

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
November 19, 2019

3:30 P.M. WORK SESSION – CITY COUNCIL CONFERENCE ROOM

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Debby Lauret, Sam Lentz (participated electronically), Tom Macdonald, Mark Seastrand, David Spencer (arrived at 4:30), and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Scott Gurney, Fire Chief; Gary Giles, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Department Manager; Brandon Nelson, Finance Department Manager; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; Neal Winterton, Water Division Manager; and Jackie Lambert, Deputy City Recorder

NEW EMPLOYEE INTRODUCTIONS

This was an opportunity for department heads and division managers to introduce new employees to the Mayor and Council. Mr. Clark introduced Jake Harding, a new Associate Planner, Justin Skillings and Travis Savage. Mr. Clark explained that Mr. Skillings and Mr. Savage were not new employees, but had recently been promoted into new positions. Chief Gurney introduced Brayden Partridge, Nathaniel Kuchin, Kelsie Christensen, and Dave MacNamara. He said they were the four newest fire fighters for the City of Orem, and he appreciated them taking the time to come to the City Council meeting to introduce themselves.

Each of the employees provided some background information. Chief Giles added that there were new police officers, but because of conflicting shift schedules they were unable to be in attendance. Those new officers were Seth Schaefer, Dakota Hoover, David Hallam, and Tyler Mitchell.

DISCUSSION – UVU 2030 Vision Master Plan

Cameron Martin (Vice President of University Relations), Stephen White (Associate Vice President of University Marketing and Communications), and Steve Anderson (Director of Community and Government Relations) presented the UVU 2030 Vision Master Plan. Mr. Martin reviewed the mission statement of UVU, and explained that UVU was a dual-mission institution. UVU was an integrated university and community college in one; other integrated dual-mission institutions in the state were WSU and DSU. Nearly 50% of Utah students were educated at one

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of these three universities. He said having community college and university opportunities at one school allowed for a more seamless experience for students completing either associates or bachelor's degrees. Mr. Martin shared student demographics and outlined three key strategies and initiatives in the 2030 Vision Master Plan. Those strategies were:

1. Strategy #1 – Enhance student success and accelerate completion of meaningful credentials
 - a. Priority Initiatives:
 - i. Implement the UVU Completion Plan 2.0 (2019-2023)
 - ii. Assess and remove barriers at every stage of the student life cycle
 - iii. Support completion through comprehensively designed curriculum and services
 - iv. Enhance educational quality through the recruitment and retention of excellent and engaging faculty and staff
2. Strategy #2 – Improve accessibility, flexibility, and affordability for all current and future UVU students
 - a. Priority Initiatives:
 - i. Build out a coordinated multi-campus plan
 - ii. Expand flexible educational and online offerings
 - iii. Strengthen outreach to and support for underrepresented students
 - iv. Maintain commitment to affordability and accessibility
3. Strategy #3 – Strengthen partnerships for community, workforce, and economic development
 - a. Priority Initiatives:
 - i. Create seamless process and practices from K-12 to UVU
 - ii. Improve industry partnerships to meet workforce and community needs
 - iii. Strengthen engaged learning and community engagement opportunities for students, faculty, and staff

Discussion continued regarding concurrent enrollment and stackable credential programs, student population growth and properties owned by UVU for expansion as well as new or upgraded campus buildings, and transportation planning on and around campus including the pedestrian bridge and UVX bus transit line. In response to a question from Mrs. Lauret, Mr. Martin said he could not speak to the future, but stated that the current UVU president and administration had no plans to change the boundaries or push eastward into Orem neighborhoods. He said growth was important, but more important than that was student engagement and achievement.

Mr. Martin said previous Master Plans from UVU helped inform the 2030 Vision Plan, and they would be updating the component parts as the university grew. Additionally, they were working with the City to consider the neighborhood plans as things moved forward. He said he appreciated the positive, collaborative relationship between the City and UVU.

DISCUSSION – Rental Licensing Discussion & Fee Study Review

Mr. Downs said Zions Bank Public Finance (ZBPF) had conducted a study to determine what, if any, disproportionate costs were associated with rental properties within the City of Orem. He said they also worked with IT and the 311 Help Center to develop a process for rental properties to become licensed and for landlords/property management companies to easily manage their properties. He reviewed the desired outcomes of the program, which were:

- Improve neighborhoods by gathering contact information for landlords (property management companies & owners) connected to each rental property, allowing for proactive notification of landlords to issues
- Prevent other residents from having to “make up” for uncollected utility bills on rental properties (approximately \$50,000 per year)
- Reduce disproportionate amount of time dealing with rental properties (changing names, collections, verifying lease agreements, work orders, etc.)
- Bring landlords into the conversations about strengthening neighborhoods

Mr. Downs said having correct contact information for property owners would assist the Orem Police Neighborhood Preservation Unit (NPU) address nuisance issues and illegal rental properties. Chief Giles said all officers, not just NPU officers, would receive some training on how to handle those calls, which included direct contact with the property owner/landlord. The easiest issues to resolve were at properties that were owner-occupied, and at apartment complexes with local property management companies. It was much more difficult to resolve a problem with an out-of-area landlord.

Note: Mr. Spencer arrived at 4:30 p.m.

Mr. Lentz asked the extent to which landlords were informed about tenant’s interactions with law enforcement. Chief Giles said only incidents that were directly related to the property would be reported to landlords. He said properties with multiple calls in a given period would be classified as “habitual nuisance” properties, and the landlords would be directly involved by that point.

Discussion continued regarding civil and criminal processes to remedy nuisance issues, whether there should be an “opt out” for the licensing program, landlord access to utility billing information, and recommended licensing fees. Mr. Downs said the ZBPF study looked at the number of police calls per unit for all types of rental properties and compared the number to owner-occupied rentals. Aaron Montgomery with ZBPF said the base level determined was 0.5080 per unit. Single-family rentals and townhome/condo rentals exceeded the baseline, adding a disproportionate cost per door for those types of properties.

Mr. Downs said the proposed fee was \$50, regardless of the number of units a landlord had. Approximately 75% of rentals were already in the owner’s name; the disproportionate costs were typically associated with the remaining 25% of rentals. He shared the data of accounts sent to collections and accounts with work orders, and detailed the operations of the rental licensing program. Mr. Downs reiterated that this would only apply to residential units, and that short-term rentals were not part of the proposal at this time. He reviewed next steps in the process, and general discussion ensued regarding code enforcement and fee comparisons. Mr. Downs said they hoped to bring the item before the City Council at the next scheduled meeting.

Agenda Review & Preview of Upcoming Agenda Items

The City Council briefly reviewed items that would be coming before the Council in future meetings. The Council also discussed upcoming items at future meetings and related issues of concern. Mr. Bench provided information regarding upcoming planning items.

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

Mr. Davidson gave a brief update on holiday events and items of interest from his assignments with MAG, UDOT, and the State Transportation Commission. Mr. Davidson noted that the City's insurance provider Utah Risk Management Mutual Association (URMMA) was changing its name to the Utah Risk Management Agency (URMA). Mayor Brunst provided an update of his liaison assignments as well.

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

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Debby Lauret, Sam Lentz (participated electronically), Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Scott Gurney, Fire Chief; Gary Giles, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Public Works Director; Brandon Nelson, Finance Department Manager; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; Neal Winterton, Water Division Manager; Ernesto Lazalde, IT Division Manager, and Jackie Lambert, Deputy City Recorder

INVOCATION /

INSPIRATIONAL THOUGHT

Alex Nielsen

PLEDGE OF ALLEGIANCE

Bryce Known

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

UPCOMING EVENTS

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

REPORT – Metropolitan Water District of Orem

Mr. Tschirki and Mr. Winterton introduced Steve Brown from the Metropolitan Water District of Orem (MWD) Board, and mentioned each of the board members not in attendance. Mr. Brown said the MWD incorporated in 1935, and their current role was to help work with the City on water

issues such as water rights and wells. He said they had done amazing things over the years to protect Orem's water supplies.

Mr. Brown mentioned that his father, Russ Brown, had been a MWD Board Member for many years, and was finally retiring. Other long-time members would likely be leaving soon as well, so there would be significant turnover in the coming years. He said his father had influenced every significant water decision made in Orem; Mr. Winterton said the City was fortunate to have a water board with the commitment and foresight of the MWD Board.

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.

Martin Wright said he wanted to address a few issues throughout the city, some of which he had mentioned before. First, he wanted the City to opt out of HB411 because he did not want to go down the same road as UTOPIA. Second, there was an issue with cars from Amiron Condominiums parking on the street instead of the recently repaved parking lot. They did not allow cars that leaked oil to park on the lot, so residents were parking on the street and obstructing views for drivers trying to turn. His third concern was maintenance of city parks, particularly empty dispensers for dog clean-up bags and dog waste everywhere. He continued his list, and asked that the City please address these issues.

Phil Murphy said he was following up from his last appearance before the City Council. He referenced a survey conducted in 2016 for employees, and said the comments made then were still pertinent now. He asked about the cost of the survey, and felt the survey should be made public. Mr. Murphy said more and more officers were looking to leave Orem; the City Council should empower the chief to use the money necessary to keep people there. He said the City needed to reevaluate the philosophy of how officers, particularly sergeants, lieutenants, and captains, were compensated. He recognized that it was a statewide issue, not unique to Orem, but hoped the conversations would continue.

Jim Fawcett thanked Mayor Brunst and Mr. Spencer for not pushing forward the resolution for HB411. He said the national conversation about the "green new deal" seemed unbelievable and worrying, especially for conservative people in a state like Utah. He felt that people should have the option of opting in or out of those kinds of programs. He felt HB411 was UTOPIA all over again, and urged the City to consider the costs when making decisions about renewable energy that would affect Orem residents.

Mike Farragher said it was a great thing that Orem City took part in Kindness Week, as the world needed more kindness now more than ever. He thanked the candidates who ran in the 2019 Municipal Elections for their willingness to serve, and thanked those who conducted the election for their efforts. He asked the City Council to give first responders the resources they needed to meet the needs of those in Orem. He knew it was not a simple issue, but he felt it was vital to listen to the citizens and those directly impacted that expressed real concerns. Mr. Farragher hoped they

DRAFT

would find the proper balance in keeping taxes low, but giving first responders the funding they needed.

CONSENT ITEMS

- Approval of October 29, 2019 City Council Meeting Minutes
- MOTION – Acceptance and Certification of the 2019 City of Orem Municipal General Election results

Mayor Brunst said the City Council, acting as the Board of Canvassers, would certify the 2019 General Election results as follows:

- Terry D. Peterson – 9,858
- Jeffrey L. Lambson – 7,995
- Debby Lauret – 6,740
- Sam Lentz – 6,728
- Spencer Rands – 5,547
- Nichelle Jensen – 3,644

Mayor Brunst said the three candidates with the highest votes received would be declared Orem City Council Members, which were Terry D. Peterson, Jeffrey L. Lambson, and Debby Lauret.

Mr. Macdonald moved to approve the Consent Agenda as listed and accept and certify the 2019 Municipal General Election results. **Mr. Spencer seconded** the motion. Those voting aye: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

SCHEDULES ITEMS

PUBLIC HEARING

ORDINANCE – Amending Section 22-11-24(E)(5), (6) and (7) by changing the setback requirements on University Parkway and Main Street in the PD-12 zone

Mr. Bench said the applicant was proposing to change the setback requirements on University Parkway and Main Street in the PD-12 zone. Currently, the setback stated that all buildings shall have a front yard setback of at least forty (40) feet or equal to the height of the building, whichever was greater. This amendment would allow buildings fronting University Parkway or Main Street to have a front yard setback of ten (10) feet. A setback of forty (40) feet would still be required for structures located adjacent to a residentially zoned property or adjacent to 1400 South. With the recent improvement project (widening/BRT line) along University Parkway, the right-of-way was significantly reduced and the existing building located on the corner had a setback approximately 10 feet from the Parkway (the corner was actually closer the right-of-way line).

Mr. Bench said the applicant was requesting to build a new building with the similar setback of the existing building. Staff supported the request to move the building closer to the parkway with

the minimum 10 foot setback and placing the parking behind the new building. He said the Planning Commission recommended approval.

Mayor Brunst asked what the offset was for the Xfinity building. Mr. Bench said it was a 12 foot setback, but this would essentially put the buildings in line. Roger Dudley, representing the applicant, said the proposal was for six individual units totaling approximately 10,000 square feet. He said the architecture of the building would be similar to surrounding buildings, and they hoped to match setbacks as well.

Mr. Seastrand asked about parking requirements. Mr. Bench said the project met the parking standard, but had not yet been through the site plan process before the Planning Commission. That would be part of the project's next steps. He added that the sidewalk was already in place.

Mayor Brunst opened the public hearing. No one came forward to speak, so the Mayor closed the public hearing.

Mr. Seastrand moved, by ordinance, to amend Section 22-11-24(E)(5), (6) and (7) by changing the setback requirements on University Parkway and Main Street in the PD-12 zone. **Mrs. Lauret seconded** the motion. Those voting aye: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

MOTION – Authorizing the Mayor to sign the Memorandum of Understanding with Hale Center Foundation for the Arts and Education (HCFAE)

Mr. Clark said the City of Orem's Economic Development Division had been working with HCFAE since 2014 to find a location for a new Hale Center Theater of Orem. After a thorough search and the consideration of many options, University Place was determined to be the best location for the following reasons: a willing developer in the Woodbury Corporation to partner with the project, the economic impact and synergy to be gained from locating a new theater at the center of a \$500 million redevelopment project with a planned hotel, existing retail, office development, numerous restaurants, and access to transit with the recent completion of the UVX bus system. The Woodbury Corporation had set aside a building pad and additional parking for the new theater. The property was recently rezoned and, in the meantime, the land for these uses had been cleared and a concrete panel fence had been installed on the border of the adjoining residential neighborhood.

Mr. Clark continued, saying HCFAE had undertaken fundraising efforts with a goal of \$15 million of the construction cost of the new theater with a plan to finance the remaining portion of the cost. In order to obtain financing, and to obtain financing at an advantageous rate, the City of Orem would own the theater and bond for the project. HCFAE would make the bond payments and assume ownership of the theater once the debt was retired. Remaining details for the project will be memorialized in a future agreement between the City of Orem, HCFAE, and the Woodbury Corporation. This MOU was required for HCFAE to continue fundraising efforts. It was needed to show prospective donors that the City of Orem supported the project.

Mr. Clark provided an overview of the timeline for this project and invited Jeff Fisher, Director of Development at Hale Center Theater Orem, to come forward. Mr. Clark said the HCFAE had been

DRAFT

working on fundraising but had reached the point to demonstrate to donors the support from the city. He shared additional information about the site and the items outlined in the MOU.

There was discussion about the \$15 million requirement. Mr. Fisher said fundraising was going well; they had raised about \$2 million thus far. He had spoken to others that were interested in donating, but wanted to know that the City was supportive of the project before they committed funds. The MOU would demonstrate that support. In response to a Council question, Mr. Fisher said they could exceed the \$15 million threshold and not need to pay back the financing, but time would tell if that would be the case. They also planned to request funding from the State Legislature, which would be part of the \$15 million.

Mr. Sumner said he appreciated what HCFAE did for the community, but he had concerns about binding future Councils to an agreement for an expensive project. Mr. Davidson said the intent of the language in the MOU was more of an acknowledgement than a specific commitment. Definition as to specific outcomes would be part of future conversations, and whomever served on the City Council at that time would make those decisions. Mr. Davidson said providing HCFAE with the City's tax-exempt financing was critical for the project, allowing them to save hundreds of thousands of dollars. He felt confident they could meet the debt obligation, and added that there would be a debt reserve fund required as well. Mr. Sumner said he had "lived through UTOPIA" and did not want future Councils to deal with a similar issue. Mr. Davidson said there was risk associated with every financing arrangement the City entered into, and there were a number of factors suggesting that this was not a UTOPIA situation.

Discussion continued regarding the project financing, the involvement of Woodbury Corporation, allowed usage of CARE money, and the Hale Centre Theatre in Sandy, Utah. Mr. Spencer asked about the bond for the theater in Sandy. Mr. Davidson said it was not a bond residents voted on but a lease revenue bond, and the city owned the building after the bond retired. He said if the theater in Sandy was any indication, there was high demand for this kind of opportunity. There were a number of checks and balances to protect the City's interest and having an amenity like the HCFAE would be good for Orem's economy. Mr. Spencer said he was also concerned about binding future Councils financially, particularly if there was another economic recession.

Mr. Macdonald said while he understood the concerns, he felt they had been elected to work and not punt decisions to future councils. He disagreed with the comparison to UTOPIA. He said there was no binding language in the MOU other than the word "help", which was open to interpretation. Mr. Macdonald said he wanted HCFAE to be highly successful and felt the MOU was a "small price to pay" on the City's part to help them achieve that success.

There was further discussion regarding the Hale Centre Theatre in Sandy, formerly in West Valley. Mr. Davidson provided some background information, and reiterated that by all accounts it had been a successful partnership for all parties.

Mr. Lentz also disagreed with the comparison to UTOPIA, and pointed out that while initially UTOPIA struggled it had been recalibrated and was in a good place. The Hale Center Theater had been in Orem for decades and was a proven amenity in the community, and he saw their risk for this project as much higher than the City's risk, and not just in terms of dollars.

After further discussion regarding the financial obligations associated with the project, **Mr. Seastrand moved** to authorize the Mayor to sign the Memorandum of Understanding with Hale Center Foundation for the Arts and Education. **Mr. Lentz seconded** the motion. Those voting aye: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson said he had no additional information to share.

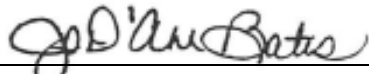
ADJOURNMENT

Mr. Seastrand moved to adjourn the meeting. **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**.

The meeting adjourned at 7:12 p.m.

Approved: December 10, 2019




JoAnn Bates, City Recorder