

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
December 10, 2019

4:00 P.M. WORK SESSION – CITY COUNCIL CONFERENCE ROOM

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Debby Lauret, Sam Lentz, 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; Chris Tschirki, Public Works Department Manager; Brandon Nelson, Finance Department Manager; Steve Earl, Deputy City Attorney and JoD'Ann Bates, 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. Price introduced Aaron Barney as a new employee in the Parks Department.

Mr. Barney provided some personal background information.

UPDATE – Orem Fitness Center Project

Mr. Smith of Method Design indicated the goal was to bring the Council up to speed on the interior of the Fitness Center rebuild. He continued to walk them through the model of the interior, indicating there is still more to come but this would get them started. A 3-D view and renderings were shown and discussed. Council was given the opportunity to use virtual reality goggles to look at the proposed images.

Mayor Brunst inquired as the status of the building.

Mr. Jamison of Big D Construction indicated there were a few footings left to pour. Within the next month there will be some panels being put in place and the metal is in production. They have had a few days that have slowed them down due to weather but they are pushing hard. Utilities will be tied in by the end of the week and ready to go by the end of the month. The pool area is getting the drains replaced and there are new hot water heaters and boilers being installed. The old mechanical room has been upgraded and plumbing and electrical has been installed in the locker room area.

Discussion ensued regarding the spectator seating area and the recent concerns of cutting into the existing brick.

Mr. Smith showed some of the proposed material, indicating there have not been any final decisions made yet.

Mr. Davidson indicated they appreciate what Method Studio has done with the stair area in making it a gathering spot of the center. There always seems to be a general gathering area and they see this as that type of area. He stated the indoor playground area is new and they are excited about having that amenity. The outdoor entrance is north facing, and they are concerned about weather and conditions that come with that and are working to make that area safe while tying into the elevations of the parking lot.

Discussion continued regarding bid numbers and where the budget stands as far as being within the budget and contingencies that help with overages.

UPDATE – Rental License & Utility Billing Changes

Mr. Downs stated this was an opportunity to make sure all the questions the council has had is covered before it goes before them for approval in the regular meeting. He continued to review the license and the fees with the proposed rental license and stated it would not be in effect until July 1, 2020.

Discussion continued regarding the application fee and the how the amount came about, if that cost is anticipated to increase or stay the same. Discussion continued as to the two specific exemptions and what is defined as a family.

Mr. Downs indicated one of the main concerns were shut offs for rentals. He indicated they have looked over the process and what would happen if they were to shorten the time of shutting off that water for lack of payment and they felt it wasn't worth the time and extra work to change the current process.

Discussion continued regarding delinquent rental accounts and the possible impact it will have in the landlord being more involved in the rental property.

Mr. Downs meet with Utah Apartment Association and they have indicated they don't have a problem with putting the utilities in the name of the owner, of course they didn't want to pay the fee but was willing to work with it.

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.

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

Mayor Brunst indicated they had begun on the demolition of the Macys.

Mr. Davidson stated the he would like to provide an update as to the Geneva smell. The process they are using to mediate the old tar pits has now involved the DEQ (Department of Environmental Quality) and they have installed monitors tracking the air quality in the area. They have since initiated and operations have begun again with the air monitors in place. A conclusion has been that although it smells bad there is not a hazard to the air, and the level of emissions does not reach the point of any health hazards. The DEQ will continue to monitor and expand the reach of the monitoring to ensure air quality. The monitors are checked daily to determine that what is being remitted remains in a safety level. This will not change the fact that there are continued smells with the process. This process is anticipated to take 5-6 months to complete, if for some reason they must stop the process due to wind or air quality it will then cause that time to be extended. He reviewed some of the various processes they are trying in order to mitigate the smell. Mr. Davidson concluded, they are in the process of meeting with councilmembers elect in order to inform them as to the operations of the city and issues that they are working on.

Mr. Bybee stated this is a follow up regarding potential donors for the Library. As they work with potential donors, they would like to have a statement that includes signatures of the all City Council members supporting the actions of the requesting of funds. They will be passing this statement down the dais for Council Members to sign and voiced his appreciation for their help.

Mr. Davidson indicated he had been contacted by the LDS church regarding the announcement of the temple in the Orem area. They were told this would be a quick process and the church was anxious to get it underway. They were notified that phase one would begin tomorrow morning with an announcement as to the location of the upcoming temple that will be in Orem. This announcement will come from the Church Public Affairs Office at approximately 9:00 am. They anticipate the city will begin in earnest with them on plans to move forward.

Mr. Lentz reported in response to HB 114 the NRSC (Natural Resource Stewardship Committee) has thought of a pilot program to reduce idling and they will continue to work on that program. Mr. Brunst stated they had also talked with the Alpine School District regarding a no idling program.

Mr. Lentz continued to state that Utopia Board Member Bruce Davis had recently and unexpectedly passed away. Utopia revenues continue to climb, the bond closed at a good interest rate at 3.48% which is the second to the last round of bonding to finish out the core UIA cities. They just purchased a building in South Salt Lake to bring the blue staking in house for a savings of over \$200 thousand per year, they also changed insurance companies which saved then over \$100 thousand a year so they are seeing all the graphs they want to see going up are going up and all the numbers they want to see going down are going down.

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

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Debby Lauret, Sam Lentz, Tom Macdonald (participated electronically), 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; Ernesto Lazalde, IT Division Manager, Jenna Albers, and JoD'Ann Bates, City Recorder

INVOCATION / INSPIRATIONAL THOUGHT PLEDGE OF ALLEGIANCE

Brittany Lentz

Kenzie Lentz and Pack #982

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

UPCOMING EVENTS

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

Mayor Brunst present Councilmembers Lentz and Councilmember Seastrand a proclamation from the city recognizing the years of service they gave to the city.

Mr. Davidson recognized Councilmember Seastrand and Councilmember Lentz with items that recognized their efforts while serving on the Orem City Council.

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.

Sullivan Love owns a home in Orem, he indicated this home that has been flooded several times by storm water. The first time it occurred was in 2013, he notified the city and the response was that the recent storm was a 100-year storm and they had no control of the amount of water received. His home was flooded again in 2015, he again notified the city and filed a claim against the city, he heard from the insurance company initially then never heard back from them again. In 2018 his home was flooded again, a claim was filed, pictures were taken, and the debris was the same as in the 2015 flood. He was promised he would hear a response from the insurance company and has yet to hear anything. He is frustrated as a home owner and feels he needs a response from the city.

Martin Wright stated he wanted to say thank the city for the work the city has done to help fix some of the issues he had brought before them previously. He feels there is still an issue with parking on the street in his area. He wanted to talk about accountability. He feels there is at least one item on the agenda that needs to be delayed until the newly elected City Councilmembers are in office. He felt it is not fair to the residents of Orem, for the old City Councilmembers to vote and not represent what they want now. They need to think of how they can be accountable to the city, to themselves, and how they are accountable to their neighbors. He feels its important to maintain the accountability, and the residents elect the Council to do that. He feels that at this point and time, it is time for the city to make a change. They are not a small city any more, they are a large thriving city and he feel they need to have a full-time Mayor and City Council that is responsible to the residents of the city. He feels the city needs to look at changing the form of government because he as a resident can't fire the City Manager its only up to the City Council.

CONSENT ITEMS

- Approval of the November 19, 2019 City Council Meeting Minutes
- Approval of the Annual Meeting Schedule of 2020
- Appointment to Boards and Commissions
- ORDINANCE – Amending City Council allowing City Manager to appoint department specific records officers.

Mr. Lentz moved to approve the Consent Agenda as listed. **Mr. Seastrand 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

Mayor Pro Tem – January through June, 2020

Mayor Brunst stated he would like to thank Councilmember Sumner for serving as Mayor Pro Tem for the previous 6 months and would like to recommend Councilmember Lauret as then Mayor Pro Tem for the next 6 months.

Mr. Seastrand moved, to approve Councilmember Lauret as Mayor Pro Tem for the term of January through June 2020. **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**.

MOTION – Adopt Orem Voter Participation Area Map

Mrs. Bates stated HB 119 made substantial changes to the election code regarding a ballot proposition, initiative, and referendum processes. The bill ties the petition signature thresholds to percentages of the number of active voters in the political subdivision, rather than to all votes cast for candidates of President of the United States at the last Presidential election.

By January 1, 2020 (again on January 1, 2022, and every 10 years after the census is completed), metro townships with a population of 65,000+ and a city of the first or second class must divide their metro township or city into eight contiguous and compact voter participation areas (VPA's) of substantially equal population.

Voter participation areas must follow precinct boundaries. Consequently, cities and counties must work together to finalize the maps. For a referendum or initiative to qualify for the ballot, petitioners must gather sufficient signatures according to the signature thresholds from 75% of the VPAs (6 out of 8 or 3 out of 4). This information was presented to the City Council during the October 29th work session. Mrs. Bates indicated two options had been presented to the City Council for consideration and the one they prefer would need to be approved by resolution.

Mayor Brunst moved by resolution to adopt Option #2 as the Voter Participation Area Map. **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**.

RESOLUTION – Fiscal Year 2018-2019 Audit

Mr. Nelson stated in accordance with State Law, the City is required to have a complete financial audit performed by an independent auditing firm on an annual basis. Over the past several months, the accounting firm of Gilbert & Stewart CPA, PC has been reviewing the City's financial records and has now completed their audit. All of the audit information is included in the Comprehensive Annual Financial Report (CAFR). Representatives from Gilbert & Stewart CPA, PC will review the CAFR in their presentation to the City Council during the meeting. The City completed the fiscal year ended June 30, 2019, in sound financial condition and has received an unmodified auditor's opinion (a "clean" opinion).

Mr. Stewart reviewed the CAFR and pointed out the city received a clean opinion which is the best opinion they can receive. He continued to review what they do in order to come to their conclusion. He stated there was one finding that will need to be corrected.

Mr. Nelson indicated the one finding is a fund balance that exceeds the State ceiling of 25%. As they have done in years past, they will be bringing this to the council in the future to move those funds out of the General Fund and into the Capitol Projects Fund in order to get back below that State ceiling maximum.

Mr. Seastrand inquired if there are any trends in the audit process regarding management that needs to be addressed or changed. Mr. Stewart responded there are always changes that need to take place in general but there is nothing specific at this time. Mr. Seastrand indicated there have been years where the city is sound and safe and acknowledged the work of the staff that ensures a sound financial finding.

Mayor Brunst stated as a city they balance their budget and they stay within the limits set along with saving for a raining day. One other principle they go by in the budget is they typically overestimate their expenses and underestimate the revenues so they do in fact have a cushion.

Mayor Brunst moved by resolution to approve the Fiscal Year 2018-2019 Audit. **Mr. Seastrand seconded** the motion. Those voting aye: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

RESOLUTION – Establishing a Community Renewable Energy Goal

Ms. Albers stated HB-411 was the Community Renewable Energy Act. It provides a pathway for communities served by Rocky Mountain Power to achieve a net-100% renewable electricity by 2030. Jeff Bousson of Utah Clean Energy presented information regarding the details of the bill to the NRSC during the August 1st meeting. Michael Lange of Rocky Mountain Power also spoke with the NRSC and presented during the UVU Sustainability Summit hosted in City Council Chambers on October 1st. Current participating communities include Salt Lake City, Cottonwood Heights, Park City, Summit County, and Moab to name a few. In terms of relevant info for Orem, UVU had an independent agreement to participate, regardless if the rest of Orem participated or not. Cities, such as Sandy, who had declined to participate expressed concerns about the number of unknown factors related to the program. These included the undetermined rate for participating residents, exit fee, and that it was not the last opportunity or method to achieve renewable energy goals. NRSC presented to the City Council during the October 29th work session

Mrs. Lauret indicated the one concern she had was the “opt out” instead of an “opt in” type of program. Ms. Albers responded this resolution was just to indicate they would like to be part of the negotiating period and having a seat at the table to discuss how things will be established. If they backed out there was nothing binding the city.

Mr. Spencer stated he was all for renewable energy but not for the resolution due to the “opt out” process.

Mr. Lentz inquired if representatives from the NRSC (Natural Resource Stewardship Committee) were present, and if they could address the Council.

Mrs. Bateman stated she had been with the NRSC for the last 3 years and had been involved with the renewable energy process. She stated she did a simple survey while attending the cities Touch-A-Truck Event and she found it interesting; there was a decent spread of opinions both for and against renewable energy. She felt if the resolution was passed, they could broaden the survey to gain further information and educate the public on this issue. Passing the resolution did create obligation or cost at this time.

Mr. Hawkins, Chair of the NRSC, stated they believed consumers should have options, and this process did that. He felt it was a valuable program.

Mr. Lentz stated this resolution was not binding to the city, that it just gave them the opportunity to sit at the table and have a say. The “opt out” process was already a law and they did not have a lot of options regarding that issue. In approving the resolution, they would then have a voice at the table as to how this would work going forward. They could withdraw within the first 3 months for free, and after that there was a fee to recover costs put in by Rocky Mountain Power to install a solar farm for this program. He continued to share some of the other entities that had already done a program similar to this and had been successful. He continued, stating they needed to find

other ways to sustain the way of life while making the air better. The long-term ownership of a coal power plant versus renewable energy, like the solar farm, was very minimal. He concluded that this was an opportunity for Orem to be on the forefront of this issue and felt the financial costs would not be very high if they chose to proceed with renewable energy, but the societal costs would be very high if they did not.

Mr. Sumner inquired regarding the results of the survey Mrs. Bateman conducted and if there was an age breakdown. Mrs. Bateman indicated there were mainly parents and grandparents, but she does not have a specific breakdown. Mr. Sumner asked for clarification on the 3 months' timeline. Mr. Davidson responded that municipalities have until December 31st to elect to participate in this program. That will initiate a review from RMP of the City of Orem. They would then work with the cities in putting together a RFP (Request for Proposal) where they would actually look at the cost associated with this in the future and hire a consultants to help us to understand power rates in the future. This simply expresses the City Council's intent to be 100% focused on renewable energy by 2030. In the event we were to come back in a few months with a number from RMP and they were not comfortable to move forward and spending those dollars on this specific effort, the city is under no obligation to move forward at that point. Mrs. Schriever indicated that their understanding of the bill is the first financial obligation would occur during the negotiation and investigation period. There is going to be a cost involved in building and getting this program approved and the city would have to contribute to those costs, and they have no idea what those costs will be at this point. Mr. Davidson stated that the greater number of municipalities and organizations that participate, then their commensurate share of the financial responsibility for that study would decrease. Mrs. Schriever stated after that process is completed, the City Council will still have the opportunity to look at the program, discuss it with Orem City residents to determine rather or not this is the direction the city would like to go. At that point that is when the City Council would consider passing an Ordinance that would essentially adopt the key elements of the proposed plan. After adoption of the Ordinance then there will be a period of 3 utility billing cycles where residents will have the opportunity to opt out of the program. She concluded the law requires a significant amount of notice the city will need to make to the residents if the Ordinance is approved.

Mr. Seastrand stated he has talked to many different individuals and feels there are 3 specific opinions: 1) those that voice a definite no to the issues; 2) those that support the issue no matter what; and 3) those that just don't know due to lack of information. He feels if they don't go forward, they will never know. If they cut it off right here, then they for sure are not going to be able to participate if it does end up being a positive program. Due to several options of backing out of the process, and there is no commitment other than to say we are interested in discussing this issue and there is a big enough interest in trying to find a solution that would work, he is in favor of moving forward with the study. He feels it will help answer the questions they don't know so they can definitively make a decision in the future.

Mr. Davidson reiterated the fact that the resolution does not speak to the opt in or opt out it speaks simply to the Council agreeing to work towards a goal of efficiency and working towards 100% renewable energy in the future by 2030. There are other pieces of the legislation that speaks to the opt out, the process and program, but the resolution is simply the council agreeing to efficiency and using renewable options in the future.

Review of the language of the resolution ensued.

Mr. Stephens stated if the city moves forward with this issue there is a 3 step process: 1) approving the resolution before them tonight; 2) agreement where the actual cost of the study that the city would be responsible for would be set forth. After the study is completed; 3) there would be an ordinance stating the city wants to participate in the program. Each of those steps provides the city with a stepping off point. You can elect at any one of those steps to stop the process and no longer proceed.

Mayor Brunst voiced some of his concerns regarding this issue. He stated HB411 was passed by the legislature rather we have a seat at the table or not, it will not change the opt-out issue. He stated that 60-70% of the power through RMP comes from coal fired power plants and they have a set schedule of closing down most of those plants over the next 10 years. Market forces are driving renewable energy and there are several new natural gas plants that RMP has built. He continued to review costs and natural gas statistics and options that residents currently have. He stated that in principle he is not in favor of the opt-out program and feels the majority of the residents don't want an opt-out process either. He personally is against this and understands if they approve this, they are saying the Council is interested in renewables and is all for interest in renewables but believes it is a flawed program and feels this is not advisable to the residents and he would not vote for it.

General discussion between the Council continued regarding opt out options, termination options along with other options residents have for solar and the increased costs of the older options.

Mr. Sumner moved by resolution to establish a Community Renewable Energy Goal. **Mr. Macdonald seconded** the motion. Those voting aye: Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, and Brent Sumner. Those voting nay: Richard Brunst and David Spencer. The motion **passed**.

ORDINANCE – Enacting Article 12-9 of the Orem City Code (Rental Dwelling License) and amending Section 21-1-3(B)(1)(a)(1) to require that bills for water service be in the name of the owner.

Mr. Downs stated over the past several years, there had been an uptick in the number of rental properties in the City. Currently, there are 3,767 known utility accounts associated with rental properties (1306 multi-family and 2461 single-family homes). While rental properties are an important part of any city's housing stock, they present a unique set of challenges when it comes to neighborhood preservation, police efficiency, and utility payments. In particular, the City has been encountering two types of problems with respect to residential rental properties. First, the City currently does not currently have contact information for owners/managers of residential rental properties. In situations where the City needs to contact a landlord, the City has to rely on county records which only provide mailing addresses. This has been an ineffective and inefficient way to notify landlords about issues regarding their property. In order to address this concern, staff propose enacting Article 12-9 to the City Code to create a new rental dwelling license requirement. This would require owners and managers of residential rental properties to provide contact information to the City for each residential rental property in the City. This will allow neighborhood preservation officers to proactively notify owners/managers about problems concerning their property. The City's system would also be programmed to automatically notify owners/managers when an incident occurs at their property. Staff believe that this will help

improve the quality of neighborhoods by bringing owners into a partnership with the City to resolve nuisances and other code violations. Second, City ordinances currently allow utilities to be billed to either the tenant or the owner of a residential rental property. The City has been experiencing a high rate of delinquency with respect to utility accounts for single-family homes and townhomes/condos that are held in the name of the tenant. Approximately 8-9% of single-family and townhome/condo rentals go to collections each year compared with less than 1% for all other 53 accounts. Frequent changes to utility accounts when tenants move in and move out also consume significant staff time. To address this problem, staff propose amending Section 21-1-3(B)(1)(a)(1) to require that all rental dwelling utility accounts be in the name of the owner. Staff anticipate that requiring utilities to be in the name of the owner will drive the current delinquency rate down significantly and could save the City up to \$50,000 annually. This will prevent other citizens from having to “make-up” the uncollected utility accounts from rental properties. Requiring utility accounts to be in the name of the owner will also eliminate the substantial amount of staff time currently spent dealing with issues related to constantly changing the person responsible for the account due to tenants moving in and out (changing names, verifying lease agreements, work orders, etc.) The proposed amendments would also help further the objectives included in two of the City’s recently completed neighborhood plans for better enforcement of ordinances with absentee landlords.

Mrs. Lauret inquired why Provo only charges \$20 and Orem is charging \$50. Mr. Downs responded that Provo has a \$20 fee if they own one unit, if they own multiple units the fee is \$60. With the current utilities they already have 75% of the rentals in the owner’s name and they currently don’t see an abuse of water usage. They believe if the landlord is receiving the bill and is responsible, there is an increase of communication between the landlord and tenants. Mrs. Lauret asked for clarification of their focus groups and how they were selected. Mr. Downs stated they had a focus group that involved two property management company’s and at least 4 landlords, along with feedback from comments on social media. They also had a dedicated website for the last month and had numerous conversations with others.

Mr. Spencer inquired how this came to pass. Mr. Downs responded they have looked at areas where staff can improve to be more efficient and this was one of the issues that staff indicated they spend a large amount of time with rentals and when they change over from tenant to tenant. If it stayed in the name of owner, it would cut back time for staff. Staff then looked at the amounts that were being sent to collections and where they can be more efficient. Mr. Spencer indicated he likes the ability to have the landlord information in case of issues.

Mr. Lentz stated in reading the ordinance that this may seem to be for long term rentals and inquired if this would also include short term rentals like Air B&B’s. Mr. Earl stated the language is that it is “available to be rented” not that it is rented. He feels the majority of the Air B&B’s would fall under this ordinance. Mr. Lentz inquired regarding the 65+ age exemption and asked for clarification. Mr. Downs responded they would still like the rental information but is exempt from the fee. Mr. Lentz asked if someone refused to participate, what would be the steps to address that. Mr. Downs indicated the end of the ordinance states if they do not comply, they would be guilty of a class B misdemeanor and there is a process in place for that. Their objective is to work on getting those owners into compliance with proper notification before they move in the direction of enforcement.

Discussion ensued regarding illegal apartments and the process that will help with the enforcement

of those illegal apartments. Possible good landlord training for those that continue to have issues with their property and also some information on the city website as to what is legal and not legal regarding apartments.

Mayor Brunst indicated that although this was not a public hearing, he would accept a few public comments.

Mr. Smith, Executive Director of the Utah Apartment Association stated they are in support of the ordinance. Many cities have this type of regulation where the owner is actually responsible and they feel it is a win-win for both the tenant, the landlord and the city. They appreciate administration and staff, they have done a great job in explaining this and involving the community and landlords and feels the \$50 fee is reasonable.

Sullivan Love inquired if there was already an ordinance in place regarding illegal apartments, and he feels this program will not change the enforcement of those illegal rentals. The implementation of this fee will not keep rental rates low, this fee will be passed on to renters, the landlords will not just absorb that fee. Although he does not live in Orem, he would have liked to be more involved.

Rick Lewis inquired if there was going to be any allowance for a renewal fee for one apartment owners. He also asked if the apartment is illegal if there is a program to correct that in a reasonable manner.

Jerimiah Maughan stated he is a property manager that participated in the focus group. He indicated he was impressed by how well their feedback was represented, being able to participate in the process was very valuable and they appreciate the city being willing to hear their concerns. In the focus group there were approximately 2500-3000 units represented and have had experience dealing with cities. Being able to participate in the process and having been included was extremely valuable to them. Their primary concern is to make sure they have an effective way to communicate, preserve property and make sure things are going right. The fact the city is trying to design this around the owner being able to participate and still maintain that control they have really appreciated that. He feels that Orem City staff has worked to keep this process simple but effective and they are in favor of this program.

Marion Roberts Baxter, a property owner in Orem in the south end indicated she has had to deal with several residential rentals. When a property owner chooses to rent their home, they have just brought a business into a residential area. She feels that what the city is doing is clarifying and leveling the playing field as to how everyone is affected in the community. Running a business from home is larger than the \$50 fee and feels it is not an onerous fee, compared to the income it is bringing to that owner. She applauds city staff and the effort that has gone into this proposal and the willingness in working with the property companies and feels this proposal has merit.

Mark Porter stated he bought an old home in Orem with a basement rental just to find it was not a legal rental. They have since taken time and funds to come into compliance with the city. He is not opposed to clear management and expectation for rentals although he feels that each piece of new regulation that restricts entry into the market for those that do want to rent a home restricts the supply and forces prices to increase. With the city and the residents having concerns for rising costs of housing he feels they should be very aware of every regulation that is imposed on those that are trying to get ahead.

Mark Haney stated he and his wife own apartments in north Orem and thinks this is a great proposal. He has had calls late at night from police officers looking for land owners of adjacent properties to him. Tenants had no idea who the owners were and had no way of contacting them. The \$50 fee he feels is appropriate. One concern he has is a per door fee although it has been stated there currently is no per-door fee, he feels that would not be appropriate. What has been discussed he feels the proposal is needed, he supports it and feels it will benefit everyone.

Carol Miles is a resident of Orem, does not have rentals in Orem but does in other areas. This issue has come to their attention in respect to having the proper notifications as to the license needing to be renewed. They also appreciate having a proper contact and ask they please make sure they give landlords proper notifications when renewal licenses are due, and utilities are not being paid.

Linda Payne stated she is aware of an 85-year-old person, that rents out part of her home and inquired how that will affect her and if the fee would apply to her. Mr. Downs responded that she would be responsible for the fee on the accessory apartment. The 65+ fee exemption is if they have someone living in their home with them without it being part of an accessory apartment.

Daniel Johnson stated he appreciates the ease of obtaining the rental license. He feels that landlords have been painted in a bad light and feels that is incorrect. He feels that as a good landlord that does not have issues, why do they have to pay the fee. He would like a good landlord option to allow them to be exempt of the fee, he just doesn't like the fee, and he wants to ensure his personal information as a landlord is kept private.

Jeremy Short is an attorney in Orem and primarily deals with landlord and tenant issues. He stated at first, he was concerned but wanted to thank staff and the council for looking at some of the details and making sure they have been worked out and addressed. He feels the primary concern is the increase regulation and fee, but he appreciates the council looking beyond the headlines and including them in this decision. He would ask the city to look for opportunities to assist those good landlords because most are willing to help and look for solutions to the issues.

David Busath stated as they evaluated the concept with the Orem Neighborhood Association, one comment that came up a lot was there should be some scaling for larger apartment complexes. Discussion ensued regarding the understanding of the number of police calls per unit as presented. Mr. Busath stated the second comment was regarding the old folks. This could be an opportunity to say to them they don't have to worry about having someone live in your place, register or pay a fee. He suggested they make a clear distinction of that part of the city code of having an illegal apartment and when they do have to register and pay.

Martin Wright stated he feels there are 2 issues and maybe they need two separate ordinances: 1) landlords need to pay fifty dollars and he is fine with that; 2) the other needs to be separate. The question is we say it costs fifty dollars but what is it going to? If they knew it was going into something that would help the process or is it just going into the general fund to pay a salary. He appreciated the Council taking their comments and feels it should be divided into two issues and be clarified.

Mayor Closed the public comment portion of the meeting.

Mr. Spencer moved by ordinance to Enact Article 12-9 of the Orem City Code (Rental Dwelling License) and amending Section 21-1-3(B)(1)(a)(1) to require that bills for water service be in the name of the owner. Amend the language to reflect that those 65 years of age and older are exempt from paying the fee but must register and include contact information. Correct language stating the fee is to be set by resolution or ordinance. **Mr. Seastrand 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.

Mr. Seastrand asked to address the council and residents as this is his final City Council meeting. He read the following:

My Orem Council service and last meeting is really here,
The feelings in my heart will sigh, the thoughts in my mind will cheer.
It began 14 years ago with a sad death and a vacant slot,
Encouraged by my father, I applied for the open spot.
In the back of the city meeting, I sat shocked and unexpected,
When Mayor Washburn announced to all my name had been selected.

My councils work began in haste from the first official day,
Should we split from the Alpine District or should we try to stay?
A completed public works building, a huge new water tank,
The CARE Tax allocations and how our budget priorities rank.
Sleepy Ridge Golf Course is now open, road construction underway,
Our economy is booming, contractors building without delay.

Then came the unexpected big recession of 2008,
And all of a sudden, the City wasn't doing all that great.
UTOPIA is struggling, Midtown Village is now on hold,
Nordstrom's is leaving Orem, and cars aren't being sold.
Revenues are quickly decreasing, our savings won't last for long,
We must make things last much longer, capital improvements are all but gone.

We then lost Jim Reams and Mayor Washburn died of cancer,
Bruce Chestnut with Jim Evans would take their calls to answer.
A tax increase was requested, but the people would really holler,
You'll have to find another way to stretch out every dollar.
Two dozen retirements extended with grateful thanks and praise,
The rest of the employees would work for years without a raise.

Yet the hard work still continued, the recovery had finally begun,
Amid much political contention and several votes of 6 to 1.
Now UVU is setting records, the economy is back on pace,
UTOPIA is making progress, and The University Mall is now a place.
The student housing project was approved by most of the people,
We now know where we'll finally see the Orem temple steeple.

Front Runner connects to UVX and thousands ride each day,

Splash pads, parks and all-together playgrounds, are where our kids can play.
A Library Hall addition with a Rec Center nice and new,
Arts and Rec's are thriving, The SCERA and Hale Center Theater too.
Workshops, meetings, pageants, calls, emails, txt and letters,
Have helped to shape the master plans to make Orem even better.

So, let me say a final word of thanks and heartfelt gratitude,
It's been an honor and quite a ride for this ole homegrown dude.
Working with employees and the residents each and every day,
The volunteers who get involved giving hours without a pay.
Is why we read that Orem is the best place to live, work, and play.
So, with my wife and family, this home is where I will love to stay.

Thank you for this wonderful journey. I look forward to a fantastic future.

ADJOURNMENT

Mr. Seastrand moved to adjourn the meeting. **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 8:40 p.m.