



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

*This meeting may be held electronically
to allow a Councilmember to participate.*

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

UPDATE - Orem Fitness Center Project (45 min)

The project architect will update the City Council on the interior design of the Orem Fitness Center.

Presenter: Joseph Smith with Method Studios

DISCUSSION - Rental License & Utility Billing Changes (15 min)

Discussion

Presenter: Steven Downs

1. AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

The City Council will review the items on the agenda.

2. CITY COUNCIL REPORTS (BOARDS & COMMISSIONS, NEW BUSINESS, ETC.)

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

Presenter: Sam Lentz

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

3. CALL TO ORDER

4. INVOCATION/INSPIRATIONAL THOUGHT: BY INVITATION

5. PLEDGE OF ALLEGIANCE: BY INVITATION

6. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

6.1. UPCOMING EVENTS

For Review

[Upcoming Events.pdf](#)

7. SPECIAL RECOGNITION

City Council Recognition for outgoing Council Members Mark Seastrand and Sam Lentz

8. PERSONAL APPEARANCES - 15 MINUTES

Time has been set aside for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the Agenda. Those wishing to speak are encouraged to show respect for those who serve the city. Comments should focus on issues concerning the city. Those wishing to speak should have signed in before the beginning of the meeting. (Please limit your comments to 3 minutes or less.)

9. CONSENT ITEMS

9.1. APPROVAL OF MEETING MINUTES

Minutes of City Council Meeting - November 19, 2019

[11.19.2019.ccmn DRAFT.pdf](#)

9.2. ANNUAL MEETING SCHEDULE 2020

It is recommended that the Council review and adopt the proposed City Council meeting schedule for 2020.

[DRAFT Legal Notice Meetings 2020.docx](#)

9.3. APPOINTMENT TO BOARDS AND COMMISSIONS

Appointment to the CARE Advisory Commission - Spencer Rands

Appointment to the Summerfest Committee - Andres Wiest and Shelly Seastrand

Reappointments to the Arts Council - Barry Merrell and John Reinhard

[Spencer Rands.CARE.pdf](#)

[Andres Wiest_Summerfest.pdf](#)

[Shelly Seastrand_Summerfest.pdf](#)

[Barry Merrell_OAC reappoint.pdf](#)

[John Reinhard_OAC reappoint.pdf](#)

9.4. ORDINANCE - Amending City Code allowing City Manager to appoint department specific records officers.

The City Recorder and Deputy City Attorney recommend amending section 2-26-14 of the Orem City Code, allowing the City Manager to appoint department specific records officers.

[ORD.Section 2.26.14 Allowing CM to appoint Add Records Officers.docx](#)

10. SCHEDULED ITEMS

10.1. MAYOR PRO TEM - January through June, 2020

Mayor and Council will appoint a Mayor Pro Tem to serve January through June, 2020.

[MAYOR PRO TEM--2010 to current.pdf](#)

10.2. MOTION - Adopt Orem Voter Participation Area Map

The City Council will establish the Orem Voter Participation Area (VPA) map.

Presenter: Jody Bates

[RES.VPA Resolution.docx](#)

[Voter Participation Map Option1.pdf](#)

10.3. RESOLUTION - Fiscal Year 2018-2019 Audit

The City Manager recommends the City Council, by resolution, accept the Fiscal Year 2018-2019 audit as presented.

Presenter: Brandon C. Nelson, CPA

[Audit FY 2019 - Resolution.docx](#)

[Governance Letter - FY 2019.pdf](#)

10.4. RESOLUTION - Establishing a Community Renewable Energy Goal

The City Council will consider a resolution establishing a community renewable energy goal.

Presenter: Jenna Albers

[DRAFT Orem Resolution - Community Renewable Energy.docx](#)

[HB 411 Presentation_Orem Natural Resources Stewardship Committee .pptx](#)

10.5. 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

The City Manager's Office recommends that the City Council, by ordinance, enact Article 12-9 of the Orem City Code (Rental Dwelling License) and amend Section 21-1-3(B)(1)(a)(1) to require that bills for water service be in the name of the owner.

Presenter: Steven Downs

[ORD--Rental Dwelling Licenses.docx](#)

11. COMMUNICATION ITEMS

11.1. MONTHLY FINANCIAL SUMMARY - October 2019

For Review

[Monthly Financial Summary - Oct 2019.pdf](#)

12. CITY MANAGER INFORMATION ITEMS

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

13. ADJOURN

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.

If you need a special accommodation to participate in the City Council Meetings and Study Sessions, please call the City Recorder's Office at least 3 working days prior to the meeting.

(Voice 801-229-7000)

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

UPCOMING EVENTS

DATE	BUSINESS AND LOCATION	TYPE	
December 18.....	City of Orem..... City Council Chambers	Open House/Farewell Mark Seastrand & Sam Lentz	Noon- 2pm

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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

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institutions in the state were WSU and DSU. Nearly 50% of Utah students were educated at one 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

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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

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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.

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

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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

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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 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).

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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

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1 Corporation. This MOU was required for HCFAE to continue fundraising efforts. It was needed
2 to show prospective donors that the City of Orem supported the project.

3
4 Mr. Clark provided an overview of the timeline for this project and invited Jeff Fisher, Director of
5 Development at Hale Center Theater Orem, to come forward. Mr. Clark said the HCFAE had been
6 working on fundraising but had reached the point to demonstrate to donors the support from the
7 city. He shared additional information about the site and the items outlined in the MOU.

8
9 There was discussion about the \$15 million requirement. Mr. Fisher said fundraising was going
10 well; they had raised about \$2 million thus far. He had spoken to others that were interested in
11 donating, but wanted to know that the City was supportive of the project before they committed
12 funds. The MOU would demonstrate that support. In response to a Council question, Mr. Fisher
13 said they could exceed the \$15 million threshold and not need to pay back the financing, but time
14 would tell if that would be the case. They also planned to request funding from the State
15 Legislature, which would be part of the \$15 million.

16
17 Mr. Sumner said he appreciated what HCFAE did for the community, but he had concerns about
18 binding future Councils to an agreement for an expensive project. Mr. Davidson said the intent of
19 the language in the MOU was more of an acknowledgement than a specific commitment.
20 Definition as to specific outcomes would be part of future conversations, and whomever served on
21 the City Council at that time would make those decisions. Mr. Davidson said providing HCFAE
22 with the City's tax-exempt financing was critical for the project, allowing them to save hundreds
23 of thousands of dollars. He felt confident they could meet the debt obligation, and added that there
24 would be a debt reserve fund required as well. Mr. Sumner said he had "lived through UTOPIA"
25 and did not want future Councils to deal with a similar issue. Mr. Davidson said there was risk
26 associated with every financing arrangement the City entered into, and there were a number of
27 factors suggesting that this was not a UTOPIA situation.

28
29 Discussion continued regarding the project financing, the involvement of Woodbury Corporation,
30 allowed usage of CARE money, and the Hale Centre Theatre in Sandy, Utah. Mr. Spencer asked
31 about the bond for the theater in Sandy. Mr. Davidson said it was not a bond residents voted on
32 but a lease revenue bond, and the city owned the building after the bond retired. He said if the
33 theater in Sandy was any indication, there was high demand for this kind of opportunity. There
34 were a number of checks and balances to protect the City's interest and having an amenity like the
35 HCFAE would be good for Orem's economy. Mr. Spencer said he was also concerned about
36 binding future Councils financially, particularly if there was another economic recession.

37
38 Mr. Macdonald said while he understood the concerns, he felt they had been elected to work and
39 not punt decisions to future councils. He disagreed with the comparison to UTOPIA. He said there
40 was no binding language in the MOU other than the word "help", which was open to interpretation.
41 Mr. Macdonald said he wanted HCFAE to be highly successful and felt the MOU was a "small
42 price to pay" on the City's part to help them achieve that success.

43
44 There was further discussion regarding the Hale Centre Theatre in Sandy, formerly in West Valley.
45 Mr. Davidson provided some background information, and reiterated that by all accounts it had
46 been a successful partnership for all parties.

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

5
6 After further discussion regarding the financial obligations associated with the project, **Mr.**
7 **Seastrand moved** to authorize the Mayor to sign the Memorandum of Understanding with Hale
8 Center Foundation for the Arts and Education. **Mr. Lentz seconded** the motion. Those voting aye:
9 Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and
10 Brent Sumner. The motion **passed**.

11 12 13 CITY MANAGER INFORMATION ITEMS

14
15 Mr. Davidson said he had no additional information to share.

16 17 18 ADJOURNMENT

19
20 **Mr. Seastrand moved** to adjourn the meeting. **Mr. Spencer seconded** the motion. Those voting
21 aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David
22 Spencer, and Brent Sumner. The motion **passed**.

23
24
25 The meeting adjourned at 7:12 p.m.



City Council Agenda Item Report

Meeting Date: December 10, 2019

Submitted by: Jackie Lambert

Submitting Department: City Manager's Office

Item Type: Action Item

Agenda Section:

Subject:

ANNUAL MEETING SCHEDULE 2020

Suggested Action:

It is recommended that the Council review and adopt the proposed City Council meeting schedule for 2020.

Presenter:

Background:

Section 52-4-6 of the Utah Code Annotated requires the City to ". . . give public notice at least once each year of its annual meeting schedule . . ." and to ". . . specify the date, time and place of such meetings . . ." in said notice. Posting the notice at the principal office of the public body and publication of said notice in at least one newspaper of general circulation within the geographic jurisdiction shall satisfy public notice.

Generally, the City Council will meet on the second and fourth Tuesdays of each month, except when these dates conflict with holidays, elections, city events, or conferences.

The City Council has the ability to add, delete, or change any of the meetings on this proposed schedule prior to approving it. The City Council may also add, delete, or change the schedule--with proper public notice--once it has been approved.

Potentially Affected Area:

Citywide

Attachments:

[DRAFT Legal Notice Meetings 2020.docx](#)

NOTICE OF ANNUAL MEETING SCHEDULE
OREM CITY COUNCIL

Public Notice is hereby given that the 2020 Annual Meeting Schedule of the Orem City Council is as follows:

Regular Meeting Dates

January 14, 28

February 11, 25

March 10, 24

April 14, 28

May 12, 26

June 16, 30 (*Summerfest is the week of June 8-13, so meetings will be the 3rd and 5th Tuesdays)

July 14

August 11, 25

September 8, 29 (*Conferences interfere, so meetings will be held 2nd and 5th Tuesdays)

October 13, 27

November 10

December 8

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

The City Council will hold a work session in the City Council Conference Room prior to the regular session. Work session commencement times may vary.

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



Board, Commission & Committee Application

City of Orem

Submitted On:

November 21st, 2019 @ 11:12am

Personal Information

Full Name	Spencer Rands
Full Address	[REDACTED] Orem UT 84058
Phone Number	[REDACTED]
Email	[REDACTED]

Boards & Commissions

What board or commission are you applying for?	CARE Tax Advisory Commission
If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?	No
Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.	I am a big proponent of the CARE Tax and want to be a part of the process in making sure great things continue to happen with these funds.
Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.	My wife and I have three boys that all love Orem and its parks. We love Orem and everything it has for our family and we want to give back. Through running my different businesses I have learned how to budget efficiently and effectively. I have served as a board member of the Papa Murphy's Franchisee Association representing the interests of over 1,400 locations across the United States. I know how to work with others to solve problems effectively. I recently ran for Orem City Council and talked with thousands of Orem residents and I know how important cultural arts and recreation are to our residents.

Signature Data

First Name: Spencer

Last Name: Rands

Email Address: [REDACTED]

Spencer Rands

Signed at: 11/21/2019 11:12AM



Board, Commission & Committee Application

City of Orem

Submitted On:

October 16th, 2019 @ 7:48pm

Personal Information

Full Name	Andres Wiest
Full Address	[REDACTED] Orem UT 84057
Phone Number	[REDACTED]
Email	[REDACTED]

Boards & Commissions

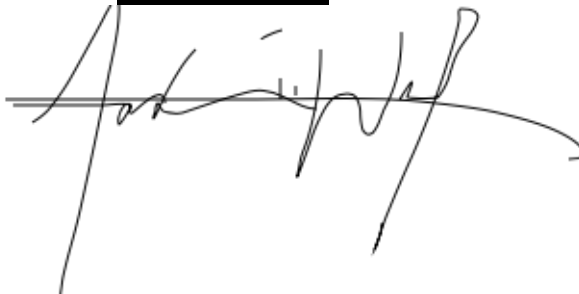
What board or commission are you applying for?	Summerfest Advisory Committee
If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?	Yes
Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.	I love the city with my whole heart. Summerfest is the keeper of my fondest memories. I would love the opportunity to be a part of creating memories for the younger Orem residents. I'm also in a wheelchair, and I can see ways of improving conditions for disabled attendees. Orem is an all-inclusive city, and it should remain as such.
Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.	Skills listed in my resume
Please upload your resume.	https://seam.ly/KNfG5L5J

Signature Data

First Name: Andres

Last Name: Wiest

Email Address: [REDACTED]

A handwritten signature in black ink, appearing to read 'Andres Wiest', written over a horizontal line.

Signed at: 10/16/2019 07:48PM



Board, Commission & Committee Application

City of Orem

Submitted On:

December 3rd, 2019 @ 3:35pm

Personal Information

Full Name	She y Seastrand
Full Address	 Orem UT 84058
Phone Number	
Email	

Boards & Commissions

What board or commission are you applying for?	Summerfest Adv sory Comm ttee
If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?	Yes
Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.	I have oved the Summerfest Expe ence and wou d ove to he p working w th the Orem s Got Ta ent or other act v ty to he p Summerfest.
Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.	I am a ha r sty st, and have vo unteered as a hostess for the M ss Orem program for 20 years. I m great working w th peop e and makng arrangements. I am good w th fo ow through and w th he p ng peop e get the th ngs they need to be successfu .

Signature Data

First Name: Shelly

Last Name: Seastrand

Email Address: [REDACTED]

Shelly Seastrand

Signed at: 12/03/2019 03:35PM

Customer Information:

Barry Merrell

Location:

[REDACTED]

Orem, Utah >>-----

>> 11/15/2019 1:49 PM - EUDefaultUser (EU Group)

>>-----

Issue:

First Name: Barry

Last Name: Merrell

Street Address 1: [REDACTED]

Street Address 2:

City: Orem

State: UT

ZIP: 84057

Phone Number: [REDACTED]

Email: [REDACTED]

Board/Commission

: Arts Council

If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?: No

Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.: I have been serving on the council for the last four years and would like to serve another term.

Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.:

First Name: Barry

Last Name: Merrell

Email: [REDACTED]

[Close Activity](#)

Orem, Utah >>-----
>> 10/29/2019 3:08 PM - EUDefaultUser (EU Group)
>>-----

Issue:

First Name: John

Last Name: Reinhard

Street Address 1: [REDACTED]

Street Address 2:

City: Orem

State: UT

ZIP: 84057

Phone Number: [REDACTED]

Email: [REDACTED]

Board/Commission: Arts Council

If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?: Yes

Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.: I have currently been serving on the Arts council and am excited to see progress on the utility box project and would like to continue on the Arts Council especially to help with this project.

Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.:
Please see previous application

First Name: John

Last Name: Reinhard

Email: [REDACTED]

[Close Activity](#)

POB Mail Template: PCM.Activity.Release.NotifyRespWith2Options



City Council Agenda Item Report

Meeting Date: December 10, 2019

Submitted by: Jody Bates

Submitting Department: City Manager's Office

Item Type: Ordinance

Agenda Section:

Subject:

ORDINANCE - Amending City Code allowing City Manager to appoint department specific records officers.

Suggested Action:

The City Recorder and Deputy City Attorney recommend amending section 2-26-14 of the Orem City Code, allowing the City Manager to appoint department specific records officers.

Presenter:

Background:

The City is responsible for the care, maintenance, scheduling, designation, classification, disposal and preservation of government records. Orem City has grown and the volume of governmental records has increased. With the growth the City finds the necessity of the appointment of department specific records officers who will be responsible for the department specific records. This makes it necessary to amend Section 2-26-14 of the Orem City Code to provide the City Manager (in consultation with a department director) the authority to make department specific records officer appointments.

Potentially Affected Area:

Attachments:

[ORD.Section 2.26.14 Allowing CM to appoint Add Records Officers.docx](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE OREM CITY COUNCIL
AMENDING SECTION 2-26-14 OF THE OREM CITY CODE
ALLOWING THE CITY MANAGER TO APPOINT
DEPARTMENT-SPECIFIC RECORDS OFFICERS

WHEREAS the City of Orem is responsible for the care, maintenance, scheduling, designation, classification, disposal, and preservation of government records;

WHEREAS as the City has grown, the volume of government records has increased; and

WHEREAS the Utah Government Records Access and Management Act, Utah Code § 63G-2-101 *et seq.* (“GRAMA”) requires the City Manager to appoint a City Records Officer; and

WHEREAS the increased record numbers necessitates the appointment of department-specific records officers who will be responsible for the care, maintenance, scheduling, designation, classification, disposal, and preservation of department-specific records; and

WHEREAS the City Council finds it necessary to amend Section 2-26-14 of the Orem City Code to provide the City Manager (in consultation with a department director) the authority to make department-specific records officer appointments; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety, and general welfare of the City; and

WHEREAS the City Council finds the proposed amendments to be in the best interest of the City and necessary to protect and preserve the welfare and safety of citizens in general.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, AS FOLLOWS:

1. Section 2-26-14 of the Orem City Code shall be amended to read:

2-26-14. City Records Officer and Records Management Committee.

A. The City Manager shall appoint the City Records Officer. The City Records Officer shall oversee and coordinate the management of City records. The City Records Officer shall make reports of records services activities to the City Council upon request by the City Council. The City Manager (in consultation with a department director) may designate department-specific Records Officers who shall be responsible for the department’s records and who shall serve on the Records Management Committee as the Department Records Representative.

2. If any part of these amendments shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.
3. All other ordinances, policies, and resolutions in conflict herewith are hereby repealed.
4. This ordinance shall take effect immediately upon passage and publication.

PASSED, APPROVED, AND ORDERED PUBLISHED this 10th day of December 2019.

Richard K. Brunst, Mayor

ATTEST:

JoD'Ann Bates, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	☐	☐	☐
Debby Lauret	☐	☐	☐
Sam Lentz	☐	☐	☐
Tom Macdonald	☐	☐	☐
Mark Seastrand	☐	☐	☐
David Spencer	☐	☐	☐
Brent Sumner	☐	☐	☐

MAYOR PRO TEM

2010 – Current

<i>Year</i>	<i>January-June</i>	<i>July-December</i>
2010	Margaret Black	Karen McCandless
2011	Brent Sumner	Carl Hernandez
2012	Mary Street	Mark Seastrand
2013	Karen McCandless	Margaret Black
2014	Brent Sumner	Hans Andersen
2015	Tom Macdonald	David Spencer
2016	Mark Seastrand	Brent Sumner
2017	Debby Lauret	Sam Lentz
2018	Tom Macdonald	Mark Seastrand
2019	David Spencer	Brent Sumner
2020		



City Council Agenda Item Report

Meeting Date: December 10, 2019

Submitted by: Jody Bates

Submitting Department: City Manager's Office

Item Type: Action Item

Agenda Section:

Subject:

MOTION - Adopt Orem Voter Participation Area Map

Suggested Action:

The City Council will establish the Orem Voter Participation Area (VPA) map.

Presenter:

Jody Bates

Background:

HB 119 makes substantial changes to the Election Code regarding a ballot proposition, initiative, and referendum. 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).

Potentially Affected Area:

Attachments:

[RES.VPA Resolution.docx](#)

[Voter Participation Map Option1.pdf](#)

[Voter Participation Map Option 2.pdf](#)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF OREM CITY COUNCIL
ESTABLISHING VOTER PARTICIPATION AREAS**

WHEREAS the City of Orem is required by statute to create Voter Participation Areas pursuant to Utah Code § 20A-7-401.3; and

WHEREAS the City of Orem is a city of the second class; and

WHEREAS the Orem City Council finds that the map attached as Exhibit A complies with the statutory requirements for Voter Participation Areas; and

WHEREAS the Orem City Council hereby finds this action to be in the best interest of the public's health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The Orem City Council hereby adopts Exhibit A as the City of Orem's Voter Participation Areas.
2. This Resolution shall become effective immediately upon its passage.
3. All other resolutions and policies in conflict herewith in whole or in part are hereby repealed.

PASSED and APPROVED this 10th day of December 2019.

Richard K. Brunst, Mayor

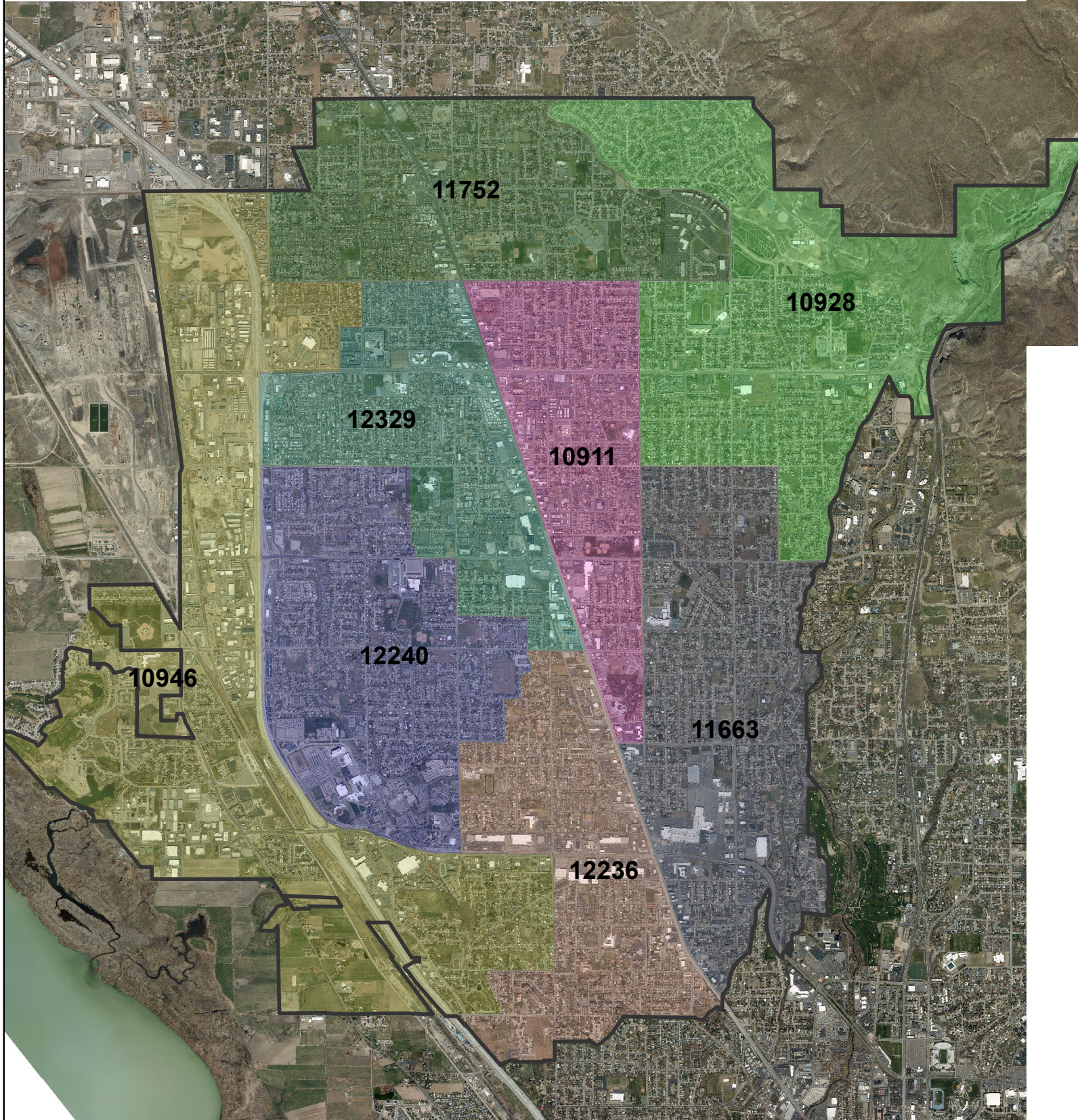
ATTEST:

JoD'Ann, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	☐	☐	☐
Debby Lauret	☐	☐	☐
Sam Lentz	☐	☐	☐
Tom Macdonald	☐	☐	☐
Mark Seastrand	☐	☐	☐
David Spencer	☐	☐	☐
Brent Sumner	☐	☐	☐

EXHIBIT A

Voter Participation Area Map



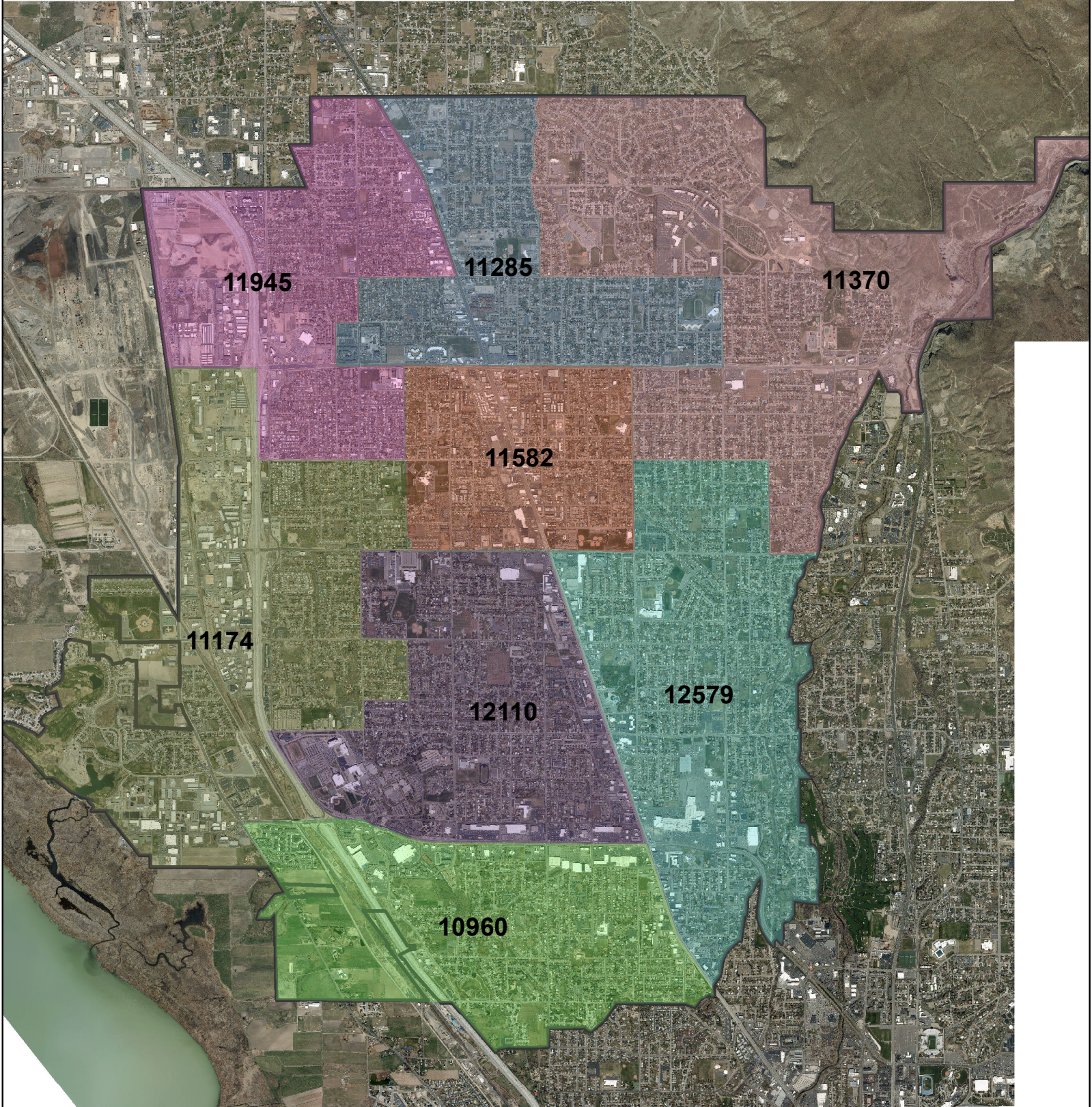
Option 1



4,400 2,200 0 4,400 Feet



Voter Participation Area Map



Option 2

4,500 2,250 0 4,500 Feet





City Council Agenda Item Report

Meeting Date: December 10, 2019

Submitted by: Brandon Nelson

Submitting Department: Finance

Item Type: Resolution

Agenda Section:

Subject:

RESOLUTION - Fiscal Year 2018-2019 Audit

Suggested Action:

The City Manager recommends the City Council, by resolution, accept the Fiscal Year 2018-2019 audit as presented.

Presenter:

Brandon C. Nelson, CPA

Background:

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).

Potentially Affected Area:

City-wide

Attachments:

[Audit FY 2019 - Resolution.docx](#)

[Governance Letter - FY 2019.pdf](#)

RESOLUTION NO. _____

A RESOLUTION BY THE OREM CITY COUNCIL
ACCEPTING THE AUDIT FOR THE FISCAL YEAR ENDED
JUNE 30, 2019 AS COMPLETED AND PRESENTED BY
GILBERT & STEWART CPA, PC

WHEREAS; State Law requires the City of Orem complete a financial audit performed by an independent auditing firm on an annual basis; and

WHEREAS Gilbert & Stewart CPA, PC has, by contractual agreement, completed the audit for the Fiscal year ended June 30, 2019; and

WHEREAS Gilbert & Stewart CPA, PC has reviewed the completed audit with the City Council and City staff; and

WHEREAS the City Council wishes to accept the audit performed by Gilbert & Stewart CPA, PC.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The audit for the Fiscal Year ended June 30, 2019, as completed and presented by Gilbert & Stewart CPA, PC is accepted.
2. This resolution shall take effect immediately upon passage
3. All ordinances, resolutions or policies in conflict herewith are repealed.
4. This resolution shall take effect immediately upon passage.

PASSED AND APPROVED this 10th day of December 2019

CITY OF OREM, by
Richard F. Brunst Jr., Mayor

ATTEST:

JoD'Ann Bates, City Recorder

COUNCIL MEMBERS	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	☐	☐	☐
Debby Lauret	☐	☐	☐
Sam Lentz	☐	☐	☐
Tom Macdonald	☐	☐	☐
Mark Seastrand	☐	☐	☐
David Spencer	☐	☐	☐
Brent Sumner	☐	☐	☐

CITY OF OREM
CORRESPONDENCE WITH THOSE
CHARGED WITH GOVERNANCE
JUNE 30, 2019



GILBERT & STEWART

CERTIFIED PUBLIC ACCOUNTANTS
A PROFESSIONAL CORPORATION
ESTABLISHED 1974

RANDELA HEATON, CPA
LYNN A. GILBERT, CPA
JAMES A. GILBERT, CPA
BEN H. PROBST, CPA
RONALD J. STEWART, CPA

SIDNEY S. GILBERT, CPA
JAMES E. STEWART, CPA

December 2, 2019

Honorable Mayor and Members of the City Council
City of Orem
Orem, UT

We have audited the financial statements of the City of Orem (the City) for the year ended June 30, 2019 and have issued our report thereon dated December 2, 2019. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated September 5, 2019. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City are described in Note 1 to the financial statements. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the entity's financial statements was:

Management's estimate of the useful lives of depreciable assets, and the applicable depreciation amounts are based on estimated usefulness of the assets in question and the related wear and tear on those assets. We evaluated the key factors and assumptions used to develop these amounts in determining that they were reasonable in relation to the financial statements taken as a whole.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Organization's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Organization's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

We wish to express our appreciation to the City personnel for the friendly help extended to us during the course of our examination.

This information is intended solely for the use of the City Management and is not intended to be and should not be used by anyone other than these specified parties. If you have any questions concerning the above items, we will be happy to discuss them with you.

Sincerely,

Gilbert & Stewart

GILBERT & STEWART
Certified Public Accountants



City Council Agenda Item Report

Meeting Date: December 10, 2019

Submitted by: Jenna Albers

Submitting Department: Development Services

Item Type: Resolution

Agenda Section:

Subject:

RESOLUTION - Establishing a Community Renewable Energy Goal

Suggested Action:

The City Council will consider a resolution establishing a community renewable energy goal.

Presenter:

Jenna Albers

Background:

HB-411 is 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. The presentation is attached below for reference.

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 has an independent agreement to participate, regardless if the rest of Orem participates or not. Cities, such as Sandy, who have declined to participate expressed concerns about the number of unknown factors related to the program. These include the undetermined rate for participating residents, exit fee, and this is not the last opportunity or method to achieve renewable energy goals.

NRSC presented to the City Council during the October 29th work session.

Potentially Affected Area:

Citywide

Attachments:

[DRAFT Orem Resolution - Community Renewable Energy.docx](#)

[HB 411 Presentation_Orem Natural Resources Stewardship Committee .pptx](#)

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF OREM COUNCIL ESTABLISHING A COMMUNITY RENEWABLE ENERGY GOAL

WHEREAS renewable energy resources such as wind, solar, geothermal and hydroelectric power are becoming more common sources of energy creation; and

WHEREAS the Utah State Legislature adopted the Community Renewable Energy Act, Utah Code §§54-17-901 to 909 (the “Act”), allowing communities to negotiate with a qualified utility to provide customers with electricity from renewable energy sources; and

WHEREAS the City’s Natural Resources Stewardship Committee has reviewed the Act and has recommended adoption of this Resolution; and

WHEREAS the Act preserves the right of the City to withdraw from the renewable energy program approval process at any time before an ordinance has been adopted; and

WHEREAS the Act preserves the right of customers to opt out of any community renewable energy program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council declares the goal of achieving an amount of renewable energy resources equivalent to 100 percent of the annual electric energy supply for participating Orem customers by 2030.
2. The City Manager and City staff are authorized to take steps necessary to implement this Resolution.
3. This resolution shall take effect immediately upon passage.
4. All other resolutions and policies in conflict herewith in whole or in part are hereby repealed.

DRAFT

PASSED and APPROVED this ____ day of _____ 2019.

Richard F. Brunst, Mayor

ATTEST:

JoD'Ann Bates, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	☐	☐	☐
Debby Lauret	☐	☐	☐
Sam Lentz	☐	☐	☐
Tom Macdonald	☐	☐	☐
Mark Seastrand	☐	☐	☐
David Spencer	☐	☐	☐
Brent Sumner	☐	☐	☐



HB411 - Community Renewable Energy Act

JEFF BOUSSON – UTAH CLEAN ENERGY

What is the HB-411 Community Renewable Energy Act?

- ▶ Provides a pathway for communities served by Rocky Mountain Power to achieve a net-100% renewable electricity by 2030
- ▶ Participating communities: Salt Lake City, Cottonwood Heights, Park City, Summit County, Moab,

KEY TERMS & PARTICIPANTS

- ▶ Net 100% Renewable Energy
- ▶ Eligible Renewable Energy Resources: Solar, wind, geothermal, hydro-electric power, and demand management.
- ▶ Essential Participants: Communities, Rocky Mountain Power, and Utah Public Service Commission

STEP 1

- ▶ Local Community Adopts a Resolution
- ▶ No later than December 31st, 2019
- ▶ Resolution is required to have the goal of achieving net-100% renewable electricity by 2030

STEP 2

- ▶ In 2020 or beyond
- ▶ Agreement with Community Rocky Mountain Power

STEP 3

▶ Program Regulatory Filing

STEP 4

- ▶ Project Rates and Terms
- ▶ At a minimum, the projected rates and terms are revealed.

STEP 5

- ▶ Adopt a local ordinance within 90 days after the Utah Public Service Commission issues an order approving the CREP

STEP 6

▶ Customer Opt-Out Noticing

In Closing and Questions



City Council Agenda Item Report

Meeting Date: December 10, 2019

Submitted by: Steven Downs

Submitting Department: City Manager's Office

Item Type: Ordinance

Agenda Section:

Subject:

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

Suggested Action:

The City Manager's Office recommends that the City Council, by ordinance, enact Article 12-9 of the Orem City Code (Rental Dwelling License) and amend Section 21-1-3(B)(1)(a)(1) to require that bills for water service be in the name of the owner.

Presenter:

Steven Downs

Background:

Over the past several years, there has 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

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.

Potentially Affected Area:

Citywide

Attachments:

[ORD--Rental Dwelling Licenses.docx](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE OREM CITY COUNCIL ENACTING ARTICLE 12-9 (RENTAL DWELLING LICENSES) OF THE OREM CITY CODE AND AMENDING SECTION 21-1-3(B)(1)(A)(1) OF THE OREM CITY CODE TO REQUIRE BILLS FOR WATER SERVICE TO BE IN THE NAME OF THE OWNER

WHEREAS there is currently a large number of rental dwellings in the City as determined from the existence of at least 3,767 known utility accounts associated with rental properties (1306 multi-family and 2461 single-family homes); and

WHEREAS the City does not currently have contact information for the owners/managers of most of the rental properties in the City and must currently rely on county property records for owner contact information in case of problems at rental properties that need to be resolved; and

WHEREAS the City desires to implement a rental dwelling license program that will require owners and managers of residential rental properties to provide contact information to the City for each residential rental property in the City and to agree to comply with all applicable City ordinances with respect to residential rental properties; and

WHEREAS the City frequently has difficulty collecting past due water accounts that are in the name of the tenant and not the owner of residential dwellings resulting in an annual loss of approximately \$50,000; and

WHEREAS Section 21-1-3(B)(1)(a)(1) of the Orem City Code currently allows bills for water service to be in the name of either the owner or occupant of a dwelling unit that has its own separate water meter; and

WHEREAS City staff believe that requiring water utility accounts to be in the name of the owner and not the tenant will significantly increase the collection rate for delinquent accounts and will also significantly reduce the staff time needed to service such accounts; and

WHEREAS other cities have essentially eliminated unpaid utility bills on rental properties by requiring utilities to be in the name of the owner; and

WHEREAS City staff held a focus group with landlords and property management companies to discuss the proposed ordinance amendments on October 14, 2019; and

WHEREAS the City Council held a public meeting on December 10, 2019, to consider the enactment of Article 12-9 and the proposed amendment to Section 21-1-3(B)(1)(a)(1); and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; the orderly development of land in the City, the effect upon neighborhoods, and the special conditions applicable to the request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council finds that this request is in the best interest of the City because it will provide contact information for owners and managers of residential rental properties which will allow the City to more effectively work with owners/managers to resolve problems at rental properties. The City Council further finds that the proposed amendments will reduce the amount of money lost from unpaid utility accounts and will reduce the amount of staff time required to deal with delinquent rental property utility accounts.
2. The City Council hereby enacts Article 12-9 of the Orem City Code as shown in Exhibit “A” to create a rental dwelling license requirement and hereby amends Section 22-1-3(B)(1)(a)(1) of the Orem City Code as shown in Exhibit “B” to require bills for water service to be in the name of the owner. Exhibits “A” and “B” are attached hereto and incorporated herein by reference.
3. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.
4. This ordinance shall take effect on July 1, 2020.

PASSED, APPROVED and ordered PUBLISHED this 10th day of December 2019.

Richard F. Brunst, Mayor

ATTEST:

Jody Bates, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

Exhibit “A”

Article 12-9. Rental Dwelling Licenses.

12-9-1. **Purpose.** The purpose of this section is to:

- A. Ensure that all rental dwellings are established legally.
- B. Provide contact information for each rental dwelling to allow problems to be resolved expeditiously.
- C. Encourage owners and managers of rental dwellings in the City to be proactive in preventing and resolving nuisances at rental dwellings that they own or manage.

12-9-2. Definitions.

In addition to the definitions set forth in section 12-1-2, the following words and phrases used in this section shall have the meaning set forth herein:

Owner shall mean the person(s) or entity(ies) listed as the owner of record in the records of the Utah County Recorder.

Rental Dwelling means a building or portion of a building that is used or designated for use as a residence by one or more persons and is either:

- A. Available to be rented, loaned, leased, or hired out for a period of one month or longer; or
- B. Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one month or longer.

12-9-3. Rental Dwelling License Required.

A. It is unlawful for any person, as owner, lessee, or agent thereof to keep, conduct, operate or maintain a rental dwelling within the City of Orem, or cause or permit the same to be done, without a valid rental dwelling license. An owner of multiple rental dwellings or multiple buildings containing rental dwellings is not required to obtain more than one rental dwelling license for the operation and maintenance of such rental dwellings. Notwithstanding the foregoing, a rental dwelling license shall not be required for a rental dwelling that has an existing business license under a different category (such as a business license to operate a hotel or group home). A rental dwelling license shall also not be required where a dwelling is “owner occupied” as defined in Section 22-6-9(I)(1) and the owner rents only to one or more persons who are all related to the owner as a spouse, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild.

12-9-4. **License Application.** An application for a rental dwelling license shall conform to the requirements of section 12-3-1 and shall include the following additional information:

- A. The address of each rental dwelling that is owned, operated or maintained by the applicant in the City of Orem.
- B. The name, address, and telephone number of each of the following: the applicant, the owner(s), and the manager(s) (if any) of all the rental dwellings included in subsection (A) above.
- C. For any out of state owner, the designation of a legal representative and agent residing in the state of Utah who is authorized by the owner to receive and/or accept service of process with respect to the rental dwellings covered by the application, and the name, address and telephone

number of such representative.

D. The signature of the owner or manager of the rental dwelling(s) certifying, to the best of the owner's or manager's knowledge or belief, that the use and occupancy of the rental dwelling(s) conforms to applicable ordinances.

E. The signature of the owner or manager agreeing to comply with applicable City of Orem ordinances with respect to the rental dwellings covered by the application.

12-9-5. License Amendment. Any licensee who acquires additional rental dwellings after licensure but before renewal shall amend the license to add the rental dwellings to the license within thirty (30) days of acquisition.

12-9-6. License Fee. The fee for a rental dwelling license shall be in an amount established by resolution of the City Council. The rental dwelling license fee shall be paid with the initial application and shall thereafter be paid annually and shall be due and payable on or before the date the rental dwelling license expires. A rental dwelling license shall be delinquent if the annual renewal license fee is not paid on or before after the date that such license expires.

12-9-7. Issuance of License. A rental dwelling license shall be issued to an applicant if all of the following are met:

A. All rental dwellings included in the application are in compliance with all applicable zoning ordinances and requirements.

B. The applicant has paid all applicable rental dwelling license fees (including late fees).

C. The applicant has complied with all other requirements of this Article 12-9.

12-9-8. No Change in Legal Status. The issuance of a rental dwelling license shall not have the effect of changing the legal status of a rental dwelling, including, but not limited to:

A. Legalizing an illegally created dwelling unit, use, or other circumstance, or

B. Recognizing a nonconformity.

12-9-9. Non-transferability. A rental dwelling license is not transferable. Any owner holding a license shall give written notice within thirty (30) days to the business license official after having transferred or otherwise disposed of legal or equitable control of any rental dwelling. Such notice of transferred interest shall include the name, address, and information regarding the person(s) or entity succeeding to the ownership or control thereof. The new owner shall obtain a rental dwelling license as required by this Article.

12-9-10. License Denial, Suspension or Revocation. An application for a rental dwelling license may be denied, suspended, or revoked for any of the following reasons:

A. The applicant does not meet the qualifications for a license as provided in this Article or other applicable City ordinances.

B. For a new application, nonpayment or return of a check for the required license fee. For a renewal application, nonpayment of the required license fee plus any penalty assessed for late payment.

C. False or incomplete information included in the application.

D. Nonpayment of any administrative fines that have been imposed for administrative citations

issued to the owner(s), manager(s) or occupants of any rental dwelling covered by the license for violation(s) of Article 11-1.

12-9-11. **Appeals.** The denial, suspension or revocation of a rental dwelling license may be appealed to the administrative law judge appointed pursuant to Article 11-3 of the Orem City Code. A hearing shall be held regarding such appeal and a decision regarding the appeal shall be made by the administrative law judge in accordance with the procedures established under Article 11-3 of the Orem City Code.

12-9-12. **Violations.** Any person violating any of the provisions of this Article shall be guilty of a class B misdemeanor and may also be subject to enforcement action pursuant to the Orem City Administrative Nuisance Enforcement ordinance.

EXHIBIT "B"

21-1-3. Connection required.

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B. Meters. Water meters shall be installed as follows:

1. Residential buildings with four or fewer living units or buildings with no stacked units. Residential buildings with four or fewer living units or buildings with no stacked units shall be metered in one of the following ways, at the discretion of the owner/developer of the building:

- a. Separate meters. Each living unit in the building is served by a separate water meter. The water meters shall be located in front of the building.
1. Water bill. The bill for the water service shall be in the name of the owner. ~~or occupant of the living unit.~~

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED OCTOBER 2019

Percent of Year Expired: 33%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2020	% To Date FY 2019	Notes
10 GENERAL FUND								
Revenues	54,199,146	3,746,393	12,637,246			23%		
Appr. Surplus - Current	593,896		593,896			100%		
Appr. Surplus - Prior Year	3,967,885		3,967,885			100%		
Std. Interfund Transactions	5,513,875		5,513,875			100%		
Total Resources	64,274,802	3,746,393	22,712,902		41,561,900	35%	35%	
Expenditures	64,274,802	3,966,890	21,779,569	1,735,807	40,759,426	37%	39%	
20 ROAD FUND								
Revenues	3,265,000	6,520	425,011			13%		
Appr. Surplus - Current	307,350		307,350			100%		
Appr. Surplus - Prior Year	1,928,582		1,928,582			100%		
Total Resources	5,500,932	6,520	2,660,943		2,839,989	48%	51%	
Expenditures	5,500,932	352,784	2,342,543	502,561	2,655,828	52%	51%	
21 CARE TAX FUND								
Revenues	2,300,000	199,242	420,970			18%		
Appr. Surplus - Prior Year	3,801,309		3,801,309			100%		
Total Resources	6,101,309	199,242	4,222,279		1,879,030	69%	68%	
Expenditures	6,101,309	42,569	1,648,603	790,112	3,662,594	40%	20%	1
30 DEBT SERVICE FUND								
Revenues	5,791,627	12,044	598,646			10%		
Appr. Surplus - Prior Year	5,953		5,953			100%		
Total Resources	5,797,580	12,044	604,599		5,192,981	10%	11%	
Expenditures	5,797,580	60,453	207,031		5,590,549	4%	4%	
45 CIP FUND								
Revenues	1,417,506		103,364			7%		
Appr. Surplus - Prior Year	15,570,035		15,570,035			100%		
Total Resources	16,987,541		15,673,399		1,314,142	92%	99%	
Expenditures	16,987,541	659,602	2,123,407	3,100,538	11,763,596	31%	11%	2
51 WATER FUND								
Revenues	20,455,740	1,642,276	9,997,910			49%		
Appr. Surplus - Current Year	625,000		625,000			100%		
Appr. Surplus - Prior Year	15,192,483		15,192,483			100%		
Total Resources	36,273,223	1,642,276	25,815,393		10,457,830	71%	72%	
Expenditures	36,273,223	1,572,327	6,573,410	1,948,106	27,751,707	23%	32%	
52 WATER RECLAMATION FUND								
Revenues	12,013,694	1,127,192	4,344,092			36%		
Appr. Surplus - Prior Year	7,758,132		7,758,132			100%		
Total Resources	19,771,826	1,127,192	12,102,224		7,669,602	61%	57%	
Expenditures	19,771,826	423,970	3,130,208	920,658	15,720,960	20%	25%	
55 STORM WATER FUND								
Revenues	4,994,195	443,617	1,836,605			37%		
Appr. Surplus - Current Year	538,000		538,000			100%		
Appr. Surplus - Prior Year	3,850,922		3,850,922			100%		
Total Resources	9,383,117	443,617	6,225,527		3,157,590	66%	64%	
Expenditures	9,383,117	135,949	1,938,106	126,688	7,318,323	22%	34%	3
56 RECREATION FUND								
Revenues	1,682,300	11,238	630,867			38%		
Appr. Surplus - Prior Year	12,180		12,180			100%		
Total Resources	1,694,480	11,238	643,047		1,051,433	38%	43%	
Expenditures	1,694,480	95,336	703,880	206,876	783,724	54%	51%	
57 SOLID WASTE FUND								
Revenues	4,025,000	348,286	1,389,087			35%		
Appr. Surplus - Prior Year	168,851		168,851			100%		
Total Resources	4,193,851	348,286	1,557,938		2,635,913	37%	39%	
Expenditures	4,193,851	366,931	1,653,470	27,015	2,513,366	40%	36%	

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED OCTOBER 2019

Percent of Year Expired: 33%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2020	% To Date FY 2019	Notes
58 STREET LIGHTING FUND								
Revenues	1,730,000	73,120	1,047,073			61%		
Appr. Surplus - Prior Year	864,329		864,329			100%		
Total Resources	2,594,329	73,120	1,911,402		682,927	74%	66%	
Expenditures	2,594,329	34,058	564,186	629,663	1,400,480	46%	43%	
61 FLEET MAINTENANCE FUND								
Revenues			1,810			100%		
Std. Interfund Transactions	830,000		830,000			100%		
Total Resources	830,000		831,810		-1,810	100%	100%	
Expenditures	830,000	46,598	372,590	736	456,674	45%	45%	
62 PURCHASING/WAREHOUSING FUND								
Revenues		15	60			100%		
Std. Interfund Transactions	395,000		395,000			100%		
Total Resources	395,000	15	395,060		-60	100%	100%	
Expenditures	395,000	29,811	183,317	1,400	210,283	47%	52%	
63 SELF INSURANCE FUND								
Revenues	772,000	45,822	214,632			28%		
Std. Interfund Transactions	1,345,000		1,345,000			100%		
Total Resources	2,117,000	45,822	1,559,632		557,368	74%	81%	
Expenditures	2,117,000	56,604	1,343,453		773,547	63%	66%	
64 INFORMATION TECH FUND								
Revenues	8,200		2,712			100%		
Appr. Surplus - Current Year	56,000		56,000			100%		
Appr. Surplus - Prior Year	119,123		119,123			100%		
Std. Interfund Transactions	2,430,000		2,430,000			100%		
Total Resources	2,613,323		2,607,835		5,488	100%	100%	
Expenditures	2,613,323	227,808	853,521	151,591	1,608,211	38%	41%	
74 CDBG FUND								
Revenues	1,043,380	171,595	193,876			19%		
Appr. Surplus - Prior Year	310,481		310,481			100%		
Total Resources	1,353,861	171,595	504,357			37%	18%	4
Expenditures	1,353,861	195,066	374,533	7,657	971,671	28%	16%	4
CITY TOTAL RESOURCES	174,674,522	7,754,240	95,509,110		78,315,908	55%	53%	
CITY TOTAL EXPENDITURES	174,674,522	8,004,890	44,374,120	9,368,154	120,932,248	31%	33%	

NOTES TO THE BUDGET REPORT FOR THE MONTH ENDED OCTOBER 2019:

- 1) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$790,112) being significantly higher than in the prior fiscal year (\$66,424) at this date in time. Primarily due to the Library Hall project.
- 2) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$3,100,538) being significantly higher than in the prior fiscal year (\$677,795) at this date in time. Primarily due to the Library Hall construction project and the 1200 West road reconstruction project.
- 3) The current year expenditures are lower in comparison to the prior year due to the 400 N & 250 E capital project which had expended \$940,489 YTD in the prior fiscal year while no such project has occurred thus far in the current fiscal year.
- 4) Revenues and expenses for the current year are higher compared to the prior year due to the Geneva Park Renovation project which had costs of \$156,649 YTD compared to no such project in the prior year. HUD reimbursed these costs.

Note: In earlier parts of a fiscal year, expenditures may be greater than the collected revenues in a fund. The City has accumulated sufficient reserves to service all obligations during such periods and does not need to issue tax anticipation notes or obtain funds in any similar manner. If you have questions about this report, please contact Brandon Nelson (229-7010).