

Resolution Northgate SID R-06-0008

Orem, Utah

January 24, 2006

A regular meeting of the City Council ("City Council") of the City of Orem, Utah, was held on Tuesday, January 24, 2006, at the hour of 6:30 p.m., at the regular meeting place of said Council at which meeting there were present and answering roll call the following members who constituted a quorum:

- | | |
|-------------------|---------------|
| Jerry C. Washburn | Mayor |
| Les Campbell | Councilmember |
| Dean Dickerson | Councilmember |
| Karen McCandless | Councilmember |
| Stephen Sandstrom | Councilmember |
| Mark Seastrand | Councilmember |
| Shiree Thurston | Councilmember |

Also present:

Donna Weaver

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RANDALL A. COVINGTON
UTAH COUNTY RECORDER
 2006 Jan 30 10:42 am FEE 0.00 BY KH
 RECORDED FOR OREM CITY CORPORATION

Recused:

Stephen Sandstrom	Councilmember
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After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, the following proceedings, among others, were duly had and taken:

The City Recorder notified the City Council that the Notice of Intention to establish the City of Orem, Utah Northgate Village Special Improvement District (the "District"), authorized by resolution adopted by the City Council on October 11, 2005, had been published in the Daily Herald, a newspaper of general circulation in the City of Orem, Utah, said notice having been published four times, once during each week for four consecutive weeks, the last publication being not less than five (5) nor more than twenty (20) days prior to November 22, 2005, and that the affidavit of publishing said Notice of Intention with a copy of the Notice as published was duly filed in her office; also that a copy of such Notice of Intention to create the District has been delivered to each owner of land affected or specially benefited by such improvements as said property is described in said Notice; and that said Notice directed that all persons desiring to protest and oppose the creation of the District might appear and file in writing said protests and objections.

The City Recorder noted that the protest hearing was held on November 22, 2005, and that no written protests against the creation of the District and the making of the

proposed improvements were received by her in her office by 5:00 p.m. on November 21, 2005, nor were any verbal protests presented at that meeting.

The City Council then determined to continue the protest meeting to this January 24, 2006, meeting. The City Recorder reported that no further written or verbal protests have been received with respect to the creation of the District and the making of improvements. However, as a result of additional discussions between the City staff and the owner of the properties anticipated to be assessed, the City Council hereby makes the following findings with respect to the District:

A. The City owned property located in the northeast corner of the District may not be assessed because it is owned by the City. Furthermore, so long as the City is the owner of said property, said property will not be benefited by the proposed improvements to be constructed within the District.

B. The Gunsmoke property located south of the City owned property should not be assessed since said property presently has egress and ingress and access to water and sewer utilities from 900 West. Therefore said property will not be benefited from the proposed improvements to be constructed within the District.

C. The Herringer property located on 1200 West should not be assessed since that property is currently developed and does not benefit from the proposed improvements to be constructed within the District.

The City Recorder advised the City Council that it has received an executed Acknowledgment Waiver and Consent from the sole owner of the property proposed to be assessed, wherein said owner has acknowledged that its property will be benefited as a result of the Improvements to be constructed within the District, has waived any and all irregularities in the procedure to create the District, and has consented to the holding of the protest hearing and the assessment of its properties as provided in the Notice of Intention. A copy of said Acknowledgment Waiver and Consent is attached hereto as Exhibit D.

Based upon the findings and the receipt of the executed Acknowledgment, Waiver, and Consent described above, Councilmember McCandless then introduced the following resolution in writing, which was fully discussed, and moved its adoption:

A RESOLUTION TO CREATE THE CITY OF OREM, UTAH NORTHGATE VILLAGE SPECIAL IMPROVEMENT DISTRICT DESCRIBED IN THE NOTICE OF INTENTION CONCERNING THE DISTRICT AND AUTHORIZING THE CITY OFFICIALS TO PROCEED TO FINANCE IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT; AND RELATED MATTERS.

WHEREAS, the City Council of the City of Orem, Utah County, Utah (the "City"), has determined that it will be in the best interest of the City to finance certain improvements within the City. The specific description of the nature of the improvements is more particularly set out in the Notice of Intention, which has been published as required by law and is attached hereto as Exhibit B; and

WHEREAS, the City Council has heretofore considered each and every protest filed and has heard each and every person who wished to be heard in protest against the creation of the District or the financing of any of the improvements therein or on any other matter pertinent to the District:

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Orem, Utah County, Utah:

Section 1. The financing of the improvements described in the Notice of Intention to create the District is hereby authorized and the City of Orem, Utah Northgate Village Special Improvement District is hereby created. The improvements are anticipated to be made in one or more phases as shall be reviewed and approved by the City Council.

Section 2. The properties to be assessed within the District are described in Exhibit C attached hereto and are approved by the City Council. The legal description and tax identification number of said properties are more fully set forth in Exhibit C attached hereto.

Section 3. As required by law, the City Recorder is hereby authorized and directed to file a copy of the Notice of Intention and this Resolution creating the District as finally approved, together with a list of properties proposed to be assessed described by tax identification number and legal description, in the Utah County Recorder's office within five (5) days from the date hereof.

Section 4. In addition to the requirements of Section 3 hereof, immediately upon its adoption, this Resolution shall be placed in the records of the City where it will be continuously available for public inspection on a reasonable basis at the office of the City Recorder during regular business hours of the City, from and after the date hereof through and including the last date of issuance of the bonds or such other time as is determined by the City.

Councilmember Dickerson seconded the motion to adopt the foregoing Resolution. The Resolution was thereupon put to a vote and adopted on the following recorded vote:

AYE:

Jerry C. Washburn
Les Campbell
Dean Dickerson
Karen McCandless
Mark Seastrand
Shiree Thurston

Mayor
Councilmember
Councilmember
Councilmember
Councilmember
Councilmember

NAY:

Thereupon the motion was approved by the Mayor and made a matter of record by the City Recorder.

ADOPTED AND APPROVED January 24, 2006.

(SEAL)



ATTEST:

By: *[Signature]*
Mayor

By: *Donna R. Weaver*
City Recorder

(Here follows other business not pertinent to the above.)

Pursuant to motion duly made and seconded, the meeting adjourned.

(SEAL)



By: [Signature]
Mayor

ATTEST:

By: Donna R. Weaver
City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, Donna Weaver, the duly appointed, qualified City Recorder of the City of Orem, Utah, do hereby certify as follows:

That the foregoing pages constitute a full, true and correct copy of the record of proceedings of the City Council of the City of Orem, Utah, held on January 24, 2006, insofar as said proceedings relate to the hearing of protests against the establishment of the City of Orem, Utah Northgate Village Special Improvement District and a resolution establishing said special improvement district as the same appears of record in my office. I personally attended said meeting, and the proceedings were in fact as specified in said minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this January 24, 2006.

(SEAL)



By: Donna R. Weaver
City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

CERTIFICATE OF FILING

I, Donna Weaver, the duly qualified and acting City Recorder of the City of Orem, Utah, do hereby certify that on Jan 30, 2006, pursuant to Section 17A-3-307, Utah Code Annotated 1953, as amended, a copy of the Notice of Intention and resolution creating the City of Orem, Utah Northgate Village Special Improvement District, as finally approved, together with a list of properties proposed to be assessed described by tax identification number and legal description, was filed in the Utah County Recorder's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this January 30, 2006.

(SEAL)

By: Donna R. Weaver
City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Donna Weaver, the undersigned City Recorder of the City of Orem, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the January 24, 2006, public meeting held by the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's principal offices on January 20, 2006, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained to posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Daily Herald on January 20, 2006, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2006 Annual Meeting Schedule for the City Council (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be posted on, December 19, 2005, at the principal office of the City Council and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the City on December 19, 2005.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this January 24, 2006.

(SEAL)



By: Donna R. Weaver
City Recorder

SCHEDULE 1

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NOTICE OF MEETING

CITY OF OREM
CITY COUNCIL MEETING
January 24, 2006

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4:00 P.M. WORK SESSION – MULTIPURPOSE ROOM

1. **DISCUSSION – Conditional Use Permits**

5:00 P.M. STUDY SESSION – MULTIPURPOSE ROOM

AGENDA REVIEW

2. **The City Council will review the items on the agenda.**

CITY COUNCIL - NEW BUSINESS

3. **This is an opportunity for members of the City Council to raise issues of information or concern.**

5:30 P.M. RECEPTION FOR NEW CITY COUNCILMEMBER - ROTUNDA

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE: By Invitation

INVOCATION/INSPIRATIONAL THOUGHT: By Invitation

OATH OF OFFICE – Mark E. Seastrand

APPROVAL OF MINUTES

4. **MINUTES of City Council Meeting – January 10, 2006**
5. **MINUTES of Special City Council Meeting – January 17, 2006**
6. **MINUTES of Special City Council Meeting – January 19, 2006**

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in the City Council Meetings and Study Sessions,
please call the City Recorder's Office at least 3 working days prior to the meeting.
(Voice 229-7074) (TDD # 229-7037)**

This agenda is also available on the City's Internet webpage at orem.org

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

7. **UPCOMING EVENTS**
8. **UPCOMING AGENDA ITEMS**
9. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
There are no vacancies.
10. **RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS**
11. **YOUTH CITY COUNCIL ITEMS**
12. **PRESENTATION – Orem Owlz**
13. **REPORT – Beautification Advisory Commission**
14. **CITY COUNCIL ASSIGNMENTS – Advisory Commissions**
15. **LEGISLATIVE UPDATE**

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CITY MANAGER'S APPOINTMENTS

16. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
The City Manager does not have any appointments.

PERSONAL APPEARANCES

17. **Time has been set aside for the public to express their ideas, concerns, and comments on items not on the Agenda. (Please limit your comments to 3 minutes.)**

CONSENT ITEMS

18. **RESOLUTION - Consider an Amendment to the Interlocal Cooperation Agreement for NPDES Phase II Storm Water Public Education and Outreach Best Management Practice Compliance**

RECOMMENDATION: The Public Works Director requests that the City Council, by resolution, approve the Amended Interlocal Cooperation Agreement for National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Public Education and Outreach Best Management Practice Compliance and authorize the Mayor to sign the amended agreement.

BACKGROUND: On April 13, 2004, the City Council approved a resolution agreeing to enter into an Interlocal Cooperative Agreement for NPDES Phase II Storm Water Public Education and Outreach Best Management Practice Compliance. The agreement was also approved by Provo, Pleasant Grove, American Fork, Springville, Spanish Fork, Lehi, Payson, Utah County, Lindon, Highland, Alpine, Mapleton, Salem, and Cedar Hills.

Utah County acts as the administrator of the agreement. The agreement outlines seven areas of concentration in which money will be spent to implement Storm Water Education and Outreach.

The proposed amended agreement adds one more area in which money can be spent in the Education and Outreach program. The addition states:

“8. Contract with part-time instructors to present lessons on waterway pollution prevention to elementary school classes throughout Utah County.”

Orem’s financial contribution will not change with this amendment but will continue as outlined in the original agreement.

SCHEDULED ITEMS

6:15 P.M. PUBLIC HEARING – Orem City

19. ORDINANCE - Zoning Ordinance Amendment – Section 22-11-5 of the Orem City Code - Minimum Area Requirements for a PD Zone

RECOMMENDATION: The Planning Commission recommends the City Council, by ordinance, amend Section 22-11-5 of the Orem City Code pertaining to area requirements for a PD zone.

BACKGROUND: The PD zone ordinance currently provides that a PD zone may only be applied to an area of at least three-acres. One of the reasons the three-acre size requirement was included in the PD ordinance was the concern over the creation of illegal spot zones. When that provision was included in the ordinance, the size of a zoned area was a factor in determining whether a rezoning act constituted an illegal spot zone. Subsequent to that time, the Utah State Legislature has passed an amendment to State law that essentially eliminates the size of a zoned parcel as a factor in determining whether a particular zoning action constitutes illegal spot zoning.

Circumstances surrounding several unique properties in the city have illustrated the need and desirability of applying a PD zone to parcels smaller than three-acres, in limited situations. PD zones are designed to address situations in which no existing zoning classification is sufficiently permissive to allow uses that would be suitable on the property or sufficiently restrictive to protect the character and quality of neighboring properties. The Strate property is an example of a situation where no existing zoning classification appears to effectively address the needs of the property owner or the owners of surrounding property.

The proposed change is as follows:

22-11-5. Minimum Area.

There is no minimum area requirement for the creation of a PD zone. However, the application of a PD zone to an area of less than three acres is discouraged unless there are unique circumstances associated with the property that justify applying a PD zone to a smaller area. A PD zone may only be applied to a parcel or a combination of parcels totaling at least three acres.

6:15 PUBLIC HEARING – Steve Strate**20. ORDINANCE - Zoning Ordinance Amendment – Enact Section 22-11-41 (PD-28 Zone) of the Orem City Code and the Zoning Map of the City of Orem, Utah to Apply the PD-28 Zone to Property Located Generally at 1800 South Sandhill Road**

RECOMMENDATION: The Planning Commission recommends that the City Council, by ordinance, create the PD-28 zone and amend the Zoning Map of the City of Orem, Utah, to apply the PD-28 zone to property located generally at 1800 South Sandhill Road.

BACKGROUND: Steve Strate owns a parcel of property consisting of approximately 1.83 acres located at approximately 1800 South Sandhill Road. The current General Plan designation for the property is *Low Density Residential* and the current zoning classification for the property is R-8.

Mr. Strate first came before the City Council on February 2, 2005, with a request that the General Plan designation for the property be changed from *Low Density Residential* to *Regional Commercial* with the intent of requesting a zoning change for the property to Highway Services (HS). The City Council expressed its feeling that the HS zone would not be the most appropriate zoning classification for the property and suggested that a Planned Development (PD) zone that allowed uses compatible with the surrounding areas would be more appropriate. The application was then continued to allow Mr. Strate time to prepare a new proposal.

Mr. Strate came before the City Council again on June 28, 2005. At that time, Mr. Strate indicated that he had started to work on a PD zone as previously suggested by the City Council. However, after meeting with the neighbors, he believed that a consensus could not be reached and therefore abandoned that effort. Mr. Strate renewed his original request to amend the General Plan to change the classification of his property from *Low Density Residential* to *Regional Commercial* with the intent of submitting a proposed PD zone at a later date. At the City Council meeting, several neighbors voiced their opposition to any further commercial development on Sandhill Road. Some property owners along Sandhill Road voiced their support for allowing commercial development on parcels that are currently zoned residential. Others voiced support for some kind of compromise as long as the types of uses, building heights, and other standards could be addressed. Members of the City Council acknowledged the uniqueness of the property and the difficulty in determining the appropriate zoning classification that should be applied to this property. Mr. Strate, through his attorney, indicated his willingness to try again to draft a PD zone, provided that staff was willing to become involved and take the lead.

Since the time of the last City Council meeting, City staff has met with the interested neighbors in the area and talked with Mr. Strate's attorney, Brian Greene, in an attempt to create a PD zone that would address the interests of Mr. Strate and the concerns of the neighbors. Because of the diversity of views and interests in the area, it seems clear that no proposal will be completely satisfactory to all interested parties. A number of different options have been suggested for consideration by the City Council. These options are as follows:

1. Apply the HS zone to the property.
2. Create a PD zone that includes many of the uses permitted in the HS zone with a few exceptions.
3. Create a PD zone that allows only personal storage units that must be developed and maintained in accordance with a concept plan prepared by Mr. Strate.
4. Apply the PRD zone to the property. The PRD zone allows for the development of attached residential units at a density of eight units per acre. The PRD zone could also be amended to allow for the development of up to 16 units per acre between Sandhill Road and I-15 similar to those currently allowed in the PRD zone between 1200 West and I-15.
5. Create a new PD zone that would allow for attached residential units with standards somewhat more lenient than that allowed under the PRD ordinance. The current PRD standards are designed to encourage the development of single-level, retirement-type housing. These standards have been modified for developments in areas that are not conducive to retirees. For example, the PD-26 zone (Tanglewood) increases the allowable height to 32 feet instead of 27 feet and eliminates the restrictions on two-story development.

After considering all of the options listed above, the Planning Commission ultimately concluded that the third option, or the creation of a PD zone that would allow for only self-storage units developed in conformance with a concept plan, was the best alternative. The applicant also acknowledged that his primary desire was the third option.

During and subsequent to the Planning Commission Meeting, Leanne Swanson, the owner of the property immediately to the north of the Strate parcel, raised several concerns regarding the proposed self-storage PD zone. She indicated that she would prefer to see asphalt shingles on the buildings instead of the proposed standing seam metal roof. The Planning Commission considered this and ultimately decided that the metal roof would be preferable. Concern was also raised regarding electronic, flashing, or lighted signage. In order to address this, the PD-28 ordinance requires the pole sign to be located in the southwest corner of the property and to be oriented toward the southwest. The ordinance also states that electronic, flashing, or lighted signage is allowed only on the southerly facing of the sign.

In the event that the City Council elects to apply a PD zone to the Strate property, the PD zone requirements will need to be amended to eliminate the three-acre minimum size requirement for the creation of a PD zone. The Strate parcel in question is only 1.83 acres. City staff has prepared a proposed amendment to the Planned Development ordinance that would eliminate the three-acre requirement. This proposed amendment is set forth as a separate item for consideration by the City Council.

6:30 P.M. PUBLIC HEARING**21. RESOLUTION - Consideration for Adoption of a Resolution to Create the City of Orem, Utah Northgate Village Special Improvement District Described in the Notice of Intention Concerning the District and Authorizing the City Officials to Proceed to Finance Improvements as Set Forth in the Notice of Intention to Create the District; and Related Matters**

RECOMMENDATION: The City Manager recommends the City Council, by resolution, approve the City of Orem, Utah Northgate Village Special Improvement District described in the notice of intention concerning the district and authorizing the city officials to proceed to finance improvements as set forth in the notice of intention to create the district; and related matters.

BACKGROUND: The Special Improvement District (SID) pays for the public improvements within the development such as water and sewer lines, storm water facilities, and roads. The costs of these improvements are financed through an SID bond. The bond is paid through annual assessments made by the benefited property owners. If the property owner fails to make a payment, the City will foreclose on the property to obtain the payment. The property involved in this SID will be owned and developed by the Northgate Development Group, in the general area of 800 North to 1100 North, 900 West to 1200 West. Since the Notice of Intent to Create the District, the Public Works property and an adjoining four-acre parcel have been eliminated from the District.

In June 2001, the City Council adopted resolution R-01-0034, establishing the criteria for the creation of special improvement districts. The resolution states:

Policy: The City Council will consider the use of Special Improvement Districts in limited circumstances for public facilities and improvements in new or redeveloping commercial and industrial areas, and for limited residential uses that enhance economic or community development. Those projects that significantly improve the generation of sales tax and property tax and/or create jobs with wages at or above the Utah County average will be given preferential consideration. Preference will also be given to projects with extraordinary development barriers that render the project otherwise economically infeasible.

The evaluation criteria listed in the resolution includes:

- A. The total development value must be at least three times that of the SID bond amount.
- B. The minimum amount for commercial and industrial development SIDs shall not be less than \$250,000. Residential SID projects will not be less than \$100,000.
- C. Property tax and sales tax generation must be enhanced by all commercial and industrial development projects.
- D. All commercial and industrial projects must create one job for each \$35,000 increment of funding requested.
- E. The Commission for Economic Development in Orem Board will evaluate all SID applications. Their recommendations will be forwarded to the City Council for final action.

CEDO has reviewed the application and found that it meets the criteria listed in the resolution.

22. RESOLUTION - Conditional Use Permit - SLU Code 4712 - Cellular Communications Monopole - 1525 North 800 West - Bonneville Park

RECOMMENDATION: The Planning Commission recommends the City Council, by resolution, approve the conditional use permit for SLU 4712, Cellular Communication Monopole, at 1525 North 800 West.

BACKGROUND: The applicant is requesting approval to locate a cellular communications monopole at Bonneville Park. The City Council heard this request on August 9, 2005, after the Planning Commission forwarded a positive recommendation. The site was proposed to be adjacent to the dumpster enclosures; however, the City Council approved an alternate site located in the northwest area of the park. This new site conflicts with the use of the park as a detention basin. To adjust the basin design would have resulted in the loss of a great deal of capacity interfering with the City's Storm Water Master Plan. The City Code requires that all applicants make a good faith effort to site the monopole in the following order of priority: first, on existing structures, second on City owned property, and third, on non-residential private property. If the applicant desires to locate on a site other than the highest priority site, the applicant has the burden of demonstrating to the City Council why it could not locate the pole on the site with a higher priority. Verizon has investigated other sites but has been unable to find a suitable site. The following alternate sites were investigated:

Site	Finding
Bonneville Elementary School	Set backs placed the pole next to the existing building which would prohibit the school building from being expanded.
Aspen Elementary School	Set backs placed the pole in the middle of the playing field
Windsor Park	RF coverage problems
1750 North State area	RF coverage problems

Verizon Wireless has requested approval to construct a 75-foot tall tower adjacent to the trash dumpsters. The tower is proposed adjacent to the trash enclosure. They are proposing to attach the support building on to the restrooms with matching architecture to be less intrusive. The tower height will permit collocation of an additional carrier, and space will be available on the ground for support equipment. Panel antennae are proposed instead of the more projecting style of antennae.

A neighborhood meeting was held on December 6, 2005, with four neighbors in attendance. They all expressed a desire not to have the tower in the park.

23. RESOLUTION - Authorizing the Issuance and Sale of not More than \$5,515,000 Aggregate Principal Amount of General Obligation Bonds, Series 2006, of the City of Orem, Utah; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years Over which the Bonds may Bear, and the Maximum Discount from Par at which the Bonds may be Sold; Providing for the Publication of a Notice of Bonds to be Issued; Providing for the Running of a Contest Period; and Related Matters.

RESOLUTION – Supplementing a Parameters Resolution Adopted January 24, 2006, Prescribing the Form of Bonds; Providing for the Manner of Execution and Delivery of Said Bonds; Providing for the Use of the Proceeds thereof and how Payment of Said Bonds will be Made; Authorizing the Taking of all Other Actions Necessary for the Consummation of the Transactions Contemplated by this Resolution; and Related Matters.

RECOMMENDATION: The City Manager recommends that the City Council:

- **By Resolution, authorize the issuance and sale of not more than \$5,515,000 General Obligation Bonds, Series 2006 for road improvements**
- **By Resolution, supplement a parameters resolutions adopted on January 24, 2006, prescribing the form of bonds**

BACKGROUND: In November 2004, voters in Orem approved the issuance of bonds of \$14,500,000 for road and sidewalk improvements in Orem. This is the second issuance of this bond authorization. This initial funding was for Sandhill Road, 1600 North, 2000 North, and various missing sidewalks within 1/3 mile of each school in Orem.

Adoption of this resolution allows the City to go forward with the remaining projects. Most of these projects are overlays on collector and local streets. Because of increasing concrete and asphalt costs, additional funds from other city sources will be needed to complete these projects. Other sources will include Class “C” Road (gas tax) funds and the General Fund.

24. RESOLUTION – Approve a four-way stop at the intersection of 1200 North 800 West

RECOMMENDATION: The Traffic Operations Engineer recommends that the City Council, by resolution, approve a four-way stop at the intersection of 1200 North, 800 West.

BACKGROUND: The City Traffic Operations Staff has completed a traffic study at 1200 North 800 West. There are sight distance issues for the north/south traffic to safely negotiate the intersection unless the conflicting traffic east/west is required to stop. The 4-way stop is warranted under these conditions and will solve the sight distance issue. The State manual for School Zones requires that a Reduced Speed School Zone (the flashing lights) be removed at a stop sign protected intersection. If the intersection is controlled by a four-way stop and all approaches have to stop, there is no need for a Reduced Speed School Zone. The flashing lights will be removed, but the school crossing guard will remain and assist students crossing through the intersection.

Street Types: 1200 North Street and 800 West are both residential neighborhood collector streets of similar design where a multi-way stop would improve the operational characteristic of the intersection during peak hours. The east/west traffic volume for 1200 North is 2897 Average Daily Trips (ADT) and the north/south traffic volume is 3,611 ADT. There has been a three-year average of 5-6 reported accidents at this intersection per year.

COMMUNICATION ITEMS

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25. **BUDGET REPORT** – Month ending December 2005
26. **PERSONAL APPEARANCE RESPONSE** – Kimberly Lines - 1661 South 400 West

CITY MANAGER INFORMATION ITEMS

27. **This is an opportunity for the City Manager to provide information to the City Council. These items are for information and do not require action by the City Council.**

ADJOURNMENT

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

LEGAL NOTICE
NOTICE OF ANNUAL MEETING SCHEDULE
OREM CITY COUNCIL

Public Notice is hereby given that the 2006 Annual Meeting Schedule of the Orem City Council is as follows:

Regular Meeting Dates

January 10, 24
February 14, 28
March 14, 28
April 11, 25
May 9, 23
June 13, 27
July 11, 25
August 8, 22
September 12, 26
October 10, 24
November 14, 28
December 12

Special Work Sessions

February 21 (with CDBG Advisory Commission)

City Council meetings are held in the Orem City Council Chambers in the Orem City Center, 56 North State Street, Orem, Utah, commencing at 6:00 p.m.

The City Council may hold a study session briefing at 5:00 p.m. in the Main Conference Room #111.

The City Council does have the ability to adjust this meeting schedule as necessary.

TO BE PUBLISHED IN THE *OREM GENEVA TIMES*,
THURSDAY, DECEMBER 22, 2005

TO BE PUBLISHED IN THE *DAILY HERALD*,
THURSDAY, DECEMBER 22, 2005

EXHIBIT B

ORIGINAL NOTICE OF INTENTION

NOTICE OF INTENTION

PUBLIC NOTICE IS HEREBY GIVEN that on the October 11, 2005, the City Council of the City of Orem, Utah, (the "City Council"), adopted a resolution declaring its intention to create a special improvement district to be known as the City of Orem, Utah Northgate Village Special Improvement District (the "Improvement District"). It is the intention of the City Council to finance the cost of acquiring, constructing and installing the proposed Improvements described herein and to levy a special assessment as provided in Title 17A, Chapter 3, Part 3, Utah Code Annotated 1953, as amended, on the real estate lying within the Improvement District for the benefit received by such Improvements.

DESCRIPTION OF IMPROVEMENT DISTRICT

The Improvement District lies within the boundaries of the City and includes all property bounded on the south by 800 North Street, on the west by the old alignment of 1200 West Street, on the north by 1100 North Street and on the east by 900 West Street except for the following properties:

1023 North 900 West	1041 North 900 West	1057 North 900 West
1075 North 900 West	1089 North 900 West	1095 North 900 West
927 West 1100 North	941 West 1100 North	953 West 1100 North
1090 North 960 West	1086 North 960 West	1085 North 960 West
1089 North 960 West	965 West 1100 North	999 West 1100 North
1090 North 1005 West	1086 North 1005 West	1051 North 1005 West
1049 North 1005 West	1067 North 1005 West	1013 West 1100 North
1027 West 1100 North	1070 North 1035 West	1062 North 1035 West
1053 North 1035 West	1061 North 1035 West	1069 North 1035 West
1083 North 1035 West	1075 West 1100 North	1135 West 1100 north
1088 North 1160 West	1076 North 1160 West	1068 North 1160 West
1064 North 1160 West	1069 North 1160 West	1077 North 1160 West
1087 North 1160 West	1086 North 1200 West	1045 North 1200 West
1054 North 1200 West	1026 North 1200 West	944 North 1200 West

PROPOSED IMPROVEMENTS

The improvements proposed to be acquired, constructed, and/or installed in general include, sewer improvements, water improvements, storm drainage improvements, storm water retention improvements, curb, gutter, sidewalk, streets, telecommunications infrastructure, public landscaping improvements, demolition, grading and site work with respect to the public improvements, engineering and surveying land for improvements (collectively, the "Improvements").

A map showing the general location of the proposed Improvements is attached hereto as Exhibit A. In addition, a more detailed map is on file and available at the

offices of the City Engineer, 56 North State, Orem City, Utah 84057, during regular business hours.

METHOD OF ASSESSMENT

The method under which the assessments are to be levied is on an acreage basis at an estimated assessment cost per acre of \$76,160.

ESTIMATED COST OF IMPROVEMENTS AND REFUNDING REFUNDED BONDS

The total cost of Improvements in the Improvement District, including the funding of reserves and overhead costs, is estimated to be \$3,476,000 which is proposed to be paid by a special assessment to be levied against the property which may be directly or indirectly benefited by such Improvements. In lieu of utilizing a guaranty fund, the City intends to create a special reserve fund to secure payment of the special assessment bonds (the "Assessment Bonds") anticipated to be issued by the City to finance the proposed Improvements. The reserve fund will be initially funded with proceeds of the Assessment Bonds in an amount to be determined by the City Council plus amounts sufficient to pay capitalized interest on the Assessment Bonds for a period of approximately two years. The City anticipates applying any moneys remaining in the reserve fund to the final payment on the Assessment Bonds which, in turn, would offset the final assessment payments to be made by the owners of property benefited by such Improvements, all of which will be further described in the assessment ordinance to be adopted by the City. In addition, estimated costs of assessment include estimated overhead costs which the City projects to incur in the creation and administration of the Improvement District.

ASSESSMENTS AND LEVY OF ASSESSMENTS

It is the intention of the City Council to levy assessments as provided by the laws of Utah on all parcels and lots of real property within the Improvement District benefiting by the proposed Improvements described herein. The purpose of the assessment and levy is to pay the costs of the Improvements, which the City will not assume and pay. The method of assessment shall be on an acreage basis as set forth hereinabove.

The assessments may be paid by property owners in up to fifteen (15) annual principal installments with interest on the unpaid balance at a rate or rates fixed by the City Council, or the whole or any part of the assessment may be paid without interest within fifteen (15) days after the ordinance levying the assessment becomes effective. The assessments shall be levied according to the benefits to be derived by each property within the Improvement District. Other payment provisions and enforcement remedies shall be in accordance with Title 17A, Chapter 3, Part 3, Utah Code Annotated 1953, as amended.

A map of the proposed Improvement District and specifications of the proposed Improvements and other related information are on file in the office of the City Engineer who will make such information available to all interested persons.

TIME FOR FILING PROTESTS

Any person who is the owner of record of property to be assessed in the Improvement District described in this Notice of Intention shall have the right to file in writing a protest against the creation of the Improvement District or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owned of record by the person or persons making the protest and shall indicate the total number of acre's represented by said protest. Protests shall be filed with the City Recorder, on or before 5:00 p.m. on November 21, 2005. Thereafter at 6:30 p.m. on November 22, 2005, the City Council will meet in public meeting at the offices of the Council, 56 South State Street, Orem City, Utah, to consider all protests so filed and hear all objections relating to the proposed Improvement District.

After such consideration and determination, the City Council shall adopt a resolution either abandoning the Improvement District or creating the Improvement District either as described in this Notice of Intention or with deletions and changes made as authorized by law; but the City Council shall abandon the Improvement District and not create the same if the necessary number of protests as provided herein have been filed on or before the time specified in this Notice of Intention for the filing of protests after eliminating from such filed protests: (a) protests relating to property or relating to a type of improvement which has been deleted from the Improvement District and (b) protests which have been withdrawn in writing prior to the conclusion of the hearing. The necessary number of protests shall mean protests representing one-half of the total acreage to be assessed within the Improvement District.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH

By: /s/Donna Weaver
City Recorder

Published in the Daily Herald

Publication Dates: October 17, 24, 31, and November 7, 2005.

EXHIBIT C

TAX IDENTIFICATION AND LEGAL DESCRIPTION OF PROPERTIES
TO BE ASSESSED WITHIN THE DISTRICT

Property Serial Number: 17:033:0120:000 Tax District #: 090
Locator/Old Serial No.: Acres: 12.42

----- Owner Information: -----

Name: CARTER CONSTRUCTION COMPANY
* Name:
Address: PO BOX 1239 ORRM UT 84059-3514 2002.....

----- Property Information: -----

Address:
Date Effective: 08/26/2005 Date Deleted: 00/00/0000 Property Class: 000
Date Recorded: 08/26/2005 Date Created: 10/04/2005 Date Updated: 00/00/0000
Last Entry #: 94758;2005 Previous Serial Number:

----- Taxing Description: (Not For Legal Documents) -----

COM N 139.53 FT & W 1370.97 FT FR E 1/4 COR. SRC. 9, T6S, R2E, SLB&M.; S 89 DEG
25'22"W 637.65 FT; N 850.6 FT; N 89 DEG 26'55"E 634.44 FT; S 0 DEG 12'56"E 850.2
8 FT TO BEG. ARRA 12.417 AC.

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Requested By: JEFFS at TJRPPSCP

LIDP * * * Land Information Display System * * *
Property Serial Number: 17:033:0121:000 Year: R2006.....
Locator/Old Serial No.: Tax District #: 090
Acres: 10.03

----- Owner Information: -----
Name: NORTHGATE VILLAGE DEVELOPMENT LC
& Name:
Address: 507 N 1500 W OREM UT 84057 2006.....

----- Property Information: -----
Address:
Date Effective: 11/09/2005 Date Deleted: 00/00/0000 Property Class: 000
Date Recorded: 11/09/2005 Date Created: 12/29/2005 Date Updated: 00/00/0000
Last Entry #: 129350;2005 Previous Serial Number:

----- Taxing Description: (Not For Legal Documents) -----
COM N 1035.73 FT & W 1855.91 FT FR E 1/4 COR. SEC. 9, T6S, R2E, SLB&M.; S 89 DEG
28'19"W 355.71 FT; S 88 DEG 59'45"W 410.6 FT; N 0 DEG 7'2"W 221.97 FT; N 1 DEG
16'3"W 253.96 FT; E 68.14 FT; N 85 DEG 55'20"E 204.45 FT; N 4 DEG 53'9"E 91.17 F
T; N 31 DEG 38'24"E 44.31 FT; N 84 DEG 19'25"E 123.54 FT; N 89 DEG 8'20"E 340.42

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Requested By: JBFPS at TJBFFSCP

LILD * * * Land Information System * * *

Property Serial Number: 17:033:0126 Year: ???????
Locator / Alpha Serial: / Tax District #: 090
Owner Name: THIS RECORD HAS NOT BEEN CREATED YET Acres: 0.98
JEFF 20060118

Taxing Description: (Not For Legal Documents) TRANSFERRED
----- Page: 1

COM N 0 DEG 39'38"W 598.24 FT & W 1060.38 FT PR B 1/4 COR. SEC. 9, T6S, R2E, S1B
&M.; S 215.09 FT; W 196.9 FT; N 8 DEG 32'34"W 9.65 FT; N 185.54 FT; ALONG A CURV
E TO R (CHORD BEARS: N 45 DEG 0'0"E 28.28 FT, RADIUS=20 FT); B 178.33 FT TO BEG.
AREA 0.977 AC.

* * * Search Completed * * *

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Requested By: JEFFS at TJEFFS

LILD * * * Land Information System * * *

Property Serial Number: 17:033:0127 Year: ?????????
Locator / Alpha Serial: / Tax District #: 090
Owner Name: THIS RECORD HAS NOT BEEN CREATED YET Acres: 1.90
JEFF 20060118

Taxing Description: (Not For Legal Documents) TRANSFERRED
----- Page: 1

COM N 468.45 FT & W 987.74 FT FR B 1/4 COR. SEC. 9, T6S, R2E, SLB&M.; S 89 DEG 2
5'22"W 79.55 FT; N 130.54 FT; W 178.33 FT; ALONG A CURVE TO L (CHORD BEARS: S 45
DEG 0'0"W 28.28 FT, RADIUS=20 FT) ARC LENGTH = 31.41 FT; S 112.54 FT; S 89 DEG 2
5'22"W 106.59 FT; N 0 DEG 12'56"W 525.3 FT; N 89 DEG 26'55"E 117.15 FT; ALONG A
CURVE TO R (CHORD BEARS: S 2 DEG 19'11"E 149.41 FT, RADIUS=290 FT) ARC LENGTH = 1
51.11 FT; ALONG A CURVE TO L (CHORD BEARS: S 5 DEG 34'55"W 150.36 FT, RADIUS=622
FT) ARC LENGTH = 150.73 FT; S 29.87 FT; ALONG A CURVE TO L (CHORD BEARS: S 45 DE
G 0'0"E 28.28 FT, RADIUS=20 FT) ARC LENGTH = 31.41 FT; B 257.21 FT; S 0 DEG 12'56
"E 173.63 FT TO BEG. AREA 1.895 AC.

* * * Search Completed * * *

Screen Printed: 01/19/06 09:54:08

Requested By: JEFFS at TUEFFSCF

LILD * * * Land Information System * * *

Year: ??????????
Tax District #: 090
Acres: 5.44

Property Serial Number: 17:033:0128

Locator / Alpha Serial: /

Owner Name: THIS RECORD HAS NOT BEEN CREATED YET

JEPF 20060118

TRANSPHRRRD

Taxing Description: (Not For Legal Documents)

Page: 1

COM N 146 FT & W 728 FT FR B 1/4 COR. 6HC. 9, T55, R2B, SUBAM.; S 89 DEG 25'22"W
643.03 FT; N 0 DEG 12'56"N 324.98 FT; N 89 DEG 25'22"E 106.62 FT; S 72.97 FT; S
B DEG 32'34"E 9.65 FT; B 196.9 FT; N 84.46 FT; N 89 DEG 25'22"E 79.51 FT; N 0 D
EG 12'56"W 173.83 FT; B 258.54 FT; S 0 DEG 13'3"E 496.2 FT TO BEG. ARBA 5.441 AC

* * * Search Completed * * *

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Requested By: JEPFS at TJEPFSCP



CITY OF OREM

DEVELOPMENT SERVICES
ENGINEERING DIVISION
56 NORTH STATE ST
OREM, UT 84057

CITY OF OREM
Public Works Property
September 2005
X:\Property/Public Works 2003/dwp/Property 2005.dwg

EXHIBIT
"A"

ENT 10807:2006 PG 32 of 33

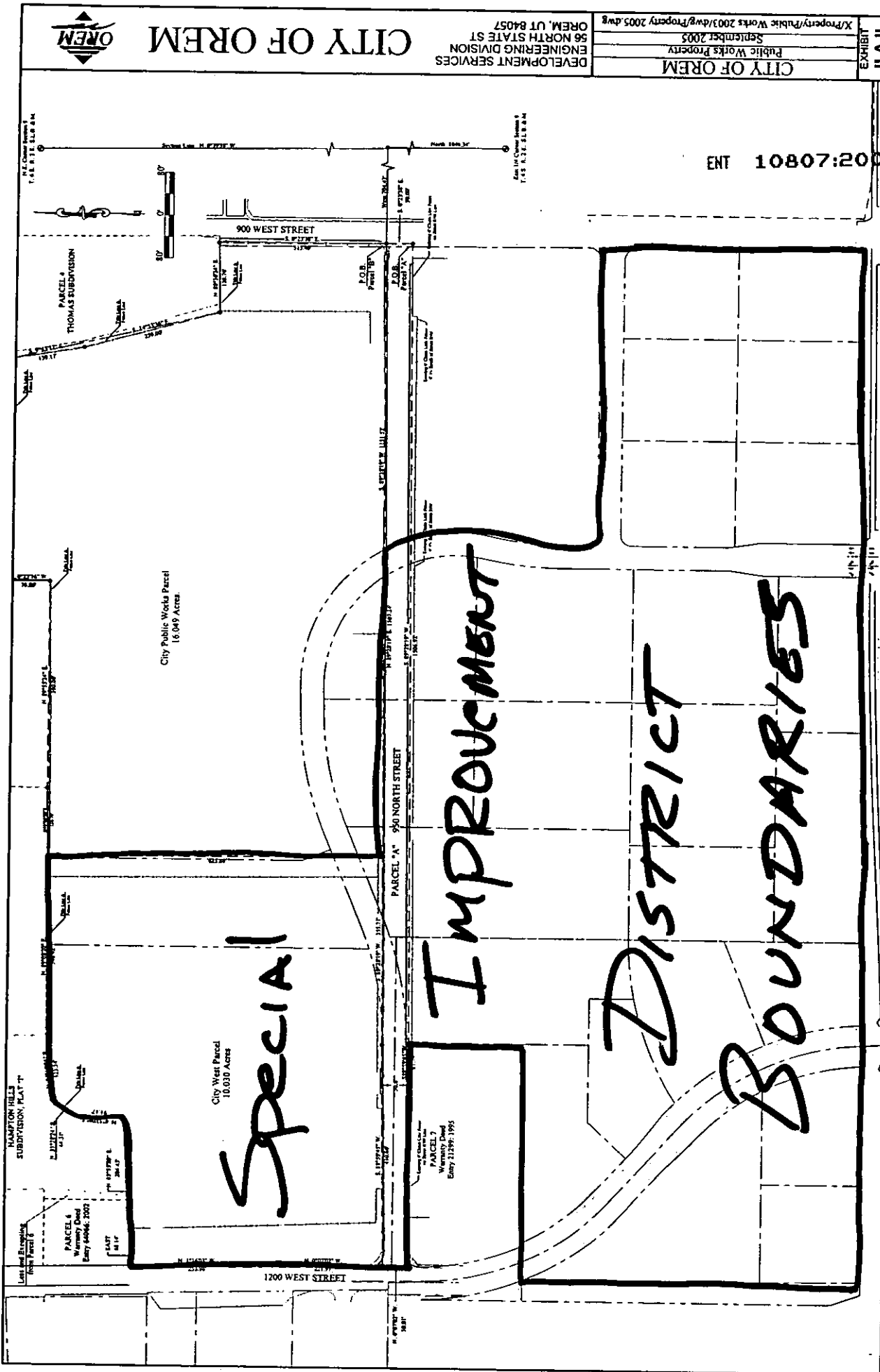


EXHIBIT D

ENT 10807:2006 PG 33 of 33

ACKNOWLEDGMENT WAIVER AND CONSENT