

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
December 8, 2020

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

3:00 P.M. WORK SESSION – CITY COUNCIL CONFERENCE ROOM

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner.

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; 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; Heather Schriever, Deputy City Attorney; 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”

UPDATE – Fitness Center and Library Hall Projects

Mr. Clark introduced the representatives from Method Studio and Big D Construction that were participating in the meeting and said they could field questions regarding the design and construction of the projects. Mr. Clark began the update sharing photos of the interior of the new Library Hall building. He said the COVID-19 pandemic had caused some delays in the shipping of certain materials needed to complete the project. They were working closely with subcontractors to ensure that the interior finishes would be as planned in time to open the facility. Mr. Clark then moved on to the Family Fitness Center construction progress. He showed photos of the work being completed on the outside of the building, and the interior work in progress. He said the fundraising efforts for the indoor playground were going well, and he felt the new facility would be a regional draw for some of the unique features and amenities it would have. In response to a Council question, Mr. Clark said they were working on the temporary certificate of occupancy and thought they would wait to do the ribbon cutting for the Library Hall until they could safely gather in larger numbers. He anticipated an opening in February 2021.

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DISCUSSION – City Retention Schedule

Ms. Lambert said this was the final step in the approval of the City’s Retention Schedule. The records were general city administration records, including master plans and studies, publications, and more. It did not include electronic correspondence; the City Attorney’s Office was working with the Records to determine the appropriate retention for those records. There were no additional questions regarding records retention. Ms. Lambert said the last section would come before the City Council for approval at the first meeting in January 2021.

DISCUSSION – 400 West 1200 South Roundabout Design

Mr. Kelly gave a brief update about the 1200 South 400 West Roundabout. He said there were existing and future deficiencies they wanted to address; it was anticipated that the Level of Service (LOS) for the traffic in the area would be at failing level before 2040, as well as safety and queuing concerns that would affect the surrounding traffic network. Mr. Kelly said a suggested roundabout design would have two lanes, and shared an example of this kind of roundabout recently built in Mesquite, Nevada. He acknowledged that the design could initially be confusing for drivers, but would improve the LOS to grades A and B and improve the flow

Discussion continued regarding the redesign of the roundabout, including whether the intersection would be open during construction, the overall look and landscaping of the roundabout, the need for a maintenance agreement with UVU, accommodating the BRT system, and the costs of the project. Mr. Kelly said they were working with Horrocks Engineering on the design of the roundabout. The City would also take on public outreach efforts to help teach drivers how to navigate through the area once the design was finalized. Mr. Kelly said they would continue to consult the Council as the project progressed.

DISCUSSION – State Street Zoning & associated master planning

Mr. Bench said they had been working on State Street corridor master planning for the past five years. It had involved a significant and purposeful public outreach campaign and established the foundational plan for the five State Street Districts. In February 2015, residents participated in a survey that identified their priorities for the State Street corridor. Preserving existing neighborhoods was the highest priority, which meant determining how and where to focus density. Mr. Bench said the city would continue to grow, so in order to provide housing opportunities for our kids and grandkids they looked to disperse housing along the State Street corridor. The plan aimed to preserve single-family neighborhoods while considering the safety, walkability, livability, and aesthetic of a major corridor.

Mr. Bench shared information regarding the public outreach campaign staff undertook as the State Street plans were created. He said residents, home and land owners, business owners, and neighborhood groups were all part of the discussions. There were multiple open houses, three informational websites launched, thousands of email notices, utility notices, and business mailers sent, five newspaper articles as well as two newscasts about the State Street master plan project,

social media posts and more. Mr. Bench said they knew the scale of this undertaking, so the planning staff had engaged the public in an unprecedented citizen engagement campaign.

General discussion ensued. Mayor Brunst and others commented that there were still people who seemed to be unaware of the State Street Master Plans; Mr. Bench said he was unsure why that would be the case. Mrs. Lauret said there had been long discussions with the Council, many of whom were still serving, about preserving single-family neighborhoods and it was unanimously decided to focus density and development along State Street. These plans should not come as a surprise to people. Mr. Spencer felt the problem was the “creep” of the edge of the district going away from State Street and into the side streets which was causing concerns for the neighbors; he wanted the area reevaluated. Mr. Peterson said they needed to be loyal to the businesses along State Street as well as homeowners.

Mr. Clark said the market would dictate the development along the corridor. The City was not advocating for housing, but trying to create a place where development could go which would take the pressure of other areas of the city. Mr. Clark said sometimes decisions were made for the greater good that were not popular, but it was a struggle every city was facing on an ongoing basis.

Mr. Davidson said he appreciated staff’s effort to anticipate growth and accommodate it rather than being compelled to do things they would not want in the future. He said there was an effort within the state for the limitation or restriction of city councils and local jurisdictions to restrict land use and zoning. State legislators were saying that local authorities were not willing to have the difficult discussions about land use and urbanization, so the legislators would take the option away and adopt “one-size-fits-all solutions” that may force development municipalities did not want. Mrs. Schriever was at the legislature throughout the session, and she said making land use consistent was a constant push in the State legislature. The State seemed to be chipping away at local land use authorities who pushed against “different” housing (like affordable housing), so they were creating more and more mandates.

Mr. Sumner asked about plans for expanding the UVX bus line and the impact it would have on State Street. Mr. Davidson said UDOT and UTA were going to initiate an environmental process for the Central Corridor Master Plan in the coming months, and all residents would be able to participate in that public outreach campaign.

UPDATE – Utility Master Plans & Funding

Mr. Tschirki shared progress information regarding the City’s utility master plans and bond. He said the utility modeling was complete, the capital facility plans were substantially complete, and the CIP lists and probable costs had been updated. The bond parameters resolution was anticipated to come before the Council at the January 26, 2021 meeting. He reviewed the next steps and timeline of the proposal, as well as the goals to complete before the next meeting.

Laura Lewis with Lewis Young Robertson & Burningham (LYRB) said Orem utility rates were set to account for payment of large capital projects on a pay-as-you-go basis, but the City would not be able to save enough fast enough given the current construction environment to keep up. The goal was to finance long useful life projects at near historically low interest rates in an effort to reduce utility rates where reasonable. Ms. Lewis said there was some concern leading up to the

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presidential election but bond markets had responded well and interest rates were a very low levels. She shared debt service coverage considerations, an abbreviated summary of Orem utility projects, and key dates on the bond issuance calendar of events.

Discussion continued regarding project costs, utility rates, interest rates and construction inflation, and the impact the COVID-19 pandemic had on the local and national economy. In response to a question from Mr. Spencer, Mr. Tschirki said they were evaluating the tier and volume basis on which utility rates were based, and they would look into the possibility of adjusting rates for low-income seniors. Mr. Tschirki encouraged the Council to contact him with any further questions.

DISCUSSION – Noise Mitigation

Mr. Spencer had asked that the topic of noise mitigation be discussed in relation to the Wiggy Wash car wash on Center Street. He shared comments he had received from three of the neighbors to the car wash, and said this was an ongoing issue he did not want to be forgotten but wanted fixed. Mayor Brunst said he had gotten information about walls specifically designed to help mitigate noise issues, and had sent that information directly to the owner of the Wiggy Wash. Mayor Brunst was hopeful a solution could be found.

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. Macdonald reviewed the activities of the committees he participated with. He said the Heritage Advisory Commission had pulled off a great Veteran's Day program that had been filmed and made available for public viewing. The Orem Youth Council had been unable to meet at all during the pandemic. The IHC Community Outreach group had been meeting through Zoom, and he was pleased that they would be able to conduct some business with IHC during the regular meeting. Mr. Macdonald said it was unfortunate that they could not meet together more, but that was the nature of 2020.

On behalf of the city staff, Mr. Davidson wished the City Council a happy holiday season and a Merry Christmas.

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; Steve Earl, Deputy City Attorney; Pete Wolfley, Communications Specialist; and Jackie Lambert, Deputy City Recorder

CALL TO ORDER

Mayor Brunst read the following to begin the meeting:

“Pursuant to Mayor Richard F. Brunst's Proclamation dated November 30, 2020, the Orem City Council meeting on December 8, 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

Terry Peterson

PLEDGE OF ALLEGIANCE

Sherry Peterson

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

There were no Mayor’s Items on the agenda.

PERSONAL APPEARANCES

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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.

Darren Hawkins with the City’s Natural Resources Stewardship Committee (NRSC) called in to express the committee’s position on the proposed development of Bridal Veil Falls. He said Bridal Veil was a national treasure, and they feared the proposed development would take away from the natural beauty of the experience. Families and friends could gather and play at the water’s edge, where they could enjoy nature together. Public lands had always been open to all, and Bridal Veil should be kept open to all. Mr. Hawkins suggested that the City seek a conversation easement, which would help keep the land safe from future development; he said the NRSC was unanimously in support of a conservation easement.

CONSENT ITEMS

- APPROVAL OF MEETING MINUTES
 - Minutes of City Council Meeting – November 10, 2020
 - Minutes of Special City Council Meeting – November 13, 2020
- APPROVAL OF PROPOSED MEETING SCHEDULE 2021
- APPOINTMENT OF MAYOR PRO TEM – January through June 2021
 - Jeff Lambson
- CITY MANAGER’S APPOINTMENTS
 - Board of Adjustment
 - Karen Jeffreys
 - Leslie Nelson (reappointment)
 - Planning Commission
 - Marisa Bentley
- APPOINTMENT TO BOARDS AND COMMISSIONS
 - CARE Advisory Commission:
 - Laurel Smith
 - CDBG Advisory Commission:
 - Miguel Echeverria
- RESOLUTION – Consenting to the RDA’S transfer of \$1,292,485.00 from Redevelopment Project Area #85-03-A to the City of Orem for the purchase of the Hillcrest Elementary School property
- RESOLUTION – Support for the Preservation of Bridal Veil Falls with a Conservation Easement

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**.

SCHEDULES ITEMS

PUBLIC HEARING

ORDINANCE – Amending the Current Fiscal Year 2020-2021 Budget

Mr. Nelson said the Fiscal Year 2020-2021 City of Orem budget had many adjustments that occurred throughout the fiscal year. These adjustments included grants or donations received from Federal, State, and other governmental or private entities or organizations; interest earnings on unspent 2019 G.O. Bond funds; funds for the purchase of the Hillcrest Elementary School property; insurance recoveries for two Fire Department vehicles; and appropriating surplus Water Reclamation Fund money for reconstruction of the Carterville and Springwater lift stations. He reviewed the adjustments in detail.

Mayor Brunst opened the public hearing at 6:20 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 ordinance, to amend the current Fiscal Year 2020-2021 Budget. **Mr. Sumner seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

PUBLIC HEARING

ORDINANCE – Amending Section 22-6-9(G) Commercial Daycare Services, Section 22-6-9(H) Private Schools of the Orem City Code and Appendix A by amending Standard Land Use Code 6813 Private Primary and Secondary Schools pertaining to commercial daycare services and private schools in a residential zone

Mr. Bench said staff proposed to establish a parking requirement for commercial daycares in residential zones based on the maximum occupancy of the facility. Staff proposed to require parking at a ratio of 0.24 parking stalls per child, plus one (1) parking stall per full time caregiver/teacher and 0.5 stalls per part time caregiver/teacher. All required parking would be required to be located on-site and no on-street parking could be counted towards the required parking. In addition, reference to Private Schools, 22-6-9(H) had been added to the SLU Code 6813.

Mr. Bench said any existing commercial daycare in a residential zone would be classified as “legal, non-conforming” going forward, and any new daycares would need to meet the proposed standards. He reiterated that this standard would not apply to commercial daycares in commercial zones, but in residential zones only.

Mrs. Lauret said that she would be comfortable with the Smiling Faces daycare facility having a more flexible parking ratio, as the stalls were not typically occupied long-term. Her hope was to be both family-friendly, as finding good daycare options was so important, and business-friendly with the proposed changes.

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Mr. Bench clarified the proposed changes. Mayor Brunst agreed with Mrs. Lauret about the importance of daycare for families, and he felt Smiling Faces daycare should be able to have more than 83 students.

Mayor Brunst opened the public hearing at 6:34 p.m.

Tara Bishop called in to express her hope that the City Council would continue the item before changing a city ordinance that could have wide reaching consequences. She said Utah was unique because families tended to be larger and quality daycare was hard to find; Utah's demographics did not fit into national standards and averages. Ms. Bishop was concerned that the changes would limit any kind of expansion or keep new daycares from wanting to come in. She said they had not yet finished traffic studies in the area and wanted the issue to be studied further before decisions were made.

Additional public comments submitted were read into the record and are attached to the end of the minutes in their entirety.

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

Mr. Macdonald was taken aback and troubled by the comment made that he had targeted or threatened the Pardo family or the Smiling Faces daycare in any way; he had done no such thing he was accused of and would be happy to speak with the person who submitted the comment to clear things up. Mr. Macdonald asked if they could adjust the ratio and calculate parking per household rather than per student. Mr. Bench said that would be difficult to monitor. Mr. Macdonald said he was fine lowering the requirement because several families had more than one child attend Smiling Faces.

Mr. Sumner said he understood the cap on enrollment for Smiling Faces was set at 83 children but he had seen emails referring to 200 children, which had not been clarified. He was simply concerned about existing space and safety with traffic. Mayor Brunst said the last time they had discussed the issue he had proposed a cap of 100 students but the motion had died for lack of a second. He added that he would be fine allowing more children, and personally would like a traffic study to be conducted.

Mayor Brunst then moved to continue the item to a future meeting to be determined. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, and Debby Lauret. Those voting nay: Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. **The motion failed.**

Mr. Sumner then moved, by ordinance, to amend Section 22-6-9(G) Commercial Daycare Services, Section 22-6-9(H) Private Schools of the Orem City Code and Appendix A by amending Standard Land Use Code 6813 Private Primary and Secondary Schools pertaining to commercial daycare services and private schools in a residential zone. **Mr. Peterson seconded** the motion. Those voting aye: Jeff Lambson, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. Those voting nay: Richard F. Brunst and Debby Lauret. The motion **passed, 5-2.**

PUBLIC HEARING

ORDINANCE – Amending Article 22-6-9(I) Accessory Apartments of the Orem City Code to clarify language in the accessory apartment ordinance

Mr. Bench said it would be helpful to clarify language in the Accessory Apartments ordinance pertaining to the definition of “owner” and “bedroom” and to clarify the requirement for interior connectivity between an accessory apartment and the primary dwelling.

The first proposed change clarified that when a house with an accessory apartment was owned by a corporation or limited liability company, the house must be occupied by persons who had at least a combined 50% ownership interest in the corporation or limited liability company to be considered “owner occupied”.

The second proposed change would clarify the definition of a bedroom. The current ordinance stated that an accessory apartment could only have two bedrooms. Staff had recently been encountering situations where owners were attempting to skirt this requirement by labeling rooms that could easily be used as bedrooms as dens, offices or playrooms. The proposed change would clarify that basically any room in an accessory apartment that could reasonably be used as a bedroom was counted as a bedroom for purposes of the two-bedroom limitation.

The final proposed change would clarify that interior connectivity must be maintained between an accessory apartment and the primary dwelling by means of an interior door (which may be locked).

Mr. Earl clarified that in a scenario where a trust owned a home, they would still be subject to the requirement that at least 50% interest of equity in the house lived in the house. It had to be owner-occupied no matter how it was owned; they were not setting them up as duplexes.

Mayor Brunst opened the public hearing at 7:03 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 ordinance, to amend Article 22-6-9(I) Accessory Apartments of the Orem City Code to clarify language in the accessory apartment ordinance. **Mr. Peterson seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

RESOLUTION – Approving a conditional use permit for an accessory structure, basketball court and garage, located at 1391 South 1140 East in the PD18 Zone

Mr. Bench said the applicant would like to add an accessory structure to his property at 1391 South 1140 East that would contain a basketball court and garage. The lot had a total area of 63,701 square feet or 1.46 acres. The proposed accessory building had a total building area of 1,735 square feet.

The PD18 zone required a conditional use permit for accessory structures that were 1,000 square feet or greater in size. Accessory structures could not be more than 10% of the area of the parcel. The proposed structure of 1,735 square feet would be three percent of the lot. The structure was within the height requirement of the ordinance at 31 feet 2-7/16 inches.

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The exterior finish materials of the proposed structure consisted of stone and other finishes matching the existing residence. The proposed landscaping and overall plan would comply with the requirements of the PD18 zone.

The applicant also intended to build a pool house and swimming pool. Because the pool house was only 597 square feet, it did not require a conditional use permit in the PD18 zone. The swimming pool also did not require a conditional use permit. They would, however, need to meet the standards of the PD18 zone.

Mayor Brunst moved, by resolution, to approve a conditional use permit for an accessory structure, basketball court, and garage located at 1391 South 1140 East in the PD18 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**.

CONTINUED ITEM

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 said this item was continued from the November 10 meeting to allow the applicant time to execute a development agreement. A draft of a proposed development agreement had been provided to the applicant but had not yet been signed at the time the agenda summary was prepared.

The proposed development agreement included the following provisions:

- 1.) The development would be in conformance with the concept plan which included the drawings and renderings presented to the City Council;
- 2.) Lighting on the site would be dimmed to only allow security lighting between the hours of 11:00 p.m. and 5:00 a.m.;
- 3.) The hours of operation would be limited to 5:00 a.m. to 11:00 p.m.; and
- 4.) The fuel pumps would be limited to eight (8) fuel pumps (16 fueling stations). In addition, any diesel fueling stations would be limited to small trucks and passenger vehicles and would not be made available to semi-trucks or other vehicles of similar size.

The applicant requested 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 would be patterned after the existing gas station at approximately 1700 West Main Street in Lehi. It was 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 sat 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 was a Provo street and Geneva Road was a UDOT road. Preliminary UDOT and Provo City reviews had been completed. Once the applicant applied for site plan approval, they would need to get full approval from both jurisdictions in addition to the City for the curb cuts. UDOT planned 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 would require the applicant to continue those utilities through the property to the east when they applied for site plan approval. The applicant had been made aware of this and had 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. Below is a list of some prominent concerns with the applicant's response to each one.

- Why this particular location instead of elsewhere?
 - Demand for a convenience store in this area is increasing. The closest commercial to this location is at Geneva Road and University Parkway.
- What kind of fence will border the gas station?
 - An 8' stamped concrete wall
- If approved for the zone change, what is the likelihood of something other than a gas station going into the property?
 - The cost of the land would prohibit anything other than a gas station from going in.
- How tall will the structure be?
 - 32 feet

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.

Mr. Spencer said his concern was about light pollution affecting the neighborhood. Mr. Earl said the development agreement would establish the type of lighting that would active during the daytime and the hours of midnight to 5:00 AM. According to the plans submitted, the lights during the nighttime hours would shine straight down and not dissipate much beyond the canopy. Mayor Brunst added that the lights were also dimmed by approximately 50% during the nighttime hours.

Mr. Macdonald said he was grateful for the additional work staff had done with the developer to address concerns. Mayor Brunst and Mr. Sumner discussed the widening of Geneva Road and the Lakeview Parkway. Mr. Clark said the traffic signal by the property was in currently in design and would be built in 2021.

Mr. Lambson said he visited the property and noticed that it generally sat lower than the neighborhood behind it, and he felt the elevation would also help resolve light pollution concerns.

Mayor Brunst noted that the public hearing for this item was opened and closed at the November 10, 2020 City Council meeting. **Mayor Brunst then moved**, by ordinance, 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. **Mr. Spencer**

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seconded the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

RESOLUTION – Ratifying the Real Estate Donation Agreement between IHC Health Service, Inc. and the City of Orem

Mr. Davidson said IHC Health Services had historically leased property adjacent to Orem Community Hospital to the City of Orem for public recreational uses. In the proposed Real Estate Donation Agreement, IHC donated this 9.87 acre parcel to the City of Orem, subject to the terms and conditions in the agreement. By signing and ratifying this Agreement, the City agreed (1) to use the parcel for public recreational, park or open space purposes; (2) to allow IHC to place a monument on the parcel acknowledging IHC's donation to the City; and (3) to maintain the current walking path easement on the property. If the City failed to use the parcel for public recreational, park or open space purposes, then the parcel would revert back to IHC. Mr. Davidson had signed the proposed agreement, subject to the City Council's ratification; he said the deal would close on December 29, 2020.

Tom Uriona with IHC Health Services said he would soon be retiring after 25 years with the company, and was pleased that one of the last things he would be involved in was the donation of this land to the City of Orem. He thanked the Council for the opportunities IHC had to work in partnership with City to help improve the lives of Orem residents for many years, past and future. Mr. Uriona particularly thanked Mr. Davidson and Mr. Stephens for their help with the exchange.

Mr. Lambson expressed his gratitude for the gesture and to maintain a great recreational space in the City. Mr. Macdonald asked if the community garden nearby the property would stay intact. Mr. Davidson said it would stay with IHC but the City would continue to be a partner in that project. Mr. Macdonald and Mr. Peterson too thanked Mr. Uriona for the donation and for encouraging residents to be healthy and safe.

Mayor Brunst moved, by resolution, to ratify the Real Estate Donation Agreement between IHC Health Service, Inc. and the City of Orem. **Mr. Macdonald seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

RESOLUTION – Accepting the Fiscal Year 2019-2020 Audit

Mr. Nelson introduced Ron Stewart from the accounting firm of Gilbert & Stewart and said this was the sixth year this particular firm had conducted the City's audit. Mr. Stewart apologized for his delay in joining the meeting, and said he appreciated the City's flexibility in allowing him to move the discussion on the agenda.

Mr. Stewart began by explaining the criteria the auditors used in conducting their audits, including a number of tests to ensure that all financial statements were correct. They would pull a random sample of invoices and use a third part to confirm amounts and examine internal controls. Mr. Stewart said they also performed an analytical review comparing to the previous year, as well as ensured compliance with state law. He shared the opinion reached of an unmodified or "clean"

audit for the City. The only finding they had was that the General Fund amount was above the 25% cap it was required to be below. He said that was a common finding and was something that should be adjusted in the future.

Mayor Brunst moved, by resolution, to accept the Fiscal Year 2019-2020 Audit as presented. **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**.

COMMUNICATION ITEMS

The Monthly Financial Summary from October 2020 was included in the agenda for review.

CITY MANAGER INFORMATION ITEMS

The City Manager had no additional Information Items to share.

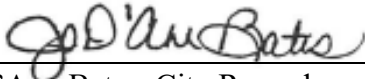
ADJOURN TO A MEETING OF THE REDEVELOPMENT AGENCY OF OREM

Mayor Brunst moved to adjourn to a meeting of the Redevelopment Agency of Orem. **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 7:37 p.m.

Approved: January 12, 2020




JoD'Ann Bates, City Recorder

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PUBLIC COMMENTS

7.1 Personal Appearances

Chris Romrell

I appreciate the assistance of both Councilmember Spencer and Mayor Brunst regarding the sound concerns related to Wiggy Wash. As a property owner in the adjacent property I am very concerned about the sound levels and impact it is having on my property use and value. I continue to remain hopeful that we can come to an acceptable solution, and that the city will also take steps to adjust city code to ensure we have proper prevention and ability for enforcement. I would be happy to make public comment and/or continue to meet with interested parties for resolution.

9.3 PUBLIC HEARING/ORDINANCE – Amending Section 22-6-9(G) Commercial Daycare Services, Section 22-6-9(H) Private Schools of the Orem City Code and Appendix A by amending Standard Land Use Code 6813 Private Primary and Secondary Schools pertaining to commercial daycare services and private schools in a residential zone

Orem-utah-us

This comment is concerning the parking rule being proposed for day cares in residential areas. Being a parent since before Smiling Faces moved to their new main street location from State Street, I have felt so much better taking my toddler into this new location. As you know the traffic on state street gets very heavy especially during rush hour. Pick up and drop off was more difficult for us parents as we had to merge into this congested street causing panic and uncertainty because of the many cars parked on that street. Since Smiling faces has moved to their new location on Main Street and 400 s, pick up and drop off are a breeze. I spend only 2 minutes in the parking lot to pick up and drop off. I drop off my child at 8 am where in the very spacious parking lot are only 2 more cars at the most. As I pick up my child at 430, I often find myself alone in the parking lot. To get to this facility I drive up 400 s where on that same road is Orem Elementary school. This is where I often find the most traffic on that street which effects the traffic on Main Street.

Ever since the Pardo's decided to buy this facility, surrounding neighbors have given them a rough time to settle. They don't want the day care there but let me explain why they need to expand. First at only 3 years old my daughter is starting to read. Being an elementary teacher myself, I have seen how my child has benefited from this learning center more than placing her in a normal city day care. Not only socially but academically. Second, Mrs. Pardo and her staff are certified teachers or working towards their certification. This makes this facility not a day care facility but a learning center due to its credentials. Third, as I have explained and as KSL witnessed, there is no traffic congesting either Main Street or 400 s because of Smiling Faces. Lastly, having known the Pardo's since I was a little girl, I have always known them as kind, nurturing and upstanding citizens. They are essential to the Orem community. They have made the news with their amazing work, they have earned city awards, the mayor himself visited the facility back in the fall this year and was impressed with everything this center offers to the kids of our community. Smiling Faces

should be able to expand with no difficulty. Thanks for your time.

Lehi-utah-us

This is regarding the 'Proposed rules pertaining to parking involving Smiling Faces Business.' German and Luz moved to Orem over 20 years ago and made it their home. They have been and are exceptional residents of the city, and upstanding citizens. They contribute positivity to the community and have always done things right. They have proved themselves as very successful business owners. At their previous location, they built their clientele by not only providing loving care for children, but an educational program as well. Helping children learn and thrive in a clean, structural, engaging, environment designed and created for the children themselves. They gained the love of each child and parent, the support of all involved in this field, as well as the city Mayor. Their hard work reflects in the many outstanding awards, and recognitions towards their program and business as a whole. Their success led to the need for their services on a larger scale, as parents begged for more enrollment openings for their children. As small business owners they decided to take a huge leap and expand, to provide for more children to benefit from their care and programs, provide the community with a greatly needed service and facilitate the life of the parents by hoping to provide easier access facilities with ample room. Their hope was set on purchasing a building which was previously a skilled facility, which was also abandoned by its previous owner, left to deteriorate on the inside and outside. It sat empty, abandoned within this 'upscale' neighborhood for years, with no plans for it in sight. Despite all the work that needed to be done to make the facilities functional, the large price tag and the endless work ahead. They made it happen. Once their interest was voiced to relocate their business to this new site, they found themselves with a much difficult challenge ahead as it was apparent that a handful of individuals were not going to make this easy for them.

There seemed to be more roadblocks than realistically expected, from the most miniscule detail to expecting these owners to fund a \$10,000 traffic study for the area surrounding their new building, which truly should have been something the city should have provided, funded and been on top of. They were required to personally hire an engineer to work through the new building and follow the city's guidelines for approval, they also found the need to hire a lawyer to be able to help them through the process. Despite it all, these proud business owners met every single requirement, demand and worked through every challenge thrown at them. After a very long process and much back and forth discussion and city council meetings, it was thankfully approved for them to relocate. Unfortunately after this decision they have had to endured disrespectful encounters, thoughts and comments from surrounding neighbors and even certain congressmen from the very city they have been devoted to serving and being an asset to.

I have always had the hope and expectation that those in positions of authority and leadership make rational, just decisions and the ongoing resistance and lack of support towards this specific business and its owners is just dumbfounding and sad. It is challenging for me to not wonder if it would be much different were it any other business or perhaps owners.

Finally, the recently spoken of 'proposed rule pertaining to parking' in this city, would not only affect first and foremost the expansion of this specific business, it will also have an impact and affect every single small and large child care business in the city of Orem and it is tough for many to find any reasonable rationale for it. Thank you!

DRAFT

McKenzie Kelsch

I am writing this comment in regard to the Smiling Faces Bilingual Center. I am so fortunate to know the owners of the center and have seen firsthand their hard work. They are some of the most kind and caring people I have known. They do not deserve the hoops they're having to jump through. They provide a safe and loving environment for all of the children. They care so much about the wellbeing of all of the students. We are so lucky to have them in the city and are so lucky for their example they show everyone.

Courtney Newman

My two kids go to this daycare. Not once have I ever taken more than 5 minutes to get them in or out of daycare. The restrictions being placed on smiling faces are ridiculous and discriminatory. The building is on Main Street and 400. It is not in a gated community or subdivision. They are wonderful people who I trust with my children. Please don't make things harder for them just because you have some odd vendetta against them.

Renee Caron

I am an Orem citizen, please consider one or more of the alternative options:

- A.) Delay any vote or action until a proper traffic study has been conducted to determine impact to the neighborhood surround 410 South Main Street.
- B.) Grant Smiling Faces an exemption or variance to the proposed ordinance that would allow a maximum capacity of 200 students with the current parking set-up.
- C.) Amend the proposed ordinance so that additional parking can be provided off-site within a reasonable distance, such as across the street, so that business owners can purchase additional land to expand.
- D.) Amend the proposed ordinance to more accurately reflect local family child rates, so that number of parking stalls are suggested based on enrolled households and not enrolled students. Two or three children within the same home and presumably travelling together should be considered as one unit in the 0.24 scenario.

Thank you for your time in looking at any combination of these ideas. Options are available to respect the homeowners that have worked hard to keep their neighborhood safe and beautiful, without completely hobbling this small business that provides an essential service to your residents. Please consider some middle ground.

Chad Nichol

My name is Chad Nichol. I'm a law enforcement officer, my Wife is a registered nurse. Throughout this pandemic where we have been on the front lines, my family has not had the luxury of working from home and staying safe, we still needed a safe environment for our two children. I have found such a safe haven in the Pardo's amazing facility. My oldest has been going since she was born, now in second grade, she excels in her class and gets top scores, AND she is bilingual in a time where our world is changing and the need for a second language is crucial. All my thanks in this is due to the Smiling Faces Daycare and Bilingual Center. I have personally helped Mr. and Mrs. Pardo in their transition to this new building and I have personally witnessed the city putting up every road block imaginable to this poor incredible family who throughout it all, entirely insists on doing it the right way, despite the many challenges they face.

I have personally witnessed the racism towards them and believe me, I don't say that lightly. I believed in the good of people and am still at a loss for words that there is prejudice in this society, and it can come from people who are in appointed positions. I have witnessed Mr. McDonald of Orem City on multiple accounts belittle the Pardo's. From sending emails to Mr. Pardo for having a car in the parking lot of the his own facility later in the evening (thousands of man hours has been put into restoring this building which has sat empty.), to the final straw that would support my claim of Mr. McDonalds targeting, he walked into the Pardo's business and threatened and intimidated this amazing family. He said to Mr. Pardo "This is an upscale neighborhood and we will be motoring this place closely for any little thing that is out of place, and we will not hesitate to shut you down." But not only did he make it a point to intimidate these hard-working Orem citizens, people he has been entrusted by, but he did it on the day of their new building's grand opening. A day of excitement, joy and relief for the thousands of man hours and thousands upon thousands of dollars that they put into this facility to make it the safest learning environment they could. I find it odd that a key antagonist of this proposal, such as Mr. McDonald of Orem City, happens to have a son who lives in this "upscale neighborhood" very close to this wonderful business. It would seem there is a conflict of interest. He should have the ethics to withdraw himself from something where he has such a vested interest.

As for the city of Orem, they should reconsider this proposal, and how it will negatively affect businesses such as the Pardo's. I drop my kids off every morning and pick them up every afternoon and have always been the only car in the parking lot. Occasionally there has been one other car usually pulling out as I get there or pulling in as I leave. There has been no evidence of any increase in traffic due to the Pardo's business. The Pardo's have even spent \$10,000 doing a traffic study on this subject that supports this. The city has done no investigation of their own, they have not hired an outside company to do an independent traffic study. The city needs to do their own due diligence and create unbiased results. With the ongoing pandemic, our government should be promoting small businesses that provide such a great service and are at the forefront of rebuilding our economy. We the People, trust in you. Do the right thing.