

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
May 25, 2021

*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; Heather Schriever, City Attorney; Steve Earl, Deputy City Attorney; Marc Sanderson, Fire Chief; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Director; Brandon Nelson, Finance Director; Jason Bench, Planning Division Manager; 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 – CARE Deliberations

Mr. Downs stated they have reviewed the CARE applicants and continued to present the following:

- City-Related Arts Applications:
 - Hale Center Theater Feasibility Study - \$35,000.
 - Performance Piano Library Hall - \$30,000.
 - Public Art (Arts Council) - \$25,000.
 - Art Features @ SCERA Park - \$125,000.
- Recreation Applications:
 - Hillcrest Park - \$750,000.
 - Indoor Leisure Pool Upgrades - \$310,625.
 - SCERA Park Toddler Playground - \$125,000.
 - Co-sponsored Groups - \$30,000.

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Time was turned over to Mr. Lambson to discuss the mini and mid-major grants. Mr. Lambson indicated the applicants are like those in the past with 3 new applicants. After listening to all applicants, the CARE commission came to a total amount of \$80, 870 funding for grants. Discussion ensued regarding funding and where the funding would specifically go towards, possible more detailed proposals in the future and one time funding projects.

PRESENTATION – Annual Open Meeting and Ethics Training

Mrs. Schriever stated she feels the Land Use Training and information from Mr. Diehl is more important and will postpone her presentation to the next regularly scheduled City Council meeting.

PRESENTATION – Land Use Training

Mr. Earl stated the main issue is the two different roles of the council, being legislative and administrative. Legislative is when the Council is acting like legislators in making laws and passing ordinances. Those actions can include zoning actions on properties or amending text of zoning ordinance. Administrative capacity does not make a law but applies existing laws to a particular property. A site plan and conditional use application is an example of where the zone is already set by law and the approval of the site plan or conditional use permit is to decide if the application complies with the law or there are no detrimental impacts that cannot be mitigated. When it is legislative the council has a very broad discretion as to what is in the best interest of the community. Administrative actions the council has a narrower discretion based on the enforcement of the law or applying the law on already existing properties. He continued to state that sometimes there are difficulties when there are public concerns about current zones and laws that are already in place and if that law is appropriate for the area. Land use application are entitled to be approved as long as they comply with the current regulations.

Discussion ensued regarding timelines with applications and changes in an existing laws and ordinances.

Mr. Diehl of the Utah League of Cities and Towns addressed the Council regarding issues with land use currently happening around the state. He indicated various Orem staff members are actively involved with the League and work with others to put their principals in action. This year they had a large issue and because of Mr. Davidson and Mrs. Schriever's participation they were able to voice their concerns and the battle was won on the Senate floor. He indicated Orem is a place on the map that is often talked about and there are many conversations of the great things that are going on in Orem. He feels there are storm clouds with the legislature and residents with concerns of what the next 10 years hold. Stress is placed on the council from residents, property owners and developers and from state law makers trying to intercede in local decisions. He continued to discussion state bills that were in the legislature this year and stated they were able to fend off approximately 80% of the issues. He continued to indicate growth is one of the biggest concerns with issues of affordable housing and the shortage of housing units with the biggest key being the planning key. They feel there will be future legislative action to take some of the planning away from the local cities and they are working to help educate and work with those looking at that issue. The pull of housing is not unique to Orem it is happening

all over the state. He concluded that he was not only here to talk he was there to ask what the League can do to help the city.

General discussion continued regarding how the state legislators can help the cities which include funding, supporting cities in allowing them to regulate their own cities without state mandates, impacts of high density and the city's willingness to help the League and participate in these conversations.

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 some informational items for the Council which included the following:

- The city has received a permit for their Summerfest activities.
- The city has met with Mr. Farley and an agreement has been signed for the tank, well and pumphouse site, and a first right of refusal for additional property.
- The State Transportation Commission formalized allocation for Geneva Road with \$20 million dollars and for 1600 North with \$35 million dollars.
- The Daily Herald recognized various locations as part of the "Best of Orem."
- He recognized Mayor Brunst and wished him a Happy Birthday

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; Heather Schriever, City Attorney; Marc Sanderson, Fire Chief; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Director; Brandon Nelson, Finance Director; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; and JoD'Ann Bates, City Recorder.

CALL TO ORDER

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Mayor Brunst called the meeting to order at 6:00 P.M.

INVOCATION /

INSPIRATIONAL THOUGHT - McKayla Kreutzcamp, Miss Orem 1st Attendant

PLEDGE OF ALLEGIANCE - Nicole Clinger, Miss Orem Teen 2nd Attendant

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

PRESENTATION – Summerfest Commission Annual Report

Ms. Mann stated their theme is “This is Where you Belong” and continued to reviewed the following:

- Mission
- Partners
- Advisory Committee
- Summerfest Staff
- Event Lineup
-

PRESENTATION – Women in Leadership Scholarship Presentation

Mrs. Rugg stated the City of Orem Administration has created a Women in Leadership Scholarship program. This year the city will award 8 employees as recipients of this program. Those employees are:

- Alexandra Morgan, Police Department
- Amy Peterson, City Mangers Department
- Aubrey VanLeeuwen, Finance Department
- Julie Heckert, Library Department
- Katie Rossiter, Police Department
- McKell Hadlock, Police Department
- Sydney McGagin, Police Department
- Tara Calancea, Police Department

PRESENTATION – Miss Orem 2020-2021

Mayor Brunst recognized the new 2020-2021 Miss Orem Royalty and Miss Outstanding Teen Royalty. Ms. Miller and Ms. Spence introduced the following:

- Orem Miss Royalty:
 - 2nd Attendant; Haley Johnson
 - 3rd Attendant; Abby Rindlisbacher
 - 1st Attendant; McKayla Kreutzcamp
 - Miss Orem; Claire Inouye
- Miss Orem Outstanding Teen Royalty:
 - Miss Teen; Dani Frost
 - 1st Attendant: Samantha Drew

- 2nd Attendant: Nicole Clinger

PRESENTATION – State Championships

Mayor Brunst introduced coach Andy Jacobs of the Orem High School 2021 5A Boys Track Team State Champions. Mr. Jacobs stated he feels this is the strongest team they have had at Orem High School. They scored in 18 of 19 events. He states what he was most impressed with was during the pandemic they could have given up, but they continued to work hard, trained strong and came back this year for a championship.

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 speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

John Barrick stated he wanted to talk about the North Village District zoning issue. He indicated the zone is encouraging smaller scale development and feels that a 70-foot-tall 6 story building next to residential is not a small-scale development and does not meet the purpose of the zone. He is requesting the parking requirement be increased to not burden already crowded streets. He indicated the developer had only met with them twice. One meeting in November which was canceled and the second one in April and have not heard from them since. He asked the council to please consider Orem neighborhoods as their first responsibility.

Stephanie Visnaw stated she appreciates being able to voice her opinions in person and the council members that have listened to her regarding the current issues. She is frustrated in being able to reach city staff and in having their concerns addressed. The North Village District is in need of zoning changes and feels viable solutions can be met. Residents have tried to have open dialogue several months ago and they felt shut down. Now there is an application submitted and they feel an open dialogue is needed to move forward and the ability to make adjustments.

David Goodsell stated he appreciated the ability to present his concerns. He feels this is an important issue due to an experience he recently had in the area of State Street and 1830 North. Due to several cars being parked on the road in front of residences, a car did not see him coming when trying to turn across traffic and they nearly collided. He feels that if the application proceeds this type of incident will be more prevalent. They knew when they moved there the apple orchards would eventually be gone. They have since gained new neighbors and friends, but never thought it would get to the point of high density and high rises. He asks the council to honor the neighborhood traditions and put family values ahead of personal gain and the mighty dollar.

LaNae Millett stated she appreciates the Council meeting, listening, and trying to understand the residents in the 1600 North area. She stated the State Street Master Plan is for State Street not for properties next to homes. The Edge Zone is immediately adjacent to their homes. This zone has no height restrictions, setbacks still allow for a 60-foot building to be build within 60 feet of homes and she does not feel this is an appropriate zoning for an area around residential homes. She

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concluded they request a change be made to the Edge Zone and the North Village District to zoning that is reflective of a small-scale commercial with a height limitation of 35 feet.

Jeremy Beckham stated he was wanting to follow up on an issue with the animal shelter that Orem contracts with to provide animal shelter services. This facility is one of the very last shelters that uses the gas chamber, most all have changed to an injection process. He continued to explain the side effects of the gas chamber on the animals and feels to have a humane shelter this needs to change. He is asking the city to review their contract and suggest a change.

Ashley Painter Morales stated she would like to urge the Council to pass a resolution to have the animal shelter to remove the gas chambers in their facility. The animals do not have a voice, so she is speaking for them.

Krystal Gates stated the City of Orem contracts with NUVAS, which continues to use the gas chambers. She feels this is inhumane and urges the council to pass a resolution to require NUVAS remove their gas chambers and change to an injection process. She concluded that it is more expensive to have a gas chamber than to use the lethal injections.

CONSENT ITEMS

- APPROVAL OF MEETING MINUTES
 - Minutes of City Council Meeting – May 11, 2021
- CITY MANAGER’S APPOINTMENT
 - Appointment of Bryce Merrill – Recreation Department Director
- APPOINTMENTS TO BOARDS AND COMMISSIONS
 - Appointment of Carol Walker to the Recreation Advisory Commission
- ORDINANCE – Water Code Update

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

Jody Bates, City Recorder administered the Oath of Office for Bryce Merrill.

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 resolution for a substantial amendment to the 2019-2020 Annual Action Plan.

Mr. Ranson stated in response to the Coronavirus Pandemic (COVID-19), the U.S. Department of Housing and Urban Development Community Development Block Grant provided the City of Orem with a second CDBG allocation of \$287,940 to be used to prevent, prepare for, and respond to COVID-19. Due to HUD regulations for the funding, the City of Orem cannot access the second

round of CDBG funding until project allocation totals the whole amount of \$287,940. The CDBG Advisory Commission recommends that the Orem City Council allocates funding from the previously allocated \$154,099.16 in second round CDBG-CV funding for public service projects to the following projects: \$100,000 to Topham's Tiny Tots to replace their HVAC and cooling system and \$4,485 to Recreation and Habilitation (RAH) for COVID related computer needs. The Commission would also like to recommend that the Orem City Council votes to re-allocate \$60,000 from the senior center renovation project that was approved in the first round of CDBG-CV funding and unused to four public service projects that have already been approved for second round CDBG-CV funding to help move these projects forward. These projects will include Centro Hispano, Sharon Park Elementary, Orem Junior High, and Community Action Services and Food Bank.

Mayor Brunst opened the public hearing at 6:49 pm.

Cheryl Adamson of RAH (Recreation and Habilitation) voiced her appreciation for the opportunity to receive these funds and how much they are needed during these times.

Hearing no further comments, Mayor Brunst closed the public hearing at 6:50 pm. and brought the item back to the Council for further discussion.

Mayor Brunst moved, to approve by Resolution approving the Community Development Block Grant (CDBG) Projected Use of Funds for CARES ACT CDBG-CV funding and substantial amendment to the 2019-2020 Annual Action Plan. **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 / RESOLUTION - The City will receive public comment on the updated Community Development Block Grant (CDBG) Projected Use of Funds for Fiscal Year 2021-2022.

Mr. Ransom stated the U.S. Department of Housing and Urban Development has notified the City of Orem that it will be receiving an additional \$9,944.00 in Community Development Block Grant (CDBG) for FY 2021-2022 due to an error in formula calculations. The CDBG Advisory Commission recommends that the Orem City Council allocates the additional \$9,944.00 to the Sharon Park Playground replacement project.

Mayor Brunst opened the public hearing at 6:52 pm. Hearing no comments, he closed the public hearing and brought the item back to the Council for further discussion.

Mayor Brunst moved, to approve by Resolution the updated Community Development Block Grant (CDBG) Projected Use of Funds for Fiscal Year 2021-2022. **Mr. Lambson seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer and Brent Sumner. The motion **passed**.

PUBLIC HEARING / ORDINANCE – Amend Article 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately 0.21 acres from the R8 zone to

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the R7.5 zone at approximately 770 West 650 South; and amend Chapter 2 Land Use of the Orem General Plan by changing the designation on the land use map of approximately 0.21 acres from the LDR designation to the MDR designation at approximately 770 West 650 South.

Mr. Bench stated the applicant requests the zone be changed from the R8 zone to the R7.5 zone. The property in questions was originally two lots. The properties were purchased together and sometime after merged into one lot. The owner is proposing to split the lot back into two lots for the purpose of constructing one additional home. The R8 zone requires a minimum of 80 feet of frontage. Based on the placement of the existing home the new lot does not meet the 80 foot requirement. Therefore, the applicant is requesting the rezone. The R7.5 zone requires a minimum frontage of 75 feet. The proposed lot would comply with this requirement with a lot width of 75.44 feet. The Orem General Plan designates this lot as Low-Density Residential (LDR). The R7.5 zone is classified in the general plan as Medium Density Residential. Therefore, the applicant is also requesting a General Plan amendment for his property to allow this rezone to occur. The applicant was required to hold a neighborhood meeting. Due to the current pandemic, the applicant held three neighborhood meetings each with limited attendance. A total of twelve individuals attended the meetings. Five of those attendees provided written input on the proposal. One was in favor of the change, a couple was in favor only if the proposed new lot was to be the only lot in the R7.5 zone, another couple was not in favor of the change. These comments are part of the report for your review.

Mr. Fairbanks stated he is the applicant and indicated they did hold a neighborhood meeting and only had one neighbor voice a concern. This would still be a single-family residential zone and the additional lot would be sold as a typical vacant lot.

Mayor Brunst opened the public hearing at 7:01 pm. Hearing no comments, he closed the public hearing and brought the item back to the Council for further discussion.

Mayor Brunst moved, to approve by Ordinance the amendment of Article 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately 0.21 acres from the R8 zone to the R7.5 zone at approximately 770 West 650 South. **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**.

SITE PLAN / RESOLUTION – Site Plan approval of Swig University Parkway located at approximately 76 East University Parkway in the PD5 zone.

Mr. Bench stated the applicant proposes to build a new commercial drive-thru soda shop on University Parkway. The new building will be 573 square feet location between El Pollo Loco and Chili's, adjacent to University Parkway in the PD5 zone.

The proposed building will meet the materials requirements of the PD5 zone. The materials for the building will be thin brick, simulated wood siding (fiber cement panels and CMU (Wainscot). The majority of the elevations will be the thin brick and the other materials will cover less than 50% of the elevations per the PD5 zone requirements.

Twenty-six parking stalls will be removed with the addition of the new building. This overall shopping center development requires a total of 1,059 parking stalls. The applicant has provided a

revised parking plan showing 1,067 parking stalls which meets the minimum requirement. Any future development will be required to meet applicable parking requirements.
The applicant's landscape plan complies with all applicable PD5 zoning codes.
The City Council is the final approving authority for the site plan as required by the PD5 zone.

General discussion ensued regarding the issue of the flow of traffic due to some areas that get backed up into other areas.

Mayor Brunst moved, to approve by Resolution the Site Plan of Swig University Parkway located at approximately 76 East University Parkway in the PD5 zone. **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**.

COMMUNICATION ITEMS

There were no additional communication items

CITY MANAGER INFORMATION ITEMS

The City Manager had no additional Information Items.

ADJOURNMENT

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

The meeting adjourned at 7:07 p.m.



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

JoD'Ann Bates, City Recorder

Approved: June 15, 2021