

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
November 10, 2020

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

4:15 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; Marc Sanderson, Fire Chief; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Department Manager; Brandon Nelson, Finance Department Manager; Karl Hirst, Recreation Department Manager; Jason Bench, Planning Division Manager; Pete Wolfley, Communications 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”

DISCUSSION - Proposed City Council Meeting Schedule 2021

Mrs. Bates stated State Code requires the City Council schedule the upcoming years meetings and advertise them when approved. The proposed calendar for 2021 has been reviewed by the department heads in order to work around any possible conferences and School District holidays. The schedule shows City Council meetings being held on the 2nd and 4th Tuesday of every month with the exception of July, November and December where there is only one meeting held. The dates had to be moved back a week in June due to Summerfest proposed dates. The date in November also was moved back a week in order to accommodate the acceptance of the 2021 Municipal Elections.

MAYOR PRO TEM - January through June 2021

Mayor Brunst stated that he would like to appoint Jeff Lambson as the Mayor Pro Tem for the term of January through June 2021.

DEMONSTRATION - "Hey Orem"

Mr. Wolfey stated the Hey Orem is a new citizen ticketing program that has been brought into replace the old program that is easier to use for both staff and public.

Mr. Davidson indicated this came about due to conversations he has had with City Council members that would like to improve communications between Council, residents and city staff.

Mr. Ulbrich proceeded to demonstrate the program from a phone app, both IOS, Android and any web browser. Mr. Wolfey continued to demonstrate the process of submitting a ticket and keeping track of those tickets.

Discussion ensued regarding those that participated in getting this program up and going and providing the council with a bullet point instruction as to what was demonstrated. Discussion continued of possible actions that could be done regarding the program.

DISCUSSION - Public Works Utility Master Plan

Mr. Keith Larson reviewed some of the improvement and updates to the 2016 Utility Master Plan that was discussed with the City Council at a previous meeting. He continued to discuss some of the major changes that has come up since that previous discussion.

- Vineyard removed from the system demands,
- Added density along state street corridor and other areas,
- Installation of "Smart Meters" pricing and other efforts are reducing water use and sewer flows,
- West Union Canal and West Smith Ditch are being abandoned and new alternatives needed for storm water, and
- Significant 5-year construction inflation costs and historic low bonding interest rates.

He continued to discuss demands and demographics reviewing:

- Updated population growth projection,
- Updated annual water demand projections,
- An updated peak water demand projection, and
- Updated sewer flow projections in relation to the Water Reclamation Facility

He reviewed the Water System Impacts:

- 2016 Water System pipe improvements, and
- A revised recommendation for those pipe improvements.

He reviewed the Sewer System Impacts:

- 2016 Sewer System pipe improvements,
- Completed Sewer System pipe improvements, and
- Revised recommendations for Sewer System pipe improvements.

He reviewed the Storm System Planning Status:

- Models updated and calibrated for current conditions,
- Additional evaluation needed for abandonment of West Union Canal and West Smith Ditch,
- Costs are expected to increase because of additional canal abandonment projects,

- Some projects are expected to be accelerated because of canal abandonment, and
- Extensive storm water network will be necessary to remove injection wells in wellhead protection areas.

He concluded by a review of the path moving forward:

1. Complete storm drain modeling,
2. Prioritize and finalize updated Capital Facility Plans (CFP's),
3. Use new CFP results and bonding option to develop revised implementation plan, and
4. Update rates and impact fees based on results above.

General discussion ensued regarding Vineyard being part of this process and their process of going onto their own water system. Current and future projects that would be affected by the changes and Vineyard moving in a different direction.

Mayor Brunst thanked Mr. Larson for the time that is being spent on this issue and their presentation to the Council.

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

Mrs. Lauret reviewed the activities of the committees she participates with as follows:

- Summerfest was Summerfest Light and they are hoping to bring it back to the typical celebration in 2021.
- Arts Council is moving forward with their vinyl wraps around the utility boxes.
- UTOPIA at the last meeting indicated they are doing a new set of bonds and by 2021 Orem should be build out.

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

- The cancellation of the New Library Hall Ribbon Cutting and what they are working on for the future, one of which is a virtual tour for the patrons and residents. Discussion continued regarding the fee schedule and proposed groups that will and will not be allowed to have the use of the building.
- City Center and Library Hall Christmas lights are back up this year and look great.
- Landmark Design will work with the City for the design of Hillcrest Park
- The Governor had recently enacted a mask mandate and they are looking at what is being required for cities regarding recreation programs and the enforcement of the mandate. Staff is working on adjusting their operations to consistently reflect what the Governor would like us to do as a city.
- Employee open enrollment started today for city benefits.
- In process of working with IHC with property of Orem Community Hospital and anticipate having it finalized by the end of the year.

- Received a preliminary report from the Forest Service that have identified certain areas of concern for problems in the future due to the burn scar. The city will look to see what they need to do to mitigate those possible issues.

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; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Department Manager; Brandon Nelson, Finance Department Manager; Karl Hirst, Recreation Department Manager; Jason Bench, Planning Division Manager; Pete Wolfley, Communications Specialist; and JoD'Ann Bates, City Recorder

CALL TO ORDER

Mayor Brunst read the following to begin the meeting:

“Pursuant to Mayor Richard F. Brunst's Proclamation dated November 1, 2020, the Orem City Council meeting on November 10, 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

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

INVOCATION /

INSPIRATIONAL THOUGHT Brent Sumner

PLEDGE OF ALLEGIANCE Kena Mathews

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

REPORT – Metropolitan Water District of Orem

Mr. Steven Brown, chairman of the Metropolitan Water District reviewed the history of the District. The District works with the city to supply and ensure safe water to the residents of Orem. He continued to review those members currently on the Board. He stated that approximately 60% of the water that is used in Orem is provided through water rights from the District the rest come from springs and wells the city owns.

Mr. Winterton indicated his role on the Board is the Manager which weaves in with his position at the City as the Water Superintendent. He continued to state the relationship with the district is outstanding and the role the district has had in servicing Orem City has been long standing and works in a spirit of great cooperation for the residents of Orem.

Mayor Brunst thanked those that participated and voiced his appreciation in their efforts for the residents of 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.

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

- APPROVAL OF MEETING MINUTES
 - Minutes of City Council Meeting – October 27, 2020
- APPOINTMENT TO BOARDS AND COMMISSIONS
 - Orem Neighborhood Advisory Commission:
 - Jayna Bauer
 - Angela Cottrell
 - Murray Low
- RESOLUTION – Approval of certain sections of the City of Orem City Manager's Department Retention Schedule

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

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

Mr. Ken Ransom, Chair of the CDBG Advisory Commission, stated the City of Orem initially received a grant for \$411,983. and reviewed specific project allocation to date being:

- Administration - \$30,000.
- Family Support and Treatment Center - \$29,859.34
- RAH - \$8,091.00
- Kids on the Move - \$5,000
- Orem Senior Friendship Center - \$132,000.
- Community Action Services and Food Bank - \$5,000.
- Geneva Elementary School - \$4,500.
- Alpine School District - \$12,000.

He continued to state the amount left from the initial allocation to specific projects is \$185,532.66. He reviewed what the funds can be used for, the City Council priorities of money and the current recommendations which include:

- Orem City Public Library for 30 Wireless Hotspots to be loaned to low-moderate in need of internet - \$7,200.
- Critical Home Repair and Home Rehabilitation Program - \$75,000.
- Kids on the Move reallocation to public services projects - \$5,000.

He concluded the remaining CDBG funds to allocate is \$106,132.66 and the additional CDBG-CV allocation of \$287,940.00.

Mayor Brunst inquired as to how many homes the rehabilitation program would cover. Ms. Mathews indicated it would cover about 4-6 homes depending on what repairs were needed.

Mrs. Lauret inquired as to the timetable in order to allocate the remaining funds. Ms. Mathews stated they have to have all the funds committed by August of 2021 and 80% of the money has to be spent in 3 years and the other 20% has to be spent in 6 years. To meet the COVID guidelines of 3 years may be difficult so they are trying to limit it to 12-18 months from the time the application is made.

Mayor Brunst opened the public hearing at 6:30 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**.

PUBLIC HEARING

ORDINANCE – Amending Appendix A of the Orem City Code by amending Standard Land Use Code 6413 from Automobile Repair to Automobile Repair (Mechanical Only) and enacting Standard Land Use Code 6414 Auto Body Repair and Paint

Mr. Bench stated Business Licensing requests the City Council clarify standard land use code 6413 Automobile Repair by adding the parenthetical “(Mechanical Only)” to clarify that this SLU applies to mechanical repair only and not auto body or paint work. Business Licensing also requests that the City Council enact SLU Code 6414 (Auto Body Repair and Paint) to apply to repair shops that focus on auto body repair and paint work. This change is requested because auto body repair and painting businesses have additional state permit requirements that don’t apply to mechanical auto repair businesses. This amendment will help the Business License division determine specific permitting requirements for the two different types of businesses at the time of licensing and will also aid in enforcement efforts in an area where some businesses have been less than cooperative with Neighborhood Preservation Officers.

Mr. Sumner inquired if there were some of the paint shops in residential areas. Mr. Bench indicated there are a few that do not have a license and by going in this direction it would help the NPU Officers in regulating that issue.

Mayor Brunst opened the public hearing at 6:36 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 to approve an Ordinance Amending Appendix A of the Orem City Code by amending Standard Land Use Code 6413 from Automobile Repair to Automobile Repair (Mechanical Only) and enacting Standard Land Use Code 6414 Auto Body Repair and Paint. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

PUBLIC HEARING

ORDINANCE - Amending Article 22-5-3(A) and the zoning map of the City of Orem by changing the zoning of approximately 2.16 acres from the OS5 zone to the C2 zone at approximately 2000 South Geneva Road

Mr. Bench stated the applicant requests that the City Council rezone property at 2000 South Geneva Road to C2 to allow for a neighborhood convenience store and gas station. The proposed gas station will be patterned after the existing gas station at approximately 1700 West Main Street in Lehi. It is proposed to have internal restaurants, a convenience store, and eight gas pumps (16 filling stations). The properties in question were originally designated in the General Plan as low density residential (LDR). However, a recent amendment to the General Plan designated this corner as Community Commercial (CC). That change was made based on the applicant’s interest in developing this property as commercial. The subject property sits at the corner of Geneva Road and 2000 South. The Development Review Committee requested the applicant go through preliminary review from both Provo and UDOT regarding access since 2000 South is a Provo street and Geneva Road is a UDOT road. Preliminary UDOT and Provo City reviews have been completed. Once the applicant applies for site plan approval, they will need to get full approval from both jurisdictions in addition to the City for the curb cuts. UDOT plans to put in a traffic signal at the intersection in the near future. As the property was originally planned to be residential, the water and sewer infrastructure was also originally planned to go through this property to service

the future residential properties to the east of this corner. In order to be able to still accommodate that plan, staff will require the applicant to continue those utilities through the property to the east when they apply for site plan approval. The applicant has been made aware of this and has updated the concept plan to reflect these utilities going through the north-east portion of the property. The applicant was required to hold a neighborhood meeting prior to applying for the rezone. 44 residents attended the meeting. The Planning Commission voted 3-3 on a motion to recommend approval of the proposed rezone which resulted in no recommendation being made to the City Council.

Mrs. Lauret inquired if this was a 24-hour operation, if not what times they would be open. Mr. Nate Houston responded they would not be open 24 hours. He believes they would be open until 10-11pm and open again about 5-6am.

Mayor Brunst inquired as to the brand of the gas station and what the plans were for the power lines. Mr. John Jensen responded the power poles are inside the Geneva road intersection re-design and anticipate those would be moved. The brand they operate under is the Eagle brand. They would provide both gas and diesel fuels and this location but would not service the large diesel trucks just personal vehicles.

Mr. Lambson stated that UDOT and Provo needs to sign off on this and inquired as to where they are at in that approval. Mr. Bench responded that both Provo and UDOT has reviewed the proposal and has both reserved the right to approve it once they review the official site plan.

General review of the surrounding zoning, current properties and possible future plans ensued.

Mr. Macdonald inquired if this was a zone change that was being requested and why the Planning Commission split their vote. Mr. Bench stated they do fit within the current zoning if they stay with the current site plan. The Planning Commission split the vote in hopes it would make them stay with the proposed plan, staff is in support of the presentation. General discussion ensued regarding the surrounding current zoning.

Mr. Clark addressed the Council stating when this development approached the city about proposing a gas station in this location, staff shared with them that this would be a difficult feat if they were to build a standard gas station. Staff worked with them regarding items that would affect the surrounding neighborhood. They went back with staff's recommendations and produced a proposal that addressed those issues and made it fit the residential area. In order to address some of the issues they would propose a development agreement.

Mr. Sumner inquired about electric signage that would affect the neighbors. Mr. Bench indicated right now there are no signs proposed they may be allowed an electronic sign and the city would require they be dimmed prohibiting direct glare into the neighborhoods. Mr. Ed Axley stated they are in favor of a development agreement that would tie them down to some of the requirements of the City Council.

Mr. Spencer inquired about a fence around the property with residential properties behind this area. Mr. Bench stated they already require a 7-foot masonry wall.

Mayor Brunst opened the public hearing at 7:00 p.m.

Written public comments that were submitted for Item 9.3 are attached to the end of the minutes in their entirety.

Call in Comments:

Mr. Ed Axley is president of Davies Design Build which is the developers of this project and lives a half a mile from the proposal. He stated during the neighborhood meeting they felt there was support for this project and felt it was favorable enough to move forward. During the Planning Commission meeting they were taken by surprise when there were more that voiced their concerns against this project. Since then they have re-canvassed the neighborhood and have had several residents change their opinions and are in favor of this project due to misinformation they previously received. They feel this is the best facility to go in this location and he feels they are the best candidate to build on this location. The new homes to the rear were not built at the time of the neighborhood meeting, he was told there was a letter written to each buyer notifying them that an application had been made for a proposed gas station at that location.

Mr. Don Bahr owns the property across from this proposal and was not initially for the apartments or the project called The Fields but since those projects have been completed, he feels it makes sense to have this type of service in the proposed location.

Hearing no further comments Mayor Brunst closed the public hearing at 7:13 p.m. and brought the item back to the City Council for further discussion.

Mr. Macdonald asked Mr. Bench to review other projects that are in that area and how the gas station would fit into the current location. Mr. Bench reviewed the overall general plan and what was designated as community commercial.

Mayor Brunst stated he feels this facility is needed in this area and there is a 7-foot decorative cement wall that will have to be built to separate this property from the new home development. He feels they have the right to develop this property as long as it meets the code of the city. He feels the design is an attractive design and would like to work on a development agreement for specifically the lights of the project. He is in favor and feels it would be a benefit to those in that area.

Mr. Sumner stated he is concerned about the lighting based on previous projects where this was the same issue. As far as the petition he feels there are several that are not in the Orem boundaries and should not count towards the count of those that are in favor. Mr. Bench stated they do have standards the applicant will have to comply with and agrees that it would be beneficial to have a development agreement addressing the lights and what would be acceptable.

General discussion ensued regarding lighting

Mr. Earl indicated that if the City Council would like to have a development agreement it would need to be approved and signed prior to approval of the zone change. He also stated there are somethings they may or may not be able to restrict. Discussion continued as to what the City Council would like to address in the development agreement.

Mayor Brunst moved to continue the item to Amend Article 22-5-3(A) and the zoning map of

the City of Orem by changing the zoning of approximately 2.16 acres from the OS5 zone to the C2 zone at approximately 2000 South Geneva Road to the next regularly scheduled City Council meeting of December 8, 2020. Mrs. Lauret **seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

PUBLIC HEARING

ORDINANCE – Amending portions of Section 22-24-2 The Hub District (HD) zones of the Orem City Code pertaining to enacting the Edge zone adjacent to University Parkway and modifications to the overall height requirement and permitted uses in the Edge zone and other amendments including enacting Sections 22-24-2(J) Sidewalks and Landscaping and 22-24-2(K) Alternate Development Standards for the HD-E Zone. In addition, amending Section 22-5-3(A) and the zoning map of the City of Orem by rezoning portions of the properties located generally at 314 East University Parkway, 212 East University Parkway and 1315 South State Street from the HD zone to the HD-Edge zone

Mr. Bench stated the Development Services Department requests the City Council amend portions of Section 22-24-2 pertaining to the Hub District (HD) zone. One of the main purposes of the proposed amendments is to create a new Edge zone within the Hub District. The proposed Edge zone would be in three general locations adjacent to University Parkway with a depth of 200 feet from the back of the sidewalk creating an area for retail uses with no minimum height requirement. The HD Core zone currently requires a minimum height of three stories for new structures. This makes it difficult for certain new retail uses such as restaurants to develop adjacent to University Parkway. Because the properties adjacent to University Parkway are highly desirable for retail uses, staff believes that eliminating the three story height requirement for certain retail uses along the frontage of University Parkway would strengthen the City's retail sales tax base and promote economic growth in this area. Staff proposes the creation of the HD-Edge zone in certain areas along the frontage of University Parkway. The Edge zone would not have a minimum height requirement of three stories as is required in the HD-Core zone. Uses in the Edge zone would be limited to retail uses to ensure that the City maximizes the retail opportunities along the University Parkway corridor. The new Edge zone will also help property owners to develop retail pad sites adjacent to University Parkway without compromising existing leases with the big box tenants behind which often have provisions in their leases limiting the height of structures that may be located in front of them. The proposed amendments also include updating setback requirements for parking lots adjacent to the street. A minimum six foot (6') landscaped setback would be required from the back of the sidewalk when adjacent to parking stalls, drive aisles or drive thru stacking lanes. The proposed new Sections 22-24-2(J) and 22-24-2(K) will clarify sidewalk and landscaping requirements as well as alternatives in developing in the Edge zone. In addition to the ordinance amendments, the Development Services Department requests the City Council rezone the properties located generally at 314 East University Parkway, 212 East University Parkway and 1315 South State Street from the HD-C (Core) zone to the HD-E (Edge) zone as shown on the proposed map. The Development Services Department held a neighborhood meeting through Zoom on October 22, 2020 at 5:50 p.m. with two individuals plus City staff in attendance. The two attendees made positive comments regarding the proposed changes. They represented property within the proposed Edge zone.

Mr. Callister owner of Carillon Square stated one concern he has is that it would restrict the uses in the Edge District to specifically retail. They are currently working with a current tenant that is not a retail store but they provide services. Mr. Bench indicated he does not feel there would be an issue to include the SLU code 6510 (medical, dental and health services) in the Edge Zone that would continue to allow that type of business. Future uses other than what is mentioned, would need to come to the Council for approval and change.

Mr. Earl indicated that in making this change they wanted to keep this narrow corridor area for retail. He feels that once they open this up to non-retail use, you lose the rationale of not allowing all non-retail use.

Mr. Davidson stated they need to be mindful of the historical benefit that has been University Parkway to the city, in times past and in time future. If we are going to make modifications along that parkway and change the nature of the parkway then it has very broad implications into the future as related to our success as retail destination of the County. His urging would be consideration of that has been our heritage, let's not undermine our heritage in the future and undermine our ability to remain a prominent retail destination in the county.

General discussion continued regarding the uses in the proposed area and the current tenant of Carillon Square.

Mayor Brunst opened the public hearing at 7:46 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 to Amending portions of Section 22-24-2 The Hub District (HD) zones of the Orem City Code pertaining to enacting the Edge zone adjacent to University Parkway and modifications to the overall height requirement and permitted uses including use SLU code 6510 in the Edge zone and other amendments including enacting Sections 22-24-2(J) Sidewalks and Landscaping and 22-24-2(K) Alternate Development Standards for the HD-E Zone. In addition, amending Section 22-5-3(A) and the zoning map of the City of Orem by rezoning portions of the properties located generally at 314 East University Parkway, 212 East University Parkway and 1315 South State Street from the HD zone to the HD-Edge zone. **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**.

CITY MANAGER INFORMATION ITEMS

The City Manager had no additional Information Items to share.

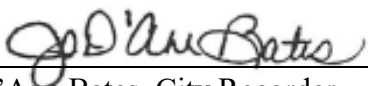
ADJOURNMENT

Mr. Peterson 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: December 8, 2020



JoD'Ann Bates, City Recorder

7. Personal Appearances

Jennifer Nelson, Timothy Keller, Kim Strasburg, Scott and Kristina Lybbert, Patricia Conrad, Laurel Smith, April Johnson, Brad McIntyre, Leon and Darlie Hunsaker, Janet Alvarez, Evie Forsyth, Wendy Smith, Kay Smith, Erin Soter. Representing Friends of the Orem Hillcrest Park (500+ members and growing)

To the Mayor and Councilmembers,

Orem City's acquisition of the Hillcrest Elementary School property is a once in a lifetime opportunity to add centrally located greenspace to our city's landscape. It also has the potential to benefit a large proportion of our city's population who currently have extremely limited access to greenspace. During the last City Council meeting, Councilmember Tom Macdonald voiced concern about Orem's citizens being like kids on Christmas with pie-in-the-sky expectations for the park. We would respectfully counter and say we should be like kids at Christmas! This is an amazing, exciting opportunity and it would be a shame to not recognize it as such! Now, does this mean that we as citizens should get all of the pie-in-the-sky amenities at this park? No! We realize that there are fiscal constraints. However, preserving all nine acres with the bare minimum cost if needed now so that amenities could be added later as funds become available is a much preferable option than to sell a large proportion of the acreage. The sale and the finality of the loss of this land would be a short-sighted decision. We have the chance to create a large space that generations of citizens will enjoy. We humbly ask that the city refrain from selling part of the acreage even if this means that the park may not have as many amenities. Preservation of all nine acres as green space should be the highest priority. Orem has a great track record of encouraging the growth of businesses in our community. In this case, please refrain from making the best business decision in terms of dollars and cents but instead make the decision that will have the greatest benefit for the current and future families of Orem. We can't think of a better way to honor our city slogan "Family City USA" than creation of the full nine-acre Hillcrest Park.

Dave Busath

Where would the 10-million gallon tank be placed in Orem Community Park?

9.1 PUBLIC HEARING /RESOLUTION - Community Development Block Grant (CDBG) Projected Use of Funds for CARES ACT CDBG-CV funding

None

9.2 PUBLIC HEARING/ORDINANCE - Amending Standard

Land Use Automobile Repair to Automobile Repair (Mechanical Only)

None

9.3 PUBLIC HEARING/ORDINANCE – Zone Change of approximately 2.16 acres at approximately 2000 South Geneva Road **Nate Houston**

Mayor and Council Members: Thank you for your time and willingness to consider my below message in regard to the zoning of 2000 South and Geneva Road. I have been directly working with Davies Design Build as the operating partner for convenience stores, gas stations and QSR food establishments. We currently operate in Utah and Colorado markets. My business as a retail and fuel operator began in 2014 in Panguitch, UT. Prior to 2014, my time was spent managing the operations finance team for an ultra-low-cost carrier airline and was a CPA with Deloitte prior to the airlines. This letter is specific to the environment concern discussed in the Planning Commission meeting held on 10/27/2020.

New gas station construction is very differently than construction completed 10+ years ago. Below are some of the methods and equipment we use to ensure environmental compliance, which is synonymous with our success as operators and investors.

1. Underground storage tanks (UST): new installs have multiple options to provide continuous monitoring of an environmental release. This is completed through Interstitial Monitoring, which means the USTs have sensors between the exterior shell of the UST and the fuel holding tank of the UST. These alerts are instant when the sensor is triggered (see page 4-5).
2. Automatic Tank Gauging (ATG - Inventory monitoring): this provides automatic inventory monitoring vs manual sticking the tank (like a dip stick on car oil). This is implemented at all our sites that have USTs. The tank readings flow directly to our IT system and allow us to automatically monitor inventory and identify any variance in fuel gallons (see page 3).
3. Statistical Inventory Reconciliation (SIR): this is a method of statically tracking fuel inventory to monitor if an environmental release may be taking place. The IT system we use in connection with the ATG make this an automated process within our business (see page 6).
4. Electronic Line Leak Detection: This piece of equipment actively tests the fuel lines in the ground on a regular basis. Example: 3 people are pumping on the unleaded line, when the final fueler hangs up the nozzle, the electronic line leak detection will engage and pressurize the line. If pressure is lost there will be an automatic stop to that fuel line that would need to be addressed before that line can pump more fuel. This testing can be completed every time a fueling events is finalized (i.e. after 30 seconds of no fuel flow, the test will begin).
5. Double Walled Flex Fuel Piping: If there is a leak in the main pipe, it is released into the exterior piping and the pressure will push it back to a sump containment. This release would be noted through a sensor that identifies liquid in the sump containment or an A/B inspection. Many older sites may have single walled piping, which could result in a line leak directly into the earth (see page 9).
6. Under dispenser containment (UDC) and sump pump containment will be installed to separate fueling equipment from any direct ground contact, providing an additional layer of environmental protection.
7. A/B Operator Monthly Inspections: This inspection includes evaluation of the entire fueling system and documenting it for the state and internal records.
8. Tank tightness testing & pipe tightness testing: this is required by the state each year, we have a good relationship with our contacts at DEQ and have a great track record of compliance.

9. Vapor recovery at delivery: Deliveries should all have vapor recovery. If we witness a delivery without vapor recovery, we will stop the delivery personnel and request that they implement it. We will then report the event to the company's dispatch group.

The above items are not exhaustive but are part of the core items ensuring that our environmental risks are aligned with our investment risk.

The financial risk we expose ourselves to if we are negligent concerning the environment would eliminate any investment benefit and no operator that cares about their patrons, business and investors would allow this to happen.

Truett Chamberlain

I work for Berkshire Hathaway Commercial Real Estate in Utah. I, along with my business partner (Cassidy Baum, cc'd to this email), represent the sellers and the buyer/developer for the two parcels of land on the Orem/Provo border where 2000 South meets Geneva Road. These properties are being proposed to turn into a gas station.

Below is a list of our clients in respect to this email:

Seller = The Lloyd Taylor Living Family Trust (the family representatives are Lane Taylor and Cyndy Butler). They own 1.24 acres located at [1981 S Geneva Rd Orem, UT 84058](#) with the parcel number 19:036:0116

Seller = Donald "Kent" Roberts. He owns .96 acres located at [868 W 2000 S St Orem, UT 84058](#) with the parcel number 19:036:0053

Buyer/Developer = Davies Design Build / Axley-Way Investments located at [240 N 1200 E, Lehi, UT 84043](#).

In preparation for tonight's city council meeting at 6 PM, my business partner and I gathered signatures from as many people as we could who live/work within 1 mile of the properties.

Attached you will see a copy of the petition along with renderings of the proposed gas station. To the left of each signature is a description of where the signers live/work. Please note that we were unable to talk to everyone within the 1-mile radius due to residents/employees not being home/at work or for lack of time to talk to everyone.

We were able to collect 204 signatures from those wanting a gas station to be located on the North-East corner of 2000 South and Geneva Road. Those who signed all agree that a gas station on the aforementioned corner would benefit their neighborhood.

We look forward to tonight's meeting and feel free to use this petition however you see fit during the meeting. I will be in attendance during the zoom meeting if there are any questions you might have in respect to the petition. (Petition emailed to City Council 11/10/2020)

Canon Jensen

I currently work for Davies Design Build, live in Orem somewhat close to the subject property, and am voter. I am sending this comment as a resident who truly would like a convenience store closer. While it may be hard to believe, I am NOT sending this comment because I am an employee with the applicant. No one has asked me to send this. I personally would enjoy having this gas station mainly because it would be much closer to my home than any other gas station. I am also currently going to school and having this gas station on the subject property would benefit many students due to the large number of them that live on our side of town that do not have a gas station very close to where they live. Lastly, I understand the concerns that others may have about having this gas station, but I do not take in consideration those that do not leave a name or some kind of identification with their comments during your meeting. (Mostly due to the fact that one person could easily spam your inbox with multiple comments against the project from another area or not from Orem). Thank you for listening to my comments and I understand

if my job at Davies Design Build minimalizes the things I have said.

Tanner Nordstrom

My name is Tanner Nordstrom. I live approximately 650 feet from the proposed gas station. The letter I submitted to the planning commission captures our community concerns and desire to NOT live by a gas station. Please hear and value the voices of us who will be negatively impacted by a developer looking to get rich with no negative impact to their quality of life. We are not opposed to change; we are not opposed to a commercial building on that corner. We ARE opposed to living by a gas station. The planning commission did a great job hearing our concerns and reference checking the bogus comments the developer tried to sneak into the meeting in support of the gas station, please trust in their decision to not recommend this rezoning.

Dave Busath

This is the beginning of development related to the Orem Temple. How does the City think it will affect future development, traffic to/from the Temple, and traffic to/from the Utah Autism Academy?

**9.4 PUBLIC HEARING /ORDINANCE – Amending portions of
Section 22-24-2 The Hub District (HD) zones**

None