



PROVO MUNICIPAL COUNCIL

Work Meeting

12:30 PM, Tuesday, August 22, 2023

Council Chambers (Room 100)

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or

<https://www.youtube.com/provocitycouncil>

The in-person meeting will be held in the **Council Chambers**. **The meeting will be available to the public for live broadcast and on-demand viewing on YouTube and Facebook at: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil) and [facebook.com/provocouncil](https://www.facebook.com/provocouncil).** If one platform is unavailable, please try the other. If you do not have access to the Internet, you can join via telephone following the instructions below.

To listen to the meeting by phone: August 22 Work Meeting: Dial 346-248-7799. Enter Meeting ID 873 4729 0717 and press #. When asked for a participant ID, press #.

Agenda

Roll Call

Prayer

Approval of Minutes

June 6, 2023 Council Meeting Minutes

July 18, 2023 Work Meeting Minutes

August 1, 2023 Work Meeting Minutes

August 8, 2023 Truth in Taxation

Business

1. An ordinance amending the Zone Map classification of approx. 6.9 acres of real property, generally located at 3155 W Center Street, from A1 (Agricultural) to AI (Airport Industrial). Provo Bay Neighborhood. (PLRZ20230166)
2. An ordinance amending Provo City code regarding communication towers and antennas. Citywide application. (PLOTA20230187)
3. An update to the Municipal Council regarding improvements on Center Street in downtown Provo and associated construction. (23-060)
4. A presentation regarding the balance of the Legacy CIP Fund. (23-049)
5. A presentation regarding the Annual Fraud Risk Assessment. (23-025)
6. A presentation addressing the dog problem. (23-059)

7. A presentation regarding code-required and administrative reports. (23-025)
8. A discussion regarding the Provo City property tax rate for general operations. (23-058)

Redevelopment Agency Governing Board

9. A discussion regarding expanding the tax increment finance agreement with the Noorda College of Osteopathic Medicine. (23-045)

Closed Meeting

The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with 52-4-204 and 52-4-205 et. seq., Utah Code.

Adjournment

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.org or using their contact information listed at: provo.org/government/city-council/meet-the-council

Materials and Agenda: agendas.provo.org

Council meetings are broadcast live and available later on demand at youtube.com/ProvoCityCouncil

To send comments to the Council or weigh in on current issues, visit OpenCityHall.provo.org.

The next Work Meeting will be held on Tuesday, September 5, 2023. The meeting will be held in the Council Chambers, 445 W. Center Street, Provo, UT 84601 with an online broadcast. Work Meetings generally begin between 12 and 4 PM. Council Meetings begin at 5:30 PM. The start time for additional meetings may vary. All meeting start times are noticed at least 24 hours prior to the meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the ADA, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting are invited to notify the Provo Council Office at 445 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email evanderwerken@provo.org at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at youtube.com/ProvoCityCouncil.

Notice of Telephonic Communications

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

Notice of Compliance with Public Noticing Regulations

This meeting was noticed in compliance with Utah Code 52-4-207(4), which supersedes some requirements listed in Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at agendas.provo.org. Council meeting agendas are available through the Utah Public Meeting Notice website at utah.gov/pmn, which also offers email subscriptions to notices.

DRAFT MINUTES

Please Note – These minutes have been prepared with a timestamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.



**PROVO MUNICIPAL COUNCIL
Redevelopment Agency of Provo
Stormwater Service District of Provo
Regular Meeting Agenda**
5:30 PM, Tuesday, June 06, 2023
Council Chambers (Room 100)
Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or
<https://www.youtube.com/provocitycouncil>

1

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

- | | |
|-----------------------------|--|
| Councilor Shannon Ellsworth | Councilor Bill Fillmore |
| Councilor Travis Hoban | Councilor Katrice MacKay |
| Councilor David Shipley | Councilor Rachel Whipple |
| Mayor Michelle Kaufusi | CAO Wayne Parker |
| City Attorney Brian Jones | Council Executive Director Justin Harrison |

Conducting: Chair Katrice MacKay
Excused: Councilors George Handley

2

Prayer – David Knecht

3

Pledge of Allegiance – Councilor Ellsworth

4

Public Comment [\(15:53\)](#)

5

6

Chair MacKay read the public comment preamble and opened the public comment period. With none, she closed public comment.

7

8

Action Agenda

9

1. A resolution consenting to the appointment of individuals to various boards and commissions. (23-005) [\(17:36\)](#)

10

Motion: An implied motion to approve Resolution 2023-21, as currently constituted, has been made by council rule.

11

12

Mayor Kaufusi recommended the following for appointment:

13

| | |
|------------------|--------------------------------------|
| Jennifer Bruton | Library Board |
| Allyson Condie | Library Board |
| Megen Pectol | Library Board |
| Laureen Urquiaga | Board of Adjustment |
| Hal Thacker | Building Inspection Board of Appeals |
| Edgar Escobar | Building Inspection Board of Appeals |

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| | |
|-----------------|-------------------------|
| Megan Geilman | Design Review Committee |
| Carol Walker | Design Review Committee |
| Jeffrey Olsen | Landmarks Commission |
| Jeff Ringer | Landmarks Commission |
| Scott Bingham | Landmarks Commission |
| Melissa Kendall | Planning Commission |
| Barbara DeSoto | Planning Commission |
| Lisa Jensen | Planning Commission |
| Daniel Gonzales | Planning Commission |

14
15
16

With no council discussion, Chair MacKay called for a vote.

Vote: The motion was approved 5:0 with Councilors Ellsworth, Fillmore, MacKay, Shipley, and Whipple in favor. Councilors Handley and Hoban excused.

17

2. A resolution appointing an individual to fill a midterm vacancy on the Metropolitan Water District Board of Provo. (23-005) [\(22:32\)](#)

18

Motion: An implied motion to approve Resolution 2023-22, as currently constituted, has been made by council rule.

19

20 Brian Jones, City Attorney, discussed the Metropolitan Water District's status as an independent agency,
21 established by state law, despite its closely tied relationship with the city. He noted that state law
22 mandates the municipal council to appoint board members to the water district, and mentioned the
23 recent passing of board member Cindy Richards, which was acknowledged in a prior council meeting.
24 This situation resulted in a vacant position. Mr. Jones explained that the proper state procedure for
25 filling an interim vacancy was followed. Council staff posted an online notice inviting interested
26 individuals to submit their names within a specific timeframe. He mentioned that Kristina Davis, a
27 familiar name from a previous vacancy, was the sole applicant. He highlighted her strong interest in the
28 Metropolitan Water Board, as evidenced by her attendance at their meetings even before seeking this
29 appointment. He concluded by stating that this appointment would complete the remainder of Cindy
30 Richards' term for the current year.

31

32 With no council discussion, Chair MacKay called for a vote.

33

Vote: The motion was approved 5:0 with Councilors Ellsworth, Fillmore, MacKay, Shipley, and Whipple in favor. Councilors Handley and Hoban excused.

34

3. A presentation of the Citizens Budget for FY2024. (23-008) [\(24:56\)](#)

35

36 Abi Maccabee, Council Intern, presented the five-page document and highlighted the main topics:

37

38 Chair MacKay opened the item for public comment. With none, she closed public comment and brought
39 the discussion back to the council.

40

DRAFT MINUTES

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41 Councilor Whipple thanked Ms. Maccabee for her work on this document. She said it was easy to read
42 and is visually attractive. She reminded residents that this is a great introduction and if they want more
43 information, there are supporting documents they can view.
44

4. A public hearing regarding the annual disclosure of funds transferred from the utility enterprise funds to other funds for the upcoming budget. (23-008) [\(29:17\)](#)

45
46 John Borget, Director of Administrative Services, explained that the state mandates the need for the
47 public hearing that is taking place. He emphasized that it's also required to send notifications to all
48 residents, furnishing them with details about the transfers from the enterprise funds. Mr. Borget
49 pointed out that during a previous work session, the Finance Division Director, Dan Follett, had delved
50 into this matter more extensively. However, he assured the council that he was available to address any
51 queries they might have.
52

53 Chair MacKay opened the item for public comment. With none, she closed public comment and moved
54 to the next item.
55

5. A public hearing regarding the Fiscal Year 2023-2024 Provo City Budget. (23-008) [\(31:43\)](#)

56
57 Kelsey Zarbock, Budget Officer, presented. She announced that the proposed budget was made
58 available for residents to view online on May 2. She said at the May 16 council meeting, the council
59 tentatively adopted the budget. She added that tonight is the first public hearing, with a second hearing
60 scheduled for June 20. She shared that the purpose of the hearing was to gather feedback from
61 residents and no action was needed from the council.
62

63 Chair MacKay opened the item for public comment.
64

65 June Walker, of Provo, opposed the proposed \$1,000 increase in the Police Department's budget and
66 the city budget. June mentioned an incident where Provo City Police officers were filmed using excessive
67 force. Despite claims of an ongoing internal investigation, there was no evidence of resolution or
68 accountability. June scrutinized the Provo Police Department's use of force manual, highlighting its
69 inadequacies and lack of emphasis on training to reduce force. The decision to investigate use-of-force
70 complaints rested with a single department member, allowing potential bias to hinder justice. She
71 contended that this process was designed to protect problematic officers and contrasted it with the
72 more effective approach of a civilian oversight board that would provide independent judgment and
73 transparency. She believes that reallocating the proposed budget increase to areas like green energy
74 initiatives aligned better with community needs.
75

76 With no other comments, Chair MacKay brought discussion back to council.
77

78 Councilor Whipple shared the council will be a special budget work meeting scheduled for the following
79 Tuesday. She said during the meeting, there will likely be more in-depth discussions about the budget
80 and concerns. While the public will not have the opportunity to speak, they are welcome to listen in.
81

82 *With no objections, the Provo Municipal Council adjourned and reconvened as the Governing Board of*
83 *the Redevelopment Agency of Provo with Chair Ellsworth conducting.*

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84

Redevelopment Agency of Provo

85

6. A public hearing regarding the Fiscal Year 2023-2024 Provo City Redevelopment Agency Budget (23-008) [\(37:11\)](#)

86

87 Ms. Zarbock said that like the Provo city budget public hearing, this public hearing is to allow the public
88 to provide feedback on the Redevelopment Agency's budget. She said the budget, which was initially
89 introduced during the May 2 council meeting, amounts to \$1,206,958 for the upcoming fiscal year 2024.
90 She reminded the board members that no immediate actions were necessary during this session; it
91 solely served as a chance for the public to offer their comments.

92

93 Chair Ellsworth opened the item for public comment.

94

95 Councilor Shipley asked if there are changes to the tentative budget.

96

97 Ms. Zarbock responded that there are a few changes but nothing substantial. She added that all changes
98 will be discussed during the next work session.

99

100 *With no objections, the Redevelopment Agency of Provo adjourned and reconvened as the Provo City*
101 *Stormwater Service District with Chair MacKay conducting.*

102

Stormwater Service District

103

7. A public hearing regarding the fiscal year 2023-2024 Stormwater Service District budget (23-008) [\(38:52\)](#)

104

105 Ms. Zarbock said the proposed budget for the Stormwater Service District is \$6,213,623. She again
106 reminded the council that this is the first public hearing with the second being held on June 20.

107

108 Chair MacKay opened the item for public comment. With none, she closed public comment.

109

110 *With no objections, the Provo City Stormwater Service District adjourned and reconvened as the Provo*
111 *Municipal Council with Chair MacKay conducting.*

112

Action Agenda

113

8. A resolution authorizing an interfund loan, a transfer, and an appropriation between the Parks and Recreation CIP Fund and the Golf Course Fund in the amount of \$381,000 for the construction of a golf cart storage facility. (23-046) [\(40:07\)](#)

114

Motion: An implied motion to approve Resolution 2023-23, as currently constituted, has been made by council rule.

115

116 Brett Watson, Golf Manager, presented. He mentioned plans for an exciting cart shed at the golf course.
117 He said what is remarkable is that the revenues from the golf course will cover the cost of the shed. He

DRAFT MINUTES

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118 added that the new cart shed, that will be located west of the current building, is tied to the medical
119 school's Horseshoe Road completion. The school is assisting with the concrete pad funding. He added
120 the shed will enable a 100% electric golf cart fleet, aligning with our sustainability efforts, which also
121 include grey water use. He said the funding for this comes from a seven-year department loan, with
122 repayment from golf course revenues and parks CIP.

123
124 Councilor Fillmore said this is a no brainer and it would be a great addition to the golf course, especially
125 considering it will pay for itself.

126
127 Chair MacKay opened public comment. With none, she called for a vote.
128

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, MacKay, Shipley,
and Whipple in favor. Councilor Handley excused.

129
130 Chair MacKay said she wanted to address the comments made by Ms. Walker during item 5. She shared
131 there is a Police Citizen Board that addresses police-related concerns. Whether the officer involved was
132 dismissed would have been publicly known, but the council refrains from commenting on employment
133 matters due to legal considerations. She said the council did have a closed meeting to discuss the
134 incident, since it involved personnel, and viewed extensive footage beyond what was available on social
135 media. She mentioned that the citizen board handled it according to their judgment.
136

137
**9. A resolution approving the Program Year 2023 Annual Action Plan, Fourth Year Update to
the 2020-24 Five-Year Consolidated Plan, as amended. (23-027) [\(44:55\)](#)**

Motion: An implied motion to approve Resolution 2023-24, as currently constituted, has been
made by council rule.

138
139 Melissa McNalley, Community Grant Administrator, presented the proposed funding amounts.

140
141 Chair MacKay opened public comment. With none, she brought the discussion back to council.

142
143 Councilor Whipple discussed the financial considerations, expressing concern over the disparity between
144 requested funds and actual needs. She highlighted the limited resources available to support the
145 community's various organizations and projects. She emphasized that the funding allocation process
146 involves multiple stakeholders and rigorous criteria to address the extensive needs within the
147 community. Councilor Whipple acknowledged that the funded projects were carefully evaluated and
148 selected to serve the community's needs effectively. She regretted that despite worthiness, certain
149 valuable projects and organizations could not receive funding due to limitations. Councilor Whipple
150 emphasized the importance of recognizing the vetted and impactful nature of the supported projects,
151 and she expressed hope for additional resources to extend the positive impact if available in the future.

152
153 With no other council discussion, Chair MacKay called for a vote.
154

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, MacKay, Shipley,
and Whipple in favor. Councilor Handley excused.

155

DRAFT MINUTES

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10. An ordinance amending Provo City Code regarding downtown parking in Sections 14.21A.150 and 14.21B.140 PLOTA20230094 [\(48:06\)](#)

156

Motion: An implied motion to approve Ordinance 2023-22, as currently constituted, has been made by council rule.

157

158 Aaron Ardmore, Planning Supervisor, presented. He mentioned that downtown businesses and
159 properties in the outlined red area have very limited or no off-street parking. He said that over the
160 years, many of these properties experienced turnover with similar uses, and the lack of parking was
161 allowed due to being grandfathered in. He added that the recent changes in building use have posed
162 difficulties due to parking requirements. He expressed hope that the proposed text amendments would
163 simplify this issue. The amendments seek to grant exemptions from off-street parking standards for
164 changes of use in these buildings. However, he clarified that any new additions or constructions in the
165 area would still have to adhere to current parking standards. He believes these amendments will benefit
166 both downtown and the city of Provo.

167

168 Chair MacKay opened the item for public comment. With none, she asked for council discussion.

169

170 Councilor Whipple asked for clarification regarding new construction versus remodels, and what the
171 requirement would be for each.

172

173 Chair MacKay asked how it would be handled if these changes did not improve downtown parking.

174

175 Mr. Ardmore said at that point, they would reexamine the code and come back with alternative
176 amendments from staff to be more successful.

177

178 Brian Jones pointed out a last-minute error in the package materials. He clarified that although the
179 intended language was meant to achieve the same purpose, it was not the language included in the
180 packet. The language being presented was new and not part of the packet. He suggested that they might
181 want additional time to review and consider the new language.

182

183 Councilor Hoban asked for an example of a concern that could be an issue.

184

185 Mr. Ardmore provided a couple of examples. He explained that a conditional use permit near City Hall
186 had raised parking concerns, and another instance involved Thread Wallets occupying a historic building
187 at 240 West Center Street. The shift from office to retail usage caused issues with parking requirements.
188 He mentioned that without measures like the one being discussed; these approvals would have faced
189 challenges. Mr. Ardmore noted the growing trend of repurposing buildings for new uses and expressed
190 the need to facilitate this type of revitalization. Addressing when the situation might arise where parking
191 shortages occur, he referred to Sandy Bussio and indicated that they were not close to that point yet. If
192 such a scenario ever emerged, they could reconsider this matter.

193

194 Chair MacKay called for a vote.

195

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, MacKay, Shipley,
and Whipple in favor. Councilor Handley excused.

DRAFT MINUTES

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196

11. ****CONTINUED** An ordinance amending the zone map class. of approx. 2 acres of property, located at 2075 W Center Street, from R1.8 to MU & authorizing and related development agreement. Provo Bay Neighborhood. (PLRZ20210271)**

197

Adjournment

198

199 The meeting was adjourned by unanimous consent at approximately 6:25 p.m.

Pending Minutes – Awaiting Approval

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PROVO MUNICIPAL COUNCIL Redevelopment Agency Governing Board Work Meeting Minutes

12:00 PM, Tuesday, July 18, 2023

Council Chambers

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or

<https://www.youtube.com/provocitycouncil>

Agenda

Roll Call – Municipal Council

The following elected officials participated:

Chairperson Katrice MacKay
Vice-Chairperson Rachel Whipple
Councilor Shannon Ellsworth
Councilor Travis Hoban
Councilor Dave Shipley
Councilor George Handley
Councilor Bill Fillmore
Mayor Michelle Kaufusi

Approval of Minutes

May 16, 2023 Council Meeting

June 20, 2023 Work Meeting

Approved by unanimous consent

- 1. An Ordinance Amending Provo City Code to Expand Prohibitions on Depositing Materials on Sidewalks and Streets and to Regulate Street Parking of Recreational Vehicles, Boats, and Trailers. (23-054) ([00:07:25](#))**

Sandy Bussio, Parking Program Manager, presented.

She displayed pictures of different types of items the code enforcement team had documented and stated that the statute as written didn't give them the authority to remove them. Their idea would be to document the location of the item, remove it, and then bill it to the property owner the item was left on.

Councilor Rachel Whipple asked what the city's recourse would be if someone denied ownership of the removed item. Ms. Bussio replied that they would have to work with Brian Jones (legal) when that happened to determine the best course of action. Ms.

Pending Minutes – Awaiting Approval

Whipple asked, “We do not have the authority now, correct?” Ms. Bussio replied, “Yes that’s correct.”

Ms. Whipple then asked, what about gravel or rock piles, say if someone was adding landscaping to their home. Ms. Bussio responded that generally they allow an object to remain in place 72 hrs. prior to posting any kind of notice that the object needs to be removed.

Councilor Rachel Whipple asked if cars parked mostly on a property’s driveway, but part of the car extended into the sidewalk was illegal and Ms. Bussio stated yes that is correct.

An Ordinance Amending Provo City Code To Expand Prohibitions On Depositing Materials On Sidewalks And Streets And To Regulate Street Parking Of Recreational Vehicles, Boats, And Trailers. (23-054) ([18:19](#))

Ms. Bussio then presented proposed language for a new subsection Code 9.31

Councilor Whipple asked if they had given any thought about leaving instructions with the permit, prior to an actual citation. Ms. Bussio stated that the first offense would get a written warning, the second a fine and so on.

Councilor Whipple also asked about the possible scenario where someone obtained a permit, moved their trailer for a day, and someone else took their place. Ms. Bussio stated that as of right now, permits were going to be issued if the owner said the vehicle/craft/trailer was remaining stationary but that was a good scenario that she would give thought to.

Presentation – also heard in Council Meeting for possible action on July 18, 2023.

2. An ordinance amending the Zone Classification of approx. 1.36 acres located between 5065 N Canyon Rd & 5075 N Canyon Rd, From One-Family Residential (R1.20) to One-Family Residential (R1.10). N Timpview Neighborhood. (PLRZ20230073) ([23:42:00](#))

Presenter, Dustin Wright – Planner, Provo City Development Services

Property owner Boyd Loveless is requesting a Zone Map Amendment from the R1.20 zone to the R1.10 zone for three existing residential properties, located between 5065 N Canyon Rd. and 5075 N Canyon Rd. This covers approx. 1.3 acres in the North Timpview neighborhood area.

Mr. Wright stated that by making this request, which will reduce zoning from 20,000 sq ft to 10,000 sq ft. per lot, it will help bring the properties closer to match the

Pending Minutes – Awaiting Approval

current code as it is written. The current homeowner wants to make some changes to his property. The property is otherwise in compliance with the current code.

Councilor Rachel Whipple asked, “So, even with this change, not all lots will be in compliance?” Mr. Wright responded that some lots will not totally fit the compliance regulations, they would be a little shy.

Councilor Whipple again asked, “So they’re still not in compliance completely? Mr. Wright responded with “correct.”

Presentation – also heard in Council Meeting for possible action on July 18, 2023.

3. A resolution instituting a Fire Restriction Order (23-052) (28:14:00)

Presenter, Lynn Schofield, Fire Marshall

Due to the abundance of a wet winter season, the asking for this resolution was delayed. At this time, I seek a fire restriction order, Level 1 located from Provo City Watershed by Springville and the areas bordering the mountains. Seeking permission to order with it being published on Wednesday, July 19, 2023, and taking effect Thursday, July 20, 2023.

Referencing a slide presentation, he noted that in the last seven days have had 3 brush fires, one started from a spark off a mower.

Councilor Rachel Whipple referend the Notice of Fire Restrictions included in the meeting items packet – she was curious about the paragraph that referenced “permanent fire pits on residential properties.” She asked Fire Marshall Schofield if there was a defined definition of “permanent.” Marshall Schofield stated that if it was on a private residence, they (the Fire Department) were lenient as to what determined a fire pit.

Marshall Schofield noted that the season is already starting out hotter and dryer than they anticipated, other outreach efforts were being made by the Fire Department, such as Capt. Atherton speaking with local media

Councilor George Handley asked if there would be any follow-up reporting to the Mayor and Council of any reportable data based off this resolution or other educational outreach efforts. Marshall Schofield said yes.

One of the Councilors asked about fireworks and the discharging of them – could they be restricted. Marshall Schofield said they as an agency are doing everything can, monitoring conditions, issuing temporary halts to activity etc. He stated that when “red flag warnings” are issued – the citizens of Provo have been very good about responding positively to them and following what is asked. There are some state statutes that tie their hands.

Presentation – also heard in Council Meeting for possible action on July 18, 2023.

Pending Minutes – Awaiting Approval

4. An ordinance amending the General Plan to adopt the Conservation and Resiliency Plan. Citywide Application. (PLGPA20210367) ([36:31:00](#))

Presenting, Hannah Salzl, Sustainability Coordinator

This has branched off the General Plan which gave us some good starting points but have gone back and re-worked the ideas with the mayor's sustainability group and refined according to the concerns expressed. She showed a slide outlining the general workflow process of different groups' involvement with the process.

The final product has the plan focusing around Eight Elements. One is not higher than the other, they are all rated equally to the plan. The elements consist of:

- Fire Risk
- Carbon Emissions
- Air Quality
- Renewable Energy
- Urban Nature
- Waste Diversion
- Water
- Mobility

There are no requirements set by the state for any of these areas. While researching, other benchmark cities were compared along with our fellow city partners and what our residents wanted as well.

Key performance indicators are used – one per element so data can be measured and recorded, and progress tracked. Benchmarks and targets are used as well in order to track progress.

Within each elemental target there are 6-11 goals, with an overall total of 21 which we felt was not unmanageable.

Ms. Salzl then proceeded to take the participants through the goals and indicators set for each element as follows (as shown in a slideshow presentation):

Councilman George Handley asked how the carbon emissions were calculated. Ms. Salzl answered that it was through consultants who went through any emission source within the City of Provo. She didn't have the inventory so cannot state specifically what they reviewed.

Ms. Salzl stated that this can be impacted by factors outside the city (weather patterns etc.) The State of Utah's expert was consulted, and he recommended these numbers.

Mr. Handley asked if we were aware of what behaviors influenced any surveys or data. Ms. Salzl stated that air quality is a hard category to track data in because we as a city

Pending Minutes – Awaiting Approval

could be doing everything right to improve our air quality, however there are outside factors that contribute such as traffic on the highway or motorists passing through town on their way to somewhere else (outside of town) – the data that currently reflects air quality is an indication of multiple aggregate behaviors. Since we can't really set goals for things we can't control but we can try to monitor higher level goals to match our other dates that we've set.

Ms. Salzl stated that Provo Power is on top of the renewable energy metric and they plan to continue along the same path.

Councilor Handley asked about what types of renewable energy were currently being used or looked at. Ms. Salzl turned the floor over to Scott Bunker, Assist. Director of Provo Power to answer that question.

Mr. Bunker stated that they're looking to partner with the community and see if there are incentives, they can provide to encourage people to use electric vehicles or other renewable sources as they're developed, and they already have started converting their power plant equipment to meet the goal of 100% renewable energy. Another possibility could be looking into starting/maintaining a solar farm if agreements can be reached with landholders and they're also looking to collaborate with Spanish Fork. They announced one initiative but received very few applications so they're evaluating what would get more people involved – perhaps more education.

Ms. Salzl asked if there were any more questions, when there were none, she went on to her next topic.

Ms. Salzl extended a thank you to Provo Parks & Rec. for helping collect the data.

Councilor Shannon Ellsworth asked if the plan specifically stated where the tree coverage was to be located and Ms. Salzl replied that in the plan it is noted that there is an unequal dispersion across the city but they wanted to leave some room so they can plant trees where and when as needed.

Ms. Salzl stated that prior data measured diversion rates – however, it was discovered that we could divert 100% waste, but the contamination rates would skyrocket which then in turn would cost the city money in de-contamination processes. Further survey and research will be going forward to see what parts of the city may need to be targeted for increased education and practices purposes. Also, per a state metric that was taken a few years ago, Provo fell in their “purple zone” which meant that we were below the benchmark they had set for us so we're moving in the right direction. We need to continue to look at and value what should be waste and what we can educate the public about and turn into other resources.

She went on to say that we will get a more accurate picture once the transfer station is complete.

Pending Minutes – Awaiting Approval

Councilor Rachel Whipple stated “So on the other side, we could divert nothing and see how those numbers then reflect and would be opposite to your plan’s goals – so having the two together is hopefully the right direction. It seems like a tricky percentage but somewhat pushes you to identify what direction to take this area in.”

Ms. Salzl said there are some ideas in the area but as we’re just getting going, we might need to have a broader conversation with Public Works and Sanitation in addition to the community.

Past data didn’t consider that cars were getting more efficient, and the newer technology being used in cars (electric vehicles, hybrid motors etc.) “This is the best metric to use for this category,” said Ms. Salzl. The metric is used 50% in the city where it starts, and 50% where it ends. Therefore, the cars who pass Provo on I-15 or the train systems are not counted.

Presentation – also heard in Council Meeting for possible action on July 18, 2023.

1. A discussion regarding housing affordability. (23-043) ([01:33:37](#))

Presenter, Sarah Van Cleve, Executive Director for Provo City Housing Authority

Director Sarah Van Cleve started off by providing a little background on the Housing Authority. She stated that the federal government has provided 883 vouchers equivalent to \$7.1 million annually to Provo and she’s happy to report that they are currently 100% utilized. The Housing Authority has traditionally been used to serve those making 30% under the area median income.

Land trusts can be used to serve those who didn’t meet the old voucher criteria, typically the median income earner.

The only way to win the housing crises is to add affordable units – 30% of your gross income in rent and utilities. The land is held in a trust – and the building is separated from that and sold independently. Most leases are 99 years, and the family can focus on just purchasing the house.

There are resale restrictions on the homes so that the next person can come and have the same affordable housing opportunity. The Utah Regional Housing (non-profit) is looking to use tax credits and partner with Provo to find land to start this process in Provo.

Councilor Rachel Whipple asked where they are with the creation of the land trust process. Ms. Van Cleve replied that the process to create the entity is with the attorney – just waiting for the final paperwork to go through.

Ms. Van Cleve continued; homeless people traditionally have the stigma of “oh they have barriers” but we all have barriers whether it be credit, previous eviction or foreclosure, etc. Her goal with the housing authority is to make homelessness rare, make it brief, and make it one time.

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They also want to have resources that support the different types of barriers that people face – help them remove those barriers so they can progress and become contributing citizens. We want people to work where they live.

Councilor George Handley asked “What if we decided we wanted a bigger project, how would that look? Would we have to come up with the money to create a land trust or?” Ms. Van Cleve replied, “No because we’ve already created one – the donation of land is the best because if the Housing Authority doesn’t have to pay for the land, but we work as a developer to build the homes – like a general contractor – we can put more funds towards that.”

Councilor Rachel Whipple stated, “We want to be able to approach this topic smartly, I know what you’re adding is a valuable option for people now, there are all kinds of fields that we can do but the most important thing is that we have a plan and what we want it to look like going forward, we don’t want it to appear that we’re all over the place.”

Ms. Van Cleve responded, “We want you to know that is part of the Housing Authority’s responsibility, to make sure that whatever you guys are talking about in housing, in your city plan, that our plan is cohesive to your plan.”

Presentation only

2. **A Presentation Regarding Efforts Addressing Homelessness in Provo City – The Refuge (23-018) (2:00:43)**

Presenting, Ashlee Taylor, Executive Director

Ms. Taylor stated that they serve victims of domestic violence and sexual assault. Providing caring, advocating and educationally based environment for survivors of those experiences.

They offer wrap-around services that support victims in multiple ways to help them escape their situation. A 24/7 crisis hotline, transitional housing (6-24 mos. for those fleeing domestic violence) and limited assistance with security deposits, rent etc.

Another service they provide is having sexual assault advocates who are trained hospital response advocates and can go with the person to the hospital to help keep track of information and data, so the victim has one less worry to focus on. In addition, they can provide follow-up case management, assistance with applications to start a new successful life. Also, they provide individual and group therapy– all services are free of charge.

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The transitional housing program has 8 units located on campus so individuals can still access services, as well as 16 units off site that have been very successful helping people transition as well.

The Refuge serves Utah, Juab and Wasatch Counties. 51% of the clients are females between the age of 19-33. 45% of those staying in our safehouse are from Provo or Orem.

Domestic violence has more than doubled in the past three years. Currently it is estimated that law enforcement advocates are working with approx. 4,000 victims at any time.

The Refuge does staff 25 emergency beds available for domestic violence victims and their children fleeing abuse. 480 individuals were turned away last year due to current facilities being full. In 2022, 37.7% of homelessness in our Continuum of Care area was a result of domestic violence. (Annual Data Report on Homelessness, DWS 2023)

They are currently seeking the ability to expand services; they have been granted a rezone in Orem to expand to 120 emergency beds vs the 25 now.

Chair MacKay stated she had not heard that about Orem and that was wonderful news and thanked them for their time and presentation.

Presentation only

Chair Katrice MacKay then recessed the body as the Provo City Council with no objections.

Chair Shannon Ellsworth than reconvened the body as the Redevelopment Agency of Provo

Roll Call – Redevelopment Board

The following elected officials participated:

Chairperson Shannon Ellsworth
Vice-Chairperson Travis Hoban
Board Member Katrice MacKay
Board Member Rachel Whipple
Board Member Dave Shipley
Board Member George Handley
Board Member Bill Fillmore
CEO Michelle Kaufusi

- 3. A discussion regarding expanding the tax increment finance agreement with Rivers Edge on University (The Mix) (23-045). ([02:42:55](#))**

Presenting, Keith Morey, Assist. Director, Developmental Services

Pending Minutes – Awaiting Approval

Mr. Morey- Circling back to answer any questions and provide direction needed to move forward. Would rather be proactive with a question answer session before bringing forward a draft you didn't like and then having to take it back.

Mr. Morey continued. Brighton Homes is very committed to bringing something back to Provo – specifically in the area they remember going to movies and other activities. They're asking for the clock to be reset because they got involved in the project after it had started, from 2021 – 2025 (for tax increments) and to slightly enlarge the tax increment as well to 2.5 mil. The economy is different too than when they agreed to take it on. They want to invest and be a part of the community, but they need some help from the Council and the City to do so.

“I would encourage you to support their efforts as they are an example of what development and redevelopment is about,” Mr. Morey said to close his comments.

Board Member Katrice MacKay asked, “so just to be clear – you're wanting us to make a motion to guide you in the way you should go?”

Mr. Morey replied – there's two asks, one is to shift the start date of the TIF and then the other is to increase the total amount of the TIF.

Sean Holmes – owner of Brighton Communities came up and said “I'd be happy to walk you through what we're planning to do.”

Mr. Holmes continued - The back has been rezoned with the idea in mind that it would hold family/residential units, a one-bedroom apartment type plan with approx. 247 units and then more of a town home plan and there would be approx. 169 units there. Along with those we've created some ideas for like drive-thru type restaurants along with some office space. It just depends on the tenants that we attract.

We purchased the property right before everything got crazy with Covid and then of course we've had a lot of cost escalation and what that did to us is traditionally you'll sign a lease with a tenant and then go through the architecture design/build but with how much prices climbed we're having a hard time getting commercial investors to commit.

Chairperson Shannon Ellsworth asked if there was a motion from the board on the first item of “resetting the clock on the bond.”

Board Member Dave Shipley said “I'll make a motion” with Board Member Katrice MacKay adding a second vote.

The members voted in favor of the first motion 6-0.

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Board Member George Handley then made a motion to increase the tax increment amount to \$2.5 million with Board Member Rachel Whipple seconding the motion. Each board member was then called on to vote.

The motion was passed 5-2.

A discussion regarding expanding the tax increment finance agreement with the Noorda College of Osteopathic Medicine (23-045). ([03:18:47](#))

Presenting, Keith Morey, Assist. Director, Developmental Services

Mr. Morey – We are here to participate in a discussion regarding the expansion of the tax increment that has been awarded to Noorda College of Osteopathic Medicine based on the environment changing and the opportunities to expand the scope of the project. We would like to remind the council that this group came in and partnered with us to turn a piece of land that was sitting idle into a huge benefit for us as this property hasn't been on our tax rolls for decades. We felt strongly enough about this that we asked the golf course to work with us in shifting their layout, which they did. What we are asking for today is that the council consider including the building that is near completion into the tax incentive that has been passed for the rest of the property. Traditionally tenants avoided that area because they feel the city has neglected it. By the two colleges setting roots and investing they believe that can be the start of the revitalization to the south end of Provo. Mr. Morey believes this to be an incredible group of people that have an incredible vision, and he strongly supports this request.

Board Member Dave Shipley – I'm trying to wrap my brain around it – seems like there's four pieces to this. There's one that they want the clock reset, right? Yes, okay then two they want increased amounts on the existing agreement already – so expanding the existing agreement already and then pulling in the building that wasn't included, that's the one I have the most trouble with. It seems odd to me to offer TIF on that – I'm more comfortable with resetting the clock.

Shawn Port, investor in Noorda College then came to the podium and introduced himself. The reason we are asking for this is as we were having discussions with Keith it was Dixon (Holmes, Assist. Chief Administrative Officer – Provo City) who came and said we should try to include that building because it will immediately pay the city back for the money that they invested in the golf course because property taxes will start on this building immediately whereas on the other properties, they are still 2 – 3 years out.

Board Member Shipley – I'm not sufficiently educated on how we use TIF where I'm ready to vote and if we held a vote right now I would have to say no. My concern is about being perspective and I don't yet have a good way of evaluating the numbers for it. I would be ok with the rest of it if we left the building out.

Board Chair Shannon Ellsworth – so the motion is to bring back a resolution that doesn't have the building included.

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Board Member Katrice Mackay – I'll make an amended motion that we want to compare the TIF as is with the building and the TIF without the building and have both of them come back to us for a vote. Board Member Rachel Whipple seconded it.

The motion passed unanimously, 7-0.

Chair Shannon Ellsworth then adjourned the Redevelopment Governing Agency of Utah.

Reconvened as Municipal Council and Chair MacKay moved to closed session.

Motion was passed unanimously 6-0. Bill Fillmore was excused.

Pending Minutes – Awaiting Approval

Note – These minutes have been prepared with a timestamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussions held during council meeting.



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, August 1, 2023

Council Chambers

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or

<https://www.youtube.com/provocitycouncil>

Agenda

Roll Call – Municipal Council

The following elected officials participated:

Chairperson Katrice MacKay
Vice-Chairperson Rachel Whipple
Councilor Shannon Ellsworth
Councilor Travis Hoban - Online
Councilor Dave Shipley
Councilor George Handley - Online
Councilor Bill Fillmore
Mayor Michelle Kaufusi

1. A discussion on tiered water rates (23-55) (00:03:00)

Presenting, Abi Maccabee, Council Intern; Dave Decker, Public Works Director

During a previous discussion held in March 2023, the Council asked Staff to readdress the issue. Today they will review:

1. What was discussed previously with the Council.
2. A review of the options presented to the Council.
3. Additional options that may be appropriate.

A motion was made by Councilor Dave Shipley to continue the conversation and asked Staff to prepare additional data such as capita per use and any negative effects. Councilor Ellsworth seconded the motion. It was then passed 5-0 with Councilors Hoban and Whipple excused.

A discussion regarding water conservation initiatives (23-56) (00:55:49)

Presenting, Doug Robins, Parks & Recreation Assist. Director; James Cornaby, Parks & Grounds Superintendent

Mr. Robins - During the November 1st, 2022 Council Meeting, the Council set aside \$57,635 of ARPA dollars for the express purpose of water conversation. During the

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6/6/23 Work Meeting, the Council indicated that they would potentially like to use the funds on a Parks Division project. Two ideas were presented on:

1. Flipping City Strips such as the one on Center Street – by removing the small amounts of grass found there and replacing them with decorative concrete or pavers.
2. Outfitting City Parks that lacked smart controllers

Chair Katrice MacKay motioned that the council appropriates the existing funds that have been discussed for water conservation to the second option presented by Parks & Recreation. Councilor George Handley seconded the motion. This was passed unanimously 5-0 with Councilors Whipple and Hoban being excused.

3. A presentation regarding the River District Project & boundary line adjustments. (23-57) (01:11:45)

Presenting, Jason White, President & CEO of 50 East Capital Management

As part of the new River District residential and commercial development in north Provo, the developers are exploring the potential of a boundary line adjustment with the City of Orem. This presentation's aim is to inform the Council on the proposed line adjustments including how the change would affect Orem and Provo property and infrastructure in the development.

Councilor Shannon Ellsworth – thank you for considering that request. Concepts are important otherwise this private property could shut off access to the citizens and we do not want to do that. So you are saying that even though the trail has to cut down the middle of the property – citizens can still use the sidewalks that are being incorporated into the housing units?

Mr. White – yes, we'd happy to work that out with the City, whatever format that looks like.

Councilor Bill Fillmore – Brian (Jones, City Attorney) have we investigated the legal processes yet? What would it take on our side to complete this agreement?

Brian Jones, City Attorney – no net yet because the council hasn't formally motioned or voted to agree to this request.

Mr. White – we're just looking to get a feel for what the council is thinking, if they're agreeable to this request overall or not. We don't want to go through the work assuming these 20 units will get moved to Provo just for things to end up not working out.

Attorney Jones – the best thing you guys could do is make a motion one way or another to let them know how you're inclined overall and then we can continue to work through the details after that.

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A motion was made by Councilor Bill Fillmore to indicate general support of the boundary change, subject to the requirement for an easement on the river trail and subject to following the required legal process for the boundary adjustment. A vote was taken, and the motion passed 5 – 0 with Councilors Whipple and Hoban excused.

4. **An ordinance amending Provo City Code to allow meeting halls for rent as a conditional use in the Agricultural Zone and establishing standards for that use. (PLOTA20230082) (01:50:13)**

Presenting, Aaron Ardmore, Planning Supervisor

The request is slated to a proposal to build a new commercial structure on the property at 310 S 2470 W to rent out for a variety of events. Though the applicant is applying for his situation on his property, this request would apply to all A1 and RA zones in Provo. Any new commercial use on agricultural or residential land would be allowed the same rights. ***Presentation only. This item is already scheduled for the Council Meeting on August 1, 2023.***

5. **A discussion regarding zoning code (23-042) (02:07:10)**

Presenting, Michael Sanders, Policy Analyst; Aaron Ardmore, Planning Supervisor

During the May 2, 2023, Work Meeting, the Council discussed the possibility of embarking on a comprehensive zoning update. This presentation is a report back on the motion from that meeting which instructed staff to “report back within five months with recommendations as to the next steps, an outline of a new zoning ordinance, and a scope of work.”

A Motion was made by Councilor Handley – instruct staff to come back by October and have them lay out the a proposed zoning update plan including costs and funding sources. Chair MacKay seconded. A vote was taken, and the motion passed unanimously, 7 - 0.

6. **A discussion regarding unreinforced masonry building (23-32)**

Presenting, Michael Sanders, Policy Analyst; Chris Blinzinger, Emergency Management Coordinator

This item is a follow-up from the June 20, 2023 Work Meeting. The Council specifically asked for more information regarding potential costs to the City for a “Fix the Bricks” style program.

Five options were presented as possible options that the Council could act on:

1. Encourage the Administration through resolution to pursue a pre-mitigation grant program.
2. Encourage and partner with the Administration through resolution to engage in a public information campaign.
3. Amend the City Code to include a URM disclosure requirement.

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4. Train the neighborhood district board members.
5. Maintain the Status Quo.

A motion was made by Councilor Dave Shipley to pursue the second option. Councilor Fillmore seconded. A vote was taken, and the motion passed unanimously, 7-0.

7. A presentation regarding the Quarterly Report for the 3rd Quarter of Fiscal.
(00:00)

Presenting John Borget, Director of Administrative Services

Provided an overview of the revenues and expenses for the 3rd Quarter of Fiscal 2023.

Presentation Only

Chair MacKay then moved to a closed session, which was sustained unanimously, and the open meeting portion of the Work Meeting ended.

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Please Note – These minutes have been prepared with a timestamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussions held during council meeting.



PROVO MUNICIPAL COUNCIL

Truth in Taxation Meeting Minutes

6:00 PM, Tuesday, August 8, 2023

Council Chambers

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or

<https://www.youtube.com/provocitycouncil>

Agenda

Roll Call – Municipal Council

The following elected officials participated:

- Chairperson Katrice MacKay
- Vice-Chairperson Rachel Whipple
- Councilor Shannon Ellsworth
- Councilor Travis Hoban - Excused
- Councilor Dave Shipley
- Councilor George Handley
- Councilor Bill Fillmore

Truth in Taxation Meeting Minutes

8/1/23

1. A public hearing regarding the Provo City property tax rate for Fiscal Year 2023-2024. (23-058) ([00:07:00](#))
Presenting, Justin Harrison, Executive Director – Provo City Council

Director Harrison gave a presentation outlining dates and processes regarding fulfilling the statute regarding the request brought forth by the City Council to raise property taxes. He also outlined what was being asked and where the money would be directed if passed.

2. A Public Comment/Question period was opened for residents. ([00:36:30](#))

a. *Greg Hunter*

- i. When he first purchased his home, his property taxes were around \$775 dollars, last year he paid \$1,477 dollars, he has owned his home for nine years. The numbers are confusing, but he is trying to understand them. He understands that taxes are necessary but doesn't understand why the council is choosing to raise income taxes now with the inflation that is going on. He understands that there have been some bonds issued in the past couple of years to build new buildings that were needed – but also is aware that there may have been some properties that could have been acquired for half the cost that he feels Provo should have pursued instead of just going straight to a bond. He also feels public

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safety gets used as an excuse to overspend. Encourages the council to find a better way to do this.

- b. *Celestia Frei*
 - i. Concerned about tax increase. Seems that the residents are paying the Telecom bond forever. That more money is coming in but not being used wisely. Understand that taxes are necessary but thinks there could be other way to get revenue for the city. Just because her home has increased, therefore her taxes increased and her payrate, though it went up, cannot keep up with everything that is increasing. Understands there are programs that need the money but asks the council not to increase the taxes to the full amount proposed.
- c. *Tanner Bennett*
 - i. Understand the taxes and that the city gets a small sliver out of what is taken as the school board gets most of the property taxed amount. Wanted the council to be aware that rent for students has risen about 40% over the past few years due to the increasing property taxes. While he loves the library, he wonders why there isn't a way that money can be donated to them privately if someone desired. He couldn't find a donation button on their page; he called and asked a staff member how a donation could be made, and they didn't know. Would encourage the council to find alternative methods for gaining money for these institutions other than just raising taxes.
- d. *David Lewis*
 - i. Sounded like home is valued at \$467k, clarify how much per year per entity?
 - ii. Clarify the statement that "every dollar the city pays - 6% to general operations, 6% to general bond and 4% to the library, please clarify. (Chair stated they will answer all questions after public comment period)
- e. *Sharon Memmott*
 - i. Some questions she just wanted as part of the public record. Her first question was "is this a one-time thing for 2023 and what is the process for pulling it back if it is?" She is wondering what specifically support the library needs – while they have some great programs, they also seem to have some programs that could be classified as extended, and could those be cut back a year or two? Could the library seek private donations or sponsorships for some of these programs? We're being told that the increase is for the police, but the money must be going to other things as well. She noticed that her power bill went up this last month – on the back of the power bill – she saw increases in trash fees, recycling fees and power fees that she thought were flat fees, what's the process for those getting raised? On the Telecom bill charge – she has never heard a consistent date of what that is going away.
- f. *Sarah Frei*
 - i. She stated that taxes go up every year, utilities go up every year, we know this. "However, between 2021-2022 my property taxes increased \$800." Her question is, "why wasn't that enough with whatever the needs are if that's the case?" "More money keeps coming out of my pocket – why wasn't that enough?" (The Chair let her know that we will talk about that).
- g. *Stan Jensen*
 - i. He does appreciate the descriptions that have been provided as they have been helpful. He asks that a bigger picture be provided, as other people have

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mentioned other fees have been raised also. Having more content would be appreciated. While yes just the \$10 a year alone isn't that great, he wanted the council to recognize it in the bigger context/picture.

3. The Council and Other City Staff Answer Questions ([00:51:00](#))

Justin Harrison, Executive Director of the Municipal Council

i. Here is the breakdown again of the percentage of each piece of the property tax (refers to slide on screen) – so here, roughly 17%, 17.4% - we're rounding. Here is 18% (slide shows Bonds 8%, General Operations 6%, Library 4%) sorry if there's any confusion there but you have roughly 8 cents going to bonds, 6 cents to general operations and 4 cents to the library.

a. Chair Katrice MacKay – There is an end to the Telecom bond, when is it?

Director Harrison – February 2025

ii. Director Harrison – The other question was about the amounts going up – the way the revenue was created, in 1985 Truth in Taxation was created – the idea was that entities would only receive the income that they had received the year prior, and that remains today. New growth is the exception – as new developments come online they are assessed and then added to the tax roll – that is how the city receives new revenue.

a. Chair Katrice MacKay – I think that addresses the question. Again, we do not do a truth in taxation raise – we do receive the same amount of money. The entities on this bill receive the same amount of money unless they do a Truth in Taxation notice and do an increase. There have been many years we have not done increases.

b. Councilor Dave Shipley – So on the increase in 21-22 which is relevant here – when you have separate bonds that get issued, it's a separate issue. Generally, for operations, the cities or the taxing entities make about the same amount each year unless we do Truth in Taxation, unless we build a building like this one or we build the Rec Center or when the School District Bonds for new schools or allowed to increase to build new schools – those are all things that make dramatic differences in your tax bill, hundreds of dollars – it's usually not these incremental changes that we're talking about. It's the one bonds or projects that impact the most.

c. Councilor Rachel Whipple – Part of the large increase last year was the school district and the substantial hike on their truth and taxation. If you remember the image of that dollar bill (from the slide presentation) the bulk of that dollar goes to the school

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district. When they raise their portion, it's a much bigger increase than when we raise our portion.

- d. Councilor George Handley – While the City Center came up, I just wanted to make a comment. I was the only one who was on the Council during the time we were facing a desperate need for a new building, and we were looking either at building where we were, a new location (here) or at Provo Town Center. Building where we were was \$54 million, here was \$69 million. Building where we were was cheaper but not a secure investment as the building was in very poor condition. The town center was ruled out due to loss of economic vitality and possible Police security concerns being next to a shopping center.
- e. Councilor Shipley – Just to be clear it's one \$10 for all three parts, the combined amount between the entities. Director Harrison showed the slide titled valuation notice which shows that approx. \$6.93 (of the \$10) would go towards the General Operations Fund and \$2.83 would go towards the library for a total of \$9.76 if the full amount is raised.
- f. Council Shipley – I would like to speak to Stan's question for a moment if I could, regarding context because there are so many other fees and taxes that we all pay. I think we're all feeling the pinch of rising utility costs across the board. I think we're all feeling the increase of significant property tax raises over the past few years. For years Provo decided to, right or wrong, not raise costs until we had to fix something. Politically, that's easier to just try to cover necessities – it also has consequences. Six or seven years ago the utility groups came to us and said – if we don't start being proactive, our infrastructure is crumbling and we're going to have to start acting on emergencies. So yes, the past 6-7 years have been painful and yes, we are getting close to the "end" of the four significant increases, but we need to keep in mind we can't see what might happen next. By making these increases, we've now been able to build up our reserves instead of having to bond for those repairs when they happen.
- g. Councilor Handley – Wanted to add one thing, in context of the City's budget – it has gone up significantly in the past few years. We have received grant and federal money, approx. \$90 million for different projects. These went towards the airport and wastewater treatment plant. That plant had to be upgraded by federal regulations to provide clean water to the watershed that we're a part of. By doing the fee increases – it's cheaper in the longer term than if we had bonded.

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- h. Councilor Bill Fillmore – I would like to agree with the comments from Councilor Shipley and Councilor Handley. We always feel a natural aversion to taxes, but we always do what we feel is the right and responsible thing to do. We acknowledge the public concern about a tax increase. We're more than open to holding discussions about the tax base – but we are also charged with keeping the city economically viable. If any of you have any good ideas about how we can add to our tax base we're glad to hear them. We do not have control over the water district – they're an independent entity. The city's increase is \$9 and some change. We, for the past three years, have received the very prestigious award from the Milken Institute for best managed city. That is a huge compliment to what the administration and city council are doing here within the city. Even if we pass the full amount of the proposed increase – we will still be 10 or 11 safety officers short of the recommended standard a city this size should have. The Council unanimously feels that the number one important issue is safety – that's terribly important to us.
- i. Councilor Shannon Ellsworth – I wanted to thank people for coming out tonight. Councilor Fillmore alluded to this but the needs driving this tax increase really originate from the city's budget. I would like to encourage everyone here and online to be very conscientious of participating in the meetings during the spring and summer when the budget is set.
- j. Councilor Dave Shipley – I failed to mention that the library is part of this, and someone suggested "maybe there could be some programs cut there." From my experience with the Board and experience with how my wife interacts with the library and how I interact with the library, I think the extra programs are revenue creating for the library. The base services for the library that are provided to the citizens of Provo have gone up in costs over the years. Mostly salaries for the people who operate the library – they're trying to do a lot more with a lot less and have been for several years. They've been running a deficit and have been using their reserves to cover it.
 - a. Carla Gordon, Director of Library Operations – We have been running on a deficit for several years back. We're just asking for money to cover costs – we're not adding any new programs, just covering costs. We do have a fund set up that we can accept donations – we put them towards specific areas if people wish or they just go into our general fund.

Pending Minutes – Awaiting Approval

- k. Chair Katrice MacKay – I would like to share a few comments regarding this. I have talked to a lot of citizens – there’s basically two groups, one saying, “yes let’s do this” and the others feeling like they’ve gotten a real “sucker punch” about property values and in turn property taxes the last couple of years. It feels like working with an uneven playing field. There are houses next to each other where one went up 30% and one went down 30% - I can’t figure it out, it doesn’t make sense to me. It’s something I’m trying to figure out with this decision.

- l. Councilor Rachel Whipple – It is really weird how these valuations take place and if you feel your valuation is way off I really encourage you to appeal your valuation, there is a process to do that. I’m one of the properties where the property went down last year for this – and even so, I think my valuation is much lower according to the county than any market website if you were to compare, and that’s usually the case. The county will go to the low end. I’m not sure what calculations they used to try and balance things back out from the elevated market values that were seen last year. I’ve lived in my house since 2009, and my property value has increased significantly, 2.64% than what it was in 2009, but my taxes have gone up 2.58%. The taxes are increasing lower than the values of homes. The way the system is set up, the rate goes down every year unless we increase it.

I wanted to address a couple other questions that I heard. One was about rental prices – rates have increased dramatically for rental prices. I think that is due mostly to market pressures and then the landlord’s ability to just charge more – even if their costs haven’t increased significantly. The increase in taxes is a very small part of it, they will use it as an excuse. Sharon asked if this was a one-time increase or will it be pulled back. Just like last year, we are increasing a small increase – none of these increases are keeping up with inflation. We are not proposing, and I don’t believe we’ve ever considered reducing our tax value below what the county will give us. The other thing that I noticed was about our new growth revenue – if you look at it, it’s approximately \$83,500 for the city portion and for the library it’s about \$59,000. That amount that we would be getting is not enough to keep up with inflation. It’s conceivable that we could continue to grow and add properties to the property roll but along with new growth comes greater demands on our infrastructure and public services which means it would be prudent for us to continue these small increases to keep up with them. When we noticed this amount, we noticed

Pending Minutes – Awaiting Approval

two amounts – the higher being one that would pay for two new police officers and all their equipment, the smaller would pay for one police officer – the library’s portion remains the same.

Council George Handley made a motion to instruct staff that we will keep percentages named and vote on this issue on August 22, 2023. It tied 3-3 with Councilor Hoban excused.

Councilor Ellsworth made a motion to instruct staff to prepare two amounts that include library rate consistent with what was noticed along with the two different amounts of operation rate to be voted on August 22, 2023. It passed unanimously with Councilor Hoban excused.

Adjourned

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 08-22-2023

SUBJECT: An ordinance amending the Zone Map classification of approx. 6.9 acres of real property, generally located at 3155 W Center Street, from A1 (Agricultural) to AI (Airport Industrial). Provo Bay Neighborhood. (PLRZ20230166)

RECOMMENDATION: To be heard at the August 22, 2023 Work & Council Meeting.

BACKGROUND: Ryan McCoard is requesting a zone change for his parcels at 3155 West Center Street, from the Agricultural Zone to the Airport Industrial Zone, in order to build warehouses on the property. The conceptual site plan with the rezone request shows four (4) warehouses providing just over 100,000 square feet of floor space. This use would be permitted under the AI Zone and the concept generally meets the standards of the proposed zone.

FISCAL IMPACT:

PRESENTER'S NAME: Aaron Ardmore, Planning Supervisor

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLRZ20230166

ORDINANCE 2022-

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 6.9 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 3155 WEST CENTER STREET, FROM A1 (AGRICULTURAL) TO AI (AIRPORT INDUSTRIAL). PROVO BAY NEIGHBORHOOD. (PLRZ20230166)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 6.9 acres of real property, generally located 3155 W Center Street (an approximation of which is shown or described in Exhibit A and a more precise description of which will be attached hereto as Exhibit B after the Zone Map has been updated), be amended from Agricultural (A1) to Airport Industrial (AI); and

WHEREAS, on July 26, 2023, the Planning Commission held a duly noticed public hearing to consider the proposal, and after such hearing the Planning Commission recommended approval of the proposal to the Municipal Council by a 6:0 vote; and

WHEREAS, the Planning Commission's recommendation was based on the project design presented to the Commission; and

WHEREAS, on August 22, 2023, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Zone Map of Provo, Utah should be amended as described herein; and (ii) the proposed zone map classification amendment for the real property described herein reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

The classification on the Zone Map of Provo, Utah is hereby amended from the Agricultural (A1) Zone to the Airport Industrial (AI) Zone for approximately 6.9 acres of real property generally located at 3155 W Center Street, as described herein.

41 PART II:

42

43 A. If a provision of this ordinance conflicts with a provision of a previously adopted
44 ordinance, this ordinance shall prevail.

45

46 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
47 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or
48 invalid, the remainder of the ordinance shall not be affected thereby.

49

50 C. The Municipal Council hereby directs that the official copy of the Zone Map of Provo City,
51 Utah be updated and codified to reflect the provisions enacted by this ordinance.

52

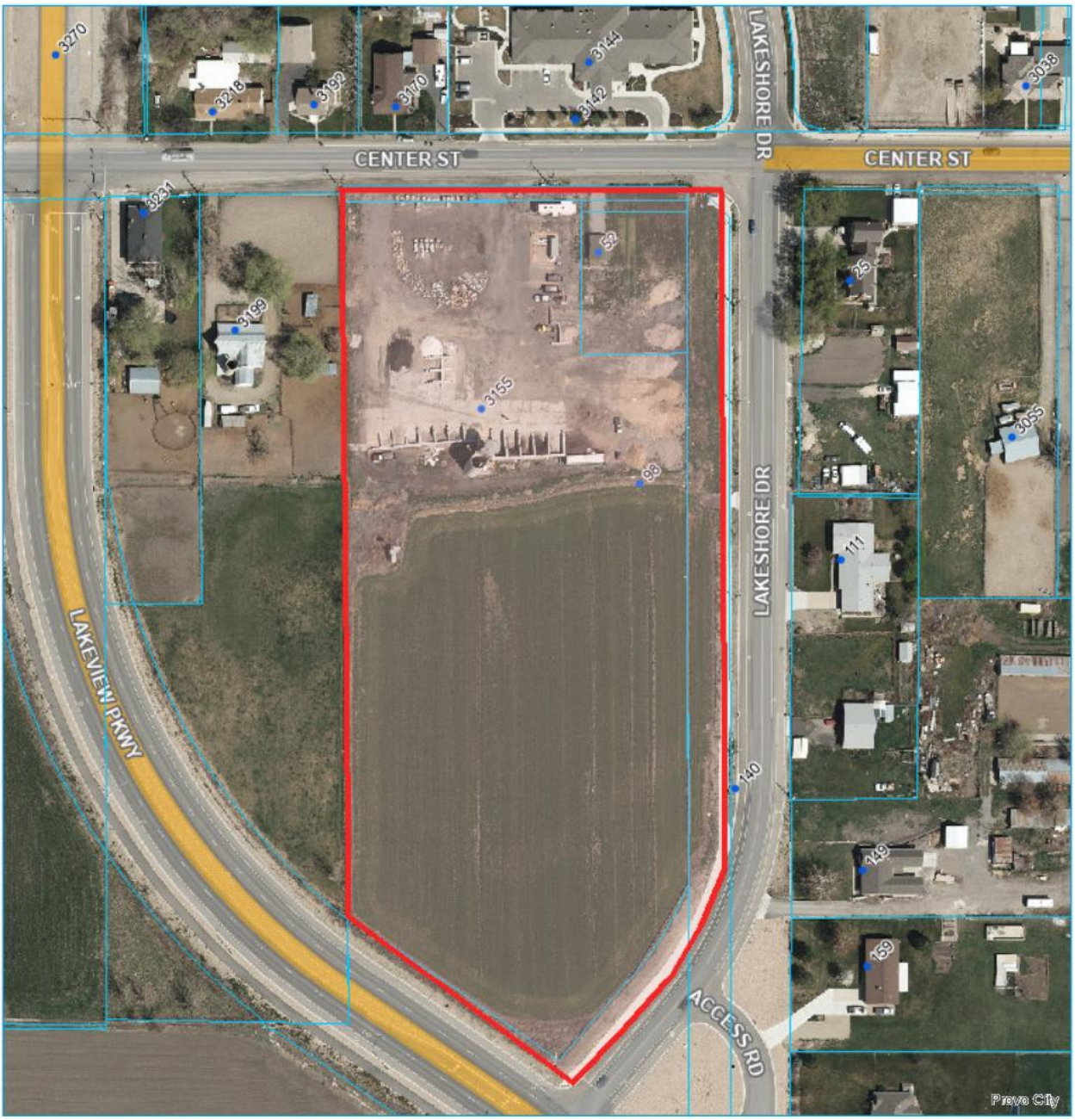
53 D. This ordinance shall take effect immediately after it has been posted or published in
54 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
55 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

56

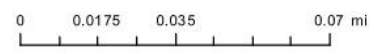
57 END OF ORDINANCE

EXHIBIT A – ZONE MAP

Provo Map



- .
- .
- .



Author: Provo City

Date: 7/18/2023

This map is for graphical representation only and not for construction or defining feature locations.

***ITEM #2** Ryan McCoard requests a Zone Map Amendment from the A1.10 (Agricultural) Zone to the AI (Airport Industrial) Zone in order to build warehouses on the property at 3155 W Center Street. Provo Bay Neighborhood. Aaron Ardmore (801) 852-6414
aardmore@provo.org PLRZZ20230166

OVERVIEW

Ryan McCoard is requesting a zone change for his parcels at 3155 West Center Street, from the Agricultural Zone to the Airport Industrial Zone, in order to build warehouses on the property. The conceptual site plan with the rezone request shows four (4) warehouses providing just over 100,000 square feet of floor space. This use would be permitted under the AI Zone and the concept generally meets the standards of the proposed zone.

The property has long been used for agricultural purposes, and the current use of the land is a landscape rock sales yard. There are two homes just west of the subject property, which are the only surrounding properties not separated by a street from the proposal. The area around the subject property is mostly in the Agricultural Zone, except for a portion to the north, which is zoned SDP3. There are fourteen (14) single family homes within a five-hundred-foot (500') radius, along with a retirement home, a church, and some agricultural buildings. The majority of the homes are to the north and the east.

The applicant has met with staff regarding this proposal which helped to inform the layout of the site, along with possible access and utility connections for the future development. Staff also requested that the applicant reach out to the two neighbors to the west to inquire if they would like to have their properties included in the rezone, the applicant found that they did not support being part of this zone change.

STAFF ANALYSIS

Staff has noted that his zone change proposal is in line with the future land use map of the Southwest Neighborhoods Plan, and with the General Plan designation for the land. In order to further analyze the proposal's compliance with city plans, staff is directed to use the following criteria set in Section 14.02.020(2), Provo City Code:

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan: **(responses in bold)**

- (a) Public purpose for the amendment in question.

The applicant has stated that the purpose is to follow the General Plan for the area, and that it "will help Provo City and the landowners meet mutual beneficial goals" for the property.

- (b) Confirmation that the public purpose is best served by the amendment in question.

The staff agrees with the applicant's purpose for this request. One of the implementation goals of the Southwest Neighborhoods Plan is to align the zoning

with the future land use map of the plan. Staff believes that this use will be complimentary to the airport, and its uses nearby.

- (c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

As stated above, the Southwest Neighborhoods Plan has a specific goal on page 27 to “amend zoning map to be consistent with the plan”. The General Plan states specific goals to “encourage growth around the Provo Municipal Airport” to support development “at and around the airport” (Ch. 5, goal #2). Staff believes that this request aligns with both of these city goals.

- (d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.

This proposal is consistent with the implementation schedule for the stated goals.

- (e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies.

Staff has not found any way that this proposal would hinder or obstruct attainment of the General Plan policies on land use or economic development, and again, notes that the zone aligns with the General Plan and its appendices.

- (f) Adverse impacts on adjacent land owners.

There will likely be an increase in activity at the property, which may be seen as an adverse impact by adjacent landowners. However, the staff believes that the property improvements and upgraded access and buffers will mitigate those impacts and be a benefit to the larger community.

- (g) Verification of correctness in the original zoning or General Plan for the area in question.

Staff have verified the zoning and General Plan designation for the property.

- (h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff has not found in conflicts.

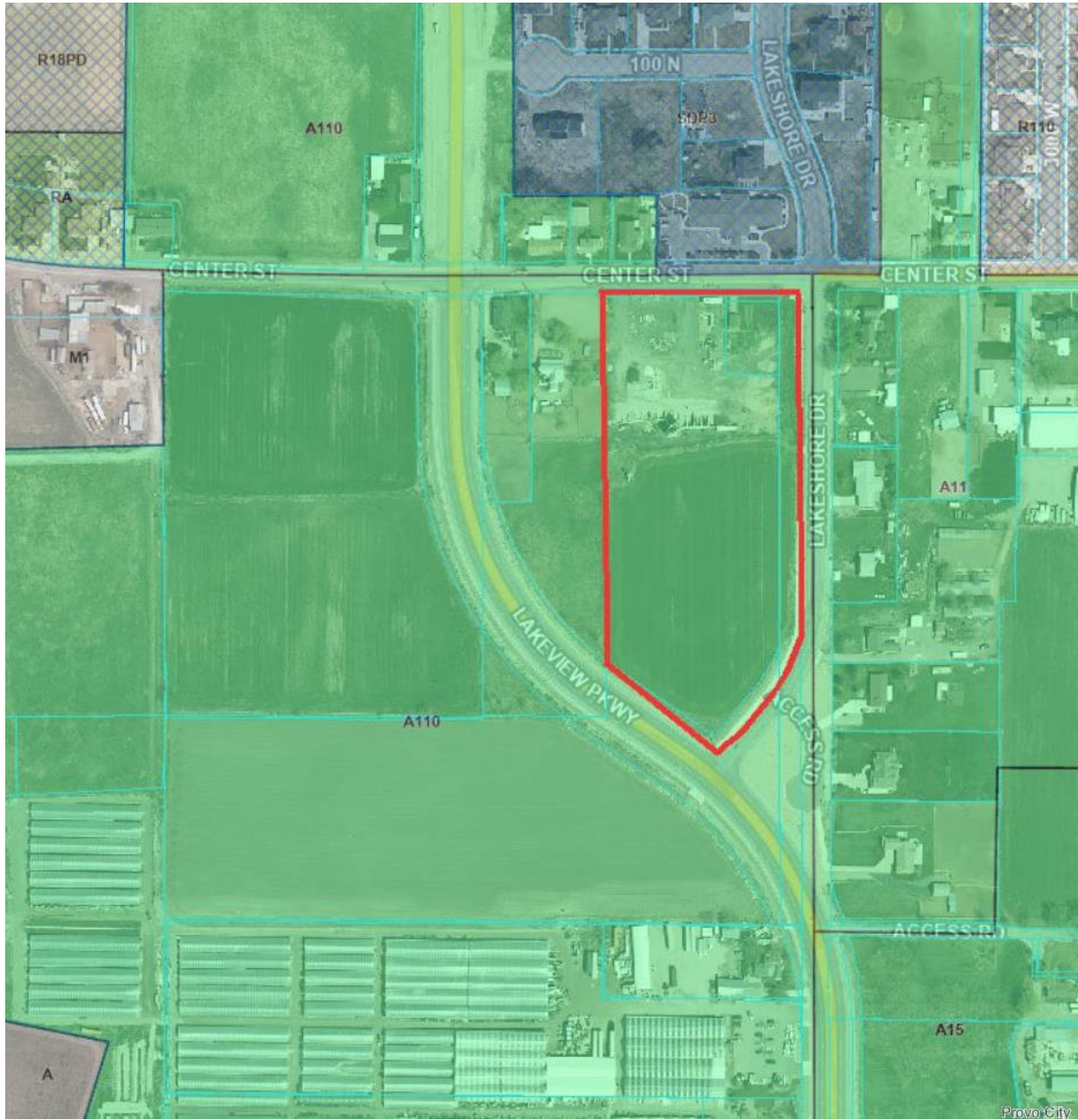
CONCLUSIONS

Staff supports this rezone request as it aligns with the General Plan and goals for the area. Planning staff look forward to working with the owner in creating a warehouse development that meets the standards of the AI Zone and one that will be a benefit to the city; and recommend that the Planning Commission forwards a positive recommendation to the City Council.

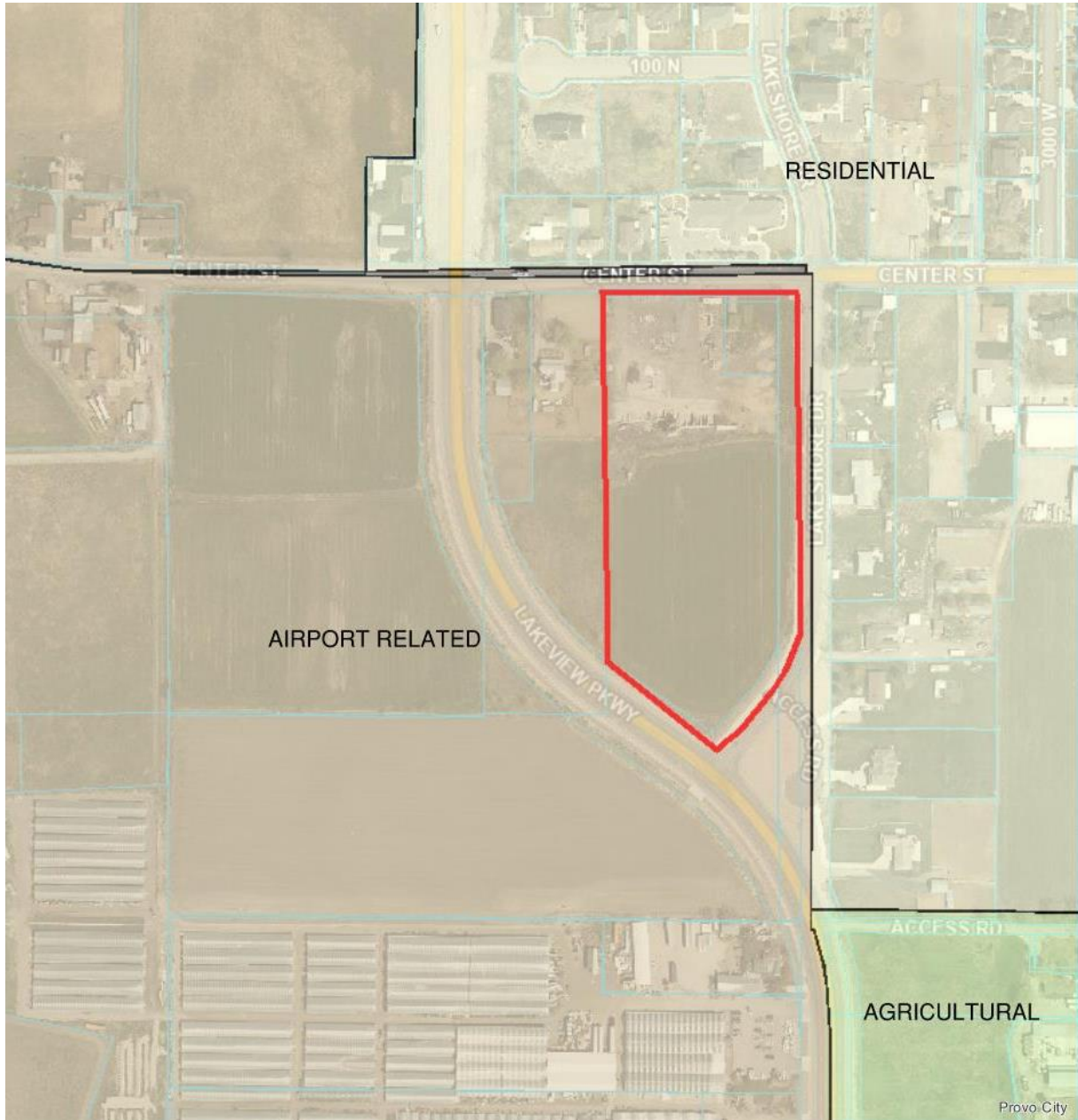
ATTACHMENTS

1. Zone Map
2. General Plan Map
3. Applicant Statement

ATTACHMENT 1 – ZONE MAP



ATTACHMENT 2 – GENERAL PLAN MAP



ATTACHMENT 3 – APPLICANT STATEMENT

To: PROVO CITY
From: SUNSHINE GREENHOUSE INC

This document is concerning the rezoning of Parcel number 21:034:0125 in Provo, Utah.

Current Zoning: A1.10
Desired Zoning Airport industrial


This is a written petition from Sunshine Greenhouse INC to Provo city, requesting a rezoning of Parcel number 21:034:0125 from A1.10 to the new Airport industrial zone. This is a prudent change as the general plan map has designated this area to be used for airport related activities. We also believe that this change will help Provo city and the land owners meet mutual beneficial goals concerning the development of this property.

Mailing address 384 S 3110 W PROVO, UT 84601-3632

Legal description COM N 903.74 FT & W 290.01 FT FR NW COR. SEC. 10, T7S, R2E, SLB&M.; N 89 DEG 46' 42" E 254.02 FT; S 162.14 FT; E 111.83 FT; S 0 DEG 2' 52" W 561.38 FT; ALONG A CURVE TO R (CHORD BEARS: S 31 DEG 5' 10" W 109.25 FT, RADIUS = 316 FT); S 41 DEG 2' 26" W 124.18 FT; ALONG A CURVE TO L (CHORD BEARS: N 54 DEG 13' 22" W 32.68 FT, RADIUS = 776.99 FT); N 55 DEG 25' 41" W 199.85 FT; ALONG A CURVE TO R (CHORD BEARS: N 53 DEG 36' 54" W 40.81 FT, RADIUS = 645 FT); N 0 DEG 16' 0" W 753.06 FT TO BEG. AREA 6.516 AC.

Contact info

Ryan McCoard
801-602-5353
mccoardryan@gmail.com



Ryan McCoard
Designated agent Sunshine Greenhouse INC



WELCOME HOME

PLANNING COMMISSION

July 26, 2023

*ITEM 2

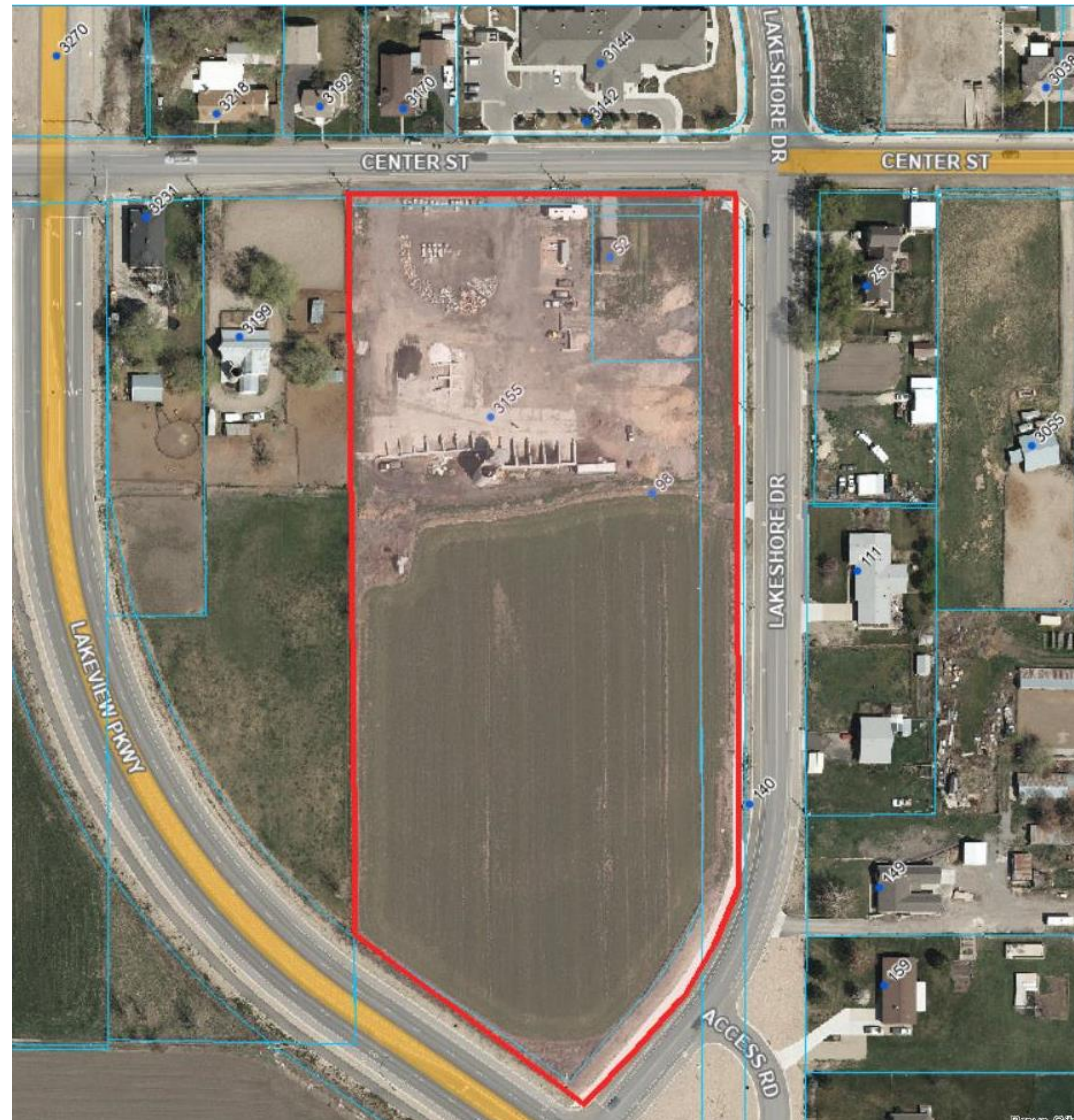
Ryan McCoard requests a Zone Map Amendment from the A1.10 (Agricultural) Zone to the AI (Airport Industrial) Zone in order to build warehouses on the property at 3155 W Center Street

Provo Bay Neighborhood

PLRZ20230166

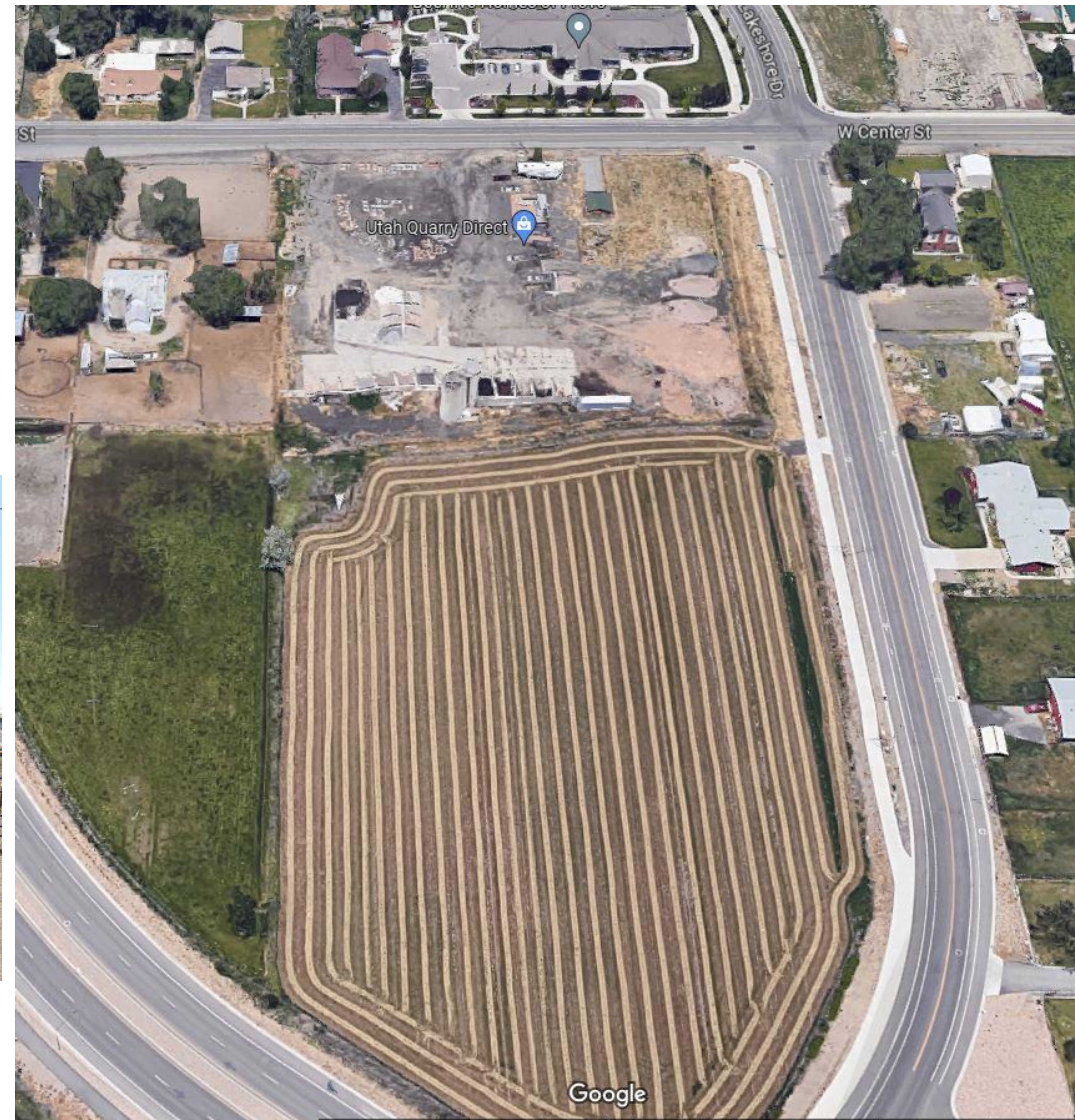
3155 W Center St

- Rezone Request from A1 to AI
- Concept Plan for Industrial Warehouses



3155 W Center St

- Current Use:
Agriculture Use and
Landscape Materials
Supply Yard



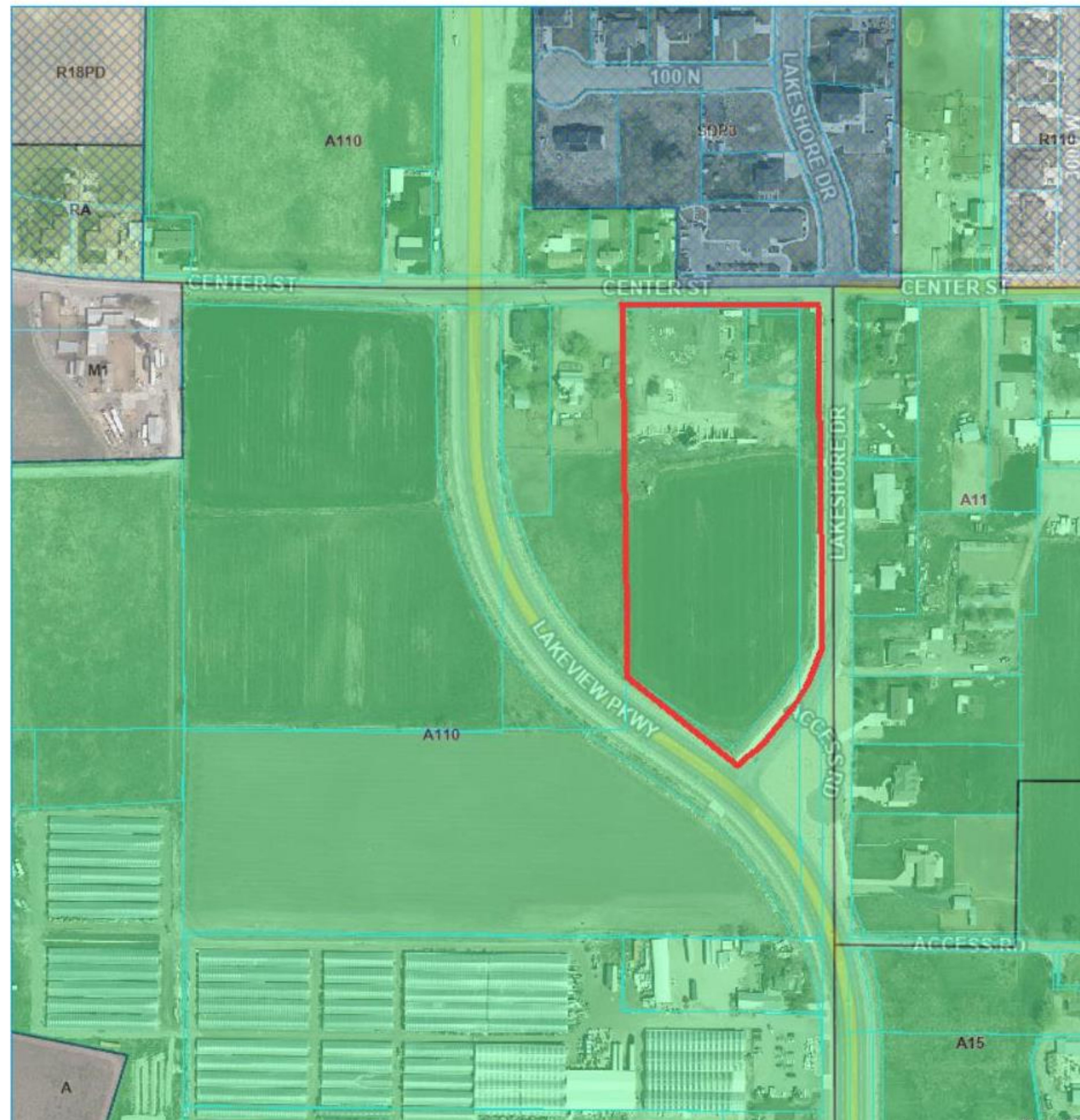
3155 W Center St

- Current Use:
Agriculture Use and
Landscape Materials
Supply Yard



3155 W Center St

- Current Zone: A1



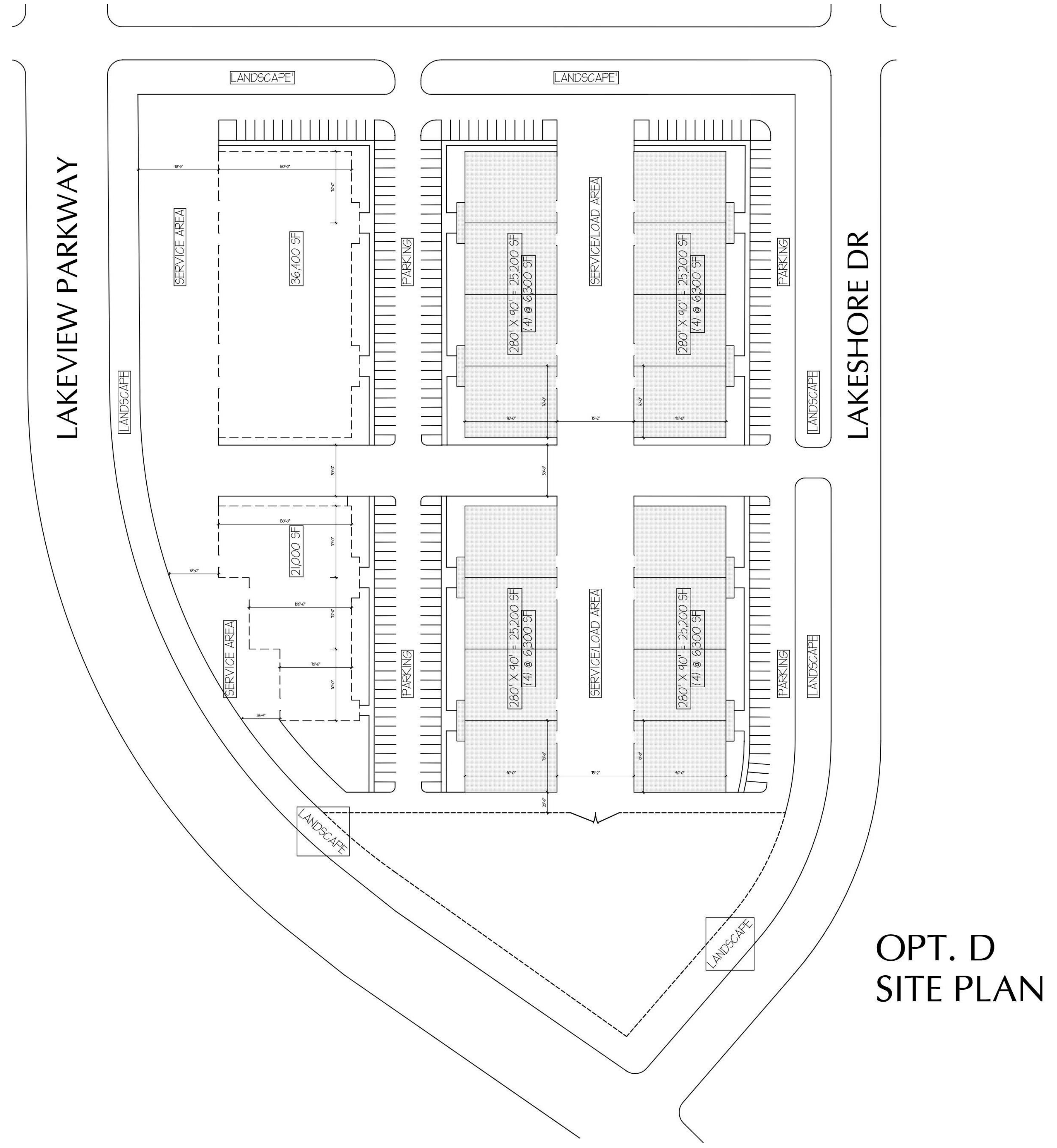
3155 W Center St

- Current General Plan Designation: Airport Related



3155 W Center St

- Concept Plan: New Industrial Warehouses



FRONT ELEVATION



REAR ELEVATION



Provo City Planning Commission

Report of Action

July 26, 2023

*ITEM #2 Ryan McCoard requests a Zone Map Amendment from the A1.10 (Agricultural) Zone to the AI (Airport Industrial) Zone in order to build warehouses on the property at 3155 W Center Street. Provo Bay Neighborhood. Aaron Ardmore (801) 852-6414 aardmore@provo.org PLRZ20230166

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 26, 2023:

RECOMMENDED APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Barbie DeSoto

Second By: Jeff Whitlock

Votes in Favor of Motion: Barbie DeSoto, Jeff Whitlock, Daniel Gonzales, Melissa Kendall, Robert Knudsen, Andrew South

Daniel Gonzales was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the AI Zone is described in the attached Exhibit A.

RELATED ACTIONS

The related concept plan was approved by the Planning Commission at the July 26th hearing (PLCP20230169).

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Staff also reminded the Commission that Center Street is a truck route and mostly a State street, so it may be difficult to address some of the traffic concerns from the public.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 07/20/2023.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Sam Eyre (of Beehive Homes) related concerns about increased traffic, noise, and safety; and hoped that the plans will be able to mitigate these impacts.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Mr. McCoard related that he is hopeful of creating warehouse spaces to lease on the site, but wanted to make sure the zone change was achieved before developing more specific plans.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Commission clarified the area of the zone and what the potential uses could be on the site.
- Commissioners confirmed with staff and the applicant that the details of the concept plan can and will change to meet the zone.
- The Commission discussed how the proposal meets the General Plan and that the future Project Plans should be able to address any of the concerns.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to Development Services, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

Legal description COM N 903.74 FT & W 290.01 FT FR NW COR. SEC. 10, T7S, R2E, SLB&M.; N 89 DEG 46' 42" E 254.02 FT; S 162.14 FT; E 111.83 FT; S 0 DEG 2' 52" W 561.38 FT; ALONG A CURVE TO R (CHORD BEARS: S 31 DEG 5' 10" W 109.25 FT, RADIUS = 316 FT); S 41 DEG 2' 26" W 124.18 FT; ALONG A CURVE TO L (CHORD BEARS: N 54 DEG 13' 22" W 32.68 FT, RADIUS = 776.99 FT); N 55 DEG 25' 41" W 199.85 FT; ALONG A CURVE TO R (CHORD BEARS: N 53 DEG 36' 54" W 40.81 FT, RADIUS = 645 FT); N 0 DEG 16' 0" W 753.06 FT TO BEG. AREA 6.516 AC.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 08-22-2023

SUBJECT: An ordinance amending Provo City code regarding communication towers and antennas. Citywide application. (PLOTA20230187)

RECOMMENDATION: To be heard at the August 22, 2023 Work & Council Meeting.

BACKGROUND: Development Services is proposing to amend the ordinance regulating the standards for conditional uses for communication towers (monopoles) and antennas.

The proposed amendment will align Provo City Code with federal laws that regulate communication towers. Federal law requires approval unless there is a substantial change, such as increasing the height by ten percent. The City Code currently requires a conditional use permit when co-locating additional antennas on existing monopoles, and this does not meet their definition of a substantial change. This text amendment will also add clarification to the process when there is a need to change the tower location.

FISCAL IMPACT:

PRESENTER'S NAME: Dustin Wright, Planner

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLOTA20230187

Exhibit A

47 14.34.250(11) Communications (4715 – Low-Power Radio Communication Towers and Antennas).

48

49 ...

50

51 (b) Cellular facilities consisting solely of wall-mounted or roof-mounted antennas shall be allowed **with a**
52 **building permit** as a permitted principal use in the A, AI, A1, PO, PF, SC1, SC2, SC3, CG, DT1, DT2, GW,
53 FC1, FC2, ITOD, CM, CA, MP, M1, M2, PIC, OSPR, R&BP and SSC zones subject to the conditions set
54 forth in Subsections (11)(c), (11)(d), (11)(e) and (11)(g)(i) of this Section. Cellular facilities placed ~~as a~~
55 ~~stealth fixture antenna or placed~~ on a monopole structure shall be allowed as a conditional use in the
56 same zones subject to the provisions of this Section.

57

58 ...

59

60 (e) Stealth Fixture Antennas. A stealth fixture antenna is one (1) or more antennas attached to a
61 supporting structure which is disguised as part of the structure or otherwise concealed from public view as
62 much as reasonably possible.

63 (i) A stealth antenna shall be subject to the following development standards:

64 (A) A stealth fixture antenna may be attached to an existing or replacement power pole
65 or light pole or disguised as a flagpole, manmade tree, clock tower, steeple or a structure
66 used primarily for another use so long as any antenna located on the structure does not
67 detract visually from the primary use.

68 (B) When a stealth fixture antenna is attached to an existing or replacement power pole
69 or light pole the following conditions shall be met:

70 (I) The antenna shall not exceed the height of an existing pole by more than:

71 1. Ten (10) feet; or

72 2. Twenty (20) feet if, and only if, the antenna is not located closer to a
73 residential zone boundary than two (2) times the height of the pole;

74 (II) If a replacement pole is proposed, the pole shall be installed in the same
75 location as the pole being replaced unless the Planning Commission specifically
76 approves a different location as provided in a conditional use permit; and

77 (III) Any existing light or power pole located in a public right-of-way or in a
78 required front or side yard shall not be increased in height to accommodate a
79 cellular facility antenna; or

80 (IV) Any replacement pole located in a public right-of-way or in a required front
81 or side yard shall not be higher than the pole that it is replacing.

82 (C) Each installation shall be approved by the Provo City Power Department (or other
83 utility company, as applicable), including approval and acceptance of any applicable
84 agreements and payment of any required fees. Such approvals shall be received prior to
85 final approval of a conditional use permit.

86 (D) A structure to which a stealth fixture antenna is attached shall be designed by a
87 state-certified engineer to verify that the structure can support the stealth fixture antenna.

88 (E) The overall height of any structure proposed to be used for a stealth fixture antenna
89 shall be consistent with any similar structure being used as a model for the stealth
90 structure. Except as otherwise provided in Subsection (11)(e)(i)(B)(I)(2) of this Section, a
91 stealth fixture shall be no more than ten (10) feet higher than the structure to which it is
92 attached; provided the fixture and the structure to which it is attached are consistent with
93 the character of similar structures located in the same area, as determined by the
94 Planning Commission. The Planning Commission shall make specific findings to support
95 its determination.

96 (F) A stealth fixture antenna, including the mounting structure, shall not exceed thirty
97 (30) inches in diameter; provided, however, that antennas exceeding thirty (30) inches,
98 including the mounting structure, may be permitted if the antenna is a stealth fixture

99 antenna located on or within a clock tower, steeple, manmade tree, or other similar
100 structure.

101 (G) Equipment and/or equipment shelters used in connection with stealth fixture
102 antennas shall be camouflaged behind an effective year-round landscape buffer and/or
103 wooden fence equal to the height of the proposed equipment. Equipment shelters shall
104 not be located within a utility easement.

105 (H) Stealth fixture antennas and all associated equipment visible to public view shall be
106 painted to match the color of the structure to which it is attached.

107 (I) Electrical wiring shall be located within the pole whenever possible and shall be
108 required when a metal replacement pole is provided.

109 (ii) If a stealth fixture antenna becomes obsolete or the structure to which it is attached is
110 vacated by the operator of the cellular facility, then within ninety (90) days thereafter the cellular
111 facility operator shall remove the antenna and all associated equipment and shall restore the
112 structure to its original condition. If the requirements of this Subsection (11)(e)(ii) are not met, the
113 City shall have the right to enter the subject property and remove the equipment or pole at the
114 expense of the cellular facility operator.

115 (iii) A ~~project-plan~~ **building permit** application for a stealth fixture antenna shall include the
116 following:

117 (A) A letter from the applicant stating that the applicant will conform to the requirements
118 of Subsection (11)(e)(ii) of this Section; and

119 (B) Verification that the applicant owns the property where the stealth fixture antenna is
120 proposed to be located or a copy of a lease agreement with the property owner indicating
121 the antenna may be located on the property.

122 (iv) If all the conditions set forth in this Subsection (11)(e) cannot be met, the requirements of
123 Subsection (11)(f) of this Section shall apply.

124 (f) Monopole Structures. A monopole structure is a single cylindrical steel or wooden pole that acts as
125 the support structure for one (1) or more antennas for a cellular facility as provided in this Subsection.

126 (i) A monopole structure shall comply with the following development standards:

127 (A) All tower structures shall be of monopole construction. No lattice constructed towers
128 of any kind shall be allowed.

129 (B) All monopole structures shall be designed by a state-certified engineer to allow co-
130 location of antennas owned by as many as three (3) separate users on a single pole.

131 (C) No monopole structure shall be located:

132 (I) Closer to a residential zone boundary than two (2) times the height of the
133 monopole; and

134 (II) Within a one-half (1/2) mile radius from another monopole unless grid
135 documentation is supplied by an independent consultant stating that antenna co-
136 location is not technically feasible.

137 (III) **The Planning Commission may approve a location closer to a residential**
138 **zone boundary than allowed in subsection (11)(f)(i)(C)(I) above if the location is**
139 **at least one and a quarter (1.25) times the height of the monopole from any**
140 **residential boundary and one or more of the following conditions is met:**

141 (1) **The alternate location will reduce visual impacts on the adjacent**
142 **residential property;**

143 (2) **The height of the monopole is more consistent with buildings or**
144 **structures in the alternate location; or**

145 (3) **The alternate location provides easier or more convenient access for**
146 **maintenance due to property slopes or other natural barriers.**

147 (D) A monopole with antennas and antenna support structures shall not be located in a
148 required front setback, front landscaped area, buffer area, or required parking area.

149 (ii) If a monopole antenna becomes obsolete, then within ninety (90) days thereafter the
150 operator of the cellular facility shall remove the antenna, the top three (3) feet of the antenna
151 footing and all associated equipment, and shall restore the site to its original condition. If the
152 requirements of this Subsection (11)(f)(ii) are not met, the City shall have the right to enter the
153 subject property and remove the equipment or pole at the expense of the cellular facility operator.

- 154 (iii) An application for a monopole structure shall include the following:
155 (A) A letter from the applicant stating that the applicant will permit antenna co-location,
156 will conform to the requirements of Subsection (11)(f)(ii) of this Section, and that the
157 monopole structure is capable of supporting co-located antennas; and
158 (B) Verification that the applicant owns the property where the monopole structure is
159 proposed to be located, or a copy of a lease agreement with the property owner
160 indicating the antenna may be located on the property.
- 161 (iv) Notwithstanding subsection (11)(b), ~~C~~Co-location on an existing monopole structure that
162 meets the requirements of this subsection 11(f) shall be a ~~conditional~~ permitted use and shall be
163 handled ~~administratively~~ with a building permit.
- 164 (v) The exact location of the monopole on the site must be approved by the Planning
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***ITEM #3** Development Services requests Ordinance Text Amendments to Subsection 14.34.250(11) to update standards for Conditional Uses for Communication Towers and Antennas. Citywide Application. Dustin Wright (801) 852-6414 dwright@provo.org PLOTA20230187

BACKGROUND

Development Services is proposing to amend the ordinance regulating the standards for conditional uses for communication towers (monopoles) and antennas.

The proposed amendment will align Provo City Code with federal laws that regulate communication towers. Federal law requires approval unless there is a substantial change, such as increasing the height by ten percent. The City Code currently requires a conditional use permit when co-locating additional antennas on existing monopoles, and this does not meet their definition of a substantial change. This text amendment will also add clarification to the process when there is a need to change the tower location.

ANALYSIS

With this amendment, the Planning Commission will be able to approve a location closer to a residential boundary line when certain criteria are met. As each property and its surroundings are unique, it will be helpful to have the flexibility in the Code to allow monopoles to be placed in the best location on these individual lots by considering the surrounding uses and structures.

The proposed amendment also provides clarification on what should be done when there is a desire to change the location. Changes would be required to bring the revised plans back to the Planning Commission and new notifications to be sent out to neighboring property owners.

Currently, the code requires that a conditional use permit is required to have antennas co-located on an existing pole. Federal laws allow these non-substantial additions to be approved. The proposed amendment would have these approved through the building permit review instead of the conditional use permit process.

FINDINGS OF FACT

Sec. 14.020.020(2) establishes criteria for the amendments to the zoning title as follows: **(Staff response in bold type)**

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

(a) Public purpose for the amendment in question.

Staff response: The purpose of amendment is to align the City Code with federal laws and to provide clarity and flexibility in the Code so that towers are located in the most appropriate locations.

(b) Confirmation that the public purpose is best served by the amendment in question.

Staff response: The amendment removes requirements conditional use permit requirements for items that should only need a building permit to align with federal regulations. The amendment also gives the Planning Commission criteria to follow for approving alternate monopole locations.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

Staff response: Ensuring that our code stays updated will help in an overall effort to meet the goals and objectives of the city.

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

Staff response: The proposed amendment to the ordinance does not conflict with and timing and sequencing of the General Plan.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.

Staff response: Staff does not see any potential conflicts from the proposed amendment with the General Plan policies.

(f) Adverse impacts on adjacent landowners.

Staff response: No adverse impacts should be created for adjacent landowners.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Staff response: N/A

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff response: No conflicts exist between the map and plan in relation to the proposed amendment.

CONCLUSION

Staff proposes that this text amendment would help will align Provo City Code with federal laws that regulate communication towers.

This amendment will create criteria for the Planning Commission to allow monopoles to be placed in the best location on these individual lots.

If there are location changes to what is shown on the plans, the applicant will need to come back to the Planning Commission with new plans showing the proposed location change to get approval.

STAFF RECOMMENDATION

Recommend approval to the Municipal Council for the proposed ordinance text amendment to section 14.34.250(11) to update standards for Conditional Uses for Communication Towers and Antennas.

ATTACHMENTS

1. Proposed Text

Attachment 1 – Proposed Text

14.34.250(11) Standards for Conditional Uses.

(11) Communications (4715 – Low-Power Radio Communication Towers and Antennas).

...

(b) Cellular facilities consisting solely of wall-mounted or roof-mounted antennas shall be allowed **with a building permit** as a permitted principal use in the A, AI, A1, PO, PF, SC1, SC2, SC3, CG, DT1, DT2, GW, FC1, FC2, ITOD, CM, CA, MP, M1, M2, PIC, OSPR, R&BP and SSC zones subject to the conditions set forth in Subsections (11)(c), (11)(d), (11)(e) and (11)(g)(i) of this Section. Cellular facilities placed ~~as a stealth fixture antenna or placed~~ on a monopole structure shall be allowed as a conditional use in the same zones subject to the provisions of this Section.

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(e) Stealth Fixture Antennas. A stealth fixture antenna is one (1) or more antennas attached to a supporting structure which is disguised as part of the structure or otherwise concealed from public view as much as reasonably possible.

(i) A stealth antenna shall be subject to the following development standards:

(A) A stealth fixture antenna may be attached to an existing or replacement power pole or light pole or disguised as a flagpole, manmade tree, clock tower, steeple or a structure used primarily for another use so long as any antenna located on the structure does not detract visually from the primary use.

(B) When a stealth fixture antenna is attached to an existing or replacement power pole or light pole the following conditions shall be met:

(I) The antenna shall not exceed the height of an existing pole by more than:

1 Ten (10) feet; or

2 Twenty (20) feet if, and only if, the antenna is not located closer to a residential zone boundary than two (2) times the height of the pole;

(II) If a replacement pole is proposed, the pole shall be installed in the same location as the pole being replaced unless the Planning Commission specifically approves a different location as provided in a conditional use permit; and

(III) Any existing light or power pole located in a public right-of-way or in a required front or side yard shall not be increased in height to accommodate a cellular facility antenna; or

(IV) Any replacement pole located in a public right-of-way or in a required front or side yard shall not be higher than the pole that it is replacing.

(C) Each installation shall be approved by the Provo City Power Department (or other utility company, as applicable), including approval and acceptance of any applicable agreements and payment of any required fees. Such approvals shall be received prior to final approval of a conditional use permit.

(D) A structure to which a stealth fixture antenna is attached shall be designed by a state-certified engineer to verify that the structure can support the stealth fixture antenna.

(E) The overall height of any structure proposed to be used for a stealth fixture antenna shall be consistent with any similar structure being used as a model for the stealth structure. Except as otherwise provided in Subsection (11)(e)(i)(B)(I)(2) of this Section, a stealth fixture shall be no more than ten (10) feet higher than the structure to which it is attached; provided the fixture and the structure to which it is attached are consistent with the character of similar structures located in the same area, as determined by the Planning Commission. The Planning Commission shall make specific findings to support its determination.

(F) A stealth fixture antenna, including the mounting structure, shall not exceed thirty (30) inches in diameter; provided, however, that antennas exceeding thirty (30) inches, including the mounting structure, may be permitted if the antenna is a stealth fixture antenna located on or within a clock tower, steeple, manmade tree, or other similar structure.

(G) Equipment and/or equipment shelters used in connection with stealth fixture antennas shall be camouflaged behind an effective year-round landscape buffer and/or wooden fence equal to the height of the proposed equipment. Equipment shelters shall not be located within a utility easement.

(H) Stealth fixture antennas and all associated equipment visible to public view shall be painted to match the color of the structure to which it is attached.

(I) Electrical wiring shall be located within the pole whenever possible and shall be required when a metal replacement pole is provided.

(ii) If a stealth fixture antenna becomes obsolete or the structure to which it is attached is vacated by the operator of the cellular facility, then within ninety (90) days thereafter the cellular facility operator shall remove the antenna and all associated equipment and shall restore the structure to its original condition. If the requirements of this Subsection (11)(e)(ii) are not met, the City shall have the right to enter the subject property and remove the equipment or pole at the expense of the cellular facility operator.

(iii) A **project-plan conditional use permit** application for a stealth fixture antenna shall include the following:

(A) A letter from the applicant stating that the applicant will conform to the requirements of Subsection (11)(e)(ii) of this Section; and

(B) Verification that the applicant owns the property where the stealth fixture antenna is proposed to be located or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.

(iv) If all the conditions set forth in this Subsection (11)(e) cannot be met, the requirements of Subsection (11)(f) of this Section shall apply.

(f) Monopole Structures. A monopole structure is a single cylindrical steel or wooden pole that acts as the support structure for one (1) or more antennas for a cellular facility as provided in this Subsection.

(i) A monopole structure shall comply with the following development standards:

(A) All tower structures shall be of monopole construction. No lattice constructed towers of any kind shall be allowed.

(B) All monopole structures shall be designed by a state-certified engineer to allow co-location of antennas owned by as many as three (3) separate users on a single pole.

(C) No monopole structure shall be located:

(I) Closer to a residential zone boundary than two (2) times the height of the monopole; and

(II) Within a one-half (1/2) mile radius from another monopole unless grid documentation is supplied by an independent consultant stating that antenna co-location is not technically feasible.

(III) The Planning Commission may approve a location closer to a residential zone boundary than allowed in section (11)(F)(i)(C)(I) above subject to the following conditions:

- (1) That under all circumstances the monopole must be located at least one and a quarter (1.25) times the height of the monopole from any residential boundary.
- (2) That the alternate location will reduce visual impacts on the adjacent residential property.
- (3) That the height of the monopole is more consistent with buildings or structures in the alternate location; or
- (4) That the alternate location provides easier or more convenient access for maintenance access due to property slopes or other natural barriers.

(D) A monopole with antennas and antenna support structures shall not be located in a required front setback, front landscaped area, buffer area, or required parking area.

(ii) If a monopole antenna becomes obsolete, then within ninety (90) days thereafter the operator of the cellular facility shall remove the antenna, the top three (3) feet of the antenna footing and all associated equipment, and shall restore the site to its original condition. If the requirements of this Subsection (11)(f)(ii) are not met, the City shall have the right to enter the subject property and remove the equipment or pole at the expense of the cellular facility operator.

(iii) An application for a monopole structure shall include the following:

(A) A letter from the applicant stating that the applicant will permit antenna co-location, will conform to the requirements of Subsection (11)(f)(ii) of this Section, and that the monopole structure is capable of supporting co-located antennas; and

(B) Verification that the applicant owns the property where the monopole structure is proposed to be located, or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.

(iv) Co-location on an existing monopole structure shall be a ~~conditional~~ permitted use and shall be handled ~~administratively~~ with a building permit.

...

(h) Additional Requirements.

(i) Each cellular facility shall be considered as a separate use; and an annual business license shall be required for each such facility.

(ii) In addition to the conditional use standards set forth in Section 14.02.040, Provo City Code, the Planning Commission shall make the following findings for any cellular facility subject to a conditional use permit:

(A) That the proposed structure is compatible with the height and mass of existing buildings and utility structures;

(B) That co-location of the antenna or other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles, etc., is possible without significantly impacting antenna transmission or reception;

(C) That the antenna location blends with existing vegetation, topography and buildings;

(D) That location approval of monopoles will not create a detrimental impact to adjoining properties; and

(E) That location of cellular facility will not interfere with existing transmission signals.

(iii) The Planning Commission must approve the exact location of the monopole on the site. If at any point, during deliberation of the Planning Commission or following the decision of the Planning Commission, there is a need to alter the location of the monopole, a new site plan and elevation drawings showing the proposed location shall be brought back to the Planning Commission for review and approval. Prior to a rehearing by the Planning Commission, neighboring property owners within five hundred (500) feet will be given notice of the Planning Commission meeting.



WELCOME HOME

PLANNING COMMISSION

July 26, 2023

*ITEM 3

Development Services requests Ordinance Text Amendments to Subsection 14.34.250(11) to update standards for Conditional Uses for Communication Towers and Antennas.

Citywide Application

PLOTA20230187

Proposed Changes

- Federal law now requires that cities approve changes that do not substantially alter existing towers, such as adding additional antenna to existing structures.
- This amendment provides the Planning Commission with the ability to approve an alternate location for the tower if certain criteria are met.
- The amendment will also provide clarity on the process that must be followed when changes are proposed to the approved tower location.

Provo City Planning Commission

Report of Action

July 26, 2023

*ITEM #3 Development Services requests Ordinance Text Amendments to Subsection 14.34.250(11) to update standards for Conditional Uses for Communication Towers and Antennas. Citywide Application. Dustin Wright (801) 852-6414 dwright@provo.org PLOTA20230187

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 26, 2023:

RECOMMENDED APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Conditions of Approval: N/A

Motion By: Robert Knudsen

Second By: Melissa Kendall

Votes in Favor of Motion: Robert Knudsen, Melissa Kendall, Daniel Gonzales, Andrew South, Barbara DeSoto, Jeff Whitlock

Daneil Gonzales was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit B.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- Citywide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Neighbors or other interested parties did not address the Planning Commission.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The proposed language will provide 4 criteria for the Planning Commission to review when looking to modify the location of a proposed tower.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- This proposed amendment will provide flexibility and help to address issues that come up in the past by providing better discretion for the Planning Commission. It will be helpful in cases where a better location is identified.
- The proposed change is twofold in that the first part will address alignment with federal codes and the second is to allow for more discretion to ensure that the best location is selected.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to Development Services, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT B

14.34.250(11) Standards for Conditional Uses.

(11) Communications (4715 – Low-Power Radio Communication Towers and Antennas).

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(b) Cellular facilities consisting solely of wall-mounted or roof-mounted antennas shall be allowed **with a building permit** as a permitted principal use in the A, AI, A1, PO, PF, SC1, SC2, SC3, CG, DT1, DT2, GW, FC1, FC2, ITOD, CM, CA, MP, M1, M2, PIC, OSPR, R&BP and SSC zones subject to the conditions set forth in Subsections (11)(c), (11)(d), (11)(e) and (11)(g)(i) of this Section. Cellular facilities placed ~~as a stealth fixture antenna or placed~~ on a monopole structure shall be allowed as a conditional use in the same zones subject to the provisions of this Section.

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(B) Verification that the applicant owns the property where the stealth fixture antenna is proposed to be located or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.

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CONCLUSION

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2 Twenty (20) feet if, and only if, the antenna is not located closer to a residential zone boundary than two (2) times the height of the pole;

(II) If a replacement pole is proposed, the pole shall be installed in the same location as the pole being replaced unless the Planning Commission specifically approves a different location as provided in a conditional use permit; and

(III) Any existing light or power pole located in a public right-of-way or in a required front or side yard shall not be increased in height to accommodate a cellular facility antenna; or

(IV) Any replacement pole located in a public right-of-way or in a required front or side yard shall not be higher than the pole that it is replacing.

(C) Each installation shall be approved by the Provo City Power Department (or other utility company, as applicable), including approval and acceptance of any applicable agreements and payment of any required fees. Such approvals shall be received prior to final approval of a conditional use permit.

(D) A structure to which a stealth fixture antenna is attached shall be designed by a state-certified engineer to verify that the structure can support the stealth fixture antenna.

(E) The overall height of any structure proposed to be used for a stealth fixture antenna shall be consistent with any similar structure being used as a model for the stealth structure. Except as otherwise provided in Subsection (11)(e)(i)(B)(I)(2) of this Section, a stealth fixture shall be no more than ten (10) feet higher than the structure to which it is attached; provided the fixture and the structure to which it is attached are consistent with the character of similar structures located in the same area, as determined by the Planning Commission. The Planning Commission shall make specific findings to support its determination.

(F) A stealth fixture antenna, including the mounting structure, shall not exceed thirty (30) inches in diameter; provided, however, that antennas exceeding thirty (30) inches, including the mounting structure, may be permitted if the antenna is a stealth fixture antenna located on or within a clock tower, steeple, manmade tree, or other similar structure.

(G) Equipment and/or equipment shelters used in connection with stealth fixture antennas shall be camouflaged behind an effective year-round landscape buffer and/or wooden fence equal to the height of the proposed equipment. Equipment shelters shall not be located within a utility easement.

(H) Stealth fixture antennas and all associated equipment visible to public view shall be painted to match the color of the structure to which it is attached.

(I) Electrical wiring shall be located within the pole whenever possible and shall be required when a metal replacement pole is provided.

(ii) If a stealth fixture antenna becomes obsolete or the structure to which it is attached is vacated by the operator of the cellular facility, then within ninety (90) days thereafter the cellular facility operator shall remove the antenna and all associated equipment and shall restore the structure to its original condition. If the requirements of this Subsection (11)(e)(ii) are not met, the City shall have the right to enter the subject property and remove the equipment or pole at the expense of the cellular facility operator.

(iii) A **project-plan conditional use permit** application for a stealth fixture antenna shall include the following:

(A) A letter from the applicant stating that the applicant will conform to the requirements of Subsection (11)(e)(ii) of this Section; and

(B) Verification that the applicant owns the property where the stealth fixture antenna is proposed to be located or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.

(iv) If all the conditions set forth in this Subsection (11)(e) cannot be met, the requirements of Subsection (11)(f) of this Section shall apply.

(f) Monopole Structures. A monopole structure is a single cylindrical steel or wooden pole that acts as the support structure for one (1) or more antennas for a cellular facility as provided in this Subsection.

(i) A monopole structure shall comply with the following development standards:

(A) All tower structures shall be of monopole construction. No lattice constructed towers of any kind shall be allowed.

(B) All monopole structures shall be designed by a state-certified engineer to allow co-location of antennas owned by as many as three (3) separate users on a single pole.

(C) No monopole structure shall be located:

(I) Closer to a residential zone boundary than two (2) times the height of the monopole; and

(II) Within a one-half (1/2) mile radius from another monopole unless grid documentation is supplied by an independent consultant stating that antenna co-location is not technically feasible.

(III) The Planning Commission may approve a location closer to a residential zone boundary than allowed in section (11)(F)(i)(C)(I) above subject to the following conditions:

- (1) That under all circumstances the monopole must be located at least one and a quarter (1.25) times the height of the monopole from any residential boundary.
- (2) That the alternate location will reduce visual impacts on the adjacent residential property.
- (3) That the height of the monopole is more consistent with buildings or structures in the alternate location; or
- (4) That the alternate location provides easier or more convenient access for maintenance access due to property slopes or other natural barriers.

(D) A monopole with antennas and antenna support structures shall not be located in a required front setback, front landscaped area, buffer area, or required parking area.

(ii) If a monopole antenna becomes obsolete, then within ninety (90) days thereafter the operator of the cellular facility shall remove the antenna, the top three (3) feet of the antenna footing and all associated equipment, and shall restore the site to its original condition. If the requirements of this Subsection (11)(f)(ii) are not met, the City shall have the right to enter the subject property and remove the equipment or pole at the expense of the cellular facility operator.

(iii) An application for a monopole structure shall include the following:

(A) A letter from the applicant stating that the applicant will permit antenna co-location, will conform to the requirements of Subsection (11)(f)(ii) of this Section, and that the monopole structure is capable of supporting co-located antennas; and

(B) Verification that the applicant owns the property where the monopole structure is proposed to be located, or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.

(iv) Co-location on an existing monopole structure shall be a ~~conditional~~ permitted use and shall be handled ~~administratively~~ with a building permit.

...

(h) Additional Requirements.

(i) Each cellular facility shall be considered as a separate use; and an annual business license shall be required for each such facility.

(ii) In addition to the conditional use standards set forth in Section 14.02.040, Provo City Code, the Planning Commission shall make the following findings for any cellular facility subject to a conditional use permit:

(A) That the proposed structure is compatible with the height and mass of existing buildings and utility structures;

(B) That co-location of the antenna or other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles, etc., is possible without significantly impacting antenna transmission or reception;

(C) That the antenna location blends with existing vegetation, topography and buildings;

(D) That location approval of monopoles will not create a detrimental impact to adjoining properties; and

(E) That location of cellular facility will not interfere with existing transmission signals.

(iii) The Planning Commission must approve the exact location of the monopole on the site. If at any point, during deliberation of the Planning Commission or following the decision of the Planning Commission, there is a need to alter the location of the monopole, a new site plan and elevation drawings showing the proposed location shall be brought back to the Planning Commission for review and approval. Prior to a rehearing by the Planning Commission, neighboring property owners within five hundred (500) feet will be given notice of the Planning Commission meeting.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: DIXONH
Department: Mayor Office
Requested Meeting Date: 08-22-2023

SUBJECT: An update to the Municipal Council regarding improvements on Center Street in downtown Provo and associated construction. (23-060)

RECOMMENDATION: Information only

BACKGROUND: The Transportation and Mobility Advisory Committee reviewed and prioritized a number of improvements in order to enhance pedestrian safety and overall improve the quality of the user experience in downtown Provo. Engineering Staff will present a few proposed improvements which will take place shortly in downtown on Center Street - raised pedestrian crosswalks

FISCAL IMPACT: N/A

PRESENTER'S NAME: Gordon Haight, City Engineer Director & Vern Keesler, City Traffic Manager

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
pedestrian safety, quality of life

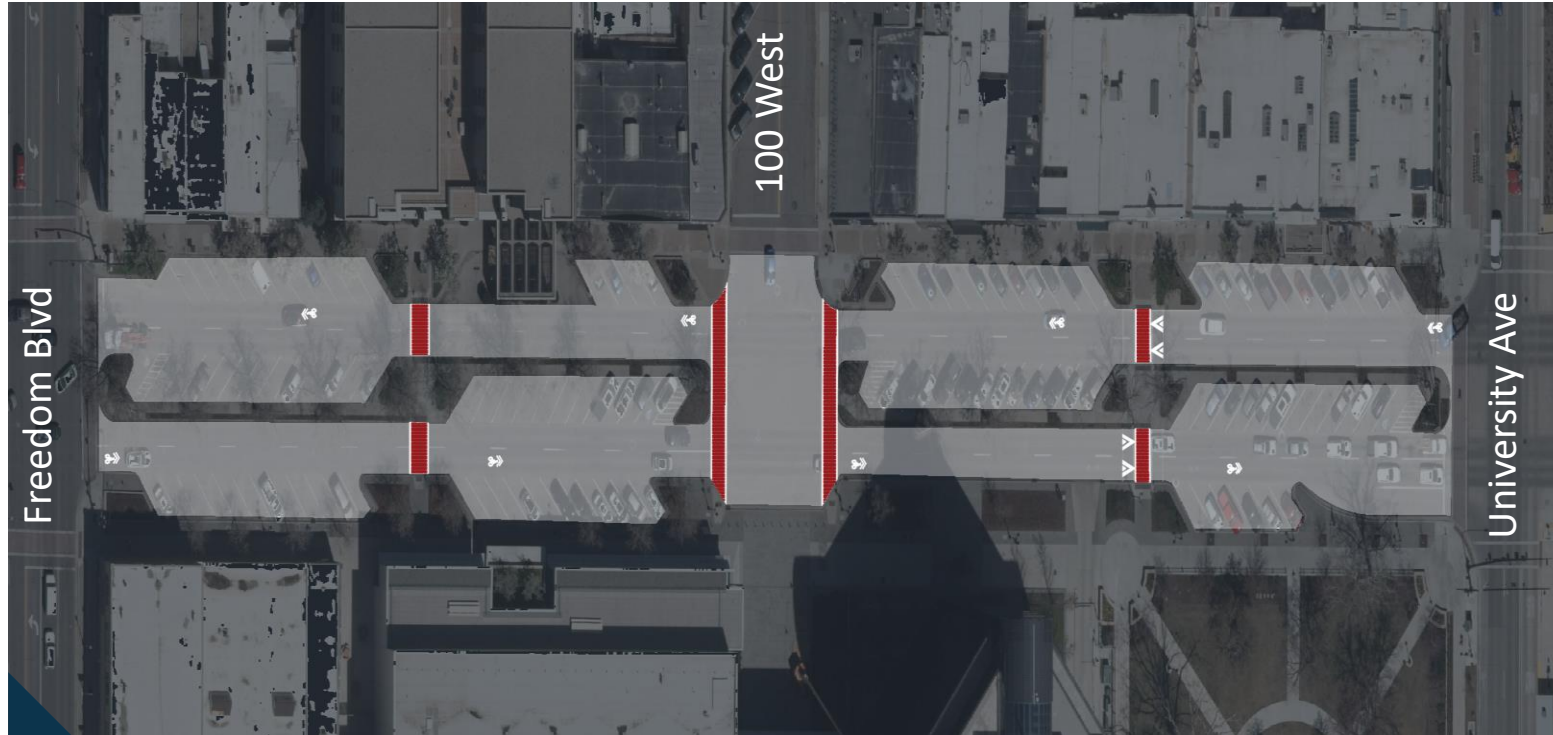
CITYVIEW OR ISSUE FILE NUMBER: 23-060

CENTER STREET PROJECT


provo
ENGINEERING

Mill & Overlay

Freedom Blvd to University Ave



Construction

Mill and overlay will include replacing the decorative crosswalk stencils, and parking lines. New sharrow bike lane messages will be installed between 500 West and University Ave in the outside lanes.

Closure

Sunday, Aug 20, 2023 – Utility Lowering

Sunday, Aug 27, 2023 – Mill Travel Lanes

Mon- Tues, Aug 28 & 29, 2023 – Mill Parking, one lane open

Sunday, Sept 10, 2023 – Pave North Side, Eastbound open.

Monday, Sept 11, 2023 – Pave South Side, Westbound open.

Sunday, Sept 17, 2023 – Raise Utilities

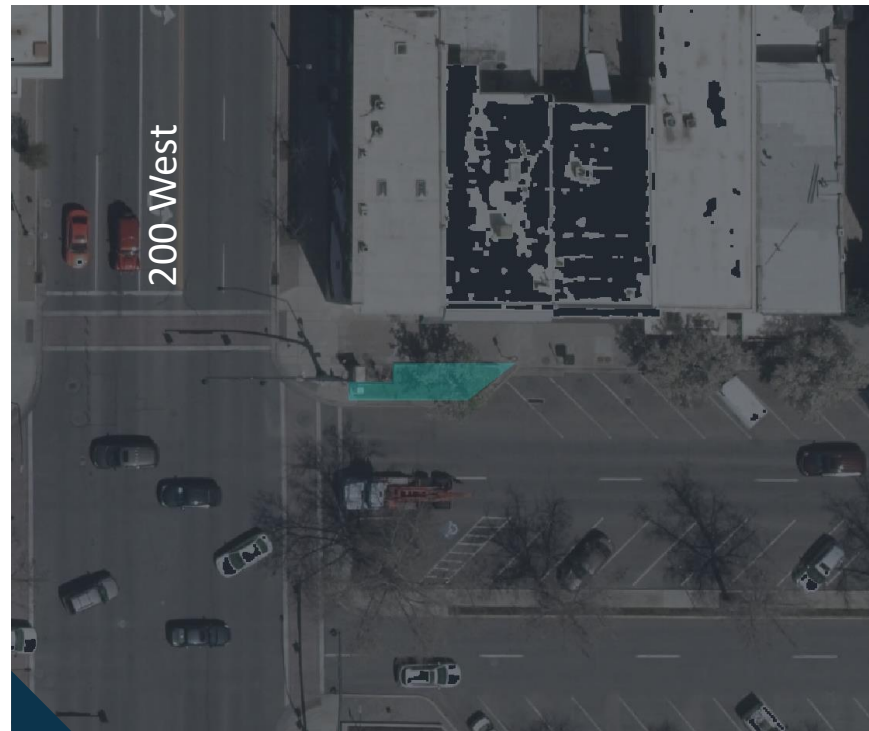
Outdoor Dining Area

100 West and 200 West



Construction

Existing raised planters will be removed and sidewalk will be installed to provide outdoor dining areas to be utilized by the business owners.



Closure

Thursday, Aug 24 to Saturday, Aug 26 - North Westbound Lane Closure

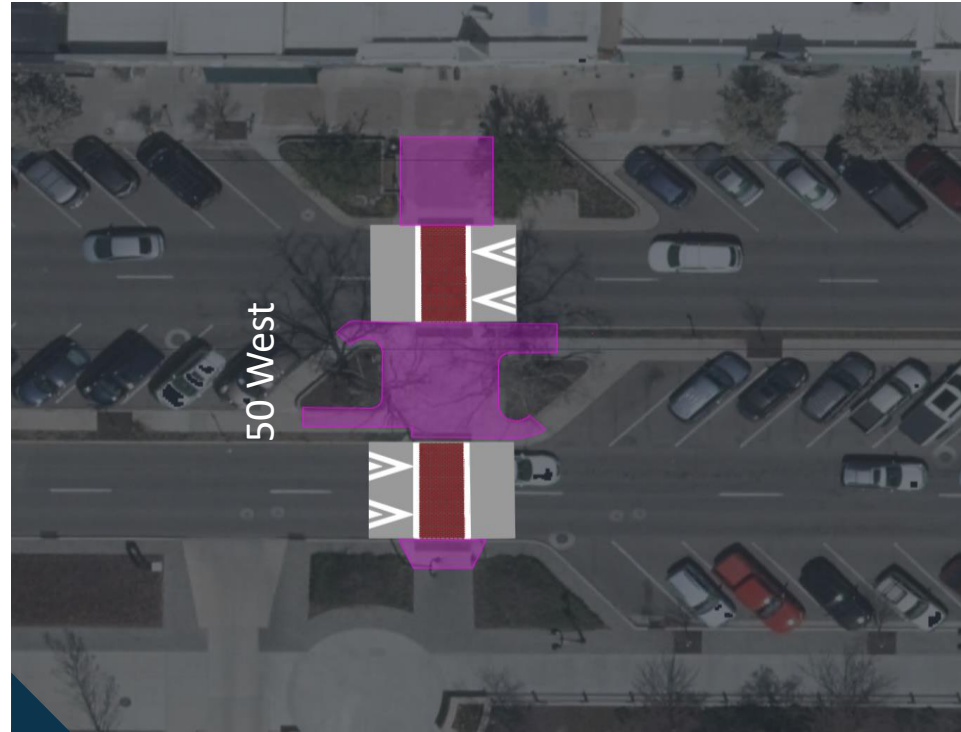
Raised Concrete Crosswalks

450 West and 50 West Mid-block crossings



Construction

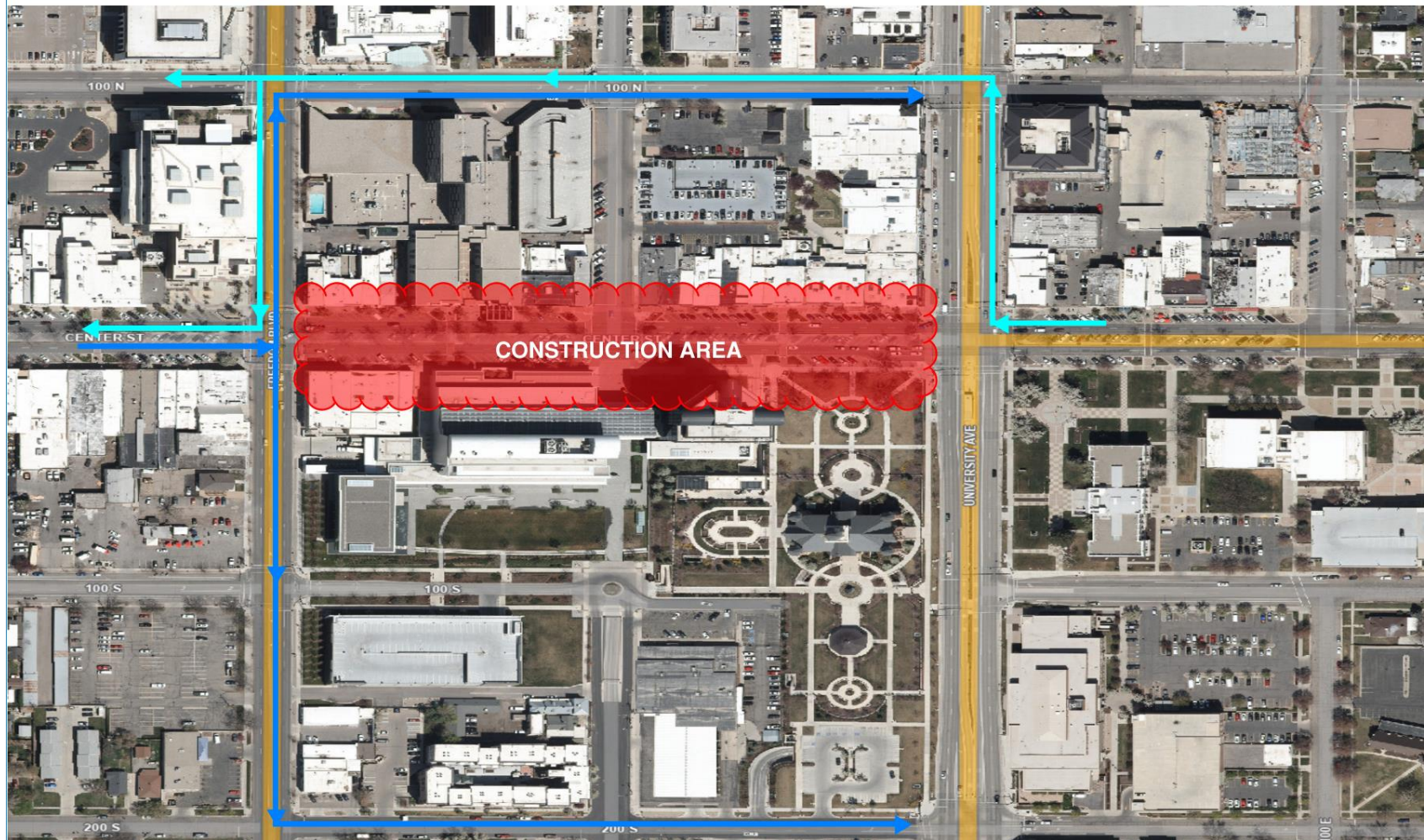
Existing ADA ramps, asphalt and sidewalk will be removed so a Raised Concrete Crosswalk can be installed. Sidewalk and ADA ramps will be replaced at the raised elevation.



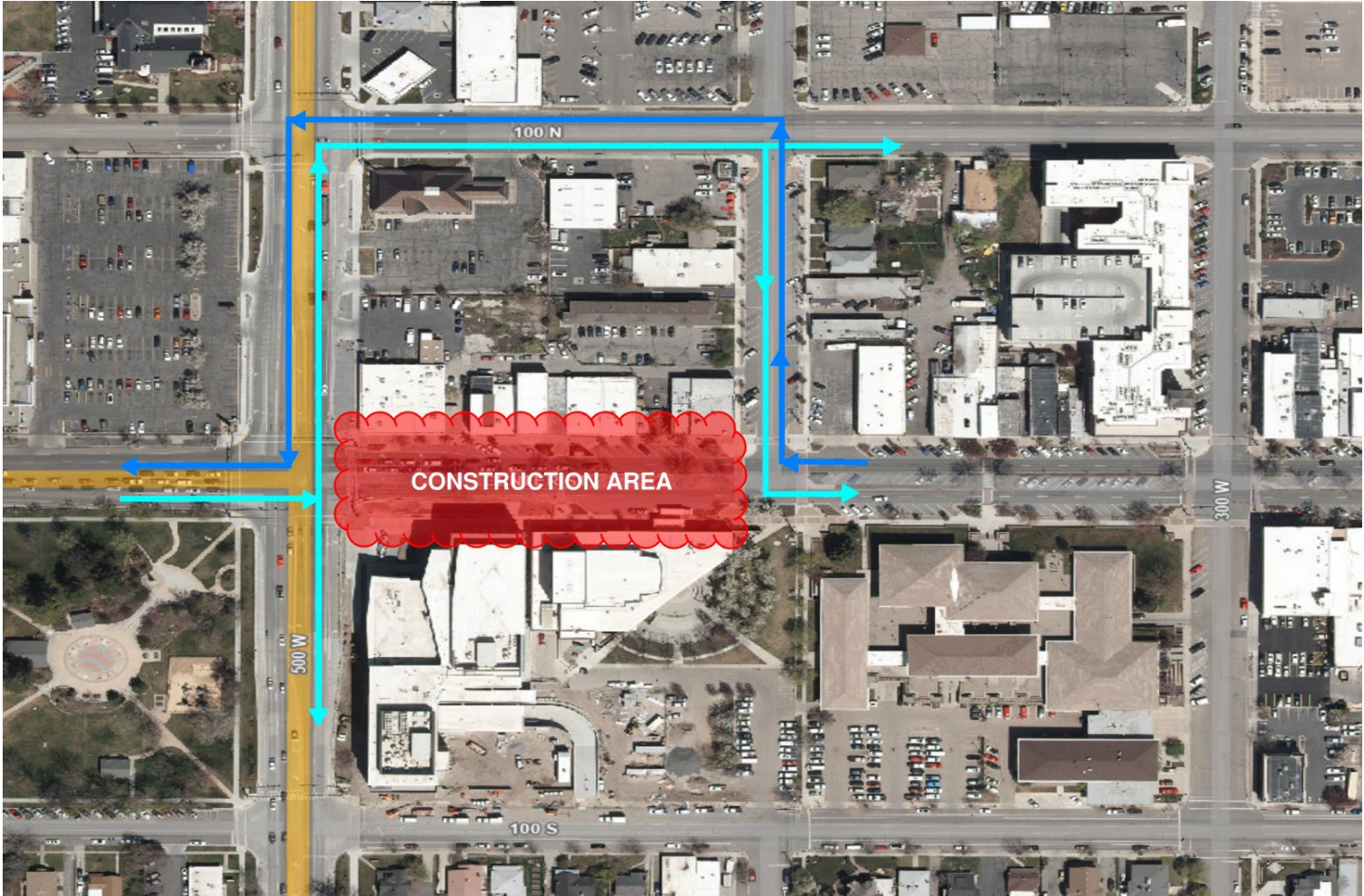
Closure

450 W - Monday, Aug 21 to Friday, Sept 1 – Raised Crosswalk Installation
50 W – Monday, Sept 25 to Monday, Oct 9 – Raised Crosswalk Installation

Freedom Blvd to University Closure



500 West to 400 West Closure



Center Street Improvement Projects

Note: Construction activities and timeline may change due to unforeseen conflicts such as weather. All lanes and parking will be open outside of construction timeframes. This project has been scheduled to try and minimize impacts to businesses. We appreciate your patience as we make these changes.

Mill & Overlay for University Ave to Freedom Blvd:

This portion of the project will include replacing the decorative crosswalk stencils, and parking lines. New sharrow bike lane messages will be installed between 500 West and University Ave in the outside lanes. Expect rough roads after milling as we wait for paving.

Closure Timeline:

Sunday Aug 20, 2023 – Full Closure – Utility Lowering

Sunday Aug 27, 2023 – Full Closure – Mill Travel Lanes

Mon–Tues Aug 28-29, 2023 – One Lane Open – Mill Parking

Sunday Sept 10, 2023 – Eastbound Open – Pave North Side

Monday Sept 11, 2023 – Westbound Open – Pave South Side

Sunday Sept 17, 2023 – Full Closure – Raise Utilities

Raised Concrete Crosswalks:

Existing ADA ramps, asphalt, and sidewalk will be removed so a raised concrete crosswalk can be installed. Sidewalk and ADA ramps will be replaced at the raised elevation.

Closure Timeline:

400 W to 500 W – Full Closure – Monday Aug 21 to Friday Sept 1

University Ave to 100 W – Full Closure – Monday Sept 25 to Monday Oct 9

Outdoor Dining Areas (100 W and 200 W Northeast Corners):

Existing raised planters will be removed and sidewalk will be installed to provide outdoor dining areas to be utilized by the business owners.

Closure Timeline:

Thursday Aug 24 to Saturday Aug 26 – North Westbound Lane Closure Only

Contact Information:

David Michelsen – Project Manager – (801) 852-6736

Ryan Hawkins – Staker Parsons – (385) 224-3442

Vern Keeslar – Traffic Control/Signal Timing – (801) 852-6783



Questions

Center Street Improvement Projects

Sunday, August 20, 2023 - Utility Lowering for Mill and Overlay

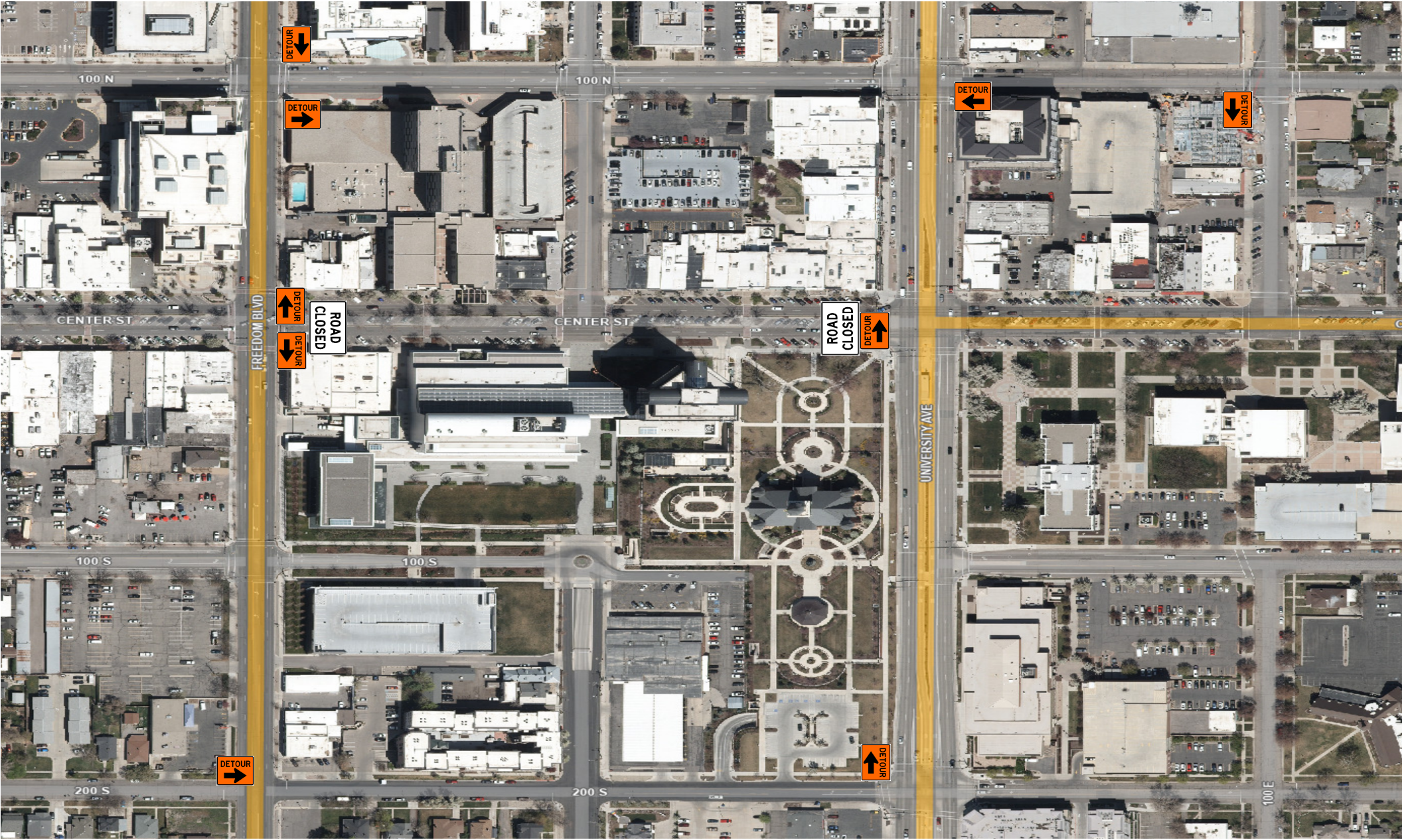
Sunday, August 27, 2023 - Mill Pavement

Sunday, September 10, 2023 - Pave North Side

Monday, September 11, 2023 - Pave South Side

Sunday, September 17, 2023 - Raise Utilities

Monday, September 18, 2023 to Monday, October 2, 2023 - Raised Crosswalk Installation



Center Street Improvement Projects

Monday, August 21, 2023 to Friday, September 1, 2023

Raised Crosswalk Installation



PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 08-22-2023

SUBJECT: A presentation regarding the balance of the Legacy CIP Fund. (23-045)

RECOMMENDATION: Presentation and discussion. Motion needed for further direction.

BACKGROUND: As follow up to a Council motion, Finance will report on the status of the Legacy CIP fund and CARES and ARPA funds, either spent, encumbered, or in fund balance.

FISCAL IMPACT:

PRESENTER'S NAME: John Borget, Director of Administrative Services

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-045

| Legacy CIP | Project | Job Code | Budget | Actual 2021 | Actual 2022 | Actual 2023 | Actual 2024 | Total | Balance |
|------------------|------------------------------------|-----------|-----------|----------------|----------------|----------------|----------------|-----------|------------|
| | Interest earnings - unappropriated | | | | | (82,586) | | (82,586) | 82,586 |
| Approp 2-16-2021 | Fire Station #1 (CARES Savings) | FRSTAT-CA | 3,500,000 | | | 15,000 | | 15,000 | 3,485,000 |
| Approp 8-9-2022 | Fire Station #1 (ARPA) | FRSTAT-AR | 1,500,000 | | | 190,315 | | 190,315 | 1,309,685 |
| Approp 2-16-2021 | Airport Terminal | PS1313 | 400,000 | 20,000 | 115,689 | | | 135,689 | 264,311 * |
| Approp 7-6-2021 | Slate Canyon | | 1,250,175 | | 1,250,175 | | | 1,250,175 | - |
| Approp 8-3-2021 | Hillside and Canyons Plan | CD1000 | 300,000 | | | 86,489 | | 86,489 | 213,511 |
| Approp 11-1-2022 | City Center Demolition (ARPA) | GNDEMO | 3,000,000 | | | 857,342 | 146,825 | 1,004,167 | 1,995,833 |
| | Undesignated | | 429,110 | | 63,557 | | | 63,557 | 365,553 ** |
| | | | | | | | | | 7,716,479 |
| Econ Dev CIP | | | | | | | | | |
| Approp 2-16-2021 | Westside Grocery retailer | | 100,000 | | | - | | - | 100,000 |
| Approp 3-16-2021 | Westside Grocery retailer | | 900,000 | | | | | - | 900,000 |
| | | | 1,000,000 | - | - | - | | - | 1,000,000 |

* Planned to be used for concept and design of expanded Airport Terminal and Snow Removal Building.

** \$63,557 appropriated for Council Zoom Room.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: JOHN B
Department: Administrative Services
Requested Meeting Date: 08-22-2023

SUBJECT: A presentation regarding the Annual Fraud Risk Assessment. (23-025)

RECOMMENDATION: No Action required

BACKGROUND: The State Auditor requires all Governmental entities do an annual Fraud Risk Assessment and have it signed by the CAO and CFO and then reviewed on a public meeting with the Governing Body.

FISCAL IMPACT:

PRESENTER'S NAME: John Borget, Administrative Services Director

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-025



OFFICE OF THE
STATE AUDITOR

Questionnaire

Revised December 2020

Fraud Risk Assessment

INSTRUCTIONS:

- Reference the *Fraud Risk Assessment Implementation Guide* to determine which of the following recommended measures have been implemented.
- Indicate successful implementation by marking "Yes" on each of the questions in the table. Partial points may not be earned on any individual question.
- Total the points of the questions marked "Yes" and enter the total on the "Total Points Earned" line.
- Based on the points earned, circle/highlight the risk level on the "Risk Level" line.
- Enter on the lines indicated the entity name, fiscal year for which the Fraud Risk Assessment was completed, and date the Fraud Risk Assessment was completed.
- Print CAO and CFO names on the lines indicated, then have the CAO and CFO provide required signatures on the lines indicated.

Fraud Risk Assessment

Continued

*Total Points Earned: 374/395 *Risk Level: **Very Low** > 355 Low 316-355 Moderate 276-315 High 200-275 **Very High** < 200

| | Yes | Pts |
|---|-----|-----|
| 1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire? | 200 | 200 |
| 2. Does the entity have governing body adopted written policies in the following areas: | | |
| a. Conflict of interest? | 5 | 5 |
| b. Procurement? | 5 | 5 |
| c. Ethical behavior? | 5 | 5 |
| d. Reporting fraud and abuse? | 5 | 5 |
| e. Travel? | 5 | 5 |
| f. Credit/Purchasing cards (where applicable)? | 5 | 5 |
| g. Personal use of entity assets? | 5 | 5 |
| h. IT and computer security? | 5 | 5 |
| i. Cash receipting and deposits? | 4 | 5 |
| 3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team? | 20 | 20 |
| a. Do any members of the management team have at least a bachelor's degree in accounting? | 10 | 10 |
| 4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior? | 20 | 20 |
| 5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training (training.auditor.utah.gov) within four years of term appointment/election date? | 20 | 20 |
| 6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year? | 20 | 20 |
| 7. Does the entity have or promote a fraud hotline? | 20 | 20 |
| 8. Does the entity have a formal internal audit function? | 5 | 20 |
| 9. Does the entity have a formal audit committee? | 15 | 20 |

*Entity Name: Provo City

*Completed for Fiscal Year Ending: June 30, 2023 *Completion Date: August 22, 2023

*CAO Name: Wayne Parker *CFO Name: John Borget

*CAO Signature: _____



*CFO Signature: _____



*Required

Basic Separation of Duties

Continued

Instructions: Answer questions 1-12 on the Basic Separation of Duties Questionnaire using the definitions provided below.

☺ If all of the questions were answered “Yes” or “No” with mitigating controls (“MC”) in place, or “N/A,” the entity has achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will be answered “Yes.” 200 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

☹ If any of the questions were answered “No,” and mitigating controls are not in place, the entity has not achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will remain blank. 0 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

Definitions:

Board Chair is the elected or appointed chairperson of an entity’s governing body, e.g. Mayor, Commissioner, Councilmember or Trustee. The official title will vary depending on the entity type and form of government.

Clerk is the bookkeeper for the entity, e.g. Controller, Accountant, Auditor or Finance Director. Though the title for this position may vary, they validate payment requests, ensure compliance with policy and budgetary restrictions, prepare checks, and record all financial transactions.

Chief Administrative Officer (CAO) is the person who directs the day-to-day operations of the entity. The CAO of most cities and towns is the mayor, except where the city has a city manager. The CAO of most local and special districts is the board chair, except where the district has an appointed director. In school districts, the CAO is the superintendent. In counties, the CAO is the commission or council chair, except where there is an elected or appointed manager or executive.

General Ledger is a general term for accounting books. A general ledger contains all financial transactions of an organization and may include sub-ledgers that are more detailed. A general ledger may be electronic or paper based. Financial records such as invoices, purchase orders, or depreciation schedules are not part of the general ledger, but rather support the transaction in the general ledger.

Mitigating Controls are systems or procedures that effectively mitigate a risk in lieu of separation of duties.

Original Bank Statement means a document that has been received directly from the bank. Direct receipt of the document could mean having the statement 1) mailed to an address or PO Box separate from the entity’s place of business, 2) remain in an unopened envelope at the entity offices, or 3) electronically downloaded from the bank website by the intended recipient. The key risk is that a treasurer or clerk who is intending to conceal an unauthorized transaction may be able to physically or electronically alter the statement before the independent reviewer sees it.

Treasurer is the custodian of all cash accounts and is responsible for overseeing the receipt of all payments made to the entity. A treasurer is always an authorized signer of all entity checks and is responsible for ensuring cash balances are adequate to cover all payments issued by the entity.

Basic Separation of Duties

See the following page for instructions and definitions.

| | Yes | No | MC* | N/A |
|---|-----|----|-----|-----|
| 1. Does the entity have a board chair, clerk, and treasurer who are three separate people? | X | | | |
| 2. Are all the people who are able to receive cash or check payments different from all of the people who are able to make general ledger entries? | X | | | |
| 3. Are all the people who are able to collect cash or check payments different from all the people who are able to adjust customer accounts? If no customer accounts, check "N/A". | | X | X | |
| 4. Are all the people who have access to blank checks different from those who are authorized signers? | X | | | |
| 5. Does someone other than the clerk and treasurer reconcile all bank accounts OR are original bank statements reviewed by a person other than the clerk to detect unauthorized disbursements? | X | | | |
| 6. Does someone other than the clerk review periodic reports of all general ledger accounts to identify unauthorized payments recorded in those accounts? | X | | | |
| 7. Are original credit/purchase card statements received directly from the card company by someone other than the card holder? If no credit/purchase cards, check "N/A". | X | | | |
| 8. Does someone other than the credit/purchase card holder ensure that all card purchases are supported with receipts or other supporting documentation? If no credit/purchase cards, check "N/A". | X | | | |
| 9. Does someone who is not a subordinate of the credit/purchase card holder review all card purchases for appropriateness (including the chief administrative officer and board members if they have a card)? If no credit/purchase cards, check "N/A". | X | | | |
| 10. Does the person who authorizes payment for goods or services, who is not the clerk, verify the receipt of goods or services? | X | | | |
| 11. Does someone authorize payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A". | X | | | |
| 12. Does someone review all payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A". | X | | | |

* MC = Mitigating Control

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: WAYNEP
Department: Mayor Office
Requested Meeting Date: 08-22-2023

SUBJECT: A presentation addressing the dog problem. (23-059)

RECOMMENDATION: Review a staff presentation on options for enhancing city policies and actions to address the impacts of dogs running at large and leaving waste in city parks and on trails.

BACKGROUND: Many residents have complained about dogs running at large in city parks and on trails contrary to city leash laws, as well as dogs leaving animal waste behind. The Administration has been studying the issue and desires to bring the Municipal Council up to date on options for legislative, budgetary, enforcement and educational actions that could be taken to address the issues more proactively.

FISCAL IMPACT:

PRESENTER'S NAME: Wayne Parker, CAO

REQUESTED DURATION OF PRESENTATION: 30 minutes including Q&A

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-059

Approaches to Solving the Dog Problem

The Problem


More and more residents and public open space advocates are complaining about dogs and their impact on open spaces. Complaints include unleashed dogs on trails, in parks, and on roads and sidewalks, dogs roaming at large impacting private property and public safety, dog waste in parks, on trails, and on roads and sidewalks, and a general disregard for city ordinances and common decency by irresponsible pet owners. Based on resident feedback, dog issues are becoming more and more disconcerting to Provo residents.

Based on feedback from residents, city departments and elected officials, the Administration assembled a working group with representatives from Police, Parks and Recreation and Development Services to explore the issues and to identify potential approaches to solving the problem. The information in this report summarizes the range of potential solutions.


I have attempted to characterize each option based on cost (\$ to \$\$\$\$) and viability of implementation (green to red).


1. Potential Legislative Actions


a. **Require dog amenity space in higher-density pet-friendly developments.**


One of the key components of the growth of the dog issues has been the rapid growth in multi-family housing developments without adequate or well-designed dog amenity spaces. More and more multi-family unit dwellers own dogs and they lack access to the space needed to exercise their animals and for the animals to defecate. Adding standards in our zoning ordinances and design standards for areas zoned for higher-density or mixed-use developments would help address this particular challenge for dog owners. (\$, )

b. **Ordinance Modifications**


- i. Require enhanced penalties for second offenses. This was highlighted by police and animal control officers. First offenses are usually addressed by a plea-in-abeyance or a dismissal. Having enhanced penalties for subsequent offenses would send a message that the city is serious about animal-related offenses. (\$, )
- ii. Make specific reference to emotional support animals. Our code is silent on how to address emotional support animals, and owners frequently invoke this designation to plead for an exemption from leash laws or lack of control of their animals. Creating a definition for emotional support


animals and specific standards in the code related to these animals and their owners would provide greater clarity. (\$, )


iii. Review and update bail schedules. Bail schedules for offenses related to animal behavior are out of date and should be reviewed more often. Higher bail schedules for these offenses would give greater guidance to prosecutors and judges as to the priority of these offenses. (\$, )

c. Consider the merits of an ordinance to ban dogs in parks. Our neighbors to the south in Spanish Fork have banned all dogs from all city parks. While this might seem extreme, it has significantly reduced issues in the parks with dogs running at large and leaving dog feces in open park areas. (\$\$, )


2. Lower Cost Administrative Actions


a. **Show of force in high traffic areas.** One option for enhancing enforcement is to bring a “show of force” with police officers, animal control officers and parks employees to trails and parks that have particularly high traffic, such as the Rock Canyon trail. This would involve parks outreach employees connecting with patrons at the trailhead or park parking lot to advise them of the rules and perhaps offer a reward for dogs on leashes and owners with cleanup bags. Further up the trail, animal control officers and police officers on bicycles would be located to cite owners who do not have a dog on a leash or who do not clean up after their pet. This might be most effective at the beginning of a season. This is highly labor intensive and might be difficult to replicate with existing resources. (\$, )

b. **Police bicycle unit in parks/trails.** Police bicycle patrol officers could be assigned to targeted areas through the popular times of year in parks and trails to cite offending pet owners when they violate city ordinances. (\$, )



c. **Cameras in specific locations.** Trail cameras could be deployed in locations where there is a higher likelihood of offenders. Some creative signage about patrons being on camera along with the cameras may be a deterrent. However, similar efforts in the past with trail cameras have resulted in cameras being stolen or vandalized. (\$, )

d. **Improved signage.** While the City has signed city parks and trails with information about keeping dogs on leashes and cleaning up after pets, the signs have been fairly small and not especially noticeable. We could consider increasing signage and visibility, making the language more specific and indicating specific penalties or fines. We would also want to be careful about not having the signs be overwhelming to park visitors. Another area where improved



signage would help is at the boundary between city owned property and federal or state-owned lands where city ordinances would not apply. (\$\$, )

- e. **More pet waste disposal sites at parks and trails.** We have seen some circumstances in parks and on trails where dog waste bags have been used but then left alongside the trail. Increasing the availability of both bag stations and receptacles might have a positive effect on reducing the impact of pet waste and encouraging dog owners to dispose of waste properly. (\$\$, )

3. Higher Cost/Budget Impact Actions

- a. **Dog Parks.** Provo City has one dog park located at Bicentennial Park in southeast Provo. This park is small and has been well used. It has been difficult to keep it functional due to the amount of use and maintenance demands. Residents have routinely asked the City to consider upgrading this park and adding more dog parks around the city. However, dog parks are typically high cost to build and develop, and quite expensive to maintain to a high standard. Additionally, many residents resist a dog park near their homes due to potential neighborhood impacts. (\$\$\$, )
- b. **Additional animal control officers.** Provo City currently has one animal control supervisor and three full-time animal control officers. While arriving at an optimal staffing level for ACO's would require further study, national data suggests a ratio of one ACO per 15,000 - 20,000 residents is a good rule of thumb. This would suggest a shortage of approximately two animal control officers. Without additional staffing, it would be difficult to provide the level of enforcement many residents seem to expect. Before committing to a significant increase in staffing, the Police Department should gather data on current enforcement efforts and outcomes and make projections about how additional staffing would enhance existing performance. (\$\$\$\$, )

4. Education Efforts

- a. **Commission a citizen survey.** It would be helpful to quantify how significant the dog problems are to our residents. Conducting a statistically valid citizen survey would be very helpful in defining the seriousness of the problem. This could be done as a stand-alone project, or as a series of questions in a broader, more comprehensive resident survey. (\$\$, )
- b. **Develop a comprehensive education and outreach campaign.** A solid and well-funded citizen education campaign would be one approach to increasing awareness of the issues and encouraging compliance with animal control ordinances. (\$\$, )

- i. Messages could focus on:
 1. Dogs welcome on leashes (as opposed to the negative message of unleashed dogs being unwelcome)
 2. Helping introduce animal control officers to the public as humans and animal lovers.
 3. Show negative impacts of dog waste and dogs unleashed In parks, trails, sports fields and the cemetery, unleashed dogs interacting with leashed dogs (leash wrap and higher risk of injuries) and unleashed dogs and injuries to kids and elders.

- ii. Components of an educational campaign could include:
 1. Videos. Educational and entertaining videos have shown promise in dealing with issues of public concern. Videos which demonstrate the negative impacts of dogs running at large and of dog waste could play a meaningful role in encouraging dog owners to be more responsible with their pets in public.
 2. Social media. Preparing social media messaging, infographics, memes, stories and other content and deploying them in general social media outlets such as the City's Facebook, Twitter, YouTube and Instagram channels would be an effective tool. Additionally, sharing this content with dog owner groups in our geographic area might be effective.
 3. Utility bill newsletter feature. The monthly city newsletter could include seasonal messages about city animal control ordinances and behaviors expected from responsible pet owners. Parks and Recreation has been including messages targeted at pet owners in the quarterly Activity Guide, and that could be expanded as well.
 4. Host specialized events. Events can be a good opportunity to share important educational messages. One idea that surfaced was to host an event at City Hall where residents could bring their dogs to an event where there would be giveaways and discounts for animal licenses in exchange for an owner signing a pledge of personal responsibility. The city could also provide a virtual opportunity for those not able to come in person. An additional opportunity for an event would be to leverage the annual dog day at the outdoor pool.
 5. Leverage existing events. There are many opportunities in our community like back-to-school nights, the Farmers' Market,

Movies in the Parks, National Night Out, Library events, MyHomeTown events, Downtown Provo, Inc. events and more where messages could be shared with residents and their families.

6. Consider a specialized mascot. Parks and Recreation has their department mascot which has come to department events. We could consider purchasing a costume and hiring a part-time employee to wear the costume and interact with residents and children to promote responsible pet ownership.
7. Partner with South Utah Valley animal shelter. Our partner agency at the South Utah Valley Animal Shelter could be engaged to help by providing access owners' contact information and by allowing the city to provide educational material with licenses.
8. Partner with local animal care clinics. These local businesses who have built-in trust with their clients could share our educational materials with their Provo pet owners.

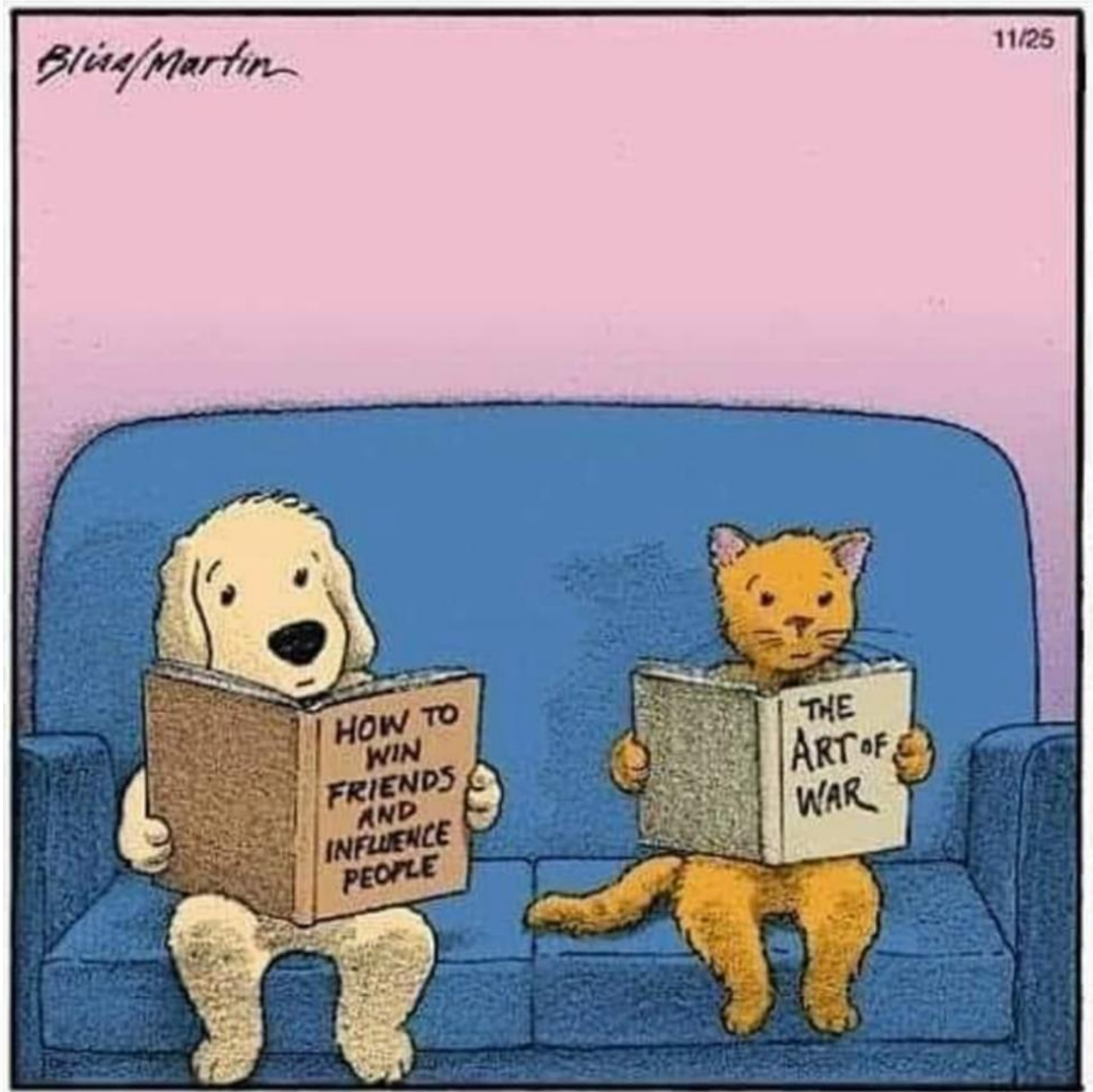
A person in a dark grey dress and light blue sneakers is walking a brown and white bulldog through a wooden gate. The ground is covered in fallen autumn leaves. The scene is brightly lit, suggesting a sunny day. The text "Solving the Dog Problem" is overlaid in the center in a white serif font.

Solving the Dog Problem

Dogs vs. Cats



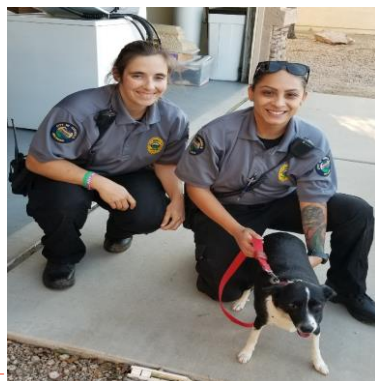
Dogs vs. Cats



Those dog people....



Agenda



What are the problems?

Possible legislative solutions

Low-cost administrative actions

Higher cost actions

Education efforts



Defining the Problem

- Dogs in open spaces
- Dogs roaming in neighborhoods
- Dog waste in public spaces
- Disregard by a minority of dog owners for city ordinance and common courtesy



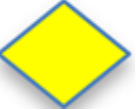



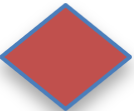
Dog Issues Summit

- Administration
- Police and Animal Control
- Parks and Recreation
- Development Services






Potential Actions



Options for Legislative Actions

- ♦ Require adequate dog amenity space in higher-density pet-friendly developments \$, 
- ♦ Require enhanced penalties for second offenses \$, 
- ♦ Make specific reference to emotional support animals and service animals \$, 
- ♦ Review and update bail schedules \$, 
- ♦ Consider the merits of an ordinance to ban dogs in parks \$\$, 

Low-Cost Administrative Options

- ♦ Start with a “show of force” in high traffic areas \$, 
- ♦ Deploy police bicycle unit in select parks and trails \$, 
- ♦ Install trail cameras in select locations \$, 
- ♦ Improve signage in parks and on trails \$\$, 
- ♦ Provide more pet waste resources in high traffic areas \$\$, 

Higher Cost / Budget Impact Actions

♦ Add more dog parks in Provo

\$\$\$ 

♦ Add animal control officers

\$\$\$\$ 

Education Efforts

- ♦ Commission a citizen survey
- ♦ Education and outreach campaign
 - ♦ Messages around dogs being welcome as long as...
 - ♦ Introduce animal control officers as humans and animal lovers
 - ♦ Show negative impacts of dog waste, unleashed dogs, and even leashed dogs that are not fully controlled

Education Efforts

- ◆ Components of education campaign
 - ◆ Videos
 - ◆ Social media
 - ◆ City newsletters
 - ◆ Host specialized events
 - ◆ Leverage existing events
 - ◆ Mascot
 - ◆ Partner with animal shelter and pet clinics

Summary



- Wide range of options available
- Vary in feasibility, acceptance and cost
- Encourage council to review and determine next steps
- With guidance, Administration can further research and evaluate favored options for later review

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 08-22-2023

SUBJECT: A presentation regarding code-required and administrative reports. (23-025)

RECOMMENDATION: Presentation- motion needed for further action.

BACKGROUND: Pursuant to Provo City Code 2.50.130(2)(i), the Council Executive Director is to Evaluate, report, and make recommendations to the Council as to whether the general intent of Council policies, in the form of ordinances and resolutions, are being complied with and carried forth by the City.

City Code references 29 reports that are required to be given to the Council at various points of the year for various reasons. The purpose of this presentation is to revisit required reports to the Council. Many of these reports have not been received in over ten years. Council staff is seeking direction on what reports to keep, delete, add, or amend. Staff will review the code and provide recommendations.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Abi Maccabee, Council Intern

REQUESTED DURATION OF PRESENTATION: 30 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-025



Report on Reports

Provo City Council Staff
August 22, 2023

Background



- The purpose of this presentation is to revisit required reports to the Council. This report is in compliance with the requirement in code for Council Policies Compliance.
- There are 29 reports to the Council that are required in code. Many of these reports were adopted in the 1980s, 1990s, and the early 2000s. Additionally, many of these reports have not been received in over ten years.
- These reports need to be reviewed to determine necessary changes.

Rental and Business License Reports

| Report Name | Last Received | Reporter/Recipient | Frequency | Recommendation |
|---|---------------|--------------------|------------------------------------|---|
| Rental Dwelling License Compliance 6.26.140 | 2011 | Mayor/City Council | Within 10 days of each new quarter | <ul style="list-style-type: none">Update reporter/recipient |
| Mobile Home Rental Dwelling License 6.30.140 | 2010 | Mayor/City Council | Within 10 days of each new quarter | <ul style="list-style-type: none">Update reporter/recipient |
| Mobile Home Park Business License 6.31.140 | 2010 | Mayor/City Council | Within 10 days of each new quarter | <ul style="list-style-type: none">Update reporter/recipient |

Departmental Reports

| Report Name | Last Received | Reporter/Recipient | Frequency | Recommendation |
|--|--|---|-------------------|---|
| Annual Report from Library Board 2.26.110 | No Data *May be included in the budget presentation | Library Board of Directors/City Council | Annually | <ul style="list-style-type: none">• Combine with budget process presentation |
| Report from Cemetery Sexton 2.15.030 | No Data | Sexton/Mayor and City Council | From Time to Time | <ul style="list-style-type: none">• Define specific reports to be given• Specify frequency requirement• Require report on water usage |

Departmental Reports

| Report Name | Last Received | Reporter/Recipient | Frequency | Recommendation |
|--|---|--|------------------------------|--|
| Report on State of Affairs and Conditions of the Police Department 9.01.100 | 2015 *May be included in the budget presentation | Chief of Police/Mayor and City Council | Annually/From Time to Time | <ul style="list-style-type: none"> Update frequency requirement Combine with budget presentation |
| Provo Youth City Council 2.37.020 | No Data | Provo Youth City Council/City Council | By Request | <ul style="list-style-type: none"> Update frequency requirement Specify topics to report on |
| Landmark Register Nominations 16.05.030(3) | 2020 | Landmarks Commission/City Council | Within 14 days of nomination | <ul style="list-style-type: none"> Specify reporter |

CIP & Development Reports

| Report Name | Last Received | Reporter/Recipient | Frequency | Recommendation |
|---|-------------------------------|--------------------|---|--|
| Capital Improvement Plan 3.03.020 | Part of Yearly Budget Process | Mayor/City Council | Annually by March 1 | <ul style="list-style-type: none"> Combine with budget process presentation or with CIP Report |
| CIP Report 3.03.040 | Part of Yearly Budget Process | Mayor/City Council | Within 30 days after completion of the annual City financial report | <ul style="list-style-type: none"> Combine with budget process presentation or with CIP Plan |
| Airport Master Plan Implementation Report 13.01.040(3) | 2010 | Mayor/City Council | Regularly Scheduled Council meeting | <ul style="list-style-type: none"> Update frequency requirement Combine with CIP Plan and CIP Report |

Budget, Rates, and Financial Reports

| Report Name | Last Received | Reporter/Recipient | Frequency | Recommendation |
|---|---|--------------------|---|---|
| Annual Financial Report 2.10.030(15) | Satisfied by the Comprehensive Financial Report | Mayor/City Council | Within 180 days following the close of the city's fiscal year (State law) | <ul style="list-style-type: none"> Maintain status quo |
| Impact Fee Report 15.08.115 | 2010 | Mayor/City Council | Annually | <ul style="list-style-type: none"> Combine with budget process presentation Specify frequency requirement |
| Utility Transportation Fund 5.08.070 | No Data | Mayor/City Council | Regularly Scheduled Council meeting | <ul style="list-style-type: none"> Clarify expectations for this report |

Budget, Rates, and Financial Reports

| Report Name | Last Received | Reporter/Recipient | Frequency | Recommendation |
|--|---------------|--|---|--|
| Energy Rate Adjustments Report 12.02.010(3) | 2010 | Director of the Energy Department/City Council | Annually | <ul style="list-style-type: none">• Combine with budget process presentation• Specify frequency requirement |
| Emergency Expenditure Report 3.03.050(2) | No Data | Mayor/City Council | Within 30 days of emergency expenditure | <ul style="list-style-type: none">• Maintain status quo |

Land and Parking Reports

| Report Name | Last Received | Reporter/Recipient | Frequency | Recommendation |
|---|---|---|--|---|
| Surplus Property List Disposition Report 3.04.030(9) | 2019 | Mayor/City Council | No later than first Council meeting in the month of December | <ul style="list-style-type: none"> Maintain status quo |
| Graffiti Removal Report 7.05.060 | No Data | Mayor/City Council | Quarterly | <ul style="list-style-type: none"> Remove or update frequency |
| Sewer Modeling Reports/Projections 15.03.105 | No Data | The City/City Council | Not Specific | <ul style="list-style-type: none"> Specify reporter Specify frequency requirement |
| Annexation Petition Report 15.15.040 | There has been an increase of these reports in the last few years | Staff/City Council or Planning Commission | As needed | <ul style="list-style-type: none"> Maintain status quo |

Land and Parking Reports

| Report Name | Last Received | Reporter/Recipient | Frequency | Recommendation |
|--|---------------|--|---|---|
| OSPM Area Report 9.90.050 | 2021 | Development Services Director or Designee/City Council | Different timelines for different reports | <ul style="list-style-type: none">Maintain status quo |
| Resident Initiated OSPM Application Report 9.90.050(3)(a) | 2021 | Development Services Director or Designee/City Council | Different timelines for different reports | <ul style="list-style-type: none">Maintain status quo |
| Proposed Parking Permit Program Study 9.80.070(6) | 2021 | City Parking Coordinator/Mayor and City Council | 120 days after study of proposed permit parking | <ul style="list-style-type: none">Maintain status quo |

Leadership Reports

| Report Name | Last Received | Reporter/Recipient | Frequency | Recommendation |
|---|---------------|--------------------|--------------|--|
| Any Insurance Claims Above \$30,000 3.10.050(4)(d) | 2013 | Mayor/City Council | As Needed | <ul style="list-style-type: none">Maintain status quo |
| Appropriation of Encumbrances Report 2.10.030(13) | 2010 | Mayor/City Council | Periodically | <ul style="list-style-type: none">Specify frequency requirements |

Leadership Reports

| Report Name | Last Received | Reporter/Recipient | Frequency | Recommendation |
|---|--|--------------------|--------------------------------------|--|
| State of the City (2.10.030(15)) | Given every year; No written speech in our records | Mayor/City Council | At the time when budget is submitted | <ul style="list-style-type: none">Specify written speech or report |
| Council Policies Compliance 2.50.130(2)(i) | No Data; Ongoing verbally | Not specific | Not specific | <ul style="list-style-type: none">Specify requirements |

Multi-Channel Service Providers Regulatory Practices

| Report Name | Last Received | Reporter/Recipient | Frequency | Recommendation |
|---|--------------------|---|--------------------|--|
| Various Reports 6.22 | See Recommendation | Operator; Defunct Board/City Council; Franchising Authority | See Recommendation | <ul style="list-style-type: none">• Determine if these reports are still needed• Clarify federal and state reporting requirements• Specify reporter/recipient entities |

General Recommendations



- Include a list reports to the Council required in code in the Council Handbook as an Appendix
- Require a written report for each in addition to a presentation to the Council/designated recipient.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: JUHARRISON
Department: Council
Requested Meeting Date:

SUBJECT: A discussion regarding the Provo City property tax rate for general operations. (23-058)

RECOMMENDATION: Presentation and motion to direct staff to include a specific Provo City property tax rate for general operations.

BACKGROUND: During the August 8th Truth in Taxation hearing, staff was directed to prepare two possible rates for the general operations portion of the Provo City property tax. Council staff will present tax rates of 0.000587, which would bring additional revenue into the general fund of \$254,316, and a rate of 0.000567, which would bring in additional revenue to the general fund of \$151,943.

FISCAL IMPACT: Potential Fiscal impact for FY24 of up to \$254,316.

PRESENTER'S NAME: Justin Harrison, Council Executive Director

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-058

FY2024 General Operations Property Tax Rate

August 22, 2023



General Operations

- **\$254,316** increase to the general operations portion of the Provo City portion of the property tax (4.82%)
 - County certified property tax rate (general operations): 0.000560
 - Proposed 2023 tax year library property tax rate (general operations): **0.000587**
 - Increase to average Provo home (\$467,000): **\$6.93/year**
 - Combined increase of 2.15% to the Provo City portion and 0.37% increase to the combined property tax bill
- **\$151,943** increase to the general operations portion of the Provo City portion of the property tax (2.86%)
 - County certified property tax rate (general operations): 0.000560
 - Proposed 2023 tax year library property tax rate (general operations): **0.000576**
 - Increase to average Provo home (\$467,000): **\$4.11/year**
 - Combined increase of 1.53% to the Provo City portion and 0.26% increase to the combined property tax bill



If an increase to Provo City General Operations Property Tax revenue of **\$254,316** is desired, a motion to:

Direct staff to prepare the FY2024 budget to include a General Operations Property Tax Rate of 0.000587.

If an increase to Provo City General Operations Property Tax revenue of **\$151,943** is desired, a motion to:

Direct staff to prepare the FY2024 budget to include a General Operations Property Tax Rate of 0.000576.

A motion is also needed to direct staff to include the additional revenue in a specific budget account.



PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 06-20-2023

SUBJECT: A discussion regarding expanding the tax increment finance agreement with the Noorda College of Osteopathic Medicine. (23-045)

RECOMMENDATION: Review the proposal amendment requested by Noorda-Com for approval at the next available Council Meeting.

BACKGROUND: The economic costs of constructing on this site have increased due to the removal of thousands of tons of trash as well as the required foundational systems, and the installation of a methane mitigation system to dissipate methane gasses. The initial scope of the project was estimated at \$160 million but has now increased to over \$400 million. Expanding the scope and term of the agreement will increase the estimated value of the property from \$22 million to over \$400 million.

FISCAL IMPACT:

PRESENTER'S NAME: Keith Morey, Asst Director of Development Services

REQUESTED DURATION OF PRESENTATION: 40 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

This project supports Provo City's goal to increase property values, create jobs and diversify our economy.

CITYVIEW OR ISSUE FILE NUMBER: 23-045



THE NOORDA COLLEGE OF OSTEOPATHIC
(NOORDA-COM) AND PROVO MEDICAL
TECHNOLOGY CAMPUS



NOORDA COLLEGE
of OSTEOPATHIC MEDICINE

Comparisons of NCOM building

Noorda including NCOM: - first 3 years

| | YEAR 1 2023 | YEAR 2 2024 | YEAR 3 2025 |
|---------------------------|-------------------|-------------------|-------------------|
| Revenue to Provo City | \$ 26,840 | \$ 27,127 | \$ 27,417 |
| Additional amount to City | \$ 282,705 | \$ 285,727 | \$ 288,779 |
| Interest Expense | \$ (51,923) | \$ (43,759) | \$ (35,508) |
| Total To City | \$ 257,623 | \$ 269,095 | \$ 280,688 |

Noorda excluding NCOM: - first 3 years

| | YEAR 1 2023 | YEAR 2 2024 | YEAR 3 2025 |
|---------------------------|------------------|------------------|------------------|
| Revenue to Provo City | \$ 107,361 | \$ 108,509 | \$ 109,668 |
| Additional amount to City | \$ - | \$ - | \$ - |
| Interest Expense | \$ (60,000) | \$ (60,000) | \$ (60,000) |
| Total To City | \$ 47,361 | \$ 48,509 | \$ 49,668 |

Comparisons of NCOM building

Noorda including NCOM: - 20 years

**Total value of campus is \$350M*

| | <u>YEARS 1-20</u> <u>2023-2042</u> |
|---------------------------|---------------------------------------|
| Revenue to Provo City | \$ 2,899,999 |
| Additional amount to City | \$ 2,100,000 |
| Interest Expense | \$ (135,920) |
| Total To City | <u><u>\$4,864,078</u></u> |

Noorda excluding NCOM: - 20 years

**Total value of campus is \$211M*

| | <u>YEARS 1-20</u> <u>2023-2042</u> |
|---------------------------|---------------------------------------|
| Revenue to Provo City | \$ 3,167,295 |
| Additional amount to City | \$ 2,100,000 |
| Interest Expense | \$ (375,269) |
| Total To City | <u><u>\$4,892,026</u></u> |

Comparisons of NCOM building

Noorda including NCOM: - 20 years

**Total value of campus is \$350M*

| | <u>YEARS 1-20</u> <u>2023-2042</u> |
|---------------------------|---------------------------------------|
| Revenue to Provo City | \$ 2,899,999 |
| Additional amount to City | \$ 2,100,000 |
| Interest Expense | \$ (135,920) |
| Total To City | <u><u>\$4,864,078</u></u> |

Noorda excluding NCOM: - 20 years

**Total value of campus is \$350M*

| | <u>YEARS 1-20</u> <u>2023-2042</u> |
|---------------------------|---------------------------------------|
| Revenue to Provo City | \$ 4,369,498 |
| Additional amount to City | \$ 2,100,000 |
| Interest Expense | \$ (326,908) |
| Total To City | <u><u>\$6,142,590</u></u> |

1. What is the amount of the inter-fund loan (for the golf course) that Dixon mentioned could be paid off sooner by including the completed building?

\$2.1 Million

2. How much sooner would that inter-fund loan be paid off if we added the building that is already completed into the TIF.

If NCOM is included in the TIF AND the rest of the campus is built out by 2027, the \$2.1M loan will be paid back by 2027. The sooner other buildings get built on the campus the sooner the inter-fund loan will be paid back. If NCOM is included in the TIF, the city would receive an additional \$260k per year starting this year (2023) for the next 3 years, then when the additional buildings come on, the city would receive around \$1 million in year 4 (2026), and the balance of the loan would be paid back by 2027.

If NCOM is not included in the TIF, the city would still eventually get paid back the \$2.1M, it would just be delayed until other buildings are completed. The payback would likely be completed by 2030-2035.

| <u>Noorda including NCOM: - first 3 years</u> | | | | <u>Noorda excluding NCOM: - first 3 years</u> | | | |
|---|-------------------|-------------------|-------------------|---|------------------|------------------|------------------|
| | YEAR 1 2023 | YEAR 2 2024 | YEAR 3 2025 | | YEAR 1 2023 | YEAR 2 2024 | YEAR 3 2025 |
| Revenue to Provo City | \$ 26,840 | \$ 27,127 | \$ 27,417 | Revenue to Provo City | \$ 107,361 | \$ 108,509 | \$ 109,668 |
| Additional amount to City | \$ 282,705 | \$ 285,727 | \$ 288,779 | Additional amount to City | \$ - | \$ - | \$ - |
| Interest Expense | \$ (51,923) | \$ (43,759) | \$ (35,508) | Interest Expense | \$ (60,000) | \$ (60,000) | \$ (60,000) |
| Total To City | \$ 257,623 | \$ 269,095 | \$ 280,688 | Total To City | \$ 47,361 | \$ 48,509 | \$ 49,668 |

3. If we add the completed building, what is the estimated tax revenue that the City would be “giving up” specifically for that building over the 20 years if it were add to the TIF?

Assuming the total value of the campus ends up being \$350 million regardless of if NCOM is included in the TIF or not, the amount the city would be “giving up” would be around \$1.2 million in exchange for getting money back sooner.

| <u>Noorda including NCOM: - 20 years</u> | | <u>Noorda excluding NCOM: - 20 years</u> | |
|--|-------------------------|--|-------------------------|
| <i>*Total value of campus is \$350M</i> | | <i>*Total value of campus is \$350M</i> | |
| | YEARS 1-20 2023-2042 | | YEARS 1-20 2023-2042 |
| Revenue to Provo City | \$ 2,899,999 | Revenue to Provo City | \$ 4,369,498 |
| Additional amount to City | \$ 2,100,000 | Additional amount to City | \$ 2,100,000 |
| Interest Expense | \$ (135,920) | Interest Expense | \$ (326,908) |
| Total To City | \$4,864,078 | Total To City | \$6,142,590 |

4. For the Noorda project as a whole, if the RDA kept the existing TIF agreement at 12 years and didn't extend it to 20 years and didn't expand the project area, how much additional estimated tax revenue would the City capture by not giving TIF for the additional 8 years?

I believe the question being asked is how much annual tax revenue will Provo City receive after the 12-year TIF period expires. This would be the annual amount the city would be "giving up" by extending the TIF period beyond 12 years.

In order to answer that question, a couple things need to be clarified...

First, the clock on the existing 12-year TIF does not start until phase 1 of the apartments has been completed. The very earliest that clock could start would be at least 2026 or 2027, but could be much later, and there's a chance it may never start (highly unlikely). The most likely completion date of phase 1 of the apartments is 2027. So, a 12-year TIF that begins in 2027 would expire in 2038, with full tax revenue to be paid to the city by 2039.

Second, the question assumes no change to the current existing TIF which has a valuation of \$38M. At a \$28M valuation, the tax revenue to Provo City after the 12-year TIF expires would be around \$75k. If the developer, in partnership with the city, is able to increase the assumed valuation of the current project area with the construction of the apartments from \$38M to \$150M, then the amount of tax revenue to Provo City after the 12-year TIF expires increases from \$75k annually to \$310K annually.

The second part of the question asks about how much money the city would be "giving up" over 8 years if the TIF is extended from 12 years to 20 years. This is not correct because the clock on the 12-year TIF does not start until phase 1 of the apartments is built, whereas the clock on a 20-year TIF that includes NCOM, would start immediately. If phase 1 of the apartments can be built by 2027 (no guarantee), then the 12-year TIF would expire by 2038 compared to a 20-year TIF that starts 4 years earlier and would expire only 4 years after the 12-year TIF, not 8 years later. So, the question should be asking how much money the city would be "giving up" over 4 years if the TIF is extended from 12 years to 20 years.

The answer to that question is, if the developer, with partnership with the city, is successful in creating \$150M of value instead of only \$38M of value on the project area, then the city would receive around \$310k annually after the TIF period expires instead of only \$75k. So, $\$310,000 \times 4 \text{ years} = \1.24M . However, this is assuming the apartments are built by 2027 and the 12-year TIF clocks starts in 2027. What if the apartments aren't built until 2031? In this case the 12-year TIF that starts in 2031 expires at the same time as the 20-

year TIF that starts in 2023, making it so that the city would not be “giving up” anything.

Another way to look at it is if the developer is successful in creating \$150M of value on the apartment project area, the city would receive 4 times as much tax revenue than what was originally projected (\$75k vs \$310K).

Lastly, a TIF for only 12 years is not a viable option. The TIF period needs to be for 20 years for a couple of reasons.

1. The current agreement requires that 75% of the tax increment generated by the project goes back to the city until the \$2.1 million inter fund loan is paid back. So, the first 5 years of the TIF period, the majority of the tax increment is going to the city, making a 20-year TIF seem more like a 15-year TIF.
2. Additionally, a longer runway is required in this situation to fund higher costs associated with the landfill. Infrastructure costs are much higher on this site than on a typical site, making a 20-year TIF necessary to attract the medical related tenants to the campus.
5. If the Board approved TIF for the new project area, but didn't include the completed building, and only offered TIF for 12 years instead of 20, what is the additional tax revenue the City be capturing during those additional 8 years?

This is a similar question to Question #4 above, except the project area is expanded to include the entire campus, minus the NCOM building. The same argument applies in this situation as in question #4 when comparing a 12-year TIF with no definite start date to a 20-year TIF with a definitive start date. If NCOM is included in the TIF, the 20-year TIF would begin immediately. If NCOM is not included in the TIF, then the TIF period would begin at some unknown date in the future (when the next building is complete).

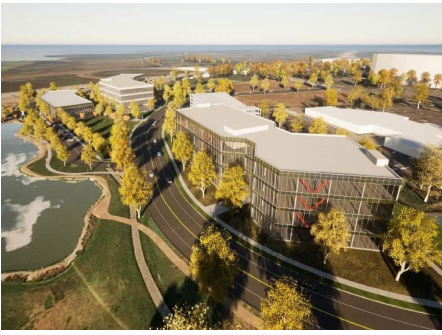
The other item to be considered is the future valuation of the medical school campus is unknown. In partnership with the city, the developer is hopeful to take a property that currently has no value and is not on the tax rolls and create a medical school campus with a valuation in excess of \$350M. The greater the value that can be created, the higher the tax revenue the city will receive not only during the TIF period, but especially after the TIF period expires.

Under the following assumptions here is the revenue that Provo City would receive:

- 12-year TIF starting when the next building is complete, which we are assuming to be by 2027. The TIF period would be from 2027-2038.
- TIF area is the entire campus EXCLUDING the NCOM building.
- Value of the campus (not including NCOM) is \$250M.

Under these assumptions, tax revenue to the city in the year after the TIF expires would be around \$490,000 annually.

A TIF for only 12 years is not a viable option for the same reasons mentioned above in question #4.



Overview:

- Asking for Tax Increment Financing
- The economic costs of constructing on this site have increased due to the removal of thousands of tons of trash as well as the required foundational systems, and the installation of a methane mitigation system to dissipate methane gasses. The initial scope of the project was estimated at **\$160 million** but has now increased to over **\$400 million**.
- (Asked we accepted the land with the knowledge that we would have to remove the trash. The trash removal cost increased by **\$4 million alone**.)

Revenue Created from NCOM with TIF:

- This will not happen without the TIF
- 20-year Tax Increment Financing, the annual property value dramatically increases from the current \$22 million dollars to over \$400 million dollars.
- Tax Revenue for Provo City: Current **\$41,737** to **\$203,253**. After the 20-year TIF, annual tax income would be **\$797,513**
- Tax Revenue for Utah County: Current **\$16,182** to **\$141,426**. After the 20-year TIF, annual tax income would be **\$309,205**
- Tax Revenue for Provo City School District: **\$167,480** to **\$945,223**. After the 20-year TIF, annual tax income would be **\$3,200,190**.



Jobs/Community:

- Not only will the taxable value of the property increase, but the new business activity surrounding the college is projected to generate more than \$345 million dollars in annual economic activity, while impacting roughly 8,500 families through direct, indirect and new employment opportunities.

Proposed TIF Structure:

- \$35 million/20 year with a 75/25 split on the school district.



| | Existing TIF | Proposed TIF |
|--|---------------------|---|
| Building Valuation/Development Cost | 38,230,500 | 364,302,452 |
| Buildings included in TIF | East Bay Apartments | East Bay Apartments Medical School (NCOM), Campus (biotech, neurosurgical, hotel, parking garages) |
| Buildings Square footage | 638,000 | 1,365,000 |
| Timing | 12 years | 20 years |
| TIF amount | 4,800,000 | 35,000,000 |
| Tax Revenue to City over TIF period | 1,244,710 | 5,880,000 |
| Tax Revenue to County over TIF period | 260,000 | 2,770,000 |
| Tax Revenue to School District over TIF period | 2,700,000 | 17,200,000 |
| Tax Revenue to CUWCD over TIF period | 180,000 | 900,000 |

Existing TIF



Proposed TIF



Hotel

East Bay Phase 2
Housing

East Bay Phase 1
Housing

Parking Garage

Parking Garage

Genetic Research
Mental Health Unit

Noorda College of
Osteopathic Medicine

Biotech

Future Medical Facility

Timpanogos Golf Club

Surgical Center



THE NOORDA COLLEGE OF OSTEOPATHIC MEDICINE
(NOORDA-COM) AND PROVO MEDICAL
TECHNOLOGY CAMPUS



NOORDA COLLEGE
of OSTEOPATHIC MEDICINE

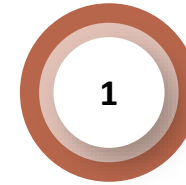
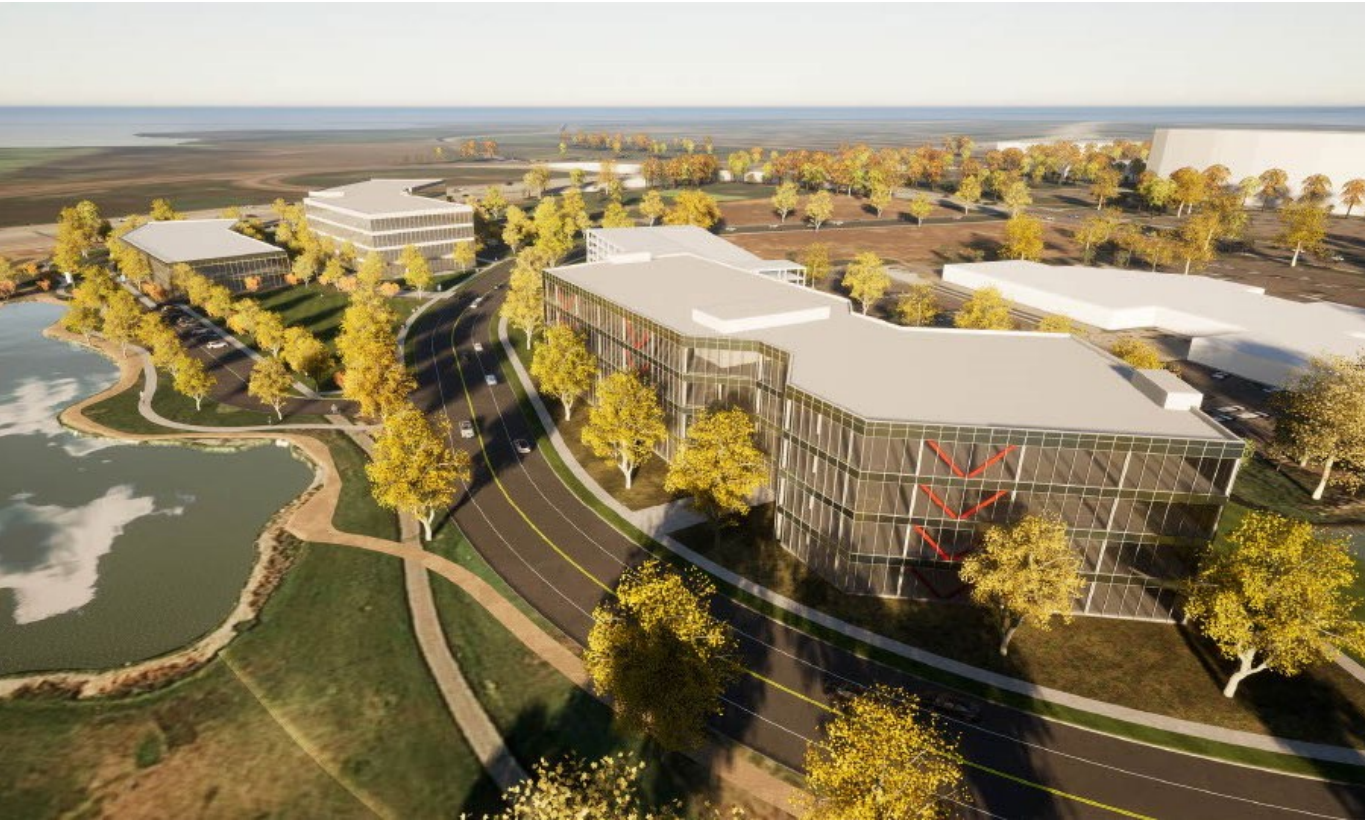
OVERVIEW

The Noorda College of Osteopathic Medicine (Noorda-COM) and Provo Medical Technology Campus is a project that will maximize the positive impact on the community.

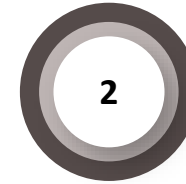


It is not just a long-lasting significant economic impact but a tremendous societal impact. It is hard to imagine a development on this site that could have a more significant and far-reaching societal impact.

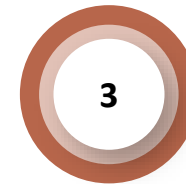
OVERVIEW



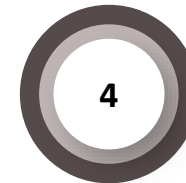
The size, scope, and costs of the Provo Medical Technology Campus have **increased significantly**, creating a \$364.8 million development.



The campus is being built on a **former landfill** with limited economic benefit to the community.



The project should generate at least \$64.9 million in property taxes over the next 30 years and continue in **perpetuity**.



The project will generate more than \$345.7 million annually in **new business activity** and over 8,520 employees through direct, indirect, and induced new employment opportunities.

SOCIETAL IMPACT

The Campus will maximize the positive impact on the community by providing significant and far-reaching societal impact.



Noorda-COM is open and providing a next-generation Medical School education highlighted by an innovative and transformational curriculum and by using advanced medical technology to prepare a new physician workforce to practice in the future healthcare delivery system.

SOCIETAL IMPACT - MEDICAL

- ✓ Utah is currently 42nd in the country for overall physicians to 100,000 population.
- ✓ Utah is 49th in the country for primary care physicians and 50th in the nation for female physicians and general surgeons.
- ✓ By 2030, the Noorda-COM will have educated, trained, and graduated 987 new physicians to help offset a growing physician shortage.



SOCIETAL IMPACT - COMMUNITY



Noorda-COM has been collaborating with Provo School District representatives for over a year.



Noorda-COM has also recently established a partnership with Mayor Michelle Kaufusi and the City of Provo to work with the Provo School District to provide yearly medical screenings of all elementary age students.



Noorda-COM is committed to engaging with its local community through community service and outreach events and will have a positive impact on healthcare for Utah and the region.



Noorda-COM also has established relationships with other local organizations and charities in the Provo/Utah County area and students and employees are actively engaged in a variety of outreach activities.

SOCIETAL IMPACT - RESEARCH

- ✓ Noorda-COM's research endeavors focus on addressing some of Utah's most pressing healthcare challenges, including behavioral health, women's health, and the use of artificial intelligence.
- ✓ Noorda-COM has spearheaded the establishment of the Utah Behavioral Health Research Consortium.
- ✓ Noorda-COM has established clinical and research partnerships with nearby community hospitals and is developing further relationships with academic institutions.
 - A dual DO/MBA program for Noorda-COM medical students with Utah Valley University.
 - Collaborative research projects with faculty from Brigham Young University, and Roseman University.
 - Interprofessional activities with students from other healthcare programs at Rocky Mountain University.



CONVERTING LANDFILL TO LANDMARK

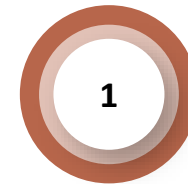


G.T. Medical Holdings has taken this very challenging, difficult, and expensive site—a landfill with minimal economic impact—and is maximizing beneficial community and economic impact by converting it into a **landmark and icon** for the community that will continue for generations.

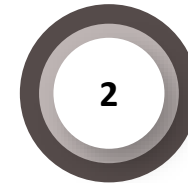
CAMPUS



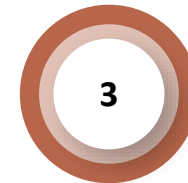
The size, scope, and costs of the Provo Medical Technology Campus have increased significantly, creating a \$364.8 million development, which will add:



a creative, state-of-the-art Medical Technology Campus;



an innovative and transformational medical school;



683 multi-family housing units which are critical to optimizing the experience of the medical students;

INCREASED SIZE AND SCOPE

Increase in the size and scope from \$83 million to \$365 million.

| Noorda College of Osteopathic Medicine & Provo Medical Technology Campus | | |
|--|----------------------|-------------------------|
| Building | Estimated Tax Value | Total Development Costs |
| Noorda-COM | \$41,884,360 | \$60,940,721 |
| East Bay Phase 1 | \$27,931,786 | \$73,247,196 |
| Research Building | \$14,358,600 | \$24,431,992 |
| East Bay Phase 2 | \$31,794,546 | \$82,478,081 |
| Surgical Center | \$20,121,000 | \$26,284,381 |
| Building 3 (Lot 1) | \$33,657,064 | \$54,744,934 |
| Building 4 (Lot 2) | \$19,120,000 | \$31,095,875 |
| Parking Garage | \$10,585,000 | \$11,527,065 |
| Common Area | \$0.00 | |
| Wetlands | \$0.00 | |
| Wetlands/Retention Basin | \$0.00 | |
| Loop Road | \$0.00 | |
| Loop Road | \$0.00 | |
| Total | \$199,452,356 | \$ 364,750,245 |

INCREASED COSTS

| Noorda College of Osteopathic Medicine & Provo Medical Technology Campus | | |
|--|---------------------|---------------------|
| Task | Anticipated Costs | Actual Costs |
| Trash Removal | \$8,000,000 | \$12,000,000 |
| Sewer | \$1,200,000 | \$2,100,000 |
| Golf Course Improvements | \$3,400,000 | \$6,200,000 |
| Kunhi Road Development | Not expected | \$310,000 |
| Building Permits | \$990,000 | \$1,230,000 |
| Totals | \$13,590,000 | \$22,385,000 |

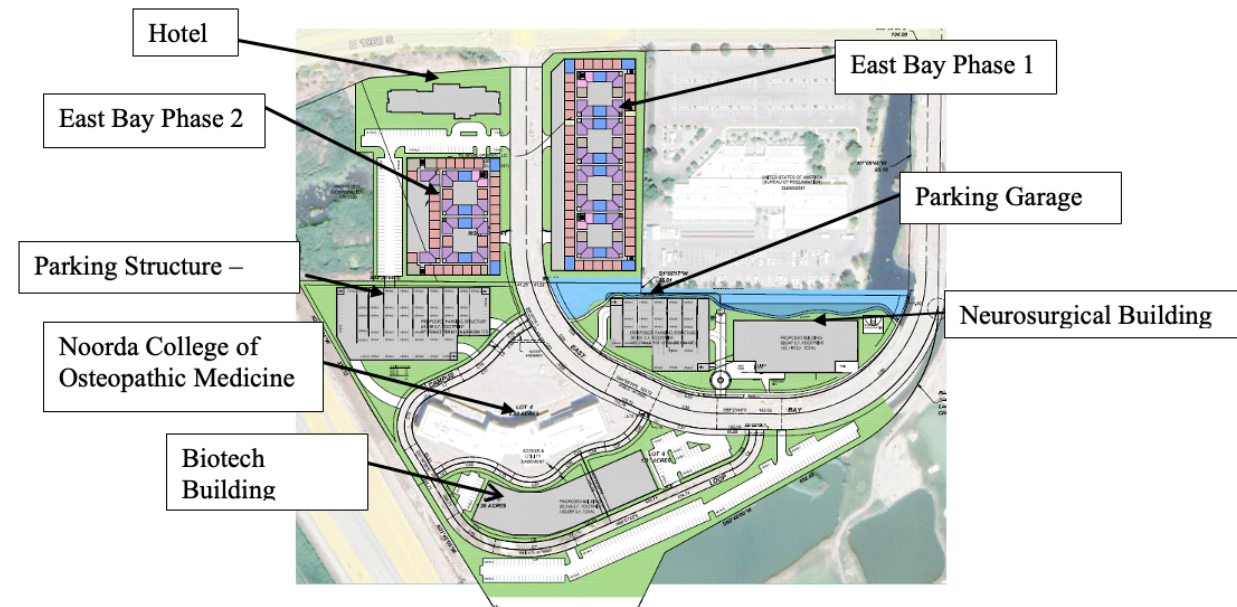
TAX BENEFIT

Generates \$65 million in property taxes over the next 30 years and then will continue in perpetuity.

| Total Direct Property Tax Increment Total Project | 15 Year Totals | 20 Year Totals | 30 Year Totals |
|--|---------------------|---------------------|---------------------|
| Utah County | \$2,850,884 | \$3,924,061 | \$6,132,813 |
| Provo City School District | \$19,865,594 | \$27,343,729 | \$42,734,802 |
| Provo City | \$6,313,278 | \$8,689,827 | \$13,581,104 |
| Central Utah Water District | \$1,132,427 | \$1,558,713 | \$2,436,072 |
| Total Combined Incremental Taxes W/O PID | \$30,162,183 | \$41,516,331 | \$64,884,791 |

ECONOMIC IMPACT

- ✓ Noorda-COM will help Utah address workforce needs which are driven by continued growth throughout the state and in Utah County, one of the fastest-growing areas in the country.
- ✓ The project will generate more than \$345.7 million annually in new business activity and over 8,520 employees through direct, indirect, and induced new employment opportunities.
- ✓ During the construction period, the Medical School will create new jobs
 - 1,375 temporary construction jobs on-site during the start-up period (2023- 26)
 - 773 new regional jobs at suppliers and partners
- ✓ The College will create 193 new permanent direct high wage jobs
- ✓ Additional 1,200 new direct jobs and with a total employment impact of 8,500 new jobs with a payroll of \$345.6 million for suppliers of goods, services, and housing.



PROPOSED TIF STRUCTURE

Same economic splits in the existing agreement between taxing entities and the developer



Natures' Sunshine Property

- ✓ 25 Years, starting in 2023
- ✓ \$12.3 MM in total TIF
 - \$2.3 MM for Provo City (75%/25% Split until Provo receives \$2.3 MM)
 - \$10 MM for Developer

Medical Campus

- ✓ Noorda COM Building – No TIF
- ✓ 25 Years, starting in 2023
- ✓ \$15 MM in total TIF

SUMMARY

TIF funding will ensure that the expanded project can move forward.



By providing the \$27 million in TIF funding, Provo City, the Provo School District, Utah County, and the Central Utah Water Conservancy District will invest in a project which will have tremendous societal and economic long-term impact on the region.

SUMMARY



Just as the establishment of the University of Utah College of Medicine had a direct and positive impact on the growth and development of research and innovation in Salt Lake City and the region, the establishment of the Provo Medical Technology Campus, with the Noorda College of Osteopathic Medicine as an anchor, will establish the City of Provo and Utah County as a regional center for medical technology and innovation.

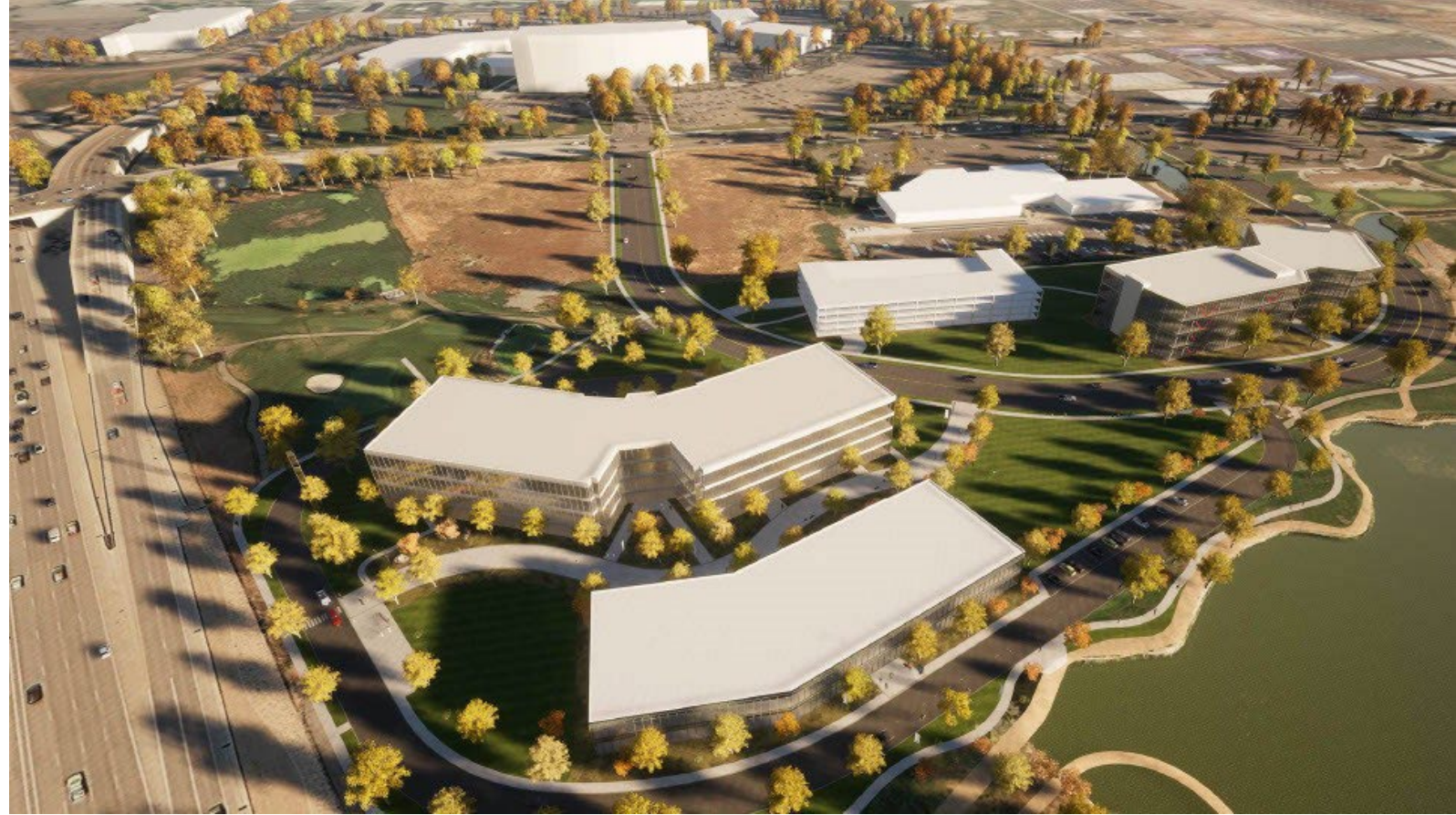
TIF



There are 10 parcels that make up the medical school campus

| |
|-----------|
| 220500070 |
| 386720002 |
| 386720003 |
| 386720004 |
| 386720005 |
| 386720006 |
| 386730001 |
| 386730002 |
| 386720001 |
| 386720009 |

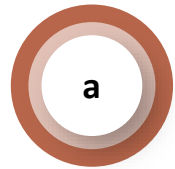
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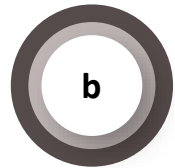
**The current combined market value of these parcels is
\$22,106,700**

TIF

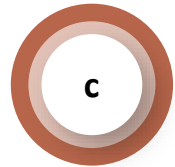
The amount of current annual tax revenue these parcels currently generate to each entity is as follows:



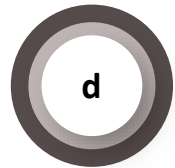
To the city
\$41,737 per year



To the County
\$16,182 per year



To the School District
\$167,480 per year



To CUWCD
\$8,843 per year



TIF

If we are approved for a 20-year TIF we will be able to increase the value of the land from \$22M to \$364M and increase the Annual Tax Revenue to each entity as shown in the below table.

| | Current Tax Revenue | Proposed Tax Revenue with TIF | Increase in Annual Tax Revenue | Annual Tax Revenue AFTER 20-year TIF |
|---------------------------|---------------------|-------------------------------|--------------------------------|--------------------------------------|
| Amount to City | \$ 41,737 | \$ 203,253 | \$ 161,516 | \$ 767,513 |
| Amount to County | \$ 16,182 | \$ 141,426 | \$ 125,244 | \$ 309,205 |
| Amount to School District | \$ 167,480 | \$ 945,223 | \$ 777,743 | \$ 3,200,190 |
| Amount to CUWCD | \$ 8,843 | \$ 49,906 | \$ 41,063 | \$ 168,965 |

| | Existing TIF | Proposed TIF |
|-------------------------------------|---------------------|---|
| Building Valuation/Development Cost | 38,230,500 | 364,302,452 |
| Buildings included in TIF | East Bay Apartments | East Bay Apartments Medical School (NCOM), Campus (biotech, neurosurgical, hotel, parking garages) |
| Buildings Square footage | 638,000 | 1,365,000 |
| Timing | 12 years | 20 years |
| TIF amount | 4,498,911 | 35,000,000 |
| Tax Revenue to City over TIF period | 2,344,710 | 5,880,000 |