a maximum of four retail tobacco shops. **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 unanimously**.

PUBLIC HEARING

ORDINANCE – Vacating a portion of 450 West south of 500 North to approximately 475 North in the R7.5 zone

Mr. Bench said David Thomas, item applicant, desired to vacate a portion of 450 West located south of 500 North in order to allow for the creation of four deep lots. The applicant received approval of a preliminary plat (Thomasville Plat B) from the Planning Commission on July 15, 2020 which showed the portion of 450 West he was asking to be vacated being used as a private drive that would provide access to four lots in the subdivision. The preliminary plat approval was made subject to the condition that the proposed portion of 450 West be vacated by the City Council. Lot 1 in the preliminary plat had an existing house on it while lots 3, 4 and 5 were currently lots of record and were undeveloped. It was just under 5,000 square feet.

If the desired portion of 450 West was vacated, a "knuckle" would be constructed at the

intersection of 500 North and 450 West to a wider turn radius and driveway access for Lot 2. A public utility easement would be maintained as there was a public sewer and water lines under the identified property.

The City Council may vacate the requested portion of 450 West if they felt (1) there was good cause for the vacation, and (2) the vacation would not be detrimental to the public interest. If the City Council agreed to vacate the requested portion of 450 West, the Council should reserve a public utility easement in the area of the vacated street. The Council should also require the applicants to record a subdivision plat that combined the area of the vacated street with the rest of their property.

Mr. Macdonald clarified the owner's responsibilities for the vacated area, including maintaining the asphalt. Mr. Kelly said the owner planned to remove the curb, gutter, and sidewalk and would have 26 feet of asphalt.

Mr. Sumner asked about any costs for either the city or the owner in this vacation. Mr. Bench said the area in question was originally dedicated to the city from private property with no purchase so there would be no money exchanged to return it.

Mayor Brunst asked about snow removal and access to fire hydrants. Mr. Bench said the owners would be responsible for snow removal. Mr. Kelly said there was an existing hydrant at the end of the vacated road and it complied with requirements. Mayor Brunst then asked Mr. Thomas about his plans for the lots. Mr. Thomas said he had two daughters that were planning to build homes on two of the lots and the third would be left as open green space as a family park for their private parties.

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 vacate a portion of 450 West south of 500 North to approximately 475 North in the R7.5 zone. **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 unanimously**.

COMMUNICATION ITEMS

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

CITY MANAGER INFORMATION ITEMS

Mr. Bybee had no further information items to share.

Mrs. Lauret provided information regarding the City's "Summerfest Lite" events going on throughout the week.

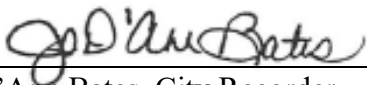
ADJOURNMENT

Mr. Macdonald moved to adjourn the meeting. **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 7:51 p.m.

Approved: September 8, 2020




JoD'Ann Bates, City Recorder

Personal Appearance Public Comments

Nichelle Jensen

“Hello council members, Both in June and July I wrote in to digitally participate in the online only council meeting. I submitted questions and concerns and requests similar to other residents who did the same. I have not received a response yet so I am sending in the requests below to be addressed in the council meeting. If comments from the public are not addressed in the meeting itself, I would ask for a response via email.

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 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 Com...” (character limit reached)

Public Hearing Comments Regarding Item #9.1

Ordinance - Amending portions of Chapter 2 Land Use and Chapter 6 Transportation of the Orem General Plan updating the Land Use Map and Pedestrian and Bike Path Map and language pertaining to the southwest area

Byron Taylor

“We are compelled to make yet another appeal to preserve the Lakeview community. But first, let’s express gratitude where it is due:

We applaud the City Council that presided over the Southwest Annexation with their rejection of high density development on the parcel that is now Wilkerson Farms. We are grateful to the many who voiced their opposition to the urbanization of Lakeview. We are grateful to the Orem City Council members who listened to the public and voted accordingly.

We are grateful for the miracle that ensued as the Wilkerson family refused to give up on their dream. They worked doggedly to protect agriculture and open space. Even I, who hoped desperately for their success, thought they would fail. Much to the shock of everyone, including developers and the Orem City Council, the Wilkerson family scored an upset victory for the ages. We can’t thank them enough for their persistence, courage, and grit against all odds. Is there a citizen in Orem who can drive by Wilkerson Farms without a spark of joy and pride that it is part of our city?

So where is all of the vocal opposition that enabled the preservation of Wilkerson Farms?

Some were farmers who leased and were forced off the land by development. Others have been worn down over time by meeting after meeting that almost always favors developers. It has become apparent that city officials and developers have formed a de facto alliance. The voices of those who seek to preserve a shred of Lakeview’s historical appeal as a community have been

silenced.

To that point, please consider the following:

- In one city council meeting I made a suggestion to consider residential development west of our farm instead of light industrial development. In no uncertain terms I was instructed that even if the zoning were changed the resulting increase in population was impossible to consider due to the sizing of the sewer line. Some months later we learned that Orem City was pushing to increase residential density in the Lakeview area. Wait—what about the undersized sewer? Not a problem. It appears that Orem City has different answers to the same question. It just depends on who's asking the question.
- In another meeting developers submitted a plan that exceeded density as defined by the zoning. Appropriately, the city council denied the request. However, in that same meeting, in front of all of us who opposed the higher density, they schooled the developers on how they could work to achieve their desired density with a PD zone. Now that the city wants to increase density by revising the city plan, developers will have clear sailing without the bother of a PD zone.
- It now appears that the compromised density balance achieved at the time of annexation was a sham. A classic bait and switch. The city is now looking at the planned temple as a vehicle to increase density though it remains a mystery as to the logical connection. More reasoned thinking suggests that increased traffic resulting from the temple should be balanced by lower density in surrounding neighborhoods, not higher.
- The city's use of virtual meetings has throttled the voice of Orem citizens. I learned after the July 15th Planning Commission meeting of those who are technology savvy yet failed to connect to the meeting. I understood their complaints. I personally had difficulty getting into the meeting. The instructions were not clear and the hyperlinks were not obvious. I tried several PC browsers as well as my cell phone before I succeeded in joining the meeting.
- Instead of the critical and appropriately emotional discourse that is vital to such community meetings, virtual meetings deliver a sterile communication vacuum that stifles meaningful discourse, especially since they are designed for pushing out information by those who control the technology. They are poorly designed for receiving feedback from the public. Moreover, I suspect it is much easier for Planning Commission and City Council members to ignore our arguments when they don't have to look us in the eye.
- A review of Southwest Annexation records reveals the volume and intensity of opposition to higher density in Lakeview. While the opportunity for expression is now suppressed, the risks and problems articulated in 2015 persist. In fact they're getting worse.
- Most of my comments provided to the July 15th Planning Commission meeting were ignored. However, for the first time it was tacitly acknowledged by an Orem City official that traffic on Geneva Road is only going to get worse as density increases, and that farming will be increasingly difficult. Regrettably, the topic was dismissed with a virtual shrug of the shoulders. Because virtual meetings have served as a poor substitute for in-person meetings, and because increasing risks to farming have not been addressed, I am requesting that the City Council not vote on the Planning Commission's proposed amendment to Chapter 2 (Section 2.1.1) of the Orem Gene..." (character limit reached)

Paula T. Rowe

To Richard Brunst, Orem City Mayor

It is with deep concern that I am writing regarding the proposal of increased density along Geneva Road in the Lakeview area. It is a recognized fact that farming and agricultural pursuits

have been the foundation and strength for generations in this area. Over time, and at present, developers have seen these fields and farmlands as a prime location. It was through compromise, while tough, of those who valued open space and continued to work the land, and those whose desire it was to develop the properties, that annexation by Orem City was realized several years ago.

Affordable housing is a matter which is readily addressed by those wishing to develop and construct living space. The Fields at Lakeview located at 1884 South on Geneva Road, presently being the homes of many, and with ample construction continuing, is a clear and adequate response to this.

I find it most difficult to comprehend the request for a change to allow increased housing density. Just less than a year ago, September 2019, the City Council voted against increasing the density. I now ask why the thrust for rezoning that would allow for even greater density? The welcoming atmosphere of neighborhoods without crowded housing is to be valued by all. Additionally, do not ignore the rise of traffic on Geneva Road. This will come with increased density. As landowners we will continue to farm our land. The inevitable growth of traffic that would accompany the zoning change will definitely be a significant difficulty with both traffic and farming.

It is imperative that you, Mayor Brunst, as mayor of Orem City, listen to, and recognize, and accept the voice of we who value open space, who live here, and who will continue farming the land. I urge you to refrain from any changes that will increase the density in the Lakeview area of Geneva Road.

Elaine C. Schofield

The following is a summary of the housing in the Lake View Area from University Parkway south to 2000 South and from I-15 West:

<u>Name of Development</u>	<u>Number of Units</u>	<u>Percentage Rentals</u>
Village on the Parkway (single student housing 4 to 5 students/apartment)	72	100%
Oakhurst	128	100% (128 units)
Country Woods	180	66% (119 units)
Normandy	52	69% (36 units)
Chambery	160	65% (104 units)
Fields (Jeff Mansell)	78*	55 % (43 units)

*This number changes frequently

In summary, eliminating Village on the Parkway which was built as student housing, there are 598 units consisting of apartments, townhomes and condos with 72 % (430 units) being rentals. We have only 21 individual homes in the area. There are currently 7 individual homes being built in Payton's Crossing. There are no individual homes planned in the Fields.

With the exception of Oakhurst and Village on the Parkway, all of these developments were presented in the planning process as owner occupied. We have more than enough rentals in the area. We have a drastic shortage of individual homes. We want homes where families will come, raise their families, and stay for the rest of their lives.

We are requesting that the residential areas in the Lake View area be zoned at 4 units/acre with no option for an increase in density. This will provide more stability and allow the neighborhood to develop with character similar to the rest of Orem.