

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
October 27, 2020

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

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

CONDUCTING	Mayor Pro Tem Terry Peterson and Mayor Richard F. Brunst
ELECTED OFFICIALS	Jeff Lambson, Debby Lauret, Tom Macdonald, 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; 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; 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 – Commercial Day Care Services Ordinance

Mr. Bench presented possible updates to the Commercial Day Care ordinance for commercial day care facilities located in a residential zone, including parking requirements and other modifications. He shared the conditions for commercial day care centers in residential zones, including the parking ratio of 0.24 parking stalls per child, plus one parking stall per full time caregiver/teacher. Mr. Bench said the condition also required that parking be located on site and on-street parking may not be counted toward the parking requirements.

The Council discussed the Smiling Faces Day Care Center and current enrollment and parking; Mr. Bench said they were meeting current standards. Mr. Bench said part of the discussion had been centered on eliminating the conditional use permit and making Smiling Faces a permitted use. In response to Mr. Spencer’s question, Mr. Earl said they liked to eliminate general use permits if they could determine the use to be approved. He said it helped with the perception that the

Council had more discretion than they actually did, and helped avoid public clamor. It was safer legally to set up the standards and change it to a permitted use.

General discussion ensued. Mr. Spencer said his concern had always been for safety, and the elimination of on-street parking addressed that for him. Mr. Lambson asked about day care or preschool businesses operated within people's homes; Mr. Bench said those types of businesses would be subject to different standards and the parking ratio did not apply. He said they planned to bring the proposed ordinance change before the Council at the next scheduled meeting.

DISCUSSION – Utility Capital Improvement Project Funding

Mr. Tschirki introduced the discussion on funding for utility capital improvement projects, then turned the time over to Laura Lewis with Lewis Young Robertson & Burningham, Inc. (LYRB) to give the presentation. Ms. Lewis said the City currently had four outstanding utility system revenue bonds; two would pay off in 2026, one would pay off in 2029, and the 2010 Issue was a state loan at 0% maturing in 2032. She said the City's utility systems had capital improvement plans in place that had not been fully funded, but the City had saved significant balances for many of the projects. Paying for multi-million-dollar pay-as-you-go multi-generational projects required years of saving and could be perceived as unfair, so they evaluated funding options other than pay-as-you-go.

Ms. Lewis shared information on construction buildings costs like inflation indices and the Municipal Bond Index. The current estimated True Interest Cost (TIC) for an Orem City utility system revenue bond was approximately 2.98% for a 25-year maturity. She provided the estimated aggregate water, sewer, and storm water project costs, and said when municipal bonds were issues the construction proceeds were required to be spent within three years. Ms. Lewis said they had planned on two bond issues due to anticipated construction timelines; one issues in 2021 and the other in 2024. The City would utilize approximately \$31 million that had been saved in the utility funds to help pay for these projects. She shared a table with bond statistics for the two bond issuances as well as debt service coverage considerations. In response to a question from Mr. Macdonald, Ms. Lewis said the City had significant capacity to issue additional bonds and it appeared at the moment it would be without the need to increase utility rates.

Ms. Lewis shared assumptions and summary analysis information, and utility fees and tax rate comparisons to selected Utah cities. She said if the City aimed to continue with pay-as-you-go plans and tried to pay for all of the needed improvements, they would spend more than currently spending and would need to save more than currently saving. Mr. Tschirki said the projects they were targeting had 50, 75, even 100 year lifetimes. Ms. Lewis said she understood the desire and tendency to avoid debt, but for long-life projects it was more prudent to issue bonds with current construction inflation and interest rates. The analysis of bonding with current rates showed a savings of approximately \$55 million to the City and residents.

Discussion ensued. Mr. Macdonald said he was not necessarily concerned over rates but rather evenly spreading the costs of construction for the life of the project so the rates were not overly burdensome for residents. Mrs. Lauret felt the numbers in the analysis made sense and said it seemed prudent to move forward with bonding. Mayor Brunst said he was also in favor of bonding. Mr. Davidson clarified that the current discussion was an update regarding capital facility plans and impact fees, not a request for a decision from the Council.

DISCUSSION – HUB District Zone Amendments

Mr. Bench presented amendments to the HUB District zone pertaining to the creation of an Edge zone adjacent to University Parkway. He said the purpose of the HUB District was the center of commercial activity in Orem, filled with vibrant shopping, restaurants, and entertainment destinations. Existing structures in the zone were legal, non-conforming. Mr. Bench said the current design standards for the HUB District zone required that all buildings have a minimum of three stories. The proposal for the Edge Zone removed the height requirement; Mr. Bench said the existing shopping center buildings were one story and redevelopment in the future would mean each lease would need to be renegotiated. He reviewed the setback requirements and the proposed permitted retail uses for the Edge Zone within the HUB District.

Mr. Peterson said there were similar issues with existing businesses along State Street and asked if this kind of modification could be considered along that corridor. Mr. Bench said they could consider that, and they would use this proposed change to see how the modification worked going forward. He said they planned to bring the proposed ordinance change before the Council at the next scheduled meeting.

DISCUSSION – City Retention Schedule

Ms. Lambert said this was the next section of the ongoing approval for the overall retention schedule. This would cover the Recorder's Office division from the City Manager's Department, many of which had lengthy retention periods or were to be kept permanently.

Mayor Brunst asked about the archive rooms within the City. Ms. Lambert said there were four archive rooms within the campus: two in the City Center building, and two in the Justice Court building. As more and more city departments moved toward paperless files, the goal was to eliminate the need for all four archive rooms and consolidate the physical location of city records.

UPDATE – Range Fire in Orem

Chief Sanderson said the fire that began at the City's public safety range originated at 11:56 a.m. on October 17, with all four Orem stations responding, along with several other agencies including Provo, Pleasant Grove, American Fork, Utah County, Forestry Service, and the Division of Natural Resources (DNR). Acting Battalion Chief Captain Dunn served as the incident commander, and Chiefs Earl, Hirst, and Myers were all on site that first day. Chief Sanderson expressed his gratitude to the leadership team for their hard work and dedication, not only day to day but with this incident specifically. Eventually the State stepped in but they made it clear that it was an Orem fire and the State would follow the direction of the incident Liaison Chief Shaun Hirst.

Chief Hirst provided information about the day by day growth of and response to the fire. He shared photos of the fire, and showed the area the fire had spread to which triggered the possibility of an evacuation of Sundance. He said approximately 150 fire personnel had worked tirelessly to contain the incident, which was currently at 93% containment. In response to a question from Mrs.

Lauret, Chief Hirst said one personal vehicle had been in the damage zone, but no structures had been lost. Mr. Davidson added that there was some damage to the City's water infrastructure but the extent of the damage was yet to be determined. Chief Hirst said the Water Section of Public Works had been incredibly responsive and helped provide map layers to avoid further damage to the water infrastructure as they fought the fire.

Mr. Lambson asked about the need to evacuate the foothills and mountain areas where deer hunters might be. Chief Hirst said they called Utah County Search and Rescue, who rode the area looking for people. A helicopter was dispatched to pick up two hunters that were stuck above the fire line.

Emergency Manager Heath Stevenson provided information about the plans in the next few years to mitigate issues caused by the fire. With all the vegetation gone, a Burned Area Emergency Response (BAER) Team was called in to assess the damage and come back with recommendations for mitigation strategies. Mr. Stevenson said he and other experts would monitor the area through the next three years or so. Mr. Davidson added that they anticipated the incident would result in a broad discussion about the shooting range and safety protocols to implement going forward. The range was an important city asset for law enforcement personnel, so they would be evaluating and determining what improvements they would include at the range to avoid any future incidents.

Mr. Peterson and Mr. Macdonald both expressed their pride in how Orem's Fire Department team had represented the city on the news and social media. Chief Sanderson echoed his appreciation for capable colleagues that were able to step up in a big way with this incident.

DISCUSSION – Purchase of Hillcrest Elementary Property

Mr. Davidson shared an update and property details about the 9.33 acres the City had the opportunity to purchase at approximately 650 East 1400 South. He said the property transaction included the assignment of two cell phone tower lease agreements. The Alpine School District Board of Education had unanimously approved a resolution of sale to the City of Orem on October 13, 2020, at a purchase price of \$5,605,000. Mr. Davidson said the plan to fund the property purchase was the use of Redevelopment Agency (RDA) dollars, park impact fees, and reimbursements from the RDA to the General Fund for past completed projects. He reviewed the following:

- Outstanding issues to resolve
- Park considerations
- 2017 Level of Service (LOS) Analysis
- Park development costs & details (for 9 acres)
- Steps going forward

Mr. Davidson reviewed the inventory of Orem parks, and identified three specific types of parks owned by the City: 1) regional/community, 2) neighborhood, and 3) mini parks. He said there were unique amenities at the various parks in Orem, like sport facilities including futsal courts, pickle ball courts, and baseball fields, splash pad, skate park, dog park, and more. Those unique amenities created regional draw to those parks, even if they were smaller in terms of acreage.

Discussion continued regarding costs, concepts and park amenities, and ADA requirements for restroom facilities. Mr. Davidson said Landmark Design would develop a few park concepts for the Council to consider. He also mentioned that there was an interested party that wanted to purchase half of the land and the existing building for a business opportunity. Mayor Brunst added that if the interested party purchased the building, any need improvements would be at their own expense and not the City. Mr. Sumner asked about the possibility of problems with putting the property to bid for the interested party. Mr. Davidson said the Council would still determine the uses for the property and could be quite pointed in what the expectations were.

Several Council members expressed their thoughts on the future of the park property and the best way to move forward in the process. They wanted to explore options and consider the feasibility of those options so decisions could be made when the time came. Mr. Peterson, who lived in the general area, said green space was a critical need for residents. Particularly during the COVID-19 pandemic, when many places and programs were unavailable, people could still utilize green space and enjoy some time outdoors. He said the old real estate adage emphasizing the importance of “location, location, location” would make this a destination park based on its proximity to the second busiest intersection in Utah, two major bus lines with students from two large universities and other riders, residential, commercial, and office buildings, etc. Mr. Peterson said this was a rare opportunity for the Council to create another beautiful park within Orem for residents and visitors to enjoy.

Mr. Davidson said they anticipated bringing approval of the purchase before the City Council at the December 8, 2020 meeting. If the purchase is approved, they looked forward to closing on the property before the end of 2020.

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 & City Manager Information Items

Mr. Davidson reviewed the following items with the City Council:

- They were nearing the completion of the Library Hall building, and planned for a ribbon cutting on November 10, 2020. While not entirely completed, the building would be substantially complete with only a small number of finishing touches on the inside. There would be a small in-person gathering for invited guests; the event would also be live streamed.
- COVID-19 rising case counts presented continued challenges, as Utah County remained a “high transmission area”. The City planned to keep the building open with staggered shifts for staff and limited entry, typically by appointment. Masks were required, as was social distancing and limited or no in-person meetings. They were doing everything they could to protect the public and staff while trying to “flatten the curve” and serve the city.

- Mr. Sumner asked about the Senior Center temporary fitness center. Interim Recreation Director Debbie Boone said they were still open but with the same restrictions as most businesses, i.e. wearing masks and limiting class sizes. She said they had not had to move to an appointment only operational phase, but the leisure pool hours had been limited by the availability of lifeguards.
- Dr. Shane Farnsworth was recently appointed the new superintendent for the Alpine School District, effective July 1, 2021. Superintendent Sam Jarmon would be retiring. The City had a great relationship with the ASD, particularly with the new Family Fitness Center project. Mr. Davidson expressed well wishes to both Superintendent Jarmon and Dr. Farnsworth.

Mr. Davidson lastly wished Council members Mr. Macdonald and Mr. Sumner a happy birthday, as both had upcoming birthdays. Mayor Brunst jokingly suggested they refrain from singing to them this time around, which was met with enthusiastic support from those on the call. Mayor Brunst then adjourned the meeting at 5:48 p.m.

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; 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; Pete Wolfley, Communications Specialist; JoD'Ann Bates, City Recorder; and Jackie Lambert, Deputy City Recorder

CALL TO ORDER

INVOCATION /

INSPIRATIONAL THOUGHT

Debby Lauret

PLEDGE OF ALLEGIANCE

Jim Lauret

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 October 5, 2020, the Orem City Council meeting on October 27, 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.”

REPORT – Recreation Advisory Committee

Skip McWhorter, Chair of the Recreation Advisory Commission (RAC), listed the members of the RAC, including Mr. Spencer as the City Council liaison. Mr. McWhorter said the differing backgrounds and perspectives of the RAC members was a great mix in seeking how to best serve Orem residents. The biggest project the RAC had been working on for some time was the new Orem Family Fitness Center. He said the construction was on track and shared a video with time lapse footage of the facility's constructions. He also shared a photo taken from the second story of the Fitness Center with a beautiful, scenic view of the mountains. Mr. McWhorter said he was impressed with Method Studio, the firm which designed the building, and the construction crew for their attention to detail and desire to create an attractive and functional center the whole community could be proud of.

Mr. McWhorter said people loved the recreational offerings in Orem, including parks and open green space, playgrounds, sport courts and amenities, and the splash pad. He talked about the early success of the Fitness Founders Grassroots Fundraising efforts, which had already raised more than \$16,000. Mr. McWhorter personally expressed gratitude that Orem had been able to have youth sports programs during recent months. He felt it had been a blessing in people's lives during the COVID-19 pandemic where so many had been quarantined and unable to recreate.

Mayor Brunst thanked Mr. McWhorter and the RAC for their efforts with the new Fitness Center and recreation opportunities in Orem.

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.

No personal appearances were received.

CONSENT ITEMS

- APPROVAL OF MEETING MINUTES
 - Minutes of City Council Meeting – October 13, 2020
- APPOINTMENT TO BOARDS AND COMMISSIONS
 - CDBG Advisory Commission:
 - Eileen Black
 - Ashley Gil
 - Orem Neighborhood Advisory Commission:
 - Margaret Black
 - Reed Farnsworth
- RESOLUTION – Approval of certain sections of the City of Orem City Manager's Department Retention Schedule
- STAFF APPOINTMENT – Police Department Director – Chief Josh Adams

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

OATH OF OFFICE – Chief Josh Adams

Mr. Davidson invited Police Chief Josh Adams to introduce his family and said his first official day would be November 2, 2020. He said Chief Adams was a consummate professional and had the support of those he would be working with. Lindon Mayor Jeff Acerson had given the highest endorsement of Chief Adams, who had most recently served as Lindon Police Chief. Mr. Davidson said Chief Adams understood where police service was heading and had the energy to do great things into the future. Mr. Davidson also thanked Interim Chief Karl Hirst for helping bridge the gap until Chief Adams had been hired.

Chief Adams introduced his family and expressed his excitement to be back working in Orem. City Recorder Jody Bates then gave Chief Josh Adams the oath of office. Mr. Davidson presented Chief Adams with his new Orem police badge.

SCHEDULES ITEMS

PUBLIC HEARING

RESOLUTION – The City will receive Public Comment on the Community Development Block Grant (CDBG) Projected Use of Funds for CARES ACT CDBG-CV funding and consider approval of a substantial amendment to the 2019-2020 Annual Action Plan

Ken Ransom, Chair of the CDBG Advisory Commission, stated the City of Orem initially received a grant for \$411,983. At present the amount remaining for allocation was \$197,532.66. The city would receive additional dollars but not until the end of the year, at which time the CDBG Commission would make further recommendations. The funds must be used to prevent, prepare for, and respond to the COVID-19 pandemic and related issues and the City had four priorities which were:

- Projects serving Orem residents
- First Responder support
- Mental Health
- Domestic Violence

Mr. Ransom said they were recommending \$12,000 be donated to the Alpine School District for touchless drinking fountains for eight Title 1 schools in Orem. The City had an additional allocation of \$287,940 for CDBG-CV projects. He said they would continue to bring recommendations as projects were identified for the community.

Mayor Brunst opened the public hearing at 6:31 p.m. Hearing no public comments, the Mayor closed the public hearing and brought the item back to the City Council for further discussion.

Mayor Brunst moved, by resolution, to approve a substantial amendment to the 2019-2020 Annual Action Plan of the Community Development Block Grant (CDBG) Projected Use of Funds for CARES ACT CDBG-CV funding. **Mr. Macdonald seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed**.

COMMUNICATION ITEMS

The monthly financial summaries for August and September 2020 were included in the agenda packet for review.

CITY MANAGER INFORMATION ITEMS

The City Manager had no additional Information Items to share.

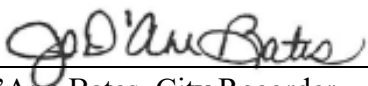
ADJOURNMENT

Mayor Brunst 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 6:34 p.m.

Approved: November 10, 2020





JoD'Ann Bates, City Recorder