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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
April 27, 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; 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 – Natural Resource Stewardship Committee (NRSC)

Mr. Mecham, Vice Chairman of the NRSC stated he would be discussing the following in regard to Community Renewable Energy:

- Background
- New Developments making the program more flexible
- Economic and Environmental benefits
- Participation costs and Utility cost changes
- Timeline

General discussion ensued regarding the reasoning for the changes made, clarification on some of the terms and language of the proposal, clarification on the “opt out” provision and possible city participation. Continued discussion ensued regarding the overall program and some additional concerns.

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DISCUSSION - Defederalization of the Economic Development Administration Revolving Loan Fund

Mrs. Lewis provided background of Orem's RLF Program which included the following:

- The City of Orem Revolving Loan Fund Program was established in 1986
- The fund was made up in cash contributions of \$400,000 (60%) from the EDA and \$265,000 (40%) from the City of Orem, totaling \$665,000.
- The purpose of the RLF is to provide low cost, short term gap financing to small Orem businesses and to create permanent long-term jobs within the city.
- August of 2020, a new Orem RLF was created. The City of Orem CARES Act RLF, funded through the Cares, Aid, Relief, and Economic Security (CARES) Act in the amount of \$500K, provides low-cost, short-term gap financing to small Orem businesses that have suffered economic injury caused by the coronavirus (COVID-19) pandemic.
- January 2020, the Federal Government enacted the Reinvigorating Lending for the Future Act.
- This Act gives more control back to the fund operators and allows the funds to be used for broader economic development purposes to support business development and job growth.
- The Orem EDA RLF qualifies for the release of the federal interest in the loan program.

Mrs. Lewis concluded that the defederalization of these funds will allow the economic development division to use the current EDA RLF funds to cover the cost of a comprehensive update to the 2014 EDSP and potentially hire a consultant for business recruitment. This beneficial change will give Orem broader economic development opportunities now and into the future.

UPDATE - Landlord Agreements

Mr. Downs gave an update as to where they are at with the program to include the following information:

- History
- Rental dwelling license compliance
- Feedback

General discussion ensued regarding some of the requirements for renting to family, changes made to the LLC rental process, and benefits seen over the past year with this program.

DISCUSSION - Water, Sewer, Storm Drain Master Plan Update

Mr. Tshirki provided a short background as to the funding and process they have been operating with in the past versus how they will move forward in the future. He turned the time over to Bowen, Collins and Associates to make a presentation regarding the water, sewer and storm drain master plan

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Mr. Larson of Bowen, Collins and Associates reviewed the 2021 Utility Master Plans final recommendations which included the following information:

- 1st presentation – 2016 Utility Master Plan
- 2nd presentation – major changes since 2016 Master Plan

Mr. Larson continued to discuss the demographics of the Master Plan and updated growth areas. He continued to review the individual Master Plans as follows:

- Water:
 - Annual Water Demand Projections
 - Peak Water Demand Projections
 - Storage Projections
 - Existing and future conditions related to pressure (psi)
 - Recommended Water System Improvements
 - 10-year Improvement Recommendations
 - Capital Improvement Plan - 2020 Update
- Sewer:
 - Sewer Flow Projections
 - Existing and Future Buildout Depth/Diameter
 - Recommended Sewer System Pipe Improvements
 - 10-year Improvement Recommendations
 - Capital Improvement Plan – 2020 Update
- Storm Water:
 - Storm Water Challenges
 - Review of a map indicating canals and ditches
 - Drinking Water Source Protection Zones
 - Proposed Capital Improvements
 - Recommended 10-year storm water Capital Improvement Projects
 - 10-year Improvement Recommendations
 - Capital Improvement Plan - 2020

DISCUSSION - Budget FY 2021-2022 for CIP

Mr. Kelly reviewed the 2022 Capital and Capital Improvement Projects which included the following information:

- Capital / CIP Summary total of \$15,886,924.
- CIP Fund:
 - Parks - \$2,092,000.
 - Facilities - \$301,950.
 - Recreation - \$656,625.
 - Other – 190,000.
- Water Fund - \$1,434,861.
- Water Reclamation Fund - \$5,336,889.

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- Storm Water Fund - \$1,645,035.
- Road Funds - \$2,191,375.
- Transportation Sales Tax - \$2,018,189.

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 utility bond closed today and now the city has funds for their utility infrastructure projects.
- The water tank process is moving forward, and they are working to finalize the agreement, and looking at starting as soon as possible. There will also be future discussions as to the overall use of the property once the project is complete.
- They have completed the interviews and are ready to hire a new Recreation Director. They have extended an offer to Bryce Merrill and he has accepted. Bryce currently serves as the Provo City Recreation Center Manager. He is scheduled to begin working in Orem on May 17th and this will be brought before the Council for their consent and approval.
- In attending the recent Utah League of Cities and Towns Conference they had an opportunity to hear from Harvard Professor Arthur Brooks who offered the keynote address. Dr. Brooks has a book that references the topic in which he spoke, and he has provided the Council with a copy of that book in their boxes.

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.

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1 **CALL TO ORDER**

2
3 Mayor Brunst read the following to begin the meeting:

4 “Pursuant to Mayor Richard F. Brunst's Proclamation dated March 26, 2021, the Orem City
5 Council meeting on April 27, 2021 will be an all-electronic meeting. There will be no anchor
6 location for the meeting. The City cannot ensure the recommended minimum of six feet of social
7 distancing for meeting participants at the usual anchor location in the Orem City Council
8 Chambers. Therefore, holding the meeting at the City Council Chambers would present a
9 substantial risk to the health and safety of those who may be present at the meeting and may
10 contribute to the spread of COVID-19. There will be no public access to the Orem City Council
11 chambers. Those desiring to view or participate in the meeting must do so electronically.
12

13 To view the meeting: please go to orem.org/meetings.

14 To make a comment: Please submit your comment through: orem.org/comments
15

16 Written comments will be accepted before and during the meeting. All written comments received
17 will be entered into the record and forwarded to each City Council member for review. Written
18 comments will also be read aloud during the live meeting when required by law or when time
19 permits. As technology permits, the City Council may also accept oral comments. Once an item
20 has been voted on, that item will be closed to additional comments. Thank you for your cooperation
21 during these challenging times.”
22

23 **INVOCATION /**

24 **INSPIRATIONAL THOUGHT** Tom Macdonald

25 **PLEDGE OF ALLEGIANCE** Charlene Crozier
26
27

28 **MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL**

29
30 No items to report
31

32 **PERSONAL APPEARANCES**

33
34 Time was allotted for the public to express their ideas, concerns, and comments on items not
35 scheduled as public hearings on the agenda. Those wishing to make a comment provided staff with
36 written comments.
37

38 Public comments were made by the following:

- 39 o Jill Barrick
- 40 o Stephanie Visnaw
- 41 o Jim Condie
- 42 o Katrina Bleyl
- 43 o Sherry Lauritzen
- 44 o DeAnne Johnson
45

46 Written public comments submitted were read into the record. Written comments that were
47 submitted are attached to the end of the minutes in their entirety.
48

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1 CONSENT ITEMS

- 2
- 3 • APPROVAL OF MEETING MINUTES
 - 4 o Minutes of City Council Meeting – April 13, 2021
- 5 • CITY MANAGER’S APPOINTMENT
 - 6 o Appointment of Heather Schriever – City Attorney
 - 7 o Reappointment of Wilford Whipple – Board of Building & Fire Coad Appeals
- 8 • RESOLUTION – Request of the City Council to name field #3 at the City Center Baseball
- 9 Complex as “Clayton Riggs Field”.
- 10

11 **Mayor Brunst moved** to approve the Consent Agenda as listed. **Mr. Spencer seconded** the

12 motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry

13 Peterson, David Spencer, and Brent Sumner. The motion **passed**.

14

15

16 SCHEDULES ITEMS

17 PUBLIC HEARING / ORDINANCE Amending the Current Fiscal Year 2020-2021

18 Budget

19

20

21 Mr. Nelson stated the Fiscal Year 2020-2021 City of Orem budget has many adjustments that

22 occur throughout the fiscal year. These adjustments include grants received from Federal, State,

23 and other governmental or private entities or organizations and the issuance of bonds. The City

24 issued 2021 Water, Sewer & Storm Sewer Bonds in April 2021 as authorized by the Mayor & City

25 Council. The City needs to add these bond proceeds to the appropriate enterprise funds of the City

26 to account for the costs associated with various water, sewer, and storm water projects occurring

27 over the next few years.

28

29 Mayor Brunst opened the public hearing at 6:20 p.m. Hearing no further comments Mayor Brunst

30 closed the public hearing and brought the item back to the Council for further discussion.

31

32 **Mayor Brunst moved**, to approve by Ordinance amending the Current Fiscal Year 2020-2021

33 Budget. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson,

34 Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer and Brent Sumner. The motion

35 **passed**.

36

37

38 ORDINANCE – Amending Article 22-5-3(A) and the zoning map of the City of Orem by

39 changing the zone of approximately 4.00 acres from the NVD-Res-B zone to the R8 zone

40 located generally at 1637 North to 1753 North along 400 West.

41

42 Mr. Bench stated this item was continued from the April 13, 2021 meeting to allow staff the

43 opportunity to meet with the property owners whose properties are part of the application and

44 determine if the applicants have confusion relating to the proposed rezone. Staff talked directly

45 with three property owners in addition to two other residents in the area and determined there is

46 no confusion relating to the rezone. All are in favor of rezoning the property from the NVD-

47 RES(B) zone to the R8 zone as requested. The residents of the homes along the west side of 400

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West from 1657 North to 1753 North have requested that the City rezone their properties from the NVD-Res-B zone to the R8 zone. This would be a reversal of the zoning that took place approximately three years ago. Each property owner except one has provided a signed letter requesting the rezone. The one who did not provide a letter is the southernmost property included in this rezone request. It is owned by the same owner of the commercial properties to the south and west. Staff held a zoom neighborhood meeting on February 9, 2021. There were about 30 residents in attendance. The neighborhood was in favor of the proposed rezone. The Planning Commission recommends the City Council, by ordinance, amend Article 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately 4.00 acres located along 400 West between 1637 North and 1753 North from the NVD-Res-B zone to the R8 zone.

Mayor Brunst moved, to approve by Ordinance amending Article 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately 4.00 acres from the NVD-Res-B zone to the R8 zone located generally at 1637 North to 1753 North along 400 West. **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**.

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. 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**.

The meeting adjourned at 6:28 p.m.

Approved May 11, 2021

/s/ JoD'Ann Bates, City Recorder



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PUBLIC COMMENTS – April 27, 2021

7. PERSONAL APPEARANCES

Jill Barrick

Please respond to the follow questions regarding 400 W 1600 N high-density housing: FIRE SAFETY: Are just two ingress/egress right-turn-only points sufficient for fire safety protocols for a development of this size and use? • Where are the fire hydrants in proximity to the development, and are they sufficient for two 6-story buildings? • Where will the fire trucks & firefighters access/manage fires in emergencies (or ambulances) because the building is extremely close to both 400 W and 1600 N? Specifically, will they have to park on these streets directly to fight fires or attend to medical emergencies? That will require shutting off all traffic, which is unacceptable. • How will the residents and vehicles properly exit the premises during emergencies? It appears to be too tight for one firetruck, let alone many firetrucks and emergency vehicles. How will the firetrucks pull into the lot if all of the surface parking is already taken? TRAFFIC: • Please explain what the City is planning to do to prevent any and all access points from this development onto 400 West. 400 West cannot sustain any traffic from this development. • Will the City of Orem try to mitigate potential traffic accidents that occur on State Street, for drivers attempting left-hand turns across 6 lanes of traffic? Will “No Left Turn” signs be installed and enforced, and where will the signs be installed? -- Drivers turn left all the time by Swig/Costa Vida on 1600 N, even though a “No Left Turn” sign exists. How will this development be any different (besides the single lanes on 1600 N and the 6 lanes plus 2 turn lanes on State Street)? • Will turning left onto State Street be impeded by more island cement barriers along State Street and 1600 N? • Are other businesses in close proximity ok with this? (the cement barriers) Will it impede clients from easily accessing their businesses? • The entrance at 1600 N is especially worrisome, in terms of such a small corridor being sufficient to permit retail, residential, and commercial delivery/maintenance/trash/moving vehicles through simultaneously, while still permitting regular flow of traffic along 1600 North. Will it be more worrisome and prone to accidents during peak business hours, or in certain weather? Will the small corridor be hazardous in cold & icy conditions due to its inability to get sufficient sunlight (from the 6-stories above)? Is there sufficient drainage/pooling for ground water? • Please explain the measures that the City has taken to prevent the plans to install a connecting road from State Street to 400 W. (plans exist on city materials) -- Please explain how this appears on City planning materials, without the existing home owner’s knowledge. -- This is extremely alarming to residents. There are three roads connecting to 400 West within a small area, and turning onto/across 400 West is difficult already. How can the City be secretly planning for another connection to happen right here? -- Is the City really considering putting a road in that leads directly from the State Liquor Store to our neighborhood? What will the City do to prevent and manage any increased crime that results from this? All relevant traffic studies, including but not limited to, the LDS Church, regarding the increased traffic use for the Lindon Temple (builders, patrons, open house visitors, etc.) should be included and shared with the public. This will greatly impact traffic on 400 West, as it is the only connector road directly leading to Center Street [besides State Street], where the temple entrance will be located. A google search of "Lindon Temple" from I-15 shows this direct route along 400 West.

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Stephanie Visnaw

First of all, I appreciate the City Council's concern and attention given to the residents in and around the North Village District. As our elected officials we value your time in hearing and representing us. Therefore, we urge the City Council to hold City Council meetings in a hybrid manner – both in person for those able, and remotely for those who cannot. With technology and the size of Council Chambers, going hybrid is possible. Citizen voices are not being adequately heard in this virtual format, causing confusion and more work for the Council in the end. I also urge the City Council to direct the Staff and Planning Commission to take the time to thoroughly read through and understand the Traffic Study submitted with the OBOK Condominiums application. This Traffic Study needs some serious attention as well as understanding residents' concerns with the study and their real-life experience with the area. Spending time to fully understand the current and potential traffic issues will ensure that any development is appropriate in this area. With the Traffic Study being done during Covid and data being manipulated, real consideration should be taken of its validity. In addition to being the height of Covid, it was also a non-school day, which is clearly not an accurate representation of peak traffic times. Furthermore, the Traffic Study is inaccurate in identifying and observing one of the two easement access points. County records contradict what the Traffic Study indicates as easement access across Osmond Design. The architect verified at the neighborhood meeting that County Records are correct and that the Traffic Study was improperly conducted. For this reason, the Traffic Study should be reevaluated and considered invalid. It has been stated that this proposed project is the first major development under the State Street Master Plan zoning. If this is going to be the first one, be sure to get it right. The last thing Orem City wants is the first project to be full of problems and become a poor example for development in the future. Please encourage the Staff to take the time to get this right. The City's image and residents' quality of life are at stake, here.

Jim Condie

As one of the property owners petitioning to have my home moved back to the R8 Zone. Please approve our request. This re-zone gives my home additional height restriction protections from commercial developments growing too close and too tall behind my home. This is a huge issue in light of the proposed developments! I am still gravely concerned about the traffic and a few other items: 1. The NVD is described in the master plan as a smaller mixed-use zone but smaller was not defined as part of that. After spending \$5Million dollars and years on this effort, let's not trash the master plan recommendations by not defining what the smaller district means. We need height and density restrictions consistent with the master plan NVD description. 2. 1.75 parking stalls per unit is clearly not enough as evidenced by other developments in Orem that have used this standard. 3. The developer has knocked down 2 sections of the wall between residential and commercial properties. I believe this is a code violation. Does he have any intent to repair/replace them? Or does the city have intentions to ensure code compliance? 4. The developer is and has been operating an unregistered sober living home in our neighborhood about a block from the liquor store. Am I the only one that sees a problem with this from a code issue and/or a logic issue? a. Can the city accept a development proposal from a developer that is in violation of city codes? If so, do you expect him to comply with other city codes or ordinances? 5. Can the city PLEASE, PLEASE, PLEASE put a traffic measuring device on 400 West to get actual data on traffic and speeds, and then patrol during peak times. Also, this data can be compared to the traffic study submitted by the developer to either validate it or show how

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far off it is. 6. It seems like we have had an accident a week or more lately around the 1600 N 400 W intersection. I have heard that it is the #6 most dangerous intersection in the state. We must take actions to reduce the traffic and lower the accident risk at this intersection/area. 7. The traffic study submitted by the proposed developer is completely Bogus and must be redone on realistic days and times that reflect the truth of the traffic issues in this area. All access to the proposed development should be blocked off on 1600 N. This is such an unsafe area!_

[Katrina Blevl](#)

I am petitioning the city of Orem to PLEASE look at the inconsistencies in the traffic study done by Dennis O'Brien for his development on the corner of 1600 N and 400 W. His traffic study was done when there was no school, people working from home, and was done in "non high traffic hours". There needs to be a study done that shows the true traffic that is in our area. This project that he is proposing is not a good fit for this area, and if you looked at real traffic, you would see that. We have noticed 3 accidents just in the last week, on 1600 North. PLEASE listen to the citizens, the people you were elected to help, and help us with our concerns!

[Sherry Lauritzen](#)

I would ask the council to open an application to look at the North Orem district. The proposed project is not a good fit for this area. Not to mention the traffic problems it will cause.

[DeAnne Jacobson](#)

My husband and I are lifelong residents of Orem and actually have lived within 2 blocks of this intersection for our WHOLE lives. We currently live directly east of this proposed development for condos/townhomes. It is difficult to believe that Orem city is even entertaining the idea of this development. We were driving along Geneva road today and noticed all the condos. When we came home we looked at the little piece of property of Mr O'Biens and wondered how it could even be feasible to put something like that there with only 1 access and a right of way through a business parking lot. At this time it is hard for us to even exit our home into the traffic on 400 W. to go North or South. The traffic dumps from Lindon and Pleasant Grove to the light at 400 W and 1600 N. The curb gutter, sidewalk is not complete along the west side of 400 W. which makes it very dangerous and difficult to navigate by walking or driving. Please take into consideration the cars parked along the curb near the intersection on 400 W.; When trying to get on 1600 N. from 280 West or 325 W. it is almost impossible! The cars go so fast! We seriously are taking our lives in our hands. I worry about my 93 old mother who still drives on occasion must enter 1600 N. from 280 W. We feel like we are not being heard! I don't know if you realize how this would impact the whole intersection of 1600 N. and State Street. I wish you all of you could live here for a couple of days. Or, really if you would just come and park in front of my house or on 1600 N. near 400 W. and watch you would be able to see what a mistake this would be. We don't need traffic studies that are done with charts and numbers and letters. The traffic study that was done was not accurate! It has many flaws. It did not take into consideration the individual and certain issues directing the traffic in this area. The Development Services Staff need to deny Dennis O'Briens application based on the certain specific traffic problems the development will cause. Thank you for your service representing the citizens of Orem and please recognize this is not the right place for this development.

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9.1. PUBLIC HEARING / ORDINANCE Amending the Current Fiscal Year 2020-2021 Budget

No comments were made

Comment received after the Public Hearing was closed:

LaNae Millett

Councilmembers, I am extremely frustrated with the virtual process. The virtual format has definitely hindered our ability to communicate with our elected officials during the public meetings. These meetings are scheduled for them to hear and interact with the public. It is a scheduled forum in which I, as a resident, have the opportunity to interact with all of my council members at the same time. It is a time scheduled so they all can listen to residents. Over the past two weeks I've implored you to go back to in-person meetings. My phone calls have been met with comments like 'I'm fine with the virtual meetings, I'm fine if we don't go back until July' I called every municipality in Utah County. Saratoga Springs and Eagle Mountain have plans to return within the next two weeks American fork is returning tonight and every other city in Utah County has already returned to in-person meetings. Most of them returned in March but there were a couple that have been since January & even last Fall. They have found ways to respect their citizens and make it safely work. The virtual format leaves the residence at a distinct disadvantage. There are the delays, yawning during the reading of our comments, rushed reading, missed opportunity for council members to ask us questions about our comments. I've been a resident advocate for several years and I've never seen anything like this. You can't see the city council members reactions to things because they are blocked by the presenter's screen, some of them have their cameras off so who knows if they're even engaged in the meeting. Don't get me wrong I respect our council members, but it's time to be back in person. If there are council members who have health concerns there are ways that they can join the meeting virtually.