

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
June 29, 2021

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; Marc Sanderson, Fire Chief; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library 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”

TOUR - “The Green at Campus Drive”

Mayor Brunst, the Council, and City Staff met with Redstone Property Management to tour The Green at Campus Drive, located at 499 W 960 S St in Orem.

DISCUSSION - ARPA (American Rescue Plan Act)

Mr. Downs reviewed the proposal of the Rescue Plan which included the following:

- Overview/The city of orem received just over \$16 in ARPA Funding
- General Guidance from the Treasury
- Eligible Uses of Funds
- Public Health/Key Questions
- Economic Impacts/Key Questions
- Impacted Communities/Key Questions and Examples
- Premium Pay/Key Questions

- Infrastructure: Water/Key Questions and examples
- Infrastructure: Broadband/Key Questions and examples
- Administrative Expenses/Key Questions and examples
- Reporting Requirements
- Possible Projects Being Explored
 - Funding for Hillcrest Park
 - New City Hall
- Next Steps

General discussion ensued regarding fund use and what kind of projects are eligible to be subsidized through this funding.

UPDATE - Holiday Activities

Mr. Sanderson's reviewed issues with the upcoming holidays which included the following:

- Areas of fire concern
- East Bench/Vineyard/Lindon
- Fireworks Restrictions
- Holiday extra patrol coverage

Mr. Sanderson stated the fire department does not recommend issuing a city-wide firework ban, seeing there are only a few key areas that are considered large fire hazards. He then discussed how there will be extra patrols and crews ready to respond to any incidents that may arise.

UPDATE - Water Tank Property

Mr. Davidson reviewed the current update of the water tank property which included the following:

- Typical Water Tank Sites
- Sego Lily Gardens, Sandy
- Orem Heritage Park
- Orem Heritage Park - Demonstration Garden

General discussion ensued regarding potential features this water tank property could host, logistical concerns such as parking for an area like this, the messaging the city wants to convey with the project, and the timeline for said project. The council then expressed that they are all in agreement and on the same page with this project.

DISCUSSION - Fraud Risk Assessment

Mr. Nelson handed out a Fraud Risk Assessment Questionnaire.

General discussion ensued regarding auditing, how citizens and employees can report possible fraud, a possible fraud hotline, and other Fraud Risk items presented on the handout.

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

INVOCATION / INSPIRATIONAL THOUGHT Jim Lauret

PLEDGE OF ALLEGIANCE Debby Lauret

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

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.

Kathrine Christensen stated her family owns around 5 acres of land in the North Village District (NVD) zone. Mrs. Christensen expressed her family's property was rezoned without notification, causing her property taxes to increase dramatically.

LaNae Millet stated there is Utah State Law called The Land Use, Development, and Management Act. (LUDMA) Which states that a council may adopt, modify, or reject Planning Commission's recommendations. She states that because of this and other similar state and city laws and ordinances, the council can make large changes to land use regulations presented by the Planning Commission. LaNae then stated a lawsuit from the developer challenging a City Council vote on this matter would not hold up in court.

John Barrick claimed a land use application for the 1600 North property was incomplete. Mr. Barrick read city emails regarding land use applications that were obtained through GRAMA requests. Mr. Barrick also stated that some of his GRAMA requests have not been completed and that is against Utah State Law.

Ken Millet expressed concern regarding traffic issues in the NVD zone, specifically access points into the Quick Quack Car Wash. Mr. Millet asked the city council to close off the east-side access to the property.

Jim Condie expressed traffic concerns pertaining to the 1600 N 400 W intersection. Mr. Condie asked that The City conduct more traffic studies in the area.

CONSENT ITEMS

- APPROVAL OF MEETING MINUTES
 - Minutes of City Council Meeting - June 15, 2021
- MAYOR PRO TEM - July through December, 2021
- RESOLUTION - Sunset Heights Residential Parking Permit Program
- ORDINANCE - Amending Chapter 7 of the Orem City Code Pertaining to Building, Plumbing, Mechanical, Electrical, Fire, and Abatement Codes

Mayor Brunst moved to approve the Consent Agenda as listed. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed**.

SCHEDULED ITEMS

PUBLIC HEARING / RESOLUTION - CDBG Projected funds

Ms. Mathews stated that 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. The CDBG Advisory Commission recommends that the Orem City Council allocates funding from the previously allocated \$109,455 in second round CDBG-CV funding for public service projects to the following projects: \$25,000 to Meals on Wheels to meet the increased participation in their program by seniors during the pandemic and \$24,773.32 for the City of Orem's Critical Home Repair and Home Rehabilitation program for emergency home repairs.

Mayor Brunst opened the public hearing at 6:21pm. Hearing no comments, Mayor Brunst closed the public hearing and brought the item back to the City Council for discussion.

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

PUBLIC HEARING / ORDINANCE - North Village District Zone Height and Parking Standards

Mr. Bench stated staff proposes to amend the NVD zones to establish a maximum height limit and to increase the parking requirement in the NVD-Core and NVD-Edge zones. 1. Maximum height. A height limit of sixty feet (60') is proposed for the NVDCore, NVD-Edge and NVD-Res(A) zones. This height limit is taken directly from the C2 zone, which is the current zone of almost all properties on State Street that are not included in the State Street Districts and was also the zone that previously applied to the property currently in the NVD zones. The proposed 60 foot height limit would be a return to the standard that applied when the property was in the C2 zone.

The proposed maximum height of 60 feet would be in addition to other, currently existing height limits that are already built into the NVD zones including the Following:

- a. Any development within seventy-five feet (75') of a residential zone has a height limit of thirty-five feet (35').
- b. All new development must be set back from residential zones a distance at least equal to the height of the building.

c. Buildings in the NVD-Res(B) zone have a maximum height of 35 Feet.

d. A natural limit on building height based on the need to meet parking requirements, which are based on the square footage of the building. In other words, the larger a building, the more parking is required. 2. Parking requirement. The current parking requirement in the NVD-Core and NVD-Edge zones is 1.75 spaces per residential unit over the base residential density. The current requirement for the NVD-Res-A zone is 2.5 stalls for units with two or fewer bedrooms and 3.5 stalls for units with three or more bedrooms. The proposed change would increase the parking requirement for the NVD-Core and NVD-Edge zones to two stalls per residential unit over the base residential 30 density. No other changes to the parking requirement are proposed. The commercial parking requirement and the parking standards in the NVD-Res-A and NVD-Res-B would remain the same. As background information, the current parking requirements for the NVD-Core and NVD-Edge zones were adopted by the City Council on October 8, 2019, and were based on the Orem City Parking Study (2019), developer recommendations, and city staff review including City Council discussions prior to the adoption of the current standards.

General discussion ensued regarding parking standards and requirements, as well as zoning around the Midtown and NVD zone area.

Mr. Lambson expressed it is important for the council to not only consider how a development looks from state street, but also to consider how it looks from the neighborhood behind. Mr. Bench responded that there are requirements that address that issue, such as current height and setback standards. He stated there are many projects on large streets that border a residential area. Mr. Bench brought up examples such as Smith's on State, Target on Center, and Harmon's on 8th and 8th. Mr. Bench stated that these developments have setback and height standards to remedy the issues Mr. Lambson brought up.

Mayor Brunst opened the public hearing at 6:39 pm.

Lisa Hill stated that comparing buildings such as Smith's and Target to the proposed NVD Zone Project is not fair because they have a back wall and nobody drives directly behind the Target and Smith's buildings.

Christina Much expressed she would like to see the height limited to 48 feet and have a 35 foot setback.

Stephanie Visnaw stated she would like to see appropriate height restrictions put into place in the NVD zone. Mrs. Visnaw expressed that she would like to see the area stay a small-scale

development with a height maximum of 48 feet. Mrs. Visnaw also expressed concern that a poor parking situation could arise in the area.

Jim Condie expressed concern with traffic in the area, and adding a high density housing development would make a bad problem even worse.

Mrs. Mitchell stated she does not want to see Orem become another Salt Lake City or a large metropolitan area. She expressed her concern about developing a high-rise apartment complex and parking areas in the issues.

John Barrick recounted an interaction between Council Member David Spencer and an unnamed staff member from the May 11th, 2021 City Council Meeting. In this interaction David Spencer stated he heard the application from Knighton was not complete and was just thrown together. The staff member responded that it was inaccurate. The staff member then stated Mr. Spencer was getting misinformation. The application was paid for, complete, and only missing a few minor things. Mr. Barrick expressed that he feels the ones who are actually receiving misinformation are the Orem City residents. Mr. Barrick expressed his concern with parking in the area.

Dan McDonald stated he is a lawyer representing citizens living near the NVD area. Mr. McDonald then read state law pertaining to how zoning and other planning decisions can be adopted or rejected. Mr. McDonald urged the council to listen to the citizens and to make the right decision.

LaNae Millet stated the current zoning in the NVD zone is not a good fit. She expressed concern for the safety of children and other residents in the area if traffic in the area gets worse than it is already. Mrs. Millet requested smaller building height requirements in the area.

Spencer Peterson expressed concern with the traffic in the area, he stated children walking to school are already unsafe as it is and adding a development in the area would make it worse.

Kieth Walker stated he has lived here for 65 years. He expressed how he wants Orem to continue to be “Family City USA” and high-density housing should not be built in the area, and surrounding cities should handle that instead. He also expressed concern with the traffic in the area. Mr. Walker requests the City bring the height requirements down to keep Orem a family city.

Craig Jacobson asked why the city would want to take a prime piece of property, and add high density housing on it. Mr. Jacobson expressed they could possibly have something more profitable such as a car dealership in the area instead.

Greg Duerden stated that the City of Orem does not need more high density housing and should build more single family housing in the area instead. He expressed he would like to see the NVD zone high density housing development denied.

Lillian Simons stated that having a high density housing project in the NVD zone is a “ridiculous” development. Ms. Simons asked the council to make progressive development decision.

Mrs. Walker stated the traffic in the area is unsafe, and would get worse with a large development in the area.

Kevin Hale asked the council if there was anyone that even wanted this development. He then stated just how many people are against it.

Steven Hole explained what he thinks would happen to the area if this development passes. He brought up things such as loud music, late night parties, a half empty parking garage because cars would constantly be parked in front of residential houses instead, and trash in the streets. He stated how he feels that no one can really do anything about the development. He then went into more detail about current and future parking issues should this development be approved.

Kathrine Christianson stated that by allowing this development, the city would create unsafe roads in small residential areas.

Dennis McDonald stated that he has talked to many people in the area, and not a single one of them wants to see this development be built.

MaraLee Wipple expressed the traffic in the area is already unsafe, and a large-scale development in the area would make the streets much more unsafe.

Mayor Brunst closed the public hearing at 7:21 PM

General discussion ensued regarding NVD zone height requirements, application approval, zoning in the area, and what the council would be voting on tonight.

Mr. Peterson and Mr. Spencer asked for 48 feet in the core and 35 in the edge zone pertaining to height requirements and discussed the possibility of voting on those numbers tonight. Mr. Steve Earl warned against moving to vote on something that significantly different, seeing the proposed change would not have been noticed properly and legal action could be taken against

the city because of that. Mr. Spencer expressed that is a risk he would be willing to take. Mr. Earl as well as other staff and Council members strongly warned against doing so.

Mr. Spencer moved to continue the item to a special City Council Meeting to be held on July 27, 2021. **Mr. Peterson** seconded the motion. Those voting aye: Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. Those voting nay: Richard F. Brunst. The motion **passed**.

PUBLIC HEARING / ORDINANCE - FY 2020-2021 Budget Amendments

Mr. Nelson brought forward proposed amendments for the FY 2020-2021 Budget.

General discussion regarding various budget numbers and timelines.

Mayor Brunst opened the public hearing at 8:19 pm. Hearing no comments Mayor Brunst closed the public hearing and brought the item back to the City Council for discussion.

Mr. Macdonald moved to approve by Ordinance the amendments to the City of Orem Fiscal Year 2021-2022 Budget. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed**.

COMMUNICATION ITEMS

CITY MANAGER INFORMATION ITEMS

ADJOURN TO A CLOSED MEETING FOR CITY MANAGER EVALUATION

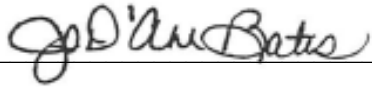
Mayor Brunst moved to adjourn to a closed meeting to discuss “the character, professional competence, or physical or mental health of an individual”, pursuant to Utah code Section 52-4-205(1)(a). **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed**.

The meeting adjourned at 8:21 PM.

CLOSED MEETING

The closed meeting began at 8:25 PM.

The closed meeting adjourned at 9:50 PM.

A handwritten signature in cursive script, reading "JoD'Ann Bates", written over a horizontal line.

JoD'Ann Bates, City Recorder



Approved: July 13, 2021