CITY OF OREM

CITY COUNCIL MEETING

56 North State Street Orem, Utah

November 9, 2022

4:00 P.M. WORK SESSION-CITY COUNCIL CHAMBERS

CONDUCTING Mayor David A. Young

ELECTED OFFICIALS David Young, David Spencer, LaNae Millett, Jeff Lambson, Debby Lauret, Terry Peterson and Tom Macdonald.

APPOINTED STAFF Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Ryan Clark, Development Services Director; Brandon Nelson, Finance Director; Lane Gray, Capital Projects Manager; Giles Demki, Water Reclamation Section Manager; Kathi Lewis, Economic Development Division Manager and Tess Jones, Deputy City Recorder

**NOTE: The referenced report and presentation documents for each discussion may be viewed at** [**orem.org/meetings**](http://orem.org/meetings) **under “City Council Presentations”**

UPDATE - 1600 North Project Presentation

Mr. Richardson introduced his team members and the outline of his presentation. He started by giving the study overview and explained that UDOT is evaluating roadway improvement to 1600 North in Orem and Lindon from 1200 West to State Street and has prepared a State Environmental Study that analyzed impacts to residents, businesses, and the environment. He then spoke about the preferred alternative and showed a map of what factors have played into the project including street lights, potential noise walls, storm water and homes.

General discussion occurred about the street names shown in the preferred alternative slide show image, the demolition that has already taken place, where the sidewalk aligns with the street shown in the presentation slide show, potential improved shoulder traffic areas, and worst possible scenarios, road access to businesses, and road property ownership.

Mr. Richardson then explained what would come next on the schedule of events.

* Impacted Property Owner Meetings-November 2022
* SES Published- December 2022
* Public Hearing & Comment Period- December 2022
* Decision Document Available- February 2023

Mrs. Millett asked for clarification on the flow of traffic and how the public will access businesses.

Mr. Davidson stated that money was appropriated from the state legislature to move this effort forward but right now given current construction the amount that is needed is about 15 million more.

Mr. Richardson said that the currently underfunded between 25 and 30 million.

Mr. Davidson said that he has approached the council to prepare a letter to confirm continued support of the roadway project and they will relay that information to the legislature.

General discussion occurred about what has impacted the projected funds to be the amount that they currently are including real-estate, construction costs, environmental assessment, and the economy.

Mr. Davidson asked that if Orem has set aside 40 million for this project already, why can’t they use those proceeds to purchase properties? He then clarified that UDOT has reallocated 40 million dollars to some other project. He expressed concern about money that Orem city has given previously was used for another project. General discussion about how Orem City’s funds were used occurred.

Mr. Peterson arrived at the meeting at 4:23pm.

DISCUSSION - Campus Drive Parking Permit

Mr. Paraskeva explained the current parking permit situation and the history of the permit. He then displayed the petition that 60% of Orem residents have signed and explained some of the reasons for removal of Parking District.

* When the parking district was put into place in 2022 the street was used frequently by the public to park vehicles, several times blocking driveways of residents, to access the soccer and football fields at Orem High School.
* Since the construction of the new football field and the driver education course where fences were erected all along Campus Drive, it has cut off all access to the school fields from Campus Drive.

He explained the evaluations that have been done in researching these reasons and what solutions have been considered.

General discussion of how school property was accessed in the past from this area occurred.

Police Recommendation and Council Request:

* Traffic study and survey of area conducted.
* Agreeance with the petition to remove the parking district.
* City Council Request- Approve a resolution to dissolve the Neighborhood Parking District on Campus Drive based on police findings and the Petition from the residents.

UPDATE - Transportation Master Plan

Mr. Lambson introduced members of the Transportation Committee who have attended the meeting.

Mr. Kelly explained the Transportation Master Plan Update

* Existing data updated to current conditions
* Addressed the State Street Master Plan
* Updated the 2015 from 2040 to 2050
* Incorporated the new 2050 Transportation plan elements
* Established Capital Improvement Plan

Mr. Kelly explained the differences between high level and detailed level in the transportation master plan process. He then showed a slide of the presentation that shows a chart of what is evaluated while going through the process and where they are at currently in the process.

* High level Model Payson/Ogden
* Customized for Orem
* Recommendations
* Review
* Adoption Process

Mrs. Millett asked if the project rules and regulations have changed sense the last report and Mr. Kelly assured her that they have not.

Mr. Kelly explained the traffic locations, functional classification, existing roadway network, level of service, existing level of service, MAG travel demand model TAZ map, 2030 no build level of service, and 2050 no build level of service.

General discussion about the red area shown on the map in the presentation on the 2030 and 2050 no build level of service, road improvement dynamics, operational stand points, funding, traffic flow, project scoring, safety, development, resources, business impacts, and bridges occurred.

Mr. Kelly stated some projects to meet future demands and explained to the council members what impacts that they could have on them.

Mr. Macdonald stated some projects that are shared responsibility and Mr. Davidson explained the streets that Orem is in communication with the legislator and UDOT and the reasoning behind it. General discussion about how study results were determined, traffic flow, additional suggested improvements, and building occurred.

Mr. Kelly stated the additional document items to go through in the packet provided to the council members.

* Access Management Standards
* Traffic Calming Guidelines
* Traffic Calming Toolbox
* Traffic Impact Study Guidelines
* Southwest Street Network Plan
* Cost Estimates
* Capital Improvement Program

General discussion about next steps for this item occurred.

DISCUSSION – Mayor Pro-Tem, January – July 2023

Mrs. Bates stated the mayor has recommended for January through July 1st council member Lambson. That will be on the consent calendar next month for approval.

DISCUSSION – 2023 City Council Meeting Schedule

Mrs. Bates stated the proposed council meeting calendar for 2023. This is required by the state that they do a proposed Council schedule for the year and publish it. She said that the council members can add and subtract to this but it is a state requirement. The meetings are typically held on the second and fourth Tuesday. The months July, November and December will only have one meeting per month. She encouraged council members to review the dates and get back to her on it for the approved schedule.

Mayor Young asked for clarification of a meeting being scheduled on February 14th, Valentines Day.

Mrs. Bates stated the date of the meeting can change if the council chooses to do so.

General discussion about moving the city council meeting from February 14th to February 15th.

DISCUSSION – 2022 General Election Canvass

Mrs. Bates reviewed the canvas of the election stating that due to the fact that Orem City did have a proposition on the ballot we require to certify the canvas for the ballot proposition. She said the county will give Orem the final numbers on the 22nd around 2-3:00 in the afternoon. Since that will be the week of Thanksgiving, it can be held by an electronic meeting. The regulations for the electronic meeting require one member of the council to be at the anchor location in the city council room. She clarified the information that would be on the meeting agenda.

General discussion about Mrs. Lauret being at the anchor location during the meeting on the 22nd of November.

AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

The mayor and city council reviewed the upcoming items on the agenda.

CITY COUNCIL REPORTS (BOARDS & COMMISSIONS, NEW BUSINESS, ETC.)

**6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS**

CONDUCTING Mayor David A. Young

ELECTED OFFICIALS David Spencer, Terry Peterson, LaNae Millett, Jeff Lambson, Debby Lauret and Tom Macdonald

APPOINTED STAFF Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager;

Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Steve Earl, Deputy City Attorney; Chris Tschirki, Public Works Director; Brandon Nelson, Finance Director; Bryce Merrill, Recreation Director; Keri Rugg, HR Director; Mark Sanderson, Fire Chief; and Tess Jones, Deputy City Recorder

**CALL TO ORDER**

**INVOCATION / INSPIRATIONAL THOUGHT – Blaine Blad**

**PLEDGE OF ALLEGIANCE – Jim Lauret**

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

RECOGNITION – “LIVES SAVED” Orem Fire Department and Timpanogos Hospital

Orem Fire department chief expressed his gratitude for the council and he introduced Chris Shields, Orem’s liaison nurse at Timpanogos Hospital and he explained the role she plays in the process.

Mrs. Shields thanked the council and the audience for being there. She also thanked the EMS partners and she introduced some of the Timpanogos Hospital staff present. She stated how rare it is for 3 lives to be saved within three to four weeks and the great impact the staff has had on the community. She began to tell of the events that took place with each of the survivors.

Joshua Hansen and his sister Julie Hansen came up to the stand.

Mrs. Shields stated that on August 14th this year while visiting family here in Utah from Iowa, 32-year-old Joshua started to have some chest pain and suddenly collapsed and was unconscious, CPR was immediately started by family and 911 was called. Orem fire crew members showed up on scene and started to work high performance CPR, the Lucas device was placed for mechanical, SPR was placed on him, defibrillator pads were attached and a shock was delivered to Joshua’s heart that was in a fatal arrhythmia. CPR continued, a breathing tube was placed and secured IVs were started. Cardiac drugs were given and the preparation to transport was made. Eventually Joshua’s heart started reading again and the Orem fire transferred Joshua to Timpanogos Hospital emergency department where he was taken to the Cath Lab immediately. Doctors opened up a coronary artery that was blocked causing the heart attack. While in the Cath Lab when the stent was being placed Joshua went into cardiac arrest again and he was shocked again and his heart was restarted. He was admitted to the ICU, and with the help of Dr. Gel the cardiologist, Dr. Rosenberg in intensive care, a neurologist, and two other ICU doctors, Joshua was able to be discharged from the hospital on the 17th of August.

She stated that at Timpanogos Hospital they are honored for the opportunity to celebrate Joshua’s life and recognize those who were involved in saving his life.

Clayton Call Hannah, Andrew Butler, Skyler Jones, Trevor McGinty, Greg Hickens, Captain Ben Williams, Battalion Chief Steve Pearson came up to the stand. They reunited them with Joshua and congratulated the staff for a job well done.

Jennifer Nelson Came up to the stand.

On September 21st of this year, 50-year-old Jennifer was driving her car close to station one here in Orem when her car rolled into the intersection up onto a curb and then stopped. First responder Deputy Chief Jason Earl form Orem Fire Department were in their car and watched this event take place. They could see that Jennifer was unresponsive, not breathing and was having seizure like activity. The doors were locked in Jennifer’s car and she was in a seat belt. Chief Earl used his slim Jim and he was able to get the doors unlocked, they checked Jen in the car and she did not have pulse and she was not breathing. Station 33 ambulance showed up on scene, she was quickly extracted from the car and into the ambulance for treatment. High performance CPR was immediately started, the Lucas device was applied for mechanical CPR, IVs were obtained, a breathing tube was placed, defibrillator patches were applied. Jennifer’s heart was in a lethal rhythm, an automatic defibrillator was preformed twice to get her heart started again while given cardiac drugs. They checked the pulse again and recognized that her heart was beating in an organized rhythm. The crew called Timpanogos Hospital and reported events and transport was made to the Emergency Room. Jen had several CT scans to rule out any injuries. She was admitted to the ICU through the trauma surgeon. She had some abnormal EKG and so the EP cardiologist was consulted as well as a few other doctors. They diagnosed her with Long QT syndrome, doctors preformed procedures on Jen to prevent any other further cardiac arrest, Jennifer was discharged on the 30th.

Chief Earl, Casey Metcalf, Seth Swenson, Bryant Carter, and Tim Holt came up to the stand and were recognized for their lifesaving accomplishment. Jennifer expressed her gratitude for those involved.

Janet Thourough was not able to attend the meeting in person but she has expressed her gratitude for her life and those that were involved in saving her life. She has a new grandchild and she is so happy to spend time with them and she is humble and happy. Janet was around 3 weeks post operation from a surgery while she was at home on the 13th of August, she developed severe shortness of breath and passed out a few times. Her husband called 911 and requested they come to her house. When they arrived, Janet was awake and was feeling a little better and wasn’t sure if she needed to go to the hospital. The paramedic team did their assessments and decided it was best for her to go to the hospital. While in transit Jan went into Cardiac arrest and the EMS crew worked on getting her heart to beat again. When they arrived at the Timpanogos hospital, they took her into a CAT scan and could see that Jan had massive bilateral pulmonary embolisms or clots in her lungs. Jan was not doing well and they gave her thrombolytic and preformed a thrombectomy on Jan to save her life. Jan is alive today because of the teams’ efforts that were involved.

Andrew Butler, Skyler Jones, Brighton Partridge, Clayton Cohen, Right Hicken, Chad Brooks and Captain Ben Williams came up to the stand and were recognized for their accomplishment.

Mrs. Shields passed arounds a plaque that recognizes the lives saved in the Timpanogos Hospital. The City Council took a picture with the families and the EMTs/Firemen who helped save lives in Orem.

Mayor Young thanked Mrs. Shields and the crew members for the presentation given and stated that they all do phenomenal work.

Tom Macdonald said the work that is done in the hospital is a class act and he is grateful when they come together with the Orem Fire Department to keep the community safe.

ANNUAL REPORT – Metropolitan Water District

Mr. Yerkie recognized board members of the Metropolitan water district board. He expressed gratitude to the two new members who have been appointed and those who are no longer with the Metropolitan Water District. He then gave some background and history on the Metropolitan Water District, spoke about shareholders and water rights, impact fees, and funds allocated in contributions of the City of Orem.

Mr. Yerkie spoke about an audit that was performed and passed. He then expressed some concerns with purchasing, travel, conflict of interest and reporting. He said that a challenge that before them is the Deer Creek intake body, and there is a project presentation that must be given to the council by the management of the Portland River Water Users Association. He then explained some of the money associated with the association and the loans and bonds tied to them.

Mayor young asked for clarification on the ownership of the Metropolitan water district and if it is 100 alone.

Mr. Yerkie responded stating it is a local lawyer and it is a local district of the state of Utah that was created by the city of Orem in 1935. He said it was created by Orem City and the Orem city council and other leadership members within the city.

**PERSONAL APPEARANCES**

Liam Fry is 16 years old and spoke about his regular commute on the Murdock Trail and his experience with his friend who was struck and critically injured at an intersection while on the trail. Mr. Fry has conducted a survey and has received 141 results that stated, 7% of the people while on the trail feel safe. He then stated and explained that he has emailed the council members some of the possible solutions in helping this intersection feel safer. He expressed his frustration with this intersection and encouraged the city Council to resolve the issue.

Mr. Davidson stated that Mr. Frys issue is something that is being looked at and is in the process of being resolved. There is a sense of urgency around the matter and they are working to fix it.

Lisa Cappel started by expressing her gratitude for the council she is concerned 800 north and 1500 east and the traffic that is associated with it. She is worried that with an increase in units there is going to be pedestrians who will cause accidents. She explained the points of low visibility and voiced her concerns about the safety of the intersection.

Mayor Young stated that it will be discussed later tonight.

Scott Dunaway expressed some concerns in the decision making with the proposition 2. He believes that proposition 2 decisions have not been transparent and he does not like the short time frame. He stated that he is concerned with the involvement of Jesse Riddle and funding of an Orem Only school district.

**CONSENT ITEMS**

None at this time

**SCHEDULED ITEMS**

PUBLIC HEARING / ORDINANCE – Enacting Section 22-11-64 PD51 (*River District – 720 North 1550 East*) zone, and Appendix “YY” of the Orem City Code, and amending Article 22-5-(A) and the zoning map of the City of Orem by changing the zone of 3.15 acres from the Business Park (BP) zone to the PD51 zone at approximately 720 North 1550 East.

Mr. Bench stated that the Planning Commission held a Public Hearing for the enactment of Section 22-11-64 PD51 *(River District – 720 North 1550 East)* and Appendix “YY” of the Orem City Code and amending the zoning map of the City of Orem was held September 7, 2022. It was determined that more time was needed for the Planning Commission to discuss this item and to see whether Provo had reviewed and approved their part of the project since a large portion of the overall project is located in Provo. The item was continued to September 21, 2022, when the Planning Commission held a meeting and voted on the project.

The applicant is proposing this rezone and map amendment from the Business Park zone to the PD51 zone in order to build a planned development of attached residential dwelling units, consistent with the property to the south which is located in the Provo City boundaries. If the rezone is approved, they will come back to the Planning Commission at a future date for approval of the site plan and improvements.

The proposed zone is designed to be applied only to Lot 2 as designated in Appendix YY of the Orem City Code.

There will be twenty-five (25) units in the residential portion of the new development. This will be the area that is being rezoned to the PD51 zone. The townhouse style units will be two or three stories high. The area to the north will remain the Business Park (BP) zone. There will be a private street that each of the units will access.

The new PD51 zone will be more than five hundred (500) feet from 800 North as is required for a new PD zone containing a residential use [(22-11-1(3))](http://online.encodeplus.com/regs/orem-ut/doc-viewer.aspx#secid-2044). It is actually close to one thousand (1,000) feet from 800 North.

Since this is currently zoned BP, a PD zone is an option for this development containing residential uses [(22-11-1(3))](http://online.encodeplus.com/regs/orem-ut/doc-viewer.aspx#secid-2045).

The exterior finishing materials for the project include wood siding, stone and standing seam metal roofs (see proposed ordinance text).

The overall height for structures in the PD51 zone can be up to three stories and no higher than forty feet (40’) above grade. The applicant proposes a height of thirty-six feet nine inches (36’9”) as noted on the elevations (see proposed ordinance text).

Parking for the development is required to provide 2.5 spaces per unit per [22-7-12(J)](http://online.encodeplus.com/regs/orem-ut/doc-viewer.aspx#secid-1991) *Planned Residential Developments (PRD)* of the Orem City Code. For the twenty-five units they are proposing, they would be required to provide sixty-three (63) parking spaces. They are providing eighty-eight (88), fifty are covered (garages) and thirty-eight are not covered.

The City, UDOT, and the developer recognize that there will need to be some traffic mitigation measures installed at the intersection of 800 N and 1550 East. UDOT, in conjunction with the City, hired a consultant to study this intersection in 2015, along with other intersections to the west. The study has been attached to this staff report. At the time of the study, the intersection at 1550 East and 800 North, in its current configuration, operates at failing level of service in the pm peak.

There have been discussions with UDOT, the developer, and Orem about the safety of this intersection and all parties understand that there will need to be a joint funded project to address the safety concerns

If approved, any future development on the parcel would be required to conform to the standards outlined in the PD51 zone and the concept plan and exhibits outlined in Appendix YY of the Orem City Code. Future changes would require Planning Commission and City Council approval.

* Maximum height is 36’9”
* 63 Required parking spaces- 88 approved parking spaces
* Materials-wood siding, stone and standing seam metal roofs
* Number of units- (25) 2- and 3- story units

The applicant during the Planning Commission meeting agreed to provide a public access for pedestrians on the west side of the Provo River as part of their project similar to the requirement of Provo City. The developer is in the process of providing a development agreement stipulating this requirement. The development agreement may include other provisions that will be reviewed with the Council during the public hearing.

Mrs. Lauret asked what type of living accommodations will be provided in this housing.

Mr. Bench stated that it would be rentals.

The applicants presented that why they were here and how they got here and some next steps associated with it. They then showed a proposed concept plan, architectural vision, comparable properties, housing market, support,

Mrs. Lauret asked for clarification on destination dining.

The applicants clarified what typical dining experiences they are trying to encompass in their vision. Examples given are nicer dining, fast casual, sit down restaurants, and reasoning for the drive through text amendment.

General discussion about approved parking spots for both Provo and Orem, local investment, units per acre, business relations, involvement with UDOT, relations with city employees.

Mayor Young opened it up to public hearing at 7:37pm

Brain Bird stated that he has attended multiple meeting and stated some of his background and how he has been impacted from the traffic of the road.

Ally Faultner expressed her thoughts about a light on the street. And she hopes that business

Bill Faultner expressed his thoughts that he is concerned about shutting the business down of a locally owned convenient store that has been involved for 18 years.

Braden Garner is an Orem resident and he spoke about the demographic that this will address and he stated that he currently lives north because he does not find housing in Orem available to him.

Mr. Davidson addressed the issue spoke about the public hearing in regards to the flow of traffic.

Mr. Bench spoke about how we will all need to come together for a solution.

Susan Ron spoke about her property located nearby and she stated some of the pros associated with it.

Josh Martin spoke about his daily commute he stated that he is in support with the zone change

Pat Gasway spoke about his history with Orem and he is in favor of this.

Kurk Beaker with central Utah water

Mayor young closed public comment at 7:53pm

Mr. Macdonald left meeting at 7:28pm.

**Mr. Spencer moved** to approve the ordinance enacting Section 22-11-64 PD51 (*River District – 720 North 1550 East*) zone, and Appendix “YY” of the Orem City Code, and amending Article 22-5-(A) and the zoning map of the City of Orem by changing the zone of 3.15 acres from the Business Park (BP) zone to the PD51 zone at approximately 720 North 1550 East. **Mrs. Lauret seconded** the motion. Those voting aye: David A. Young, David Spencer, Debby Lauret, Terry Peterson, Jeff Lambson, and LaNae Millett. The motion **passed.**

PUBLIC HEARING / ORDINANCE – Amending a portion of Appendix A of the Orem City Code by amending the Standard Lane Use (SLU) Code 5811 *Fast Food* and making such use permitted in the Business Park (BP) zone; and amending Section 22-9-8(1) *Miscellaneous Regulations for Manufacturing and Research and Development Zones* to allow fast food restaurants with a drive-thru; and to make architectural standards consistent throughout the west side development project area in the Business Park (BP) zone located at approximately 800 North and University Avenue.

Mr. Bench stated that the applicant proposes changes to the Business Park zone located at approximately 800 North and University Avenue to allow development to be consistent throughout each individual project area west of the Provo River. Current language would require all development west of the river to be consistent with the existing office building located on site.

The applicant also requests to amend SLU Code 5811 *Fast Food* to allow restaurants with a drive-thru in the BP zone.

22-9-8. Miscellaneous Regulations for Manufacturing and Research and Development Zones.

1. H. The following additional requirements shall apply to development in the BP zone:
2. No more than thirty percent (30%) of the gross leasable area (as defined in section 22-15-2) of any building may be devoted to retail uses. However, buildings that are used solely as a restaurant and have at least 3,000 square feet are excluded from this restriction.
3. ~~No restaurant may have a drive through~~
4. For the BP zone area located at approximately 800 North and University Avenue, all development west of the Provo River shall ~~have an architectural and design theme consistent with the existing office building.~~ be consistent throughout each individual project area. For development east of the Provo River the architectural and design theme may be different from the west side of the river but shall be consistent throughout the east side development.

On September 21, 2022 the Orem City Planning Commission recommended the City Council approve the proposed amendments.

**Mr. Spencer moved** to approve the ordinance amending a portion of Appendix A of the Orem City Code by amending the Standard Lane Use (SLU) Code 5811 *Fast Food* and making such use permitted in the Business Park (BP) zone; and amending Section 22-9-8(1) *Miscellaneous Regulations for Manufacturing and Research and Development Zones* to allow fast food restaurants with a drive-thru; and to make architectural standards consistent throughout the west side development project area in the Business Park (BP) zone located at approximately 800 North and University Avenue. **Jeff Lambson** **seconded** the motion. Those voting aye: David A. Young, David Spencer, Tom Macdonald, Terry Peterson, Debby Lauret, Jeff Lambson, and LaNae Millett. The motion **passed.**

**COMMUNICATION ITEMS**

None at this time.

**CITY MANAGER INFORMATION ITEMS**

Mr. Davidson spoke about city information items.

**ADJOURN**

**Mr. Macdonald motioned** to adjourn the meeting; **Mr. Spencer seconded** the motion. Those voting aye: David A. Young, David Spencer, Tom Macdonald, Terry Peterson, Debby Lauret, Jeff Lambson and LaNae Millett. The **motion passed.**

Meeting adjourned at 7:32pm