



PROVO MUNICIPAL COUNCIL

Work Meeting

1:45 PM, Tuesday, August 20, 2024

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 20 Work Meeting: Dial 346-248-7799. Enter Meeting ID 862 9180 2501 and press #. When asked for a participant ID, press #.

Agenda

Roll Call

Approval of Minutes

September 12, 2023 Joint Meeting with State Legislators

September 26, 2023 Joint Meeting with the Provo City School District Board

May 14, 2024 Council Meeting

August 13, 2024 Truth in Taxation Meeting

Business

1. A discussion regarding a change to the alarm billing ordinance. (24-074)
2. A presentation regarding the annual Fraud Risk Assessment (24-073)
3. A discussion regarding upcoming sidewalk projects (24-015)
4. A discussion regarding Accessory Dwelling Units (ADUs): Enforcement and Supplemental Code (24-016)

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

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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 3, 2024. 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 rcaron@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 – Pending Review



PROVO MUNICIPAL COUNCIL

Joint Meeting with State Representatives

5:30 PM, Tuesday, October 03, 2023

Community Room, City Hall, First Floor

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

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

Opening Ceremony

1. **A Discussion Regarding Incentivizing Individual Home Ownership (18:00)**

Chair Katrice MacKay opened the meeting by discussing legislation that had been passed at the state level that would help homeowners with new construction purchases only. Chair MacKay stated that she had received many emails expressing frustration that it excluded people who were maybe living in a home and wanted to buy it (versus renting) or wanted to live in a specific area that wasn't building currently. She sought the State Legislators thoughts on what can be done to help incentivize other types of home ownership. Representative Norm Thurston stated that a challenge they faced last session was they were trying to do more than one thing at a time, so it ends up not being productive. The main goal has been to try and increase the housing supply. By doing that, it will help with home affordability. There was a lot of discussion as to whether it should be new construction or other methods, but it was decided to go with new construction as a way to lower home costs on the market, through increased supply.

2. **A Discussion Regarding Landlord-Tenant Regulations (00:36:30)**

Vice-Chair Rachel Whipple introduced the next topic where it had been her experience through volunteering at the Family Justice Center – a place for lower income citizens who can't afford an attorney – where she would see folks who would bring an eviction notice or a judgment that had been entered against them, that they would have no notice of because the court paperwork would be served at the address they had been evicted from. The tenants would leave, thinking they weren't getting their deposit back, but the landlords would go to court and claim additional damages and win a default judgement because the defendant didn't show. Another situation is where they're given a three or ten day notice to vacate – that's not enough time to find a new place.

Representative Thurston agreed and stated that he had also seen many times where the landlords will hold the security deposit up to 30 days after the moveout to see if there if there were damages etc. So, the tenant is now having to come up with an additional first and last month's rent and hoping to get any of that previously deposited money back from the former landlord. One idea, that has been talked about at the State level, which landlords don't like, is that they must hold the deposits in an escrow account, because it shouldn't be their money until it really is. Many business models are counting on those deposits as revenue and at times are spending them before they should. Mr. Thurston thinks the escrow idea would be a way to combat the problems

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being faced by tenants. By doing this they're bound by legal processes that require a letter be sent stating here are the damages that are being claimed and give the tenant chance to answer the letter and state/share their side and then a judge or mediator can arbitrate from there. Representative Marsha Judkins shared that tenant/landlord laws have been something she has worked on her entire time in office. It's challenging and difficult because the rental companies have strong lobbyists and sometimes laws that help tenants but hurt landlords and that's not their intent either. Ms. Judkins says they are mindful – but haven't found the answer yet.

3. **A Discussion Regarding Homeless Services Provided in Provo (00:48:40)**

Chair MacKay spoke about all the different services that Provo City provides to the homeless population and expressed frustration that the State doesn't seem to recognize their efforts in this area. Chair MacKay wondered if there is any recognition at the State level for what Provo is doing. Rep. Thurston stated that he appreciated the chance to discuss where things were really at in Provo with assistance programs like housing vouchers and are people feeding off rumors or do they just not know where to go to get the information. Mr. Thurston went on to say that some reports he had seen recently was that middle range emergency housing was the current critical need for this area. Rep. Judkins said that she thought it would be fair to say that the State does not see all the work being done towards and for the homeless in Utah County. Ms. Judkins think Provo does the most of all the cities in Utah county in this area. However, she says that overall, compared to Salt Lake County, Utah county is very lacking in resources for the people who are homeless or on the verge of it. Yes, there are hotel vouchers, but they come with restrictions depending on whose providing them. Ms. Judkins did say that last session she was able to work on a project where the legislators funded a project to define these types of issues. Representative Tyler Clancy talked about a project that he is working on covers mental health and not only talks about what is being done in Utah County but hopefully will be able to demonstrate the efforts as well. Mr. Clancy sees the need to document and then measure strategic goals – not just check a box so that context can be brought to these types of conversations.

4. **A Discussion Regarding Interim Committee Topics Applicable to Provo City (01:11:00)**

Representative Norm Thurston stated that he is serving on the business and labor, revenue and taxation, and education appropriations. He has not any issues in those three committees that would directly impact Provo City.

Representative Tyler Clancy said that the judiciary committee he is on has been focusing on homelessness and mental health. On the education committee that he is on, they're looking at a bill on school lunches that helps supplement some of the cost of that meal, because for some kids – there isn't a lot of food at home and that's one way they feel they can give back to the communities is by helping the kids this way. For older kids, some can't walk at graduation because they have lunch debt balances and if they have done everything else to be eligible to graduate – that shouldn't hold them back because mom and dad struggle with money. Part of the bill includes automatically enrolling any students of a family into the reduced or free lunch program if they apply

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for and are approved for other financial services like housing or food assistance etc. Right now, everything is a separate application.

Representative Marsha Judkins stated that she's on the revenue taxation committee. From that committee there are some property tax issues that have happened around the state and in Provo. Ms. Judkins stated she met with the County Assessor, and it was discussed that there may be some hospitals who claim non-profit status, but they may not be entitled to as much property tax relief as they think. This is due to the way the current law is written as the property must be used entirely for charity purposes and it is the State's opinion that there is for profit work happening on some of those properties. Another committee, Ms. Judkins is a part of is health and human services there aren't any bills that have started in that area.

5. **A Discussion Regarding Bills Applicable to Provo City for the Upcoming Legislative Season (01:17:20)**

Representative Marsha Judkins stated that there aren't many bills that have been made public, most bills are still privately being worked on and developed. Ms. Judkins stated she is in the early stages of wanting to create a bill that would create a county-based position that would hold the county they work for accountable to increase social determinants of health. Things like intergenerational poverty (how to help overcome that with a human centered approach). This position would also provide accountability for when money is given for those types of things, to report on how it was spent and the results of the expenditure. With this being at the county level – that person can help different entities (cities, groups like MAG – Mountainland Association of Governments etc.) create local solutions for local problems. Weber County has already started this process so it will be interesting to see how that position does there and what can be learned from it.

Representative Norm Thurston stated that he is working on a bill that has to do with election security. A group of legislators went over to Denver to observe their election process and one thing that was brought back was how they were able to put systems in place to be able to certify elections the same night or by 8 a.m. the next morning. That is a promise the state has made to their residents and Mr. Thurston thought that if Colorado could do it, Utah should be able to do so too.

On a final and separate topic, Councilor George Handley asked if the state had any kind of plan for installing more electric vehicle charging stations as those cars continue to increase in popularity. Rep. Thurston responded that UDOT has a master plan to install more throughout the state, but the part about who would pay for the installation of the those station – that's still being worked out.

Adjournment

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PROVO MUNICIPAL COUNCIL

Joint Meeting with Provo City School District

11:30 PM, Tuesday, September 26, 2023

Community Room, City Hall, First Floor

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

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

Opening Ceremony

Roll Call

1. **An overview and update regarding major initiatives and changes to Provo City School District programs and policies since the arrival of the new Superintendent, and current strategies for funding, hiring, and retaining quality teachers.**

(00:13:30)

Superintendent Wendy Dau was invited to open to the meeting with an update from the school district. Ms. Dau stated that one of the biggest objectives is to align their work as a school district. It was discovered that individuals had been working on their own, so steps are being taken to bring everyone back together as a team. The first initiative that is being put together is a strategic plan, so an insight educational group has been hired to help facilitate the process. The next initiative that is being put together is a steering committee that will consist of 28-30 stakeholders. Two of the board members will serve on this committee and the rest of the individuals will be district employees, not all teachers or principles but a mixed group of varying viewpoints and opinions as well as two students. The State of Utah has adopted a portrait of the graduate – so the district is looking at how to tailor that to reflect Provo City values. April 16, 2024 is the date being targeted for the release of the final strategic plan. Another state goal that has to be met by every district is that 60% of students in a district must be on reading level by the third grade – we are only one of five districts in the state that have achieved this. It is known that the two closest districts pay more than ours currently does so a hiring freeze has been put into place on non-classroom-based roles while we look at what can be done to be competitive in the teacher salary area to recruit the best teachers.

Vice-Chair Rachel Whipple stated that she was excited to hear the district was looking at providing daycare for employees and asked if that process had been started. Ms. Dau replied that no one has mentioned anything to her, but she was a principle in a different district and the high school there provided one and it was a great benefit to both students (who could work there as a class and get training) and staff (who needed the daycare). Having students work there the plan can be really cost effective.

Board Vice President Jennifer Partridge then asked the Council if that is an idea that can be partnered on and the Council agreed to hold further discussions and that they were open to it.

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2. **An update on Timpview High School, Shoreline Middle School, and Wasatch Elementary School. (00:25:15)**

Board Administrator Derek Anderson presented. Mr. Anderson first talked about Timpview High School and stated it is behind schedule. This is based on project timeline issues that arose in the last six months however the adjustments that were made due to the issues moved up the finish date which looks to be at the beginning of the new calendar year. The Wasatch project is on schedule currently will open December of 2024 which will not make the start of the school year like we'd hoped. The site took a little additional work as and some of the architectural planes had to be redeveloped.

3. **A discussion on the benefits of land trusts and how Provo City School District can partner with Provo City regarding affordable housing for teachers. (00:27:45)**

Chair MacKay stated that recently the Council has been looking at doing land trusts for different types of workers (police, public service etc.) and partnering with different types of groups who own land, like the school board, to hear more about this topic. We have invited Sarah Van Cleve, who is the Executive Director of the Provo City Housing Authority to share more with you.

Ms. Van Cleve stated a land trust is where the land is held in trust and then affordable housing is developed on that land. The property is then sold to a qualifying homeowner minus the cost of the land, which these days is about a third of the sales price. This allows those on lesser incomes to become homes owners and earn equity instead of having to rent for several years with nothing in return. When the homeowner is ready to move on, due to the stipulations the home is purchased under – that home can only be sold to someone in a similar situation that meets qualify factors, therefore always keeping the home affordable. Councilor Bill Fillmore asked if this would be discriminating against anyone, Ms. Van Cleve clarified that it's not discriminating – it's offering an opportunity for eligible residents. It's no different than those that seek housing vouchers – they must qualify. It's set up to serve those positions that are in high demand, like first responders, nurses or teachers but perhaps can't afford the area that has the open jobs – this is one way to enable them to live where they work.

4. **A discussion regarding student safety on motorized and wheeled micromobility and transportation devices. (00:37:30)**

Chair Katrice Mackay opens with talking about how there an increase in different types of motorized and wheeled devices has been and that students are using these to get to school. The Council is even considering updating the trail rules because some of the electric bikes go so fast compared to those walking on them. The Council was curious if the School Board noticed this or if there has been any discussion about implementing a policy regarding these devices.

Board Administrator Derek Anderson responded that something that it is an upcoming topic that they're going to start discussing. They recognize that in today's current day and age there's a lot more "whizzing" happening on roads and sidewalks and so we have asked our legal counsel to investigate it. We are aware of other legal institutions

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have started to implement similar policies so we're seeing what would make sense for our campuses.

Vice Chair Rachel Whipple let the school board know that the city had updated some ordinances recently that possibly the school district could look at as well. Before the update it was "either all or nothing" but by updating these the school district should now have some flexibility in picking and choosing what can be used and when on their properties. There is a speed limit for sidewalks and a distinction was created between sidewalks and multi-use trails throughout the city but it's still an evolving process as to how we can keep safe spaces for all users.

5. **A discussion regarding Shoreline Middle School sidewalk and street safety. (00:55:25)**

Board Member Megan Van Wagenen opened with some slides she had taken around the new Shoreline Middle School area. Ms. Van Wagenen stated that not only do they want families and kids to feel safe walking and biking there, but they want it to be visually appealing too and it helps build a neighborhood culture. There are areas where the bike lanes are not continuous, there's an overpass kids will travel under that doesn't have any lighting. In another area there are no sidewalks at all through most of 1600 W, right now they would need to travel to 1100 W to get to a side-walked area and children's natures aren't to think that way, they fastest route. The same conditions can be found as 560 S turns into 600. There is a corner lot close to the school that has not been sold and doesn't look likely to be sold for awhile so no sidewalks there – parents and students would have to cross to the other side to reach a sidewalk. The city still needs to do safe routes in this area so Ms. Van Wagenen is aware there will be some changes, but she wanted to bring some pictures to help show a visualization of what is needed.

6. **A discussion regarding the sidewalk on Freedom Blvd. north of the Provo City School District Offices. (01:05:25)**

Vice Chair Rachel Whipple wanted to ask a question about the east side of fox field. She was just curious why there wasn't a sidewalk there when the high school was there, and students were using it significantly.

Board Administrator Derek Anderson replied that they are aware and there has been a discussion about what was going to be done with that property, but it would be helpful to everyone if a sidewalk where to be put into the plans due to the risk that was pointed out and the district should be cognizant of timelines when something will be done with that property versus installing a sidewalk. Right now the girls' softball team is still using the field so we would need to wait until the new field is built and they move over but we will look into this item.

Adjournment

Approved July 16, 2024

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
PROVO CITY STORMWATER SERVICE DISTRICT
Regular Meeting Agenda**

5:30 PM, Tuesday, May 14, 2024

Council Chambers

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

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

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Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Becky Bogdin

Councilor Gary Garrett

Councilor Travis Hoban

Councilor Rachel Whipple

Chief Administrative Officer Scott Henderson

Council Executive Director Justin Harrison

Councilor Katrice MacKay

Mayor Michelle Kaufusi

Assistant City Attorney Gary Millward

City Recorder Heidi Allman

City Recorder Heidi Allman

Conducting: Chair Katrice MacKay

Excused:

2

Prayer – Rebecca Hoskins

3

Pledge of Allegiance – Councilor Garrett

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Presentations, Proclamations, and Awards

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1. Provo City Employee of the Month – May 2024 [0:13:07](#)

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Mayor Kaufusi said she is privileged to honor an employee who has demonstrated exceptional care for our exceptional community. She invited Travis Ball, Energy Director, to present the employee of the month.

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Mr. Ball introduced Jonathan Saluone, a notable employee from the Energy Department. He said Jonathan has made a significant impact since he was hired. As the planning supervisor, he brought his engineering and planning skills from his previous role in Public Works. He added that Jonathan was hands-on from the beginning, working directly with field crews and even operating a backhoe to dig trenches for the fire station. His efforts bridged the gap between planners and line crews, enhancing their relationship to an unprecedented level. Jonathan's collaboration extended beyond his department. His connections from public works fostered excellent relationships with other city departments, embodying the spirit of unity within Provo. His exceptional interpersonal skills ensured no one spoke ill of him, as he maintained positive interactions with all departments. In his planning role, Jonathan also worked with developers, often delivering tough messages diplomatically. He understood the importance

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of efficient development processes and advanced plans with notable efficiency. Mr. Ball concluded by expressing gratitude for Jonathan's outstanding contributions to the Energy Department.

2. Recognition of the Spring 2024 Provology Graduates [0:18:45](#)

Scott Henderson, Chief Administrative Officer, presented the 2024 Spring Provology Graduates. He highlighted that these graduates dedicated two to three hours every Wednesday from February to April to learn more about their community, exemplifying Provo's best and most informed citizens. He then invited Mayor Kaufusi to present the certificates and Chair MacKay to offer congratulations on behalf of the council. The graduates included Stephanie Case, Tammy Case, Sam Cosgrove, Emily Craig, Ivone Duffin, Lillian Everett, Dustin Higginson, Ashlon Hill, Lance Holmes, Gary Lindley, Trisha Nielson, Cindy Smith, Tim Smith, Stan Stewart, Clayton Tullis, and Amy Wright.

Public Comment

Chair MacKay read the public comment preamble and opened the public comment period.

Bonnie Schiffler-Olsen spoke on behalf of various community members, emphasizing the importance of recognizing everyone's value. She shared a personal story about her father, as she held the flag that draped his casket thirty years ago. She said the last time she saw him was in Santa Monica, California, when she was dropped off at a shelter by her grandmother with \$20 and a carton of cigarettes. She wanted to stay with her father after his brain tumor surgery, despite not having seen him in five years due to family separation caused by his actions. Bonnie highlighted that she is here today because she had three weeks of shelter to live in during that difficult time.

As Bonnie continued speaking passed the allotted time limit, Chair MacKay and Brian Jones reminded Bonnie that she was out of time and was violating the rules of decorum.

With no other public comments, Chair MacKay closed the public comment period.

Action Agenda

3. A resolution to place a 0.061 acre parcel of property located generally at 480 West Center Street on the Surplus Property List and authorize the Mayor to dispose of the property (24-047) [0:32:50](#)

Motion: An implied motion to approve Resolution 2024-24, as currently constituted, has been made by council rule.

Tara Riddle, Property Manager, presented. She provided some history of the property at 480 West Center, which Provo City had demolished in 2012 after it was deemed unsafe and condemned. The property owner could not repay the demolition costs, so in September 2013, they deeded the 2,657-square-foot property to the city. Since then, it has remained vacant, sometimes used by Parks and Recreation for storage. Recently, Provo Cinema LLC proposed constructing a community theater on the site, in response to a request for proposals for the city center block. Before any action can be taken, the property must be placed on the surplus property list. She noted the proposed resolution would add the

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property to this list and authorize Mayor Kaufusi to sell it at its appraised value of \$133,000, following city code criteria.

Chair MacKay opened the item for public comment. With no comments and no council discussion, she called for a vote.

Vote: The motion was approved 5:0 with Councilors Bogdin, Garrett, Hoban, MacKay, and Whipple in favor. Councilors Christensen and Handley excused.

4. An ordinance amending the Zone Map Classification of real property, generally located at 1354 N Geneva Rd, from the Agricultural (A1.5) Zone to the One-Family Residential (R1.8) Zone – Lakeview North Neighborhood (PLRZ20240018) [0:35:35](#)

Motion: An implied motion to approve Ordinance 2024-25, as currently constituted, has been made by council rule.

Nancy Robinson, City Planner, presented. She explained that the property is currently zoned for agricultural use. The applicant wants to subdivide the single lot into three residential lots, requesting a change to the Residential R1.8 zone. The property contains one single-family home and four sheds, one of which would need to be demolished to meet residential setback requirements. The applicant has arranged with UDOT for two access points onto Geneva Road, necessitating a shared driveway for two of the properties. She added that the planning commission reviewed this request on April 24 and unanimously recommended that the municipal council approve the application.

Chair MacKay opened the item for public comment. With no comments and no council discussion, she called for a vote.

Vote: The motion was approved 5:0 with Councilors Bogdin, Garrett, Hoban, MacKay, and Whipple in favor. Councilors Christensen and Handley excused.

5. A resolution approving an amended development agreement related to property generally located at 2050 North Canyon Road – Pleasant View Neighborhood (PLRZ20220302) [0:37:22](#)

Motion: An implied motion to approve Resolution 2024-25, as currently constituted, has been made by council rule.

Aaron Ardmore, Planning Supervisor, presented. He first addressed questions from an earlier work session regarding the project. He clarified that the sidewalk along Canyon Road would be six feet wide and would not include a park strip through the corridor. Regarding the setbacks for the Timpanogos Towers, he explained that the setbacks vary between six to ten feet from the property line depending on the angle up Canyon Road. He provided background on the project, noting it was initially approved a year ago with a medium density residential zone applied to 2050 North Canyon Road. The original development agreement became financially unfeasible, prompting the current amendment request. Despite the amendments, the project still adheres to the 30-foot maximum building height and parking requirements from the original agreement. The main changes include an increase from 12 to 14 units, a

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91 height increase from approximately 26 feet to just over 28 feet, and an increase in parking spaces from
92 21 to 30.

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94 Councilor Garrett asked if Mr. Ardmore could describe the difference in setback requirements between
95 the proposed amended agreement and the original.

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97 Mr. Ardmore said the original agreement required a setback of 14 feet, while the amended agreement
98 requests a reduced setback of eight feet eight inches. Mr. Ardmore referenced the Timp Towers as a
99 comparable example to illustrate the proposed change.

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101 Councilor Bogdin asked Mr. Salmon to discuss the date the original development agreement was filed.

102
103 Mr. Salmon admitted that he mistakenly believed an agreement had been in place since a meeting
104 about a year ago. He mentioned that he had sent and signed an agreement before the meeting, and
105 there were no significant changes discussed. However, a few months ago, Aaron inquired about the
106 status of the agreement, revealing it had not been executed as Mr. Salmon thought. Consequently, they
107 quickly finalized and executed the agreement, which explains the recent file date.

108
109 Councilor Bogdin asked if Mr. Salmon could explain why he was seeking approval of a different
110 development agreement instead of sticking with the original.

111
112 Mr. Salmon clarified that he always viewed the project as a concept plan and believed the development
113 agreement set limits on aspects like building height, density, and parking. To keep costs low, he
114 minimized work with engineers and architects, focusing on the basic concept. Over the past year, he
115 discovered practical issues, leading to many revisions. He stressed that the changes were not last-
116 minute but part of a continuous, year-long development process.

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118 Councilor Bogdin asked about concerns regarding the development potentially becoming a rental
119 property, leading to over-occupancy and inadequate parking, and noted that the development
120 agreement does not address these issues.

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122 Mr. Salmon addressed owner occupancy by outlining several measures in place. Each unit will be
123 individually metered, which is a requirement for owner occupancy. They are also applying for FHA
124 project approval, which allows buyers to access lower down payments and interest rates. This approval
125 requires owner occupancy and excludes investors. To maintain FHA approval, the project must meet a
126 certain owner-to-investor occupancy ratio, likely around 3:1. This economically incentivizes selling
127 primarily to owner-occupiers. Additionally, they are consulting with attorneys on HOA bylaws to enforce
128 occupancy ratios, possibly including permits or additional fees for renting out units. Mr. Salmon
129 acknowledged legal limitations on controlling occupancy but emphasized the project's intent to favor
130 owner-occupiers as much as possible. He noted the potential for some buyers to dishonestly claim
131 owner occupancy, only to rent the units later, and recognized the difficulty in controlling this. Despite
132 these challenges, the overall goal is to ensure that as many units as possible are sold to and occupied by
133 owners.

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Councilor Garrett asked about the issues raised by the neighborhood during the meeting held a year ago and inquired about what has been done through the iterative process to address their greatest concerns.

Mr. Salmon stated that parking was a significant concern raised by the neighborhood. The existing parking issues are exacerbated by nearby student housing where students park on the street to avoid parking fees. This led neighbors to worry that the new development would worsen the problem, with one even jokingly suggesting a parking structure instead of a multifamily project. To address this, the new design has increased parking capacity from 22 to 29 spaces, despite adding two more units. Mr. Salmon emphasized that parking has been a key focus in the revised plans, ensuring they meet required standards. He added that he would be willing to continue to meet with neighbors to discuss any other concerns.

Chair MacKay praised the new concept plan, noting its improved attractiveness and potential to enhance the neighborhood. However, she expressed concerns about parking, agreeing with Councilor Bogdin that owner occupancy would mitigate parking issues, while rentals would exacerbate them. She mentioned that HOA rules, such as CC&Rs, can legally enforce owner occupancy and limit rentals. Chair MacKay emphasized the need for one- and two-bedroom units for first-time homebuyers, but warned that if rented, these units could lead to overcrowding and increased parking problems.

Councilor Hoban praised the development and expressed excitement about it. He mentioned that the council is considering sending the plan back to the neighborhood and planning commission for further approval, but he wondered about the potential implications of this delay. He questioned whether there was a specific reason to approve the plan today instead of waiting another two months, given the year-long process already undertaken.

Mr. Salmon noted that delaying the project would increase carrying costs and expressed concern about further design revisions, given the extensive work already done with around 40 different designs. He questioned the value of returning to the neighborhood, suggesting that if a delay is necessary, it might be better to reconsider the 30-foot height limit and explore alternative options. He indicated a willingness to proceed based on the council's collective decision, despite the potential for additional time and cost.

With no other questions for Mr. Salmon, Chair MacKay opened the public comment period.

Lynn Sorenson, the Pleasant View neighborhood chair, expressed frustration that Mr. Salmon's new three-story plan differs from the two-story plan previously agreed upon in 2023. Despite Mr. Salmon's assurances of openness and effort, the neighborhood only recently learned of the significant change. Ms. Sorenson emphasized the need for a new neighborhood meeting to address concerns about parking and project size, as the current plan deviates from what was initially discussed.

DV Jacobs, a long-time resident of Garden Villa condominiums, expressed concern over the new proposal from Ryan Salmon. He noted that the plan, initially proposed as a three-story building and later changed to two stories, is now unexpectedly back as a three-story design. Jacobs urged the council to review the concerns raised by neighborhood representative Paul Evans and highlighted that the new proposal deviates from previous discussions and approvals. He requested that the council halt

Approved July 16, 2024

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consideration of the proposal and ensure it undergoes the proper neighborhood and planning commission review process.

Cindy Madsen, of Provo, advocated for Ryan Salmon's project and emphasized the need for affordable housing in Provo. She argued that current housing options often do not cater to young families and that Salmon's project offers a crucial opportunity for such housing. Madsen noted that Salmon's plan includes significant parking provisions and questioned why the three-story aspect is a concern if it complies with height restrictions. She urged the council to consider the pressing need for affordable housing and to explore ways to address this need effectively.

Jan Godfrey, of Provo, praised Ryan Salmon's character, describing him as reliable, cooperative, and honorable. She highlighted the need for affordable housing, noting that young couples often struggle to find affordable options despite having good jobs. Godfrey also mentioned that the property Salmon is developing is currently an eyesore and would benefit from an update. She urged the council to support the project as it aligns with community needs and improves the property.

Christina Davis thanked the council for addressing funds for safety improvements on Slate Canyon Drive. She encouraged them to allocate the money for parking enforcement and expressed appreciation for their efforts in researching the issue and engaging with the neighborhood.

Duncan Cole, of Pleasant View Neighborhood in Provo, expressed strong support for the project, emphasizing the need for affordable housing for young adults like her five children. She believes the three-story design is suitable for the area, which already has other large apartment complexes. Ms. Cole appreciated the efforts made by Ryan Salmon to keep the community informed and criticized neighbors who oppose both out-of-state and local developers. She praised Salmon's dedication and hoped the council would approve the project so she would not need to return for further meetings.

Court Godfrey, of Provo, expressed strong support for Ryan Salmon's project, highlighting Salmon's commitment to delivering a beneficial and fair development for the community. As a close friend of Salmon, Mr. Godfrey vouched for his integrity and dedication. He acknowledged that the project has evolved over time due to changing circumstances and praised Salmon's efforts to adapt accordingly. Mr. Godfrey emphasized that the current building on the property is an eyesore, and that the new development would significantly improve the area. He urged neighbors to embrace the change and recognize the value of having a responsible local developer like Salmon.

Paul Evans, of Provo, raised three main concerns about the development project. First, he noted that the property has been for sale for over six months, questioning who will develop it. Second, he emphasized that neighborhood discussions focused on parking and building height, highlighting that the original agreement was for a two-story building with a 24-foot roof height, not 30 feet. The increase from 12 to 14 units and the lack of neighborhood review of the development agreement were also points of contention. Finally, Mr. Evans pointed out that the one-bedroom and two-bedroom apartments have the same square footage and stressed the need to review CC&R or HOA rules to ensure owner occupancy. He also mentioned concerns about reduced setbacks for a taller building and stated that comparing this project to Timpanogos Towers is inappropriate.

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Sharron Memmott, a neighborhood board member, expressed concerns about the development project. She highlighted that the original proposal to the neighborhood was for 15 one-bedroom units in a three-story building, which was scaled down to an agreed plan for eight single-family homes. However, the new proposal seeks 14 two-bedroom units, which exceeds both the initial and previously agreed plans. She pointed out that the project has not gone through a neighborhood meeting or the planning commission. Memmott emphasized that the current proposal does not meet parking requirements, has reduced setbacks, and could potentially change further without proper neighborhood input. She urged the council not to disregard the existing development agreement, which was responsive to neighborhood concerns and was passed a year ago. She also noted that the property is currently for sale, and these changes might be intended for future projects rather than the current one.

With no other public comments, Chair MacKay invited a council discussion.

Councilor Bogdin inquired whether Mr. Salmon could address the issue of the property being for sale.

Mr. Salmon shared that the development process has been grueling, leading him to question whether it is worth persisting with city approval. He noted that the property was listed for sale to assess market interest. Although there have been inquiries from potential buyers, none are dependent on the project's outcome tonight. He explained that the developer's agreement would carry over to any new owner and stressed that selling the property in parts would impede development. The listing was primarily a way to determine if selling the property might be a better option than continuing with the project.

Chair MacKay emphasized that the neighborhood's role is not to approve development agreements but to provide input. She highlighted that having a local developer like Mr. Salmon is beneficial for Provo, as local developers often have a deeper connection to the community. Chair MacKay praised Mr. Salmon's positive interactions with staff and acknowledged that making changes is a natural part of the development process. She noted that learning and adapting are part of any first-time project, and it is important to consider this in evaluating the development.

Councilor Hoban expressed appreciation for the public's involvement and highlighted the dilemma of either approving the development project or potentially facing an unsightly property or a 12-unit apartment. He noted concerns about the neighborhood's objections to minor changes, such as height differences and additional units, emphasizing that these adjustments are relatively small compared to the overall impact. He acknowledged the addition of parking spots as a positive change and stressed that the development could be a net improvement. He also expressed that, while he values neighborhood input, he felt the character of the developer, Mr. Salmon, was positively highlighted by the community. He stated for him to support the project, he would need assurance in writing that the units will be owner-occupied.

Mr. Jones outlined two options for the Council. The first option is to continue the discussion to allow further exploration of the proposal and return with a development agreement that explicitly includes the requested language regarding owner occupancy. The second option is to approve the development agreement as proposed but with a substitute motion to add the specific language about owner occupancy. In this case, staff would then incorporate the added language into the final agreement after approval.

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Motion: Councilor Hoban made a substitute motion to approve the development agreement as proposed contingent upon adding language regarding ongoing owner occupancy. Seconded by Chair MacKay.

Mr. Jones explained that while the legal process is a formal requirement, the substance of the project is up to the Council's discretion. He noted that if the Council needs more feedback from the neighborhood or Planning Commission, they can request it. He highlighted that concept plans often change significantly before construction, and development agreements can also be amended. The Planning Commission's role is to recommend land use regulations, not to dictate development agreements. Once a development agreement is in place, it governs the use of the property within the zoning regulations. The Council can amend the agreement without needing further Planning Commission input. They have the authority to continue the discussion, request additional feedback, or make decisions based on the agreement's alignment with their concerns.

Councilor Garrett emphasized the urgent need for entry-level housing in the community. He noted that the development could reach up to 35 feet if approved for R1 zoning, but he is comfortable with the proposed 30 feet. He supports the project but also wants to explore ways to keep the dialogue open between Mr. Salmon and the neighbors. However, he shares concerns that delaying the decision too long might result in the project being abandoned.

Councilor Whipple expressed strong support for the project, noting that improvements to the plan are a rare and positive occurrence. She believes the revised plan is more attractive and beneficial for the neighborhood, with changes that align well with zoning and the original plan. She said she is pleased with the developer's efforts to secure FHA approval, ensuring the property will be available to owner-occupants. She values the developer's commitment to contributing to Provo and sees the project as a valuable addition, especially for young adults seeking housing. Councilor Whipple downplayed concerns about minor changes in the plan, viewing them as not significantly divergent from prior approvals.

Councilor Bogdin expressed concern that the project might become a rental complex, highlighting the need for more owner-occupied housing in Provo, as the city already has many rental properties.

Chair MacKay expressed appreciation for the community's involvement and noted her own residency in the neighborhood. She mentioned that despite past experiences with unsatisfactory developments where there was little public engagement, she values input from those who do participate. She acknowledged the passion and investment of the community members but noted that while neighborhood input is crucial, not every detail can be revised endlessly through the neighborhood process.

Councilor Hoban clarified that his motion did not require the development agreement to be reviewed by the council again. Instead, staff would add language to ensure that the units are owner-occupied.

Councilor Whipple requested more details on the percentage of the 14 units designated for owner occupancy, as Councilor Hoban's motion did not specify this.

In response, Councilor Hoban confirmed that his intention was for all 14 units to be owner-occupied.

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Mr. Jones clarified that the development agreement terminates once the certificates of occupancy are issued. He said the goal is to add language that allows the city to enforce owner occupancy up until that point which includes ensuring that units are sold for owner occupancy and that an HOA is established with CC&Rs to maintain owner occupancy.

Councilor Hoban asked Mr. Salmon if he felt comfortable with the requests that the council was proposing.

Mr. Salmon agreed.

With no other council discussion, Chair MacKay called for a vote on the substitute motion.

Vote: The motion was approved 5:0 with Councilors Bogdin, Garrett, Hoban, MacKay, and Whipple in favor. Councilors Christensen and Handley excused.

6. A resolution approving the appropriation of \$200,000 in the Legacy CIP Fund for a Zoning re-write (24-006) [1:42:14](#)

Motion: An implied motion to approve Resolution 2024-26, as currently constituted, has been made by council rule.

Bill Peperone, Director of Development Services, expressed his gratitude for considering funding a new zoning ordinance. He noted that the new general plan, which was funded a few years ago, has been very helpful. However, he emphasized that a new zoning ordinance would have a significantly greater impact on the future built environment of Provo City than the general plan, which is an advisory and high-level document. In contrast, the zoning ordinance is law and is overdue for an update. He conveyed his appreciation for any assistance in this matter.

Chair MacKay opened public comment. With none, she invited a council discussion.

Councilor Garrett asked Mr. Peperone to discuss the timeline for the full re-write.

Mr. Peperone said the vendor has proposed the full re-write to take approximately 11 months.

Justin Harrison, Council Executive Director, clarified that the appropriation is set to come from the legacy Capital Improvement Program (CIP) fund. This fund primarily contains one-time money from the ARPA allocation. The current balance is about \$1.58 million. There is a proposal in the tentative budget to use \$1.3 million for FY 25, which would leave approximately \$285,000 in the CIP fund. With this appropriation, around \$85,000 would remain in the fund.

Chair MacKay thanked Mr. Harrison for the explanation and called for a vote.

Vote: The motion was approved 5:0 with Councilors Bogdin, Garrett, Hoban, MacKay, and Whipple in favor. Councilors Christensen and Handley excused.

7. A resolution approving the appropriation of \$28,400 in the General Fund for Slate Canyon

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Parking Enforcement costs (24-006) [1:45:13](#)

Motion: An implied motion to approve Resolution 2024-27, as currently constituted, has been made by council rule.

Melia Dayley, Council Analyst, explained that the funds will be used for parking signs on Slate Canyon Drive and to cover the costs of changing a parking enforcement officer from part-time to full-time for the last month and a half of the current fiscal year, until the next budget year begins.

Chair MacKay opened public comment. With no comments, and no council discussion, she called for a vote.

Vote: The motion was approved 5:0 with Councilors Bogdin, Garrett, Hoban, MacKay, and Whipple in favor. Councilors Christensen and Handley excused.

8. A resolution tentatively adopting a proposed budget for Provo City for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025 (24-007) [1:46:25](#)

Motion: An implied motion to approve Resolution 2024-28, as currently constituted, has been made by council rule.

Mayor Kaufusi presented the proposed publicity budget for fiscal year 2025, highlighting the extensive work by various departments and the finance team, including John Borget, Kelsey Zarbock, and Andrea Wright. The budget focuses on key priorities communicated by the council: funding two additional police officers, an additional parking enforcement officer, a zoning update, adjustments to retain talented employees, and maintaining current services and projects. The budget is balanced and does not require tax or utility fee increases. Mayor Kaufusi emphasized that utility fee adjustments should be handled separately to focus on current funding needs and acknowledged the financial challenges residents face. She expressed pride in delivering a plan that meets all key goals and remains committed to efficient operations and exceptional community care.

Chair MacKay clarified that tentatively adopting the budget does not make it permanent. It is a temporary measure, as the council has not yet reviewed it in detail. The council can request any necessary changes before the final adoption.

Kelsey Zarbock confirmed Chair MacKay's comments, stating that tonight's goal is to acknowledge receipt of the budget and tentatively adopt it. The official adoption will take place later, after public hearings. She noted that the tentative city budget totals \$292,856,761, and John Borget provided budget highlights during the work meeting. She added that the budget documents could be found online for any members of the public who are interested in viewing them.

Chair MacKay opened public comment. With no comments, and no council discussion, she called for a vote.

Vote: The motion was approved 5:0 with Councilors Bogdin, Garrett, Hoban, MacKay, and Whipple in favor. Councilors Christensen and Handley excused.

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Councilor Hoban commended the mayor, her team, the administration, and all departments for their sacrifices in making the budget work despite significantly lower revenues and higher costs. He acknowledged the effort and creativity involved in achieving this, noting that it was a challenging feat. He emphasized that while such efforts cannot be repeated every year, this year's accomplishment was impressive.

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

Stormwater Service District

9. A resolution tentatively adopting a proposed budget for the Provo City Stormwater Service District for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025 (24-007) [1:53:35](#)

Motion: An implied motion to approve 2024-SSD-05-14-1, as currently constituted, has been made by council rule.

Ms. Zarbock explained that the Stormwater Service District's tentative budget, like the city budget, is being acknowledged as being received. Although it is a separate entity, it is included at the end of the city budget book on page 141. She praised Andrea Wright for her excellent work on the budget book. The tentative budget for the Stormwater Service District's is \$6,485,898 for the fiscal year 2025.

Chair MacKay opened public comment. With no comments, and no council discussion, she called for a vote.

Vote: The motion was approved 5:0 with Councilors Bogdin, Garrett, Hoban, MacKay, and Whipple in favor. Councilors Christensen and Handley excused.

With no objections, the Provo City Stormwater Service District adjourned and reconvened as the Governing Board of the Redevelopment Agency of Provo with Chair Whipple conducting.

Redevelopment Agency of Provo

10. A resolution tentatively adopting a proposed budget for the Redevelopment Agency of Provo City for the fiscal year beginning July 1, 2024 and ending June 30, 2025 (24-007) [1:55:08](#)

Motion: An implied motion to approve 2024-RDA-05-14-1, as currently constituted, has been made by council rule.

Ms. Zarbock noted that the Redevelopment Agency budget can be found on page 142 of the budget book. She explained that this budget consists of two funds: the tax increment fund and the new development fund, both administered by the Development Services department. She said the tentative budget for the Redevelopment Agency in fiscal year 2025 is \$1,512,815.

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420 Chair Whipple opened public comment. After no comments, she invited a board member discussion.

421

422 Board Member Hoban remarked that it is challenging to discuss the budget right after receiving it. He
423 noted that much of the budget process is done beforehand, and although it may seem rushed, the
424 council has thoroughly considered and discussed these items. For the public's benefit, he emphasized
425 that the council is very thoughtful about the budget.

426

427 Chair Whipple echoed Board Member Hoban's sentiments and acknowledged that they have had many
428 budget meetings and now have the document to review, which they will read thoroughly before the
429 final adoption. She then called for a vote.

430

Vote: The motion was approved 5:0 with Board Members Bogdin, Garrett, Hoban, MacKay,
and Whipple in favor. Board Members Christensen and Handley excused.

431

Adjournment

432

433 The meeting was adjourned by unanimous consent at approximately 7:24 PM.

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PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

6:00 PM, Tuesday, August 13, 2024

Municipal Council Chambers

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

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

Opening Ceremony – Council Chair Katrice MacKay welcomed residents and opened the meeting.

Roll Call – Councilors Becky Bogdin, Gary Garrett, Rachel Whipple, Katrice MacKay, Travis Hoban, George Handley, Craig Christensen.

Prayer – Angie Carter

Pledge of Allegiance – George Handley

Action Agenda

1. A public hearing regarding the Provo City Library property tax rate for Fiscal Year 2024-2025. (24-007) (4:30)

Council Executive Director Justin Harrison introduced the Truth in Taxation process, requirements, noticing, property taxes, recommendation by the Provo City Library Board, information presented by the Provo Library Director to the City Council, the Truth in Taxation Proposal of roughly \$450,000, valuation notice, Combined County Truth in Taxation Notice, Provo City Truth in Taxation Notice, online notification website, Provo City website, newspaper notice, social media graphics, property tax bill breakdown by taxing entity, how valuation is determined by Utah County, how property owners can appeal the assessed value of their property, taxpayer resources (Provo City budget, Utah County Assessor, Utah State Tax Commission), Property tax relief programs and information, the City Council will adopt the budget on Tuesday, August 20, 2024 in the Provo City Hall Council Chambers, and a sample motion.

The council had no questions for Director Harrison.

Opened public comment.

Amanda Ritter – Provo resident, she loves libraries and the services they provide to the community and her whole family utilizes the library. She gave a list of the various programs the library offers. She supports the tax increase.

Hannah Quesada – Orem resident, the Provo Library connects people to other organizations to help people get jobs and support themselves. The Library supports people in dire circumstances. She supports the tax increase.

Amber Bullock – Provo resident, the library has resources and is a place to meet people. She uses Libby to listen to books. Library is an asset for families who don't have a lot of money. She supports the tax increase.

Angie Carter – Provo resident, supported the initial library bond, children have grown up at the library, need the space and the academy needs upkeep. She supports the full tax increase.

Ben Weinheimer – Provo resident, Republicans are anti-tax and this is a Republican area, but Republicans also support healthy communities and families. His seven-year-old offered all her money to the library. Library is good for immigrant families to connect. He supports the tax increase.

Devin Thurgood – Provo resident, Republican, used to work at the library, library had an impact on their lives, the library benefits everyone even if they don't set foot in the building. The library's resources help citizens support themselves and give back to the community. He supports the tax increase.

Victoria Black – Cedar Hills resident, access to the Provo Library helped get their education, writing a book with knowledge from library. Supports the tax increase.

Alex Larsen – Orem resident, comes to the Provo library to study. Libraries are a valuable part of the community and gives access to education and a feeling community and connection. He supports the tax increase.

Nathaniel Peterson – Provo resident, supports the tax increase (even supports a higher tax increase).

Christina Sandholtz – Provo resident, loves the library because it's free and indoors with small children. Understands tax increases are horrible, but this is worth it. The library provides resources for people who can't afford resources. Supports the tax increase.

Alexis Heugly – Provo resident, the Provo Library has fewer resources than other libraries she's visited. She supports the tax increase and more funding for more library

services. The investment will decrease costs across the board. Library is one of the last free public indoor spaces. Feels that the library doesn't have enough resources. Hannah Evanson – Provo resident, used to a county library system and was surprised that Provo had only one library. Impressed to find all that the library offers. Her neighborhood has a lot of turnover, so the library has the continuity the city needs to hold these programs. The library is a value add. Need prudence in which services are high propriety and should prioritize wage increases.

Flynn Beckman – Provo resident, uses library as a workspace and uses online resources for business, giving back to benefit the community. The library is not a luxury, cutting services is no different from burning books. The heart of our community is our public library. We need a well-funded library.

Emily Weinheimer – Provo resident, library is a great equalizer for the community. Uses the library for her family, other families (immigrant families) use the library's resources to help their children get ahead. She supports the tax increase.

Luke Pryor – Provo resident, first thing he did when he moved to Provo is get a library card, access to online Libby app to get audio books. Best part of his day is listening to books on his commute to work. Fond childhood memories of libraries. Libraries give resources to the broader community. Supports the tax increase.

Hamlet Gordillo – Vineyard resident, family lives in Provo and wants to be back in Provo. The community is thrifty, but not cheap. Not increasing the budget for the library is a cheap move. Increasing taxes for the library is a frugal move – get more bang for their buck. He and his wife donate to the library.

Rachel Terry – Provo resident, even if didn't use the library, she would support the tax increase. Libraries help vulnerable people get books, access to education, and feel community. Important to have an educated community.

Jessica Curtis – Provo resident, very important to her. Motto is excellent care for an excellent community and the library personifies this. Everyone benefits from the library. The city benefits from having a library. City shows care for its history by preserving the Academy building. Libraries are an investment in our future.

Clarissa Ratliff – Provo resident, chose to live in Provo because of the library and its services. Her mother worked at a low-funded library in California and the city withers. Feels the library should have more money than what is being asked. All communities deserve better and deserve wonderful libraries with more budget.

Penny Styer – Provo resident, love the library, grew up in the library. Having an informed population is an important part of democracy. Support the tax increase.

Dave Shipley – Provo resident, in a community like ours when you ask for additional funding, you bring scrutiny to your department. Thank Carla who brought this forward. It's easier to cut employees than ask for tax increases because of the blow-back. Nobody's getting rich at the library. They get a lot of value from the funding the City Council gives them. This is an investment in our community.

Pam Jones – Provo resident, when the academy was bought by Provo City to turn into a library she didn't like taxes. She realized that if she was going to vote for anything it should be a library. She's a reader and uses the library. Wants to remind you as a taxing authority that a little bit here and there adds up and there are many people in the community who are very tight on their budgets. If you agree to fund the library, remember that in other issues involving taxes, you need to remember that you're spending other people's money.

Molly Baker – Provo resident, librarian at Payson library and volunteers at Provo Library. Supports the tax increase so they can continue their services.

Sharon Memmott – Fully supports the library, but not talking about closing the library. Some programs will be cut, but what salaries will be cut. When was the last increase of board of directors? There was a raise in taxes last year. How much was that? What do programs cost the library to run? Which are run by grants? What programs are worth cutting and which are worth keeping?

Closed public comment.

Discussion among City Council –

Garrett – Inspiring to hear input and feedback from residents. Acknowledged that 75% supported the proposed increase and 25% had concerns. Look closely at the budget and that they're spending your funds. Over 70,000 library cards have been issued, 20,000 cards have been active in the last 6 months. Acknowledged that city staff and administration have worked since January to present a balanced budget. Though the library is asking for a tax increase, staff and administration and department heads have worked hard to not increase taxes. Carla Gordon has made cuts to programs. He intends to vote in favor of the increase.

Handley – Thanked Carla and her staff. Carla and the staff were not defensive or evasive when asking questions. Council is very carefully studying this decision, admired their respectful approach even when having differences of opinion. Thanked the residents for their emails, comments, coming out to meetings, and their sense of community. We have one of the most beautiful libraries in the country if not the world. He is supporting the tax increase; he wishes it was more and our work is not done for taking care of the library for the future.

Christensen – Big fan of the library with Libby, but his job is to be a steward of your money. He came in very skeptical because the tiny increases do add up. He is satisfied that this increase needs to take place. He turned over every stone, and he feels comfortable lending his support to such a beautiful library. Thank you for showing up and for the outreach which shows your love for the library.

Whipple – Express gratitude to all of the residents who came out and for all the emails. Continue to be engaged in other issues because this is how we have a vibrant democracy. Thank Carla and Library Board and staff who spent so many hours to help the Council understand their needs and expenses and what can be cut. Confident to be going forward in the best way. Thanked other councilors for their open minds and time and engagement. Serves as City Council liaison for the Library Board, and through this process has more reasons to love the library, the staff, volunteers, and patrons.

MacKay – First didn't want to do any tax increases. Prices are going up more than our income, especially if you're on a fixed income. Did not think the residents would like the tax increase, but the feedback said otherwise. For 20 years the library didn't ask for a tax increase, instead using their savings. The library and the city have been frugal with citizens' money. Need money for sidewalk repair and sewer upgrades. Always have needs (police, fire, public education). When we don't increase taxes at all, spending power goes down (inflation). Less money is to be spent in every department but feels that the funding for the library is needed. She represents the people of Provo, and they have spoken.

Hoban – Voting no and wants to explain. Loves the library but hesitates because of the deficit that the library is currently running. Last year was a deficit and this year is a deficit, even with last year's tax increase. Wants to pursue annual giving, fundraising, raising rental fees, and see what the actual deficit is. Given pause because of the deficit, supports the library, but wants to be fiscally responsible. The tax increase should be enough to sustain the library going forward.

Bogdin – Every council member dug deep into the library budget. West Provo did not send many emails, just a few phone calls. Current library memberships are not a lot in West Provo. Some love the library, and some cannot afford a penny more. Takes responsibilities seriously for spending money. However it works out, we have done our homework and do believe in our decision.

Brian Jones – Tonight's motion is not whether there's a tax increase.

Motion to direct the staff to pick a rate to adopt in the next meeting when we vote (August 20th).

Whipple – Motion staff to prepare the FY2025 budget to include a Library portion of the Property Tax Rate of 0.000440%.

Christensen – Seconded.

Bogdin – Yes

Garrett – Yes

Whipple – Yes

MacKay – Yes

Hoban – No

Handley – Yes

Christensen – Yes

Passes 6:1

Take actual vote on August 20th (Tuesday) in a regular Council Meeting.

6

Adjournment

7

Adjournment

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: KCLAUSEN
Department: Police
Requested Meeting Date: 01-01-2018

SUBJECT: A discussion regarding a change to the alarm billing ordinance. (24-074)

RECOMMENDATION: Presentation from Lt. Tim Laursen on the current alarm billing and a proposed change.

BACKGROUND: A review of the alarm billing issues

FISCAL IMPACT: 0

PRESENTER'S NAME: Lt. Tim Laursen

REQUESTED DURATION OF PRESENTATION: 25 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Foward Looking and Fiscally responsible

CITYVIEW OR ISSUE FILE NUMBER: 24-074

Exhibit A

Chapter _____

ALARM REGULATIONS

Sections:

_____	Declaration.
_____	Definitions.
_____	Unlawful To Operate An Alarm System Without An Alarm Permit.
_____	Alarm Permits.
_____	Alarm Users Responsibilities.
_____	Determination Of False Alarms; Rebuttable Presumption.
_____	Deliberate False Alarms.
_____	False Alarms.
_____	Suspension Of Alarm Permit.
_____	Right To Hearing And Appeal.
_____	Local Alarm System—Cutoff Required Within Thirty Minutes.
_____	Operational Defects To Be Remedied.
_____	Automatic Dialing And Prerecorded Message Alarm Systems Unlawful.

Declaration.

The Provo City Council hereby finds and declares that the occurrence of false alarms at premises protected by emergency alarm systems constitutes both a nuisance and a hazard to life and property. In light of: (1) the traffic danger inherent in the emergency response of police and fire vehicles, (2) the danger caused by possible decreased caution on the part of emergency personnel responding to a location where previous false alarms have occurred, and (3) the cost in money and manpower to respond where no actual emergency exists, the City Council finds it necessary to the health, safety, and welfare of the citizens to enact the following provisions governing alarm systems. Nothing in this chapter is intended to discourage proper use of alarm systems.

Definitions.

For the purpose of this Chapter the following terms, phrases, words, and their derivations shall have the meaning given herein:

"Alarm Coordinator" means the individual designated by the Chief of Police to issue permits and enforce the provisions of this Article.

"Alarm Permit or Permit" means a permit issued by the City that authorizes a person to operate an alarm system in the City.

"Alarm System" means any mechanism, equipment, or device which is designed to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices do not constitute alarm systems within the meaning of this Section:

- (a) Devices which do not register alarms that are audible, visible, or perceptible outside the protected premises;
- (b) Devices which are not installed, operated or used for the purpose of reporting an emergency to the Police.
- (c) Alarm devices affixed to motor vehicles;
- (d) Alarm devices installed on a temporary basis by the Police Department or.

"Alarm System Monitoring Company" means any individual, partnership, corporation or other form of association that engages in the business of monitoring security alarm systems and reporting any activation of such alarm systems to the Police Department.

"Alarm User or User" means the person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.

"Burglar Alarm" means any mechanical, electric or electronic device or system which is intended to notify the alarm user, an alarm operating or monitoring service, the Police Department, or any other person of possible criminal activities, including burglary, robbery and duress.

"Chief of Police" means the Chief of the Police of the police department serving Provo City and the Chief's designee.

"City" means Provo City.

"Dispatch or Response" means the discretionary decision whether to direct police to a location where there has been a request, made by whatever means, for police assistance or investigation. There is no duty to dispatch under any circumstance, including to answer an alarm signal, and all dispatch decisions are made subject to competing priorities and available police resources.

"Emergency" means the existence of a fire or the commission or attempted commission of a robbery, burglary or other criminal action.

"Emergency personnel" means peace officers, firefighters, paramedics and emergency medical technicians.

“False Alarm” means the activation of an alarm system which results in a response by the Police Department where an emergency does not exist and for which no evidence or indication of criminal activity or other hazard is discovered. False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely activated to summon emergency personnel in nonemergency situations; and alarms for which the actual cause is not determined. False alarms also include an alarm signal caused by conditions of nature which are normal for that area. “False alarm” does not include an alarm signal caused by extraordinarily violent conditions of nature which cannot be reasonably anticipated by the alarm user.

“Medical alarm” means any notification received from an alarm user through an alarm company which results in the Fire and/or Police Department responding to check on the welfare or medical condition of the alarm user.

“Local alarm” means any noise-making alarm device and any alarm which emits a visual signal such as strobe lights.

“Person” means and includes natural persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity.

Alarm System Monitoring Companies Responsibilities.

An Alarm System Monitoring Company engaging in business in the city is required to:

- (1) Obtain all necessary business licenses as required by the city and the State of Utah.
- (2) Maintain a current record, accessible to the Chief of Police or designee at all times, which includes the names of the alarm users serviced by the company, the addresses of the protected properties; the type of alarm system, original installation date and subsequent modifications, if any, for each protected property; and a record of the false alarms at each property.
- (3) Provide the Chief of Police or designee such information as the Chief of Police requests regarding; the nature of the company’s security alarms; the company’s method of monitoring the alarms; the company’s program for preventing false alarms, including educational programs for alarm users; and the company’s method for disconnecting audible alarms.
- (4) Provide each of its alarm system users with operating instructions for the alarm system, including an explanation of the alarm company’s alarm verifications process; a telephone number to call for assistance in operating the system; and a summary of the provisions of this ordinance relating to penalties for false alarms and the possibility of no response from the Police Department to alarm systems experiencing excessive false alarms.

- (5) Maintain a verification process, for all monitored security alarm systems in order to prevent unnecessary Police Department dispatches resulting from false alarms.
- (6) Communicate requests for cancellations of the Police Department response in a manner specified by the Chief of Police or designee.
- (7) Maintain a record of all requests for Police Department responses to an alarm, including the date and time of the alarm and request for Police Department response; the alarm system user's name and address; evidence of the company's attempt to verify the alarm; and, to the best of its knowledge, an explanation of the cause of any false alarm, and
- (8) Work cooperatively with the alarm system user and the Police Department in order to determine the cause of any false alarms and to prevent reoccurrences.

Unlawful To Operate An Alarm System Without An Alarm Permit.

Effective [Date], it shall be unlawful for any person to use, maintain, operate or be in control of any alarm system which has been installed in any building, structure, facility or portion thereof in the City without a valid permit.

Alarm Permits.

(1) An alarm permit will be issued to an alarm user at a cost to be set by the City Council in the Provo City consolidated fee schedule upon the filing of a completed alarm application with the Police Department. A separate alarm permit is required for each alarm site. Alarm permits require an annual renewal at a cost to be set by the City Council in the Provo City consolidated fee schedule.

Applications for permits may be obtained and filed either online at the City's website or in person at the Police Department.

(2) The alarm application must set forth the full name, address, and telephone number of the following individuals or entities:

- (a) The alarm user;
- (b) The person or licensed alarm business installing, maintaining or servicing the system;
- and

(c) Two individuals who may be contacted by emergency personnel responding to an alarm, who have authority to act for the alarm user in granting emergency personnel access to any portion of the premises concerned, and who are knowledgeable in the basic operation of the system.

(3) The alarm information section of the application must describe the type of system to be installed, operated or maintained. Alarm users are responsible for notifying the City of any change of address or a change in any other information contained in the alarm application. The alarm information application must also contain such additional information as the Chief of Police may deem necessary to implement the provisions of this article.

(4) In the event emergency personnel or representatives of the alarm company are unable to contact any of the parties listed in the alarm application due to outdated or inaccurate information provided by the user; or if none of the listed parties are available; or if the listed parties fail to respond to the scene within thirty minutes of notice, such failure shall be treated as a separate false alarm in addition to the alarm which prompted the police response. The user is subject to any penalties which may be imposed pursuant to section Provo City Code Section [ordinance number for "false alarms" section] for such failure.

(5) In addition to submitting the alarm application, users of local alarm systems must post, near the alarm and at a position readable from ground level, a code number furnished by the alarm coordinator to allow reference to the alarm application required by this section.

Alarm Users Responsibilities

An alarm user shall:

- (1) Maintain the premises and security alarm system in a manner that will minimize or eliminate false alarms;
- (2) Review all alarm system operating instructions, including those for verification of an alarm;
- (3) Notify the alarm system monitoring company of a false alarm activation as soon as the user is aware of the false alarm; and
- (4) Not manually activate an alarm except when needing an immediate police response to an emergency.

Determination Of False Alarms; Rebuttable Presumption.

For the purpose of this ordinance, there is a rebuttable presumption that the following determinations made by the Police Department personnel dispatched to the premises reporting an alarm signal are correct:

- (1) There is no evidence of a crime or other activity that would warrant a call for immediate police assistance at the premises.
- (2) No individual who was on or near the premises or who has viewed a video communication from the premises called for a police dispatch or verified a need for an immediate Police Department response, and
- (3) There is no evidence that violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user caused the activation of the alarm.

False Alarms.

(1) For each false alarm to which emergency personnel respond in any calendar year, the alarm user shall be issued a warning or pay an administrative service fee to the City according to the Provo City consolidated fee schedule:

First two false alarms	Warning
Third false alarm	Per the Provo City consolidated fee schedule
Fourth false alarm	Per the Provo City consolidated fee schedule
Fifth through ninth false alarm	Per the Provo City consolidated fee schedule
Tenth and all subsequent false alarms	Per the Provo City consolidated fee schedule

(2) All administrative service fees assessed under this article must be paid to the City or its designee within thirty (30) days of the date that notice of the assessment of the service fee is mailed to the alarm user. If any service fee is not paid within the set forth above, late penalties may be assessed against the alarm user according to the following schedule:

- (a) 1-60 days late: Per the Provo City consolidated fee schedule.
- (b) 61-90 days late: Per the Provo City consolidated fee schedule.
- (c) 91-120 days late: Per the Provo City consolidated fee schedule.

(3) The City may use all available legal remedies to collect delinquent service fees and late penalties. If the delinquent service fee is owned by the business, payment of the fee and late penalties may be required prior to the renewal of the alarm user's Business or Alcoholic Beverage License.

Suspension Of Alarm Permit.

(1) An alarm permit may be suspended for any failure by the alarm user to pay any administrative service fee and applicable late penalties imposed pursuant to this Chapter within 120 days of the date that notice of the assessment of the service fee is mailed to the alarm user. The Chief of Police may also suspend any alarm permit if the Chief of Police determines that the alarm system in question has a history of unreliability, which unreliability shall be presumed upon the occurrence of ten false alarms in any calendar year. A suspension for unreliability may be lifted upon a showing that the conditions which caused the false alarms have been corrected. An alarm user whose alarm permit is suspended by the City must pay a fee set by the Provo City consolidated fee schedule before such a permit may be reinstated.

(2) Any person who uses, maintains, operates or is in control of any operational alarm system in the City while the alarm permit for such alarm system is suspended shall be guilty of a Class C misdemeanor.

Right To Hearing And Appeal.

(1) An alarm user shall have the right to request an administrative hearing to contest the imposition of any penalty under this Chapter, including the imposition of any fee, suspension of any permit, or the determination of a false alarm. A written request for a hearing must be filed by the alarm user with the Police Department within ten (10) business days of the date of mailing of the notice of imposition of the penalty. Notice of the imposition of a penalty shall be considered satisfied if sent by regular mail to the alarm user's address listed in the alarm user's alarm application. The request for a hearing must include the alarm user's name, address, telephone number, and a statement of the reason for disputing the imposition of the penalty. A timely request for a hearing shall stay the imposition of any penalty until the hearing is decided. The City's determination of a false alarm, the imposition of an administrative service fee, or suspension of a permit is considered final if the alarm user fails to request a hearing within the time period set forth above.

(2) An alarm user has the right to appeal the decision from the administrative hearing per Provo City Code 3.06

Local Alarm System – Cutoff Required Within Thirty Minutes.

Alarm systems which use a local audible or visual alarm device to attract the attention of the public must be equipped with an automatic cutoff device which will terminate the audible or visual alarm within thirty minutes. However, this section shall not apply to fire alarms, strobe lights and fire gongs.

Automatic Dialing And Prerecorded Message Alarm Systems Unlawful.

It is unlawful to maintain, operate, connect, or allow to be maintained, operate or connected, any alarm system or automatic dialing device which automatically dials the Police Department and then relays any prerecorded message indicating the existence of an emergency situation.

DRAFT



PROVO POLICE

Alarms

PROVO POLICE



Impact of False Alarms on Public Safety and Resources

1. The traffic danger inherent in the emergency response of police and fire vehicles.
2. The danger caused by possible decreased caution on the part of emergency personnel responding to a location where previous false alarms have occurred.
3. The cost in money and manpower to respond where no actual emergency exists.

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Impact of False Alarms on Public Safety and Resources

NATIONAL AVERAGE:

97% are False Alarms

25 min – Average time on alarm calls

Operational and Financial Impacts of
False Alarms:

Officer Deployment

Costly to Taxpayers

Drain on Resources

Repetitive Alarms

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Alarm Trends:

Total Number of Alarm Calls in Provo City (applying the 97% false alarm statistic)

- 2021: 1,297 (**1258 false**)
- 2022: 1,198 (**1162 false**)
- 2023: 1,139 (**1104 false**)

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False Alarm Cost and Manpower

- An officer is out of service for 30 minutes per false alarm at an average hourly wage of \$32.00/hr.
- Residential false alarms require a minimum two officer response.
- Commercial false alarms may require multiple officers to secure.

Total Number of Alarm Calls	Manpower	Cost(hourly wage only)
• 2021: 1,297 (1258)	1258	\$40,256
• 2022: 1,198 (1162)	1162	\$37,184
• 2023: 1,139 (1104)	1104	\$35,328

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Current Provo City False Alarm Response Fees

User permit: No permit required

- | | |
|---|------------|
| • First three false alarms in calendar year | No fee |
| • Fourth response | \$50 |
| • Fifth response | \$75 |
| • Sixth or more responses | \$100 each |
| • Public school | \$50 |

PROVO POLICE



Proposed Provo City False Alarm Response Fees

User permit: \$25

Annual renewal: \$25

- | | |
|---|------------|
| • First two false alarms in calendar year | Warning |
| • Third false alarm response | \$50 |
| • Fourth false alarm response | \$75 |
| • Fifth and subsequent false alarm response | \$100 each |

PROVO POLICE



False Alarm Billing Overview (2021-2023)

- **2021: \$16,000**
- **2022: \$ 14,075**
- **2023: \$ 13,050**

3-Year Total Billed: \$43,125

Total Amount Collected: \$0

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Solution to minimize False alarm calls

- Change the Current Ordinance.
- Place responsibility of proper alarm maintenance on the alarm system user.

The goal is to reduce false alarms in Provo City.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: JOHNB
Department: Administrative Services
Requested Meeting Date: 08-20-2024

SUBJECT: A presentation regarding the annual Fraud Risk Assessment (24-073)

RECOMMENDATION: Information only.

BACKGROUND: The State Auditors Office requires each governmental entity to perform an annual fraud risk assessment. A checklist is provided to measure the risk level for each governmental entity. Finance will provide an overview of the checklist and share the risk level the city is at based on the score determined from checklist.

FISCAL IMPACT: None

PRESENTER'S NAME: Dan Follett, Finance Director

REQUESTED DURATION OF PRESENTATION: 30 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-073



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: 363 /395 *Risk Level: Very Low Low Moderate High Very High
> 355 316-355 276-315 200-275 < 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?	5	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?	8	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?	0	20
9. Does the entity have a formal audit committee?	20	20

*Entity Name: Provo City

*Completed for Fiscal Year Ending: 06/30/2024 *Completion Date: 08/13/2024

*CAO Name: Scott Henderson *CFO Name: John Borget

*CAO Signature: _____ *CFO Signature: _____

*Required

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

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.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: JMCKNIGHT
Department: Public Works
Requested Meeting Date: 08-20-2024

SUBJECT: A discussion regarding upcoming sidewalk projects (24-015)

RECOMMENDATION: Informational only

BACKGROUND: Due to Council's interest in sidewalk improvements during the budget process Public Works will be giving a presentation on the upcoming projects that have been prioritized for funding.

FISCAL IMPACT: No

PRESENTER'S NAME: Gordon Haight, Public Works Director

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-015



Engineering Sidewalk Projects

Project

Engineering has 3 funding sources that are being used to install new sidewalks, pedestrian and school improvements.



CDBG & Engineering

Oak Cliff/Oakmont

- Install 6-foot sidewalk along 1450 E to Oakmont Ln. Connect to school sidewalk on east side.
- Funded - Construction 2024
- \$360,000



600 South 200 East

- Pedestrian improvements along 600 South to connect to intermodal station.
- Funded - Construction 2025
- \$825,000



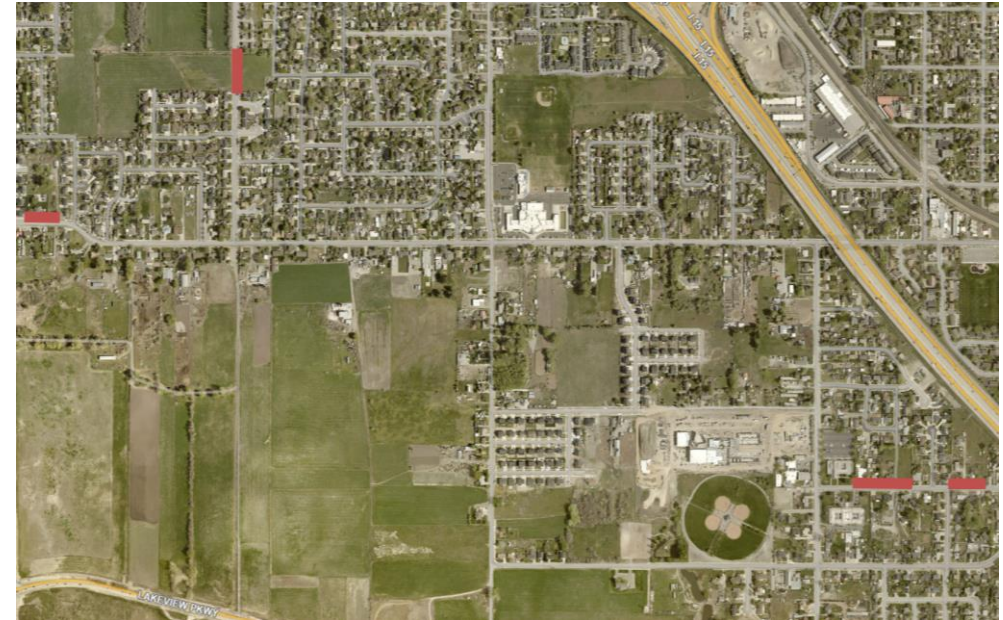
Joaquin Neighborhood

- 400 East Intersection and Pedestrian Improvements
- Funded - Construction 2025
- \$500,000



Safe Routes to School

- Install Sidewalk in four missing areas in southwest side of Provo.
- Funded - Construction 2026
- \$350,000



Oakmont Barrier

- Install traffic barrier and sidewalk improvements.
- Funded - Construction 2024
- \$200,000



1100 West – 600 S to 890 S

- Install concrete improvements including sidewalk, curb/gutter, and storm drain.
- Funded - Construction 2024
- \$260,000



880 W 1020 N

- Install missing sidewalk in front of two properties.
- Funded - Construction 2024
- \$40,000



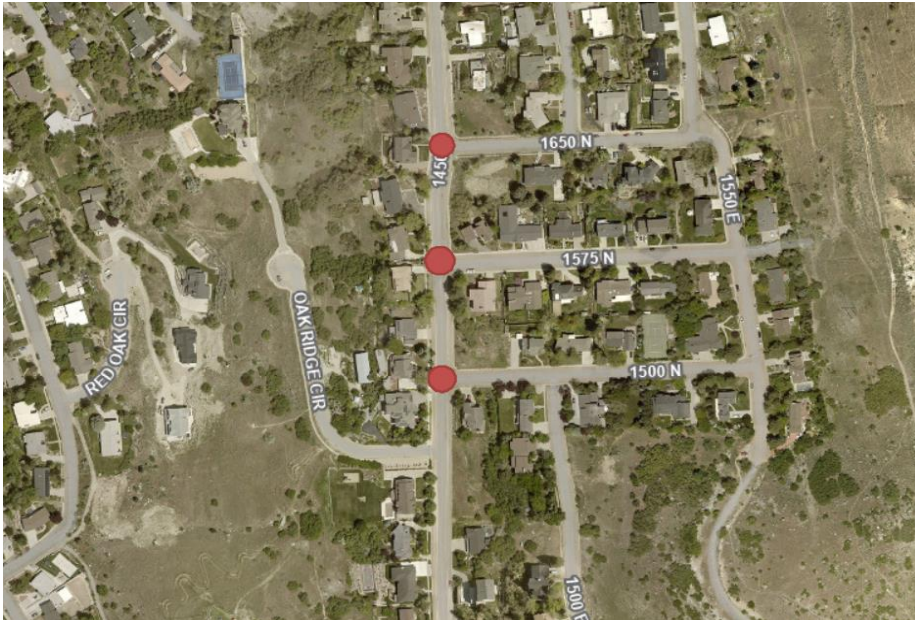
600 South - 1100 W to 1400 W

- Install concrete improvements including sidewalk, curb/gutter, and storm drain.
- Funded - Construction 2025
- \$250,000



1450 E Intersections

- Install pedestrian ramps at 3 intersections.
- Funded - Construction 2024
- \$50,000





Fifth of the Fifth

900 E 560 N Refuge Island

- Install crosswalk and refuge island at 560 N 900 E with raised median.
- Funded - Construction 2025
- \$115,000



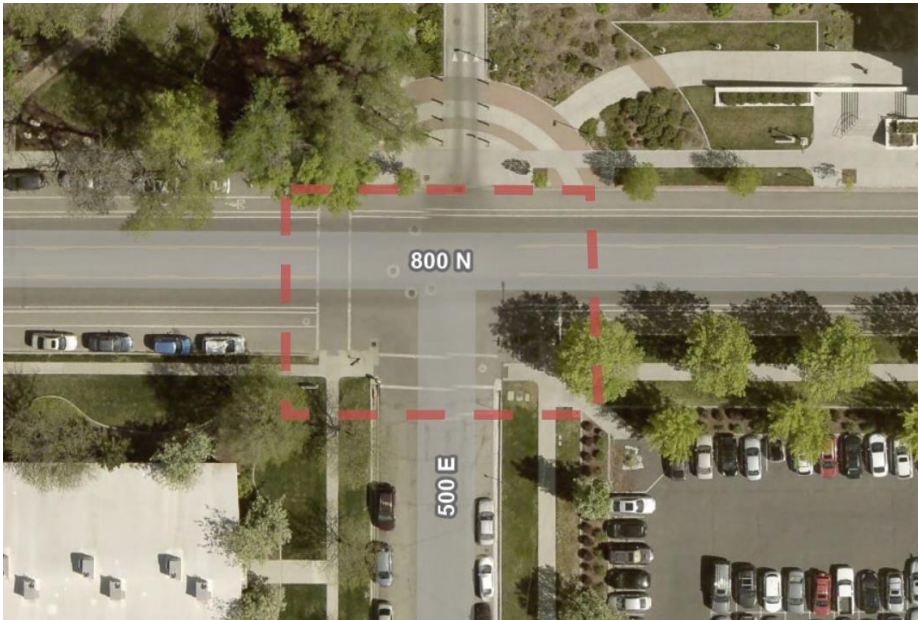
Apple Ave Locust Ln

- Crosswalks, pedestrian ramps, lighting and other intersection improvements.
- Funded - Construction 2025
- \$250,000



500 E 800 N

- Install flashing beacons and pedestrian improvements.
- Funded - Construction 2025
- \$250,000



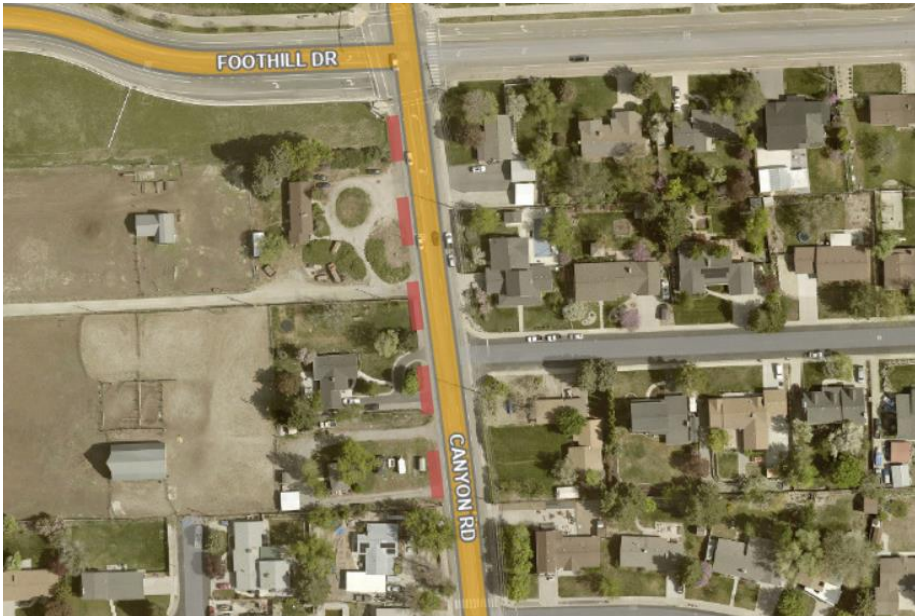
3460 N Canyon Rd

- Sidewalk along safe routes to school for Edgemont Elementary.
- Funded - Construction 2025
- \$275,000



4380 N Canyon Rd

- Sidewalk along safe routes to school for Canyon Crest Elementary. Will also remove midblock crossing at 4380 N.
- Funded - Construction 2025
- \$250,000



Honorable Mentions

- 1600 West – 600 S to 890 S - \$850,000
- Carterville Walmart Path - \$400,000
- 900 South Railroad Crossing - \$900,000
- Walmart Traffic Signal - \$300,000

Highlights

- The Next 3 Years of Sidewalk Projects
 - 7125 Linear Feet of Sidewalk
 - 40 Pedestrian Ramps
- Connect existing infrastructure along safe routes to schools throughout the city.
- Installation of pedestrian and vehicle safety improvements.

Thank you

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: Melia Dayley

Department: Council

Meeting Date: 8-20-2024

SUBJECT: A discussion regarding Accessory Dwelling Units (ADUs): Enforcement and Supplemental Code (24-016)

RECOMMENDATION: Discussion- Council motion(s) needed for further action

BACKGROUND: As a follow up to two Council motions made in January & April 2024, this discussion aims to review "supplemental ADU rules" including extra living space, second kitchen agreements, and occupancy and parking limits. Additionally, staff is recommending code changes to help assist zoning enforcement, specifically for ensuring ADUs are licensed and owner-occupied.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Melia Dayley, Policy Analyst & Administrative Staff

REQUESTED DURATION OF PRESENTATION: 60 minutes

CITYVIEW OR ISSUE FILE NUMBER: 24-016

ADUS:

Enforcement & Supplemental Code

August 20, 2024 Council Work Meeting



BACKGROUND

January 9th- motion to review "supplemental ADU rules" including extra living space, second kitchen agreements, ADU occupancy limits, and parking limits

April 30th- motion to evaluate the City's "education/enforcement toolkit" and propose enhancements if deemed necessary

May-June- Council staff analysis of current code & issues

July 9- Meeting w/ citizens & Councilors

July 22- Meeting w/ Development Services, Legal, & Councilors

August 1- Follow up meeting w/ Development Services, Legal, & Councilors

TODAY

Goal:

Multiple motions specific to legislative action on ADUs

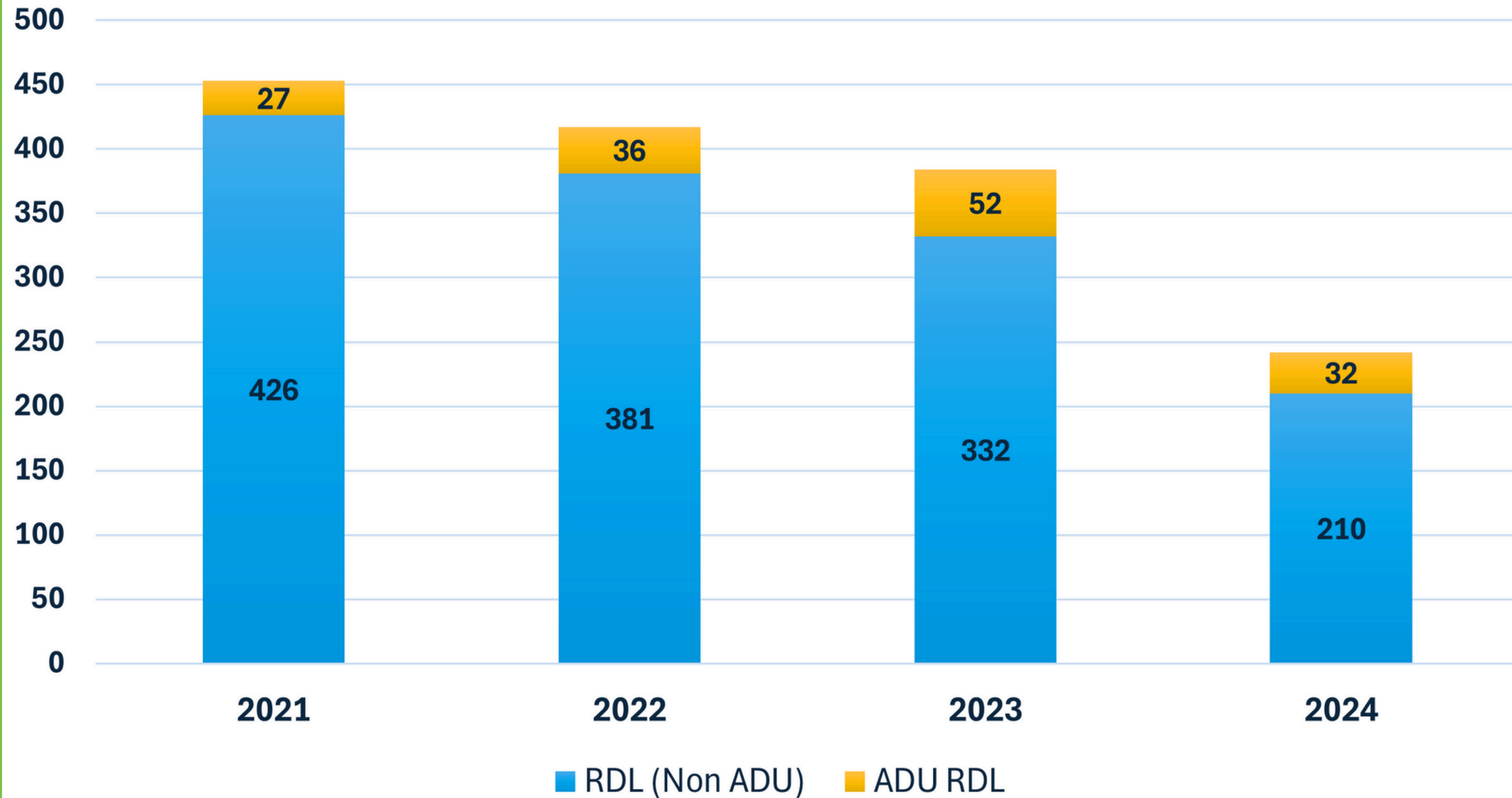
1. Review supplemental rules

- Motions needed

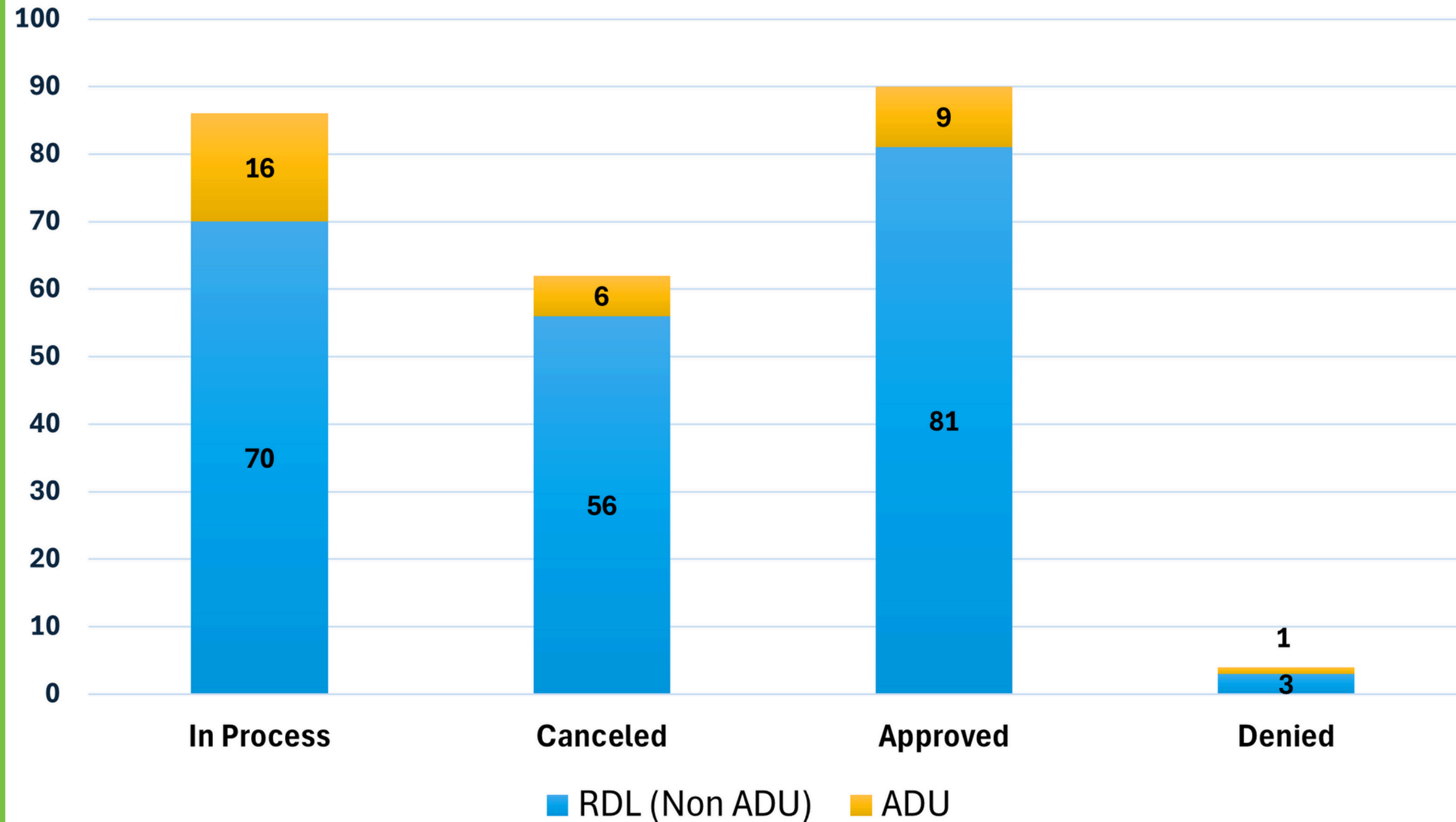
2. Review enforcement toolkit

- Motions needed

Applications for new RDL's has been decreasing since 2021



Status of 2024 RDL Applications



MOTIONS

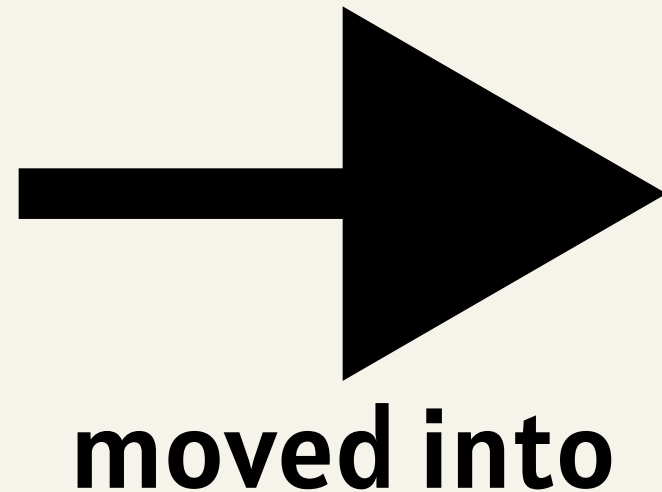
**Enforcement
Focused**

- 1. Proposed Extra Living Space code amendment**
- 2. Proposed Second Kitchen Agreement code amendment**
- 3. Proposed Rental Disclosure code amendment**
- 4. Proposed Owner Occupancy proof license requirement code amendment**
- 5. Request for Development Services to report on cost estimates for technological tools to assist in licensing and enforcement processes**
- 6. Regarding an education campaign about renting in Provo including goals, timeline, scope**
- 7. Direction to Council staff regarding the definition of the family code**
- 8. Direction to Council staff to prepare specific amendment to the Special Use Permit process for ADUs**

MOTION 1

ELDERLY PERSONS- EXTRA LIVING SPACE

**Section
14.34.450
(Elderly Persons
- Extra Living
Space)**



**Section 14.30.030
(ADU
Development
Standards)**

&

**Section 14.30.040
(Special Use
Permit for
ADU)**

**Simplifies code by requiring all ADUs, regardless of reason for
existing, to abide by the same zoning, healthy & safety
standards, & other regulations**

Differences & Similarities Between Current ADU and Elderly Extra Living Space:

	Current ADU:	Current Elderly Persons Extra Living Space:
Zones:	Those not prohibited by 14.30.020	A1, RA, R1, or RC only
Occupancy:	3 Singles	2 Singles
Own Other Residence:	Is allowed	Is NOT allowed
RDL:	Required and Renewed Annually	Required and Renewed Annually
Age Restriction:	N/A	Age 65+
Location:	Within home, in an addition, or a detached structure	In the home
Inspection as Part of Application:	Required for Health and Safety	Not Required
Notarized Agreement:	Deed Restriction is Signed and Recorded on Title (Doesn't Require all owners to sign)	Deed Restriction is Signed and Recorded on Title, (Requires all owners to sign)
Signed Affidavit of Owner-Occupancy	Not Required	Required
Deed Restriction Run with Land:	Yes, except for those approved through SUP process.	No
Maintaining Interior Access:	Not Required	Required to be maintained

MOTION I

Changes Proposed Amendment Would Make to these Requirements:

	Current ADU:	Current Elderly Persons Extra Living Space:
Zones:	Those not prohibited by 14.30.020	Those not prohibited by 14.30.020
Occupancy:	3 Singles	3 Singles
Own Other Residence	Is NOT allowed	Is NOT allowed
RDL	Required and Renewed Annually	Required and Renewed Annually
Age Restriction	N/A	Age 65+
Location:	Within home, in an addition, or a detached structure	Within home, in an addition, or a detached structure
Inspection as Part of Application:	Required for Health and Safety	Required for Health and Safety
Notarized Agreement	Deed Restriction is Signed and Recorded on Title (Requires all owners to sign)	Deed Restriction is Signed and Recorded on Title (Requires all owners to sign)
Signed Affidavit of Owner-Occupancy	Required	Required
Deed Restriction Run with Land:	Yes, except for those approved through SUP process.	No
Maintaining Interior Access	Not Required	Not Required (will follow standard ADU guidelines)

MOTION 2

SECOND KITCHEN AGREEMENT

Added

14.30 Accessory Dwelling Units

connection into

14.34.440 Second Kitchen in One-family Dwellings

**Cleans up a conflict in code between 2nd kitchen agreements & ADU deed
restrictions**

**Administration to draft a document to record 2nd kitchen agreement &
deed restriction together to help simplify process & enforcement**

OPTION 1

**Proposed code
amendment**

OPTION 2

**Repeal 14.34.440 (Second
Kitchen in One-family
Dwellings)**

RENTAL DISCLOSURE

Vehicle registry
requirement

+

6.26.150
(Rental Disclosure
Required)

AND

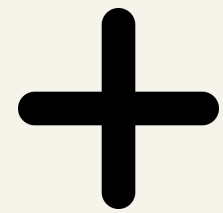
****Mandatory****
6.26.150
(Rental Disclosure
Required)

+

6.26.030
(License
Application)

OPTION 1

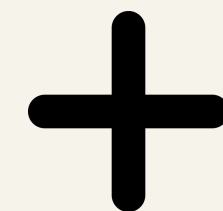
**Require signed Disclosure
prior to approving any RDL
(this includes ADU RDLs)**



Vehicle registry

OPTION 2

**Allow for license to be issued,
but with requirement that
disclosure document would be
provided within 10 days (or any
number of days preferred by
Council) (also applies to ADU
RDLs).**

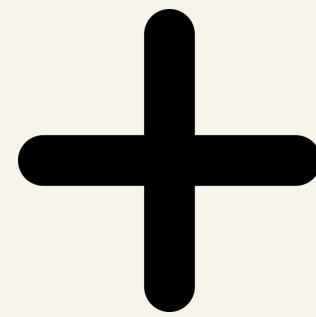


Vehicle registry

MOTION 4

LICENSING REQUIREMENT- OWNER OCCUPANCY PROOF

**documented
proof of owner
occupancy**



**6.26.030
(License
Application)**

Currently, applicants sign an affidavit agreeing to abide by requirements of 14.30 when applying for an RDL for an ADU, which includes the primary dwelling being owner-occupied

This amendment makes the applicant provide proof of compliance beyond the signed affidavit.

MOTION 5 & 6

TECHNOLOGICAL TOOLS

Staff Recommendation:

- **Request Development Services to report back to Council with options for technological tools to aid in proactive enforcement including costs & how the technology would be used**

EDUCATION CAMPAIGN

Staff Recommendation:

- **Define goals, timeline, and scope**
- **Things to consider:**
 - **Target audience(s), longevity of campaign, costs, how to measure success of campaign**

MOTION 7 & 8

DEFINITION OF THE “FAMILY”

Staff recommendation:

- reviewing code outside of a discussion on ADUs as changes to the definition (14.06.020 “Family”) will affect a lot more than just ADUs & ADU enforcement

PATHWAYS (SUP PROCESS)

Staff recommendation:

- Repealing the process
- OR**
- Amending the minimum requirement of neighbor approval to 50%

OTHER SUPPLEMENTAL REGULATIONS & CODE

Parking

A sub group of the Legislature's Commission on Housing Affordability (CHA) is reviewing parking requirements for rentals, including, but not limited to, ADUs

Staff recommends reaching out to ULCT about parking concerns, but not making code changes at this time

Occupancy Limits

14.30 standards are consistent with other rental standards & staff has no recommended amendments

MOTIONS

**Enforcement
Focused**

- 1. Proposed Extra Living Space code amendment**
- 2. Proposed Second Kitchen Agreement code amendment**
- 3. Proposed Rental Disclosure code amendment**
- 4. Proposed Owner Occupancy proof license requirement code amendment**
- 5. Request for Development Services to report on cost estimates for technological tools to assist in licensing and enforcement processes**
- 6. Regarding an education campaign about renting in Provo including goals, timeline, scope**
- 7. Direction to Council staff regarding the definition of the family code**
- 8. Direction to Council staff to prepare specific amendment to the Special Use Permit process for ADUs**

DISCUSSION

August 20, 2024 Council Work Meeting



PROVO CITY MUNICIPAL COUNCIL

Michael Sanders & Melia Dayley, Policy Analysts

Accessory Dwelling Units & Provo: Education & Enforcement Toolkit

August 20, 2024



ADU Code References

State Code References

[10-9a-530: Internal accessory dwelling units](#)

- State code reference specific to city regulations/allowances

Provo City Code References

[14.30 Accessory Dwelling Units](#)

- [14.30.030\(4\) ADU Development Standards: Occupancy Regulations](#)

Ordinance in Brief

- ADU occupancy is limited as follows:
 - Main dwelling:
 - head of household + those family members listed in the definition of family; OR
 - up to 3 individuals + their children.
 - ADU:
 - up to 3 adults + their minor children
- One of the two units must be owner-occupied
 - Owner occupancy exemption is possible for certain temporary absences

- [14.06.020 Definitions: "Family"](#)

Definition of the Family in Brief

One of the following that lives as "one nonprofit housekeeping unit that shares common living, sleeping, cooking, and eating facilities":

An individual living alone;

A group of up to three individuals, not counting any of their children who live with them; or

A head of household¹ with all qualifying relatives² and up to two additional persons³⁴.

AND

Is not disqualified by ordinance.⁵

- 14.30.030(5) ADU Development Standards: Parking Regulations

Ordinance in Brief

- Homes with an ADU need to have 4 off-street parking spaces
 - Where it is possible to park two cars in tandem (one behind the other), you may only count both spaces towards this 4 spaces requirement if the front and rear space are both restricted to use by either the occupants of the main dwelling or the occupants of the ADU.
 - For example, in a common scenario with a two-car garage and a driveway:
 - This counts as 4 spaces if the ADU occupants use one of the garage spaces and the driveway space behind it, and the main dwelling occupants use the other side.
 - It does not count as 4 spaces if the main dwelling occupants use both of the garage spaces. In that scenario, the two tandem spaces in front of the garage do not count for purposes of serving the ADU.
- The home cannot have more cars than off-street parking
 - For example, if the home has 4 cars that the main family is operating, and only has 4 off-street parking spaces, their ADU dwellers can't have a car.
 - Another example, the home has 4 cars that the main family is operating but has 5 off-street parking spots, in this case their ADU occupants could have 1 car
- Even if the home has sufficient off-street parking, unless there is a parking enforcement scheme, there is not a requirement for the ADU dwellers to park off-street

¹ An owner occupant OR a person who has a parent, child, grandparent, grandchild, or spouse living in the same dwelling.

² Spouse, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, or great grandchild by blood, marriage, guardianship, or any other duly authorized custodial relationship.

³ These persons can be unrelated to the head of household or be relatives outside the list of qualifying relatives.

⁴ In some instances, specific rules do not allow occupancy by the two additional persons.

⁵ Batching singles, clubs and associations, temporary or seasonal associations, or those in a group living arrangement as a result of criminal offenses. (With regard to this last provision, the criminal offense itself must be the cause of the group living arrangement. This provision does not apply to group living arrangements for the purpose of drug or alcohol treatment, even if the individuals have criminal offenses related to their addictions.)

14.34.450 Elderly Person- Extra Living Space

Ordinance in Brief

- People 65 and older can have people live with them in the
 - A1, RA, R1, and RC zones
 - Not allowed in zones not listed
- Registrations to be received and tracked by Development Services
- Requirements for registration
 - Be 65 or older
 - Own and occupy the property
 - Sign an agreement that the property will not become 2 or more dwelling units
- Other requirements/notes
 - No extra living space in the garage or out-building
 - Interior access to be maintained
 - Exterior elements not altered
 - No additional meters
 - Utilities to be in the name of the property owner
 - No new address
 - Parking governed by the applicable zone
 - Currently \$50 a year
 - No inspection can be conducted as a condition of registration

14.34.440 Second Kitchen in One-Family Dwellings

Ordinance in Brief

- You cannot have a 2nd kitchen in the A, RA, R1 or RC zone UNLESS:
 - It is in a legal ADU; or
 - You have no ADU, legal or otherwise and you meet all the following requirements:
 - You have only 1 front entrance;
 - You only have 1 address;
 - Access to where the 2nd kitchen is not restricted internally;
 - There is only 1 electrical meter;
 - You sign a second kitchen agreement; and
 - You meet the occupancy limitations in this Section, that is:
 - Three or less individuals; or
 - head of household and qualifying relatives
 - but no unrelated individuals, unless the extra living space for elderly persons ordinance applies
- Additional kitchens are also limited in out buildings.
- Inspections can be made by staff
- 2nd kitchen agreement runs with the land forever and limits the dwelling unit to “family”
- Building permit needed to construct 2nd kitchen

Code Enforcement Process

Current Enforcement Process- as described in a memo entitled “Slate Canyon Enforcement” sent to Council on May 30, 2024 written by Scott Johnson, Provo City Zoning Administrator

“To begin, I would like to briefly discuss our current practices regarding Code Enforcement throughout the city... Most enforcement cases come to us through complaints from citizens.

(1) When we receive an enforcement case, our Code Compliance Officers reach out to the complaining party within 1-2 days to let them know the complaint was received and that they will begin investigating their concerns. Officers also ask potential follow-up questions to ensure the complaint is understood in full.

(2) Cases are then investigated, and if violations are found to exist, a Notice of Violation (NOV) is sent to the owner and/or responsible party. A copy of each section of code cited in the NOV accompanies the Notice. As a standard practice, the NOV provides a compliance date 2 weeks from the date the NOV is sent.

(3) Officers then re-inspect the property to verify if the violations have been corrected.

(4) If the property remains in violation, the Officer gathers all necessary information and provides a report to Provo City Legal requesting a final notice be sent. This notice advises the individual that if the corrections required by Code Enforcement are not corrected in 2 weeks (recently shortened by Provo Legal from 30 days), they may face criminal charges for violations of city code.

(5) Officers then re-inspect the property again after the compliance date of the legal letter.

(6) If we find the property remains violation, we advise Provo Legal and request that charges be filed in court. Officers follow the case through the court process and provide any assistance needed to Provo Legal.

(7) If at any point throughout this process we find that the property complies with City Code, we close the case and advise the complainant that the case has been resolved.

(8) When a case is resolved, Officers will typically await further complaints before taking any additional actions against a property (unless they observe a violation that is visible from the public right-of-way, such as landscape or junk issues).”

Additional ADU Information & Resources

[The Utah Land Use Institute: ADU \(2023\)](#)

[Kem C. Gardner Policy Institute: Housing Affordability \(2020\)](#)

Utah City ADU Codes & Guides

- [Salt Lake City ADU Guide](#)
- [Millcreek ADU: FAQs, Checklist, Code, etc](#)

- [Lehi ADU: FAQ & links to city code](#)
- [Draper: ADU overview](#)
- [Herriman: ADU overview](#)
- [Orem: Accessory Apartment overview](#)

Provo City Municipal Council

ADU: Citizen Meeting Notes

July 9, 2024

Citizens: Jamin Rowan, Jonathon Hill, Dave Knecht

Councilors: Criag Christensen & Katrice MacKay

Staff: Justin Harrison, Michael Sanders, Melia Dayley, Rachel Breen, David Pyle

- Staff gave a brief guide to ADUs in Provo including current regulation tools and limits
- Staff facilitated an exercise to start discussion
 - Attendees were asked to succinctly write down what is “the problem with ADUs” and then to write down the “legislative solution” to that specific problem.
 - The goal was to guide discussion to specific problems with specific legislative actions the Council could take to address these issues.
 - Some expressed that while there might be issues with how ADUs are enforced or regulated, ADUs themselves as a housing product are not an issue and in fact, are promoted as a desirable housing type throughout the city’s General Plan
- Issues and legislative solutions
 - **Problem:** Parking overflow onto neighborhood streets
 - **Legislative Solution:** No overnight parking allowed on streets
 - **Legislative Solution:** No overnight parking allowed on streets during the winter for snow removal, citywide
 - **Problem:** ADUs turn into illegal duplexes/ become non-owner-occupied housing
 - **Legislative Solution:** Regulate on-street parking through overnight parking bans or parking permit programs
 - **Problem:** Change the character of single-family neighborhoods
 - **Legislative Solution:** (no legislative solution provided)
 - **Possible legislative solution:** Zoning restrictions in residential zones
 - **Problem:** Meeting the minimum parking requirements of off-street parking for an ADU would ruin the character of a single-family home
 - **Legislative Solution:** Decrease the requirement for off-street parking
 - **Legislative Solution:** Regulate on-street parking
 - It’s up to the owner of the ADU to rent to a tenant with fewer cars or none at all if that is what their property has room for and this is reinforced through street parking management
 - This led to a discussion about regulating the on-street parking and already existing RDL requirements rather than adding on more, practically unenforceable ADU requirements or requirements that people meet when getting their license but then don’t follow once initially met such as tandem parking

- **Problem:** If they become too common, they affect the character of the neighborhood
 - **Legislative Solution:** Zoning restrictions in residential zones
 - Citizen expressed that right now, ADUs don't seem to be negatively affecting the city as whole but enforcement of the current regulations is vital to keep it that way. Rather than ADUs, lack of housing, affordable or otherwise is more negatively affecting the city, so their legislative solution was to focus more on attracting/helping developers bring in more varied housing types, specifically condos for first time home buyers and "move-up homes" for existing families/residents
- **Problem:** Not owner-occupied
 - **Legislative Solution:** Require tenants to submit lease agreements to the city to be attached to the RDL for their unit
 - Would allow the city to cross check leases and RDLs and help determine owner-occupancy
 - Would also alert the city to rentals that do not have RDLs
 - **Administrative Solution:** Utilize police authority for code enforcement

Provo City Municipal Council

ADU: Development Services & Legal Meeting Notes

July 22, 2024

Administrative Staff: Bill Peperone, Aaron Ardmore, Scott Johnson, Brian Jones (also Council staff), Ana Burgi

Councilors: Craig Christensen & Katrice MacKay

Council Staff: Justin Harrison, Michael Sanders, Melia Dayley, David Pyle

- Goals of the meeting:
 - Review the “problems” and “legislative solutions” as identified in the citizen ADU meeting and receive feedback from their respective perspectives
 - Asked to give specific feedback on how to make enforcement and ADU regulation more effective and/or efficient
- Issues and legislative solutions
 - **Problem:** Parking overflow onto neighborhood streets
 - **Legislative Solution:** No overnight parking allowed on streets
 - **Legislative Solution:** No overnight parking allowed on streets during the winter for snow removal, citywide
 - On-street parking generally is not a concern, just when driveways and intersections are blocked, in fact on-street parking is planned as a built-in traffic calming measure
 - If parking on the street is prohibited, the city should review the standards for street cross sections to make them more narrow
 - **Problem:** ADUs turn into illegal duplexes/ become non-owner-occupied housing
 - **Legislative Solution:** Regulate on-street parking through overnight parking bans or parking permit programs
 - Development Services noted that some neighborhoods with ADUs have adopted a, though limited, self-policing culture that help to maintain owner occupancy and a permit program might help in that education and accountability
 - **Problem:** Change the character of single-family neighborhoods
 - **Legislative Solution:** (no legislative solution provided)
 - **Possible legislative solution:** Zoning restrictions in residential zones
 - No suggestions/comment from DS staff or Council present to review zones where ADUs are permitted/prohibited
 - **Problem:** Meeting the minimum parking requirements of off-street parking for an ADU would ruin the character of a single-family home
 - **Legislative Solution:** Decrease the requirement for off-street parking
 - **Legislative Solution:** Regulate on-street parking
 - DS staff and legal expressed concern that if the city started amending parking regulations related to ADUs/rentals, the State Legislature would step in for a preemption

- Legal noted they have already seen a drafted bill for the upcoming session addressing parking limiting cities from requiring more than 1 additional off-street spot
- **Problem:** If they become too common, they affect the character of the neighborhood
 - **Legislative Solution:** Zoning restrictions in residential zones
- No suggestions/comment from DS staff or Council present to review zones where ADUs are permitted/prohibited
- **Problem:** Not owner-occupied
 - **Legislative Solution:** Require tenants to submit lease agreements to the city to be attached to the RDL for their unit
- Focus on what the city can do on the front end of the rental license process to ensure owner occupancy, instead of how to get to compliance once the rental already exists as an illegal use
- Council members suggesting that the city might need a specifically hired staff member to monitor and manage rental dwelling licenses to help with the enforcement of owner occupancy among other rentals
- Council members stressed the priority of making ADUs owner occupied and to put the onus of that requirement on the landowner, not the city after the rental exists, and finding legislative solutions or appropriating more resources to facilitate this
- Development Services noted the difference between those who get a license and then do not follow the rules and those that don't get a license in the first place and the different approaches they might take to each for enforcement or bringing into compliance through a legislative solution
- Using the rental disclosure form to proactively catch non-owner-occupied ADUs
 - Currently, the city utilizes this form during the enforcement process on a suspected illegal rental unit- not collected or tracked at the city, the tenant and landlord are supposed to have a copy and be able to produce if it requested by the city
 - Proposed change is to require the form as part of the ADU licensing process when someone applied and renews their license
 - If zoning staff finds an illegal ADU, they could ask for proof of license, including the disclosure, before ever getting into determining occupancy, etc
 - **ACTION: Council staff to draft an ordinance text amendment to require landlords to supply rental disclosures as part of their license application and renewal for ADUs**
- Important for education to accompany any code/enforcement changes; more than just social media and the newsletter
- **ACTION: Legal and zoning staff to bring code amendment recommendations to meeting with Council staff by August 1st regarding Second Kitchen Agreements to make the code more effective and useful**
- **ACTION: Legal and zoning staff to bring code amendment recommendations to meeting with Council staff by August 1st regarding the Zoning Disclosure requirement to make the code more effective and useful**

- Make the realtors be more responsible and liability for lying on listings and making money on false advertising against
 - State legislature code amendment or city legal posture on prosecuting realtors when they lie about property use to buyers

Provo City Municipal Council

ADU: Development Services & Legal Meeting Notes

August 1, 2024

Administrative Staff: Aaron Ardmore, Scott Johnson, Brian Jones (also Council staff), Ana Burgi

Councilors: Craig Christensen & Katrice MacKay

Council Staff: Justin Harrison, Michael Sanders, Melia Dayley

- Goals of the meeting:
 - Follow up on previous meeting action items:

ACTION: Council staff to draft an ordinance text amendment to require landlords to supply rental disclosures as part of their license application and renewal for ADUs

ACTION: Legal and zoning staff to bring code amendment recommendations to meeting with Council staff by August 1st regarding the Zoning Disclosure requirement to make the code more effective and useful

- Council staff and Zoning and Legal drafted code amendments and decided that the Rental Disclosure ([linked here](#)) should be required for all rentals in the city as part of the licensing process
 - Additionally, the code amendment will add an additional requirement of providing the make and model of all vehicles operating on the property as a way to help Zoning identify and track the tenants on the property
 - **ACTION: Legal and Zoning to draft a code amendment ready for review at the August 20th Council Work Meeting**
 - Exclude any property with more than 4 units from the rental disclosure requirement

ACTION: Legal and zoning staff to bring code amendment recommendations to meeting with Council staff by August 1st regarding Second Kitchen Agreements to make the code more effective and useful

- Combine the ADU [occupancy restriction](#) and the [second kitchen agreement](#) into one requirement that will be recorded on the title/land of the property
 - This will better help Zoning to track where ADUs are and the history of a property with ADUs/second kitchens
- **ACTION: Legal and Zoning to draft a code amendment ready for review at the August 20th Council Work Meeting**

Additional Topics and Actions

Administrative changes for code enforcement include:

- Specialize Zoning staff on rentals and compliance instead of in their geographic assignments like it is currently
 - Run the specialized approach for 6 months and review how it is working

- ACTION: Zoning to research cost and logistics of starting to use data scraping software to find rentals in the city and use that data in their work instead of having to solely work off of complaints or in person visits
- Possibly charge a reinstatement fee for a license that was revoked because of noncompliance then would like to be re-licensed

Extra living space- <https://provo.municipal.codes/Code/14.34.450>

- **ACTION: Legal and/or Zoning to draft move this section of code to 14.30 (ADUs) to simplify the code and make it align better with requirements (license, etc.)**

14.34.440

Second Kitchen in One-family Dwellings.

- (1) The existence of more than one kitchen in a one-family dwelling unit is prohibited, except as otherwise provided in this Section.
- (2) Two kitchens, but no more than two, are permitted in any residence in which an accessory dwelling unit legally exists in compliance with the requirements of Chapter 14.30, including a valid, current rental dwelling license.
- (3) In a one-family dwelling unit without an accessory dwelling unit, ~~o~~One (1) or more additional kitchen(s) ~~in a one-family dwelling unit shall be~~ are allowed only if the property is in an A1, RA, R1, or RC zone, including a Performance Development Overlay (PD) zone used in combination with these zones, and if all of the following requirements are met:
 - (a) The dwelling unit ~~shall have~~ has only one (1) front entrance;
 - (b) The dwelling unit ~~shall have~~ has only one (1) address;
 - (c) ~~An i~~Interior access ~~is~~shall be maintained to all parts of the dwelling unit to ~~a~~ensure that an accessory apartment is not created. There ~~shall~~may not be ~~no~~keyed or dead bolt locks, or other manner of limiting or restricting access from the additional kitchen(s) to the remainder of the dwelling unit;
 - (d) The dwelling unit ~~shall have~~ has no more than one (1) electrical meter;
 - (e) ~~The a~~Additional kitchen(s) ~~may exist as~~are part of the primary dwelling structure or ~~are be~~ installed in an accessory or "out" building, ~~provided~~ the use and occupancy limitations of this Section are met, and no second dwelling unit or accessory apartment is established in the primary or accessory buildings;
 - (f) ~~Upon request made by Provo City staff,~~ residents of the dwelling unit ~~shall~~allow, within reasonable hours, an inspection by Provo City staff upon request of the dwelling unit and any building accessory to the dwelling unit, which has an additional kitchen, in order to determine compliance with this Section;

-
- (g) The dwelling unit owner ~~shall~~ signs a notarized agreement, ~~as prescribed on a form approved~~ by Provo City, which provides that the dwelling unit, including any accessory building, ~~will not and~~ may not be converted into two (2) or more dwelling units unless allowed by, and in accordance with applicable provisions of, this Title. The document ~~must~~~~shall~~ be recorded with the Utah County Recorder's Office prior to issuance of a building permit;
- (h) ~~When an additional kitchen is approved under the provisions of this Section, both present and future~~The owners of the dwelling unit ~~shall~~ limits the dwelling unit to family occupancy only; provided, however, that no additional unrelated persons, personal care providers, or personal service providers ~~may~~~~shall~~ be permitted to occupy a one-family residence ~~that~~~~which~~ contains an additional kitchen ~~except as provided in Section 14.34.450, Provo City Code;~~ and
- (i) Construction of any such kitchen ~~shall~~ meets the standards of the adopted building code and ~~may require~~~~is done pursuant to the~~ issuance of a Provo City building permit prior to commencing any construction or remodeling to accommodate the additional kitchen.
- ~~(2) An additional kitchen shall not be established in a one-family dwelling unit which is associated with an accessory living space, whether or not the accessory living space was established pursuant to Chapter 14.30, Provo City Code.~~
-

14.06.020 Definitions.

...

“Owner occupant” means, except as set forth in Subsection (c) of this definition:

(a) an individual who:

(i) possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit; and

(ii) occupies the dwelling unit with a bonafide intent to make it his or her primary residence; or

(b) an individual who:

(i) is a trustor of a family trust which:

(A) possesses fee title ownership to a dwelling unit;

(B) was created for estate planning purposes by one (1) or more trustors of the trust; and

(ii) occupies the dwelling unit owned by the family trust with a bonafide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor’s temporary absence.

(c) A person who meets the requirements of Subsections (a) ~~and~~ or (b) of this definition ~~is~~ shall not ~~be deemed~~ an owner occupant if the property on which the dwelling unit is located has more than one (1) owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence,

...

(e) In applying this definition to ADU applicants, the owner(s) of the dwelling unit for which an ADU approval is being sought may not have any other residence.

...

14.30.030 Accessory Dwelling Unit (ADU) Development Standards

...

(10) *Rental Dwelling License*. In accordance with Chapter 6.26, Provo City Code, any person operating an ADU under this Chapter shall obtain a rental dwelling license (RDL). Such license shall be in addition to any building permits that may be necessary. Before a rental dwelling license for an ADU is issued, the applicant shall:

(a) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

(b) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.

(c) Pay an application fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(d) Provide Development Services with an affidavit of owner-occupancy on a form provided by Provo City and signed by every property owner.

(e)(d) Noncompliance with the standards of this Section shall be just cause for the denial or revocation of a rental dwelling license for an ADU. Revocation shall be in accordance with the license regulations in Chapters 6.01 and 6.26, Provo City Code.

(f)(e) Notwithstanding Section 6.01.090, Provo City Code, the approval of a rental dwelling license for an ADU shall automatically expire one (1) year after the date of the approval, or upon transfer of the property to another owner, whichever occurs first; provided, however, that the existing owner may reapply or the new owner may apply for an extension of such rental dwelling license.

(g)(f) Except for ADUs permitted under section 14.30.040, the owner shall cooperate with the Development Services Department in recording a deed restriction with the County Recorder evidencing the restrictions under which the ADU accessory apartment unit is constructed and occupied. This deed restriction shall run with the land as long as the property is in an overlay zone in which an ADU is a permitted use described in this Chapter, or otherwise or for so long as an ADU exists as a legal nonconforming use in any situation where ADUs were a permitted use according to the property's zoning designation when the deed restriction was recorded but are no longer a permitted use, whichever is longer contains an accessory apartment as provided in this Chapter.

(h)(g) The owner shall renew the rental dwelling license annually and confirm that the dwelling is the owner's primary residence by providing at least two of the following forms of verification: a current driver license, current vehicle registration, voter registration card, last filed state tax return, and/or last filed federal tax return.

...

14.30.040 Special Use Permit for Accessory Dwelling Unit.

...

(2) *Application.* Except as provided in Subsection (5) below, a Application for an accessory dwelling unit special use permit must...

...

(3) *Review and Approval.* ...

(a) The application meets all the requirements of either subsection (2) or (5) of this section;

...

(5) *Application for persons age sixty-five (65) or older.* Owners age sixty-five (65) or older may apply for a special use permit by paying the applicable fee shown on the Consolidated Fee Schedule and submitting an application form approved by Provo City. Applicants must show that:

- (a) The property is occupied by an Owner Occupant
- (b) Each owner is age sixty-five (65) or older.

...

~~14.34.450 Elderly Persons -- Extra Living Space.~~

~~(1) Notwithstanding any contrary provision of this Title, one (1) or two (2) persons age sixty-five (65) or older who own and occupy a one-family dwelling located in an A1, RA, R1, or RC zone may allow two (2) additional persons over eighteen (18) years old and their minor children to occupy extra living space in the dwelling, subject to the provisions of this Section. For the purpose of this Section "extra living space" means any area within an existing structure originally constructed as a one-family dwelling which is made available by a resident owner for occupancy by the additional persons described above.~~

...

~~(9) The Mayor may adopt any regulation which the Mayor deems necessary to enforce the provisions of this Section.~~

Option 1: Require signed Disclosure prior to approving any RDL (this includes ADU RDLs)

6.26.030 License Application.

...

- (7) proof of liability insurance for the rental dwellings to be licensed; ~~and~~
- (8) the signature of the owner of the rental dwelling(s):
 - (a) certifying, to the best of the owner's knowledge or belief, that the use and occupancy of the rental dwelling(s) conforms to applicable ordinances, and
 - (b) agreeing to comply with applicable ordinances; ~~and~~

(9) a copy of the Provo City Rental Disclosure form, as described in Section 6.26.150, signed by the applicant and containing signatures and other required information for each lessee who is known to the applicant at the time of the application.

...

6.26.150 Rental Disclosure Required. (Effective August 1, 2018).

...

- (4) The Provo City Rental Disclosure ~~must~~~~shall~~ contain the following:
 - (a) A copy of the rental dwelling license for the lease property;
 - (b) A statement advising the lessee that if the lessee subleases or assigns any portion of the leased property to another, then, as a sublessor, the lessee is obligated to meet a lessor's obligations under this Section with regard to the sublessee;
 - (c) A statement of the rights and responsibilities of lessees; ~~and~~
 - (d) A place for the signature of both the lessor and lessee acknowledging the lease of the property; ~~and~~
 - (e) A place to list the make, model, and license plate number for every motor vehicle used by the lessees of the rental dwelling.
- (5) A lessor, lessor's agent, or lessee ~~shall make~~ must provide a signed and completely filled out copy of the Provo City Rental Disclosure ~~available~~ to Provo City officials within ten (10) calendar days of any of the following events:
 - (a) The re-issuance of a Rental Dwelling Business License due to the addition of other properties to the license;
 - (b) Any required information changes, including a change in tenants or a change in motor vehicle information; or
 - (c) ~~u~~Upon request. ~~when reasonable cause exists to believe that there is a violation of this Section or of occupancy limits provided in Title 14, Provo City Code.~~

(6) Any parcel containing five (5) or more dwelling units is exempt from the requirements of subsection (5) if the requirement arises from an event described in subsections (5)(a) or (5)(b).

(7) ~~(6)~~ It shall be unlawful for any lessor, lessor's agent, lessee, or other individual to violate the requirements of this Section.

(8) ~~(7)~~ Any lessor, lessor's agent, lessee, or other individual who intentionally, knowingly, or recklessly violates this Section shall be guilty of a Class C misdemeanor.

(a) A second or subsequent conviction under this Section shall be a Class B misdemeanor.

(b) For purposes of this Section, a plea of guilty or no contest to a violation of this Section, which plea is held in abeyance under Utah Code Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

Option 2: Allow for license to be issued, but with requirement that disclosure document would be provided within 10 days (or any number of days preferred by Council) (also applies to ADU RDLs).

6.26.150 Rental Disclosure Required. (Effective August 1, 2018).

...

(4) The Provo City Rental Disclosure shall contain the following:

- (a) A copy of the rental dwelling license for the lease property;
- (b) A statement advising the lessee that if the lessee subleases or assigns any portion of the leased property to another, then, as a sublessor, the lessee is obligated to meet a lessor's obligations under this Section with regard to the sublessee;
- (c) A statement of the rights and responsibilities of lessees; ~~and~~
- (d) A place for the signature of both the lessor and lessee acknowledging the lease of the property; ~~and~~
- (e) A place for the make, model, and license plate number for every motor vehicle used by the lessees of the rental dwelling

(5) A lessor, lessor's agent, or lessee ~~shall make~~ provide a signed and completely filled out copy of the Provo City Rental Disclosure ~~available~~ to Provo City officials within ten (10) calendar days of the occurrence of any of the following events:

- (a) The issuance of a Rental Dwelling Business License;
- (b) The re-issuance of a Rental Dwelling Business License due to the addition of other properties to the license;
- (c) Any required information changes, including a change in tenants or a change in motor vehicle information; or
- (d) ~~uUpon request when reasonable cause exists to believe that there is a violation of this Section or of occupancy limits provided in Title 14, Provo City Code.~~

(6) Any parcel containing five (5) or more dwelling units is exempt from the requirements of subsections (5) if the requirement arises from an event described in subsection (5)(a), (5)(b), or (5)(c).

(7) ~~(6)~~ It shall be unlawful for any lessor, lessor's agent, lessee, or other individual to violate the requirements of this Section.

(8) ~~(7)~~ Any lessor, lessor's agent, lessee, or other individual who intentionally, knowingly, or recklessly violates this Section shall be guilty of a Class C misdemeanor.

(a) A second or subsequent conviction under this Section shall be a Class B misdemeanor.

(b) For purposes of this Section, a plea of guilty or no contest to a violation of this Section, which plea is held in abeyance under Utah Code Title 77, Chapter 2a, Pleas in

Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.