

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
March 25, 2014

3:00 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM

CONDUCTING	Mayor Richard F. Brunst, Jr.
ELECTED OFFICIALS	Councilmembers Hans Andersen, Margaret Black, Mark E. Seastrand, David Spencer, and Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Richard Manning, Administrative Services Director, Greg Stephens, City Attorney; Karl Hirst, Recreation Director; Bill Bell, Development Services Director; Jason Bench, Planning Division Manager; Chris Tschirki, Public Works Director; Scott Gurney, Interim Public Safety Director; Charlene Crozier, Library Director; Steve Earl, Deputy City Attorney; Heather Schriever, Assistant City Attorney; Steven Downs, Assistant to the City Manager; and Taraleigh Gray, Deputy City Recorder
EXCUSED	Councilmember Tom Macdonald

PRESENTATION – URMMA

Dean Steel, URMMA CEO, gave a brief history of URMMA and provided the following information to the Council:

- URMMA was made up of nineteen cities that participate by interlocal agreement. They share and pool for liability coverage and provide risk management services.
- URMMA was created by the cities to serve the city needs.
- Each city that participates provides a member to serve on the board.
- Orem, Ogden, and West Valley were permanent members of the group.
- The cities own their own insurance company through URMMA.

Carl Parker, URMMA Loss Control Manager, provided input by saying the key to URMMA was risk management. If accidents can be prevented, then city dollars were saved. Mr. Parker said he was charged with working with staff to eliminate risk.

Mayor Brunst asked about the risk area covered. Mr. Parker said vehicle accidents posed the highest risk and were also the highest frequency in terms of claims. That was followed by land-use issues and police liability. The issues were relatively low in frequency but extremely high in severity, and typically were very expensive claims. They were also considered difficult cases to settle. The best approach was to prevent them from happening in the first place.

Joanne Glantz, URMMA Education Manager, shared insight on their risk management education program.

Paul Johnson, URMMA Claims and Litigation Manager, reported on Orem's excellent track record and reviewed his role in working with the attorneys of the various member cities.

Kathy Kenison, URMMA Administrative Services Manager, reported on her responsibilities to oversee the finance functions, records management, and IT within URMMA. She congratulated Orem for their efforts and success in being able to manage their losses well.

DISCUSSION – Slack Line Regulations at Parks

Karl Hirst, Recreation Director, reported on the Slack Line activities taking place at Orem Parks. Subsequent to Council discussion, it was decided that Mr. Hirst would prepare an ordinance to be brought to the Council to designate the Orem City Center Park as the only park in Orem where Slack Lining activities were permitted.

DISCUSSION – Cosponsored Groups

Mr. Hirst indicated the item was a continuation of the youth sports cosponsored groups discussion from the City Council work session held on November 19, 2013. He reviewed the different types of youth groups currently operating within Orem. The purpose of the discussion was to discuss restructuring youth groups and propose changes which would be solidified and established by ordinance. Mr. Hirst said it had been an extensive endeavor and was still a work in progress.

DISCUSSION – SW Annexation Area

In the essence of time, the discussion was postponed to the end of the regular schedule meeting.

DISCUSSION – 2014 Orem Citizen Survey

Quin Monson, Y2 Analytics, presented to staff and Council a proposed survey to be conducted with Orem citizens. Mr. Monson explained the survey process, and gave details on the information they anticipated gathering through the survey.

5:00 P.M. STUDY SESSION

CONDUCTING

Mayor Richard F. Brunst, Jr.

ELECTED OFFICIALS

Councilmembers Hans Andersen, Margaret Black, Mark E. Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Richard Manning, Administrative Services Director, Greg Stephens, City Attorney; Karl Hirst, Recreation Director; Bill Bell, Development Services Director; Jason Bench, Planning Division Manager; Chris

Tschirki, Public Works Director; Scott Gurney, Interim Public Safety Director; Charlene Crozier, Interim Library Director; Steve Earl, Deputy City Attorney; Heather Schriever, Assistant City Attorney; Steven Downs, Assistant to the City Manager; and Taraleigh Gray, Deputy City Recorder

EXCUSED

Councilmember Tom Macdonald

Preview of Upcoming Agenda Items

Staff presented a preview of upcoming agenda items to the Council.

Review Agenda Items

The Council and staff reviewed the agenda items.

City Council New Business

Mayor Brunst shared the news found in USA TODAY which listed Provo/Orem as number one as far as job satisfaction. Provo/Orem was also the lowest rated for smoking, and number one in citizens feeling safe. The survey was conducted on 189 communities in USA.

Mayor Brunst said he wrote a letter to the PacSun store management. He allowed for the Council to review the letter and to sign with him, if they chose to do so.

Mayor Brunst gave an update on Midtown village. A previous offer fell through, and on March 13, 2014, the Evergreen Group made an offer to purchase the property and complete the development. The group would have forty-five days to conduct its due diligence, and after sixty days its offer would “go hard.” With the sale of the development, the SID parking garage would either be paid off over eighteen months or would be paid in full up-front.

Mayor Brunst congratulated Maddi Millard for being crowned the new Miss Orem.

The Council adjourned at 5:55 p.m. to the City Council Chambers for the regular meeting.

6:00 P.M. REGULAR SESSION

CONDUCTING

Mayor Richard F. Brunst, Jr.

ELECTED OFFICIALS

Councilmembers Hans Andersen, Margaret Black, Mark E. Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Richard Manning, Administrative Services Director, Greg Stephens, City Attorney; Steve Earl, Deputy City Attorney; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Bill Bell, Development Services Director; Scott Gurney, Interim Public Safety

Director; Charlene Crozier, Interim Library Director; Steven Downs, Assistant to the City Manager; and Taraleigh Gray, Deputy City Recorder

EXCUSED

Councilmember Tom Macdonald

**INVOCATION /
INSPIRATIONAL THOUGHT
PLEDGE OF ALLEGIANCE**

Wayne Burr
Gavin Belliston

APPROVAL OF MINUTES

Mr. Seastrand **moved** to approve the minutes from the following meetings:

- March 11, 2014 – City Council Meeting
- March 12, 2014 – Joint City Council / Alpine School District Meeting

Mr. Andersen **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard Brunst, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed**, 6-0.

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

Upcoming Events

The Mayor referred the Council to the upcoming events listed in the agenda packet.

Appointments to Boards and Commissions

There were no new appointments.

Recognition of New Neighborhoods in Action Officers

No new Neighborhood in Action officers were recognized.

CITY MANAGER APPOINTMENTS

There were no City Manager appointments.

PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not on the agenda. Those wishing to speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

Brent Hansen, resident, expressed concern about vehicles driving too fast near Orem High School and requested that something be done to address the problem.

Curtis Wood, resident, asked the Council to consider the formulation of a citizen review committee for both the City Attorney's office and the Police Department.

Wayne Burr, resident, encouraged the Council to consider acknowledging a proclamation setting apart a "Day of Fasting." He had spoken about the request in previous meetings and reported updating the proposed proclamation to reflect the changes encouraged by the City Attorney.

Melody Andersen, resident, voiced concern for the City's indebtedness, and shared a talk given by LDS Church President Gordon B. Hinckley.

CONSENT ITEMS

There were no consent times.

SCHEDULED ITEMS

6:20 P.M. PUBLIC HEARING

Receive Public Comment on the Community Development Block Grant (CDBG) Projected Use of Funds for Fiscal Year 2014-2015

Charlene Crozier, Library Director and former CNS manager, introduced the agenda item to the Council. She indicated that, during the past few months, the CDBG Citizen Advisory Commission had heard funding proposals from various applicants who wished to receive CDBG funding. The Commission would present its recommendations to the City Council, after which a public hearing would be opened for comment on the proposed uses of funds. She said that, following a second public hearing that was scheduled for April 29, 2014, at 6:20 p.m. the City Council would adopt a resolution approving the CDBG Final Statement of Projected Uses of Funds for 2014-2015.

Projected funding includes new entitlement, program income, and reprogrammed unspent funds from previous years. The total funding from the U.S. Department of Housing and Urban Development was \$749,778, and was broken down as follows:

- New Entitlement: \$609,734
 - \$91,460 may be used for Public Services
 - \$518,274 may be used for Other Projects.
- Reprogrammed funds from previous years: \$105,064
- Program Income: \$35,000

The CDBG Commission's task was to evaluate proposals and weigh them against what was available. Mrs. Crozier turned the time over to Memorie Durfee, CDBG Commission member, to report on the recommendations for fund uses for Other Projects and Public Service. The amounts were presented as follows:

Other Projects:

- | | |
|--------------------------------|-----------|
| • Habitat for Humanity | \$ 35,000 |
| • Code Enforcement | \$120,000 |
| • Infrastructure | \$258,338 |
| • Section 108 Loan Repayment | \$105,000 |
| • Business Revolving Loan Fund | \$ 25,000 |
| • Administration | \$115,000 |

Public Service:

- | | |
|------------------------------|-----------|
| • Family Support & Treatment | \$ 10,000 |
|------------------------------|-----------|

- Project Read \$ 3,000
- PERC \$ 2,000
- Center for Women & Children in Crisis \$ 10,000
- Community Action Services/Food Bank \$ 16,500
- Mountainlands Community Health Center \$ 5,000
- House of Hope \$ 5,000
- Big Brothers Big Sisters \$ 1,000
- Literacy Resources \$ 2,000
- RAH \$ 7,000
- Friends of the Children’s Justice Center \$ 10,960
- Friends of the Food and Care Coalition \$ 7,000
- Utah County 4-H \$ 2,000
- Community Health Connect \$ 4,000
- Kids on the Move \$ 6,000

Mayor Brunst asked for clarification on Code Enforcement. Mrs. Durfee indicated the Code Enforcement funds referred to the funds provided to Orem’s police officers who help with neighborhood preservation. Mrs. Crozier informed Mayor Brunst that Sgt. Darcy Simmons, Orem Police Neighborhood Preservation, was present at the meeting and would be taking time to speak to the Council about what the Neighborhood Preservation Unit did.

Mr. Spencer asked about the reprogrammed funds (listed as \$105,064) and if they could have helped with the flood disasters from the previous year.

Mrs. Crozier said that amount referred to funds being proposed for reallocation, \$100,000 of which had been previously allocated to the housing rehabilitation loan program, which was an owner-occupied housing loan and grant program for emergency repairs and general home repairs. Notification of the program was sent out through the city via the Orem utility bill, United Way housing brochures, and through word-of-mouth. The funds could not be utilizable for clean-up. If the homeowner stood the cost of cleanup and there was extensive damage beyond that, then possibly HUD would consider allowing the use of funds in another manner, but clean-up costs were generally not considered rehabilitation costs by HUD.

Mr. Spencer asked where citizens went in order to get information on the services. Mrs. Crozier said they should come to the Community and Neighborhood Services Office, located within the Recorder’s office suite.

Mr. Andersen wondered about repayment of Section 108 loans. Mrs. Crozier said when CEDO was still a partner agency to Orem, CEDO staff approached the City about receiving an economic development loan so it could infuse larger capital awards into its business revolving loan fund program. The City agreed to seek the loan and HUD made the funds available as loans for certain economic purposes, particularly those which created jobs. Orem participated with certain groups, by contract, to bring three new businesses to Orem. Based on the business’s performances, the City of Orem agreed to make the payments on the loans. The payments were being made through Orem’s Community Development Block Grant program. Mrs. Crozier summarized, saying the funds were used to invest in businesses that were relocating to Orem and creating jobs.

Mrs. Black asked if there were sufficient amounts within the reprogrammed funds to meet City needs. Mrs. Crozier said the City was equipped to disburse three-to-four loans and five-to-six grants in the coming year. Most businesses were interested in grants rather than loans. Habitat for Humanity would do a housing rehabilitation program with its \$35,000. She noted that Habitat was “on the ground” in neighborhoods in a manner that City staff was unable to be.

Mrs. Black inquired about what schools would benefit from the 4-H program, and how the determination was made. Ms. Durfee said the recommended funds were to cover supplies and snacks, as well as other different items they needed in order to administer the 4-H programs. Mrs. Crozier added that the application would be enacted in the four highest-need schools: Geneva Elementary, Westmore Elementary, Orem Junior High, and Lakeridge Junior High.

Mrs. Crozier went on, saying the CDBG Commission had a challenging task as there were so many agencies in Orem’s community that were working to provide services. All of the funds were targeted to be spent for Orem residents.

Mayor Brunst shared that in the past he had participated in working with some of the programs and he appreciated the City’s opportunity to administer the programs.

Mrs. Crozier noted there were multiple opportunities for public comment on the plan. A second public hearing was scheduled for April 29, 2014, to receive additional input. Opportunity for the public to provide written comments would also be allowed on the matter.

Mayor Brunst opened the public hearing.

Kristen Baird expressed her appreciation for the funding consideration on the part of the Big Brothers/Big Sisters program.

Bob Wright asked if the contribution from CDBG to Code Enforcement would affect the current compensation which was already in place for the Public Safety Officers. He asked if the contributions would affect the budget for the individuals and asked for clarification on the reimbursement process with regard to the funds.

John Reinhard, resident, said he was glad to see Kids on the Move on the list for contributions made to Public Services. He asked if any of the repurposed money could be funneled back to increase some of the Public Service amounts.

Shauna Brown shared a success story from Project Read, and expressed appreciation for proposed funds for the Project Read program.

At the invitation of Mayor Brunst, Sergeant Simmons shared information on the Neighborhood Preservation Unit (NPU) which operated under the direction of the Investigations Division within the Orem Police Department. Sergeant Simmons indicated the NPU had originally been created in October 2000 and was comprised of one police sergeant and three officers. The current NPU program operated with one sergeant and two officers.

Sergeant Simmons introduced the “Broken Window” theory, which centered on the idea that broken windows signaled a lack of care for a building that, in turn, often led to more serious vandalism. The NPU’s main goal was to instill pride and neighbor investment.

When the NPU began, the City was receiving a lot of calls about gang and party houses. At the time, the City could only deal with the problems that triggered the call. Often the Police would have to respond to the same residences a week later for similar issues but with different offenders. Shortly after, the City of Orem adopted a nuisance ordinance which allowed a more direct approach in addressing consistent problems by placing the responsibility of the nuisance upon the resident of the property, whether renter or property owner. The NPU was charged with searching for equitable solutions to address homes found in constant violation of the nuisance ordinance.

In reference to Mr. Wright’s concern, Mrs. Black pointed out that the funding provided the City opportunity to hire two more officers and that what they did directly qualified the City in using the grant money for the purpose of code enforcement. Mrs. Crozier added that it allowed the City to use CDBG funds to pay for the services. The Public Safety Department sent CDBG a bill. The funds, monitored by HUD, were subject to audit. There was no “double-dip” situation.

Thanking Sergeant Simmons for his input, Mayor Brunst closed the public hearing.

Mrs. Crozier addressed Mr. Reinhard’s question about more funding for public service and said the 15 percent entitlement was the max amount that could be used for public service.

Mayor Brunst said the agenda item was to receive public comment on the CDBG projected use of funds for fiscal year 2014-2015, and would be revisited with a second public hearing on April 29, 2014.

6:20 P.M. PUBLIC HEARING

ORDINANCE - Amending Appendix X (Page X.7) of the Orem City Code pertaining to the concept plan of the PD-11 zone at 1430 South Sandhill Road

Jason Bench, Planning Division Manager, presented to staff and Council an applicant request pertaining to the concept plan of the PD-11 zone. The PD-11 zone was approved by the City Council on May 22, 2012, to permit the construction of residential townhome units at a maximum density of 14 units per acre. The zone comprises 11.07 gross acres divided between two owners. The applicant owns 10.65 acres and Jerald Jones owns 0.42 acres, consisting of two parcels at the southeast corner of 1430 South and Sandhill Road. Each of Mr. Jones’ parcels contains an existing dwelling.

The approved concept plan in Appendix X has a density of 13.45 units per acre which was less than the maximum approved density of 14 units per acre. Mr. Jones’ property, as shown on the current concept plan, has a density greater than 14 units per acre, while Mr. Gevorgian’s property density was less than 14 units per acre.

The applicant proposed to relocate units from the Jones property in addition to adding an additional five units to his property, bringing each owner as close as possible to the maximum of 14 units per acre. Based on the current concept plan, the applicant had 13.2 units per acre and

Mr. Jones had 19.04 units per acre. Overall, the approved density would not change since the PD-11 zone was permitted 14 units per acre. Mr. Jones would have 5 units on 0.42 acres which was 11.09 units per acre. Mr. Gevorgian will have 149 units on 10.65 acres, which was 13.9 units per acre. If an additional unit was included on each owner's property, each would then be over the maximum of 14 units per acre. The revised concept plan had an overall density of 13.91 units per acre. The applicant also proposed to relocate the clubhouse facility to a more central location. Mr. Jones had expressed his approval of the request. A neighborhood meeting was held on August 6, 2013, in the City Council chambers with zero residents in attendance.

Based on compliance with the Orem City Code and the advantages outlined above, the Planning Commission recommends the City Council approve the request to amend Appendix X (Page X.7) of the Orem City Code pertaining to the concept plan of the PD-11 zone at 1430 South Sandhill Road. Staff also recommends approval of the request.

Mayor Brunst opened the public hearing. When no one came forward, Mayor Brunst closed the public hearing.

Mrs. Black **moved**, by ordinance, to amend the concept plan of the PD-11 zone at 1430 South Sandhill Road as contained in Appendix X (Page X.7) of the Orem City Code. Mr. Sumner **seconded** the motion. Those voting aye: Margaret Black, Richard Brunst, Mark E. Seastrand, David Spencer, and Brent Sumner. The motioned **passed**, 5-0.

Mr. Andersen passed on voting as he reported recusing himself from the original discussion on the PD-11 zone. He did not physically leave the discussion.

6:30 P.M. PUBLIC HEARING

ORDINANCE - Amending the Current Fiscal Year 2013-2014 Budget

Richard Manning, Administrative Services Director, presented to the Council a budget amendment with regard to employee compensation. He said the City, as a matter of practice, amended the fiscal year budget quarterly to recognize the many changes that occurred throughout the fiscal year. The adjustments included grants received from Federal, State, and other governmental or private entities/organizations; and various other smaller technical corrections or minor budget adjustments that needed to be made.

The proposed budget amendment would address job classification. Positions within the City classification system had not been adjusted to the market since FY 2007-2008. The proposed amendment would provide for a 2 percent market adjustment for each classified position. Employees who were within the range of their classification will receive a 2 percent adjustment to their compensation. It would be the first step in achieving the Council's goal of maintaining competitive compensation for City employees. The next step would be a revised compensation plan that was planned to be implemented during Fiscal Year 2014-2015.

Mr. Manning specified that employees would remain their position within the pay range, while implementing a market adjustment. The would be built in the budget for 2014-2015 fiscal year. Specifically, the Council would be amending the employee compensation plan within the City.

Mayor Brunst opened the public hearing.

Bob Wright voiced concern that the pay increase would be putting the buggy ahead of the horse. He suggested the City wait before implementing an “across the board” adjustment.

When no one else came forward, Mayor Brunst closed the public hearing.

Mr. Seastrand asked how long it would take for the change to take effect. Mr. Davidson indicated the effective date would be March 29, 2014, which was the beginning of the first pay period in the final quarter of FY 2013-2014.

Mayor Brunst **moved**, by ordinance, to amend the current Fiscal Year 2013-2014 Budget as proposed. Mr. Spencer **seconded** the motion. Those voting aye: Margaret Black, Richard Brunst, Mark E. Seastrand, David Spencer, and Brent Sumner. Those voting nay: Hans Andersen. The motion **passed**, 5-1.

RESOLUTION - Approve HOME Investment Partnership Grant Final Statement of Projected Uses of Funds – 2014-2015

Mrs. Crozier reported the City participates with a consortium along other cities and Utah county. One of the major facets of the consortium was that housing was best addressed on a regional basis, particularly housing that serves special populations, such as senior citizens, domestic violence victims, and lower-income families.

Mrs. Crozier said that following presentations by applicants and a vote by the Utah Valley Consortium of Cities and County Board, the final statement for the 2014-2015 HOME allocation was ready to be adopted by consortium entities.

HOME funds were typically used for a variety of housing projects within Utah County, including: down-payment assistance, rental assistance, housing rehabilitation, property acquisition, and other projects.

The total funding for the 2014-2015 grant year was \$1,601,948, which includes new entitlement, program income, and reprogrammed unspent funds from previous years. The Community & Neighborhood Services Manager recommended that the City Council, by resolution, adopt the Final Statement of Projected Uses of Funds for the 2014-2015 HOME Investment Partnership Act.

Mayor Brunst asked about the method of how down-payment assistance funds were used. Mrs. Crozier indicated there was a program called “Loan-to-Own” which was administered by Provo City on behalf of all of the cities in Utah County. The program was aimed at helping people to enter or reenter home-ownership.

Mr. Seastrand **moved**, by resolution, to approve the HOME Investment Partnership Grant Final Statement of Projected Uses of Funds, 2014-2015. Mrs. Black **seconded** the motion. Those voting aye: Margaret Black, Richard Brunst, Mark E. Seastrand, David Spencer, and Brent Sumner. Those voting nay: Hans Andersen. The motion **passed**, 5-1.

ORDINANCE – Establishing a Separate Police Department and Fire Department and Defining the Functions and Duties of Each City Department

Mr. Davidson presented a request for the City Council to consider formalizing the separation of the Public Safety department into separate Police and Fire departments. The Utah Code authorizes the City Council, upon recommendation of the City Manager, to enact an ordinance creating, consolidating or abolishing departments and defining the functions and duties of each city department.

On July 1, 1981, with passage of the FY 1981-1982 fiscal budget and by motion of the City Council, the City Manager moved forward with consolidation of the Orem Police Department and the Orem Fire Department, thereby creating the Orem Department of Public Safety. At the time of consolidation, the City Council and the City Manager believed certain economies of scale and savings could be garnered with personnel who could serve both as police officers and firefighters during emergency situations. Given call volumes and service demands at the time of the decision, the move was intended to provide improved customer service and additional career opportunities for public safety personnel. In facilitating the change, all police officers and firefighters were classified as public safety officers and public safety personnel were invited to cross train as both police officers and firefighters. While not all department personnel were cross trained, a number of frontline public safety officers were certified as police officers and firefighter/EMTs. The consolidation effort resulted in personnel being assigned equipment and resources to function in both capacities. In addition, personnel were paid differential pay for holding both police and fire/paramedic certifications. At the time of consolidation, (1) the position of Director of Public Safety was created, (2) a director was appointed (at the time, the Police Chief became the Director of Public Safety) and, (3) a Fire Division was created within the department to meet the city's fire suppression and emergency medical response needs.

As Orem matured, call volumes increased and level of service demands changed (for example, the City transitioned from operating out of two fire stations to four today), management and resource decisions began to reflect a natural separation between the police and fire sides of the Public Safety Department. Given the intense training and certification requirements for both police officers and firefighters, personnel naturally gravitated to one side of the department or the other. Moreover, based on budget limitations, Public Safety officers were no longer equipped as both police officers and firefighters. Staffing and scheduling models also began to reflect a clear separation between police and fire functions.

While initially touted as a move that would result in cost savings, the consolidated Orem Department of Public Safety no longer provides significant financial benefits or savings to the City of Orem. Moreover, under the current operational model, the department's fire division has historically operated under department leadership whose background has been in law enforcement, a situation that has led to the feeling of some that one core function of the department has been subservient to the other.

Advantages

- The reorganization of the Orem Public Safety Department will lead to will lead to a dedicated and direct focus by personnel on services directly tied to the preservation of life and property (Fire) and law enforcement (Police).
- Morale and department unity will increase in both departments. "Team concept" will continue to grow and develop.

- Departmental planning and goal setting will exclusively focus on core service-related issues and concerns. For example, Fire personnel can exclusively focus on fire safety programs and initiatives, while Police personnel can address community-policing, investigations and neighborhood enforcement.
- The creation of a separate police department and fire department will formalize existing structure and operational policies.
- The position of Director of Public Safety will be eliminated and an additional frontline police officer position will be returned to service.
- The change will align Orem's public safety services with other municipal organizations in the state and throughout the United States. Of the 18,000 police and fire agencies in the United States, only 128 operate under a public safety model.
- The change facilitates the hiring of personnel that have specific expertise in either police or fire services, including department leadership.

Disadvantages

- The separation changes department dynamics and may impact unity and cooperation between both departments.
- Each distinct department will now compete for resources, consistent with other operating departments within the city.
- Updates and a review of departmental policies and procedures will need to take place to reflect the change.
- Physical changes will need to take place within the current public safety building to provide for appropriate departmental separation for officer/employee safety, chain of custody matters, HIPAA regulations, etc.
- The change will require the recruitment and hiring of a new police chief.
- The separation will result in one-time costs that may include facility adjustments, uniform modifications, signage changes, etc.

Definition of Department Functions of Each City Department: Section 2-6-1 of the Orem City Code outlines the specific functions and duties of each city department. With the establishment of a separate police department and fire department, the city manager requested that each city department review, revise and update department functions to reflect current operations. The last time city department functions were revised was April 10, 1990.

Mr. Davidson indicated that the proposal, if approved, would take effect July 1, 2014. Bringing it to the Council in advance would allow for the City to actively recruit a new police chief.

Mr. Seastrand asked if it would be a cost-effective solution. Mr. Davison said the departments had been operating on a separate budget system for some time. There would be benefit in the elimination of a public safety director position, though the savings would not be dramatic. Other costs would be incurred over time, as the individual departments would have to update uniforms and fleet, along with other department needs to reflect the separation.

In response to a query from Mr. Andersen about cross-training, Mr. Gurney said that, historically, those people already working within the police or fire departments were given an opportunity to participate in cross-training. Resources were provided for those who wished to participate to gain certification in both police and fire skills. Currently, only two police officers received a cross-training differential for their up-to-date paramedic certifications. Approximately

seven years ago it was decided the cross-training would discontinue due to economic concerns and lack of necessity. The discontinuation of the cross-trained differential occurred approximately four years ago.

Mr. Andersen **moved**, by ordinance, to establish a separate Police Department and Fire Department and further define the functions and duties of each city department, effective July 1, 2014. Mayor Brunst **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard Brunst, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed**, 6-0.

RESOLUTION – Approve the amendments to the Commission for Economic Development in Orem’s Articles of Incorporation and Bylaws, approve CEDO’s decision to accept a plan of dissolution, and authorize the dissolution of CEDO

Prior to February 29, 2012, over the previous twenty-five years, the City of Orem, by agreement, had recognized the Commission on Economic Development in Orem (CEDO) as the “official economic development arm of the City.” In an effort to be more responsive and proactive in the achievement of the City’s economic development goals and objectives, the City Manager proposed that CEDO and its day-to-day operations become a part of the City of Orem as a formal division of the City Manager’s Office.

During the January 10, 2012, City Council meeting, by motion, the City Council voted 7-0 to terminate the July 8, 1986 Agreement with the Commission for Economic Development in Orem, which became effective February 29, 2012. After the agreement was terminated, economic development operations were moved into the city center and the Economic Development Division was created within the Office of the City Manager.

Since that time, Legal Services, the Economic Development Division, the CEDO Board of Trustees, and the CEDO Executive Director have worked together to complete the dissolution of CEDO. Recently, the CEDO Board of Trustees voted 5-0, with one member not participating in the vote, in favor of the following actions: to amend CEDO’s Articles of Incorporation and Bylaws to accurately reflect CEDO’s tax exempt status as a §501(c)(6) entity and permit transfer of assets to the City and the Revolving Loan Fund upon dissolution, adopt the proposed Plan of Dissolution, recommend and authorize the dissolution of CEDO, pass the resolution adopting the Plan of Dissolution and authorizing the officers of CEDO to take all necessary steps to dissolve the corporation, and authorize the Executive Director and the Chairman of the Board of Trustees to execute the Assignment Agreement with the City.

CEDO’s Articles of Incorporation and Bylaws required City Council approval of the actions before the actions were to become effective. After the City Council would approve the resolution, the corporation would conclude its winding up process and would file articles of dissolution with the appropriate state and federal authorities.

Mrs. Schriever indicated the dissolution process took more time than anticipated due to the discovery of additional assets which had to be addressed. The amendment of the articles of incorporation and bylaws was necessary because CEDO was established as a 501c(6), not a 501c(3) as the City had believed. Amending the bylaws reflected the proper tax exempt-status and created a member to which the assets would be transferred to.

Mrs. Schriever said the only party who did not vote was Utah Valley University, due to a lack of time to get the paperwork in to their attorneys to review.

Mayor Brunst asked how much was found in assets. Mrs. Schriever indicated there were some stock certificates discovered, somewhere in the amount of \$22,000. A sale was negotiated and the funds were placed in the revolving loan fund.

Mr. Seastrand asked if the revolving loan fund would continue. Mr. Clark said it would. The revolving loan fund will be available for businesses to grow within Orem.

Mrs. Black **moved**, by resolution, approve the amendments to the Commission for Economic Development in Orem's Articles of Incorporation and Bylaws, approve CEDO's decision to accept a plan of dissolution, and authorize the dissolution of CEDO. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard Brunst, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed**, 6-0.

COMMUNICATION ITEMS

Mr. Davidson allowed time for Mr. Bench to update the Council on the Southwest Annexation area, an upcoming agenda item scheduled to go before the Council on April 15, 2014. Mr. Bench presented a map showing the anticipated annexation request. The red area on the map was considered an agriculture protection area, and according to State law, all property owners located within the zone would have to be in favor of the annexation request to move forward.

Studies were being conducted to address implementing infrastructure to the area. With the costs involved, staff found it prudent to conduct an impact fee analysis, and they had utilized Lewis Young to do so.

Mr. Davidson said the City's intent was not to do something that property owners did not want. The City would assist in facilitating but will not take the role of aggressor in the effort.

Mrs. Black asked if it was fair that all the properties located south were being held to the decision made by the property owner, located immediately adjacent to the existing boundary, not to support the annexation request.

Mr. Earl said that, according to State law, if it was feasible and practicable, annexation must take place in a way that did not create, or leave behind a peninsula or an island. If the owner of an island of property refused to join in the annexation request, it could lead to the argument that the annexation was not practicable.

Mr. Seastrand asked (1) how the City would go about extending water and sewer to that area, (2) how the funding for it would work, and (3) how it would affect the Gold Key project.

Mr. Davidson said the City anticipated that infrastructure needs would be a barrier to development. Public Works began exploring the process of assessing impact fees for water, wastewater, and storm water for those areas. As far as Gold Key was concerned, Mr. Davidson said bringing that area to a City standard would be a challenging task.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson revisited the premeeting discussion regarding appointment of individuals to City boards and commissions. He said the new practice included time for Council members to review proposed new members prior to moving ahead with specific appointments.

Mr. Davidson gave an update on State Street Strategic Plan. The City was garnering significant support with other agencies, namely Utah Transit Authority (UTA), Utah Department of Transportation (UDOT), and Mountainland Association of Governments (MAG). Working with those agencies would help the City defray a significant amount of cost involved in the RFP undertaking. The City encouraged an “out-of-the-box” approach in finding requests for proposals and was patterned after the I-15 Core project, where input would be solicited from a variety of contractors and engineers. The City would select the top three firms who meet the required qualifications, and would provide limited means for them to devise a plan on how they would approach the project. The City would award the project to the firm that made the best proposal, and would retain the other two proposal submissions as property of Orem.

Mrs. Black said she had been to national conferences where was process was considered a “best-practice” method of obtaining proposals.

Mayor Brunst said it was a one-time shot for the future. State Street was a main artery in Orem and moving forward with the plan would be a good idea.

ADJOURNMENT

Mr. Andersen **moved** to adjourn the meeting. Mr. Seastrand **seconded** the motion. Those voting aye: Councilmembers Hans Andersen, Margaret Black, Richard Brunst, Mark E. Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

The meeting adjourned at 8:06 p.m.

Donna R. Weaver, City Recorder

Approved: April 15, 2014