CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
May 28, 2019

3:00 P.M. WORK SESSION – CITY COUNCIL CONFERENCE ROOM

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assnt. City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Karl Hirst, Recreation Department Director; Richard Manning, Administrative Services Director; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Kathie Beckett, Economic Development; and JoD'Ann Bates, City Recorder

TOUR – Canyon Park Teck Center Improvements

Mayor, City Council and Staff met at the Canyon Park Teck Center to tour new office suites, management offices and park amenities which is part of the revitalization of the Canyon Park Tech Center. Tour was present by Justin Farnsworth, GM of the Muller Company.

DISCUSSION – Rooftop Solar Permitting

Mr. Lentz indicated that over the last couple years he has had either homeowners or installers reach out to him regarding why the city is holding up their permit for solar panel installation due to an unrelated zoning issue. He feels solar panels are a benefit to the community as a whole and is worth taking a look at and having that discussion.

Mr. Bench stated that from 2015 to present the city have had a total of 204 solar permits withdrawn. Of those 204, only 23 have been withdrawn due to other zoning issues. The other 181 did not move forward due to issues like a change of contractor, duplicate or no reason.

Discussions continued regarding reasons those 181 would have withdrawn their permit, and the amount of permits that do get approved on average. Discussion continued regarding the city actively pursuing those that have violated the code and those homeowners that corrected or updated the issues making them compliant with the code and being able to move forward.

Mr. Bench reviewed information gathered from other cities as to how they proceed with violations and permits indicating there is no straight forward solution. Mr. Clark stated if the

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solar permit is issued without requiring them to correct a code violation, the city has no teeth to resolve the non-compliance issue. Mr. Earl stated he has looked at this issue and indicated there is some flexibility and it's up to the Council to decide which way they would prefer to go.

Further discussion ensued regarding variable scenarios and how the current process is advantagous to the city and its residents and how flexible they want to make the ordinance. The zoning laws are there for a reason and for all residents, if there was an allowance made for one there would have to be an allowance for others.

Mrs. Lauret inquired if there is an appeals process for those that are in violation. Mr. Earl stated that the Board of Adjustments can hear an appeal for anyone that feels the staff has misapplied the code, but the Board of Adjustment does not have the ability to make decisions approving or disapproving a request.

Mr. Lentz stated he has concern as to some of the issues that had been brought up. He feels that nothing has to change in order to legitimize residents getting a solar permit. He suggested they could notify the county as to the violation so there is something in place that requires them to fix the violation when they sale the home.

Mr. Macdonald stated he feels if the city gives permission to install solar panels to a non-compliant violation, it would seem the city is giving approval of the violation. Mr. Stephens stated the true consequence is the city would lose their teeth in getting the resident to bring their property into compliance.

Mayor Brunst stated he feels that residents rely on the city to enforce the code and is not in favor of pursuing this issue.

Mrs. Lauret stated she would like to see if there is a way to work with residents on this issue, but she is not sure how significate the issue is where there were only 23 applications since 2015 that pulled their permit due to a code violation.

Mr. Sumner stated he has only had one email in several years and questioned if it was a significant problem.

Mr. Seastrand stated his line of thinking is that if there is a way to accommodate the residents to obtain a solar permit while having a code violation, he is open to have some type of method to address the code violations but is not sure of that path.

Mr. Spencer stated there are codes in place and the city has them there for a reason and keeping the process as it currently is gives the city the teeth to ensure things are keep in line with the code.

Mr. McDonald stated he would like to see a way to make it happen to allow the solar permit and have a way to address the code violation separately but is not sure the process that would take.

Discussion continued regarding finding possible ways that would allow solar permits to be issued while identifying the code violation, but not endorse the violation. Ways to enforce this process versus the process the city is currently using for enforcement.

Mr. Lentz suggested sending this issue to the Natural Resource Stewardship Committee to review and vet it out or was the Council indicating the discussion was over. Mayor Brunst stated Rocky Mountain Power handles this type of issue very often. They have a policy in place that requires a permit be issued before they move forward and suggest the city have a similar policy. He would like to hear some more detailed information from staff before they pass the information to a committee to consider.

Mrs. Laurent feels there is no harm in having the Natural Resource Stewardship Committee look at the issue. Mr. Davidson stated this is a policy decision and the decision rests with the City Council. If there is an ordinance amendment, it would go through the Planning Commission and final approval given by City Council.

Discussion continued regarding the possible notification to the county of a code violation and the barriers it would have for residents at the time they want to sale their home and issues it causes for the city.

Mayor Brunst asked Mr. Bench to look into some of the issues they had discussed and bring it back to the council for further discussion. Mr. Bench indicated he would be out of town for the June meeting and asked if it could come back to the Council on the July 16th meeting.

UPDATE – Fitness Center Project

Mr. Davidson stated he wanted to give the Council an update regarding the fitness center. They have made some good progress with Big D Construction and Method Studio in relation to putting the pieces together. Initially they went through a process to identity all the spaces they thought were things they wanted to include in the center and felt they were critical needs. Those needs ended up covering approximately ninety thousand square feet. They then went back and had to try and fit all those pieces into the existing fitness center footprint. What they found was there were a lot of empty space in the current facility and so the model was refined. They feel they were able to more efficiently fit and accommodate what they want to include and cut out the empty spaces without compromising the active space. He continued to state that at the same time they were in this process they were receiving bids back for the Library Hall project. The bids came back higher than they expected. They were hoping the bids would come in at 6.2 million and they came in at 6.5 million. They are starting to do the raw math based on the square foot price of the library project and felt the bid for the fitness center could be around 24 million when they originally budgeted for 21.5 million. He feels there is approximately a 2.5 million dollar difference they will have to bridge. During discussions of how to bridge the difference they came up with several options. Further discussion continued regarding the following options:

- Reduce the square footage and cut out spaces. Any space that would be cut out has the question of what would be given up in revenue.
- There has been 4 years of CARE Tax set aside and dedicated to this project. They could expand that out for 2 more years.
- Yearly any excess of revenue versus expenditures is put to different projects around the city. They could take that excess and put it towards the fitness center rather than other capital projects around the city.

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- They also currently have funds set aside for Capital Improvement Projects (CIP) reserves that have not been ear marked for something specific. These funds could be used, moving some capital projects to the future.

Mr. Sumner inquired as to how they mis-calculated the funds to be so far off. Mr. Davidson stated they are dealing with an aggressive construction and labor market that has had an increase in the costs of materials. Also current tariffs and future tariffs are forcing contractors to build an increase into their bids which was not an issue when this project started.

Discussion continued regarding the options for funding and the size of the fitness center.

Discussion continued regarding funds that have and will be donated over the next couple years and how things like equipment are to be funded. Donations were discussed, what ones that have been committed and to which project they will go towards and other donations that have not been specifically applied to a project or purchase of equipment.

Mr. Davidson stated the reason he is bringing this to the council is the contractors and architect feels the project is larger than the budget and they don't want to get too far down the road and so overbuild the facility. They need to look at cutting back on square footage or are there other funds that can be used for the current proposed build. As staff they believe in the best long term interest of the city, they would recommend trying to find additional funds from other revenue sources to adopt the current project keeping it at approximately 80 thousand square feet rather than cutting back the size of the facility.

Mayor Brunst stated that CARE tax is only available for recreation and cannot be used for CIP projects so he likes the idea of using the CARE tax to help with the rebuild.

Mr. Lentz stated he is comfortable using the CARE funds for 2 additional years due to this project being a flagship of a recreation project.

Discussion continued regarding the proposed and future racquetball and other gym options based on need and funding.

Mr. Lentz, Mr. Macdonald, Mrs. Lauret, Mr. Seastrand and Mayor Brunst indicated their approval to move forward with adding the 2 additional years of CARE Tax to the fitness center project. Mr. Spencer and Mr. Sumner indicated their opposition.

Agenda Review

No review was held.

Preview Upcoming Agenda Items

No preview was held.

City Council Reports (Boards and Commissions, New Business, Etc.)

No reports were given

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

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Debby Lauret, Sam Lentz, Mark Seastrand, David Spencer, and Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant. City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Karl Hirst, Recreation Department Director; Richard Manning, Administrative Services Director; Brandon Nelson, Accounting Division Manager; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Kathie Beckett, Economic Development; and JoD'Ann Bates, City Recorder
EXCUSED	
INVOCATION / INSPIRATIONAL THOUGHT	Ned Hall
PLEDGE OF ALLEGIANCE	Wendy Hall

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

UPCOMING EVENTS

Mayor Brunst reviewed the upcoming events, as listed in the agenda packet.

REPORT - Summerfest Committee

Ms. Lalliss, Summerfest Committee Chair presented their vision for 2019. The theme that had been chosen for 2019 is "100 Years of New Frontiers". With Orem turning 100 they wanted to incorporate it into their events. Orem began with a humble beginning and has grown to be one of the top 20 places to live in the United States. Ms. Lalliss continued to review the following:

- Summerfest Mission Statement
- The Numerous Summerfest Partners which they are grateful for their generosity
- The Summerfest Advisory Committee which she thanked for all their efforts,
- The City Staff which she stated their vision would not have happened without them.
- City Council representative Debby Lauret for putting the time, effort and caring towards their Summerfest video.

Ms. Lalliss showed the Summerfest video featuring Councilmember Debby Lauret as the spokesman and stated information could be found on the Orem City website and the Orem City Facebook page.

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Mayor Brunst thanked the Summerfest for all their hard work and indicated they look forward to a great celebration.

Mrs. Lauret thanked the committee for all they did to make Summerfest a great success and Ms. Mathews for doing an amazing job with the donors.

PERSONAL APPEARANCES

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

John Arnoldson, a Sargent of the Orem Police Department stated there is a dire situation within the Orem Police Department. He believes that the proud culture they have cultivated and excellent service they have provided to the Orem community for the last century is eroding and there is no end in sight. They have lost 19 officers in the last year, some have retired but many in an unprecedented fashion have left to go elsewhere. This exoduse, accelerating over the last server years is unprecedented and several more are slated to leave in the next month, including himself. He has every reason to stay in Orem; he was born and raised here and is raising his own family here. Orem Police Department was his dream department; he loves Orem and wishes he did not have a financial incentive to leave. Sound finance requires keeping expenses low, but it also requires managing risk and investing for the future. Orem City is doing neither well, while the majority of the patrol division has less than 3 years of experience. A newer officer is more likely to make a bad decision that will lead to the City paying out money and getting a black eye in our community. The lack of investment for the future is evident in the fact that despite great efforts to attract more officers they are losing experienced officers just as fast or faster than they are able to train up the new ones. In the last year the department has spent over $600 thousand in training new officers. This represents an investment that could have gone to retaining experience. Last year the City Council approved some increases in the hourly compensation for officers and that was greatly appreciated. A comprehensive plan that would have included Corporals, Sergeants, and Lieutenants and on up the chain of command was presented but not approved. He continued to state that when officers perceive a lack of support from their City Administration, they will naturally question if their brightest future is where they are currently or somewhere else. When the best and brightest officers see that the Sergeants and Lieutenants are the lowest paid in the area and the top half of their pay range is unattainable they can't help but question if there best future is with the Orem Police Department. For decades Orem Police Department has been a pinnacle department, hiring the best from other departments. Now they are clearly becoming a training department, where they bear the costs of training officers to a level of proficiency only for another to hire them away and reap the benefits. They are the elected officials and bear the ultimate burden of resolving this issue. He would like to raise his family under the same level of protection that has been enjoyed in Orem for decades. If something very significant isn't done the erosion will continue. Officers and other city employees need to feel like valued people not numbers who are easily replaced.

Phil Murphy a former officer of the Orem Police Department, stated from December of 1984 to June 2014 he had the honor of being a police officer for the City of Orem. He indicated he served on the Utah County Crimes Task Force, was the 2006 City of Orem Employee of the

Year, and received the Purple Heart recognition in 2005 for being shot in the line of duty. It is currently estimation there are 500-600 vacant police officer positions throughout the State of Utah. The City is not just facing a crisis of finding qualified officers but more troubling is they are having a hard time retaining their officers. After vesting a large amount of funding to train those officers they are seeing them leave to go to different agencies. The vast majority of officers that have left the City of Orem in the past 3 years, other than for retirement reasons have done so because of salary concerns and better compensations by other agencies. There are numerous ripple effects that are now taking place. For many years one of the greatest strength of this department was depth, but that has changed. With the retirement and retention concerns he sees a significant increase in less experienced supervisors, less experienced investigators and less experienced officers. He continued to voice his concern regarding risk management and possible issues that could arise from newer officers. For several years Orem Police Department was considered the top paying agencies in the State and there were many officers that would love to come to Orem for the reputation, pay and administrative support and feels this is no longer the case. He believes there is a perception that City employees are not valued and can simply be replaced. He has heard that Orem City wages no longer need to be near the top but somewhere in the middle. In today's competitive work environment if Orem is taking this approach then they get what they pay for. He believes the attitude and philosophy changes can be attributed to the City Manager's Office. He concluded by stating that he strongly encourages the Council to look for opportunities to engage directly with City employees and actively seek information as to why Orem employees have the perception of being undervalued. Orem has to become far more aggressive in seeking and keeping employees. He has the highest level of respect for Chief Giles and his staff and appreciates all the men and women who serve as officers, dispatchers and support staff. It is time to re-evaluate many aspects of how to attract and more importantly keep employees.

Miriam Murphy, resident of Orem for over 50 years and wife of Phil Murphy. She stated she wanted to lend a voice of support for the Orem Police Department who serve and protect their community. She related their experience a year ago of speaking with the Board of Pardons and to David Burns who is the man that shot and nearly killed her husband about 15 years ago while responding to a domestic violence call. She posted a letter she had read to the Parole Board on her Facebook page and now wishes she would have posted it on Orem's page. She feels it would have given Orem residents and the Orem administration some insight into what it's like being the wife or family member of a police officer. She indicated in her letter that the reason both her husband and David Burns was alive today was due to the restraint her husband had due to his training over the years and gives credit to the older experienced officers that taught him.

Every time an officer dies in the line of duty she relives the day the officer came to her with the news of her husband being shot. She asked if the Council was willing to put a price on saving a police officer's life. She stated she has the utmost respect and admiration for Chief Giles and feels he has gone above and beyond with programs that have been implemented. She wanted to voice her appreciation for all the officer's they currently have in Orem. She concluded in saying to all those that work in law enforcement how much she honors, salutes and respects them.

CONSENT ITEMS

- Approval of May 14, 2019 City Council Meeting Minutes

Mayor Brunst moved to approve the Consent Agenda as listed. **Mr. Spencer seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed.**

SCHEDULED ITEMS

ORDINANCE – Approving the Amounts to be Awarded to the CARE Grant Recipients for the 2019 CARE Granting Round

Mr. Downs stated in November 8, 2005, a majority of City of Orem voters voted in favor of enacting a local sales and use tax of 0.1% as a means of enhancing financial support for recreational and cultural facilities, and cultural organizations within the City of Orem. Known as the Cultural Arts and Recreation Enrichment tax (CARE), the Orem City Council enacted the tax by ordinance on November 22, 2005. The tax went into effect April 1, 2006, and was authorized for a period of eight years. On November 5, 2013, a majority of City of Orem voters voted to continue collecting the CARE tax for an additional 10 years. Applications for this CARE granting round were due on March 7, 2019. The City Council, along with the CARE Tax Advisory Commission, met in a series of public meetings in March and April to hear from applicants and to consider their grant requests. On May 14, 2019, the City Council met together to deliberate the CARE Tax Advisory Commission's recommendations & recommend funding for the 2019 granting round. Utah law requires that the entire amount of revenues and interest collected as a result of the imposition of the tax be distributed in a manner consistent with Utah Code Ann. 59-12-1403, which allows for granting to one or more facilities or organizations. Utah law also requires the City to provide for that distribution by ordinance.

Recreation Funding Proposal total: $1,332,648
(Includes a reallocation of $199,898 in previous recreation funding)

- City of Orem Fitness Center Rebuild
- Operational Offset for the Co-sponsored Groups
- Geneva Futsal Project
- Playground Shade
- Additional Toddler Structures
- Future Scera Park Toddler Playground

Mini and Mid-Major Grant Funding Proposals total: $69,998

- Garden Valley Pipe Band
- Wasatch Contemporary Dance
- Freedom Vehicles
- Utah Storytelling Guild
- Timpanogos Storytelling Institute
- Utah Theatre Bloggers Association
- Utahans for Culture
- The Orem Chorale
- Utah Wind Symphony
- Hear & Soul
- Utah Baroque Ensemble

- Grassroots Shakespeare
- Colonial Heritage Foundation
- Utah Symphony & Opera
- Cantorum Chamber Choir
- Roots of Freedom Foundation
- Chauntenette's Women's Chorus

Major and Facility Proposal total: $896,000.
Organizations:

- Hale Center Foundation for the Arts and Education
- Utah Metropolitan Ballet
- SCERA

Project: ($199,939 - includes a reallocation of $33,187 in previous recreation funding)
Library Auditorium

Mr. Downs concluded that the total allocation for the 2019 CARE Tax funding is $2,533,085

Mr. Macdonald moved, by ordinance, to approve the amounts to be awarded to the CARE Grant Recipients for the 2019 CARE Granting Round as presented. **Mr. Seastrand seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed.**

CITY MANAGER INFORMATION ITEMS

Mr. Davidson had no additional items to share.

ADJOURN TO A MEETING OF THE REDEVELOPMENT AGENCY

Mayor Brunst moved to adjourn to a meeting of the Redevelopment Agency of the City of Orem. **Mr. Lentz seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed.**

The meeting adjourned at 6:40 p.m.

JoD'Ann Bates, City Recorder

Approved: May 28, 2019

CITY OF OREM CORPORATE SEAL STATE OF UTAH