PROVO MUNICIPAL COUNCIL

Work Meeting

2:30 PM, Tuesday, May 06, 2025
Provo Peaks Conference Room (Room 110)
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 and 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: May 06 Work Meeting: Dial 346-248-7799. Enter Meeting ID 834 2791 0634 and press #. When asked for a participant ID, press #.

Agenda

Roll Call

Approval of Minutes

April 22, 2025 Work Meeting

March 11, 2025 Council Meeting

March 25, 2025 Council Meeting

Business

1 A presentation regarding the Provo City 2024 Sustainability Report (25-058)

2 A presentation regarding the Covey Center's 2025-2026 performance schedule. (25-059)

3 A presentation regarding Provo River channel enhancement (25-057)

4 A discussion and update regarding the Council Handbook (25-060)

5 An ordinance amending the zone map classification of real property, generally located at 2087 West Center Street, from the One Family Residential (R1.8) Zone to the General Commercial (CG) Zone. Provo Bay Neighborhood. (PLRZ20230258)

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.gov or using their contact information listed at: provo.gov/434/City-Council

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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, May 20, 2025. 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 kmartins@provo.gov 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.

Please note: These minutes have been prepared with a timestamp linking the agenda items to the video discussion.

PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM | April 22, 2025
Provo Peak Room
Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or
https://www.youtube.com/provocitycouncil

PENDING MINUTES – AWAITING APPROVAL

Agenda

Roll Call

Council Chair Gary Garrett, conducting
Council Vice-Chair Rachel Whipple
Councilor Katrice MacKay
Councilor Craig Christensen
Councilor George Handley
Councilor Becky Bogdin
Councilor Travis Hoban
Mayor Michelle Kaufusi

Approval of Minutes

- April 8, 2025 Work Meeting

Business

Item 1: An Ordinance Adjusting the Common Boundary Between Provo and Springville Along 1400 North in Springville. (25-021) 0:06:55

Jessica Dahneke, Planner, presented an ordinance to adjust the common boundary between Provo and Springville along 1400 North in Springville. She explained that the Municipal Council had previously passed a resolution expressing intent to consider the boundary adjustment, and this ordinance was now being presented for formal approval. Ms. Dahneke noted that the City of Springville was also scheduled to present their corresponding ordinance for approval to their city council on the same day. She reported that no written concerns or formal protests had been submitted regarding the proposed adjustment. There were no questions from the Council, and members indicated they were prepared to vote on the ordinance during the evening session.

Item 2: A Resolution to Place an 11.136 Acre Parcel of Ground Located on the Southeast Corner of Bulldog Lane and Lakeview Parkway on the Surplus Property List and Authorize the Mayor to Dispose of the Property. (25-054) 0:08:02

Tara Riddle, Property Administrator, presented a resolution to place an 11.136-acre parcel of land located on the southeast corner of Bulldog Lane and Lakeview Parkway on the surplus

property list. She explained that the land is a remnant parcel from property originally acquired for the Lakeview Parkway project. Ms. Riddle noted that a departmental review had determined there was no future municipal use for the parcel, and it was therefore recommended to be declared surplus. She stated that the current intention is to transfer the property to a developer for the construction of workforce and market-rate housing. Ms. Riddle mentioned that negotiations regarding this transfer are ongoing and that a formal agreement will be brought before the Council at a later date. She requested the Council consider placing the item on their May 6th agenda for approval. There were no questions from the Council.

Item 3: A Resolution Approving the First Amendment to the Lakeview Fields Development Agreement to Allow Updated Plans, Optional Basements, Vinyl Fencing, and a Separate HOA for the Subject Property. (25-052) 0:09:58

Jessica Dahneke, Planner, presented a resolution to approve the first amendment to the Lakeview Fields Development Agreement. She provided background on the development, noting that the original agreement had been approved in 2008 and that the initial phase of the project had already been constructed. Ms. Dahneke stated that the proposed amendments had undergone review by the Coordinators Review Committee (CRC) and City Attorney Brian Jones. She also relayed that Public Works expressed concerns about the language related to basements, particularly due to the high groundwater levels in the area.

Councilor Bogdin raised concerns that the amended agreement did not include a homeowner occupancy requirement, which she identified as a Council goal and long-standing standard. Ms. Dahneke confirmed that the amendments did not include any increase in density. Councilor Whipple expressed appreciation for the updated designs, noting the variety of housing types proposed as a positive change from the original 2008 plans.

Councilor Handley emphasized the significance of offering a range of housing sizes to support affordability. Tyler Horan, the developer, clarified that while the amended agreement would permit basements, their inclusion was unlikely due to feasibility issues. Mr. Jones explained that the amendment did not mandate basements but would allow them if they complied with city standards.

The Council discussed the possibility of including a homeowner occupancy requirement in the agreement. Mr. Horan proposed a compromise of requiring 60–70% owner occupancy. Council members deliberated the appropriate percentage, with some advocating for a higher threshold. They also discussed the duration of the occupancy requirement and potential enforcement mechanisms.

Item 4: An Ordinance Amending the Zone Map Classification of Real Property, Generally Located at 1780 South State Street, from the Agricultural (A1.5) Zone to the Planned Industrial Commercial (PIC) Zone. Spring Creek Neighborhood. (PLRZ20240369) 0:34:41

Mary Barnes, Planner, presented an ordinance proposing to amend the zone map classification of property located at 1780 South State Street, changing it from the Agricultural (A1.5) Zone to the

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Planned Industrial Commercial (PIC) Zone. She explained that the applicant intends to develop a five-tenant flex office warehouse facility, including one unit with a drive-through.

Ms. Barnes noted that the Planning Commission had reviewed and approved the concept plan and recommended the rezone for Council approval. She stated that a neighborhood meeting was held earlier in the process, during which residents raised concerns related to noise, increased traffic, the site's proximity to a nearby school, and child safety during school pick-up and drop-off times.

To address these concerns, Ms. Barnes reported that the applicant worked with staff to propose mitigation measures, including restricting traffic flow from the development during critical school hours. During Council discussion, members inquired about acceptable uses within the PIC zone, as well as building setbacks, noise control, and landscape buffering requirements. Ms. Barnes assured the Council that the applicant did not intend to include heavy manufacturing uses due to the property's proximity to residential areas and the school.

Item 5: An Ordinance Amending Provo City Code Regarding Permitted Uses and Floor Area Ratio in the Specialty Support Commercial (SSC) Zone. City Wide Application. (PLOTA20250083) 0:42:20

Mary Barnes, Planner, presented an ordinance to amend the Provo City Code relating to permitted uses and floor area ratio in the Specialty Support Commercial (SSC) Zone. She explained that the applicant, Doug Nielsen, was requesting to add indoor storage units and drive-through facilities to the list of permitted uses within the SSC zone. Additionally, Mr. Nielsen proposed the complete removal of the existing floor area ratio requirement.

Ms. Barnes reported that City staff recommended implementing a 30% lot coverage requirement as an alternative, while the Planning Commission recommended a slightly higher standard of 34% lot coverage. She explained that the Planning Commission's recommendation was based on the applicant's concept site plan, which reflected a lot coverage of 33.8%.

The Council discussed the proposed amendments and their potential impact on future development patterns within SSC-zoned areas. Councilors also inquired about the distinctions between the SSC zone and other commercial zoning designations in the city to better understand the broader implications of the proposed changes.

Item 6: An Ordinance Amending the Zone Map Classification of Real Property, Generally Located at 3433 N 100 E, from the Professional Office (PO) Zone to the Specialty Support Commercial (SSC) and Low Density Residential (LDR) Zones. Riverside. (PLRZ20250082) 0:42:35

Mary Barnes, Planner, presented an ordinance to amend the zone map classification of property located at 3433 N 100 E from the Professional Office (PO) Zone to the Specialty Support Commercial (SSC) and Low Density Residential (LDR) Zones. She explained that the rezone request was connected to the previous item, which addressed amendments to the SSC zone.

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Ms. Barnes displayed a proposed zoning map and clarified that the LDR portion was intended to provide a transitional buffer between the commercial development and the existing residential neighborhood. She also noted that the General Plan future land use map designated the area for commercial use.

During discussion, Councilors raised concerns regarding traffic patterns, particularly the narrow width of 3470 North. They asked about the possibility of road widening and the addition of sidewalks to accommodate increased usage. Ms. Barnes stated that they were working with the Engineering Department to evaluate and address these issues.

Councilors also inquired about the ownership structure of the proposed townhomes. Ms. Barnes reported that at the Planning Commission meeting, the applicant had indicated plans to rent out the townhomes initially. She stated that she had informed him of the Council's general preference for owner-occupied units. The applicant expressed a willingness to discuss ownership requirements during the night meeting. Councilors responded affirmatively, indicating their intention to pursue that discussion.

Item 7: An Ordinance Amending the Zone Map Classification of Real Property, Generally Located at 130 S. 2050 W., from the One-Family Residential (R1.8) Zone to the One-Family Residential Performance Development Overlay (R1.8PD) Zone. Provo Bay (PLRZ20240323) 0:55:40

Dustin Wright, Planner, presented an ordinance to amend the zone map classification for property located at 130 S. 2050 W. from the One-Family Residential (R1.8) Zone to the One-Family Residential Performance Development Overlay (R1.8PD) Zone. He explained that this item was accompanied by a related concept plan, both of which had been reviewed by the Planning Commission. Mr. Wright reported that the Planning Commission had denied the concept plan and issued a recommendation to the Municipal Council to deny the rezone request as well.

Mr. Wright noted that the existing zoning allows for development of up to three units per gross acre, consistent with the applicable neighborhood plan. He also referenced a previous rezone on the northern portion of the property, which had significantly increased density in that area. Several Councilors expressed concerns about further intensifying residential density and indicated support for following the Planning Commission's recommendation for denial.

Item 8: An Update Regarding Re-Imagining Code Enforcement. (25-053) 1:01:45

Scott Johnson, Zoning Administrator, provided an update on efforts to reimagine code enforcement practices in Provo. He outlined several initiatives aimed at improving operations and enhancing enforcement strategies.

Utilizing County Data

Mr. Johnson explained that staff had been comparing county data with city records to identify unlicensed rental properties. By isolating residential properties with mailing addresses differing from the site addresses, they reduced an initial dataset of 40,000 entries to 12,000. Of those, at

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least 6,000 properties were confirmed to have rental licenses. Staff is in the process of verifying the remaining properties, after which letters will be sent to noncompliant property owners requesting licensure or justification for exemption.

Drafting an RFP for Software
An RFP is being prepared for software that would identify long-term rental advertisements on public platforms and cross-check them with city licensing data. Although the process has been delayed pending finance department approval, the launch will proceed as soon as possible.

Budget Line Item for Cleaning Vacant Lots
Mr. Johnson discussed a proposed budget item to fund initial cleanup efforts on vacant lots, particularly those with overgrown vegetation. After cleanup, the city would place a lien on the property for reimbursement.

Exploring Technology and Privacy Concerns
He also reported that the use of cell phone aggregation data was explored as a way to identify high-occupancy sites. However, privacy limitations restrict the usefulness of such tools, and individual tracking was deemed infeasible.

Implementing In-Field Printers and Body Cameras
Field officers are being equipped with mobile printers to issue on-site notices more efficiently. Additionally, body cameras have been ordered for officers, with training to begin upon their arrival.

Public Education and Outreach
Efforts are underway to increase public awareness, with neighborhood meetings planned to start in June or July. The Public Information Office is collaborating with the department to develop digital media outreach, with an initial focus on rental dwelling licensing.

Legislative Amendments and Collaboration
Text amendments are being drafted to address civil fines and pest infestation abatement. Mr. Johnson also noted ongoing collaboration with Provo Police and Utah County officials for meth contamination testing at problem properties.

Council members expressed appreciation for the comprehensive and data-driven nature of these initiatives. They asked follow-up questions on specific strategies and encouraged continued progress on code enforcement enhancements.

Item 9: A Presentation Regarding the FY2026 Budget: Fleet Management (25-025) 1:15:02

Warren Merritt, Fleet Manager, presented the proposed FY2026 budget for Fleet Management, emphasizing the department's vital role in supporting other city departments through the maintenance and acquisition of approximately 900 assets. These include emergency vehicles, dump trucks, and specialized equipment such as earthmoving machinery, police vehicles, and fire engines.

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Mr. Merritt identified several challenges facing the department, notably inflation-driven increases in vehicle costs and uncertainties related to potential tariffs on vehicle imports. He explained that the department employs algorithms, research, and historical trend analysis to forecast what they can expect from inflation.

He then shared the Fleet Advisory Committee's recommendations for vehicle acquisitions in FY2026. The recommendations included purchasing police vehicles, fire engines, and increasing the adoption of electric and hybrid vehicles within the municipal fleet. Council members showed particular interest in the city's long-term strategy for electrifying its fleet. In response to questions, Mr. Merritt described the available funding sources, including specific departmental budgets and other capital resources.

Additionally, Mr. Merritt discussed future acquisition plans focused on operational efficiency and sustainability. He underscored the city's commitment to reducing its municipal carbon footprint by gradually transitioning to more sustainable vehicle options.

Item 10: A Presentation Regarding the FY2026 Budget: Library (25-025) 1:51:26

Carla Gordon, Director of Library Services, presented the FY2026 budget for the Provo City Library, providing a detailed overview of the department's financial outlook and operational priorities.

Increased Revenue
Ms. Gordon reported higher projected revenues due to increases in property tax revenue and room rental income. She noted a 5% increase in rental rates and improved booking strategies, with all Saturdays already fully booked in advance.

Efforts to Balance Expenses and Revenues
Despite a $108,000 increase in personnel costs driven by merit-based raises and cost-of-living adjustments, the department successfully maintained a balanced budget. Operational streamlining included the elimination of three part-time positions and strategic reliance on enhanced rental revenues.

Growth in Library Memberships and Circulation
Ms. Gordon highlighted that 42% of households maintained active library cards over the past year, exceeding average benchmarks and indicating high levels of community engagement.

Successful Fundraising Efforts
She noted the success of the annual Book Ball fundraiser, which netted $8,000. The funds were reinvested into critical facility improvements, including new blinds for the library ballroom.

Future Plans
Looking ahead, Ms. Gordon outlined goals to restore previously reduced services, expand the collections budget, upgrade technology, and introduce professional art exhibitions in the attic space.

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Fee Adjustments
Ms. Gordon explained adjustments to non-resident library card fees and ballroom rental rates. These changes were designed to align with the average cost borne by city taxpayers, ensuring equitable access while supporting financial sustainability.

Council members asked questions regarding specific budget items, discussed rising operational costs related to utility efficiencies, and expressed interest in the Library's long-term strategic goals for service expansion and community outreach.

Item 11: A Presentation Regarding the FY2026 Budget: Parks & Recreation (25-025)
2:03:14

Doug Robbins, Director of Parks and Recreation, and Foster Watabe, Assistant Director, presented the FY2026 budget for the Parks and Recreation Department, providing a comprehensive review of departmental operations and strategic goals.

Youth and Adult Sports Programs
Mr. Robbins and Mr. Watabe discussed ongoing efforts to ensure robust and accessible sports programming for both youth and adults. Programs remain well-organized and funded, with no identified unfunded or underfunded needs impacting service delivery.

Provo Recreation Center
They reported strong performance at the Provo Recreation Center, which is approaching a membership milestone of 25,000. The facility continues to operate with a high cost recovery rate, exceeding benchmarks set by comparable recreation centers.

The Covey Center for the Arts
Mr. Robbins noted that the Covey Center maintains a 90% booking rate and draws approximately 160,000 visitors annually to downtown Provo. Improvements in cost recovery are ongoing, with personnel scheduling being optimized to align with event demands and enhance operational efficiency.

Parks and Grounds Maintenance
The department is implementing operational efficiencies across parks and trails, including the deployment of automated trash compaction systems downtown. These innovations aim to preserve user satisfaction while improving daily maintenance practices.

Special Events and Cemetery Operations
Community events remain a priority, contributing to civic engagement and community identity. Cemetery operations continue to face challenges related to landmark maintenance and staffing, though the department has achieved efficiencies through skilled management practices.

Golf Course Operations
The golf course is operating under a self-sustaining model and recently completed infrastructure improvements, including wiring for electric golf carts. These upgrades align with broader sustainability and modernization goals.

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Councilors asked questions regarding the sustainability of funding for sports programs, as well as maintenance schedules and standards for parks and public areas. They emphasized the importance of maintaining and enhancing service quality. The directors expressed confidence in meeting these expectations, pointing to performance metrics and a holistic, forward-looking approach to the FY2026 budget.

Item 12: A Presentation Regarding the FY2026 Budget: Parks & Recreation (25-025)
2:21:58

Doug Robbins, Director of Parks and Recreation, presented the FY2026 budget, accompanied by Assistant Director Foster Watabe. The presentation covered department operations and budget updates across youth and adult sports, recreation facilities, parks, trails, events, and the Covey Center.

Youth and Adult Sports
Director Robbins reported that youth and adult sports programs have no unfunded or underfunded needs. The programs aim to recover 100% of direct costs and a portion of indirect costs—150% for adult sports and 125% for youth. Cost recovery metrics are assessed weekly, with each program undergoing post-program analysis to inform future fee adjustments. Robbins highlighted successful partnerships, such as girls softball joining with Little League boys at Fort Utah Park, and noted the department received a Junior Jazz Program of the Year award for a program serving over 3,000 youth.

Recreation Center
Assistant Director Watabe noted that the Provo Recreation Center also has no unfunded needs. Senior meal programs are subsidized but remain within the overall cost recovery plan. The center has nearly 25,000 members and boasts high cost recovery rates and low operating costs. Interest from other cities has been high, with frequent tours and consultations. The possibility of a second facility was discussed, particularly as membership capacity nears limits.

Epic Sports Park
The Epic Sports Park, which opened in September, has become a hub for recreation and regional tournaments. The park is operating on a cost-neutral basis with no subsidies. Sustainability measures include limited irrigated area, xeriscaping, drip irrigation, and advanced water conservation technology. Seven national tournaments are booked for the coming year. Wayfinding improvements are being addressed based on user feedback.

Peaks Ice Arena
Provo's Olympic facility is now self-sustaining and will serve as a venue for the 2034 Winter Olympics. A $4 million investment is planned for facility upgrades, including resizing the ice sheet and enhancing seating and locker rooms. The project is supported by state and local funds, with additional state funding anticipated. Public skate programs remain popular, and cost recovery exceeds 100%.

Covey Center for the Arts
The Covey Center reflects a reduced subsidy in FY2026, projecting a drop of over $61,000. The

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facility is exploring expanded concessions and undergoing a visioning study to assess operations and future directions. Current booking rates remain strong at around 90%, drawing over 160,000 visitors annually.

Parks, Trails, and Cemeteries
Robbins outlined a pay-as-you-go model for parks and trail projects, leveraging RAP (Recreation, Arts, and Parks) tax funding. Recent improvements include West Park renovations and the Rock Canyon Trailhead overhaul. Supplemental budget requests include $48,000 for three new park areas and $90,000 for additional block beautification projects. Trail usage and volunteer contributions remain high, and the cemetery continues operating with partial cost recovery through a perpetuity account.

Summary and Accreditation
The department recently underwent a national reaccreditation audit, reviewing 732 standards of evidence. Results are pending. Director Robbins concluded by expressing gratitude to the Council and community for their continued support and partnership.

Councilors asked several follow-up questions and praised the department's comprehensive, community-focused efforts.

Item 13: A Presentation Regarding the FY2026 Budget: Police (25-025) 2:56:59

Chief Troy Beebe and Captain Brian Taylor provided a detailed overview of the FY2026 budget for the Provo Police Department, highlighting operational needs, accomplishments, and key funding requests.

Key Accomplishments and Initiatives
Chief Beebe reviewed notable departmental achievements, including the resolution of a 43-year-old missing person case and efforts to disrupt illegal activities by targeting both perpetrators and their clientele. He emphasized the success of technology-driven initiatives such as the real-time crime center and license plate readers, describing them as force multipliers that enhance officer productivity and support community policing.

Budget Requests for Essential Equipment and Supplies
Captain Taylor outlined the department's requests to right-size operational budgets, including:

- **Personal Protective Equipment (PPE):** $25,000 for the rotation and upgrade of officer body armor, replaced every five years to ensure optimal safety.
- **Cell Phones and Network Connectivity:** $20,900 to cover increased contract costs for mobile connectivity, enabling real-time data access for patrol operations.
- **Ammunition and Less-Lethal Munitions:** $30,000 to support training and field readiness, including Tasers, pepper spray, and other de-escalation tools.
- **Operational Supplies:** $40,000 to cover shortfalls in basic supplies, including crossing guard gear, cones, and tactical equipment maintenance.

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Victim Advocacy Funding
Due to reductions in federal VOCA (Victims of Crime Act) grant funding, the department requested $40,836 to sustain its victim advocacy program. This service provides essential support, crisis response, and guidance for victims navigating the justice system.

Council members expressed strong support for the department's proactive initiatives and reinforced the importance of maintaining critical services such as victim advocacy. Discussions focused on sustainable funding models and the need to balance public safety with fiscal responsibility.

Item 14: A Presentation Regarding the 2025-29 Consolidated Plan and Year One Annual Action Plan (25-051) 3:36:13

Melissa McNalley, Director of the Redevelopment Agency (RDA), presented a detailed overview of the 2025–2029 Consolidated Plan and its Year One Annual Action Plan.

Planning Process and Needs Assessment
Ms. McNalley described the comprehensive planning process, which included extensive community engagement through public hearings, surveys, and consultations with service providers. The primary focus was assessing housing and homeless needs and conducting a housing market analysis in partnership with a consultant to ensure accurate, data-driven insights.

Community Needs and Funding Priorities
The needs assessment identified housing as the foremost community priority. Specific needs included affordable homebuyer programs, rental housing, and housing for special needs populations such as seniors and individuals with disabilities. Other priorities included economic development—especially higher-income jobs and space for small businesses—infrastructure improvements such as ADA-compliant sidewalks, and critical services like healthcare, domestic violence counseling, and food security.

These priorities guided the allocation of HUD funding, emphasizing housing, economic development, infrastructure, and community services.

Proposed Funding Allocations
Ms. McNalley detailed proposed funding allocations to various community organizations and capital projects. The application and allocation process was conducted regionally, in collaboration with Utah County and Orem City, to ensure consistency and efficiency for applicants seeking federal program funding.

Council Discussion and Feedback
The Municipal Council engaged in a thorough discussion of the proposed funding framework. Councilors sought clarification on the application scoring methodology and evaluation criteria used to align funding decisions with the plan's community goals. They showed interest in how project outcomes would be monitored and reported to maintain accountability.

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Ms. McNalley responded by detailing the citizen committee scoring process and emphasized the strategic approach to community engagement and inter-agency coordination. She emphasized the plan's intent to efficiently deploy federal funds to address key community needs.

Council members expressed appreciation for the clarity and transparency of the presentation. They acknowledged the challenges of meeting increasing demands with limited resources and praised the inclusion of public feedback in the planning process. Councilors voiced support for continuing community input throughout the review period, which concludes on June 6.

RDA Business

Item 15: A Resolution Approving the Memorandum of Agreement Between the Provo City Redevelopment Agency and BCP Ironton, LLC for Property Located Within the Mountain Vista Business Park. (25-055) 3:56:52

Melissa McNalley, Director of the Redevelopment Agency (RDA), presented a resolution to approve a memorandum of agreement between the Provo City Redevelopment Agency and BCP Ironton, LLC concerning property located in the Mountain Vista Business Park. The property was originally owned by Hall Labs and is part of a 2016 agreement concerning the environmental remediation of parcels formerly used as an ironworks site.

Under the original agreement, Hall Labs assumed responsibility for the environmental remediation of the property, which has been partially completed. The new agreement proposes the sale of the property to BCP Ironton, LLC, with the condition that the new owner will assume responsibility for completing the remediation.

Council members engaged in a comprehensive discussion of the potential risks associated with the remediation process, particularly in light of the two quotes, respectively $2.1 million and $3.2 million. A key component of the agreement is a sunset clause, which requires that the remediation be completed by 2028.

Councilors expressed concerns regarding the adequacy of the approximately $1.9 million purchase price credit relative to the potentially higher remediation costs. They also raised questions about enforcement mechanisms and legal safeguards in place should BCP Ironton, LLC fail to fulfill its obligations. City Attorney Brian Jones clarified that the City holds a trust deed on the property, which provides a level of protection against default.

While acknowledging the complexity and potential liabilities involved, the Council recognized that the proposed agreement offered the best opportunity to advance the remediation and development of the site while minimizing Provo City's exposure to risk. Before proceeding to a vote, which was deferred for two weeks, the Council requested additional details and clarifications regarding financial and legal elements of the agreement.

Adjournment

PENDING MINUTES – AWAITING APPROVAL

DRAFT MINUTES

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

PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Agenda

5:30 PM, Tuesday, March 11, 2025
Council Chambers
Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or
https://www.youtube.com/provocitycouncil

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Becky Bogdin	Councilor Craig Christensen (remote)
Councilor Gary Garrett	Councilor George Handley
Councilor Travis Hoban	Councilor Katrice MacKay
Councilor Rachel Whipple	Mayor Michelle Kaufusi
Deputy Mayor Isaac Paxman	City Attorney Brian Jones
Council Executive Director Justin Harrison	City Recorder Heidi Allman

Conducting: Chair Gary Garrett

Prayer – Rachel Breen

Pledge of Allegiance – Councilor MacKay

Presentations, Proclamations, and Awards

1 A recognition of Provo City by the National Digital Inclusion Alliance as a 2024 Visionary Digital Inclusion Trailblazer (25-007). 0:06:57

John Borget, Director of Administrative Services, presented. He invited Josh Ihrig, Division Director of Information Systems, to join him. Mr. Borget said Provo City was recognized by the National Digital Alliance as the 2024 Visionary Digital Inclusion Trailblazer, marking the fifth consecutive year the city has earned this national honor. This award celebrates Provo's ongoing efforts to bridge the digital divide by promoting digital literacy and providing broadband access to underserved communities. He emphasized that the city's guiding directive envisions a future where every resident can easily, safely, and affordably access and use digital resources. Mr. Borget highlighted a statement from Mr. Ihrig, emphasizing that without digital equity, people face barriers to fully participating in key aspects of society such as employment, education, healthcare, and civic life. Mayor Michelle Kaufusi reinforced this point, underscoring the need to ensure all residents have access to essential digital services. Mr. Borget thanked key community partners supporting these initiatives, including United Way, Google Fiber, Comcast, Verizon, T-Mobile, the Provo City School District, Provo Library, the Recreation Center, and numerous volunteers. He concluded by expressing appreciation for the collaboration and the benefits it brings to Provo residents.

Chair Garrett expressed appreciation to the department for their contributions in earning this recognition and for their continued service to the community.

2 A ceremony for the pinning of police badges. (25-025) 0:09:43

Chief Beebe delivered a heartfelt address during the badge pinning ceremony, honoring a long-standing tradition in law enforcement. He emphasized that the badge is more than just a piece of metal, it represents a deep commitment to justice, public trust, and service. Pinning the badge signifies the weight of responsibility officers accept, not only for themselves but also shared by their families. Chief Beebe highlighted the badge as a symbol of the trust the community places in its officers, who are called to make selfless sacrifices to protect and serve. He closed by affirming that wearing the badge is truly an honor. The officers honored and pinned were Ian Zemp, Cameron Reagan, Garrison Williams, Tyler Vanderstel, and James Grant.

Heidi Allman, City Recorder, administered the oath of office to the new officers.

Public Comment 0:22:32

Chair Garrett read the public comment preamble. He then opened the public comment period.

Lindley Richards, of Provo, expressed her desire for improved parking availability along Seven Peaks Boulevard between 300 North and 700 North. She noted that the current two-hour parking limit and the restriction from 2 to 5 a.m. create challenges for students, guests, and nearby permanent residents. These limitations often lead people to park in nearby permitted neighborhoods, reserved spots at King Henry and Belmont, and private business lots like Little Caesars and VASA Fitness. Richards emphasized that the street has wide shoulders and believes adjusting the parking rules would greatly benefit the surrounding community.

Maeve Boyack, of Provo, voiced support for Lindley Richards' comments and added that the current parking restrictions on Seven Peaks Boulevard contribute to the perception of a wider road. This, she noted, may encourage speeding, which could pose a safety risk to pedestrians.

Atlas Goodrich, of Provo, echoed the concerns shared by the previous speakers, emphasizing that the lack of overnight parking on Seven Peaks Boulevard pushes vehicles into nearby residential areas, creating a nuisance. He also stressed that pedestrian safety is impacted, as the absence of parked cars on Seven Peaks leads to faster driving. In contrast, nearby streets like 420 North near King Henry see slower traffic due to parked cars, which helps protect the many pedestrians crossing in the area.

Chair Garrett closed public comment.

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

Redevelopment Agency of Provo

3 A resolution approving a services agreement between the RDA and Provo City. (25-039) 0:25:36

Motion: An implied motion to approve 2025-RDA-03-11-1, as currently constituted.

Brian Jones, City Attorney, presented. He gave a brief recap of a recent work session presentation regarding the relationship between Provo City and its Redevelopment Agency (RDA), which are legally separate entities but governed by the same City Council. He explained that the two have an existing services agreement outlining support the city provides to the RDA, such as meeting space and accounting services. He said the current agenda item involves appointing a new RDA director, who is already a city employee. The proposed resolution would amend the services agreement to have the RDA reimburse the city for 80% of that employee's compensation, reflecting the portion of time and resources they will dedicate to RDA duties. This is a change from the previous agreement, which had the RDA covering 100% of the salary, aligning with a reduction in the employees' RDA responsibilities.

Chair Whipple opened public comment. With none, she called for a vote.

Vote: The motion passed 7:0 with Board Members Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

4 A resolution consenting to the appointment of the Provo City Redevelopment Agency director. (25-006) 0:28:41

Motion: An implied motion to approve 2025-RDA-03-11-2, as currently constituted.

Mayor Kaufusi enthusiastically recommended Melissa McNally for appointment as the Director of the Provo City Redevelopment Agency. She praised Melissa as a talented, trusted, and detail-oriented member of the Development Services leadership team, with a master's in public administration and extensive behind-the-scenes experience on RDA projects. The mayor highlighted Melissa's dedication to public service and her proven ability to see projects through to completion. Expressing full confidence in her capabilities, Mayor Kaufusi asked the council for their support in confirming Melissa's appointment.

Chair Whipple shared her strong support for Melissa McNally's appointment, highlighting Melissa's excellent work managing Provo's CDBG funds. She praised Melissa's careful and meticulous approach, especially in handling complex reporting and accounting as a pass-through agency for grant funding. Chair Whipple emphasized that Melissa's attention to detail and competence will serve the city well in her new role. She also recalled a personal interaction at a city blood drive, describing Melissa as delightful and expressing her gratitude for Melissa's willingness to take on the position.

Board Member Garrett expressed how impressed he was by the strong turnout of coworkers and staff showing support for Melissa McNally's appointment. He noted that their presence is a clear reflection of the high level of respect she has earned.

Chair Whipple called for a vote.

Vote: The motion passed 7:0 with Board Members Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

With no objections, the Redevelopment Agency Governing Board adjourned and reconvened as the Provo Municipal Council with Chair Garrett conducting.

Consent Agenda 0:36:43

Chair Garrett discussed the purpose of the consent agenda and asked if there were any public comments on either of the items. With none, he asked any council member wanted to remove an item from the consent agenda.

Councilor MacKay said she was fine leaving the current items on the consent agenda but expressed a general preference against using consent agendas in the future. She noted that grouping multiple items together, especially when there are many, can be confusing for members of the public, particularly those attending their first council meeting. She emphasized the importance of providing full explanations of each item to ensure better public understanding.

Chair Garrett called for a vote on both consent agenda items.

5 A resolution approving the appropriation of $20,115 in the general fund for a contractual sales tax increment post-performance payment to The Shops at Riverwoods. (25-026)

6 A resolution approving the appropriation of $84,784 in the general fund for a contractual sales tax increment post-performance payment to Parkway Village. (25-027)

Vote: The motions passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Action Agenda

7 A resolution approving an interlocal agreement between Provo City and Utah County regarding funding for the Provo Municipal Airport terminal expansion. (25-020) 0:37:35

Motion: An implied motion to approve Resolution 2025-7, as currently constituted, has been made by council rule.

Isaac Paxman, Deputy Mayor, presented. He shared that Airport Director Brian Torgerson was absent because he had been invited to present on the Provo Airport at the American Association of Airport Executives conference—highlighting the airport's growing recognition. Paxman announced that Utah County has offered a generous, unprecedented contribution of $78 million to help fully build out the airport's 10-gate expansion. He expressed the city's excitement and gratitude for the offer and welcomed any questions from the council.

Councilor Christensen requested a brief explanation for the public about how the city reached this point with the Provo Airport project. He emphasized the significance of the county's $78 million contribution, calling it a remarkable and generous gift, and asked for more context on the county's support.

Mr. Paxman explained that the $78 million offer from Utah County to fully expand the Provo Airport stems from years of collaborative funding efforts and has demonstrated success. Initially, the city worked to piece together funds with early contributions from the state legislature ($9 million) and the county, which attracted federal support and led to the construction of the current terminal. The terminal quickly exceeded long-term projections for flight volume, attracting airlines like Breeze and American Airlines, further elevating the airport's profile. The city was planning a gradual expansion from four to seven gates when, following regional discussions through the Mountainland Association of Governments (MAG), a county representative unexpectedly proposed fully funding the 10-gate build-out. The $78 million would come from the county's tourism tax—funds already collected from hotel stays and restaurant purchases—which must legally be used to promote tourism. County leaders saw this investment as the most impactful use of those funds, benefiting both residents and the broader regional economy by supporting business, growth, and quality of life. Paxman emphasized that the offer was unsolicited and reflects the airport's value as a catalyst for future prosperity.

Councilor Christensen noted that as an entrepreneur, securing financing is always a major challenge, so having this project funded entirely through a visitor's tax is especially impressive. He praised the administration and Brian Torgerson for their excellent work, emphasizing that the airport's success is a major asset for Provo and a perfect example of the kind of amenity the city deserves. He described the project as a "home run" for Provo's growth and economic potential.

Chair Garrett opened public comment. With none, he invited a council discussion.

Councilor Bogdin acknowledged the significance of the county's funding offer and the rare opportunity it presents for the city, recognizing that the financial risk is being taken on by the county. However, she expressed concern about the pace of growth at the airport, noting that it is not yet self-sustaining, as evidenced by a related agenda item requesting additional appropriations to cover expenses. Due to these concerns about expanding too rapidly, she stated that she would be voting no.

Chair Garrett called for a vote.

Vote: The motion passed 6:1 with Councilors Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor. Councilor Bogdin opposed.

8 A resolution appropriating $19,500,000 in the airport fund, funded by a contribution from Utah County, for airport terminal expansion applying to the fiscal year ending June 30, 2025. (25-020) 0:44:45

Motion: An implied motion to approve Resolution 2025-8, as currently constituted, has been made by council rule.

Deputy Mayor Paxman presented. He explained that part of the funding from the county includes an offer to advance some of the money immediately, which is especially helpful for the airport's needs. The city must act quickly to utilize federal funds that would expire if not used soon, particularly for the baggage and ticketing expansion. This immediate funding will help kickstart the project, including the necessary design work for the full airport build-out. He emphasized the importance of this initial funding and requested the appropriation to move forward.

Chair Garrett opened public comment. With none, he invited a council discussion.

Councilor Christensen likened the process of securing the necessary funding and grants for the airport to a game of Frogger, where timing and sequencing are crucial to success. He praised the team's expertise in navigating such complex tasks, emphasizing the high level of skill required to coordinate everything properly. He described the county's support as a remarkable and timely form of assistance, highlighting the talent involved in securing and managing the airport's funding and operations.

Chair Garrett called for a vote.

Vote: The motion passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

9 A resolution approving the transfer of $650,124 from the general fund to the airport fund for an interfund loan payment and an associated appropriation of $160,071 in the airport fund to pay for interest expenses. (25-029) 0:46:58

Motion: An implied motion to approve Resolution 2025-9, as currently constituted, has been made by council rule.

Mr. Borget presented. He provided an update on an interfund loan authorized by the council in April 2020 between the airport fund and the energy fund for land purchase near the airport. The loan, which had a 10-year term with fixed principal payments and a variable interest rate, started at $4.9 million. As of now, the balance is just under $2.5 million, with five years remaining. While the airport is currently not able to make the full payment, it is expected that by fiscal year 2027, the airport will be able to cover the entire payment.

Councilor Whipple asked if the airport fund is paying for the interest.

Mr. Borget clarified that the general fund would pay both the principal and interest, and once the transfer is made, the airport will reimburse the energy fund for both principal and interest. Currently, the airport is not contributing to the balance but will repay the energy fund when the transfer from the general fund is completed.

Chair Garrett opened public comment. With none, and no council discussion. He called for a vote.

Vote: The motion passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

10 A resolution approving the appointment of individuals to various boards and commissions. (25-031) 0:50:37

Motion: An implied motion to approve Resolution 2025-10, as currently constituted, has been made by council rule.

Mayor Kaufusi presented. She recommended Newell Daley, Christopher Meek, Stephanie Breinholt, Isaac King, and Nate Keller to the Arts Council and Greg MacFarlane to the Transportation and Mobility Advisory Committee.

Councilor Whipple thanked the mayor and her staff for providing detailed information about the individuals being considered for service. She expressed appreciation for the opportunity to learn more about them and acknowledged their willingness to serve.

Chair Garrett called for a vote.

Vote: The motion passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

11 An ordinance amending the zone map classification of approximately 0.82 acres of real property, generally located at 4122 North Canyon Road, from the RA Zone to the R1.10 Zone. North Timpview Neighborhood (PLRZ20250003) 0:54:24

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

Jessica Dahneke, City Planner, presented. She said the proposed rezone to R1-10 would align the property with the zoning of neighboring properties to the east and south. She highlighted that the rezone is consistent with both the city's general plan and the Northeast neighborhood plan.

Chair Garrett opened public comment.

Bonnie Morrow, of Provo, clarified that the property being subdivided is part of an estate settlement for Rowena Glazier's property, which has been in the family for nearly 100 years. The land is to be divided among seven heirs, with the final portion being subdivided. The parcel where Penny Glazier resides will be re-zoned to R1-10, while the southern part of the property will remain in Residential Agricultural (RA). The division will result in a quarter-acre lot for Penny's property and a half-acre lot for the remaining land. The existing home, about 0.32 acres, will be included in the R1-10 zone, while the rest stays in RA. She emphasized that the subdivision was not possible into two RA pieces due to size constraints.

Sharron Memmott, of Provo, pointed out that the map presented was not entirely accurate. She clarified that only the top portion of the property would be rezoned to R1-10, while the bottom rectangle, if drawn straight across, would remain in Residential Agricultural (RA). She also noted that this proposal was presented at a neighborhood meeting, and no attendees had any objections to the proposed zone change.

Chair Garrett closed public comment. With no council discussion, he called for a vote.

Vote: The motion passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Item was reconsidered at 1:25:00

12 An ordinance amending Provo City Code regarding the minimum lot size requirement in the Agritourism Overlay (AT) Zone. (PLOTA20240383) 1:00:05

Motion: An implied motion to approve Ordinance 2025-17, as currently constituted, has been made by council rule.

Dustin Wright, City Planner, presented. He explained that the applicant is requesting an amendment to the agritourism overlay zone code to reduce the minimum acreage requirement from five acres to one acre. This change would not impact any existing properties but would allow property owners with at least one acre to apply for the overlay zone in the future. If approved, the applicant plans to return with a specific rezoning request to apply the overlay to their property.

Councilor Hoban asked why the original minimum was 5 acres.

Mr. Wright responded that he was not sure of the reason behind the minimum.

Chair Garrett opened public comment.

Peggy Case, applicant, shared that she purchased her property three years ago with a vision of creating a community-oriented, farm-to-table experience. She included an inspirational image in her handout to illustrate her dream. She is requesting a reduction in the lot size requirement to help make that vision possible.

David Simpson, applicant, described the property as a long, narrow, and unique piece of land next to Steve Turley's property, which Turley has expressed interest in buying. However, the Simpsons want to keep it for hosting family functions, which they have done without any neighbor complaints. He noted they have addressed traffic concerns by providing access from Center Street to 130 South and have ample parking available.

Ms. Case explained that she has hosted several small gatherings, such as bridal showers, birthday parties, and family reunions, at her property, which have received positive feedback. People have asked to rent the space for similar events, but she has hesitated because she wants to operate legally and does not function as a full-scale event center. Instead, she envisions hosting small community-oriented events like dinners, educational classes, and workshops (e.g., wreath making, cooking). She believes her property would serve as a valuable resource for the west side of town, which currently lacks such venues, and noted that her location also acts as a buffer between a nearby neighborhood and a diesel mechanic shop.

Councilor Bogdin asked why the commercial zoning was not explored instead of Agritourism Overlay.

Aaron Ardmore, Planning Supervisor, explained that when Ms. Case approached Development Services, they discussed potential zoning options. While a general commercial zone was considered, it was deemed too broad and potentially problematic due to fewer restrictions, such as on noise and hours of operation, which might raise neighborhood concerns. Instead, they agreed that pursuing the agritourism

overlay zone would be a more appropriate and limited approach that aligns better with Ms. Case's goals and is less risky from a community impact standpoint. He also noted that while the general plan designates mixed use for the intersection nearby, her property lies just west of that area.

Councilor Bogdin expressed a preference for using a commercial zone rather than applying an agricultural tourism overlay to a one-acre property. She believes commercial zoning would resolve her concerns, prevent inappropriate uses from entering residential areas, and still allow the applicant to proceed. She noted that even a neighborhood chair had suggested commercial zoning as an alternative and pointed out that the area already includes commercial establishments like Family Dollar, making commercial zoning a more logical fit.

Councilor Christensen expressed concern about the unintended consequences of changing the agritourism overlay zone requirements citywide for a single exception. While he supports the idea of commercial use for this particular property and sees it as a good fit, he is hesitant to alter zoning standards across the entire city, as it may not be suitable for every area, including parts of the west side.

Chair Garret closed public comment.

Councilor MacKay reflected on whether reducing the agritourism overlay requirement to one acre might actually help preserve more open space. She noted the proposed project includes significant open space and that agritourism comes with stricter regulations like noise ordinances. MacKay also mentioned her interest in supporting micro farms, as discussed by the agricultural advisory group, and emphasized the potential of small lots for meaningful farming use.

Councilor Bogdin expressed concerns about the use of residential zones for agritourism, noting that the primary purpose of an agricultural residential (RA) zone is to allow farming and animals. She also questioned whether the parking would take up a significant portion of the lot, potentially leaving insufficient space for the barn and the proposed agritourism activities. She noted that the applicant seemed to want to use most of the lot for agritourism, rather than just a third of it as originally intended.

Mr. Ardmore clarified that the current discussion is focused on reviewing a text amendment, not a site plan or rezone request. He emphasized that the details of what may come afterward can be worked out later, and he was not prepared to answer questions regarding those specifics at this stage.

Councilor Whipple appreciated the clarification from Aaron regarding the guidance towards the agritourism overlay, noting that it was intended to be more considerate of the neighbors by placing more restrictions on events. She found it interesting that the property currently is not being used for agriculture and expressed understanding that the applicants were not intending to use the property for agricultural purposes themselves but instead wanted to create a small event space with a country vibe. She acknowledged that the project could bring in agricultural elements from outside the property, such as food-to-table events, and was satisfied with the staff's reasoning for directing the applicants toward this path.

Councilor MacKay emphasized the importance of ensuring that the applicants can achieve their goals with the agritourism overlay on this property. She questioned whether the agritourism option would be

sufficient for their needs or if they might require a commercial zoning. She highlighted that if the agritourism option does not allow them to do what they intend, it would defeat the purpose of the rezone request.

Councilor Bogdin asked if the one-acre agritourism overlay could be made specific to the block of Center and Geneva, like how they have handled other zoning cases.

Mr. Ardmore explained that the overlay can currently be applied to any agricultural zone, so it couldn't be restricted to just that area. However, he noted that it might be possible to write such a specification into the overlay zone.

Councilor Hoban expressed hesitancy about making the property commercial, as it could allow for uses that might negatively impact the surrounding residential area, like industrial activities. He also acknowledged concerns about applying the agritourism overlay citywide, as it could lead to unintended consequences with more properties eligible. While he did not want to open the door to commercial zoning, he asked Mr. Ardmore for guidance on how to help the applicants achieve their goals without expanding the zoning too broadly.

Mr. Ardmore acknowledged that he did not have all the answers but believed that the agritourism overlay was the best path forward for this particular applicant.

Mr. Wright clarified that the potential change would not apply citywide. Instead, it would modify the text to allow an agricultural property (not residential agricultural) to apply for the agritourism overlay zone through a rezone request. Therefore, the change would not impact properties citywide but would be applicable only to specific agricultural properties requesting the overlay.

Councilor Handley stated that the overlay zone is property-specific, meaning it can be applied where deemed necessary. The main question is whether reducing the lot size to one acre makes sense. He expressed support for the idea, suggesting that applicants could return with a rezone request. He also appreciated the flexibility the overlay provides, allowing the council to review each request individually and deny those that do not meet established requirements.

Councilor Christensen expressed uncertainty about the proposal, stating that there are still many aspects that are not clear to him. While he likes the idea, he emphasized the importance of making a well-informed decision. He suggested the possibility of continuing the discussion for two more weeks to ensure the council makes a thoughtful choice and gives the applicants the best possible outcome.

Motion: Councilor Christensen made a motion to continue for 2 weeks. Seconded by Councilor Bogdin.

Councilor MacKay inquired about the specific clarifications Councilor Christensen was seeking and what he hoped to achieve during the two-week period.

Councilor Christensen expressed that he was unclear about the situation, having heard several different perspectives. He wanted to ensure there were no unintended consequences being overlooked. He acknowledged that others may be more certain, but he wanted to be sure before making a decision.

Councilor Whipple expressed support for moving forward with the vote, believing that the shift towards small-scale and urban farming is necessary. She viewed the tool for smaller agricultural lots as useful, especially for properties like two to three acres, and emphasized that no properties currently have the overlay. She noted that any requests would still be reviewed for appropriateness in the area, addressing concerns about proximity to residential zones. Overall, she felt that granting this additional flexibility would be a good idea, as the current acreage requirement might be too high for practical use.

Councilor Bogdin expressed discomfort with the current wording of the proposal, particularly in allowing future councils to make decisions without clear guidelines. She raised concerns about allowing business activities within residential areas, suggesting that more parameters should be set for residential uses. Specifically, she proposed that properties in residential zones follow home occupation license regulations and be restricted from having event spaces unless they met certain criteria, such as offering bakery services. This would make her feel more comfortable with the proposal.

Chair Garrett called for a vote on substitute motion.

Vote: The motion failed with a vote of 2:5 with Councilors Garrett, Handley, Hoban, MacKay, and Whipple opposed. Councilors Bogdin and Christensen in favor.

Chair Garrett called for a vote on the implied motion.

Vote: The motion passed 5:2 with Councilors Garrett, Handley, Hoban, MacKay, and Whipple in favor. Councilors Bogdin and Christensen opposed.

***Mr. Jones clarified a procedural issue, stating that there was a mistake in item number 11. He explained that the exhibits to the ordinance were faulty, specifically that the map and the legal description in the second exhibit were incorrect. The legal description mistakenly included both parcels when it was only supposed to include one. He suggested that, to correct this, someone from the winning side make a motion to reconsider the item. If seconded, the motion to reconsider would undo the item as if it never happened. The item could then be continued to the next meeting to fix the exhibits.

Chair Garrett invited a motion to reconsider the item.

Motion: Councilor Whipple Motion to reconsider agenda item 11. Seconded by Christensen.

Chair Garrett called for a vote.

Vote: The motion passed 7:0with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Chair Garrett invited a motion to continue item 11 to the next council meeting.

Motion: Councilor Bogdin made a motion to continue item 11 to the next meeting, and that they are the first action agenda item. Seconded by Christensen.

Chair Garrett called for a vote.

Vote: The motion passed 7:0with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

13 An ordinance amending Provo City Code Title 14 regarding group quarters in the Professional Office (PO) Zone. Citywide application. (PLOTA20240386) 1:28:42

Motion: An implied motion to approve Ordinance 2025-18, as currently constituted, has been made by council rule.

Hannah Salzl, City Planner, presented. She said this item is a text amendment, not a rezone, to allow "Group Quarters" (e.g., dormitory or boarding house-style housing with private rooms and shared facilities) as a permitted use in the PO zone, but only for properties fronting Center Street and not on the historic registry. This type of housing, though long listed in the land use code, has been unused for years but may now help address modern housing affordability issues. The proposed amendment would apply to a limited section of Center Street (between 200 and 400 East). A follow-up project at 256 East Center is planned, converting a former assisted living facility into male-only housing for 20 tenants with 20 parking spaces. It targets young professionals and entrepreneurs, particularly those associated with BYU and the local startup scene. The location is close to transit and amenities, and the project is seen as an adaptive reuse that supports 14 general plan goals. Staff chose to amend the PO zone instead of rezoning, as no other zones currently permit Group Quarters. Concerns from residents about transient housing were acknowledged, but short-term rentals are not permitted in the PO zone, and standard one-year leases are planned. She added that staff supports the amendment as an appropriate fit for the area.

Anders Taylor, applicant, explained that the project involves converting a former 34-bed assisted living facility into dorm-style housing with 20 private rooms. This required adding "Group Quarters" to the zoning. The concept targets a mix of students (e.g., Sandbox, Crocker Fellows) and young professionals, emphasizing long-term leases and affordability. The building is ideally located near downtown and transit. The proposal would reduce density compared to previous use and includes sufficient parking. They also plan a homebuyer education program for residents, potentially applying part of rent toward a down payment. Taylor acknowledged neighborhood concerns—mainly confusion over the term "Group Quarters"—and clarified it is not transient or shelter housing. Bathrooms will be shared but private and well-maintained. He emphasized their excitement for the project and its alignment with the area's character and needs.

Chair Garrett opened public comment.

Sariah Hillam, of Provo, shared that while some neighbors are optimistic about the project and trust the developers, many are concerned about long-term impacts. Residents worry about what could happen if ownership changes in the future, especially with shared bathrooms and communal spaces potentially attracting less stable tenants. The neighborhood already hosts several supportive housing facilities and low-income residents, and some fear this project might further strain the area. The main concern is how

the property will be managed over time and whether it could contribute to ongoing neighborhood challenges.

Councilor Christensen pointed out that since the building already exists, converting it might improve the situation or at least not make it worse.

Ms. Hillam responded that while the former assisted living facility was quiet with minimal traffic, the new use could bring more activity and visitors, which is a shift in neighborhood dynamics.

Christensen asked what the neighborhood recommends.

Hillam said there is no clear solution, only concern, especially since the vacant building is currently used for police training to deter homeless squatters. The fear is that if the project fails, the building could deteriorate and become a greater problem.

Chair Garrett closed public comment and invited a council discussion.

Councilor Handley expressed strong support for the project, highlighting the homeownership training as a particularly valuable feature. He praised the developers for their track record in Provo, especially their work at the startup building, and said he had high confidence in the quality of residents the project would attract. He appreciated the right of first refusal as a safeguard, addressing long-term concerns. Handley views the project as a significant benefit to downtown Provo, the business community, and local housing needs, especially by offering smaller, more affordable living options that some residents specifically want. He described it as a "great win" for both the city and the developers.

Councilor MacKay expressed support for the first right of refusal in the event of a sale, noting it likely was not widely known by the public and could help ease concerns. She also raised a hypothetical scenario, asking what recourse the city would have if the property became a nuisance, referencing a past situation where a problematic event center had its permit revoked.

Ms. Salzl explained that making the use conditional rather than permitted is a viable option, like how the city handled the event center by tying conditions to its business license. While the current proposal is for a permitted use, transitioning to a conditional use would not significantly delay the project if coordinated with other permits. The developers are also open to additional review through a concept plan presentation to the Planning Commission, which is not typically required but would add oversight. She also clarified that making it a conditional use would simply require amending the language of the proposed amendment to place it under the conditional use section instead of permitted uses. This change would give the city more long-term authority, including the option to revoke approval if the use becomes a significant nuisance.

Councilor Bogdin asked whether, under a conditional use permit, the Planning Commission is required to approve the application if it meets the established criteria. She also asked whether the proposed language would limit group quarters to only the specified three-and-a-half block section of Center Street if changed to a conditional use, and whether the Planning Commission would still be required to approve it if it met the conditions.

Mr. Ardmore explained that most conditional uses are reviewed in administrative hearings, though controversial items often go to the Planning Commission. He clarified that the Planning Commission can only deny a conditional use permit if there are unmitigable health or safety concerns. He also confirmed that if the use is moved to a conditional use category, it would still be limited to the designated Center Street area.

Councilor Hoban asked what the occupancy limit would be for the buildings, specifically, how many people could live there and what determines that limit.

Ms. Salzl explained that there is currently no occupancy limit set in the zone, as the standards were kept minimal to help the project move quickly due to upcoming lending deadlines. However, staff is not concerned because the area affected is very limited, essentially just this one property. She added that as the city rewrites the zoning code, more detailed parameters, including occupancy limits, will be built in.

Councilor Hoban expressed concern about the potential for widespread conversion of commercial properties in the three-and-a-half-block area to high-density housing like the proposed project. He questioned whether the city would want to incentivize replacing office space with residential units housing significantly more people, noting that such a shift could be too broad in scope. He concluded by stating he would likely vote no on the proposal.

Councilor Whipple, representing the district, acknowledged hearing a range of neighborhood concerns, including strong opposition from some residents who fear the project will harm the area. She noted that these concerns often overlook the zoning limitations already in place. Most worries focus on the potential shift toward transient housing. She observed that the current PO zone does not allow hotels, short-term rentals, or apartments, only group quarters would be permitted as residential use. She concluded with a question about where “Group Quarters” is defined in the code.

Ms. Salzl explained that "Group Quarters" is not currently defined in the code. As part of the ongoing code rewrite, new standards and definitions will be introduced by summer. She acknowledged that delaying the process to include these definitions could slow things down, but emphasized the importance of adding them soon to ensure clarity.

Councilor Whipple expressed support for the project, noting that the definition of "Group Quarters" could be adjusted to limit density to 20 units per half acre, addressing Councilor Hoban's concerns. She clarified that most historic buildings in the area could not be converted into Group Quarters, even if the applicant desired to do so. She emphasized the protections already in place, such as the right of first refusal for adjacent property owners, which would prevent the project from turning into a dorm managed by an unrelated party. Councilor Whipple also shared her personal positive experience with a similar urban dorm concept, mentioning that it offered privacy and a sense of community. She believes the adaptive reuse of the building would provide better housing options for people in the city and is supportive of the project.

Motion: Councilor MacKay made a substitute motion to amend the ordinance to make group quarters a conditional use. Seconded by Councilor Bogdin.

Councilor Handley asked if there were concerns from the applicant.

Mr. Taylor expressed concern about the timeline, noting that their due diligence period ends next week, and they are trying to wrap up the process before that. He asked for clarification on how long it would take to change the zoning to a conditional use and inquired whether both processes could be handled simultaneously.

Mr. Ardmore stated that changing the zoning to a conditional use should not cause any additional delay. The applicant would still need to go through building permits and other processes, which can be done concurrently within the same timeline.

Chair Garrett called for a vote on the substitute motion.

Vote: The motion passed 6:1 with Councilors Bogdin, Christensen, Garrett, Handley, MacKay, and Whipple in favor. Councilor Hoban opposed.

Chair called for a 5-minute recess.

Mr. Jones explained that he made adjustments to the exhibit by removing the subsection four language and replacing it with language from subsection six, which outlines conditional uses. He indicated that the exhibit now accurately reflects the substitute motion, and that the council could proceed to vote on the amended ordinance.

Chair Garrett called for a vote on the implied motion as amended.

Vote: The motion passed 6:1 with Councilors Bogdin, Christensen, Garrett, Handley, MacKay, and Whipple in favor. Councilor Hoban opposed.

Motion: Councilor Hoban made a motion to request planning staff to come back with definition of density limits for group quarters as soon as possible with a text amendment to be brought forward. Seconded by Councilor Bogdin.

Vote: The motion passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Adjournment

The meeting was adjourned by unanimous consent at approximately 7:37 PM.

DRAFT MINUTES

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

PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:30 PM, Tuesday, March 25, 2025
Council Chambers
Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or
https://www.youtube.com/provocitycouncil

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Becky Bogdin	Councilor Craig Christensen
Councilor Gary Garrett	Councilor George Handley
Councilor Travis Hoban (remote)	Councilor Katrice MacKay
Councilor Rachel Whipple	Mayor Michelle Kaufusi
Chief Administrative Officer Scott Henderson	City Attorney Brian Jones
Council Executive Director Justin Harrison	City Recorder Heidi Allman

Conducting: Chair Gary Garrett

Prayer – Richard Bowler

Pledge of Allegiance – Councilor Handley

Presentations, Proclamations, and Awards

1 Provo City Employee of the Month - March 2025 (25-007) 0:19:23

Mayor Kaufusi opened the recognition ceremony by expressing her privilege in honoring an exceptional employee whose dedication, professionalism, and service have significantly impacted the Provo community. She emphasized that while the strength of Provo lies in cooperation and teamwork, it is equally important to acknowledge the individual contributions that make a difference every day. Mayor Kaufusi then introduced Administrative Services Director John Borget, who would present the March 2025 Employee of the Month Award to a distinguished member of the Provo facilities team.

Mr. Borget began by expressing his excitement in presenting the Employee of the Month award to Jennifer Roberts, inviting her and her family to join him. He recalled the interview when Jennifer was hired two years ago, remembering how he immediately recognized her potential to positively impact the facilities department and the city. He highlighted three key characteristics that make Jennifer stand out: her personable nature, which allows her to connect well with others; her reliable follow-through on assignments, ensuring tasks are always complete; and her strong understanding of technology and computers. Mr. Borget then invited Travis, the Facilities Manager, to share additional thoughts and examples of Jennifer's contributions. He concluded by emphasizing how deserving Jennifer is of the recognition.

DRAFT

Travis Savage shared a heartfelt tribute to Jennifer Roberts, emphasizing her significant contributions since joining the Provo City team on June 12, 2023. He highlighted her exceptional dedication and professionalism, balancing a busy family life with three young boys while making a profound impact on the facilities administration team. Travis specifically recognized her pivotal role in launching and optimizing the Service Now platform, which has greatly improved organization and efficiency for the facilities technicians. He also acknowledged her instrumental work in creating the department's website, enhancing communication within the team. Travis described Jennifer as a proactive, positive, and highly reliable individual, always known for getting things done and offering support to others. He shared that many employees across the city consistently praise her, recognizing how fortunate the team is to have her.

2 A presentation recognizing the service of Greg and Valynn Baum (25-007) 0:08:57

Mayor Kaufusi presented a comprehensive overview of the "My Hometown" initiative, which is a unique partnership between Provo city, the Church of Jesus Christ of Latter-day Saints, volunteers, and residents of the South Freedom Pioneer Park and Dixon neighborhoods. The collaboration extends to businesses, nonprofit organizations, schools, and other faith groups, all working together to revitalize these communities. This effort includes various programs such as classes at the Community Resource Centers, service days focused on beautifying and repairing homes, and community events that foster interaction among neighbors. In the past year, 1,648 residents took part in classes at the Community Resource Centers, with offerings that ranged from English as a second language and American Sign Language to financial management and basic home repair. Volunteers completed 35 home improvement and beautification projects in the target neighborhoods, with over 1,450 volunteers contributing their time and effort. Additionally, 5,300 residents participated in My Hometown community events. In total, 2,279 volunteers dedicated over 45,664 hours, which, when valued at the national volunteer rate of $29.50 per hour, amounts to $1,347,088 in contributions. Mayor Kaufusi took a moment to recognize the volunteers in the audience, who shared their time, skills, and experience teaching classes, organizing service projects, and planning social events that continue to bring neighbors together.

Mayor Kaufusi took a moment to recognize Greg and Valynn Baum for their exceptional contributions to the My Hometown Pioneering Program in Provo. Under their leadership, Provo has become a model for other communities, including Orem, with multiple mayors seeking guidance on how to implement the program. Mayor Kaufusi emphasized that Provo's success has drawn attention from the Church, which has referred other communities to learn from their efforts. To honor their leadership and commitment, Mayor Kaufusi awarded Greg and Valynn Baum the Mayor's Award, a rare recognition, acknowledging their vital role in making the My Hometown program a success. She praised their service and leadership, noting that their contributions have greatly lifted the community and set a high standard for others to follow.

Mr. Baum expressed his gratitude, beginning with recognizing Mayor Kaufusi for her unwavering support from the very beginning of the My Hometown initiative. He acknowledged her leadership and the contributions of the city liaisons, Tara Riddle and Kendra Herbert, who have been instrumental in the program's success. He highlighted how, starting with the Pioneer Park and South Freedom neighborhoods, the initiative has expanded to include the Dixon community and will soon add the Provo neighborhood in January 2026. Mr. Baum emphasized that none of the progress would have been

possible without the support of Provo city. He shared that over 9,000 residents and volunteers have participated in the program since its launch in April 2022. He also spoke about the tangible impact the program has had on residents, citing examples of individuals who have learned English and improved their employment opportunities, such as the current PTA president at Franklin Elementary, an immigrant from Peru who couldn't speak English when she arrived but is now leading her school's PTA. He concluded by thanking everyone for their contributions, noting that the program has truly made a difference in the lives of residents in these neighborhoods.

Public Comment 0:27:58

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

John Hale, of Provo, shared a deep personal story about the motivation behind starting his sober living facility in Provo. John recounted the struggles of his younger brother, an athletic individual who had been captain of his football team in Mesa, Arizona. His brother's life took a tragic turn after a motorcycle accident, leading to years of pain, addiction, homelessness, jail time, and near-death experiences. John shared how his brother, who had once been a faithful assistant to the bishop, reached a breaking point, crying out in despair during a prayer to God. This moment deeply impacted John, and he later learned that his roommate, Joey, also struggled with addiction, despite appearing to be a stalwart member of the church. Joey expressed his desire to one day start a sober living program, focusing not on the financial aspect but on the opportunity to help others. Inspired by this, John and Joey began brainstorming how to make this dream a reality. Unfortunately, Joey's dreams were derailed when a heartbreak led him into depression and relapse. John's commitment to the cause became even more personal when he received a call from Joey's family, asking him to check on his roommate. Tragically, John found Joey in a devastating situation, an image that he described as haunting and pivotal in transforming his vision of a sober living program into a concrete mission.

Laurine Hall, of Orem, expressed her deep concerns about the development along the Provo River, particularly the rezoning of the land for the construction of three large warehouses. She painted a vivid picture, asking the council to imagine a favorite family destination, only to be disrupted by the presence of large, unsightly warehouses nearby. Laurine described the river as a sanctuary for her family, likening it to a peaceful, pastoral place in England. She expressed concerns about the potential environmental impacts of the development, including its effects on water and soil quality, the native plants, and the mature trees that provide shade for those who enjoy walking along the river. Laurine shared stories of people from surrounding areas, like Mapleton and Pleasant Grove, who come specifically to walk along this section of the river due to its natural beauty. She also highlighted the importance of preserving wildlife and the overall human experience in the community. While she expressed hope that the landowners might sell the land and retire, Laurine urged the council to consider alternative locations for the warehouses and suggested the land could be better used as a beautiful Provo reserve.

With no other public comments, Chair Garrett closed public comment.

Action Agenda

3 An ordinance amending the zone map classification of approximately 0.29 acres of real property, located at 4150 North Canyon Road from the Residential Agricultural (RA) zone

to the One-Family Residential (R1.10) zone. North Timpview (PLRZ20250003) 0:34:06

Motion: An implied motion to approve Ordinance 2025-19, as currently constituted, has been made by council rule.

Jessica Dahneke, City Planner, presented. She provided a brief follow-up presentation to clarify a zoning request that had been previously discussed at the last Council session. She explained that the proposal has been simplified, reducing it from two parcels to just one parcel being considered for rezoning. Jessica emphasized that the parcel remains surrounded by residential zoning and existing residential properties, and that the proposed change continues to align with the neighborhood's overall design. She concluded by noting that the rezoning is not expected to have any negative impact on surrounding properties.

Bonnie Morrow, applicant, explained that the item in question relates to the settlement of Rowena Glazier's estate. The property is located on Canyon Road, and only a portion is being pulled out for this process. She noted that the zoning change to R1-10 is consistent with the surrounding area, making it a standard and appropriate adjustment.

Chair Garrett opened public comment.

Sharron Memmott, of Provo, thanked staff for bringing the item back to ensure the legal description was accurate, helping to avoid future issues. She noted that the property will be zoned R1-10 due to the lot size, and that this change maintains consistency with the surrounding area, which is already zoned similarly.

Chair Garrett closed public comment and invited a council discussion. With none, he called for a vote.

Vote: The motion passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

4 A resolution appropriating $30,780,907 in the wastewater fund for water reclamation plant improvements applying to the fiscal year ending June 30, 2025. (25-037) 0:37:35

Motion: An implied motion to approve Resolution 2025-11, as currently constituted, has been made by council rule.

Jimmy McKnight, Public Works Division Director, presented. He explained that discussions for this funding began during last year's budget season and continued through November, resulting in a $7 million low-interest loan from the State of Utah. To cover the remaining amount, the city held a bond sale in January, receiving 14 bids. The winning bid offered a 3.75% interest rate on a $29 million loan. Due to re-offering the bond premium, the city now has over $30 million available for the project. Jimmy emphasized the need to appropriate the funds now, rather than waiting for the July budget process, to allow construction to begin promptly.

Chair Garrett opened public comment. With none, and no council discussion, he called for a vote.

Vote: The motion passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

5 A resolution approving the appropriation of $65,057 in the general fund for a contractual sales tax increment post-performance payment to East Bay Shopping Center. (25-045) 0:40:21

Motion: An implied motion to approve Resolution 2025-12, as currently constituted, has been made by council rule.

Melissa McNalley, Community Grant and Redevelopment Administrator, presented. She said this agreement, made in 2018, was intended to support the introduction of a Ross retail store to help revitalize shopping in that area of Provo. The requested amount represents the fifth year of a 10-year agreement, and the total reimbursement over the five years will amount to $306,155.

Chair Garrett opened public comment. With none, and no council discussion, he called for a vote.

Vote: The motion passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

6 A resolution approving lease purchase financing for two fire engines. (25-033) 0:42:29

Motion: An implied motion to approve Resolution 2025-13, as currently constituted, has been made by council rule.

Mr. Borget provided an overview of a tax-exempt lease agreement for financing the purchase of fire apparatus. He explained that for several years, the city has used this method, which is technically a loan, to secure favorable rates for funding fire equipment. The Fire Department plans to enter into a tax-exempt lease-to-purchase agreement with Webster Bank, which offered the lowest bid of 4.12% after a competitive process with seven other bidders. The loan amount is $2.7 million, with an effective date of April 1, 2025, and a final maturity date of April 1, 2033, making it an eight-year loan.

Chair Garrett opened public comment. With none, he invited a council discussion.

Mr. Jones noted that an email had been circulated about updated exhibits. He pointed out that the resolution itself also needed to be updated because the amount was slightly incorrect. He asked Kevin to display the updated figure on the screen and clarified that, while it was a technical adjustment, the proper procedure was to make a motion to amend the resolution. The corrected amount was $2,707,500, and he wanted to ensure the number was on the record. He then requested that someone make a motion to amend the resolution to reflect this updated figure.

Motion: Councilor Bogdin made a motion to update the language in the resolution to reflect the correct amount. Seconded by Councilor Whipple.

Chair asked if there was any discussion on the motion. With none, he called for a vote on the motion.

Vote: The motion passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Chair Garrett called for a vote on the implied motion as amended.

Vote: The motion passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

7 A resolution appropriating $351,655 in the vehicle replacement fund for the first payment on, and legal fees for, two fire truck leases. (25-033) 0:47:21

Motion: An implied motion to approve Resolution 2025-14, as currently constituted, has been made by council rule.

Mr. Borget presented. Mr. Borget explained that leases for this financing typically require the first payment to be made at the beginning of the period, rather than at the end. He noted that the first payment of $351,655 would be appropriated from the vehicle replacement fund, which was used to finance the purchase.

Chair Garrett opened public comment. With none, he closed public comment and invited a council discussion.

Councilor Bogdin asked if the impact fees for public safety also cover the cost of fire engines.

Mr. Borget responded that impact fees can be used for fire engines, provided certain qualifications are met. He noted that while the city has already made significant investments in fire stations, they are also evaluating other police needs. However, it is important to note that only commercial impact fees can be used for this purpose; residential impact fees do not qualify.

With no other council discussion, Chair Garrett called for a vote.

Vote: The motion passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

8 An ordinance amending the zone map classification of real property, generally located at 2601 West 280 South, from the Agricultural (A1.1) zone to the Agricultural with Agritourism Overlay (A1.1(AT)) zone. Provo Bay Neighborhood. (PLRZ20230196) 0:50:05

Motion: An implied motion to approve Ordinance 2025-20, as currently constituted, has been made by council rule.

Aaron Ardmore, Planning Supervisor, presented. Mr. Ardmore shared that the applicants have been working on the project for a couple of years. Their project plan, which has gone through staff review and was approved by the Planning Commission, meets all the requirements of the proposed overlay zone. This includes compliance with use, hours, and noise standards. The proposal is to build an event center on the west end of the property, which will take up about a third of the land and include associated

parking. The overlay zone, designed to preserve agricultural uses in Provo, is being followed, and both staff and the Planning Commission have recommended approval.

Barry Finch, applicant, shared that the project has been a two-and-a-half-year journey, with numerous meetings and communications with city staff, the Planning Commission, and the City Council. He emphasized that they have agreed to all requirements set by the city, including security for events, when necessary, restrictive operational hours, and a more stringent sound ordinance than other venues in Provo. He also mentioned that they rezoned their property and invested in street improvements, even though they now must remove and alter parts of the property they do not own. Finch expressed frustration over what he described as "extortion" due to the $100,000 street improvement assessment. Additionally, they agreed to install a $50,000 grease trap for a prep kitchen, despite not needing it for their operations. Finch concluded by urging the council to pass the proposal, highlighting the significant investment and the time spent on the project. He assured the council that they were committed to creating a successful agritourism venue.

Judy Finch, applicant, expressed her dismay and disappointment over comments made in a work meeting earlier, where it was suggested that her husband lacked understanding of project requirements and implied that they could not be trusted. She found these remarks painful, especially given their history of contributing to the community. She highlighted that despite inviting city council members to visit their farm and discuss their vision, only Councilor MacKay took the opportunity. She also noted that their neighborhood representative, Councilor Bogdin, had never reached out or visited their property. Judy emphasized the positive feedback they received from neighbors and their long-standing involvement in the community, including hosting events like pumpkin patches, vegetable sales, and pony rides. She reminded the council of the West end of Provo's long-term plan, which supports preserving agricultural heritage, supporting agritourism, and encouraging agricultural operations. She asked the council to reconsider its stance, stressing that their project aligns with these policies and that they are non-traditional farmers deserving of support. Judy concluded by asking the council for help in moving the project forward, emphasizing its potential benefit to the community.

Andrew Finch, applicant's son, shared the history of his family's farm, which was started by his grandfather in the 1950s and later expanded by his father in the 1980s. He explained that, as part of the third and fourth generations, his family is committed to preserving the farm for future generations. Two and a half years ago, his parents gathered the family to discuss ways to keep the farm in the family, leading to the vision of creating an event center to honor their past and secure their future. Andrew emphasized that their goal was to avoid selling the land for development and instead sustain the farm through agritourism, which offers small farms like theirs a viable way to generate income. He urged the council to approve the event center project, stressing that it would allow them to preserve the farm, continue contributing to the community, and ensure its legacy for future generations.

Councilor Whipple expressed confusion about the alignment between the existing structures on the property, as shown in the Google images, and the proposed plans presented on screen. She pointed out that there seemed to be several structures on the property and asked for clarification on which ones would remain, and which ones would be removed.

Mr. Finch clarified that the area where the proposed road will go was once an old dairy facility, which had large concrete silos and walls, most of which had already been removed. On the south side of the

road, there is a newly constructed barn with attractive features like new tin and contrasting siding, designed to be visually appealing for customers. The business side of operations will be on the other side of the property, where customers might see horses in the riding arena or peeking out from barns. Finch emphasized significant investments made in the property, with plans for further beautification as funds become available. He invited any council members to visit the site and walk through the barns to see the progress. Additionally, he noted that many structures visible on older Google Earth images have already been torn down or cleaned up.

Councilor Whipple asked Mr. Finch to review which of the buildings on the plan he submitted would be removed and which ones would remain.

Mr. Finch explained that many of the old structures in the proposed road area have been removed, including barns and other buildings. A new barn has been built in the area, which is aesthetically pleasing and designed to blend in with the surroundings. He acknowledged that older barns are not always attractive but emphasized their functionality and the ongoing renovations to improve them. Finch shared that a recent fire, caused by an external party, has affected the property's reputation, but there have been no other issues. He stated that while the area around the barns is not visually appealing, they are working on improvements, including landscaping, tree planting, and a fence to hide the venue. He further mentioned that significant investments have already been made, and although he would like to do more, the budget is limited. He invited the council to trust that the work done is substantial, and he is committed to continuing improvements.

Councilor Whipple expressed confusion about the proposed layout, seeking clarification on whether the current image accurately represents the property. She noted that the plan shown did not seem to include all the existing structures that would remain. She acknowledged the applicant's efforts to upgrade the property but wanted to confirm that the layout presented in the image was not an accurate reflection of the final layout for the venue.

Ms. Finch clarified that the site plan being discussed only needed to show the new developments related to the project, such as the parking lot, the new building, and the infrastructure leading to it, rather than the existing agricultural structures on the property.

Councilor Whipple expressed that this clarification was helpful, as she had been confused by how the existing structures fit with the new proposal and now understood that the site plan focused on the new project area, not the entire farm.

Mr. Finch discussed the planned improvements for the venue, including a $100,000 investment to widen the road, add a locked gate, and create a tree-lined entrance. He emphasized that there are no nearby neighbors within 800 feet, and noise and traffic would be minimal. The venue would include a parking lot, a roundabout, a barn, and a horse track for rides and events. He described a vision where guests could experience agricultural activities like pony rides, a petting zoo, and photo opportunities. The barn itself would be a high-quality post-and-beam structure, and the venue would cater to larger gatherings, including the Hispanic community. He stressed that the venue aligns with the neighborhood plan and invited council members to visit and understand the vision.

Councilor Whipple thanked Mr. Finch for his dedication to the project, acknowledging the challenges, expenses, and frustrations he has faced. She appreciated the unique vision of the event center, noting that it offers something other centers cannot. She expressed support for the project, highlighting that approval would help secure funding, which could be reinvested into cosmetic upgrades to improve both the business and the overall experience while preserving the farm's agricultural focus.

Mr. Finch expressed the financial strain his family is under, acknowledging that they are pushing their financial limits to make the project work. He emphasized their commitment to success and ensuring the farm's future, stating that the current operations, while not aesthetically pleasing to some, are helping fund the venue's development. He urged for the approval of the project to move forward, highlighting the significant time and money already invested, and stressed that they are at a critical point.

Chair Garrett opened public comment. With no comments, and no further council discussion, he called for a vote.

Vote: The motion passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

9 **CONTINUED An Ordinance approving of a Text Amendment to Section 14.17D.020 (Permitted Uses in Airport Zones) to add Data Centers and Self-Serve Power Plants as permitted uses. Citywide application. (PLOTA20240373)**

Adjournment

The meeting was adjourned by unanimous consent at approximately 6:49 PM.

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	KMARTINS
Presenter:	Don Jarvis, Mayor's Sustainability Advisor
Department:	Recorder
Requested Meeting Date:	05-06-2025
Requested Presentation Duration:	20
CityView or Issue File Number:	25-058

SUBJECT: 1 A presentation regarding the Provo City 2024 Sustainability Report (25-058)

RECOMMENDATION: Presentation only

BACKGROUND: Every year, Provo's Sustainability Advisor Don Jarvis updates the Council about the sustainability efforts and successes from the year before.

FISCAL IMPACT: NA

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Conservation and Resiliency Plan

HOW TO SAVE WATER ON YOUR YARD



If you have a Kentucky bluegrass lawn…

1) **GET A SMART CONTROLLER FOR YOUR IRRIGATION SYSTEM**: This will make a huge difference in your water use and bill. Provo residents are eligible for Smart Controller discounts and a $75 rebate. Follow the Smart Water Controller Discount instructions at provo.gov/water-efficiency.
2) **WATER ONLY WHEN THE SUN IS DOWN OR LOW**. This will reduce evaporation . Avoid watering when it is windy.
3) **WATER NO MORE THAN THREE TIMES PER WEEK**. Spaced irrigation times encourage deeper grass roots that are less susceptible to drought.



But if you want to change your lawn to something more drought-tolerant…

1) **DO NOT REPLACE YOUR GRASS WITH ROCKS**. Large expanses of rocks form 'heat islands' in your yard, heating up your house, yard, and surrounding area.
2) **CONSIDER REPLACING YOUR GRASS WITH MULCH AND DROUGHT-RESISTANT PLANTS**. Mulch heats up in the sun less than rocks do. For good examples of plants to use, go to conservationgardenpark.org, which displays drought-tolerant plants, landscaping ideas and "How-To" videos.
3) **CONSIDER REPLACING YOUR GRASS WITH DROUGHT-RESISTANT GRASS**. Go to provo.gov/water-efficiency and follow the Provo Turf Trade instructions. Supplies are limited, so if this program is open, don't delay ordering seed. It is not expensive--$7.71 for a 5 lb bag.

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PROVO CITIZENS' SUSTAINABILITY AND NATURAL RESOURCES COMMITTEE

REPORT FOR 2024



5 February 2025

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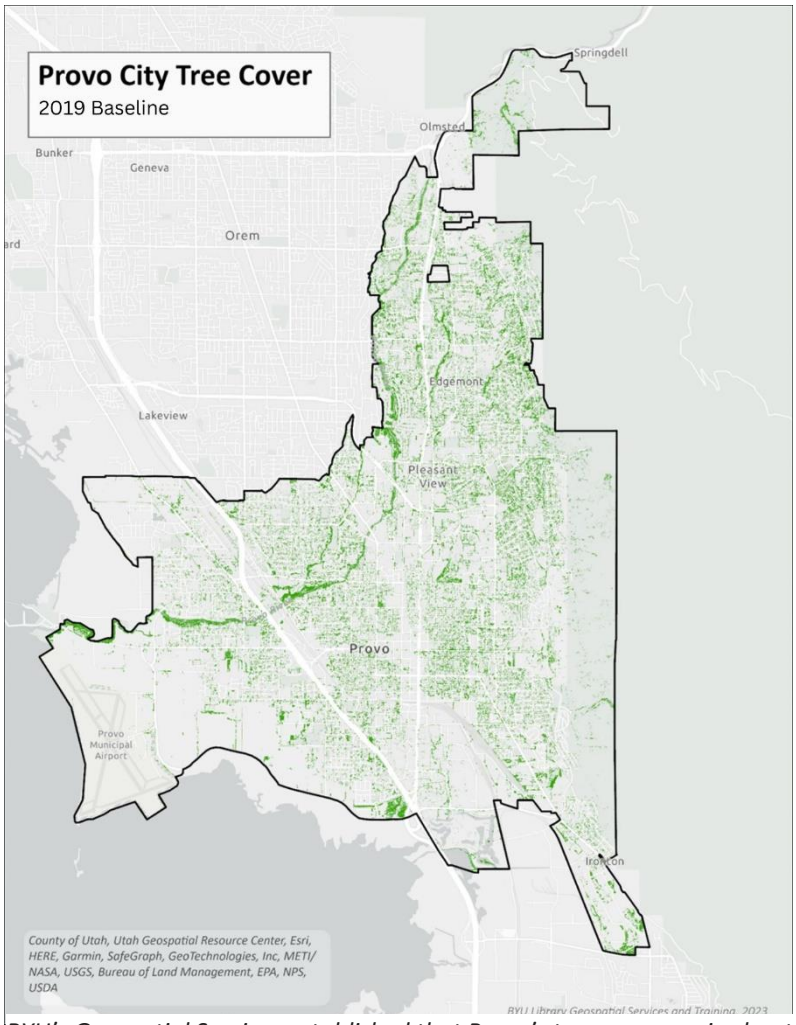
WHO DID ALL THIS?

Sustainability requires constant cooperation and communication. This report covers this years' achievements of the Citizens' Sustainability and Natural Resources Committee (CSC Committee) as well as good works done by organizations with which CSC members are closely connected. We list these latter achievements in this report, although we can only claim partial credit for them.

PROVO SUSTAINABILITY COORDINATOR'S UPDATE

2024 has been a year of steady progress, with at least four major benchmarks: ascertaining Provo's tree coverage, the Thousand Trees program, C-PACE information and Rock Canyon Trailhead reconstruction.

TREE COVERAGE: When Provo's Conservation and Resiliency Plan was adopted in 2023, Provo lacked data for how much of the city was covered by trees – an important metric of urban health. Dual analyses found that as a 2019 baseline, the total coverage was approximately 17%. This is much higher than anticipated and puts Provo ahead of its goal of 15% coverage by 2030 and well on its way to meeting the goal of 20% by 2050! This number came from two incredible volunteer sources: students with Brigham Young University's Geospatial Services under the leadership of Prof. Teresa Gomez and Google's Environmental Insights team. While the BYU students were working, Google selected Provo to be one of the first U.S. cities for tree canopy coverage analysis. Google's finding of 16.5% coverage almost exactly matched the students' finding of 17%. Despite the lack of data and other challenges, the students' analysis was incredibly accurate. Provo City is grateful for their creativity and hard work and for our partners at Google.



BYU's Geospatial Services established that Provo's tree coverage is about 17%, much higher than expected. Google's Environmental Insights team confirmed this.

PROVO'S THOUSAND TREES INITIATIVE: Provo is halfway to its goal! So far 498 trees have been planted through this project since 2022, mostly in parkstrips and in recent developments lacking mature trees.

This is in addition to the roughly 14,000 trees Provo City has planted over the past 25 years and the thousands given away to residents through Provo Power's NatureShade program. We estimate that our street trees alone absorb 1,298 cars' worth of pollution every year!

C-PACE PROGRAM: This nationwide program helps developers secure advantageous loans in order to make environmental and safety upgrades to their projects. In 2024, Rivers Edge on University Parkway took advantage of the program to make their buildings more sustainable. To learn more, check out the Green Business page on the new Provo.gov.

ROCK CANYON TRAILHEAD: The trailhead reopened after many years of planning, grant hunting and reconstruction, thanks to combined efforts of the citizens' group Rock Canyon Preservation Alliance, Provo City, and Utah County. The trailhead features three short educational walks to teach more about geology, animals, and native plants in the canyon as well as updated train signage, a small amphitheater, a safe climbing area for children, general trail improvements, more parking, and strategic landscaping designs to absorb the greatest possible amount of runoff water from the canyon and reduce the risk of flooding for nearby properties.

The trailhead is also an aquifer recharge area. Not only does the aquifer absorb runoff from the canyon, but Provo City Public Works can also pump in any extra water from the water treatment plant. Restoring the water level in our aquifers benefits Provo and our neighbor cities by replenishing well sources and storing the water in a way that is much less prone to evaporation and loss than the typical reservoir. The trailhead is an incredible example of social and environmental health overlapping in a mutually beneficial way.



Mayor Kaufusi speaks at the re-opening ceremony for Rock Canyon Trailhead, accompanied by a local owl.

COMMUNITY OUTREACH: SCHOOL CAMPAIGN AND PUBLIC DISPLAYS

SCHOOL CAMPAIGN: Committee member Janelle Jarvis continued her nine years of school air-quality education, with a total of eleven presentations, using her adaptation of Breathe Utah's slides and demonstrations. Five were in elementary schools (to 4th and 6th graders), one was at the Provo Library to adults, six were for parents and children at Wasatch Elementary School's Stem Night. The total audience was 409 children and 17 adults.



Janelle Jarvis teaches about air quality at Franklin Elementary School on 12 November 2024.

PUBLIC DISPLAYS: Bad weather scuttled Rick Cox's plans for a Slate Canyon Park display on Earth Day in April. However, we staffed well-attended displays during Freedom Days and the Public Power Fair. Both focused on electrifying all appliances in the house, which reduces pollution and green-house gases and can reduce expenses on utility bills.

During Freedom Days over the 4th of July weekend, we were assigned an excellent location on the south side of the booth area, which attracted people heading to or from the carnival. We recorded 770 visitors and distributed the following educational materials:

- Use electricity to reduce costs and pollution, 154 copies
- Federal tax credits available, 5 copies
- Shared Solar 52 copies
- GreenXchange (yard equipment), 50 copies
- Heat pump rebates, 58 copies
- Why get a heat pump? 30 copies
- TOTAL HANDOUTS DISTRIBUTED, 349

In addition to the above educational materials, we handed out 400 inexpensive "swag" items including 60 flashlights labeled "Renew Choice." For details on the handouts, see Appendices 2-5.



Hundreds of Freedom Days visitors spun our roulette wheel to answer questions about how electricity can reduce pollution. Here, volunteer Eric Hyer welcomes participants.

The Public Power Fair on on October 3rd at the 800 N Provo Power vehicle garage and parking lot produced a similar turnout. It was, as usual, an enormously popular family event. We had between three and four volunteers on site at all times and long lines of parents with children waiting to spin our roulette wheel and learn more about using electricity to reduce pollution and green-house gasses. Christi Leman helped organize our volunteers.



Hannah Salzl explains, Christi Leman manages handouts and swag, Janelle Jarvis helps. Drew Tate (not shown) talked to parents standing in line.

ALL-ELECTRIC HOUSE: Many Provoans are curious about how to reduce their home's fossil fuel use but need information about cost, reliability, and installers. To help with that, Don and Janelle Jarvis held a series of open houses at their all-electric home in the Tree Streets to answer questions and show neighbors and friends their two ducted heat pumps (replacing two furnaces), their heat-pump water heater, and their heat-pump clothes dryer. They assured guests that their utility costs are lower since having their gas meter turned off, that all systems work as advertised, and that Provo Power rebates and federal tax credits helped reduce installation costs. They warned guests that gas furnaces and water heaters only last 15-25 years and recommended planning ahead to select electric appliances and installers for replacements, perhaps even replacing aging equipment before it fails. The Jarvises hosted five open houses with a total of 44 guests and provided all with documents detailing equipment models, costs, rebates, tax credits, and installers (see Appendices 2-5).


Don Jarvis with the condenser of a heat pump which replaced one gas furnace. He discussed his all-electric house with 44 guests at 5 open house sessions.

PROVO POWER AND SUSTAINABILITY

Our decade of close collaboration with Provo Power continued and was strengthened by Provo Power's generous grant of $10,000 to the Committee to support our publicity efforts and displays on "electrifying everything." We used funding from this grant to purchase printed handouts and swag for visitors to our displays. Christi Leman helped organize the displays and purchased the swag.

New Director Scott Bunker continued Provo Power's tradition of attending and actively participating in the Committee's monthly meetings. Many of Provo's most significant achievements in sustainability are the result of this close cooperation (see Renew Choice).

As required by the Municipal Council, Provo Power and the Power Board proposed to substantially modify the amount that Provo Power reimburses rooftop solar owners for surplus electricity which they send to the utility, known as “net metering.” However, the Citizens’ Sustainability Committee unanimously recommended in November that any decision on this policy change be postponed to allow for thorough study and proposal of creative solutions which are beneficial both to rooftop solar investors and to Provo Power. A decision was still pending at the end of 2024.

BYU CREATES A SUSTAINABILITY PLAN, EARNS STARS GOLD AWARD

This year, BYU earned the distinction of a STARS Gold Institution from the Association for the Advancement of Sustainability in Higher Education. The STARS (Sustainability Tracking, Assessment and Rating System) is a transparent, self-reporting framework used by universities worldwide. BYU submitted its first-ever STARS report and earned a gold rating just as the 2024-25 academic year began. The sustainability report considers BYU’s commitment to sustainability in academics, student and public engagement, operations, planning and administration, as well as its unique approach to earthly stewardship.

Later, BYU published a sustainability plan that will guide the university's efforts through 2030. Priorities include:

1. the institutional pursuit of sustainable operations
2. the integration of earthly stewardship into the curriculum
3. collaborative scholarship for solutions to socio-ecological challenges
4. learning and leading across the natural, built, social, and spiritual environments
5. a personal and collective accountability for earthly stewardships and blessings
6. a foundational sense of place, rooted in wonder and reverence for God’s creations, and
7. support for human flourishing, rooted in love and care for God’s children.

Actions and metrics are forthcoming.



BYU generates about 2,000 tons of mulch per year, diverting green waste from landfills and improving campus landscaping. For participants of BYU Green Week, "Mulch and Mingle" is a popular service project held every spring outside of LaVell Edwards Stadium.

Also, the Sustainability Office hosted Green Week and two conferences—"Stewardship Over the Earth and Human Family" in March and "For the Benefit of the World" in October—and donated blankets to Provo's warming centers. Elsewhere on campus, a new Stewardship Lab was created to support interdisciplinary research, while the Ballard Center for Social Impact partnered with the World Food Program USA to help alleviate hunger. Finally, the Geospatial Services and Training Lab supported Provo City's tree coverage study, presenting their data to the City Council in March.

GREEN BUSINESS AWARDS

MegaDiamond, a large Provo-based company which makes industrial diamonds, received "Max Green," the highest tier of Provo's Green Business Award program in recognition of their exceptional commitment to environmental stewardship in our community. In addition to reusing water on site up to 7 times (reducing use by 30%), investing $120K in LED lighting and $45K in recycling, improving efficiency and reducing energy use by 5%, and adopting a section of the Provo River Trail, they reduced their CO_2 emissions by 89% and are 100% powered by renewable energy through Provo Power's Shared Solar program. On 20 February, the Mayor presented the award at MegaDiamond's Provo site before approximately 50 employees.

The city is considering major revisions to the Green Business program and, with input from the Sustainability Committee, Provo's Sustainability Coordinator Hannah Salzl prepared a memorandum of both quantitative and qualitative options for the Mayor to consider.

AGRICULTURE COMMISSION REPORT

The Agriculture Commission reorganized leadership roles after the mid-year departure of Commissioner Shawn Miller when he assumed a university assignment out of state. Shawn served as the Commissioner since 2016. Angela Mourik was named Commissioner (primarily over agricultural conservation work) and Clint Whipple was named Deputy Commissioner (primarily over education, outreach, community and urban gardening).

The Commission is actively seeking names and candidates for new members. Primary issues are small scale urban farming per the new Utah County greenbelt definition and its implications for Provo residents and farmers; garden workshops and education on gardening; and land conservation options. Current conservation easements being pursued within Provo City include the ten-acre Burr Family Farm. The Commission is also investigating how to use social media to promote agricultural issues and topics within Provo City.

Current Agricultural Commission members include Commissioner Angela Mourik, Deputy Commissioner Clint Whipple, Don Jarvis, Ginny Smith, Lew Burnham, City Council Representative George Handley, Kevin Markham, and Provo Farmer's Market Liaison Jon Bryner.

COMMITTEE NETWORKING AND ORGANIZATION

As in past years, the Citizens' Sustainability Committee's members continued networking with other environmental groups. Committee Chair Don Jarvis and Sustainability Coordinator Hannah Salzl met monthly with the Mayor's Sustainability Committee, consisting of Deputy Mayor Isaac Paxman, Economic Development Director Keith Morey, and Municipal Council members Rachel Whipple and George Handley. Hannah has joined the prestigious nationwide Urban Sustainability Directors' Network. Ned Hill served on the Provo Power Board, and he, Hannah, and Don attended the monthly meetings of the Utah Valley Chamber of Commerce's Clean Air Task Force as well as the Utah Clean Air Partners' (UCAIR) monthly meetings in Salt Lake City. Rick Cox attended the Utah Sustainable Business Coalition and headed our Green Business Recognition Program. Bremen Leak is the Associate Director of Sustainability and Continuity at BYU and regularly engages in City environmental discussions. Before resigning, Shawn Miller served as the Provo Agriculture Commissioner and worked closely with The Nature Conservancy and Utah's Quality Growth Commission as well as with many owners of Provo farmland. Don Jarvis, CSC chair, supervised Provo's Agriculture Commission and attended meetings of the Provo Rotary Club and the Utah Citizens' Counsel, in addition to collaborating with members of Utah Clean Energy.

REPORT AUTHORS

This report was co-authored by the following Committee members:

- Sustainability Coordinator's Update: Hannah Salzl
- Community Outreach: Janelle and Don Jarvis
- Green Business Awards: Rick Cox
- Provo Power Initiatives: Don Jarvis,
- BYU Environmental Sustainability: Bremen Leak
- Agriculture Commission: Angela Mourik
- Editing: Don and Janelle Jarvis, Hannah Salzl

Updated rosters of the Citizens' Sustainability Committee as of December 2024 can be found in Appendix 1 on the following page.

Appendix 1: Citizens' Sustainability & Natural Resources Committee Roster, December 2024

Note: All Committee members were appointed by Mayor Kaufusi.

For more information about the Committee, contact Don Jarvis at jarvisdk@gmail.com or Hannah Salzl at hsalzl@provo.gov

NAME	EXPERTISE	TERM ENDS
Don Jarvis (Chair)	Chair, Mayor's Advisor	2024
Derek Bruton	Water resources	2027
Rick Cox	Water, Green Business programs	2024
Ned Hill	Provo City Power Board, air quality	2025
Janelle Jarvis	Air quality, school campaigns	2024
Bremen Leak	Brigham Young University representative	2025
Christi Leman	Displays	2025
Shauna Mecham	Transportation planning	2024
Jennifer Prokhorov	Displays, school campaigns	2025
Drew Tate	Displays, all-electric house sessions	2028
Other contacts		
Hannah Salzl	Provo City Sustainability Coordinator	-



Citizens Sustainability Committee, 24 February 2024. L-R Hannah Salzl (Provo Sustainability Coordinator), Bremen Leak (BYU Asst. Sust. Director), Rachel Whipple (City Council), Christi Leman, Rick Cox, Janelle Jarvis, Jen Banner Prokhorov, Avi Prokhorov (guest), Don Jarvis (Chair), BYU Guest, Marne Isakson, Carrie Sandholz (guest), Denise Dalton (guest), Travis Ball (Provo Power Director at time of photo), Kat Linford (Utah Municipal Power Agency), Derek Bruton, and Ned Hill

Appendix 2 : Main Handout for CSC Displays 2024

How can I use electricity to reduce my costs and pollution?

HERE'S WHAT YOU CAN DO TODAY	AND IF YOU CAN BUY SOMETHING
Close drapes and blinds in the day during summer to reduce solar gain and at night in winter to reduce energy costs. In the summer, open windows at night.	**Replace your gas-powered yard tools** with electric ones. Provo Power offers $300 if you trade your gas mower for electric, $50 for smaller yard tools like trimmers.
Adjust your house thermostat up a bit in the summer, down in the winter. That will reduce electricity use and pollution. If all Utahns lowered their thermostats in winter by one degree, we could remove 1% of all household emissions.	**Replace your car with one that pollutes less**. Look for one with a high smog rating, ideally, 8 to 10. (hybrid, plug-in hybrid or electric). That dramatically reduces pollution and gasoline expenses. Federal tax credits for up to $7,500 are available, $2,500 for plug-ins.
Turn off computers, modems, and TVs at night. That will reduce energy use and pollution.	**Plant trees** S. & W. of your house to cut AC costs. Apply for a free tree in August from Provo's Renew Choice.
Turn off lights, fans, and TVs when not in use. That will reduce energy use and pollution.	**Improve insulation,** especially in the attic, to reduce cooling and heating costs. Federal tax credits are available.
Use only LED light bulbs. They use only a sixth of the energy that incandescents do and last longer.	**Replace windows** with ones that reduce solar gain and heat loss. Federal tax credits are available.
Investigate replacing your gas stove with electric. Gas stoves cause indoor pollution and raise children's risk of asthma 30%.	**Go solar** with Provo's Shared Solar (group solar power) or get rooftop solar with Federal tax credits to shrink cooling and heating costs while reducing pollution.
Investigate 'Shared Solar' for group solar power for your home. More at RenewChoice.com	**Install heat pumps** to replace a gas furnace, water heater, AC and clothes dryer. They save $, cut pollution.

Apply for Shared Solar and rebates on electric yard tools and heat pumps at Provo's Renew Choice:
https://www.renewchoice.com/

17 September 2024 Provo Citizens' Sustainability and Natural Resources Committee in cooperation with Provo Power

TIME FOR AN UPGRADE?

Throughout the year, your city may offer opportunities to upgrade your gas-powered yard equipment to battery-powered equipment for a rebate. This is a great program that allows for the responsible recycling of pollution-producing yard equipment and to improve air quality.

provo POWER

Lawnmower	$300.00
Snowblower	$300.00
String Trimmer	$50.00
Leaf Blower	$50.00

GreenXchange
Yard Equipment Rebates for Cleaner Air



Find out more at:
renewchoice.com/exchange-program/

and to see when your city is offering the program throughout the year.

TIME FOR AN UPGRADE?

Provo City Power is now offering rebates for residential customers that upgrade their furnace/AC to an electric heat pump system.

- **$500 for a ductless system**
- **$1000 for a ducted system**

Heat Pumps are a great option for energy conservation, in addition to reducing the PM2.5 gasses that are emitted into the air from natural gas.

Find out more at: renewchoice.com/conserve-rebates/



provo POWER

Conser
Energy Conservation

SharedSolar.RenewChoice
Community-Owned Solar Project



FOR POWER CUSTOMERS IN:
PROVO | SPANISH FORK | SALEM | MANTI | NEPHI | LEVAN

What is SharedSolar?
- *A program offering the benefits of solar without installing solar panels on your home or business.*

How does it work?
- *Customers can subscribe in 1 kilowatt (kw) blocks that generate 200-kilowatt-hours (kwh) of solar energy per month.*
- *Customers may sign up for the number of kW blocks up to their lowest monthly energy usage.*
- *Subscriptions can last for up to 20 years.*

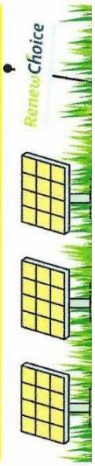
What is the cost?
- *Residential rate: 10.62 cents per kWh*
- *Commercial rate: 6.21 cents per kWh*



What are the benefits?
- *Allows community members to receive credit on their bills for their share of power produced.*
- *Provides CLEAN, RENEWABLE ENERGY.*

For more information and to register, go to:
RenewChoice.com/shared_solar

RenewChoice



Appendix 4 : 2024 Regional Rebates Handout

This handout was printed because many of our display visitors were not from Provo

12/7/2024

Incentives from Utah Electric Companies to go electric

Electric Company	Yard Tools	Heat Pumps	HP Water Heaters	EV Chargers	Time of use pricing for electricity	Contact	URL
Provo Power	$300 to replace gas mower or snow blower with electric; $50 to replace gas leaf blower, hedge trimmer, weed whacker with electric. Also available in Spanish Fork, Salem, Nephi, Manti.	$1,000 for ducted heat pump, $500 for ductless heat pump	$500 to replace gas water heater with electric	None	$0.04/ KWH midnight to 8 a.m. Call 311 Provo Customer Service		Renew Choice
UAMPS	None	Kaysville & Price City only:$400-$1,300	$50 fo replace gas water heater with electric	None	None		Cool Cash
Rock Mtn. Power	None	$1,600-$2,000 for various models. See wattsmarthomes.com	$350 to replace gas water heater with electric	Level 2: Home $200, Busines $1,000/$1,500	Cheaper pricing midnight to 8 a.m.. See "Pricing options"		RMP Savings

12/7/2024

HEAT PUMPS INSTALLED AT 1256 LOCUST LANE, PROVO, UTAH

Date	Items	Brand	Seller	Paid	Incentives	Details	Notes
2022.04.13	**HP Clothes Dryer**	Miele TXR860	Abt Electronics (online)	2,299.17		Eco & Steam heat pump clothes drye	Worth it?
	Plinth (Pedestal)			$500			
	5 yr. extended warranty			$169			
	Shipping			$180			
	Tax			$215			
			TOTAL COST	$3,363.17	None	Replaced working 30 year old gas dryer. Eliminated long exhaust pipe	
2022.11.28	**Downstairs heat pump**	Mitsubishi SUZ-KA24NAHZ	Triple T, Spanish Fork	13,620		15 SEER. Included $815 to ship from East Coast	Now availabe locally
	220 line		Plumber	$971			
	Upgrade installation		Lancer Scott	0		Perfectionist, informed salesperson	
			TOTAL COST	$14,591	$1,000 Provo Power	Replaced failing 15 year old gas furnace	We seldom need downstairs AC
2023.08.15	**Upstairs heat pump**	Mitsubishi SVZ-KP36NAHZ	Gunthers, Am. Fork			16 SEER 3 ton, bid by Lancer Scott (now at Gunthers)	
			TOTAL COST	$14,906	$2,000 Fed.tax credit	Replaced failing 21 year old AC and gas furnace	Much quieter than old furnace
2024.02.16	**Heat pump water heater**	Rheem XE50T10HM00U0	Home Depot, Provo	$1,998		Ordered online, picked up at store	Needs space to function
		Installation, parts		$586.52			
			TOTAL COST	$2,584.52	$500 Provo Power	Replaced working 15 year old gas water heater	Low whistle when working
					$600 Fed. tax credit		
			GRAND TOTAL COST	35,444.69	$4,100		
			TOTAL EXPENSE	**$31,344.69**		**New gas equipment + AC = ???**	
	Don Jarvis	801-318-6274	jarvisdk@gmail.com				

CITIZENS' SUSTAINABILITY COMMITTEE

2024 REPORT

TO

PROVO MUNICIPAL COUNCIL

6 May 2025

Don Jarvis

Chair,

Provo Citizens' Sustainability and Natural Resources Committee

The Citizens' Sustainability Committee 2024. We met monthly at 7:30 a.m.



SUSTAINABILITY COORDINATOR 2024:

1. Tree coverage: Ascertained Provo's previously unknown tree coverage to be 17%. This affects our Conservation and Resiliency planning.

2. Thousand trees program: 498 trees planted since 2022, in collaboration with Provo Power

3. C-PACE program of loans for energy-efficient development is now publicized on Provo's Green Business page.

4. Rock Canyon Trailhead re-opened after years of planning, grants, and reconstruction.

SUSTAINABILITY COORDINATOR 2024:

Ascertaining and increasing Provo's tree coverage:



SUSTAINABILITY COORDINATOR 2024:

Publicizing C-PACE loans for energy-efficient development :



SUSTAINABILITY COORDINATOR 2024:

Rock Canyon trailhead re-opening:



COMMUNITY OUTREACH

1. SCHOOLS: Air quality lessons for 409 children 17 adults
2. DISPLAYS: Switch to electricity 770 visitors, 349 handouts
3. ALL-ELECTRIC HOUSE: 44 visitors, 132 handouts
4. PROVO POWER: Grant, tent, storage, meeting attendance.

COMMUNITY OUTREACH: SCHOOLS

JANELLE JARVIS CONTINUED EDUCATING PROVO CHILDREN ABOUT AIR QUALITY



COMMUNITY OUTREACH: DISPLAYS

Advocating switch from gas to electricity: 770 visitors



COMMUNITY OUTREACH: ALL-ELECTRIC HOUSE

Visitors learned of tax credits and Provo Power's $1,000 rebates for ducted heat pumps



COMMUNITY OUTREACH: ALL-ELECTRIC HOUSE

44 visitors learned that heat pumps do work in Provo, saved homeowner $16 per month in utility expenses



BYU HELPS WITH PROVO SUSTAINABILITY

1. **Earned STARS Gold Institution Award,** an international rating from the Assoc. for Sustainability in Higher Education;
2. **Crafted and published a sustainability plan.** This will guide BYU through 2030 in operations, curriculum, scholarship, and activities;
3. **Green Week** with multiple activities involving students in recycling, landscaping, and community service;
4. **Stewardship Lab** was established for for environmental research;
5. **Geospatial Services** established Provo's tree coverage.

BREMEN LEAK COORDINATES BYU SUSTAINABILITY

AND IS A KEY MEMBER OF THE CSC



GREEN BUSINESS AWARDS

1. **Megadiamond received the highest award in Provo's Green Business program** for reducing water use 30%, energy use by 5%, CO2 emissions by 89%, investing in LED lighting, recycling, and switching to 100% renewable energy.

2. **Provo is simplifying its Green Business Award program** to increase local awareness and applications.

MEGADIAMOND IS AMONG PROVO'S LARGEST FIRMS



AGRICULTURE COMMISSION

1. **Continued work on agricultural conservation,** including the Burr Family Farm.

2. **Began work on urban gardening** to increase local awareness and applications.

3. **Elected new leaders Angela Mourik and Clint Whipple** to pursue the above.

HOME GARDENS ARE A PROVO TRADITION



CITIZENS' SUSTAINABILITY COMMITTEE: SUSTAINING WHAT WE HAVE IN PROVO



THE END

EUI = kBTUs used annually per sq. ft Source: Building Codes Assistance Project, 2016 http://bcapcodes.org/topics/development/.

EUI = kBTUs used annually per sq. ft Source: Building Codes Assistance Project, 2016 http://bcapcodes.org/topics/development/.

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter: JUHARRISON
Presenter: Stephen Pullen, Manager, Covey Center of the Arts
Department: Council
Requested Meeting Date:
Requested Presentation Duration: 20 minutes
CityView or Issue File Number: 25-059

SUBJECT: 2 A presentation regarding the Covey Center's 2025-2026 performance schedule. (25-059)

RECOMMENDATION: Presentation only.

BACKGROUND: The Covey Center for Arts is a state-of-the-art facility with capabilities for presenting even the most technically rigorous productions. From our new LED stage lights to our 45-channel mixing board, the Covey is a perfect place to perform music, dance, and theater that is visually awe-inspiring.

FISCAL IMPACT: N/A

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Community Identity: Provo Yesterday, Today, and Tomorrow
1. Celebrate historical assets and local character.
1a. Consider ways to support development, uses, and activities that continue to energize the historic downtown.
1b. Celebrate local arts and culture and all the stories of the regions through public art, open space, and community events.
1c. Continue to prioritize public art.

2025-26 Season
April 29, 2025
Producers Board



COVEY CENTER for the ARTS

2025-26 Season

$69, $79, $89, $99



COVEY CENTER for the ARTS

2025-26 Season

$69, $79, $89, $99



COVEY CENTER for the ARTS

2025-26 Season

$45, $65, $85, $105

Pollstar Data
Number of Shows: 31
Avg. Tkts. Sold: 1544
Avg. Tkt Price: $75
Avg. Gross: $119,908



COVEY CENTER for the ARTS

2025-26 Season

$45, $65, $85, $105

Pollstar Data
Number of Shows: 31
Avg. Tkts. Sold: 1544
Avg. Tkt Price: $75
Avg. Gross: $119,908



COVEY CENTER for the ARTS

2025-26 Season

$20, $25, $30, $35

Pollstar Data
Number of Shows: 1
Avg. Tkts. Sold: 539
Avg. Tkt Price: $35
Avg. Gross: $26,142



COVEY CENTER for the ARTS

2025-26 Season

$20, $25, $30, $35

Pollstar Data
Number of Shows: 1
Avg. Tkts. Sold: 539
Avg. Tkt Price: $35
Avg. Gross: $26,142



COVEY CENTER for the ARTS

2025-26 Season

$25, $35, $45, $55

Pollstar Data
Number of Shows: 30
Avg. Tkts. Sold: 1071
Avg. Tkt Price: $48
Avg. Gross: $50,477



COVEY CENTER for the ARTS

2025-26 Season

$25, $35, $45, $55

Pollstar Data
Number of Shows: 30
Avg. Tkts. Sold: 1071
Avg. Tkt Price: $48
Avg. Gross: $50,477

Ballet Folklorico

Dia de los Muertos



COVEY CENTER for the ARTS

2025-26 Season

$29, $39, $49, $59

Ballet Folklorico

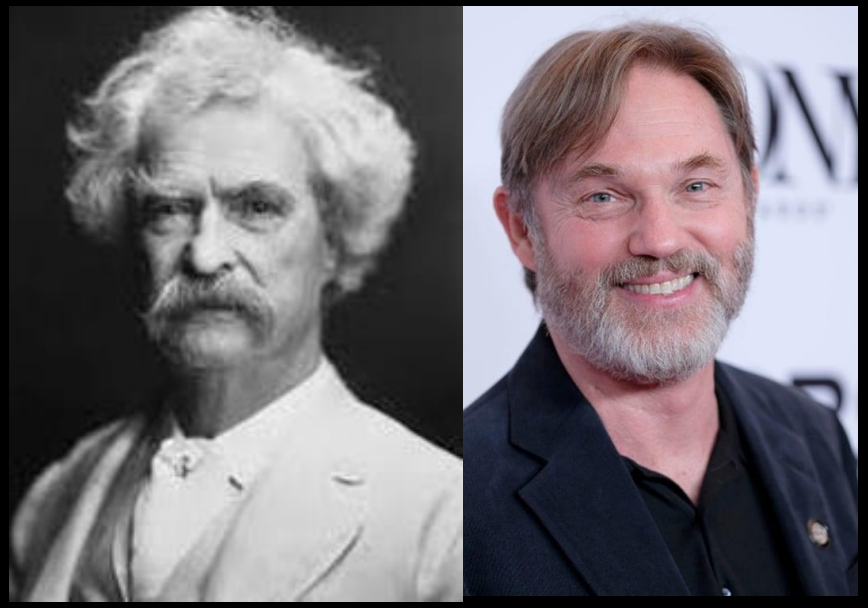
Dia de los Muertos



COVEY CENTER for the ARTS

2025-26 Season

$29, $39, $49, $59



Mark Twain Tonight!
Starring Richard Thomas

COVEY CENTER for the ARTS

2025-26 Season

$69, $79, $89, $99



COVEY CENTER for the ARTS

2025-26 Season

$29, $39, $49, $59



COVEY CENTER for the ARTS

2025-26 Season

$29, $39, $49, $59



COVEY CENTER for the ARTS

2025-26 Season

$69, $79, $89, $99

Pollstar Data
Number of Shows: 11
Avg. Tkts. Sold: 1978
Avg. Tkt Price: $78
Avg. Gross: $154,909



COVEY CENTER for the ARTS

2025-26 Season

$69, $79, $89, $99

Pollstar Data
Number of Shows: 11
Avg. Tkts. Sold: 1978
Avg. Tkt Price: $78
Avg. Gross: $154,909

Nutcracker



COVEY CENTER for the ARTS

2025-26 Season

Prices TBD with UMB

Nutcracker



COVEY CENTER for the ARTS

2025-26 Season

Prices TBD with UMB



COVEY CENTER for the ARTS

2025-26 Season

$59, $69, $79, $89



COVEY CENTER for the ARTS

2025-26 Season

$59, $69, $79, $89



COVEY CENTER for the ARTS

2025-26 Season

$29, $39, $49, $59



COVEY CENTER for the ARTS

2025-26 Season

$29, $39, $49, $59



Kalani Pe’a

COVEY CENTER for the ARTS

2025-26 Season

$29, $39, $49, $59



COVEY CENTER for the ARTS

2025-26 Season

$29, $39, $49, $59



COVEY CENTER for the ARTS

2025-26 Season

$35, $45 $55, $65

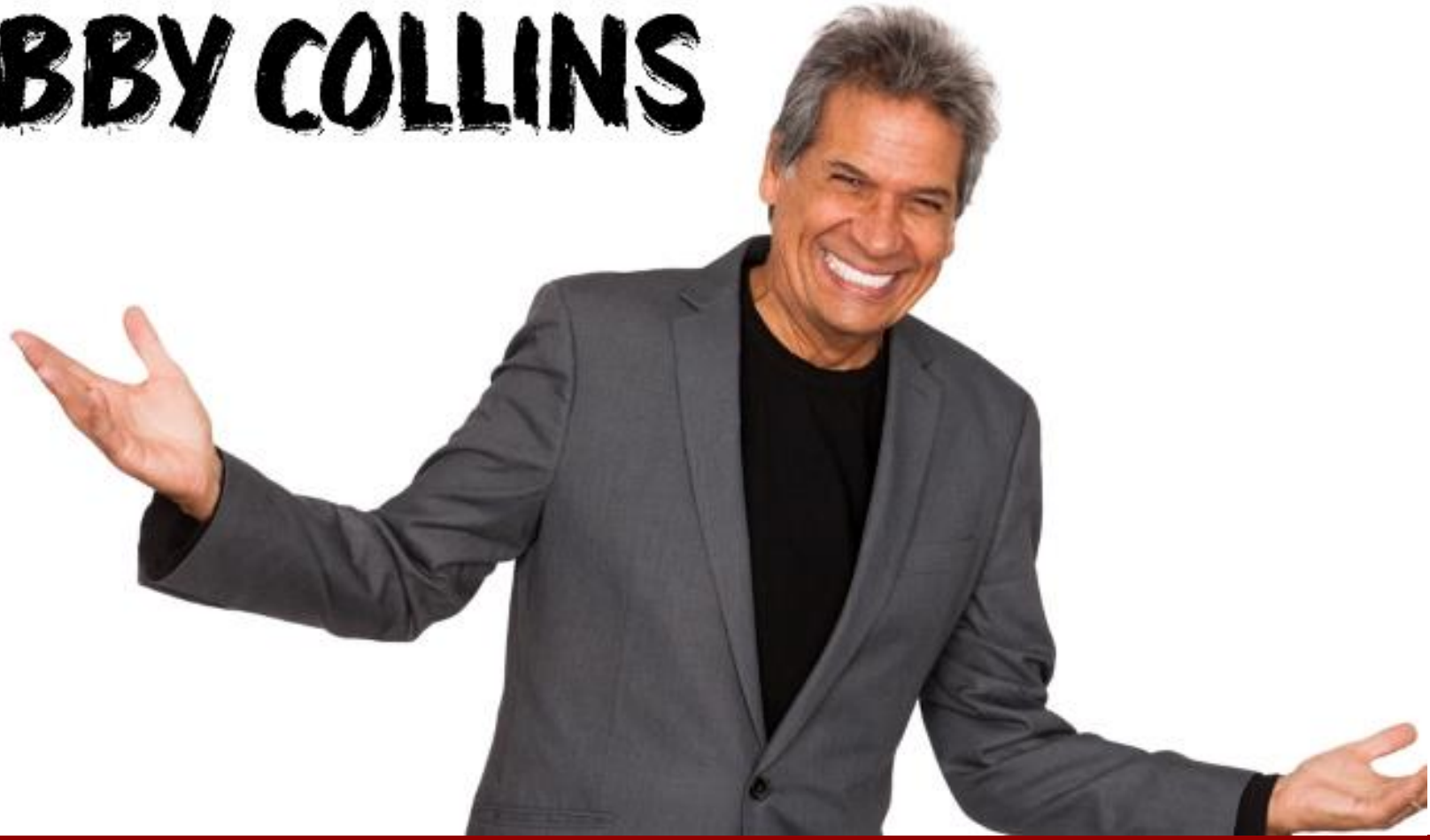


COVEY CENTER for the ARTS

2025-26 Season

$35, $45 $55, $65

BOBBY COLLINS



COVEY CENTER for the ARTS

2025-26 Season

$25, 35, $45 $55

BOBBY COLLINS



COVEY CENTER for the ARTS

2025-26 Season



COVEY CENTER for the ARTS

2025-26 Season

$69, $79, $89, $99



COVEY CENTER for the ARTS

2025-26 Season

$69, $79, $89, $99



COVEY CENTER for the ARTS

2025-26 Season

$25, 35, $45 $55



COVEY CENTER for the ARTS

2025-26 Season

$25, 35, $45 $55



COVEY CENTER for the ARTS

2025-26 Season

$25, 35, $45 $55



COVEY CENTER for the ARTS

2025-26 Season

$25, 35, $45 $55

Big Tribute: George Harrison



COVEY CENTER for the ARTS

2025-26 Season

$25, 30, $35, $40

Big Tribute: George Harrison



COVEY CENTER for the ARTS

2025-26 Season

$25, 30, $35, $40



COVEY CENTER for the ARTS

2025-26 Season

$20, $25



COVEY CENTER for the ARTS

2025-26 Season

2025-26 Season
April 16, 2025
Producers Board

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	KMARTINS
Presenter:	Mike Mills, Executive Director of Utah Reclamation Mitigation and Conservation Commission
Department:	Recorder
Requested Meeting Date:	05-06-2025
Requested Presentation Duration:	30
CityView or Issue File Number:	25-057

SUBJECT: 3 A presentation regarding Provo River channel enhancement (25-057)

RECOMMENDATION: Presentation Only

BACKGROUND: The restored Provo River delta area was opened to public access in the fall of 2024. With the bulk of the work on the delta itself completed, work has focused on improvements for the remaining portion of the Provo River from Lakeshore Drive down to Utah Lake State Park. Over the past few months, the structure to deliver water to this reach has been upgraded. Work will continue throughout 2025 and include completing a water management structure near Utah Lake State Park, fishing platforms, non-motorized boat launches, fish stocking, and repaving of the parkway trail. These investments will build on the past efforts to improve water quality and the Delta Gateway Park that is nearing completion. A new challenge emerging involves identifying an appropriate name for this stretch of water.

FISCAL IMPACT: NA

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
NA

Provo River Delta Restoration

Old Provo River Channel Status Update

Boundary Line Agreement: Provo City and United States



Provo City Council Work Session

PROVO RIVER DELTA

Michael Mills

Utah Reclamation Mitigation & Conservation Commission

Provo River Delta Restoration Project



Under Construction – Old Channel

Variety of projects will occur through 2025



Water Delivery

- 10 cfs dedicated to old channel
  - Higher flow for management
- Diversion Structure Retrofit

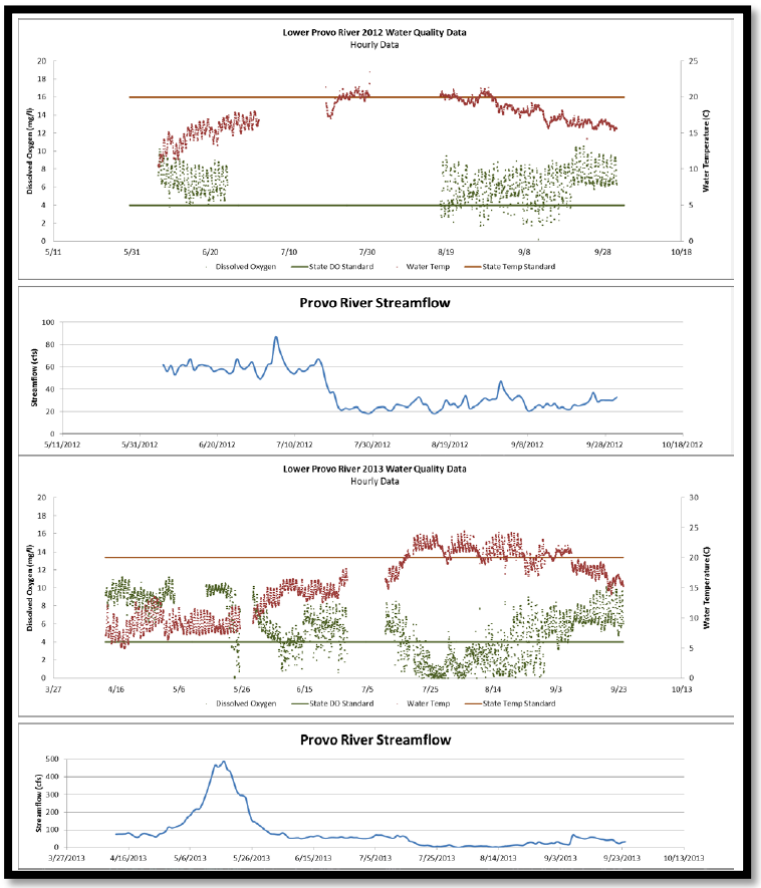


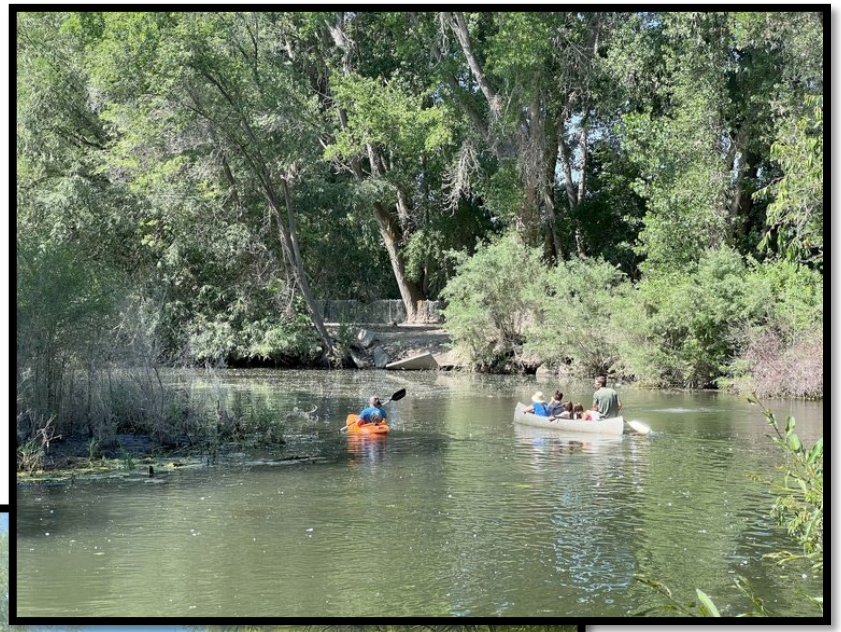




Water Quality

- Pre-project research indicated low oxygen concerns in the channel
- Aeration system installed in 2023
  - Series of pilot projects







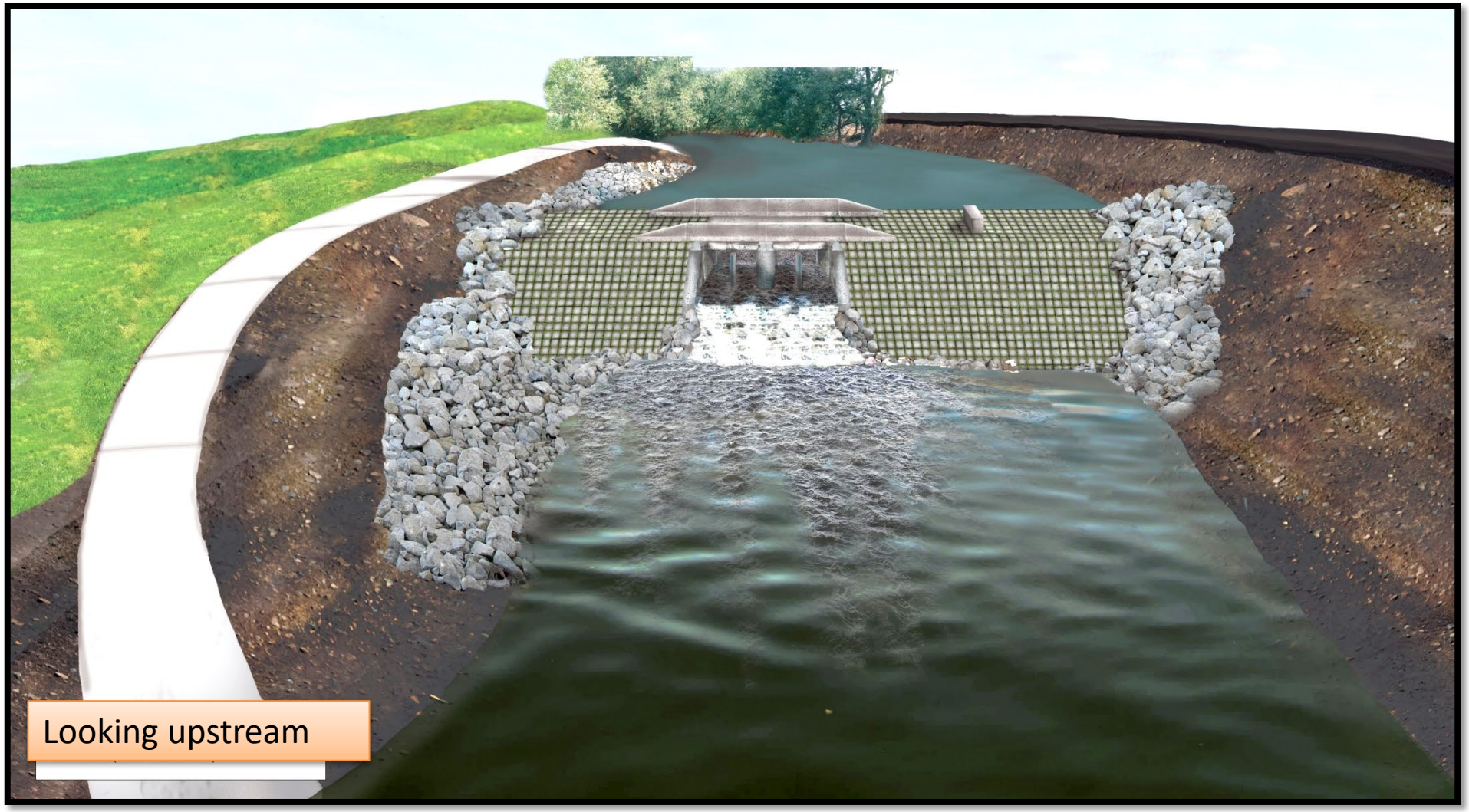
Small Dam at Utah Lake State Park

- Stabilized water level and water quality benefits
- July completion

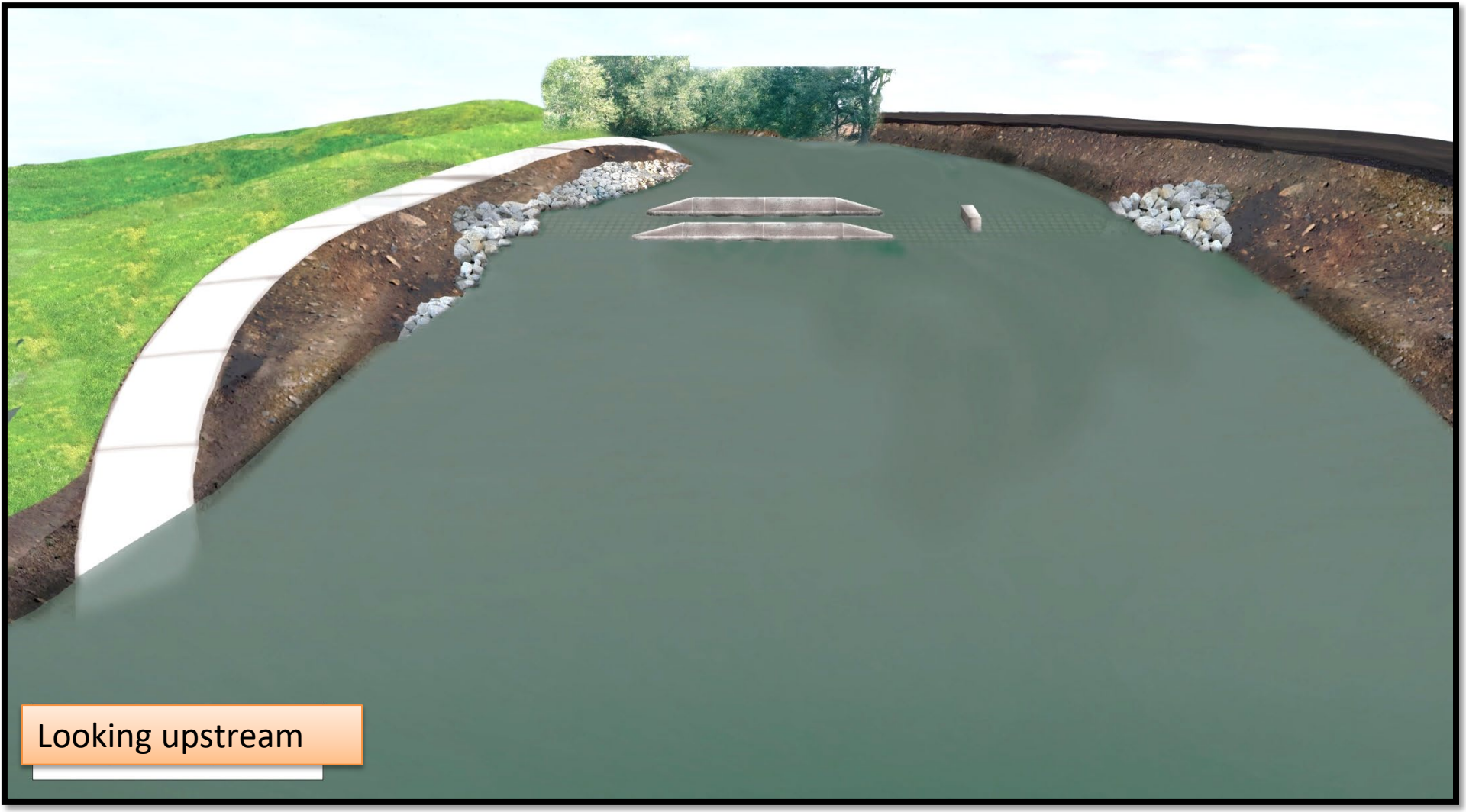




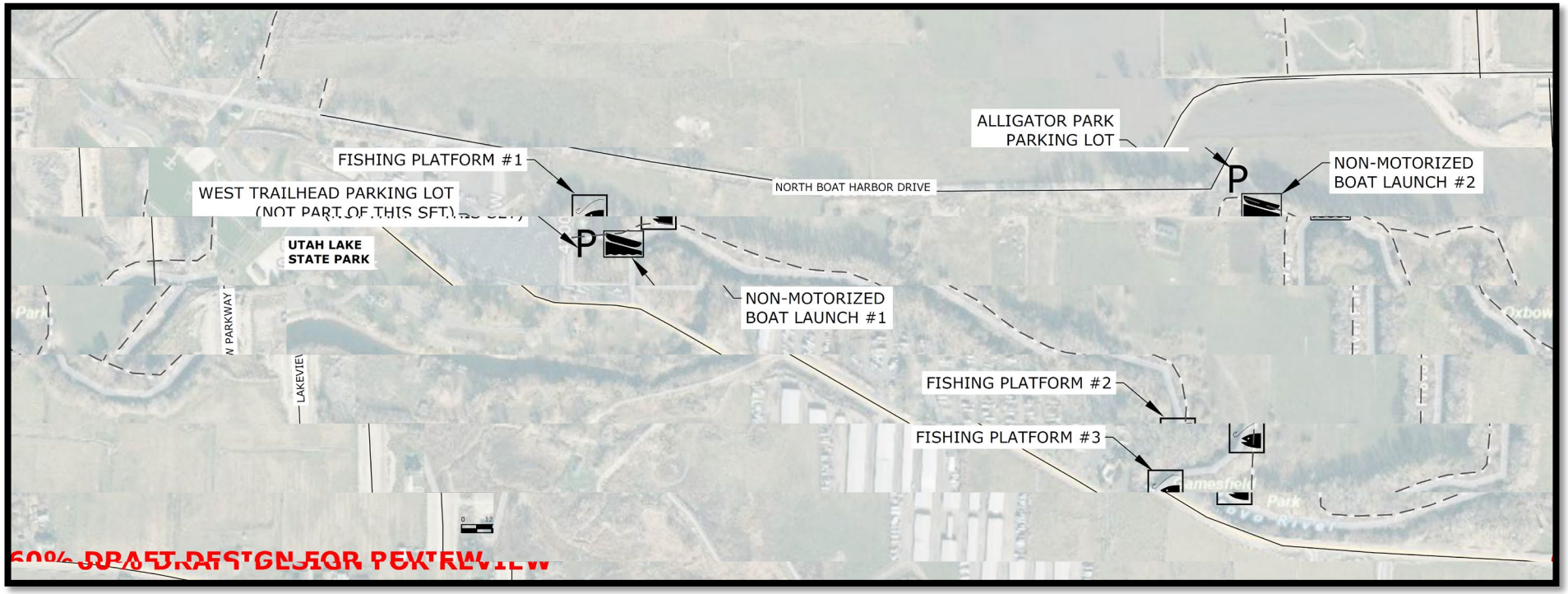
Small Dam – Low Lake Level (~4486')



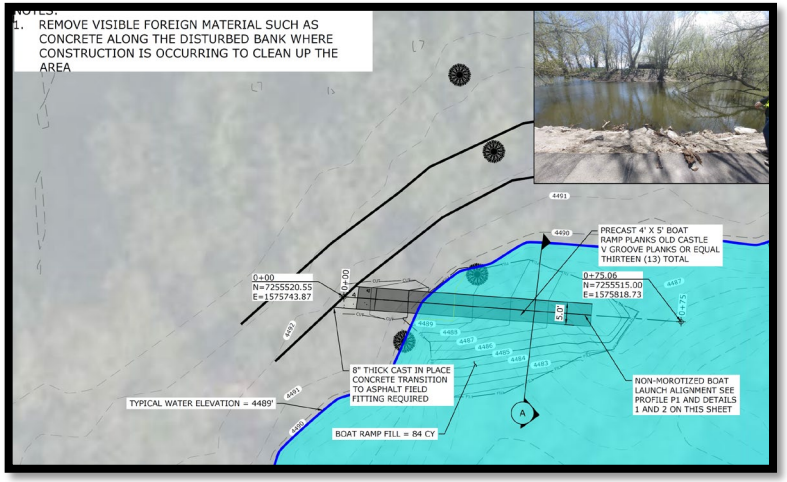
Small Dam – High Lake Level (~4492')

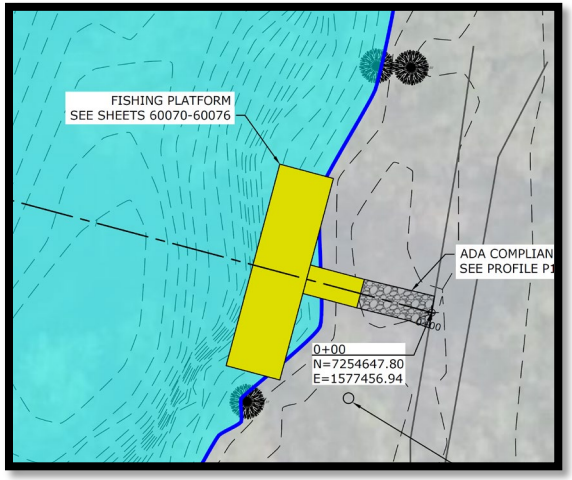


Fishing Platforms and Non-motorized Boat Launch



Locations and Design through recreational stakeholder group





Other Improvements

Fish stocking:

- 400 rainbow trout stocked in April
- 1000 more in May and June

Mosquito Abatement

- Increased monitoring since 2019
- Adding additional site for 2025
- Additional control as needed

Trail Paving:

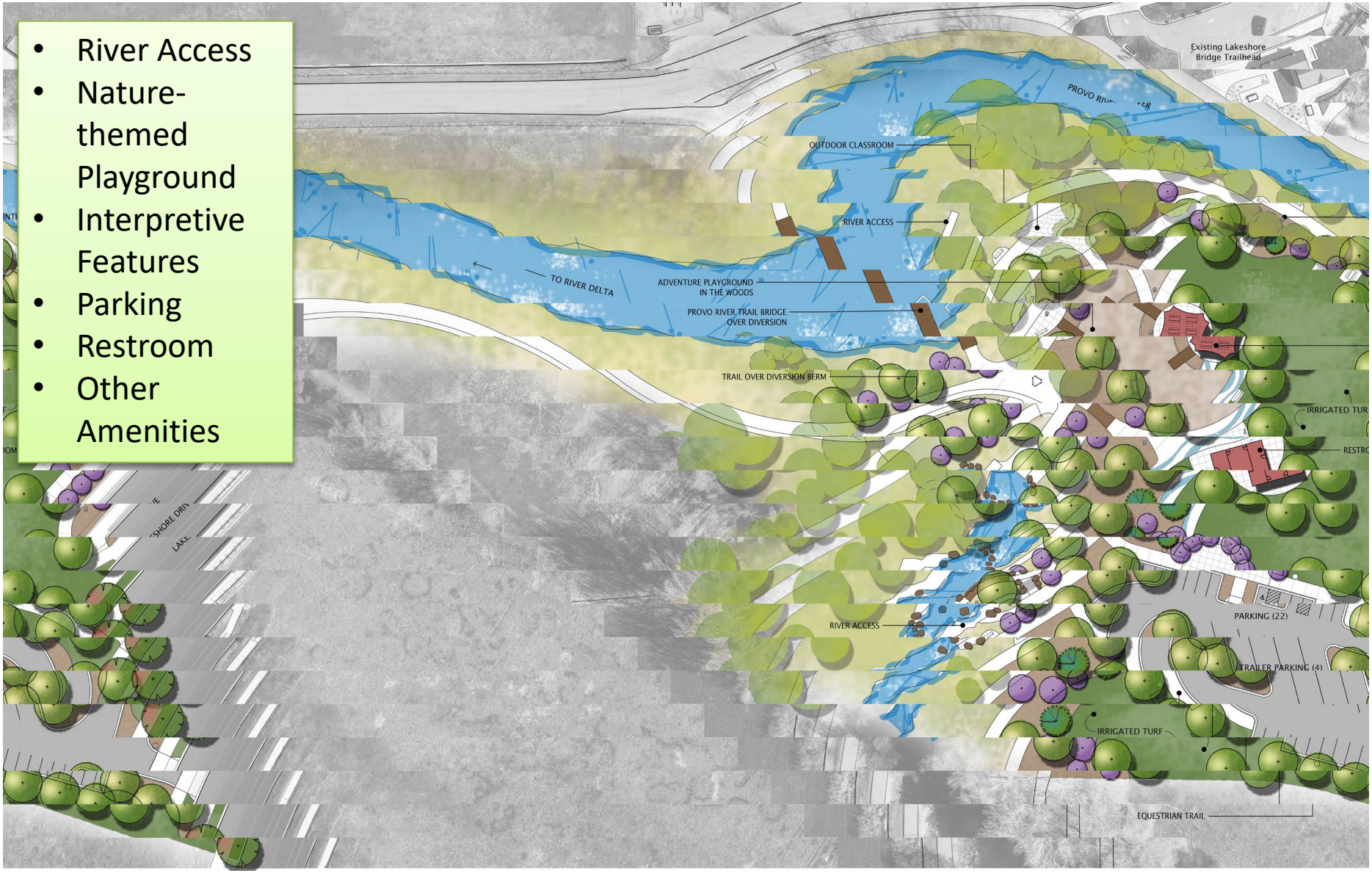
- Likely to take place in 2026
- Contract with Utah County





Partnership With Provo City: Delta Gateway Park

- River Access
- Nature-themed Playground
- Interpretive Features
- Parking
- Restroom
- Other Amenities



Delta Gateway Park



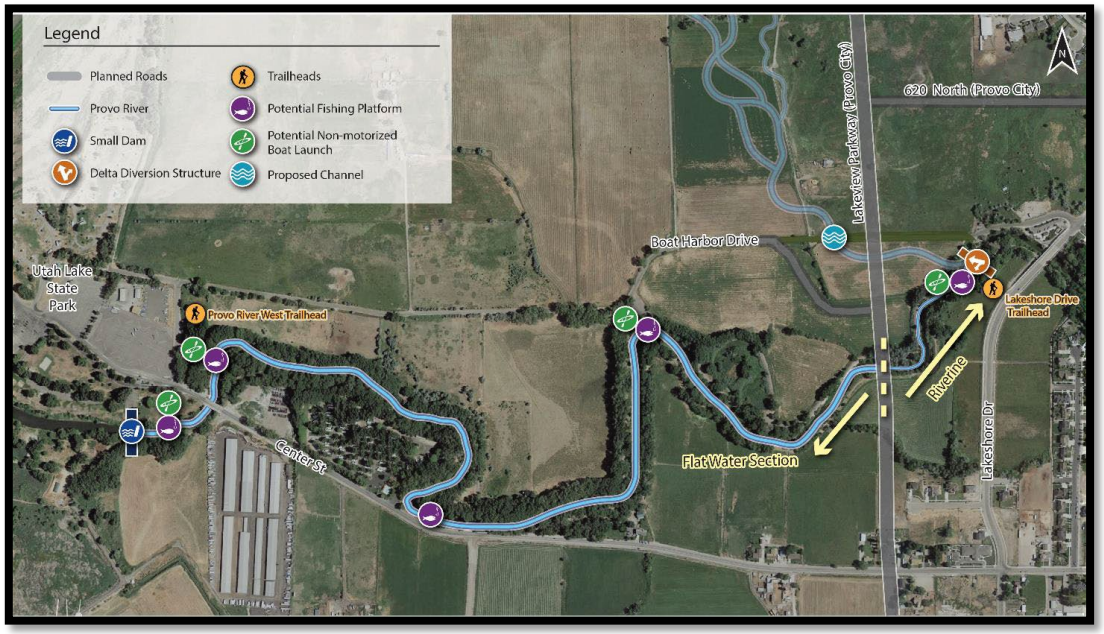




Grand Opening: June 25th

Moving Forward

- **Name for old channel?**
  - Alligator Park Pond
  - Provo River Lagoon
  - Airport Hollow
  - Other Ideas??
  - Naming Process??



- **Administrative agreements**
  - Boundary Line Agreement
  - Aeration easements

Provo River Delta Restoration Project



PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	MISANDERS
Presenter:	Justin Harrison, Council Executive Director
Department:	Council
Requested Meeting Date:	09-05-2023
Requested Presentation Duration:	5 minutes
CityView or Issue File Number:	25-060

SUBJECT: 4 A discussion and update regarding the Council Handbook (25-060)

RECOMMENDATION: In order to create consistancy across meetings, the Council Office has prepared an update to the Council Handbook that will allow for implied motions for RDA meeting items that come before the Board for final action.

BACKGROUND: During a recent RDA meting it cam to the attention of staff and the Board that implied motions are not considered withing the Council Handbook for RDA items. Teh RDA Board gave counci staff direction to return with the change at a future meeting.

FISCAL IMPACT: N/A

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

Foreword

In the course of serving as a public official, you will be involved with numerous issues. This Handbook attempts to centralize information on common issues related to Provo's form of government and your role as a member of the Provo Municipal Council.

The issues addressed are often complex and sometimes subjective. Thus, this Handbook is intended only as a guide and is not a substitute for the counsel, guidance, or opinion of Council Staff or the Council Attorney, nor is it intended to supersede any City ordinance or other applicable law. Any failure to follow a procedure described in this Handbook shall not invalidate any action taken by the Council, except as may be otherwise provided by law.

However, although much of the handbook is background information provided to assist the Council Members in their duties, sections that describe procedures and rules in addition to applicable law are viewed as the "rules regulating the business of the Council and the conduct of its members" per Provo City Code Section 2.50.010. In particular, Chapter IX Rules and Procedures for Meetings constitutes the rules of order and procedure governing public meetings of the Council that are required by UCA 10-3-606.

The Council intends to review and revise the contents of this Handbook as needed or at least every two years.

This Handbook was comprehensively updated and approved on December 12, 2023 at Council Work Meeting. This update supersedes and replaces all prior versions of the Handbook and any policy or procedure referenced herein. (The Handbook was originally adopted by the Council in Study Meeting on June 6, 2006.) Subsequent amendments should specify the meeting in which the amendment was adopted by the Council and are listed in the footnotes.

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I. Provo's Form of Government

As a political subdivision of the state, the powers of the City spring from the Utah Constitution and from powers specifically given it by the State Legislature. The State of Utah's enabling acts are generally found in Title 10 (the Utah Municipal Code) of the Utah Code (UCA). One of those powers, commonly known as the "police power" is the power to "pass all ordinances and rules . . . as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city." *UCA 10-8-84.* The Utah Supreme Court has held that this power is to be broadly interpreted unless specifically preempted or limited by state law. State v. Hutchinson, 624 P.2d 1116 (Utah Sup.Ct. 1980).

The Mayor-Council Form of Government

In 1977, the Utah State Legislature approved the Optional Forms of Municipal Government Act, which authorized a council-mayor form of government based on the constitutional framers' ideal of "separation of powers" between legislative and executive branches.

In 1982, Provo City shifted from a Mayor and two Commissioners to a Mayor and seven Council members. "The municipal government of Provo City is vested as two (2) separate, independent and equal branches of municipal government; the executive branch consisting of a mayor, a chief administrative officer, and the administrative departments and officers; and the legislative branch consisting of a Municipal Council having seven (7) members." *Provo City Code (PCC) 2.01.010 and UCA 10-3b-201.*

Checks and Balances

The Council-Mayor system has definite checks and balances and, in this respect, is similar to the Federal and State systems of government. For example, the Mayor must receive a majority confirmation from the Council on appointments of Department Heads, statutory officers, and members of City boards or commissions. Similarly, the Mayor may veto legislative acts of the Council, but a veto may be overcome by a 2/3 majority vote of the Council.

However, in some other respects, the Council-Mayor form of municipal government is not directly analogous to the State and Federal systems. For

example, the elected offices are all non-partisan and the Mayor is authorized by statute to attend and participate in meetings of the Council, but may not vote.

First Class City

With a population greater than 100,000 residents, Provo is classified by state law as a city of the first class. In certain respects defined by state law, such cities are subject to requirements that other cities may not be, for example with respect to budgets and financial reporting. *UCA 10-2-301(2)(a).*

II. The Mayor

The Mayor exercises executive power. The extent of that power is described and defined more fully in Utah Code and Provo City Code.

Utah Code 10-3b-202 describes the role of the Mayor in the Council-Mayor form of government and, as of this writing, states that the Mayor:

- is the chief executive and administrative officer of the municipality;
- exercises the executive and administrative powers and performs or supervises the performance of the executive and administrative duties and functions of the municipality;
- **shall**:
    - keep the peace and enforce the laws of the municipality;
    - execute the policies adopted by the council;
    - appoint, with the council's advice and consent, qualified persons to certain mandatory city positions;
    - provide to the council, at intervals provided by ordinance, a written report to the council setting forth prescribed budgetary matters;
    - report to the council the condition and needs of the municipality
    - report to the council any release of a person from imprisonment for violation of a municipal ordinance;
    - report to the council at its next meeting any fine of forfeiture remitted; and
    - perform every duty prescribed by state statute or required by a municipal ordinance that is not inconsistent with state statute;
- **may:**
    - subject to budget constraints, appoint deputies or administrative assistants to the mayor and create administrative offices and appoint persons to such offices;
    - appoint, with the council's advice and consent, department heads, statutory officers, and members of city commissions, boards, or committees;
    - dismiss any person appointed by the mayor;
    - as provided in Section 10-3b-204, veto an ordinance, tax levy, or appropriation passed by the council;
    - exercise control of and supervise each executive or administrative department, division, or office of the municipality;
    - regulate and prescribe the powers and duties of each other executive or administrative officer or employee of the municipality (consistent with applicable statutes and ordinances);
    - attend each council meeting, take part in council meeting discussions, and freely give advice to the council;
    - appoint a budget officer to serve in place of the mayor to comply with state statutes regarding fiscal procedures;

    - execute an agreement on behalf of the municipality, or delegate, by written executive order, the authority to execute an agreement on behalf of the municipality if within budget appropriations and countersigned by the city recorder;
    - at any reasonable time, examine and inspect the official books, papers, records, or documents of the city or any officer, employee, or agent;
    - remit fines and forfeitures;
    - if necessary, call on residents of the municipality over the age of 21 years to assist in enforcing the laws of the state and ordinances of the municipality; and
    - release a person imprisoned for a violation of a municipal ordinance; and
- **may not** vote on any matter before the council.

Provo City Code Section 2.10.030 also describes the role of the Mayor. Much of this section duplicates provisions of state code listed above, but it states, as of this writing, that the Mayor's duties and powers also include:

- being the City's official head for ceremonial purposes;
- hiring, disciplining, and terminating all executive employees;
- supervising and/or coordinating the administrative functions of those authorities and agencies which are related to or affect City operations, such as Housing and Redevelopment, to the extent requested or delegated by the officers or bodies having primary responsibility for the operation of such authorities or agencies;
- recommending to the Municipal Council for adoption such measures as may be deemed necessary or proper for the efficient and proper operation of the City;
- authorizing the issuance of such executive rules and regulations for the general operations of the City which are not in conflict with the laws of the State, the Provo City Code or other City ordinances;
- preparing and submitting to the Municipal Council a State of the City report and an annual report of the City's financial affairs;
- supervising the purchase of materials or services and authorizing expenditure of funds in accordance with applicable law; and
- issuing proclamations.

The Mayor, as chief executive officer, has broad discretion in the administration of City government.

III. The Council

Election of Council Members

Five of the Municipal Council's seven members are elected from geographical council districts and two are elected to city-wide seats. Council members are elected for terms of four years, which are staggered. Three district council seats and one city-wide seat are elected during one election. The remaining two district seats and one city-wide seat are elected two years later, along with the mayoral election. All municipal elections are held in the odd-numbered years and are considered non-partisan. *PCC 2.01.050.* See Chapter VII for additional information on elections.

Council Members Represent the City and Act as a Body

Council members represent the Council and the City through public appearances, speaking engagements, and through media communications. Council members should always clarify whether they are acting in a Council capacity or as private individuals.

Official Council positions should be communicated by the Council Chair after they have been approved by a majority of the Council.

In addition, when a Council member is responding to a question, it is important to publicly note that a Council majority is required for any Council action. When discussing the enforcement or interpretation of an existing City ordinance, good judgment would include a referral to the appropriate administrative staff for the final word.

Service on City-Related Organizations

Council members also serve, by virtue of their election, in certain City-related organizations. The Redevelopment Agency Board (referred to by State Code as the Community Development and Renewal Agency Board, *UAC 17C*) is the most notable example. Others include the Municipal Building Authority of Provo City, the Provo City Stormwater Service District, and service by the Council Chair on the board of the Provo Foundation.

These organizations usually meet during or after a regularly noticed Council meeting. For example, when a meeting is needed for one of these bodies, the Council meeting is formally recessed, and the Council reconvenes as the governing board of the entity. The governing board will

discuss and take action on business items as needed. For an action to be taken, four or more members of the governing board must vote in the affirmative. *PCC 2.31*.

Powers and Duties

The Council exercises the City's legislative power. The extent of that power is described and defined more fully in Utah Code and Provo City Code.

Utah Code 10-3b-203 describes the role of the Council in the Council-Mayor form of government and, as of this writing, states that the Council:

- **shall**:
  - legislate the manner in which city property is bought, sold, traded, encumbered, or otherwise transferred, and how subdivisions and annexations are considered or regulated;
  - pass ordinances, appropriate funds, and review municipal administration;
  - perform all other legally imposed duties; and
  - elect a chair;
- **may:**
  - adopt a municipal administrative code dividing the administration into departments and defining the functions and duties thereof;
  - adopt an ordinance creating, consolidating, or abolishing administrative departments or altering the functions and duties thereof;
  - make suggestions or recommendations to subordinates of the mayor;
  - appoint, and delegate investigative power to, committees of council members or citizens to investigate any officer or department of the city or matter relating to the welfare of the city;
  - make rules or regulations for the governance of the council; and
  - take any action under the general "police power;"

- **may not:**
  - direct or request, other than in writing, the appointment or removal of a person to or from an executive office;
  - interfere with an executive officer's performance of their duties; or
  - give orders to a subordinate of the mayor.

Provo City Code Section 2.50.070 also sets forth powers and responsibilities of the Council and states:

> "The Municipal Council is the policy making body of the City and thus shall exercise the legislative powers of City government, including the adoption of the Provo City Code, other ordinances and resolutions, approving long-term contracts or commitments of City resources beyond current fiscal budget, setting appropriate tax levies, adopting the City budget, setting sewer, water, and power rates, and other general and service rates, and will exercise other rights and responsibilities accorded the Council by law."

The above powers can be categorized into the three core functions of the Council: making law; appropriating money (including budget approval); and executive oversight. *UCA 10-3b-203(1)(a)(ii).*

MAKING LAW (AND EXERCISING ADMINISTRATIVE POWERS)

Ordinances

The Council exercises its lawmaking power by passing ordinances. Various state laws govern the form, procedure, and effective date of ordinances. *UCA 10-3-701*.

Resolutions

In addition to its legislative powers, the Council also holds certain defined administrative powers. These powers are generally exercised by resolution and include:

- establishing water and sewer rates;
- establishing fees for city services;
- establishing personnel policies and guidelines; and
- regulating the use and operation of city property. UCA 10-3-717.

Resolutions are also used to consent to Mayoral appointments, fill midterm vacancies in elected offices, and to express the will, intent, or view of the Council.

Maintaining the Municipal Code

The Council is responsible for the accurate maintenance of the Provo City Code. The Council is also responsible to provide public access to the

Code. The Council staff manages this responsibility through the publication of the code and the updating of the Code on the City website.

APPROPRIATING FUNDS

The Council principally exercises its power to appropriate funds by passing a City budget. Additionally, the Council may appropriate specific amounts of money for specific purposes from time to time.

City Budget Oversight and Process

The budget is one of the Council's strongest policy-making tools. Each year the Council expresses its priorities though annual City budget appropriations. A good budget can be used as a planning tool because it conveys what the government expects to accomplish during the coming year. Ultimately, the budget should be a reflection of policy priorities, a financial operating plan, and a tool for communicating with the public about how money is spent.

Mayor's Budget Recommendation

It is the responsibility of the Mayor to make recommendations regarding budget expenditures. The Mayor also determines the most efficient and effective way of using resources to achieve the policy priorities established by the Council. Ultimately, the administrative staff are the experts on the "how to" part of the budget.

Mayor's Annual Tentative Budget

As provided by UCA 10-6-111, the Mayor's Annual Tentative Budget must be submitted to the Council by the first regular Council Meeting in May.

Adoption of the Annual Budget

Prior to adopting the annual budget, the Council receives the Mayor's tentative (proposed) annual budget. The Council is charged with determining if the Mayor's tentative annual budget reflects an appropriate funding balance of public service levels, personnel costs, creation and operation of City departments, operation and maintenance of City facilities and equipment, level of City reserves, and capital improvement projects.

The Council has the right to adjust the Mayor's proposed budget to reflect Council priorities as long as the budget remains balanced. The Council amends the budget by passing the budget changes to the Mayor's proposed budget. *UCA10-6-135(4).* In addition, the Council may, by following legal procedure, adjust tax rates and implement or adjust fees.

Unless the Council sets a "Truth in Taxation" hearing to consider changing the property tax rate, the final budget must be adopted before June 30th.

Property Tax Increases

If a property tax increase is under consideration as a part of the budget process, the Council must provide notice of and hold a public hearing before adopting the tax increase. Pending adoption of a final budget, the City may operate on the approved tentative budget or on the previous year's final budget if readopted by resolution. Following the public hearing on the tax increase, the final budget must be adopted before September 1st.

EXECUTIVE OVERSIGHT

The Council has an express mandate under state law to “review municipal administration.” Consistent with the strict separation of powers found in Provo's form of government, Utah law prohibits Council members from interfering with officers and the performance of their duties. The Council may not give orders to any subordinate of the Mayor either publicly or privately, but may make suggestions and recommendations. However, the Council may investigate the administration of City government and make policy recommendations. Such oversight may take a number of forms, some of which are described below.

Yearly Audit and Financial Report

Each year, following an audit by an independent auditor selected by the Council, the audit findings and a financial report must be presented to the Council. The annual audit and financial report assist the Council in reviewing municipal administration and providing financial oversight of the City's financial affairs.

Requests for Information

Council members or Council Committees may request readily available information which normally would require only the copying of

existing documents from individual Department Heads or the Mayor. This information will be delivered to the Council Executive Director and distributed to all Council members.

If, at the Mayor’s discretion, the requested information requires sufficient effort, the Mayor will notify the Council Chair of the need for approval by four or more Council members. When approval is obtained, the request will be forwarded by the Chair to the Mayor for action. At this time, the Chair and the Mayor should agree upon a date of delivery. This information will be delivered to the Council Executive Director and distributed to all Council members.

City Board Member Approval

City Board members are appointed by the Mayor with the advice and consent of the Council. Upon the Mayor’s presentation to the Council of City Board nominees, the Council must decide if the Mayor’s appointments are appropriate. Among other things, consideration may be given to geographic place of residence, length of residence, ability, and willingness to serve, availability of time, ethnic diversity, and depth of expertise. A majority vote of the Council in a Council Meeting is required to approve a Mayoral appointment. *PCC 2.50.080.*

On a related note, the Metropolitan Water District Board is a separate legal entity from the City and is a political subdivision of the state in its own right. However, pursuant to state law, the members of its board are appointed by the Council. This is a statutory duty imposed on the Council and differs from the routine practice of

consenting to Mayoral appointments, with a statutory process for considering applicants.

Process to Approve Mayoral Appointments[1]

1. After receipt of the Mayor's recommendation for Board and Commission appointments and reappointments, along with specified supplemental information (for new appointments, the application and/or resume of the applicant), the Municipal Council Executive Assistant will distribute the recommendation and supplemental information about each nominee to all Council Members for their review and evaluation.
2. Council Members will have seven days following receipt of each recommendation and supplemental information to evaluate the nominee (which may include communicating with the nominee and/or gathering additional information) and provide feedback, including objections, directly to the Council Executive Director and Council Executive Assistant.
3. The Council Executive Director shall deliver any feedback from Council Members to the Mayor and Council Leadership. If no feedback was received from Councilors, the Municipal Council Executive Director shall direct the Council Executive Assistant to prepare the resolution for board appointments at the next available Council Meeting. If feedback was received from Councilors, the Council Executive Director will review the comments with Council Leadership. Council Leadership, or the Executive Director at Leadership's direction, will then review the feedback with the Mayor and ask if the Mayor would like to proceed, continue the matter, or withdraw the appointment. (Note that prior to a vote, discussion may take place in a closed session regarding a nominee's character, professional competence, or physical or mental health. This is preferred to presenting such issues for the first time during the vote on the appointment.)

IV. Role of Council Leadership

Election of Council Chair & Vice-chair

At the first Council Meeting of each year, as required by City ordinance, the Council elects a Chair and Vice-chair. The elections are listed as an action item on the Council's agenda.

Chair and Vice-chair Election Process

- The current Council Chair conducts the Council Meeting until after the election process is completed.
- When the Chair-election agenda item is reached, the current Chair asks for nominations from Council Members for a new Chair (no second is required for a nomination).

[1] Amended July 12, 2022 Work Meeting.

- **By Code, no discussion on the nominations is allowed.**
- When all nominations have been made, the Chair then calls for a separate vote on each nominee in the order of their nomination. As soon as any nominee receives four or more votes, that nominee is elected as the new Chair and no more votes are held. Likewise, it is not necessary to ask for, or record, votes against a nominee, as the number of affirmative votes alone will be determinative.

- If no nominee receives four or more votes in the first round of voting, then subsequent rounds of voting will continue until a majority vote is accomplished.
- The current Chair then repeats the process for the office of Vice-chair.

Election Resolution

Immediately following the conclusion of the Leadership election for Chair and Vice-chair, the Council will consider a resolution acknowledging the election of the Municipal Council Chair and Vice-chair for the calendar year. The new Chair and Vice-chair then exchange seats with the outgoing leadership. The newly elected Chair assumes leadership and conducts the remainder of the Council Meeting. *PCC 2.50.020.*

Chair Responsibilities

The duties of the Chair are:

- Conduct all meetings of the Council as a whole
- Set Council meeting agendas
- Sign all ordinances and resolutions
- Sign all other documents on behalf of the Council as a whole
- Communicate with the Mayor on the Council's behalf
- Communicate official Council position statements that have been approved by a majority of the Council
- Disseminate information from the Mayor to the Council
- At the beginning of each year after the election of the new Chair, propose to the rest of the Council for approval all committee and liaison assignments, including the Chair and Vice-chair for each committee
- Direct the operation of the Council Office and staff. *PCC 2.50.030*

The Chair is elected to represent the Council and is considered the Council's spokesperson to the:

- Media
- Public
- Mayor

The Vice-chair may exercise all the powers and authority of the Chair in the Chair's absence or inability to act or at the Chair's direct request. *PCC 2.50.030(5).*

V. Council Committees and Liaisons

Municipal Council Committees[2]

When the Council forms a new committee, it shall vote to designate the name and mission statement of the committee, its designation as standing or ad hoc, to appoint the voting members, and to select the Chair and Vice-chair of the committee. Each year, following the election of the Council Chair, the new Council Chair has traditionally proposed updated Committee assignments, which are then voted on by the Council. The Chair usually asks Council members to indicate their interests and time constraints prior to the Chair making assignments. *Council Handbook Appendix 3,* and *PCC 2.50.110.*

At times Council members serve on boards that require Mayoral appointment and Council advice and consent. *Council Handbook Appendix 3.*

Citizen Involvement in Committees[3]

It is common for Council committees to invite private citizens to provide information, advice, or counsel to the committee. Additionally, pursuant to Utah Code 10-3b-203, the Council may appoint committees of citizens to conduct investigations into any matter relating to the welfare of the City. These are different than City Boards whose members are appointed by the Mayor in that they are typically formed to advise the Council rather than the administration. On occasion such bodies may be formed jointly with the administration.

Two such organizations have been created by ordinance:

The **Neighborhood District Program** is a citizen program which provides a vital link between neighborhood concerns and local government. The Neighborhood District Program provides public participation and involvement in Provo City affairs and facilitates communication between the Provo City Council and the public. Each Provo resident resides within a neighborhood and those neighborhoods are grouped into districts, which are led by an Executive Board. Each Neighborhood District Executive Board is comprised of seven (7) to eleven (11) Provo residents from within the boundaries of the district. Executive Board Members serve 48-month terms and are appointed by the City Council, with input from residents. Residents, Executive Boards, and Provo City staff meet at regularly scheduled district meetings held at City Hall or over Zoom to solve local problems, achieve shared goals, build community, organize social activities, and learn what the City is doing and how they can share that information with their neighbors. Officers of the Executive Board are selected by residents in their neighborhood districts and serve on a volunteer basis. *PCC 2.29.*

[2] Amended August 7, 2018 Work Meeting
[3] Amended August 7, 2018 and December 12, 2023 Work Meeting

For additional information about Provo City's Neighborhood District Program, visit the Provo City Neighborhood District Program Handbook.

Provo Youth City Council is a youth citizen program coordinated by Council staff. The program is designed to allow high school youth of our City to actively participate in local government to achieve the quality of leadership Provo City needs and deserves in the future. *PCC 2.37.*

Communication with Boards

By statute, the Municipal Council has established standing boards that are advisory to the Mayor and the Municipal Council. In most instances, members are appointed by the Mayor, with the advice and consent of the Council. Other boards that are independent from the City are also closely linked with the City, such as the Metropolitan Water District Board. In an effort to improve communication with these organizations and enhance the Council's ability to receive, understand, and consider advice relative to outcome policies affecting the City, the following internal governance policies are adopted:

Council Member Liaison[4]

Annually, and after considering Council Members' interests, the Municipal Council Chair shall appoint a Council Member to serve as a liaison to:

City Advisory Boards with a History of Council Liaisons

- Agriculture Commission
- Airport Board (PCC 2.21)
- Arts Council (PCC 2.22)
- CDBG Committee
- Energy Board
- HOME Committee
- Parks and Recreation Board (PCC 2.38)
- Transportation and Mobility Advisory Committee (PCC 14.04B)
- Sustainability and Natural Resource Committee

Non-City Boards with City/Council Appointments/Liaisons (by rule, tradition, or request)

- Downtown Provo Inc.
- Metropolitan Water District Board (PCC2.20.040(1))
- Mountainland Association of Governments Executive Council
- South Utah Valley Solid Waste District (SUVSWD)
- ULCT Legislative Policy Committee
- Utah Lake Authority
- Utah Municipal Power Authority

[4] Amended December 12, 2023 Work Meeting

- Council Members serving as a liaison to these bodies will have the opportunity to give a verbal report to fellow Council Members and the community during the Presentations, Proclamations, and Awards portions of regularly scheduled council meetings.

Joint-Meetings[5]

The Municipal Council may have an annual joint-meeting to discuss issues of City policy and oversight with the following:

- Airport Board
- Energy Board
- Landmarks Commission
- Metropolitan Water District Board
- Parks and Recreation Board
- Planning Commission
- Transportation and Mobility Advisory Committee
- Utah Municipal Power Authority

Advice to Council

When advising the Municipal Council on outcome policy issues, advisory organizations best assist the Council when they prepare and deliver written advice to the Council for deliberation.

Distribution and Review of Records

Council Staff will ensure Council Members are informed of any policy advice, recommendations, or requests received from these boards and have access to agendas and meeting dates.

[5] Amended December 12, 2023 Work Meeting

VI. The Council Office

Provo City Code 2.50.090 enables the Municipal Council to appoint legislative staff to support the Municipal Council in the exercise of its powers and in the performance of its responsibilities.

The Council Chair supervises the Council staff and is responsible for the operation of the Council Office. Traditionally, and by City Code 2.50.130(1)(k), these duties have been delegated to the Council Executive Director.

Council Office staff are City employees and receive the same salary and benefits as other City employees as outlined in City Code 4.04. Council Office employees are at-will and are not part of either the City's classified or unclassified civil service.

Executive Director

The Municipal Council may appoint an Executive Director to exercise duties consistent with Council's primary functions pertaining to legislation, appropriations, and review of municipal administration. The Municipal Council has set forth the Executive Director's powers and duties (such as coordination of Council activities, supervision of Council employees, and operation of the Council Office) in Provo City Code 2.50.130.

Policy Analysts(s)

Policy Analyst(s), formally classified as Management Analysts, support the City Council by performing policy research and analysis, preparing reports and drafting legislation, and providing support at Council and committee meetings.

Community Relations Coordinator

The Community Relations Coordinator, formally classified as a Management Analyst, performs duties in support of the City Council's community outreach and communications efforts with news media, social media, newsletters, broadcasting of Council meetings, and coordination of the Neighborhood Program.

Council Office Clerk[6]

The Council Office Clerk, formally classified as a Management Analyst, oversees the agenda management system within the Council Office, provides for

[6] Amended December 12, 2023 Work Meeting

meeting noticing in compliance with State law, takes meeting minutes, performs record keeping functions and replies to requests for public records.

Executive Office Assistant

The Executive Office Assistant performs necessary secretarial, clerical and specialized duties in support of the Council and the Executive Director, including record keeping, minutes, correspondence, scheduling, purchasing, and interacting with the public. As assigned, the Executive Office Assistant also supports or coordinates various programs, such as matching grants for the Neighborhood Program, and others.

Intern(s)

The Executive Director may engage interns (typically university or high school students) to assist the Executive Director and the Municipal Council in a variety of assignments and administrative projects. At the discretion of the Executive Director, internships may be paid or unpaid.

Individual Council members may engage interns (typically university or high school students) to assist the Council member in a variety of assignments or projects of interest to the Council member. Interns engaged by individual Council members will not be paid by the City. The use of City offices, equipment, or materials is at the discretion of the Executive Director and is subject to City policies.

Council Attorney and Outside Counsel[7]

Provo City Code 2.10.110 establishes a City Attorney and the Office of Legal Services which are responsible for the proper administration of the legal affairs of the respective executive and legislative branches of City government. The City Attorney, or a designee, located in the Office of Legal Services, serves serve as counsel for the Municipal Council to:

- to furnish legal advice, counsel and assistance to the Municipal Council in relation to their duties and the business of the City;
- to direct and/or coordinate as determined by the Municipal Council respectively all legal services performed by special counsel for the City who may be employed from time to time to provide legal services for the City;
- to prepare as requested or approve as to legal form all ordinances and resolutions presented to the Mayor or Municipal Council;

Confidentiality[8]

When articulated to the City Attorney or an attorney assigned to the Municipal Council, Council Members and the Executive Director have a right to request and

[7] Amended May 4, 2021 Work Meeting

expect attorney/client confidentiality, unless said confidentiality violates legal and ethical standards as determined by the City Attorney.

Outside Counsel

PCC 2.10.110 also enables the Municipal Council to retain separate counsel to assist in legal issues, arising out of differences between the two branches. The following policies also pertain to the retention of outside counsel.

Budget for Separate Legal Counsel

The Municipal Council shall annually allocate monies to provide for the retention of separate legal counsel, to be used on an as-needed basis by the collective Council or individual Council Members. A minimum of $15,000 shall be allocated. Any unused monies for this purpose in a previous budget year will be rolled over to the subsequent Council Office budget with a cap of $30,000. The Council may appropriate additional funds at any time for this purpose by resolution.

Retention of Separate Legal Counsel

The following procedures shall be followed for the retention of separate legal counsel:

1. All Municipal Council Members shall have access to separate legal counsel for the purpose of preliminary research or questions relative to Council business. Retention of such counsel shall be coordinated with the Executive Director, who shall, upon request, identify appropriate legal counsel (based on experience and expertise) for the legal question presented. The cost of such access shall not exceed $2,000 per Council Member annually. Each contracted separate legal counsel shall be contractually obligated to terminate service to the individual Council Members once $2,000 in cost is reached.

2. Council Members may pool their individual legal counsel allocations for a common research question.

3. If additional monies are needed to study an issue beyond what the individual resource allocation may cover, or where appropriate under PCC 2.10.110, the Council may, by majority vote, adopt a legal question as a Municipal Council work project and utilize additional budgeted monies for that purpose.

Other Professional Services[8]

The Municipal Council shall appropriate funds necessary to perform required annual audits and any internal audits it deems appropriate. All such funds are in addition to funds budgeted for the retention of separate legal counsel.

[8] Amended May 4, 2021 Work Meeting

Additionally, the Municipal Council may, by majority vote, adopt any question or issue as a Municipal Council work project, and retain other professional services relative to Council business. The Municipal Council may choose to use funds appropriated for the retention of separate legal counsel.

Council Requests of Staff[9]

Staff will respond to requests from Council members with resources that are readily available in the Council Office. Out of respect for other Council members and in consideration of Office priorities, Council member requests should be submitted electronically through the Council Issue Request submission portal. The Chair and the Executive Director will decide how to best facilitate Council Member requests. All requests can be viewed by Council Members on the Council Issue Tracker.

Council Office Hiring Process[10]

The Executive Director shall be recruited by establishing an ad-hoc hiring committee that determines the steps to recruit and select candidates that shall be approved by the Council in a Work Meeting. These processes may include other mechanisms beyond standard City hiring practices. Any Council Member desiring to be a part of the final candidate interviews and evaluation are permitted to do so.

All other Council Office positions as stipulated above, are hired through standard City recruitment processes by the Executive Director and under the direction of the Council Chair.

[9] Amended December 12, 2023 Work Meeting
[10] Amended May 4, 2021 Work Meeting

VII. Election Information

Municipal elections are non-partisan. If required, primary elections are held the first Tuesday after the first Monday in August in odd numbered years. UCA 20A-1-201-5.

General elections are held the first Tuesday after the first Monday in November in odd numbered years. UCA 20A-1-202.

Council Candidates:

- Are elected by a majority of the votes cast in a general municipal election
- Take office at noon on the first Monday in January following their election. UCA 10-3-201.
- State law also requires that the oath of office be administered at this same time, or as soon thereafter as is practical. The oath may be administered by a judge, notary, or the city recorder and is required to be taken before council members enter into their duties. This may be part of or separate from any inauguration ceremony. UCA 10-3-828.
- Are elected for a term of office of four years and until his or her successor is chosen and qualified. PCC 2.50.060, UCA 10-3-202.
- Are responsible to comply with required campaign finance disclosures as outlined by state and city law. PCC 2.05, UCA 10-3-208.

An elected office may be vacated by one of the following:

- Moving outside of his or her district boundaries. UCA 20A-9-203.
- Resignation, disability, death, removal, or disqualification from office. UCA 20A-1-102(82).

- A continuous absence from the municipality of more than 60 days. In some circumstances this period may be extended with the consent of the Council. UCA 10-3-301.

A vacated elected office (either Council or Mayoral) may be filled by appointment of the City Council. The appointment is until the January following a municipal election. In some circumstances, this may require an election to fill the vacancy in the middle of the normal four-year term for that office. The process for making the appointment is outlined in state code. UCA 20A-1-510.

VIII. Ethics Rules

Elected and appointed officers and employees are required to comply with the disclosure requirements of the Municipal Officers' and Employees' Ethics Act (the Ethics Act) with regard to actual and potential conflicts of interest. (The requirements of the Ethics Act are discussed in more detail below.) To facilitate this compliance, the City has required annual completion of a Conflict of Interest Disclosure Form. *Appendix 6*. The purpose of this procedure is to avoid conflict of interest problems.

The Municipal Officers' and Employees' Ethics Act (Utah Code §10-3-1301 et seq.), applies to municipal councilors and the municipal council's staff. The Council considers it a best practice to revisit and remind the councilors and council staff of the limits and responsibilities of our unique positions. It is the policy of the Provo City Municipal Council that every Council member, the Municipal Council Executive Director, and all full-time employees of the Municipal Council complete and file annually with the City the Administrative Code of Ethics and Conduct and the Gift and Conflict of Interest Disclosure forms provided by the Administration generally to city officers and employees.

While the City seeks to assist its officers and employees in disclosing actual or potential conflicts of interest, the duty of disclosure falls on the individual. If an actual or potential conflict of interest arises during the year, a Council Member should use the Disclosure Form to disclose the matter in accordance with the Act's requirements as soon as possible and not wait for the City's annual disclosure process to occur.

Withdrawal Due to Conflict of Interest

In addition to meeting disclosure requirements, in certain circumstances a Council Member may also be required to recuse (or disqualify) himself or herself from deliberating, deciding, and/or voting on an issue where a conflict of interest exists. *PCC 2.70.*

Other instances may not require recusal, but a Council Member may elect to recuse himself or herself from deliberating, deciding, or voting on an item whenever this seems appropriate to avoid any appearance of impropriety**.**

Ethics Review Commission

Pursuant to a Joint Resolution of the Mayor and Municipal Council approved on September 2, 2014, Provo City will refer all complaints of violations of the Ethics Act to

the Political Subdivisions Ethics Review Commission as provided for in Utah Code Section 10-3-1311(2)(b)(ii).
(Joint Resolution 2014-48.)

The Municipal Officers' and Employees' Ethics Act

The Ethics Act applies to all elected and appointed City officers and employees (both full- and part-time). This includes persons serving on special, regular, or full-time committees, agencies, or boards whether or not they are compensated for their services. This state law does two things. It establishes standards of conduct for municipal officers and employees and it requires disclosure of certain actual or potential conflicts of interest between one's public duties and personal interests.

Standards of Conduct

The Ethics Act makes it a crime for a Council Member to do any of the following:

1. Disclose or improperly use private, controlled, or protected information acquired as the result of your official position or duties in order to substantially further your personal economic interest or to secure special privileges or exemptions for yourself or others. Private, controlled or protected information is information classified as such under the Government Records Access and Management Act.

2. Use or attempt to use your official position to substantially further your personal economic interest or secure special privileges for yourself or others.

3. Knowingly receive, accept, take, seek, or solicit, directly or indirectly, for yourself or another, a gift of substantial value, or a substantial economic benefit tantamount to a gift (i) that would tend to improperly influence a reasonable person holding your position to depart from the faithful and impartial discharge of your public duties or (ii) that you know, or a reasonable person in your position should know under the circumstances, is primarily for the purpose of rewarding you for official action taken.

4. Receive compensation for assisting any person or entity in any transaction with the City without making a written and oral disclosure to the Mayor and the public. This rule does not apply to an occasional nonpecuniary gift having a value of less than $50, an award publicly presented in recognition of public service, a loan made in the ordinary course of business, or a political campaign contribution actually used in a political campaign. An economic benefit tantamount to a gift includes loans at substantially less than commercial rates and compensation for services at a rate substantially higher than fair market value.

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally engages in any of the above must be removed from office or dismissed from employment and is guilty of:

1. A second degree felony if the total value of the compensation, conflict of interest, or assistance exceeds $1,000.

2. A third degree felony if (i) the total value of the compensation, conflict of interest, or assistance is more than $250 but less than $1,000, or (ii) the elected or appointed officer or municipal employee has been convicted twice before of violating the Ethics Act and the value of the conflict of interest, compensation or assistance was $250 or less.

3. A class A misdemeanor if the value of the compensation or assistance was more than $100 but less than $250.

4. A class B misdemeanor if the value of the compensation or assistance was $100 or less.

Disclosure Requirements

The Ethics Act requires that a Council Member disclose any of the following:

Receiving or agreeing to receive compensation for assisting any person or business entity in any transaction involving the City. Disclosure must be provided by filing a sworn statement with the Mayor giving your name and address, the name and address of the person being assisted, and a brief description of the transaction and service to be performed. The statement must be filed 10 days before the date of agreement or receipt of compensation. Council members must make the disclosure in an open Council meeting before the matter is discussed. Council staff must make the disclosure to his or her immediate supervisor and any other person who may evaluate or approve the activity.

Being an officer, director, agent, employee, or owner of a substantial interest of a business entity regulated by Provo City. A "substantial interest" means legal or equitable ownership by an individual, spouse, or minor children, of at least 10% of the outstanding shares of a corporation or a 10% interest in any other business entity. Disclosure must be provided upon election, appointment, or employment by filing a sworn statement with the Mayor disclosing the position held, and the nature and value of the interest. Disclosure is required again if the position changes or the interest value increases significantly. Within 30 days of receipt, the Mayor must report the substance of the disclosure to the Council or give the Council a copy of it. Two exceptions apply. First, an interest valued at less than $2,000 is not required to be disclosed. Second, life insurance policies or annuities do not need to be considered in determining the value of an interest.

Being an officer, director, agent, employee, or owner of a substantial interest of a business doing business with Provo City. Disclosure must be made to the Council in a public meeting prior to any discussion involving the entity and must be entered into the meeting minutes.

Any personal interest or investment which creates a conflict between your personal interest and your public duties. Disclosure must be made to the Council in a public meeting in the manner described above.

The Ethics Act requires that a person who knowingly and intentionally violates any of the above-listed activities be removed from office or dismissed. A related contract or transaction may be voided.

IX. Rules and Procedures for Meetings

This chapter contains two major sections. The first presents general background information regarding the handling of Council business in meetings of the Council body and summaries of some relevant rules and laws existing outside this handbook. The second section sets forth special rules of procedure specifically adopted by the Council to supplement or supersede those rules found elsewhere.

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1. Background Information and Summaries of Governing Laws

a. General Principles Applicable to Meetings of the Council

i. Council Actions Are Taken at Properly Called Meetings[11]

Robert's Rules states that "… to become the act or choice of the body, a proposition must be adopted … in a regularly or properly called meeting of the body." Mason's Manual of Legislative Procedure explains the principle like this: "Decision-making powers of a group can be exercised only at a meeting of the group. Any understanding or agreement made before, after or outside a legal meeting is not valid or binding."

ii. The Open and Public Meetings Act

Public notice is required when a quorum (four or more Council Members) are present at a meeting convened (called by someone with authority) for the purpose of discussing or acting on a subject over which the Council has jurisdiction.

Different types of Council actions require different types of noticing. Generally, Council meetings require 24 hours' notice, with agendas placed in three public places and submitted to the press. The notice must include the place, date, and time, as well as the agenda. A topic of discussion not on the agenda that is raised during an open meeting may be discussed, but no final action may be taken during the meeting.

Different types of Council action may require additional legal notice. For example, General Plan amendments require 10 days' notice.

iii. Voting or Abstaining

Voting upon City issues and policies is the privilege and the responsibility of each Council member. The choice to vote in the affirmative or negative, or to abstain is a personal and often weighty decision.

To pass or amend an ordinance or resolution or take any other action, four (a majority) or more Council "yes" votes are required, even if less than all Council members are present, unless the law provides otherwise for a specific

[11] Added August 7, 2018 Work Meeting

type of matter. When a Council member chooses to abstain from a vote, at least four affirmative votes are still required for the vote to succeed. Thus, even though an abstention is not a vote, it may contribute to a motion's failure. *UCA 10-3-504 and 10-3-507.*

iv. Checks and Balances

Patterned after both State and Federal governments, the Council-Mayor system has definite checks and balances. For example, the Mayor must receive a majority confirmation from the Council on appointments of Department Heads and statutory officers and proposed appointments to City boards or commissions. State law also dictates that the Mayor may join in the discussion during Council meetings, but does not vote.

v. Mayoral Veto

The Mayor can veto an ordinance, tax levy or appropriation. If the Mayor vetoes a Council action, the Mayor must return the action to the Council within 15 days with a written statement of explanation. If, after considering the Mayor's objections, the Council feels justified in its original action, it can override the Mayor's veto with a vote of at least two-thirds of the members (5 votes) at the next Council Meeting. If the Mayor does not return an item within 15 days, the action takes effect without the Mayor's signature. *UCA 10-3b-204.*

vi. Undoing or Amending a Prior Action

(1) Reconsideration

A Council member may move to reconsider a vote of the Council held earlier during the same meeting, but only if that Council member voted originally with the prevailing side. A motion to reconsider requires a second, which may be made by any Council Member. If a motion to reconsider passes with four or more votes, the motion to be reconsidered is immediately undone and is once again before the Council to be debated and voted on.

(2) Rescinding an Action Not Yet Executed

A motion to rescind may be made with respect to an action that the Council approved at a previous meeting as long as it is still possible to undo

the action. An ordinance or a portion of an ordinance that has not yet gone into effect may be rescinded. For example, a zone change may be rescinded before the effective date of the ordinance, but approval of a contract may not be rescinded after it has been executed and gone into effect.

A motion to rescind may be made by any Council Member and requires a second. If public notice of consideration of the motion to rescind was given not less than 24 hours in advance of the meeting during which it is considered, the motion may be passed by a vote of four or more Council Members. If a motion to rescind is considered in an emergency meeting for which less than 24 hours public notice is given, the motion may be passed by a vote of five or more Council Members. When a motion to rescind passes, the previously approved action is immediately undone as if it had never been approved.

(3) Repealing an Action Already Executed

Where a previously approved action has gone into effect and may no longer be rescinded, it may be repealed. There is no time limit on making such a motion after the adoption of the original action. Repeal is accomplished by a formal resolution or ordinance that does away with the resolution or ordinance that is being repealed. Repeal is effective only after the resolution or ordinance accomplishing the repeal becomes effective under state and local law. (So for example, a repeal ordinance may be vetoed by the Mayor, and would only go into effect if subsequently passed over the Mayor's veto.) Therefore, a resolution or ordinance that is later repealed is still considered to have been in effect from its effective date until the effective date of the repeal and may potentially create some vested rights during that effective period.

(4) Amending Something Previously Adopted (Rescinding Differences)

A previously approved action may also be amended rather than being undone entirely. However, a distinction must be made with regard to whether the action to be amended has already gone into effect or not. If not, then it may be amended in accordance with the rules pertaining to a rescission, and if such a motion to amend passes, the previously approved action is immediately amended as if it had originally been passed in its new, amended form.

(5) Amending Something Previously Adopted (Repealing Differences)

If the action to be amended has already gone into effect, then it may be amended in accordance with the rules for repeal, but, just as with a repealed action, the original version of the action is considered to have been in effect from its original effective date until the effective date of the amendment. Similarly, this type of amendment may be vetoed and the original version may have created some vested rights during its effective period.

vii. Council Minutes

Council minutes are not intended to be a verbatim record. A digital sound and visual recording exist and are available to the public as an exact record of the proceedings. In addition to the written minutes, recordings will be kept in perpetuity (beyond existing records retention requirements under Utah State Government Records and Management Act). The medium in which they are stored will be updated by Council Staff every five years to prevent data corruption and file loss.

Regular Council Meeting minutes are maintained by the City Recorder. Council minutes are a written record of the proceedings during an actual time period. They reflect the substance of what actually occurred in Council meetings. Their purpose is to legally record the official actions that were taken by the Council.

To conserve Council Staff time and resources, Work Meeting minutes are intentionally brief and need only capture the substance of the topics discussed.

Council members are required to approve the minutes. Corrections, deletions or additions to factual information, quoted statements, meeting events and official Council actions should be made during the Council meeting prior to the vote when minutes are approved. The Council should view this as an opportunity to correct the record of the actual Council meeting, not an opportunity to revise history.

After minutes are approved, any additional corrections, deletions, clarifications or additions should be submitted in writing to the Chair, other Council members, and the Council Director. The Council as a whole, will review the submitted document and will vote to determine if the document is:

a. a factual correction and will be inserted into the previously approved minutes; or

b. a necessary and pertinent clarification and will be attached to the minutes as an addendum; or

c. insignificant, unrelated or inappropriate information that will not be included or attached to the minutes.

viii. Council Meeting Rules

By City and State law, the Council is required to adopt rules to regulate the Council's meetings. Section 2 of this Chapter describes the rules adopted by the Council. By state law, those rules shall be made available at each meeting of the Council and on the City website.

The Executive Director or designee shall fill the role of parliamentarian. This Handbook helps to solidify some of the Council's internal procedures and should be reviewed by the Council at least every two years. *PCC 2.50.010 and UCA 10-3-606.*

b. Types of Council Meetings

i. Work Meeting

(1) Work Meeting Agenda

The following types of information are usually considered in a Work Meeting:

- Presentations and reports from community organizations or City Departments;
- Previews of proposed new or amended ordinances/resolutions; and
- In-depth discussion of internal Council processes, procedures, missions, and/or goals.

(2) Work Meeting Schedule

Council Work Meetings are usually held in the afternoon prior to regular Council Meetings, and are usually followed by a meal for Council Members, the Mayor, and select staff. Work Meetings are designed to be a less formal venue for discussion among Council Members. Generally, no public input is taken during the meeting.

(3) Work Meeting Actions

Work Meetings are legally noticed by staff and must list all topics proposed for discussion and action. In a Work Meeting, the Council may:

- Vote to move an item forward to the next available Council Meeting for final action.
- Vote to move an item forward to a future Council Meeting when more information on the issue will be available (on a specific date or at the Chair's discretion if no date is specified).
- Vote to refer an item back to another Work Meeting (on a specific date or at the Chair's discretion if no date is specified).
- Vote to refer an item (if appropriate) to the Planning Commission for further review.
- Vote to refer an item to a Council Committee for study, usually with a specific report date.
- Vote to deny any further action (the issue is dead).
- Take such further action as the Municipal Council, by majority vote, shall approve.

ii. Council Meeting[12]

(1) Council Meeting Schedule

By City ordinance, regular Council Meetings are held on select Tuesdays of each month at 5:30 p.m. unless otherwise legally noticed. *PCC* 2.50.035. Each meeting usually begins with a ceremonial portion which may include the Pledge of Allegiance, an

[12] Amended December 12, 2023 Work Meeting

invocation, presentations of merit, City-wide proclamations, and a Public Comment period.

The Chair, the Vice Chair at the Chair's direction, or a Leadership designee conducts the Council meeting. State law requires that certain actions be conducted as a public hearing. Other items may be opened for public comment at the discretion of the Chair or by majority vote of the Council.

(2) Council Actions

Typical actions on Council Meeting agenda items include the following:

- Approve an action.
- Reject *an* action either by (1) an explicit motion to reject or (2) as the result of a failed motion to approve.
- Continue an item to a future specified date.
- Move an item to an unspecified date. (This may affect the validity of the current legal notice. The Council may want to check with staff or plan for the City to pay for additional legal noticing of Land Use or

- appropriation items if no specific date is included in the motion to forward an item.)
- Refer an item back to a Work Meeting or Council Committee, convene an Ad Hoc Committee, or refer to Council or Administrative Staff for more study or information. It is usual to designate a "report back to Council" date and a lead person.

iii. Other Meetings

Other meetings, such as Closed Meetings or joint meetings with the Orem City Council, the Provo School Board, or City Boards and Commissions, are scheduled on a regular basis or as needed. The Mayor is always invited to all noticed meetings, and his or her schedule is taken into consideration whenever possible.

Notice for these meetings shall be given by staff as required by law.

2. Special Rules of Order

a. General Rules

i. Robert's Rules of Order[13]

The rules contained in the current edition of Robert's Rules of Order Newly Revised (RONR) shall govern in all cases to which they are applicable and in which they

[13] Amended August 7, 2018 Work Meeting

are not inconsistent with the Special Rules of Order in this handbook, with Provo City Code or with Utah State Code. For ease of reference a simplified version of Roberts Rules of Order used by many State boards and a list of practice pointers can be found in Appendix 9. (Those documents are for informational purposes only and insofar as there is any conflict, they do not supersede the rules in this Chapter or in RONR.) Pursuant to PCC 2.50.010, the Council may adopt or repeal any rules by majority vote. Rules may also be suspended in a given meeting by a 2/3 vote of those present. Violation of a rule contained herein shall not be the basis for invalidating any ordinance, resolution, or provision of City Code.

ii. Requests for Council Action

A request for Council action may be brought forward by two Council members, the Council Chair, or the Mayor. When a private individual or group sees a need for new or changed legislative policy, they may bring their proposal to an individual Council member and request sponsorship. When a Council member is willing to sponsor proposed legislative changes, he or she should work with the Chair or gain support from a second Council member.

The legislative change process is set in motion when the sponsoring Council member has secured support from the Chair or a second Council member and then delivers a memo to Leadership and the Council Executive Director by noon, at least seven days prior to the Work Meeting where it could first be considered. The memo should be dated, and should include a description of the proposal, the desired outcome and any pertinent background information. If the Chair is not a sponsor, the memo should include communications of support from the sponsoring members or their signatures.

Council staff, under the direction of the Chair, will coordinate scheduling, legal noticing, informing the Mayor, and gathering any additional legal information for the Council members' packet.

iii. Rules Governing Meetings of the Council

The following rules/procedures shall govern the conduct of any meeting of the Council, unless superseded by a more specific rule in subsection 2.b. of this Chapter:

- The Council Chair shall call an agenda item or items and describe the item(s);
- As needed, Administration or Council Staff shall present relevant information regarding the item(s);
- Council members may ask questions of the presenter(s);
- At the discretion of the Chair, or if legally required, the floor shall be opened for public comment;
- Following public comment, if any, the Chair shall invite comments or motions from Council members;

- Once a motion has been made, the Chair shall ask if any Council member wishes to second the motion (which merely indicates a desire to discuss the motion further, not necessarily to approve it);
- If there is no second, the motion dies;
- If there is a second, the Chair shall clarify the motion and invite discussion on it;

- If the measure is a resolution or ordinance, the Chair shall ask that a written version of it be displayed or distributed to Council members;
- During discussion of a measure, a Council member may move to amend it in part or in whole;
- Once discussion of a motion concludes, the Chair shall call for a vote;
- The Chair shall announce the result of the vote;
- Throughout this process, the Chair shall control who has the floor and shall make rulings on motions or questions of procedure as needed;
- Any member may move to appeal a procedural ruling of the Chair and, if seconded, the question shall be decided by majority vote. Members may not criticize a ruling of the Chair unless they make such an appeal;
- Council members and City staff shall be recognized and given the floor by the Chair before speaking;
- Members of the public shall refrain from comment except as called upon and recognized by the Chair or in accordance with the procedures for a formal public comment period;
- Only one person may speak at a time.

iv. Debate

The following rules apply to the discussion of, and debate on, any pending motion and are intended to preserve the rights of Council Members to express their opinions and arguments, while simultaneously promoting efficiency in reaching decisions. The Council Chair has discretion to apply or interpret these rules in the way that best serves these twin purposes. However, that discretion is a procedural decision that is subject to majority vote of the Council or, in the event of a seconded motion to extend or limit debate, a 2/3 majority.

- Members shall be recognized by the Chair before speaking.
- Council members may speak twice on any debatable motion on the same day, for up to ten minutes each time. Speaking time cannot be saved or yielded to someone else.
- The maker of a motion gets preference to speak first in debate.
- A member who has not yet spoken on the same motion gets preference over someone who has already spoken on it.
- Members may be permitted to speak more than twice to clear up a matter of fact or to explain some material part of their speech. While they don't have the right to discuss the question itself more than twice, they may be permitted to do so.

- A member who has spoken twice on the main question may again speak twice on an amendment.
- In practice, a member is often given the privilege of speaking more than twice – when that member can explain any point misunderstood and present facts to refute arguments by those opposed.
- The rule that no one shall be permitted to speak more than twice should not be so strictly enforced that someone who has spoken twice cannot clear up some question that has arisen in the debate.
- When members are known by the Chair to have opposite opinions on a motion, the Chair should try to alternate between speakers who favor and those who oppose the motion under discussion.
- During debate, Council member speech must relate to the topic under discussion. Comments should be germane to the question of whether the pending motion should be adopted.
- Debate on a measure is confined to the measure under consideration and does not extend to criticism of other measures before the Council or in committee, even though they relate to the same subject.
- It is out of order to refer in debate to potential committee recommendations or findings not yet reported by the committee.
- Vigorous debate about the merits of a motion is healthy to achieving a good result. However, the proposal is the subject of the debate, not any member. Personal attacks are not allowed. Ideas or likely results of a proposal may be attacked but not personalities. The motives of another member should not be attacked or impugned.
- To decrease the danger that debate becomes personal, certain formalities of speech are encouraged – such as speaking as though talking to the Chair, using titles instead of names, and using last names instead of first names. Work Meeting may be somewhat less formal than Council Meetings.

v. Motions[14]

The following rules shall govern the making of, and voting on, motions during the various Council meetings:

- Procedural motions such as approving minutes, recessing, or adjourning may pass without a motion by Unanimous Consent. To obtain Unanimous Consent, the Chair asks if there is any objection to taking the procedural action. If not, the Chair declares the action to be taken by Unanimous Consent. If there is an objection, the Chair shall call for a vote.
- A Main Motion regarding a resolution or ordinance must refer unambiguously to a written copy of the resolution or ordinance that is available for Council members to view before discussion or voting proceeds.
- Secondary amendments (second degree) which amend an amendment are allowed. Third degree amendments are not allowed.

[14] Amended August 7, 2018 Work Meeting

- Substitute Motions that combine a proposed amendment of a resolution or ordinance and passage in one step are not allowed. Such substitute motions introduce the possibility of "on the fly" amendments that are ambiguous. The written draft should be amended first so that Council members may view it. Additional amendments may be considered and voted on. After the draft has been amended, possibly multiple times until there are no further amendments, the Council votes separately on whether to pass the amended draft.
- Other Substitute Motions are allowed. For example, assume there is a Main Motion that does not deal with a resolution or ordinance, but instead moves to form a committee with a certain makeup and mission statement. A Substitute Motion to request a report from the Administration rather than form a committee would be in order.
- There can be up to three motions on the floor at the same time.
- Motions carry by simple majority vote unless the law, Robert's Rules, or these rules specifically requires otherwise (for example, motions to go into a closed session or suspend the rules, which require a two-thirds majority of those present to carry).

b. Rules for Certain Meetings

i. Electronic Meetings

This rule was adopted to satisfy UCA 52-4-207: Electronic Communications. Council Members may, on occasion, participate in Council meetings by electronic communication if the required technology is available and the meeting is legally noticed in accordance with the Utah State Law. The Council must provide space and facilities at a location where the public may attend, monitor and participate in the open portions of the meetings as specified in UCA 52-4-207.

It is the expectation of the Municipal Council that each council member should regularly attend regular and work meetings in person, whenever possible, and participate by electronic communication only when necessitated by business-related or personal travel, personal or family illness, or when no in-person meeting is held.[15]

ii. Work Meeting[16]

(1) Moving Items from Work Meeting to a Council Meeting Agenda

All proposed legislative changes must be discussed in a Council Work Meeting prior to being heard in a regular Council Meeting. A Council majority must vote to move each item forward from Work Meeting to a future Council Meeting agenda. The date of the future Council Meeting is either specified in the motion or left to the discretion of the

[15] Amended July 20, 2021 Work Meeting
[16] December 12, 2023 Work Meeting

Council Chair, if not specified. (See subsection iii.(4) below regarding items that are given a date certain by the Council.)

If proposed legislation has not already been drafted, then once a majority has voted to move an item from Work Meeting to a Council Meeting Agenda, Council staff will work with the sponsor to draft the proposed legislation for Council action. Input should be solicited from the Mayor and other affected parties at all stages of this process.

Because of the depth of information provided by Development Services through staff and Planning Commission reports, land use items may, at the Chair's discretion, be placed directly on the Council Meeting Agenda.

(2) Consideration of Planning Commission Items[17]

Certain items that are reviewed by the Planning Commission for recommendations are then forwarded on to the Council for ultimate action. Planning Commission staff have agreed that they will simultaneously provide legal notice of such items for the for the Planning Commission meeting and for the appropriate Work Meeting and Council Meeting (both on the
same day). Such items will normally be heard at the noticed meetings. However, where appropriate, the Chair or the majority of the Council may change when the item is heard. When such changes occur, the new date shall be indicated on the agenda of the meeting for which the item was originally noticed or by the Chair during the meeting. (See Section 2.b.iii.(3) for additional rules concerning these items.)

(3) Work Meeting Procedure

Work Meetings shall generally follow the rules of order stated in Section 2.a. of this Chapter, except that the Chair may, at his or her discretion, cut off

discussion of an agenda item. A decision by the Chair to cut off discussion may be overruled by majority vote of the Council.

iii. Council Meeting

(1) Council Meeting Procedure

Council Meetings shall generally follow the rules of order stated in Section 2.a. of this Chapter, with the following differences:

- Following any presentations and public comment on an agenda item, rather than inviting a motion, the Chair shall declare that, by rule, an implied motion is on the table, without need of a second, to affirmatively pass the measure under consideration and shall then invite discussion among Council members;

[17] Amended December 12, 2023 Work Meeting

    - The affirmative nature of this implied motion does not signify that any Council member is necessarily in support of the measure;
- Once discussion has concluded, no additional motion is necessary to approve the measure as currently constituted. If no other motion is on the table, such as a motion to amend, the Chair shall simply call for a vote on the implied motion.
- If prior to a vote on the implied motion, a motion is approved that changes the original measure, such as a motion to amend, then the implied motion to approve shall then apply to the amended or updated measure.

(2) Consent Agenda

The purpose of the Consent Agenda is to quickly and efficiently handle agenda items that may not require further discussion, such as approval of:

- Minutes;
- Routine contracts or agreements that meet criteria set forth in ordinances and policies;
- Resolutions or Ordinances that have been fully vetted in other meetings; and
- Other items that require formal approval, but do not need Council Meeting discussion.

The following rules govern the placement of items on the Consent Agenda:

- Approval of Council Meeting minutes will automatically appear on the Consent Agenda, unless the Council Chair directs otherwise;
- Items that legally require a public hearing may not appear on the Consent Agenda; and
- Other items may be placed on the Consent Agenda by unanimous vote of the Council Members at a prior meeting or by the Council Chair.
    - A motion to place an item on a Council Meeting agenda must specify if the item is intended to be on the Consent Agenda. Otherwise, the item will be placed on the regular agenda.
    - The Council Chair may not place an item on the Consent Agenda if the Council has already voted to place it on the regular agenda.

Once placed on the Consent Agenda, items shall be handled as follows:

- The Council Chair shall introduce the Consent Agenda and list all the items that are currently on the Consent Agenda;
- The Chair shall then ask if any Council Member desires to remove any item from the Consent Agenda;
- Any item that is removed by a Council Member shall be handled individually following the conclusion of the Consent Agenda;
- During the Public Comment period, a member of the audience may encourage that an item be removed from the Consent Agenda, but the item will remain on the Consent Agenda unless a Council Member requests removal.

- If there are items remaining on the Consent Agenda, the Council Chair shall, without discussion or the need for a motion, call for a vote to collectively approve all the remaining Consent Agenda items.
- If four or more Council Members vote for approval, all items on the Consent Agenda are approved.
- If the Consent Agenda is not approved in this manner, then any Consent Agenda items shall be handled individually as part of the regular agenda.

(3) Consideration of Planning Commission Items[18]

An agenda item coming forward from the Planning Commission for Council consideration shall be handled as follows:

- It will normally be considered in Council Meeting on the same day it is presented in Work Meeting. It is intended that the noticing done by Planning Commission staff prior to Planning Commission consideration will also include notice of this meeting.

    - Deviations from this schedule may be approved by the Chair or the majority of the Council.
    - If the Council will not consider the item at the noticed meeting, the new date for consideration of the item will be stated on the agenda for the originally noticed meeting and/or announced by the Chair during that meeting.

- If heard in Council Meeting for the first time on the same day it is heard in Work Meeting, the item will automatically be continued to the next Council Meeting if any two Council Members so desire.

    - Accordingly, following the presentation and consideration of the item, the Council Chair will ask if any Council Member desires to consider the item again at the next meeting.

        - If any member responds affirmatively, the Council Chair will ask if a second Councilor supports the request. If a second member responds affirmatively, the item will automatically be continued to the next
        regularly scheduled meeting, unless a motion is made to set a different date.
        - If there is not a continuation request supported by another member, the Chair will entertain motions and/or call for a vote on the implied motion as otherwise provided in these rules.

[18] Amended May 4, 2021 Work Meeting

- Notwithstanding the above, the item will also automatically be continued to the next regularly scheduled Council Meeting for additional consideration unless, no later than 6:00 pm on the Thursday prior to the first consideration of the item by the Council:

    - The Planning Commission Report of Action for the item has been finalized and made available to Council members; and
    - Any proposed ordinance or ordinance amendment has been reviewed by Council Staff and made available to Council members.

(4) Items with a Date Certain[19]

Once an item has been scheduled for a date certain by majority vote in a Work Meeting or a prior Council Meeting, it may not be removed from the Council Meeting agenda prior to presentation and public comment, unless:

- removal is requested by the item's sponsor in writing;
- in a public meeting on an earlier date, a motion passes to postpone the item indefinitely or to a different date certain.

If an item is removed pursuant to this rule without setting a new date certain, rescheduling the item shall be:

- At the discretion of the Council Chair in coordination with the sponsor; or
- Accomplished by bringing the item back to a Work Meeting through the normal procedures for that meeting.

iii. RDA Meeting[20]

(1) RDA Meeting Procedure

RDA Meetings shall generally follow the rules of order stated in Section 2.a. of this Chapter, with the following differences:

- Following any presentations and public comment on an agenda item, rather than inviting a motion, the Chair shall declare that, by rule, an implied motion is on the table, without need of a second, to affirmatively pass the measure under consideration and shall then invite discussion among board members;
    - The affirmative nature of this implied motion does not signify that any board member is necessarily in support of the measure;
- Once discussion has concluded, no additional motion is necessary to approve the measure as currently constituted. If no other motion is on the table, such as a motion to amend, the Chair shall simply call for a vote on the implied motion.

[19] Added August 7, 2018, Work Meeting
[20] Added May 6, 2025, Work Meeting

- If prior to a vote on the implied motion, a motion is approved that changes the original measure, such as a motion to amend, then the implied motion to approve shall then apply to the amended or updated measure.

APPENDICES

Council Staff are responsible, and authorized, to update the Appendices as necessary. Except for the actual text of the Council Priorities and Policies included herein, Council Staff may update, amend, format, and organize the Appendices without first seeking Council approval.

Appendix 1 - Organizational Charts
- Council Organization Chart
- City Organization Chart

Appendix 2 - Council Agenda Process
Appendix 3 - Council Committees and Liaison Assignments
Appendix 4 - Administrative Reports
Appendix 5 - Select Council Policies
1. Prayer in Public Meetings
2. Protected Records Under GRAMA

3. Severance Compensation for At-Will Appointed Employees
4. Renewable Energy Policy
5. Alternative Fuel Vehicles Policy
6. Open City Hall

Appendix 6 - Ethics Disclosure Form
Appendix 7 - Glossary of Acronyms
Appendix 8 - Table of Provo City Zones and Land Use Laws
Appendix 9 - Roberts Rules - Simplified Rules and Practice Pointers

Appendix 1 - Organizational Charts

Council Organization Chart

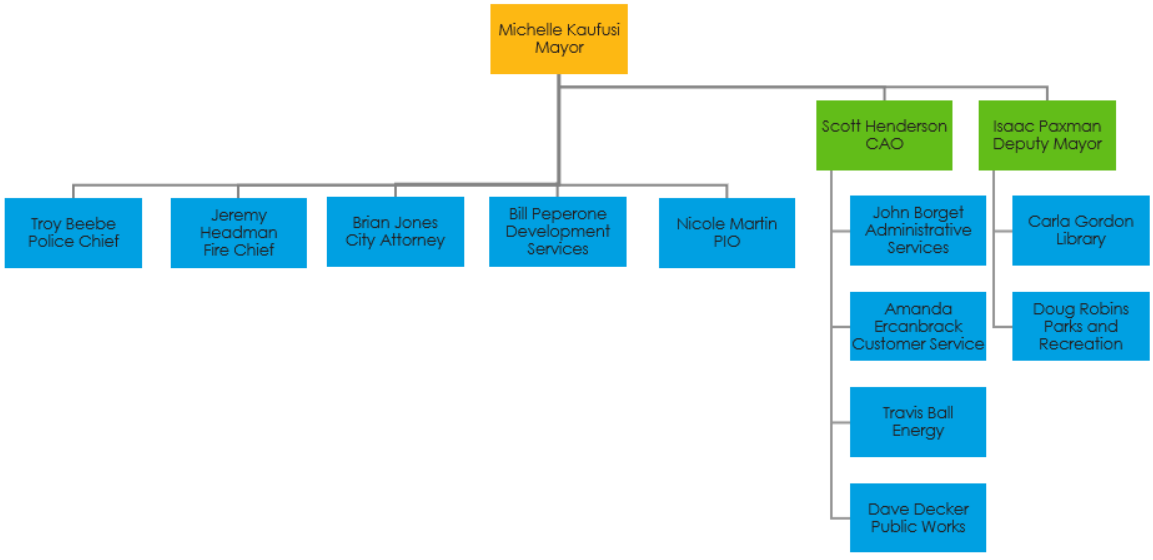
Provo City Municipal Council

Citywide District 1 - Katrice MacKay
Citywide District 2 - Gary Garrett
District 1 - Craig Christensen
District 2 - George Handley
District 3 - Becky Bogdin
District 4 - Travis Hoban
District 5 - Rachel Whipple

Council Office Staff

Community Relations Coordinator – Rachel Breen
Council Office Clerk – Kevin Martins
Council Office Intern – David Pyle
Executive Director – Justin Harrison
Executive Office Assistant – Jennifer Dees
Policy Analyst – Melia Dayley
Policy Analyst – Michael Sanders

City Organization Chart



Appendix 2 – Council Agenda Policy[21]

POLICY

- Work, Council, RDA Meetings, or any meeting where 4+ Council members are in attendance must be publicly noticed and published at least 24 hours in advance. For Work, Council, and RDA meetings, best practice is to notice the meeting on Thursday prior to the scheduled meeting date. This allows the council/board sufficient time to review the meeting materials.

- To create a standardized process for the submission of agenda items, departments must submit all Work and Council Meeting items, with all associated supplemental materials, presentations, ordinances, and resolutions, through the City's agenda management system (OnBase Agenda). Materials and meeting items must be submitted, checked for completeness, and reviewed by their department reviewer, finance reviewer, legal reviewer (department attorney), CAO and Mayor by 6:00pm Monday the week prior to the requested meeting date. Agenda item submission does not guarantee placement on the agenda. All items received after the Monday, 6:00pm deadline, or items with missing or incomplete materials, will not be placed on the requested council meeting agenda.

- Advance notice of agenda items that are time sensitive should be submitted through OnBase Agenda as soon as possible (meeting dates for the entire year are available in OnBase Agenda for advance submission and in the provided calendar). Communication with the Council Office in the weeks preceding the anticipated Council Meeting for these items is crucial in order to notify council staff that a time sensitive item(s) is forthcoming.

- Communication with the Council Office is also imperative to ensure that agenda items and materials are complete and allow the Council to study the materials and prepare for the meeting with sufficient understanding of the item topic to have a productive discussion.

- If you have any questions, always feel free to reach out to the Council Office (x6120).

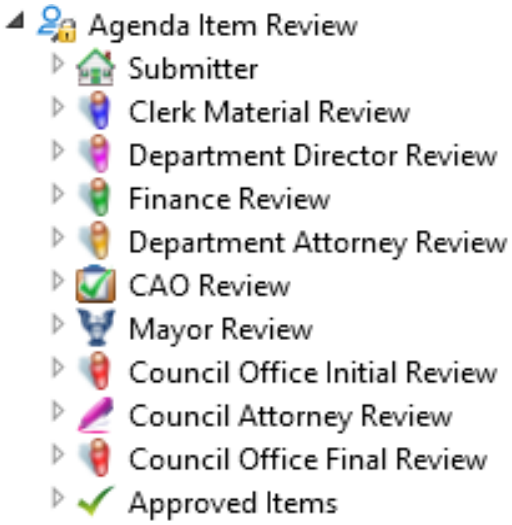
[21] Amended December 12, 2023 Work Meeting

ONBASE AGENDA MANAGEMENT

Provo City User Instructions

For assistance, please contact:
Kevin Martins, Council Office Clerk, Council Office, 801-852-6120, or
Heidi Allman, City Recorder, 801-852-6524, hallman@provo.gov

Agenda Item Approval Workflow:



Submitter: This refers to the user who created the agenda item.

Clerk Materials Review: All submitted items will first be sent to the Council Office Clerk to verify all materials have been attached and the required agenda item fields have been filled out completely.

Department Review: This refers to the department director of the submitter.

Finance Review: All items are reviewed by Finance, whether there is an anticipated financial impact or not. The agenda item form includes a field where details regarding possible financial impacts and the dollar amount may be listed. Departments should already be working with Finance if there is a known fiscal impact.

Department Attorney Review: This step in the workflow will direct an agenda item to the attention of the city attorney responsible for the department of the submitter. Departments should already be working with their designated city attorney to draft ordinance or resolution language.

CAO Review: This step in the workflow sends the item for review by the CAO.

Mayor Review: This step in the workflow sends the item for review by the Mayor.

Council Office: This sends the item to Council staff for their review prior to a meeting.

Council Attorney Review: Council staff send agenda items to the City Attorney for legal review prior to publishing the meeting agendas and materials. The City Attorney sends the item back to Council staff once it has completed the workflow.

New Users

1. If **OnBase Agenda** does not appear on your device**,** please submit a ticket to Support@provo.org or contact the IS Helpdesk with your IS Tag # and request installation of **OnBase Agenda**.

2. If you are not sure whether you have an OnBase Agenda account/login credentials, please contact Heidi Allman, City Recorder.

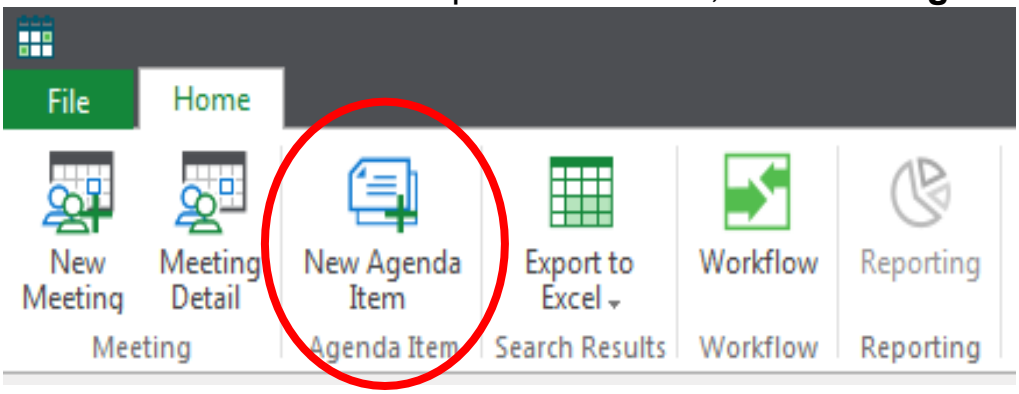
3. If you have a new employee that will be using OnBase Agenda, please include a request for OnBase Agenda in Workday when submitting new employee software requests. A request for credentials will need to be sent separately to the City Recorder.

How to Create/Request an Agenda Item (Submitter Step)

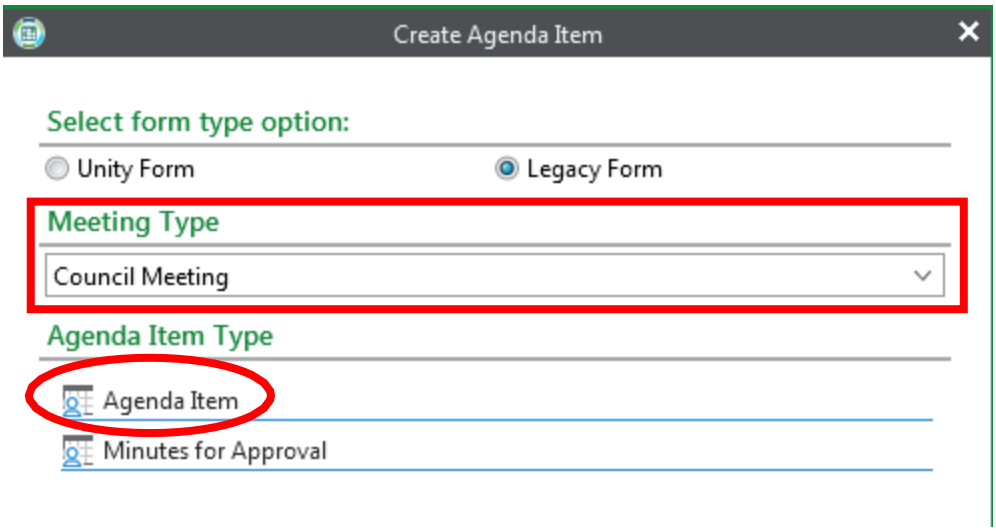
1. Launch OnBase Agenda.



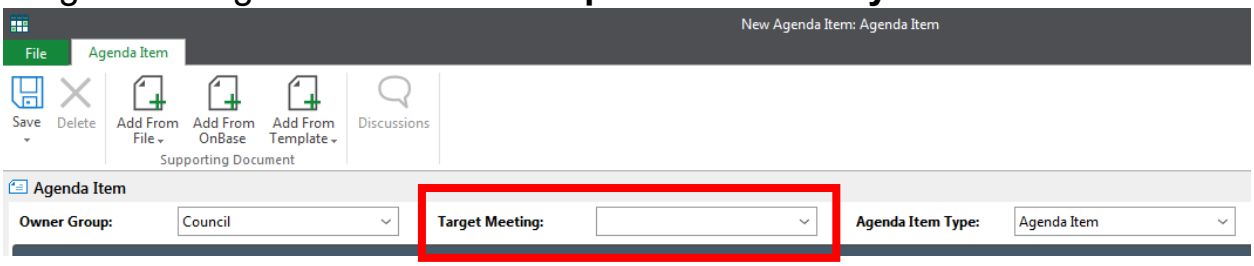
2. In the Home menu at the top of the window, click **New Agenda Item**.



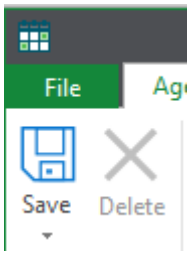
3. In the window "Create Agenda Item," leave **Legacy Form** selected. Under **Meeting Type**, click the dropdown arrow to select Work or Council Meeting. Under **Agenda Item Type**, select "**Agenda Item**." After choosing these options, click "**Create**" to create the agenda item.



4. In the 'New Agenda Item' window, specify a **Target Meeting** date—click the dropdown arrow to expand the list and select from the list of Target meeting dates. **This is a requested date only.**



5. Complete the **Item Information** form that follows and then click **Save** before adding documents. Below is a reference chart for what is being requested in each field of the agenda item form.



Field (Required fields marked *)	Description Requirements
Title* (maximum 250 characters)	A brief title describing the item.
Recommendation/Action Requested*	What would you like the Council to do regarding this item? For instance, is it a presentation only, or are you requesting that the Council approve an ordinance, adopt a master plan, or an appropriation by resolution? Does your department have a recommendation that they will be offering?
Background*	Please provide information that will give the Council context regarding the item topic or proposal. You may have been working on this topic for weeks, months, or years and as subject matter experts are familiar with the details of the proposal. The council has not been involved in developing the proposal and may not be familiar with the context, history, or details. This is your opportunity to prepare the council for meaningful discussion during the meeting. Questions to ask: What is the issue being addressed? What was the impetus for the proposal? Is this a federal or state requirement? Has this or a related topic or proposal come before the Council previously? On what date was the item previously heard? What was discussed? What was the outcome? Was action taken by the council?
Fiscal Impact*	An appropriation has an obvious fiscal impact, though another type of request may affect grant funding or tax dollars received by the City. This is your opportunity to explain the projected fiscal impact of the proposal. Questions to ask: What are the total costs associated with the proposal? What are the proposed funding sources for the proposal? (e.g., grants, city budget, loans)? What fund/s will be affected by the proposal or appropriation? What will be the ending fund balance of the fund/s requested if approved?

	Is the funding request one-time or ongoing? Will the proposal generate revenue for the city? If so, how much and over what period? How will this proposal affect the current city budget and future budgets? What are the expected benefits of the proposal, and do they justify the costs? What are the financial risks associated with this proposal, and how are they being mitigated? Are there any contingencies or reserves in place for unforeseen expenses? How does this proposal fit into the city's long-term financial plan and strategy? Are there any long-term financial commitments that need to be considered (e.g., maintenance, staffing)? Have you communicated with Finance regarding the proposal? This should not be the first time Finance has heard about the proposal as typically, items with a fiscal impact require additional public notice.
Time Sensitive*	Is the item time sensitive? If yes, please elaborate with deadlines or other pertinent information. (yes or no alone is not an acceptable answer)
Presenter's Name*	Who will present the item (ex. John Doe, Budget Analyst) First name, last name and title should all be included.
Requested Duration of Presentation*	How much time is being requested during the meeting? Remember that presentations should be concise and that this should reflect the time needed for your presentation, as well as for any further Council questions or discussion. The more prepared your materials, submitted prior to the meeting, the less time you should need to explain the item background. This allows more time for productive discussion and allows council action to be taken.
Compatibility with General Plan, Policies, Goals, and Objectives*	How is your agenda item/proposal supported by the General Plan and other City guiding documents and policies? Please be specific and include references to General Plan goals or outcomes. By adding context and narrative to this section you increase the likelihood of robust, productive discussion.
CityView or Issue File Number	CityView numbers are assigned by Development Services. Issue file numbers are assigned by the Council Office.

6. Next, add any additional supporting documents that are needed for the item.

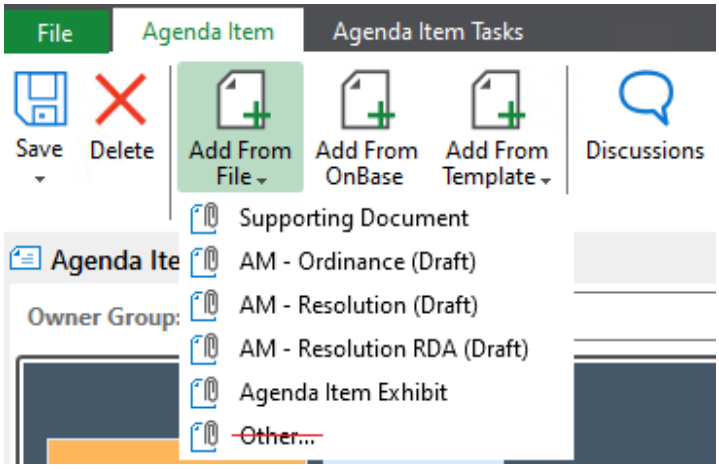
   Please note:
   - PowerPoint, Excel, and Word-Perfect files should not be uploaded to OnBase Agena.
     - If any of your supporting materials are in these formats, please convert them to PDF or Word documents and upload them to OnBase Agenda.
     - PDF and Word documents are the only files that will be accepted.
     - If files in other formats are needed for presentations, please email them directly to the Council Office Clerk and specify the agenda item and meeting date they will be needed.
   - All code changes, contracts, and agreements must be submitted as a Word document and should be drafted in concert with your department attorney.
     - Please use the latest ordinance and resolution templates provided by the legal department. These documents must also be submitted as a Word document.
     - Existing language should be black, language proposed to be omitted must be ~~red strikethrough~~, and new proposed language must be blue.
     - Track changes will not be accepted.

There are two ways to upload/add a file from your computer: **Add From File** or **Drag and Drop**.

Add From File

1. Click **Add From File** and choose the correct document type from the dropdown menu. In general, most documents will be a **Supporting**

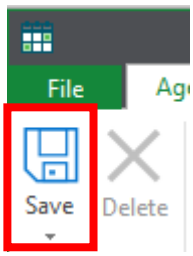
Document. You may use “AM Ordinance (Draft)” or “AM Resolution (Draft)” if you are uploading a draft resolution or ordinance. Do not use Other.



2. Browse the document location on your computer or network drive and click **Open**.

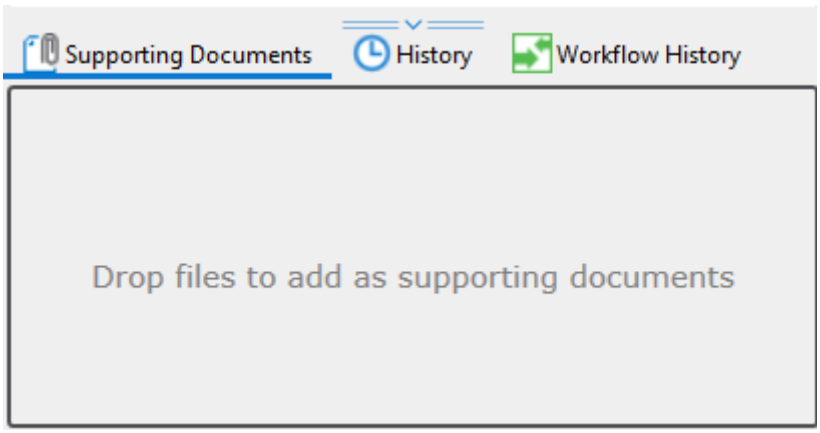
3. Repeat steps 1-2 until all supporting documents have been added.

4. Click **Save** to import all the files.

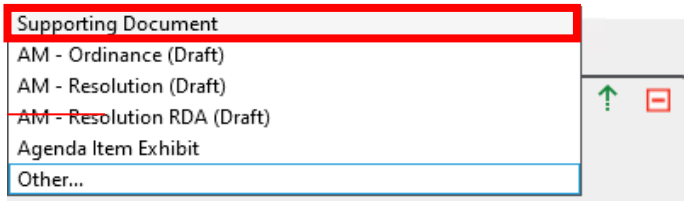


Drag and Drop

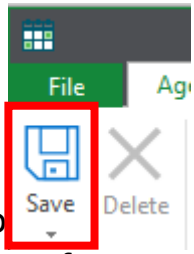
1. Drag and drop the desired files into the grey box. The file format must be **Word (not Rich Text Format), Excel, or PDF**.



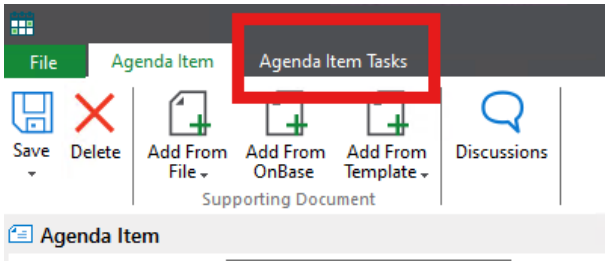
2. **Specify the document type for each file** using the dropdown menu that appears with each document. **Do not use Other**. Most files will be a **Supporting Document**. You may use “AM Ordinance (Draft)” or “AM Resolution (Draft)” if you are uploading a draft resolution or ordinance.

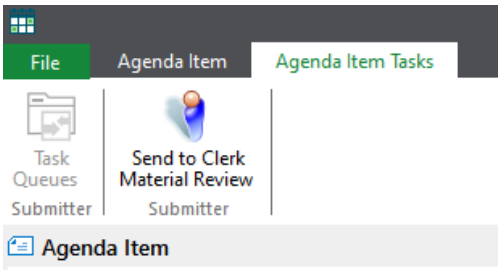


3. Once all files have been added and updated with the appropriate document type, click **Save** to import all files.



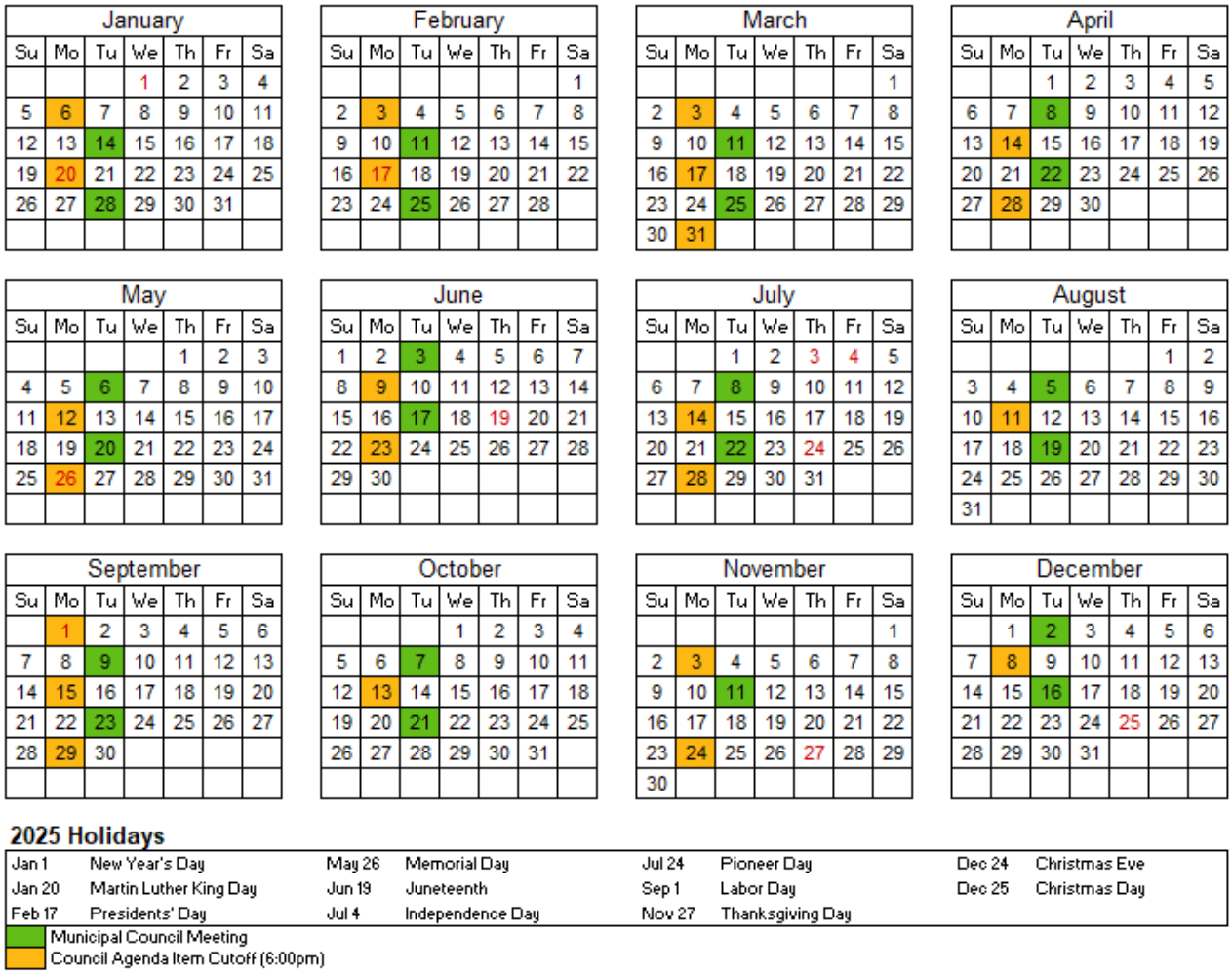
4. Once all the supporting documents have been added, click **Save** o more, then navigate to the **Agenda Item Tasks** menu bar at the top of the window. Click “send to Clerk Materials Review” to move the item forward in the workflow.





It is the responsibility of the submitter to ensure the item has been approved by all reviewers. Items must complete the workflow and be in the Council Office queue by 6:00pm Monday, one week prior to the target meeting date. Submission of an item does not guarantee placement on an agenda.

2025 Municipal Council/Item Submission Cutoff Meeting Calendar



January						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

June						
Su	Mo	Tu	We	Th	Fr	Sa
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July						
Su	Mo	Tu	We	Th	Fr	Sa
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

2025 Holidays

Jan 1	New Year's Day	May 26	Memorial Day	Jul 24	Pioneer Day	Dec 24	Christmas Eve
Jan 20	Martin Luther King Day	Jun 19	Juneteenth	Sep 1	Labor Day	Dec 25	Christmas Day
Feb 17	Presidents' Day	Jul 4	Independence Day	Nov 27	Thanksgiving Day		

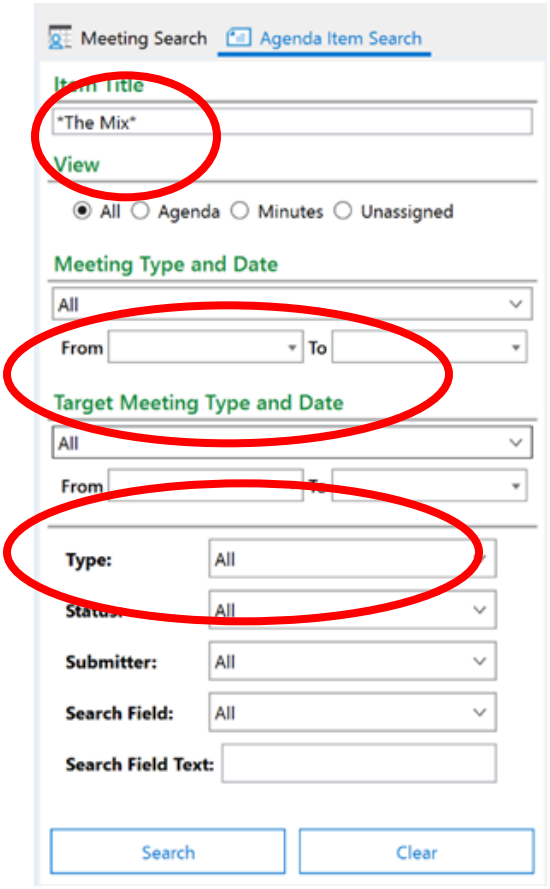
Municipal Council Meeting
Council Agenda Item Cutoff (6:00pm)

To see where the item is in the workflow, please follow the steps below.

Item Tracking

Items can be tracked within OnBase Agenda

1. Start by selecting “Agenda Item Search” from the home screen.



2. Search using the item title you entered when creating the agenda item. Be sure to place an asterisk before and after the search terms.

3. The search can be narrowed by selecting the type of meeting and target meeting date that was entered when the item was created.

4. The status will change depending which queue the item is in.

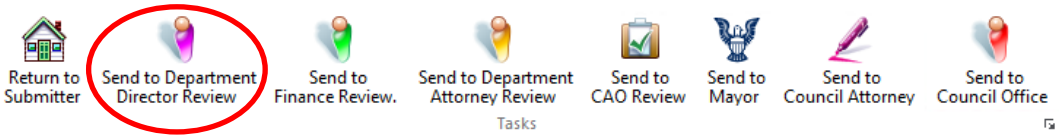
TEST ITEM 2	Clerk Material Review
TEST ITEM 1	Item Submission
TEST ITEM 3	Department Review
TEST ITEM 4	Finance Review
TEST ITEM 5	Mayor Review

Agenda Item Approval Workflow

Clerk Materials Review

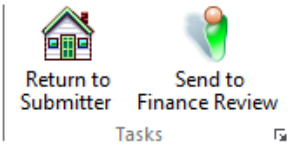
1. Receive email notification.
2. Launch **OnBase Agenda** and view **Workflow Items.** Double-click to open and review the item.

3. Clerk Materials Check may:
    a. Review the Agenda Item detail
    b. View/add/edit associated documents
    c. Return to the Submitter
    d. Send to Department Director Review **(this is the default next step if everything is correct/ready)**



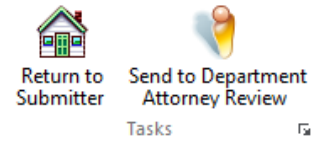
Department Head Reviewer (Director)

1. Receive email notification.
2. Launch **OnBase Agenda** and view **Workflow Items.** Double-click to open and review the item.
3. Department Head Reviewers may:
    a. Review the Agenda Item detail
    b. View/add/edit associated documents
    c. Return to the Submitter
    d. Send to Finance **(this is the default next step if everything is correct/ready)**



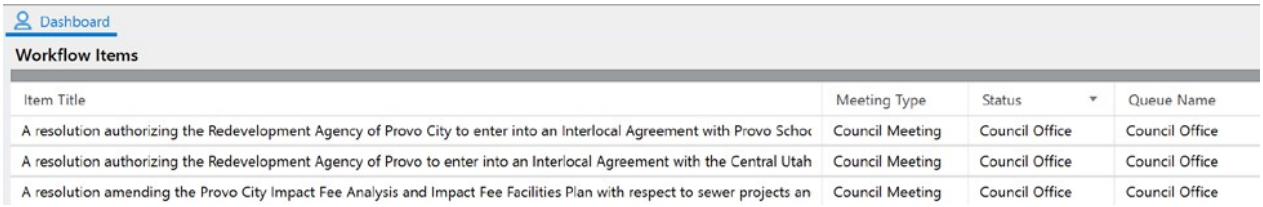
Finance Reviewer (Budget Officer)

1. Receive email notification.
2. Launch **OnBase Agenda** and view **Workflow Items.** Double-click to open and review the item.
3. Finance Reviewers may:
    a. Review the Agenda Item detail
    b. View/add/edit associated documents
    c. Return to the Submitter
    d. Send to Department Attorney Review **(this is the default next step if everything is correct/ready)**

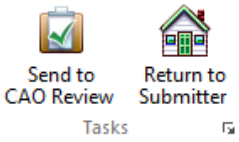


Legal Reviewer (Assigned Department Attorney)

1. Receive email notification.
2. Launch **OnBase Agenda** and view **Workflow Items.** Double-click to open and review the item.

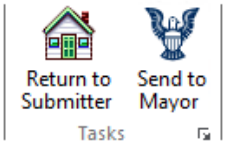


3. Legal Reviewers may:
    a. Review the Agenda Item detail
    b. View/add/edit associated documents
    c. Return to the Submitter
    d. Send to CAO **(this is the default next step if everything is correct/ready)**



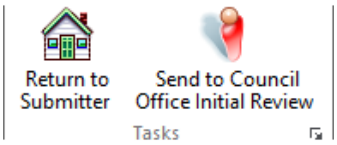
CAO Review

1. Receive email notification.
2. Launch **OnBase Agenda** and view **Workflow Items.** Double-click to open and review the item.
3. CAO Reviewers may:
    a. Review the Agenda Item detail
    b. View/add/edit associated documents
    c. Return to the Submitter
    d. Send to Mayor **(this is the default next step if everything is correct/ready)**



Mayor Review

1. Receive email notification.
2. Launch **OnBase Agenda** and view **Workflow Items.** Double-click to open and review the item.
3. Mayor Reviewers may:
    a. Review the Agenda Item detail
    b. View/add/edit associated documents
    c. Return to the Submitter
    d. Send to Council Office Initial Review **(this is the default next step if everything is correct/ready)**



Appendix 3 - Council Committees and Liaison Assignments

Council Committee Assignments

Last Updated: January 9, 2024

City-Related Organizations

Council Members act as board members of several other city-related boards, including:

- The Redevelopment Agency of Provo
- The Municipal Building Authority
- The Board of Canvassers
- The Stormwater Service District

Other Boards, Committees and Liaisons

Individual Municipal Council members may be appointed to various other City boards, commissions, and committees, or act as a liaison to them.

Leadership Responsibilities (*first name is Chair, second name is Vice-chair) (one-year terms)

Group	Appointed By	Current Appointment	Meeting Time
Municipal Council Leadership	Municipal Council	*Katrice MacKay Rachel Whipple	Thurs. 7:30 AM
Provo Redevelopment Agency	Municipal Council	*Rachel Whipple Katrice MacKay	As needed
Municipal Building Authority Leadership	MBA Bylaws	Council Chair and Vice-chair	As needed
Stormwater Service District	SSD Bylaws	Council Chair and Vice-chair	As needed
Provo Foundation - PCC 2.34	Articles of Incorporation	Council Chair	Quarterly, or as needed

City-Related Boards with Council Appointment

Board	Appointed By	Current Appointment	Term	Term Expiration	Meeting Time
Library Board - PCC 2.26	Mayor with Council A&C	Rachel Whipple	3 years	December 31, 2026	2nd Wed 4 PM odd months
Provo Housing Authority - UCA 35A-8-404	Mayor with Council A&C	Katrice MacKay	3 years	June 30, 2025	Monthly 3rd Wednesday at 4:15 PM

City Advisory Boards with a History of Council Liaisons

Board	Current Liaison	Meeting Time
Agricultural Commission	Becky Bogdin	3rd Thursday 7 PM Rec Center
Airport Board – PCC 2.21	Craig Christensen	Quarterly 2nd Tuesday 12:30
Arts Council – PCC 2.22	Katrice MacKay	4th Wednesday 12 PM
Energy Board - PCC 12.01	Katrice MacKay Craig Christensen Becky Bogdin	1st Monday 4 PM
Transportation and Mobility Advisory Committee – PCC 14.04B	Katrice MacKay George Handley	3rd Thursday 12 PM
Parks & Recreation Board - PCC 2.38	Gary Garrett	3rd Thursday 12 PM
Sustainability and Natural Resources Committee	Rachel Whipple	3rd Tuesday 7:30 AM
CDBG Committee		2024 Schedule TBD
HOME Committee	Rachel Whipple	2024 Schedule TBD

Non-City Boards with City/Council Appointments/Liaisons (by rule, tradition, or request):

Board	Appointed By/ Assignment Type	Current Assignment	Meeting Time
Downtown Provo, Inc.	Liaison appointed by Council Chair	Craig Christensen	3rd Wed monthly 10:00 AM
South Utah Valley Solid Waste District (SUVSWD)	SUVSWD Bylaws	George Handley	3rd Wed every other month 5:15 PM
Utah Municipal Power Agency (UMPA) Board of Directors - PCC 2.20.040(3)	Mayor with Council A&C	Mayor Kaufusi	4th Wed 6 PM
Metropolitan Water Board - PCC 2.20.040(1)	Board members appointed by Council; Liaison appointed by Council Chair	Rachel Whipple	Quarterly (2nd Monday 12 PM) provometrowater@gmail.com 801-465-5205
Utah Lake Authority	Bylaws	Mayor Kaufusi	Quarterly (7:30 AM 3rd Thursday)
Mountainland Association of Governments Executive Council	Bylaws	Mayor Kaufusi	Bylaws stipulate 4th Thursday
ULCT Legislative Policy Committee	Bylaws; city may have up to three	*Mayor Kaufusi Isaac Paxman	Mondays at 12:15 PM (not holidays)

	but only one staff member; *if board member then four	Katrice MacKay Gary Garrett Alt: Becky Bogdin	during Legislative Session

City Administrative/Quasi-judicial Boards without Council Liaison (Not Recommended)

- Board of Adjustment (Zoning) (PCC 14.05)
- Board of Appeals (Building Code) (PCC 2.20.010)
- Classified Civil Service Commission (PCC 4.01.010)
- Landmarks Commission (PCC 16.02)[22]
- Planning Commission (PCC 14.04)[1]
    - Design Review Committee (PCC 14.04A)
- Record Appeals Board (PCC 3.13.090 and UCA 63G-2-701)
- Unclassified Civil Service Appeals Board (PCC 4.03)

[22] These bodies also act as City Advisory/Policy Recommending Boards.

Appendix 4 – Administrative Reports

Regular Reports

Name of report	Due Date	Code Section	Mayor's Designee
Active Capital Improvement Project Report	January 30th	3.03.040	Director of Administrative Services
State and Affairs of the Police Department Report	Anytime between February 1st and May 31st	9.01.100(2)	Chief of Police
Airport Master Plan Implementation Report	February 29th	13.01.040(3)	Airport Division Director
Capital Improvement Project Report	March 1st	3.03.020(1)	Director of Administrative Services
Impact Fee Report	March 1st	15.08.115	Director of Administrative Services
Rental Dwelling License Report	April 1st	6.26.140	Customer Service Business Manager
Sewer Connection Projection Report	April 1st	15.03.105(1)(a)	Public Works - Water Division Director
Alternative Fuel Vehicles Policy	April 9th	Council Handbook	Public Works - Public Services (Fleet)
Budget Transmittal Letter	May 14th	2.10.030(15)(a)	N/A
Settled Claims Report	June 1st	3.10.050(5)	City Attorney
Library Report	October 1st	2.26.110	Library Director
Rental Dwelling License Report	October 1st	6.26.140	Customer Service Business Manager
Appropriations Report	October 1st	2.10.030(13)	Director of Administrative Services
Utility Transportation Fund Report	October 1st	5.08.070	Director of Administrative Services
Disposal of Property Report	November 26th	3.04.030(9)	Real Property Administrator
Annual Comprehensive Financial Report	December 10th	2.10.030(15)(b)	Director of Administrative Services

Triggered Reports

Name of report	Due Date	Code Section	Mayor's Designee
Emergency Expenditure Report	30 days following the emergency expenditure	3.03.050(2)	Various
On Street Parking Management Area Report (City Application)	90 days following the notification from the Development Services Director's intent to designate a new OSPM area	9.90.050	Parking Coordinator
On Street Parking Management Area Report (Resident Application)	120 days following the revival of a OSPM application to Development Services	9.90.050(3)(a)	Parking Coordinator
Proposed Parking Permit Program Study Report	120 days following an affirmative vote to conduct a study for a proposed permit parking area	9.80.070(6)	Parking Coordinator
Energy Rate Adjustment Report	Between February 1st and August 15th	12.02.010(3)	Energy Director
Annexation Petition Report	No deadline, but must be included in the materials for the public hearing approving an annexation	15.15.040	Planning Supervisor
Landmark Register Nomination Report	14 days following the Landmarks Commission review of a Landmarks Register application	16.05.030(3)	Planning Supervisor

Appendix 5 – Select Council Policies

Prayer in Public Meetings

Background

The regular bimonthly Municipal Council meeting has traditionally begun with prayer (an invocation).[23] Prayer at the beginning of official government meetings in the United States has a long and rich history. Prayer was offered at one of the first meetings of the First Continental Congress at Philadelphia in 1774.[24] In the

[23] As used herein, "prayer" means an "address of entreaty, supplication, praise or thanksgiving directed to some sacred or divine spirit, being or object." Society of Separationists v. Whitehead, 870 P.2d 916, 921 (Utah 1993) (citing with approval this definition of prayer in Karen B. v. Treen, 653 F.2d 897, 901 (5th Cir. 1981)).

[24] In footnote 11 in Marsh v. Chambers, 463 U.S, 783, 791-792 (1983), the United States Supreme Court noted that John Jay and John Rutledge had opposed a motion that sessions of the Continental Congress begin with prayer on the ground that the delegates to the Congress "were so divided in religious sentiments . . . that [they] could not join in the same act of worship." Their objection was met by Samuel Adams, who stated that "he was no bigot, and could hear a prayer from a gentleman of piety and virtue, who was at the same time a friend to his

case *Society of Separationists,* the Utah Supreme Court determined that the practice of opening a city council meeting with prayer is constitutionally permissible if allowed on a nondiscriminatory basis and equally accessible to all.[25] Additionally, in *Snyder v. Murray City,*[26] the Utah State Supreme Court held that government may not control the content of a prayer offered by the person invited by the Municipal Council to pray.

However, nothing in these cases prohibits a City from establishing a reasonable policy that would uniformly govern when a prayer may be offered, set time limits for the length of the prayer, and/or require that it be offered in a manner that does not disrupt the business of the meeting. The following policy is therefore established by the Municipal Council to assure prayers at Municipal Council meetings conform to constitutional requirements:

Nondiscrimination

Allowing prayer on a nondiscriminatory basis means "without regard to the belief system of the [person offering the prayer]."[27] Therefore, when invited to pray at a Municipal Council meeting, a prayer-giver may say or not

say in the prayer whatever that person desires for up to two minutes.[28] After two minutes, the Council Chair may interrupt and ask the prayer-giver to stop praying and withdraw. If the prayer-giver's conduct is disruptive,[29] the Council Chair may interrupt and ask the prayer-giver to stop and withdraw.

Equal Accessibility

The opportunity to give a prayer shall be equally accessible to all persons attending a Council meeting. On behalf of the Municipal Council, the Chair, Council Executive Director, or their designee shall select a person to offer a prayer from persons present in the room where the Council meeting is held, without regard to a person's race, religion, national origin, sex, or religious attire. A person who wishes to give a prayer shall be given the opportunity to do so. The request must be made in person to the Council Executive Director immediately prior to the meeting in which he or she wishes to pray, but in no event later than five minutes before the meeting is scheduled to begin.

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country." The Continental Congress voted to begin its next session with prayer. The next day the Continental Congress began its session with prayer and prayers have opened sessions of Congress ever since.

[25] Separationists, 870 P.2d at 937-938.

[26] Snyder v. Murray City, 2003 UT 13, ¶ 30, 73 P.3d 325, 331-332.

[27] Snyder, 2003 UT 13, at ¶ 28, 73 P.3d at 331.

[28] Content-neutral and uniformly applied time restrictions for items on a council meeting agenda have been upheld on grounds that they " . . . preserve a board's legitimate interest in conducting efficient, orderly meetings." Kindt v. Santa Monica Rent Control Board, 67 F.3d 266, 271 (9th Cir. 1995) (three minute time restriction). Tannenbaum v. City of Richmond Heights, 663 F.Supp. 995, 997 (D.C. Mo. 1987) (two minute time limitation).

[29] Courts have held that disruptive conduct can be regulated. 8 E.g., Jones v. Heyman, 888 F.2d 1328,1333 (11th Cir.1989) (concurring opinion); Rowe v. City of Coca, 358 F.2d 800, 803 (11th Cir. 2004). But opinions also emphasize that the threatening or disruptive conduct must be the reason for removing the offender, not the content of the speech. Brammer v. KB Home Lone Star, 114 S.W.3d 101, 113 (Tex. App. 2003). The speaker cannot be stopped merely because the moderator disagrees with the speaker's viewpoint. Jocham v. Tuscola County, 289 F.Supp.2d 887, 894-895 (D.C. Mich. 2003)(citation omitted).

Requests will be granted on a first-request basis. However, repeated requests by the same person to pray shall be granted only once every three months and only if others, who have also requested an opportunity to pray, have had a similar opportunity. The Municipal Council's intent is that fair access to pray be afforded to all those who wish to pray.

Protected Records under GRAMA

The Municipal Council interprets that UCA 52-4-206 of the Government Records Access Management Act does not prohibit the Council from releasing protected records, including records of closed meetings, to governmental agencies, as required by law. Requests for such records will be reviewed and released by the Municipal Council on a case-by-case basis.

Severance Compensation for At-Will Appointed Employees

The Municipal Council adopted Administrative Directive 2013-01 as their own policy on December 4, 2012, Work Meeting. However, references to the Mayor would naturally refer to the Council should the policy be applied.

Purpose:

Severance pay may be implemented when a designated at-will appointed employee, such as a department director, is involuntarily terminated from Provo City within the scope of employment. This applies to full-time employees, not independent contractors, not covered by the classified or unclassified Civil Service.

Definitions:

"Severance Pay" as used herein shall mean: A sum of money that an employee is eligible to receive upon involuntary termination of employment, based on the length of employment or, if so provided by contract or other agreement, an unfinished term of employment. It shall not refer to salary or wages earned during the term of employment, compensation for unused leave authorized under the pay plan, early retirement incentives, back wages, or other payments not paid as severance pay. Severance pay shall generally be based on years of service.

"Involuntary Termination" as used herein shall mean:

a. Termination of employment contrary to the will or desire of the employee;

b. Resignation of employment by employee upon the request or option given by the Mayor or other officer or body with termination authority and approved by the Mayor; or

c. Resignation of employment upon a demotion or a reduction in pay not generally applicable to other similar non-merit employees.

Directive:

1. Employees with less than one (1) year of service in an at-will appointed position are not eligible for severance pay unless otherwise expressly provided for by written contract. In such case, the contract provision shall govern.
2. Severance benefits shall be calculated using the employee's salary rate in effect on the employee's date of termination.
3. Receipt of severance benefits is contingent upon employee's releasing City of any claims arising out of employee's employment with City and employee's execution of a document evidencing the release of all claims as approved by the Provo City Attorney.
4. Severance pay shall be an amount equivalent to a minimum of twelve (12) weeks of pay with an additional four (4) week of pay for every full year of completed service over two (2) years, up to a maximum of 26 weeks. Time shall not be prorated for partially accrued years. Only continuous time up to termination in an appointed at-will position will be considered for calculating severance pay eligibility.
5. The City will pay up to one (1) month of Employee's COBRA payments for City's medical and dental group insurance premiums for every four (4) weeks of eligible severance pay, (maximum of six (6) months payments) provided Employee qualifies under COBRA, makes a timely COBRA election, and provides to the City COBRA invoices within ten (10) business days after Employee's receipt of each invoice.
6. The City also agrees to allow Employee to complete any current counseling with the City Employee Assistance Program under the terms and conditions of that program.
7. The severance pay is to be made in a lump sum within fifteen (15) days of the effective date of the termination. This severance payment will be in addition to any other benefits to be received on termination, as authorized under the pay plan.
8. Severance pay does not include any payment which an employee is entitled to for accrued leaves, any other pay, or benefits accrued and vested to the employee. Accrued and vested leaves shall be governed by applicable federal, state, laws, and/or city ordinances, policies, and procedures.
9. Any severance payments may be conditional, as determined by the Mayor, and must be made from actual and current budget appropriations.
10. No employee receiving severance pay may be rehired with the City within one year of the effective date of termination, whether as an employee, contractor, or as a principal of an independent contractor providing employment or other professional services. This prohibition may be waived if severance pay is repaid upon a rehire within the period of limitation.
11. Severance pay shall not be paid to an otherwise eligible employee who:

A. Has been terminated or requested to resign because of bona fide charges of nonfeasance, misfeasance, or malfeasance in office; or

B. Has been terminated or requested to resign upon being convicted, indicted, charged or is under criminal investigation concerning a public offense involving a felony or offense or moral turpitude; or

C. Voluntarily resigns or terminates employment with the City under circumstances not defined herein as an "involuntary termination."

D. Accepts another, including lower paid, position with the City in-lieu of termination or is extended a contract for completion of projects or assignments.

This severance directive does not and shall not create employment or compensation rights.

Renewable Energy Policy[30]

In order to meet our responsibilities to future generations and to be better stewards of natural resources and better citizens of the state, nation, and globe, we resolve as the Provo City Council that the City of Provo will pursue a goal to have a portfolio of energy sources that will be 60% green, renewable, or carbon-free by 2030. Green, renewable, and carbon-free sources include wind, solar, geothermal, hydro-electric, bio-gas, waste gas and waste heat capture or recovery, carbon sequestration, nuclear, battery, new technologies and renewable energy credits.

We request that Provo Power work closely with the Utah Municipal Power Agency and that city agencies and departments work closely together to help us to meet this goal.

Alternative Fuel Vehicles Policy[31]

Whereas, as the Provo City Council, we are guided by the principles of our General Plan related to our stewardship of natural resources and of our quality of life. For this reason, we believe it is our responsibility to promote policies that will specifically contribute to improved air quality in Utah Valley.

Therefore, it is the policy of Provo City, when replacing automobiles and other fleet vehicles, to purchase electric and other alternative fuel vehicles rather than standard gasoline or diesel vehicles, where not imprudent; and for the Administration to report to the Municipal Council annually on the application of this policy.

Open City Hall

The Provo City Council has adopted a policy guide for the use of Open City Hall (OCH) as a public engagement tool. While the Open City Hall Policy document is a guide to policy development and expectations, the authorization to use OCH is as follows:

All topics or policy questions to be posted to Open City Hall are subject to approval by a majority authorization of Council. Normally, we will do this by a process akin to common consent. A proposed topic or policy question will be sent via email to Council members and they will have 24 hours to object. If the majority of the Council does not submit an objection then the topic is approved.

Council staff is authorized to exempt planning proposals from the policy for

[30] Adopted February 18, 2020 Work Meeting
[31] Adopted April 14, 2020 Work Meeting

Council approval of Open City Hall topics, to post these planning topics as they arrive, and to report back to the Council with the results as usual.

Appendix 6 - Ethics Disclosure Form

Conflict of Interest Disclosure Form

This is a disclosure form intended to assist elected or appointed officers and employees of Provo City to make disclosures in compliance with the Municipal Officers and Employees Disclosure Act (Utah Code §10-3-1301 through §10-3-1312).

1. Disclose any personal benefits, special privileges or compensation received for assisting any person or business in transactions involving Provo City, giving your name, the name of the person or business and a description of the transaction, activity or involvement:

_____
_____
_____
_____

2. Disclose whether or not you are an officer, director, agent, employee or owner of a substantial interest* of a business entity regulated by Provo City:

_____
_____
_____
_____

3. Disclose whether or not you are an officer, director, agent, employee or owner of a substantial interest* of a business entity doing business with Provo City:

_____
_____
_____
_____

4. Disclose any personal interest or investment which creates a conflict between your public duties and such personal interest:

_____
_____
_____
_____

Date:_____

_____
(Signature)

_____
(Print or type name)

* “Substantial interest” means the ownership, either legally or equitably, by an individual, his spouse, or his minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

Appendix 7 – Glossary of Acronyms

APPA - American Public Power Association
BOA - Board of Adjustment
CAFR - Comprehensive Annual Financial Report
CBD - Central Business District
CDBG - Community Development Block Grants
CDRA - Community Development and Renewal Agency, formerly the RDA
CIP - Capital Improvements Projects
CNRCC - Central Neighborhood Revitalization Coordinating Committee
CNRRF - Core Neighborhood Revolving Revitalization Fund - a revolving fund established by the Provo Municipal Council in FY 2001-2001 to earmark Community Development Block Grant (CDBG) funds for revitalization activities in the Pioneer Neighborhoods.
COLA - Cost of Living Adjustment
COP Program - Community Oriented Policing
CUP - Central Utah Project (Water Project)
DRC - Design Review Committee
EDI - Economic Development Initiatives - a Federal grant program through which cities apply for funds to help undertake specific economic development projects.
EIS - Environmental Impact Study
HOME - HOME Investment Partnerships Grant (HOME doesn't stand for anything) - a HUD grant to assist localities to undertake a variety of affordable housing activities
MAG - Mountainlands Association of Governments
NLC - National League of Cities
NUSA- Neighborhoods USA
NHS - Neighborhood Housing Services
PC - Planning Commission
RDA - The Redevelopment Agency was renamed by the 2006 Legislature as the Community Development and Renewal Agency. It will probably continue to be referred to as the “RDA”
ROA - Report of Action
RSVP Volunteers - Retired Seniors Volunteer Program
TIF – Tax Increment Financing - The financial tool granted to redevelopment agencies under Utah law. As the property tax base in a designated area increases because of redevelopment, the resulting net increase in property tax revenues may be used for several years to help finance redevelopment activity in the area. This net increase is the tax increment.
ULCT - Utah League of Cities and Towns
UMPA - Utah Municipal Power Association

Appendix 8 – Provo City Zones and Land Use/Development Laws

Title 14: Planning & Zoning

Chapter	
A1 - Agricultural Zone	14.08
Airport Zones	14.17D
CA - Automotive Center Commercial Zone	14.25
Campus Mixed-Use Zone	14.14E
CG - General Commercial Zone	14.22
CH - Critical Hillside Overlay Zone	14.33A
CM – Heavy Construction Zone	14.24
DT1 – General Downtown	14.21A
DT2 – Downtown Core	14.21B
Enforcement and Penalties	14.42
FC1 – Freeway Commercial Zone	14.20A
FC2 – Freeway Commercial Two Zone	14.20B
FC3 – Freeway Commercial Three Zone	14.20C
Fees	14.43
FI – Freeway Industrial Zone	14.27A
GW – Downtown Gateway	14.21C
HCF – Health Care Facilities Zone	14.17B
High Density Residential Zone	14.14C
Home Occupations	14.41
Interim Transit Oriented Development Zone	14.23
Low Density Residential Zone	14.14A
M1 - Light Manufacturing Zone	14.27
M2 - Heavy Manufacturing Zone	14.28
Medium Density Residential Zone	14.14B
MP – Manufacturing Park Zone	14.26
Nonconformities	14.36
Off-Street Parking Standards	14.37
Open Space, Preservation, and Recreation Zone	14.33
Optional Schematic Development Plan	14.50.030
PD – Performance Development Overlay Zone	14.31
PF – Public Facilities Zone	14.17
PFS – Public Facilities School Zone	14.17A
PIC - Planned Industrial Commercial Zone	14.29
PO - Professional Office Zone	14.16
PRO - Project Redevelopment Option[32]	14.50
R&BP - Research and Business Park Zone	14.44
R&BPS - Research and Business Park Support Zone	14.45
R1- One-Family Residential Zone	14.10
R2 - Two-Family Residential Zone	14.11
RA - Residential Agricultural Zone	14.09
RC - Residential Conservation Zone	14.32
Relocation of Buildings	14.40

[32] A full list of PRO zones can be found here in chapters 14.50(1) – 14.50(38)

RM - Residential Manufactured Home Park Zone		14.15
SC1 – Neighborhood Shopping Center Zone	14.18	
SC2 – Community Shopping Center Zone		14.19
SC3 – Regional Shopping Center Zone	14.20	
SDP – Specific Development Plan Overlay Zone Requirements[33]	14.49	
Signs and Outdoor Advertising		14.38
SOB - Sexually-Oriented Business Overlay Zone		14.48
SSC - Specialty Support Commercial Zone		14.47
Supplementary Development Standards	14.34	
Supplementary Residential & Accessory Apartment Overlay Zones	14.30	
Temporary Uses		14.35
TF – Training Facilities Zone		14.17C
Travel Trailer Parks		14.39
Very Low Density Residential Zone		14.14F
WG – West Gateway Zone		14.21D

Title 15: Land Use & Development		**Chapter**
Annexation		15.15
Appeals		15.09
Condominiums		15.06
Conventional and Open Space Subdivision Requirements	15.04	
Coordinator Review Committee	15.02	
Development Agreements	15.19	
Developmental Landscaping Requirements	15.20	
Developmental Review Process	15.01	
Encroachments		15.12
Enforcement and Penalties		15.22
Fees		15.08
General Development Standards	15.03	
General Plan	15.17	
Master Street Plan		15.16
Outdoor Lighting Requirements	15.21	
Railroad Construction		15.14
Review of Constitutional Taking Issues		15.18
Sensitive Lands		15.05
Sidewalk Construction and Repair		15.10
Sidewalk Excavation Permits		15.11
Street Naming and Building Addresses	15.13	
Variances		15.07

[33] A full list of SDP zones can be found here in chapters 14.49A – 14.49F

Appendix 9 – Roberts Rules – Simplified Rules and Practice Pointers

Roberts Rules of Order – Simplified

Guiding Principle:

Everyone has the right to participate in a discussion before anyone may speak a second time.
Everyone has the right to know what is happening, always. Only urgent matters may interrupt a speaker.
Only one thing (motion) can be discussed at a time.

A **motion** is a formal proposal by a member of a deliberative body that the body take certain action (e.g., "I move that we add a coffee break to this meeting"). After being recognized by the chair or presiding leader of the board, any member can introduce a motion when no other motion is on the table. A motion requires a second by another member to be considered. Each motion must be disposed of (passed, defeated, tabled, referred to committee, or postponed indefinitely) before the chair may allow another motion before the body.

How to do things:

You want to raise a new question or topic for the group to discuss.
After recognition by the Chair of the board, present your motion. A second is required for the motion to go to the floor for discussion, or consideration.

You want to change some of the wording in a motion under discussion.
After recognition by the chair, move to amend by

- adding words,
- striking words or
- striking and inserting words.

You like the idea of a motion being discussed, but you need to reword it beyond simple word changes.
Move to substitute your motion for the original motion. If it is seconded, discussion on both motions will continue and eventually the body will vote on which motion they prefer.

You want more study and/or investigation given to the idea being discussed.
Move to refer to a committee. Try to be specific as to the charge to the committee.

You want more time personally to study the proposal being discussed.
Move to postpone to a definite time or date.

You are tired of the current discussion.
Move to limit debate to a set period or to a set number of speakers. Requires a 2/3^{rds} vote.

You have heard enough discussion.
Move to close the debate. Requires a 2/3^{rds} vote. Or move to previous question. This cuts off discussion and brings the assembly to a vote on the pending

question only. Requires a 2/3rds vote.

You want to postpone a motion until some later time.
Move to table the motion. The motion may be taken from the table after 1 item of business has been conducted. If the motion is not taken from the table by the end of the next meeting, it is dead. To kill a motion at the time it is tabled requires a 2/3rds vote. A majority is required to table a motion without killing it.

You want to take a short break.
Move to recess for a set period.

You want to end the meeting.
Move to adjourn.

You are confused about a procedure being used and want clarification.
Without recognition, call for "Point of Information" or "Point of Parliamentary Inquiry." The Chair of the board will ask you to state your question and will attempt to clarify the situation.

You have changed your mind about something that was voted on earlier in the meeting for which you were on the winning side.
Move to reconsider. If the majority agrees, the motion comes back on the floor as though the vote had not occurred.

You want to change an action voted on at an earlier meeting.
Move to rescind. If previous written notice is given, which would be required by the Open and Public Meetings Act, except possibly for an emergency meeting, a simple majority is required. If no notice is given, a 2/3rds vote is required.

You may INTERRUPT a speaker for these reasons only:

to get information about business – **point of information**
to get information about rules – **parliamentary inquiry**
if you can't hear, safety reasons, comfort, etc. – **question of privilege**
if you see a breach of the rules – **point of order**
if you disagree with the Chair of the board's ruling – **appeal**

Quick Reference

	Must Be Seconded	Open for Discussion	Can be Amended	Vote Count Required to Pass	May Be Reconsidered or Rescinded
Main Motion	√	√	√	Majority	√
Amend Motion	√	√		Majority	√
Kill a Motion	√			Majority	√
Limit Debate	√		√	2/3rds	√
Close Discussion	√			2/3rds	√
Recess	√		√	Majority	
Adjourn (End meeting)	√			Majority	
Refer to Committee	√	√	√	Majority	√
Postpone to a later time	√	√	√	Majority	√
Table	√			Majority	

Postpone Indefinitely	√	√	√	Majority	√

Rules of Order Practice Pointers

- A motion to Refer to Committee may be used to refer a pending question to a Council committee or city board for a recommendation. Any specific instructions for the committee should be specified in the motion. The motion carries by majority vote.
- A motion to Postpone to a Certain Time may be used to delay further debate or action on a pending question to a specified meeting date. This motion suspends debate on the pending question if the date specified is less than one month in the future. The motion carries by majority vote.
- A motion to Postpone Indefinitely may be used to kill a measure. Postpone Indefinitely carries by majority vote but does not suspend debate on the prior pending question.
- If debate has not started on a question, a motion for Objection to the Consideration of a Question may be used instead of Postpone Indefinitely. It requires a two-thirds majority vote of those present to carry.
- A motion to Postpone (either to a Certain Time or Indefinitely) an agenda item made prior to the usual time for Council discussion of the item (which is after any scheduled presentations and after any public comment) should be treated as a specialized case of a motion to Suspend the Rules and therefore requires a two-thirds majority vote to carry.
- A motion for the Previous Question may be used to close debate on the pending question and bring it to an immediate vote. It requires a two-thirds majority vote of those present to carry. The proper wording for this motion is "I move the previous question."

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	AARDMORE
Presenter:	Aaron Ardmore, Planning Supervisor
Department:	Development Services
Requested Meeting Date:	05-06-2025
Requested Presentation Duration:	10 minutes
CityView or Issue File Number:	PLRZ20230258

SUBJECT: 5 An ordinance amending the zone map classification of real property, generally located at 2087 West Center Street, from the One Family Residential (R1.8) Zone to the General Commercial (CG) Zone. Provo Bay Neighborhood. (PLRZ20230258)

RECOMMENDATION: Staff recommend approval, with conditions from PC and attached DA.

BACKGROUND: Peggy Case is requesting a zone map amendment from the R1.8 (One-Family Residential) Zone to the CG (General Commercial) Zone for her property at 2087 W Center Street, so that she may establish an event space in an existing accessory structure, which was approved through a 2004 Variance.

Ms. Case has been working towards establishing this proposed use since 2023, when she had asked for the Agritourism Overlay Zone to be applied to this property. However, staff indicated that she would first need to reduce the minimum lot size for that overlay from five acres to one acre to move forward. At the March 11th Council meeting, where the text amendment was heard and approved, Council spoke about the plans for this property and discussed the possibility of a commercial zone being a better tool to move forward. Once Ms. Case spoke in more detail about her property with staff, it was agreed that the zone map amendment request would be changed to ask for the CG Zone.

The CG Zone would meet the General Plan for Mixed-Use and allow for an event space to be approved by a Conditional Use Permit (SLU 6299) and also allow for the existing house to be used as a short-term rental; another goal for the applicant. The details of this plan would have to meet the standards of the CG Zone, and any conditions placed upon the use through the conditional use hearing that would follow if the zone map amendment was approved.

There are a variety of zones and uses within a 500-foot buffer of the subject property. The most common zone within that buffer is the CG Zone, accounting for approximately 5.24 acres of the surrounding land to the north, northwest, northeast, and east (across 2050 West). Within these CG Zones are small businesses, a Family Dollar, a gas station and restaurant, and some vacant land. In addition to the CG Zone, there is approximately 4.5 acres of SC1 (Neighborhood Commercial) Zone to the northeast with a variety of uses and vacant land. The residential areas to the west, south, and east currently include about 22 single-family homes in the R1 Zone.

There is also the Mixed-Use Zone to the east with a concept for 10,000 square feet of commercial space and sixty (60) residential units.

FISCAL IMPACT: None

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Staff believe that this request is the best way to get to the desired outcomes for the applicant and believe it will help the area be more congruent with the General Plan map. Further analysis is provided by answering the following standards from Provo City Code 14.02.020:
(a) Public purpose for the amendment in question.
Staff response: The applicant has stated that the request will promote economic development and tourism for the city, and that the purpose is to foster "community engagement" while respecting the character of the area.
(b) Confirmation that the public purpose is best served by the amendment in question.
Staff response: While staff may support a zone change to get to the desired outcomes of the applicant, there is some concern about the variety of uses and activities that could be established by-right under the CG Zone. These concerns should be a point of discussion for the Planning Commission and City Council, and efforts should be made to limit the property uses for the future.
(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.
Staff response: Staff believe establishing a variety of zones through this corridor helps to meet the vision of the General Plan map. Additionally, staff feel that the request helps to meet Goal 1 of Chapter 3 to "strike a balanced approach in locating land uses that align transit, land use, economics, and open space"; and Goal 1 of Chapter 5 to "employ innovative approaches to promote local business and create community".
(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.
Staff response: There are no timing and sequencing provisions articulated for this property.
(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.
Staff response: Approving this request without careful consideration of uses allowed in the CG Zone could result in obstructing attainment for goals related to protecting single-family neighborhoods and character. However, staff believe that these concerns could be addressed by limiting what uses could be permitted on the property, with agreements from the property owner/applicant.
(f) Adverse impacts on adjacent land owners.
Staff response: There are impacts associated with this request. The adjacent properties could experience increased traffic and parking demands, as well as an increase in noise complaints.
(g) Verification of correctness in the original zoning or General Plan for the area in question.
Staff response: Staff have verified the correctness of the General Plan and zoning for this area.

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

ORDINANCE <<Document Number>>

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF REAL PROPERTY, GENERALLY LOCATED AT 2087 WEST CENTER STREET, FROM THE ONE FAMILY RESIDENTIAL (R1.8) ZONE TO THE GENERAL COMMERCIAL (CG) ZONE. PROVO BAY NEIGHBORHOOD. (PLRZ20230258)

RECITALS:

It is proposed that the classification on the Provo Zoning Map for approximately 1.15 acres of real property, generally located at 2087 West Center Street (an approximation of which is shown or described in Exhibit A and a more precise description of which is attached as Exhibit B), be amended from the One Family Residential (R1.8) Zone to the General Commercial (CG) Zone;

On April 9, 2025, the Planning Commission held a public hearing to consider the proposal, and after the hearing the Planning Commission recommended **denial** of the proposal to the Municipal Council by a 6:0 vote;

The Planning Commission's recommendation was based on the project design presented to the Commission;

On May 6, 2025, the Municipal Council met to determine the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the Planning Commission's recommendation and the facts presented to the Municipal Council, the Council finds that (i) the proposed action should be approved, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council ordains as follows:

PART I:

The classification on the Provo Zoning Map is amended from the One Family Residential (R1.8) Zone to the General Commercial (CG) Zone for the real property described in this ordinance.

PART II:

The Mayor is authorized to negotiate and execute a development agreement as proposed by the applicant for this zone change, consistent with the representations made by the applicant and the applicant's representatives to the Council. The agreement must be in form substantially similar to the draft attached as Exhibit C. An executed copy of the agreement will be attached as Exhibit D after execution. The zone map classification change described in Part I is not effective until the date of final execution of the development agreement.

PART III:

A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance controls.

B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is judicially determined to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.

C. Except as otherwise stated in Part II, this ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

D. The Municipal Council directs that the Provo Zoning Map be updated and codified to reflect the provisions enacted by this ordinance.

E. Notwithstanding any provision or language to the contrary in this ordinance, if the Development Agreement authorized in Part II has not been fully executed by the necessary parties within one year from the date of the Municipal Council's approval of this ordinance, the entire ordinance expires, becoming null and void as if it had never been approved. Because the zone map classification change contemplated in Part I cannot come into effect if the Development Agreement is not executed, neither the applicant nor any successor(s) in interest has any vested rights under this ordinance if it expires.

EXHIBIT A

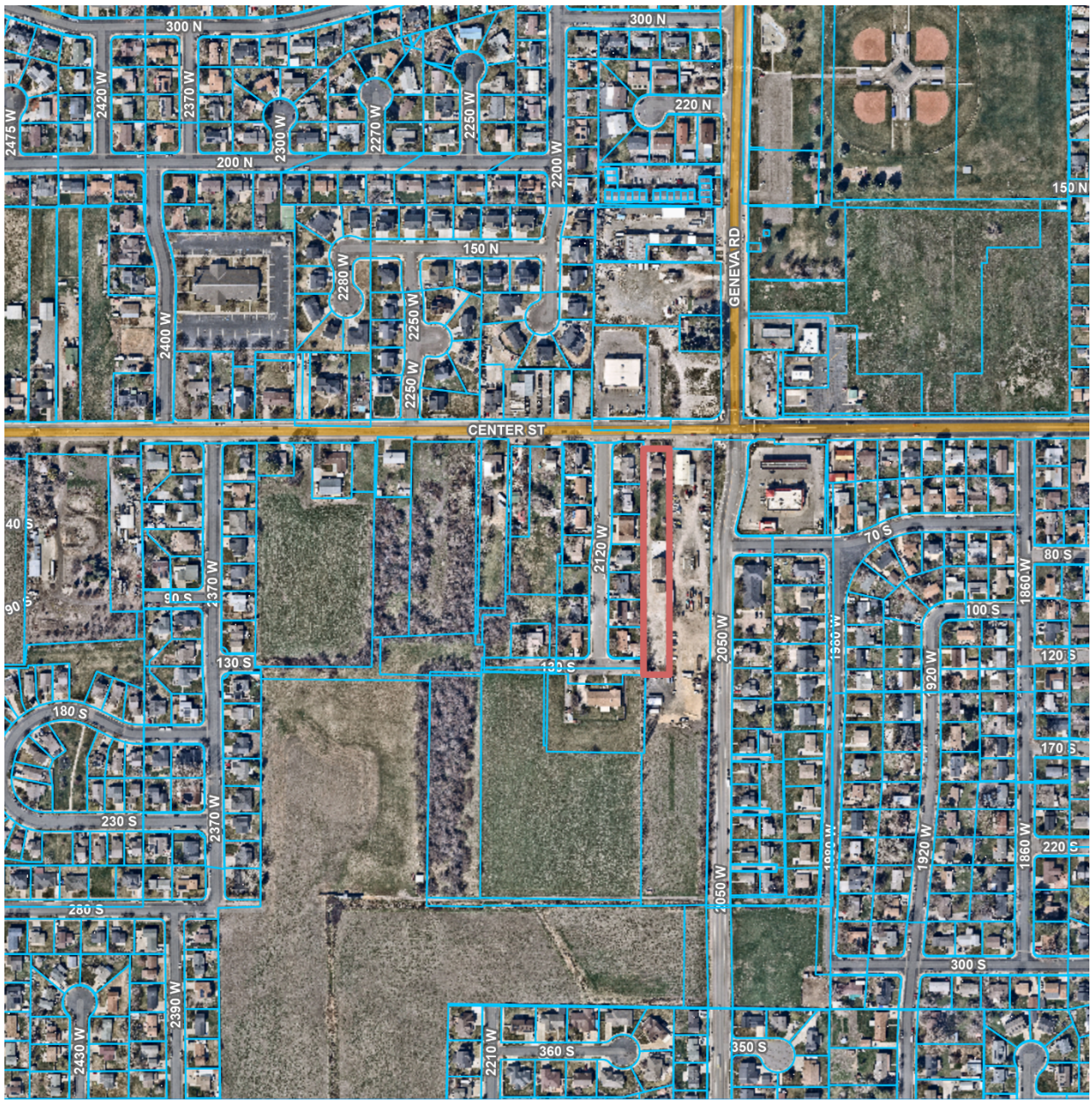

300 N
2475 W
2420 W
2370 W
2300 W
2270 W
2250 W
200 N
2200 W
220 N
150 N
2280 W
2250 W
2400 W
GENEVA RD
CENTER ST
2120 W
2050 W
70 S
80 S
100 S
120 S
1860 W
1920 W
130 S
180 S
170 S
230 S
220 S
280 S
300 S
2390 W
2430 W
2210 W
360 S
350 S

EXHIBIT B

Legal Description

COM. 2.30 CHS W & 12.54 CHS N 1 E & N 89 W 2.91 CHS OF SE COR OF SEC 3, T 7 S, R 2 E, SLM; S 89 E 4 RODS 10 FT; S 1 W 40 RODS; N 89 W 4 RODS 10 FT; N 1 E 40 RODS TO BEG. AREA 1.145 AC.

EXHIBIT C

DEVELOPMENT AGREEMENT
FOR
PEGGY CASE CG REZONE

(2087 West Center Street)

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 20__ (the "Effective Date"), by and between the CITY OF PROVO, a Utah municipal corporation, hereinafter referred to as "City," and _____, a Utah limited liability company, hereinafter referred to as "Developer." The City and Developer are hereinafter collectively referred to as "Parties."

RECITALS

A. Developer is the owner of approximately 1.15 acres of land located within the City of Provo as is more particularly described on EXHIBIT A, attached hereto and incorporated herein by reference (the "Property").

B. On _____, the City Council approved Ordinance _____, vesting zoning (the "Vesting Ordinance"), based on the Concept Plan set forth on EXHIBIT B ("Concept Plan"), attached hereto and incorporated herein by reference, which will govern the density, development and use of the Property (said density, development, and use constituting the "Project").

C. Developer is willing to design and construct the Project in a manner that is in harmony with and intended to promote the long range policies, goals, and objectives of the City's general plan, zoning and development regulations in order to receive the benefit of vesting for certain uses and zoning designations under the terms of this Agreement as more fully set forth below.

D. The City Council accepted Developer's proffer to enter into this Agreement to memorialize the intent of Developer and City and decreed that the effective date of the Vesting Ordinance be the date of the execution and delivery of this Agreement and the recording thereof as a public record on title of the Property in the office of the Utah County Recorder.

E. The City Council further authorized the Mayor of the City to execute and deliver this Agreement on behalf of the City.

F. The City has the authority to enter into this Agreement pursuant to Utah Code Section 10-9a-102(2) and relevant municipal ordinances, and desires to enter into this Agreement with the Developer for the purpose of guiding the development of the Property in accordance with the terms and conditions of this Agreement and in accordance with applicable City Ordinances.

G. This Agreement is consistent with, and all preliminary and final plats within the Property are subject to and shall conform with, the City's General Plan, Zoning Ordinances, and Subdivision Ordinances, and any permits issued by the City pursuant to City Ordinances and regulations.

H. The Parties desire to enter into this Agreement to specify the rights and responsibilities of the Developer to develop the Property as expressed in this Agreement and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this Agreement.

I. The Parties understand and intend that this Agreement is a "development agreement" within the meaning of, and entered into pursuant to, the terms of Utah Code Ann., §10-9a-102.

J. The Parties intend to be bound by the terms of this Agreement as set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Developer hereby agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated into this Agreement, as a substantive part hereof.

2. Zoning. The Property shall be developed in accordance with (i) the requirements of the CG (General Commercial) Zone, (ii) all other features as generally shown on the Concept Plan, and (iii) this Agreement. The Developer shall not seek to develop the Property in a manner that deviates materially from the Concept Plan as permitted by the aforementioned zoning designations for the Property.

3. Governing Standards. The Concept Plan, the Vesting Ordinance and this Agreement establish the development rights for the Project, including the use, maximum density, intensity and general configuration for the Project. The Project shall be developed by the Developer in accordance with the Concept Plan, the Vesting Ordinance and this Agreement. All Developer submittals must comply generally with the Concept Plan, the Vesting Ordinance and this Agreement. Non-material variations to the Concept Plan, as defined and approved by the City's Community Development Director, such as exact building locations, exact locations of open space and parking may be varied by the Developer without official City Council or Planning Commission approval. Such variations however shall in no way change the maximum density, use and intensity of the development of the Project.

4. Additional Specific Developer Obligations. As an integral part of the consideration for this agreement, the Developer voluntarily agrees as follows:

a. Developer agrees to limit the uses on the property to the following list of permitted and conditional uses as listed in the CG Zone:

i. Real Estate Office (SLU 6150)

ii. Reception Center (SLU 6299)

iii. Short-Term Rentals, in compliance with PCC Chapter 6.33.

iv. Art Exhibitions (SLU 6593)

v. Educational Classes (SLU 6830)

vi. Photography Studio (SLU 6222)

b. Developer agrees that any improvements to the property will include dedication of future 130 South Street connection.

c. Developer agrees that all the above commercial uses will be conducted within existing structures (and open spaces, as allowed by code) on the property.

5. Construction Standards and Requirements. All construction on the Property at the direction of the Developer shall be conducted and completed in accordance with the City Ordinances, including, but not limited to setback requirements, building height requirements, lot coverage requirements and all off-street parking requirements.

6. Vested Rights and Reserved Legislative Powers.

a. Vested Rights. As of the Effective Date, Developer shall have the vested right to develop and construct the Project in accordance with the uses, maximum permissible densities, intensities, and general configuration of development established in the Concept Plan, as supplemented by the Vesting Ordinance and this Agreement (and all Exhibits), subject to compliance with the City Ordinances in existence on the Effective Date. The Parties intend that the rights granted to Developer under this Agreement are contractual and also those rights that exist under statute, common law and at equity. The Parties specifically intend that this Agreement grants to Developer "vested rights" as that term is construed in Utah's common law and pursuant to Utah Code Ann., §10-9a-509.

i. Examples of Exceptions to Vested Rights. The Parties understand and agree that the Project will be required to comply with future changes to City Laws that do not limit or interfere with the vested rights granted pursuant to the terms of this Agreement. The following are examples for illustrative purposes of a non-exhaustive list of the type of future laws that may be enacted by the City that would be applicable to the Project:

1. Developer Agreement. Future laws that Developer agrees in writing to the application thereof to the Project;

2. Compliance with State and Federal Laws. Future laws which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Project;

3. Safety Code Updates. Future laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications,

AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare; or,

4. Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated.

5. Fees. Changes to the amounts of fees for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law.

6. Impact Fees. Impact Fees or modifications thereto which are lawfully adopted, imposed and collected.

b. Reserved Legislative Powers. The Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation of the police powers, such legislation shall not modify the Developer's vested right as set forth herein unless facts and circumstances are present which meet the exceptions to the vested rights doctrine as set forth in Section 10-9a-509 of the Municipal Land Use, Development, and Management Act, as adopted on the Effective Date, *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980), its progeny, or any other exception to the doctrine of vested rights recognized under state or federal law.

7. Default. An "Event of Default" shall occur under this Agreement if any party fails to perform its obligations hereunder when due and the defaulting party has not performed the delinquent obligations within sixty (60) days following delivery to the delinquent party of written notice of such delinquency. Notwithstanding the foregoing, if the default cannot reasonably be cured within that 60-day period, a party shall not be in default so long as that party commences to cure the default within that 60-day period and diligently continues such cure in good faith until complete.

a. Remedies. Upon the occurrence of an Event of Default, the non-defaulting party shall have the right to exercise all of the following rights and remedies against the defaulting party:

1. All rights and remedies available at law and in equity, including injunctive relief, specific performance, and termination, but not including damages or attorney's fees.

2. The right to withhold all further approvals, licenses, permits or other rights associated with the Project or development activity pertaining to the defaulting party as described in this Agreement until such default has been cured.

3. The right to draw upon any security posted or provided in connection with the Property or Project by the defaulting party.

The rights and remedies set forth herein shall be cumulative.

8. Notices. Any notices, requests and demands required or desired to be given hereunder shall be in writing and shall be served personally upon the party for whom intended, or if mailed, by certified mail, return receipt requested, postage prepaid, to such party at its address shown below:

To the Developer: _____
Attn: _____
_____
_____
Phone: _____

To the City: City of Provo
Attention: City Attorney
445 W Center
Provo, UT 84601
Phone: (801) 852-6140

9. General Term and Conditions.

a. Headings. The headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

b. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns (to the extent that assignment is permitted). Without limiting the generality of the foregoing, a "successor" includes a party that succeeds to the rights and interests of the Developer as evidenced by, among other things, such party's submission of land use applications to the City relating to the Property or the Project.

c. Non Liability of City Officials and Employees. No officer, representative, consultant, attorney, agent or employee of the City shall be personally liable to the Developer, or any successor in interest or assignee of the Developer, for any default or breach by the City, or for any amount which may become due to the Developer, or its successors or assignees, or for any obligation arising under the terms of this Agreement. Nothing herein will release any person from personal liability for their own individual acts or omissions.

d. Third Party Rights. Except for the Developer, the City and other parties that may succeed the Developer on title to any portion of the Property, all of whom are express intended beneficiaries of this Agreement, this Agreement shall not create any rights in and/or obligations to any other persons or parties. The Parties acknowledge that this Agreement refers to a private development and that the City has no interest in, responsibility for, or duty to any third parties concerning any improvements to the Property unless the City has accepted the dedication of such improvements

e. Further Documentation. This Agreement is entered into by the Parties with the recognition and anticipation that subsequent agreements, plans, profiles, engineering and other documentation implementing and carrying out the provisions of this Agreement may be necessary. The Parties agree to negotiate and act in good faith with respect to all such future items.

f. Relationship of Parties. This Agreement does not create any joint venture, partnership, undertaking, business arrangement or fiduciary relationship between the City and the Developer.

g. Agreement to Run With the Land. This Agreement shall be recorded in the Office of the Utah County Recorder against the Property and is intended to and shall be deemed to run with the land, and shall be binding on and shall benefit all successors in the ownership of any portion of the Property.

h. Performance. Each party, person and/or entity governed by this Agreement shall perform its respective obligations under this Agreement in a manner that will not unreasonably or materially delay, disrupt or inconvenience any other party, person and/or entity governed by this Agreement, the development of any portion of the Property or the issuance of final plats, certificates of occupancy or other approvals associated therewith.

i. Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

j. Construction. This Agreement has been reviewed and revised by legal counsel for both the City and the Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

k. Consents and Approvals. Except as expressly stated in this Agreement, the consent, approval, permit, license or other authorization of any party under this Agreement shall be given in a prompt and timely manner and shall not be unreasonably withheld, conditioned or delayed. Any consent, approval, permit, license or other authorization required hereunder from the City shall be given or withheld by the City in compliance with this Agreement and the City Ordinances.

l. Approval and Authority to Execute. Each of the Parties represents and warrants as of the Effective Date this Agreement, it/he/she has all requisite power and authority to execute and deliver this Agreement, being fully authorized so to do and that this Agreement constitutes a valid and binding agreement.

m. Termination.

i. Notwithstanding anything in this Agreement to the contrary, it is agreed by the parties hereto that in the event the final plat for the Property has not been recorded in the Office of the Utah County Recorder within ten (10) years from the date of this Agreement (the "Term"), or upon the occurrence of an event of default of this Agreement that is not cured, the City shall have the right, but not the obligation, at the sole discretion of the City Council, to terminate this Agreement as to the defaulting

party (*i.e.*, the Developer). The Term may be extended by mutual agreement of the Parties.

ii. Upon termination of this Agreement for the reasons set forth herein, following the notice and process required hereby, the obligations of the City and the defaulting party to each other hereunder shall terminate, but none of the licenses, building permits, or certificates of occupancy granted prior to expiration of the Term or termination of this Agreement shall be rescinded or limited in any manner.

10. Assignability. The rights and responsibilities of Developer under this Agreement may be assigned in whole or in part by Developer with the consent of the City as provided herein.

a. Notice. Developer shall give Notice to the City of any proposed assignment and provide such information regarding the proposed assignee that the City may reasonably request in making the evaluation permitted under this Section. Such Notice shall include providing the City with all necessary contact information for the proposed assignee.

b. Partial Assignment. If any proposed assignment is for less than all of Developer's rights and responsibilities, then the assignee shall be responsible for the performance of each of the obligations contained in this Agreement to which the assignee succeeds. Upon any such approved partial assignment, Developer shall be released from any future obligations as to those obligations which are assigned but shall remain responsible for the performance of any obligations that were not assigned.

c. Grounds for Denying Assignment. The City may only withhold its consent if the City is not reasonably satisfied of the assignee's reasonable financial ability to perform the obligations of Developer proposed to be assigned.

d. Assignee Bound by this Agreement. Any assignee shall consent in writing to be bound by the assigned terms and conditions of this Agreement as a condition precedent to the effectiveness of the assignment.

11. Sale or Conveyance. If Developer sells or conveys parcels of land, the lands so sold and conveyed shall bear the same rights, privileges, intended uses, configurations, and density as applicable to such parcel and be subject to the same limitations and rights of the City as when owned by Developer and as set forth in this Agreement without any required approval, review, or consent by the City except as otherwise provided herein.

12. No Waiver. Any party's failure to enforce any provision of this Agreement shall not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the party intended to be benefited by the provisions, and a waiver by a party of a breach hereunder by the other party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

13. Severability. If any portion of this Agreement is held to be unenforceable for any reason, the remaining provisions shall continue in full force and effect.

14. Force Majeure. Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefore; acts of nature; governmental restrictions, regulations or controls; judicial orders; enemy or hostile government actions; wars, civil commotions; fires or other casualties or other causes beyond the reasonable control of the party obligated to perform hereunder shall excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage.

15. Amendment. This Agreement may be amended only in writing signed by the Parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first hereinabove written.

CITY:

CITY OF PROVO

ATTEST:

By: _____ By:_____

City Recorder Mayor Michelle Kaufusi

DEVELOPER:

_____, a Utah limited liability company

By: _____

Name: _____

Title: _____

STATE OF UTAH)

:ss

COUNTY OF UTAH)

On the ____ day of _____, 2025, personally appeared before me _____, who being by me duly sworn, did acknowledge that he/she executed the foregoing instrument in his/her official capacity as _____ of Provo City, a municipal corporation of the State of Utah.

_____

Notary Public

STATE OF UTAH)

:ss

COUNTY OF UTAH)

On the ____ day of _____, 2025, personally appeared before me _____, who being by me duly sworn, did say that he is the _____ of _____, a Utah limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company with proper authority and duly acknowledged to me that he executed the same.

_____

Notary Public

Exhibit A

Legal Description of the Property

COM. 2.30 CHS W & 12.54 CHS N 1 E & N 89 W 2.91 CHS OF SE COR OF SEC 3, T 7 S, R 2 E, SLM; S 89 E 4 RODS 10 FT; S 1 W 40 RODS; N 89 W 4 RODS 10 FT; N 1 E 40 RODS TO BEG. AREA 1.145 AC.

Exhibit B

Concept Plan

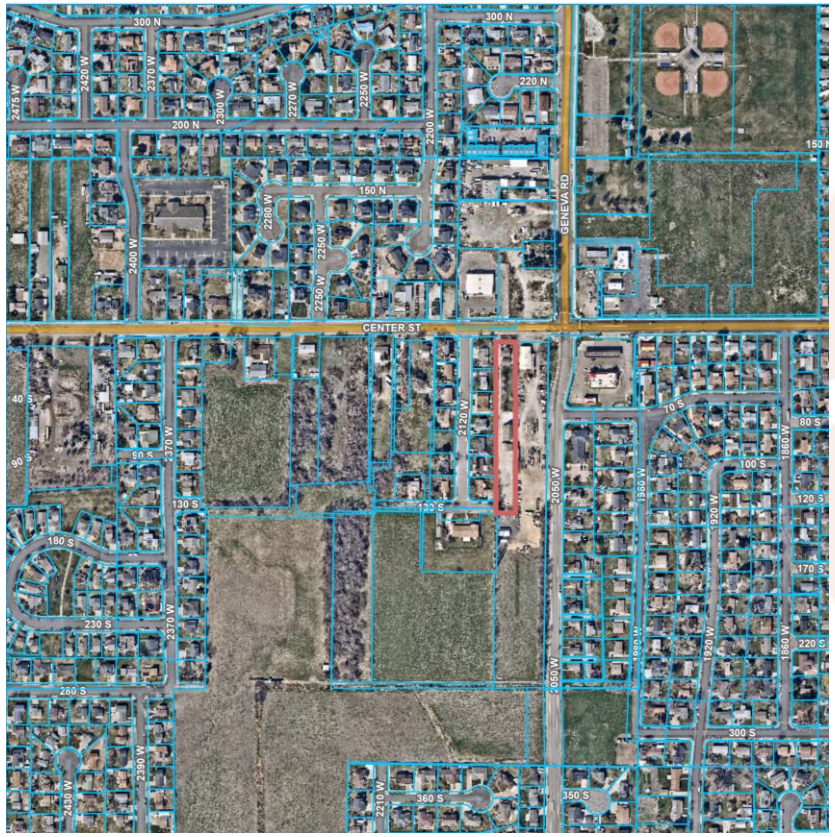


Peggy Case requests a Zone Map Amendment from the R1.8 (One Family Residential) Zone to the CG (General Commercial) Zone, in order to provide an event space in an existing accessory building, located at 2087 W Center St.

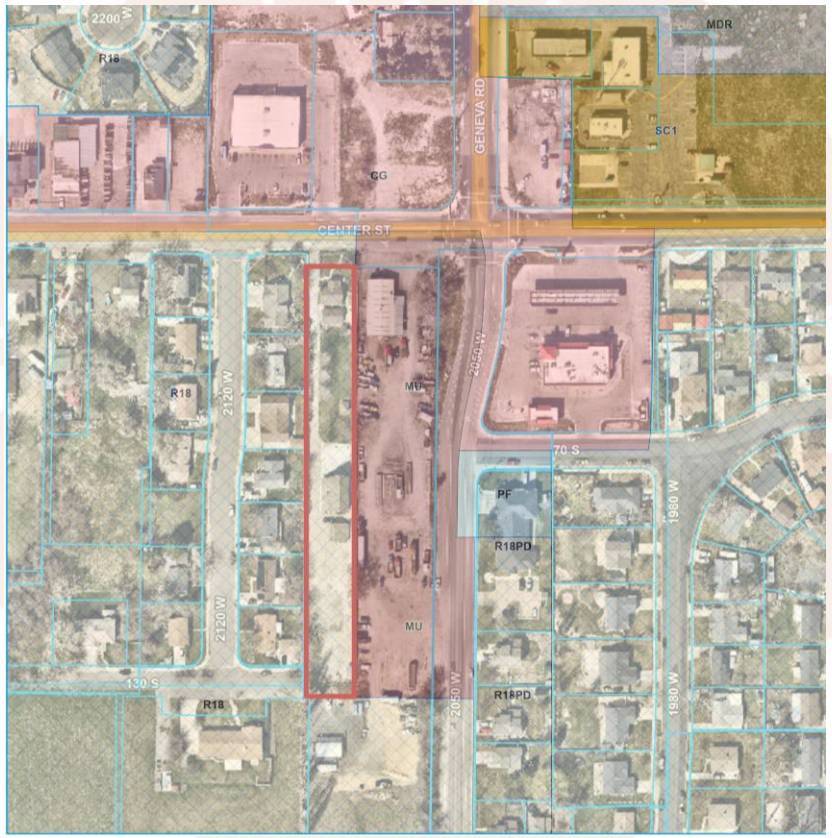
Provo Bay Neighborhood

PLRZ20230258

2087 W Center Rezone Request



Aerial Map



Zone Map



General Plan Map

2087 W Center Rezone Request

- Current Zone: R1.8 *(one-family residential)*
- Proposed Zone: CG *(General Commercial)*
- Proposed Uses: Event Space and Short-Term Rental *(conditional uses under CG Zone)*



Yellow: Driveway and Parking

Orange: Indoor/outdoor event space, Bed and Breakfast, meeting/class space, etc.

Green: Brides room

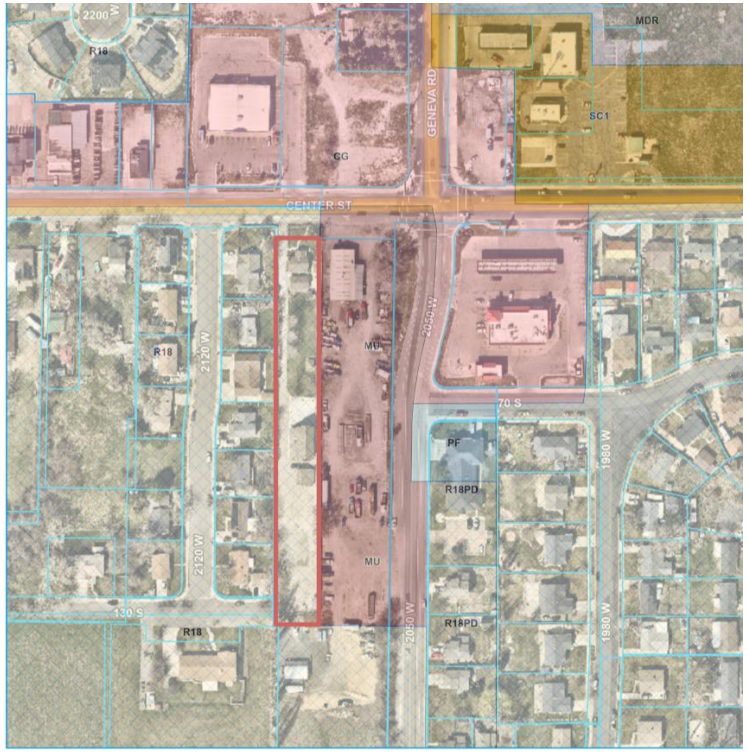
Red: Garage/storage





2087 W Center Rezone Request

- Current Zone: R1.8 *(one-family residential)*
- Proposed Zone: CG *(General Commercial)*
- Proposed Uses: Event Space and Short-Term Rental *(conditional uses under CG Zone)*
- Reasons for Staff Recommendation:
    1. Area marked for mixed-use in General Plan
    2. Allows small business to grow.
    3. Respects character of area*.
    4. Good transition from more intense uses to single-family neighborhood. *(moving east to west)*
    5. Conditional Use provides protection/oversight for the neighbors and the city.





*Subject to limiting uses from CG Zone (14.22.020)

Applicant Slides

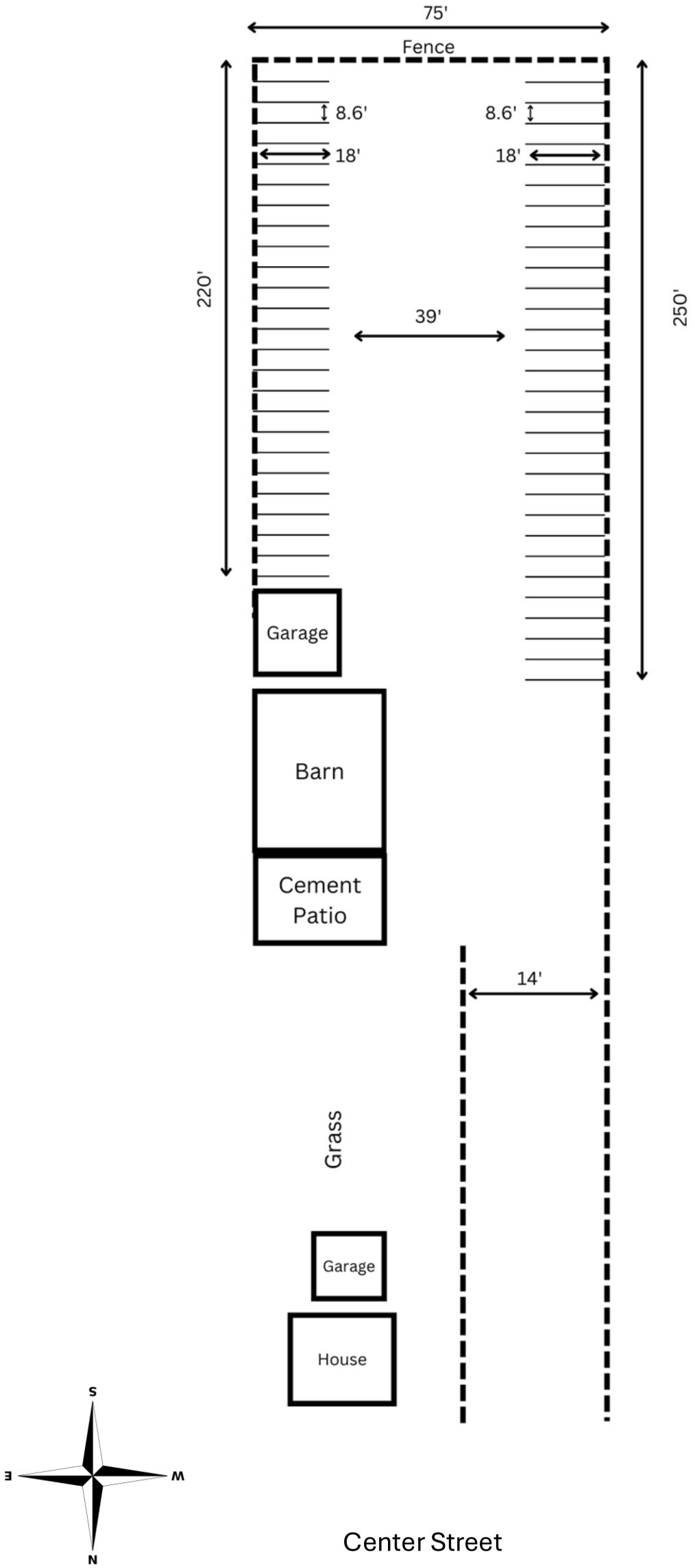
Rezoning Proposal: R-1 to General Commercial with Limited Use

2087 W Center Street
Provo, UT 84061

Peggy Case

Summary

- Minimal Neighborhood Impact
  - Strategic property layout with buffer zones
  - Compliance with Provo's noise ordinance (≤55 dB at night, ≤ 65 dB daytime)
  - Natural sound barriers like trees and fencing
  - Example: Similar venue in Utah County had zero noise complaints in 5 years
- Traffic & Parking Considerations
  - Ample on-site parking to prevent congestion
  - Dedicated entrance & exit for smooth traffic flow
  - Meets or exceeds city parking requirements
  - Visual: Site map with parking layout
- Community & Economic Benefits
  - Enhances Community Engagement
  - Educational workshops for local schools
  - Affordable small event space for families & community groups
  - Supports local businesses by driving tourism
    i. Example: Similar ag-tourism site generated $200K annually in local revenue
- Preserving Green Space & Enhancing the General Plan
  - Protects open land while allowing controlled public use
  - Acts as a buffer between residential & commercial zones
  - Supports Provo's long-term sustainable land use goals


75'
Fence
8.6'
8.6'
18'
18'
220'
250'
39'
Garage
Barn
Cement
Patio
14'
Grass
Garage
House
S
E
W
N
Center Street



CASE CONCEPT

ATLAS ENGINEERING
CIVIL · STRUCTURAL · SURVEY

PHONE 801-655-8568
944 E. 800 N. SUITE A
SPANISH FORK, UT 84660

DRAWING1.DWG

CASE CONCEPT

PROVO, UTAH

NO.	REVISIONS	BY	DATE
12			
11			
10			
9			
8			
7			
6			
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4			
3			
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1			

SHEET NO.

1

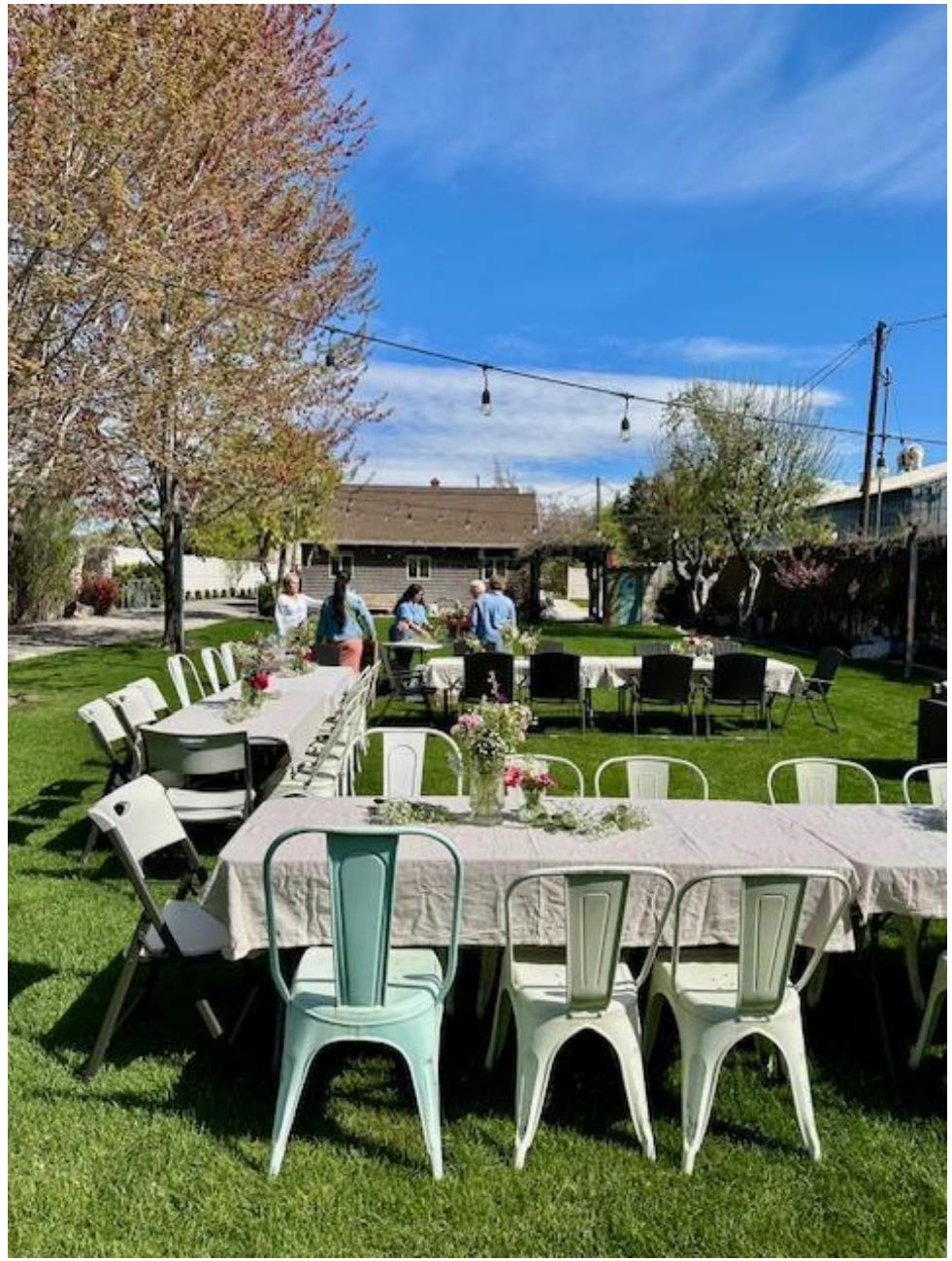

FRESH FRUIT




DO NOT
BLOCK
DRIVEWAY




















Bloom
BAR









Thank you for your consideration

Provo City Planning Commission

Report of Action

April 09, 2025

*Item 3 Peggy Case requests a Zone Map Amendment from the R1.8 (One Family Residential) Zone to the CG (General Commercial) Zone, in order to provide an event space in an existing accessory building, located at 2087 W Center Street. Provo Bay neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20230258

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 09, 2025:

RECOMMENDED DENIAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council deny the above noted application unless the following items can be addressed with the City Council and/or through a Conditional Use Permit:

1. A limitation on the number of guests for the event space.
2. A limit on sound.
3. Limits on the hours of event space operation.
4. Restriction of alcohol served at events.
5. Limiting use to existing structures.
6. A limitation of all other CG Zone uses, except for the event space and short-term rental conditional uses (noting that there may be discussion on other appropriate permitted CG Zone uses at the Council hearing).

Motion By: Lisa Jensen
Second By: Barbara DeSoto
Votes in Favor of Motion: Melissa Kendall, Lisa Jensen, Jonathon Hill, Andrew South, Anne Allen, Barbara DeSoto
Jonathon Hill was present as Chair.

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

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED
The property to be rezoned to the CG Zone is described in the attached Exhibit A.

RELATED ACTIONS
A related Concept Plan was continued at the April 9th, 2025, hearing (PLCP20230265, Item #4).

DEVELOPMENT AGREEMENT
- May apply with future approvals.

STAFF PRESENTATION
The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Staff clarified regulations and processes related to the proposal and responded to questions.

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

NEIGHBORHOOD MEETING DATE
- No information was received from the Neighborhood District Chair.

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

CONCERNS RAISED BY PUBLIC

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

- Jeffrey Miller summarized his concerns that were also sent in an email to the Commission, noting he is opposed to the proposal because of noise and light coming from events held at the property.
- Staff noted a phone call received from Family Dollar that they would like to make sure that no overflow parking came across the street to their site.

APPLICANT RESPONSE

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

- Peggy Case and David Simpson presented their proposal and gave a history of the property since Ms. Case purchased it. Ms. Case stated that she has held friends and family events on the property, which spurred the idea of having a commercial event space, and that with the growth of west Provo the opportunity to maintain the home through a short-term rental seemed like a good opportunity.
- Mr. Simpson shared the documentation that he has shared with the neighbors to the west as they attempted to gauge support and answer any questions.
- Ms. Case stated that she would limit the events to 100 people, not allow alcohol, and ensure that events are done by 9:30pm.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Commission discussed options if the proposed uses didn't work out or wanted to change, noting that IF the rezone was approved with the recommended restrictions, any other uses or changes would need to come back to a public hearing.
- The Commission verified that no structural changes or additions would come with this proposal.
- The Commission discussed the timing of the uses on the property and the surrounding uses, noting that they need to protect the homes to the west.
- The Commission spoke about the comfort of potentially having two levels of protection through negotiations with the City Council, and if approved, conditions enforced through the Conditional Use Permit.
- Commissioners discussed the General Plan for the area, noting that this proposed use would provide a better buffer from a commercial corner to the residential uses to the west than some alternative commercial use that may be wanted at a future date. If restricted to proposed uses, it would be the best commercial option to satisfy the variety of uses that is called for in the General Plan.
- Andrew South noted that the size and shape of the parcel poses difficulty for other uses, but that investment into this plan could protect this from a more disruptive commercial use or development in the future as commercial pressure increases.
- The Commission created a list of concerns to pass on to the City Council to hopefully address before a decision is made on this request.
- The Commission noted the surrounding commercial uses and the classification of Center Street lends itself to having commercial uses in this area.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation:

- That the Planning Commission wasn't comfortable with the CG Zone being applied to the property without first addressing the concerns that were discussed and noted at the top of this report of action.



Planning Commission Chair

Bill Peperone

Director of Development Services

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

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

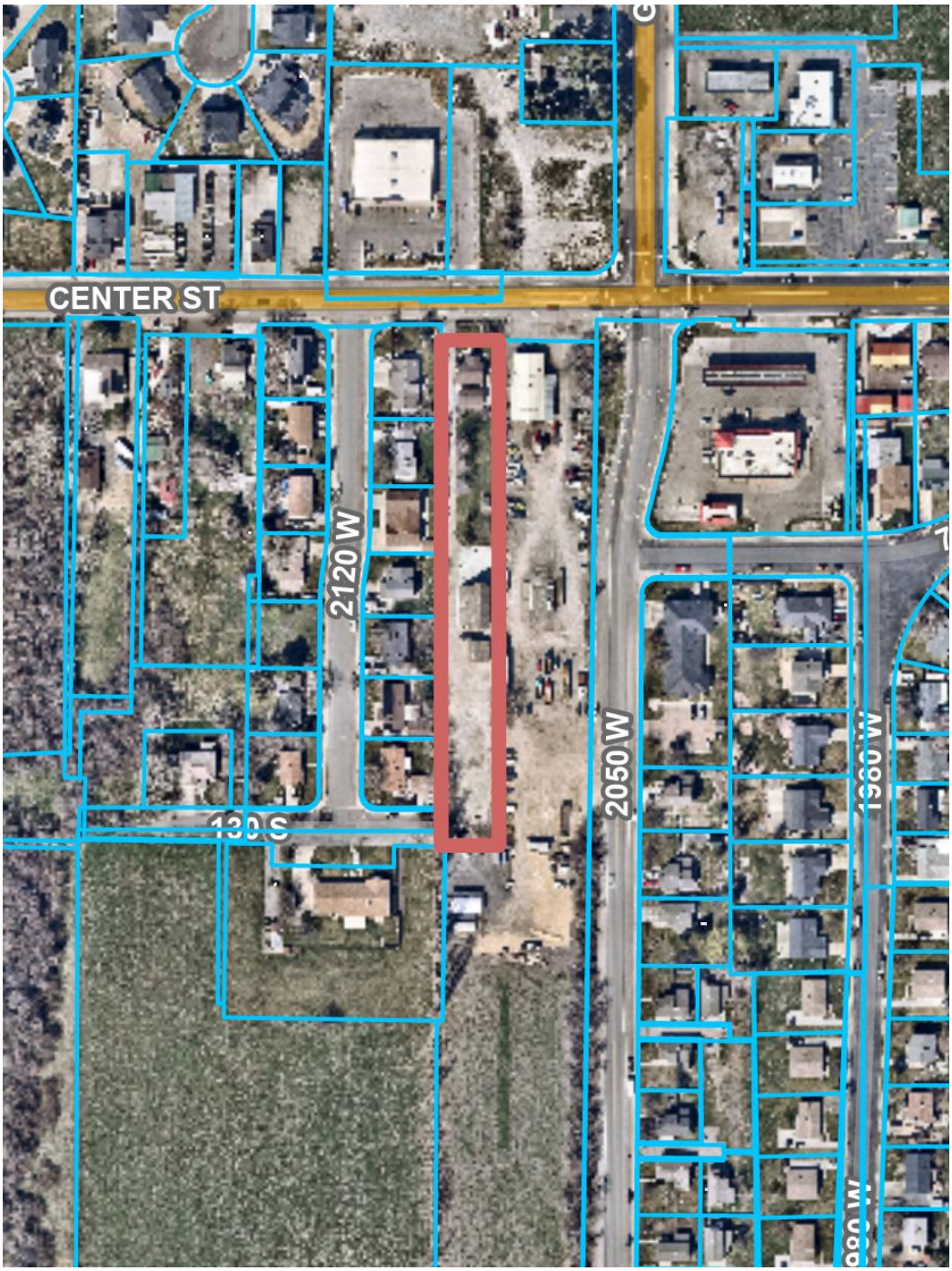
Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Development Services Department, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

Legal Description

COM. 2.30 CHS W & 12.54 CHS N 1 E & N 89 W 2.91 CHS OF SE COR OF SEC 3, T 7 S, R 2 E, SLM; S 89 E 4 RODS 10 FT; S 1 W 40 RODS; N 89 W 4 RODS 10 FT; N 1 E 40 RODS TO BEG. AREA 1.145 AC.



DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: April 9, 2025

***ITEM 3** Peggy Case requests a Zone Map Amendment from the R1.8 (One Family Residential) Zone to the CG (General Commercial) Zone, in order to provide an event space in an existing accessory building, located at 2087 W Center Street. Provo Bay Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20230258

Applicant: Peggy Case

Staff Coordinator: Aaron Ardmore

Property Owner: CASE, RICHARD & PEGGY

Parcel ID#: 21:025:0202

Acreage: 1.15

Number of Properties: 1

Current Legal Use: The property is recognized as a legal, one-family dwelling.

Relevant History: The property received conditional approval for a variance in 2004 for the accessory structure to be larger in footprint and height than the main dwelling. This is the building the applicant would like to use as an event space/reception center with the rezone request. The applicant first sought to apply the A1 (Agricultural) Zone with the Agritourism Overlay to permit this use, but it was found that the property did not meet the minimum standards for an A1 Zone. The request was changed to the CG Zone after the applicant received input from the City Council and Planning Staff during her amendment to the AT Overlay earlier this year.

Neighborhood Issues: Staff have not been made aware of any neighborhood issues at the time of this report.

Summary of Key Issues:

- 2023 request to go to A1(AT) Zone was pending change to minimum lot size. That OTA was approved but had Council direction to use a commercial zone instead.
- The CG Zone would require a Conditional Use Permit for the proposed event space (SLU 6299). The existing house would become short-term rental.
- The CG Zone meets the General Plan map designation for the property (Mixed-Use).

Staff Recommendation: Staff recommend approval of the zone map amendment.

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is April 23rd, 2025, at 6:00 P.M.*

2. **Recommend Denial** of the requested zone map amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

OVERVIEW

Peggy Case is requesting a zone map amendment from the R1.8 (One-Family Residential) Zone to the CG (General Commercial) Zone for her property at 2087 W Center Street, so that she may establish an event space in an existing accessory structure, which was approved through a 2004 Variance.

Ms. Case has been working towards establishing this proposed use since 2023, when she had asked for the Agritourism Overlay Zone to be applied to this property. However, staff indicated that she would first need to reduce the minimum lot size for that overlay from five acres to one acre to move forward. At the March 11th Council meeting, where the text amendment was heard and approved, Council spoke about the plans for this property and discussed the possibility of a commercial zone being a better tool to move forward. Once Ms. Case spoke in more detail about her property with staff, it was agreed that the zone map amendment request would be changed to ask for the CG Zone.

The CG Zone would meet the General Plan for Mixed-Use and allow for an event space to be approved by a Conditional Use Permit (SLU 6299) and also allow for the existing house to be used as a short-term rental; another goal for the applicant. The details of this plan would have to meet the standards of the CG Zone, and any conditions placed upon the use through the conditional use hearing that would follow if the zone map amendment was approved.

There are a variety of zones and uses within a 500-foot buffer of the subject property. The most common zone within that buffer is the CG Zone, accounting for approximately 5.24 acres of the surrounding land to the north, northwest, northeast, and east (across 2050 West). Within these CG Zones are small businesses, a Family Dollar, a gas station and restaurant, and some vacant land. In addition to the CG Zone, there is approximately 4.5 acres of SC1 (Neighborhood Commercial) Zone to the northeast with a variety of uses and vacant land. The residential areas to the west, south, and east currently include about 22 single-family homes in the R1 Zone. There is also the Mixed-Use Zone to the east with a concept for 10,000 square feet of commercial space and sixty (60) residential units.

STAFF ANALYSIS

Staff believe that this request is the best way to get to the desired outcomes for the applicant and believe it will help the area be more congruent with the General Plan map. Further analysis is provided by answering the following standards from Provo City Code 14.02.020:

(a) Public purpose for the amendment in question.

Staff response: The applicant has stated that the request will promote economic development and tourism for the city, and that the purpose is to foster "community engagement" while respecting the character of the area.

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

Staff response: While staff may support a zone change to get to the desired outcomes of the applicant, there is some concern about the variety of uses and activities that *could* be established by-right under the CG Zone. These concerns should be a point of discussion for the Planning Commission and City Council, and efforts should be made to limit the property uses for the future.

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

Staff response: Staff believe establishing a variety of zones through this corridor helps to meet the vision of the General Plan map. Additionally, staff feel that the request helps to meet Goal 1 of Chapter 3 to "strike a balanced approach in locating land uses that align transit, land use, economics, and open space"; and Goal 1 of Chapter 5 to "employ innovative approaches to promote local business and create community".

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

Staff response: There are no timing and sequencing provisions articulated for this property.

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

Staff response: Approving this request without careful consideration of uses allowed in the CG Zone could result in obstructing attainment for goals related to protecting single-family neighborhoods and character. However, staff believe that these concerns could be addressed by limiting what uses could be permitted on the property, with agreements from the property owner/applicant.

(f) Adverse impacts on adjacent land owners.

Staff response: There are impacts associated with this request. The adjacent properties could experience increased traffic and parking demands, as well as an increase in noise complaints.

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

Staff response: Staff have verified the correctness of the General Plan and zoning for this area.

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

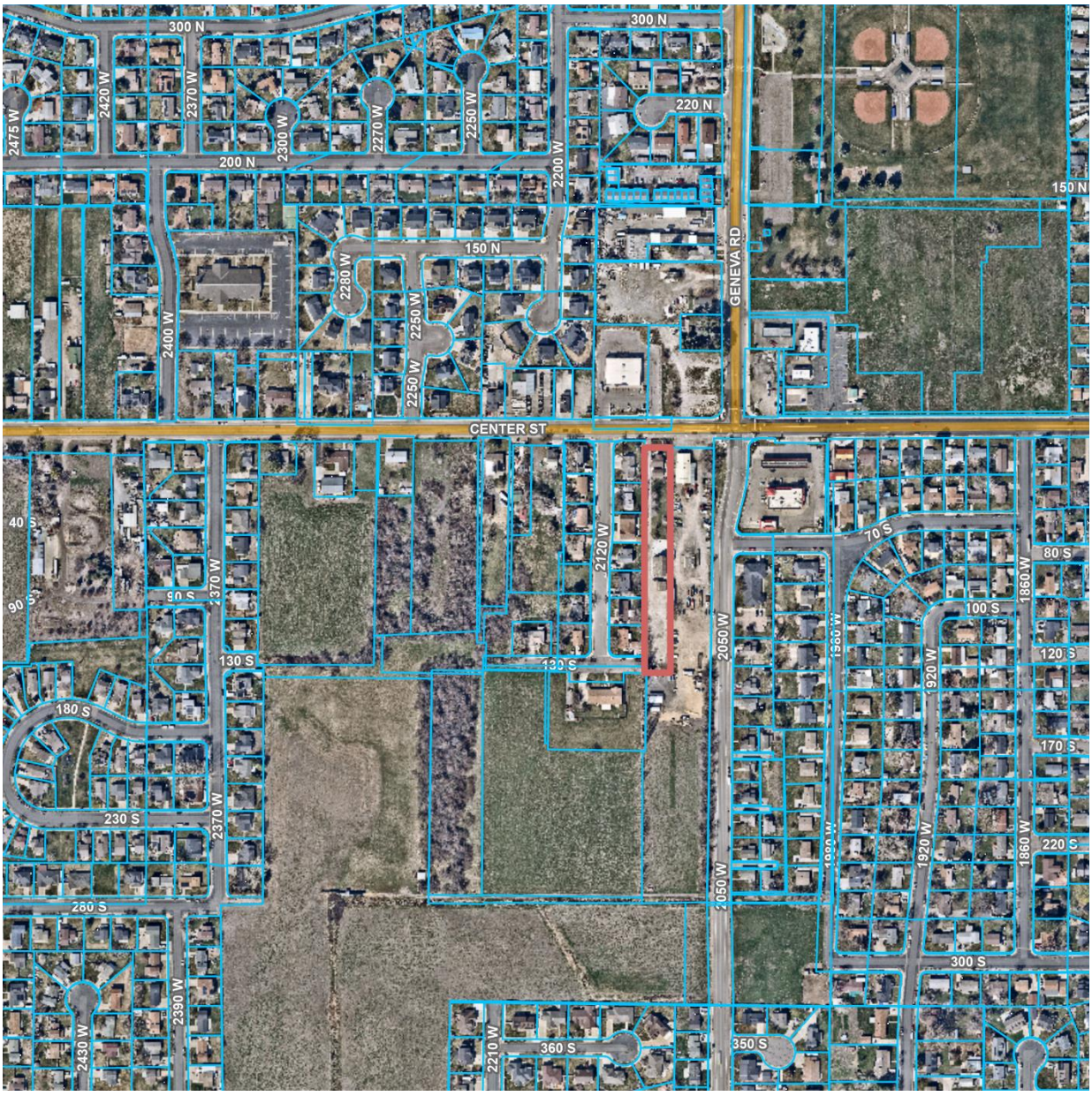
CONCLUSIONS

Staff are comfortable with the proposal for the property at 2087 W Center and acknowledge that the use of the CG Zone and Conditional Use Permits is the best way to achieve the goals of the applicant. The Planning Commission and City Council should carefully consider limitations in applying the CG Zone to this property, and if done correctly, the proposal should be a benefit to the people of Provo.

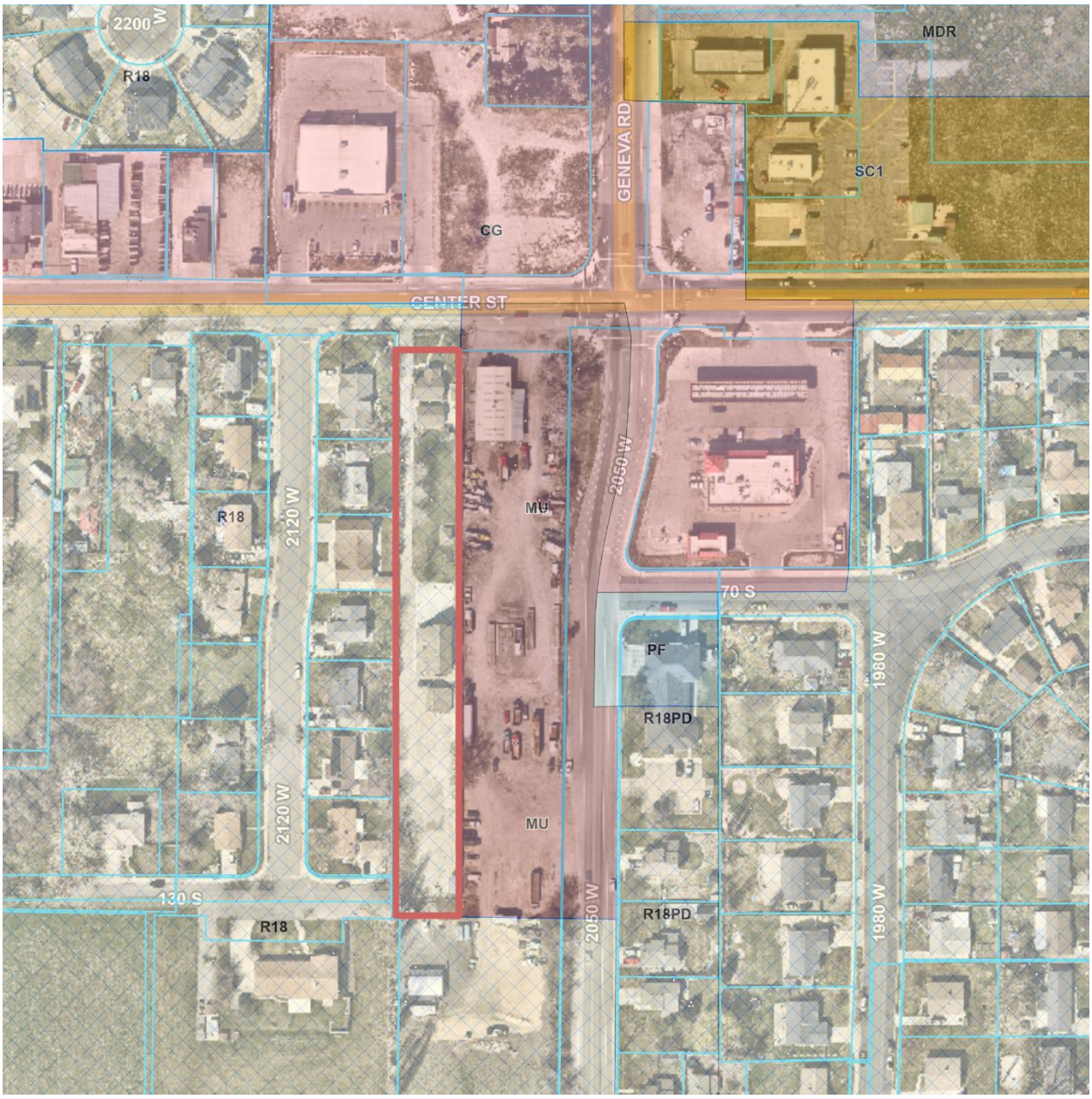
ATTACHMENTS

1. Area Map
2. Zone Map
3. General Plan Map
4. Concept Plans
5. Property Photos

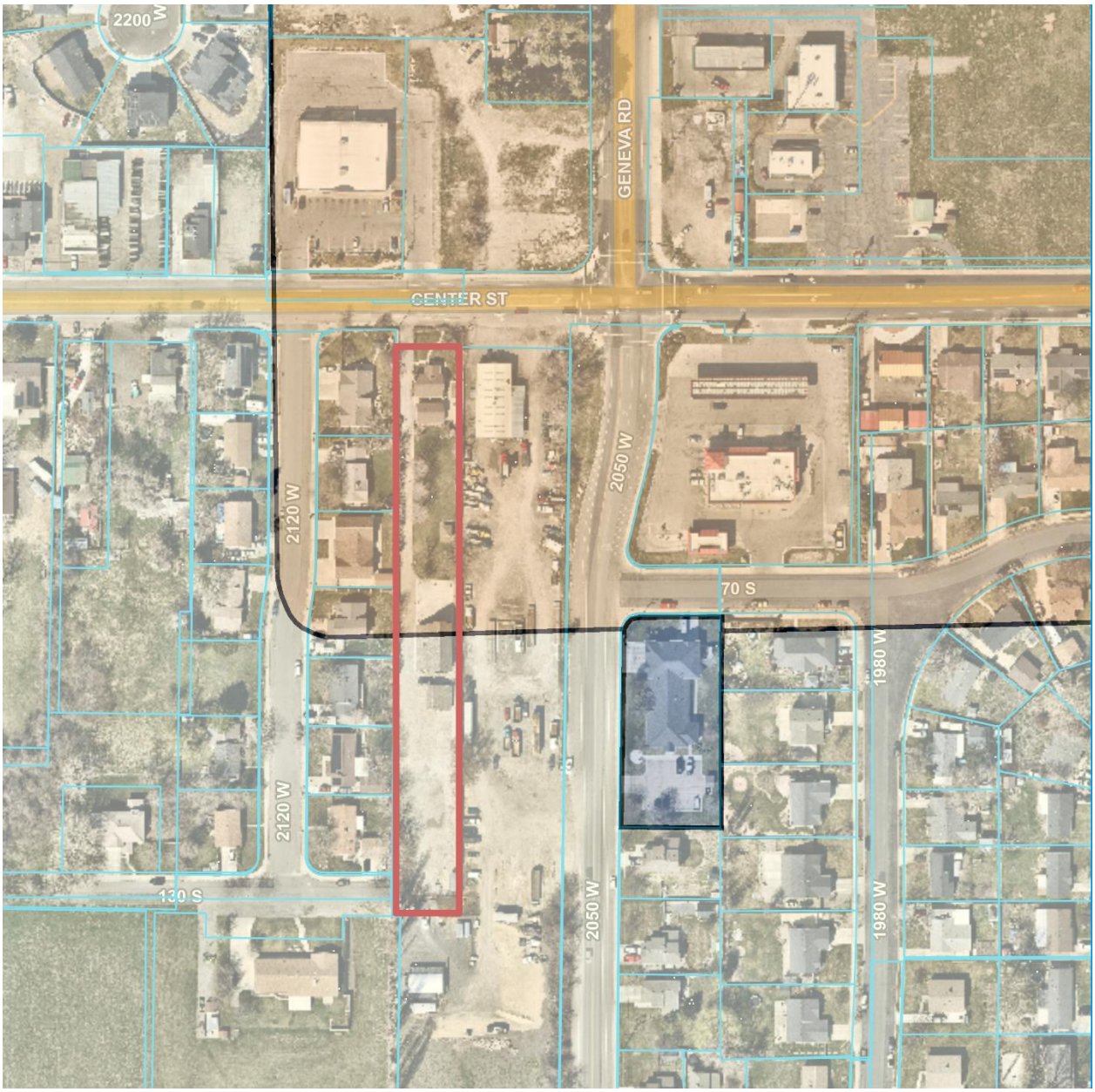
ATTACHMENT 1 – AREA MAP



ATTACHMENT 2 – ZONE MAP



ATTACHMENT 3 – GENERAL PLAN MAP



ATTACHMENT 4 – CONCEPT PLANS

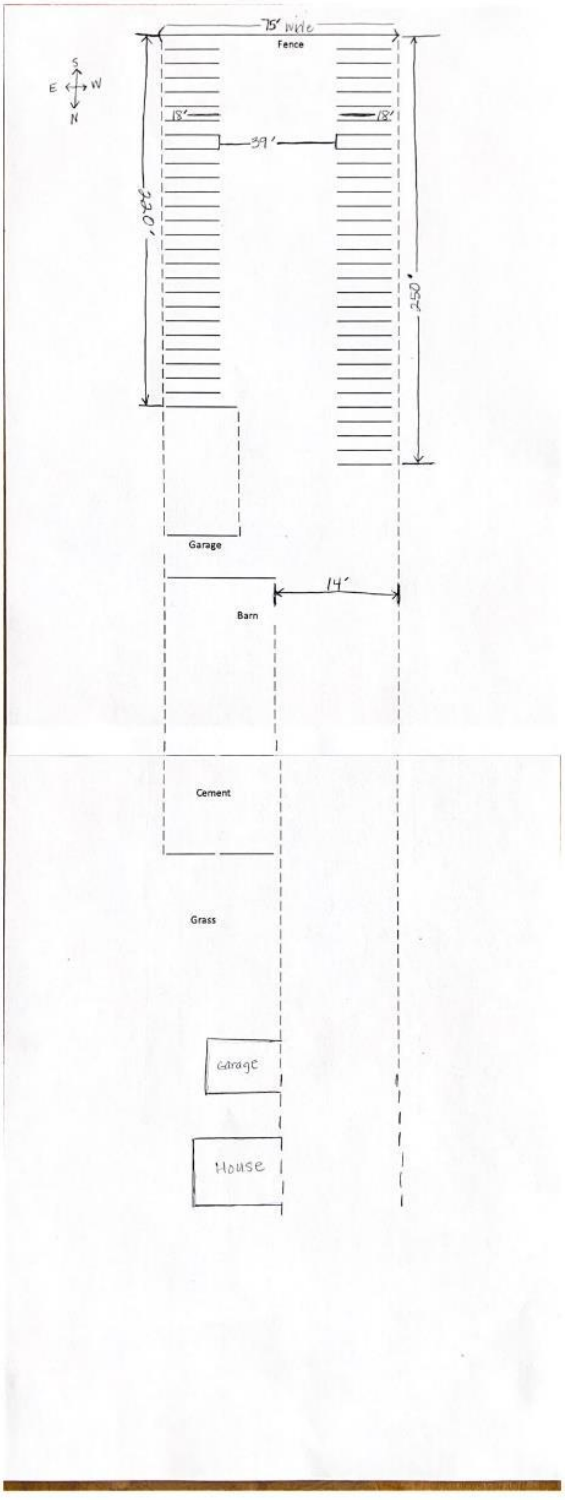


Yellow: Driveway and Parking

Orange: Indoor/outdoor event space, Bed and Breakfast, meeting/class space, etc.

Green: Brides room

Red: Garage/storage


75' Wide
Fence
S
E
W
N
18'
18'
39'
280'
250'
Garage
14'
Barn
Cement
Grass
Garage
House

ATTACHMENT 5 – PROPERTY PHOTOS







