



PROVO MUNICIPAL COUNCIL

Work Meeting

3:30 PM, Tuesday, May 12, 2026
Provo Peaks Conference Room (Room 110)
445 W. Center Street, Provo, UT 84601 or
<https://www.youtube.com/provocitycouncil>

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

To listen to the meeting by phone: May 12 Work Meeting: Dial 346-248-7799. Enter Meeting ID 817 4924 4830 and press #. When asked for a participant ID, press #.

Agenda

Roll Call

Approval of Minutes

February 10, 2026 Council Meeting
April 28, 2026 Work Meeting
April 28, 2026 Council Meeting

Business

- 1 A presentation regarding children's mental health services in Utah County (26-032)
- 2 A resolution approving the appropriation of \$57,765.50 in the General Fund for a contractual sales tax increment post-performance payment to East Bay Shopping Center (26-033)
- 3 A resolution approving the appropriation of \$83,851.50 in the General Fund for a contractual sales tax increment post-performance payment to Parkway Village. (26-034)
- 4 A resolution approving the appropriation of \$31,003.33 in the General Fund for a contractual sales tax increment post-performance payment to the Shops at Riverwoods. (26-035)
- 5 A resolution approving the appropriation of \$13,509.21 in the General Fund for a contractual sales tax increment post-performance payment to Day's Market. (26-036)

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.

Materials and Agenda: agendas.provo.org

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

The next Work Meeting will be held on Tuesday, May 26, 2026. 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.

PENDING 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 Governing Board Regular Meeting Agenda

5:30 PM, Tuesday, February 10, 2026
Council Chambers (Room 100)
445 W. Center Street, Provo, UT 84601 or
<https://www.youtube.com/provocitycouncil>

1

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

- | | |
|--|-----------------------------|
| Councilor Becky Bogdin | Councilor Craig Christensen |
| Councilor Gary Garrett | Councilor Katrice MacKay |
| Councilor Rachel Whipple | Councilor Jeff Whitlock |
| Council Executive Director Justin Harrison | Mayor Marsha Judkins |
| Chief Administrative Officer Scott Henderson | City Attorney Brian Jones |
| City Recorder Heidi Allman | |

Conducting: Chair Katrice MacKay
Excused: Councilor Travis Hoban

2

Prayer – Julia Chambers

3

Pledge of Allegiance – Councilor Garrett – Fire Department Honor Guard

4

Presentations, Proclamations, and Awards

5

1 A ceremony for the swearing in and badge pinning for new hires (26-007) [\(10:20\)](#)

6

Chief Jeremy Headman recognized the following individuals as newest members of the Provo Fire Department: Bryan Courtney, Trenton Batty, Brandon Byers, and Ricky Fassbinder. After reading a short bio for each employee, Chief invited a family member to pin their badge upon their uniform.

10

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

12

Public Comment [\(20:16\)](#)

13

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

15

Melanie McCoard, of Provo, expressed concerns regarding the appointment process for City boards and commissions. She referenced materials she had shared illustrating how boards currently operate compared to how they should function. She noted that while the Mayor recommends appointments and the Council has authority to approve or deny them, the Council has rarely declined recent appointments. She encouraged the Council to exercise greater diligence in reviewing appointees to ensure they are knowledgeable and aligned with City policies and plans. Ms. McCoard also shared that she had

21

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22 previously applied for several board and commission positions but was not selected. She stated that she
23 is no longer seeking appointment and has instead created a website, PreserveProvo.com, along with
24 associated social media platforms. She explained that these efforts will be used to share her
25 perspectives, past correspondence with the Council, and to produce podcast content aimed at
26 documenting her institutional knowledge.

27
28 Dallin Flake, of Provo, discussed the contract with Flock Safety, raising concerns about surveillance and
29 data privacy. He acknowledged that Mayor Judkins had received feedback from residents and is
30 gathering additional information but emphasized that responsibility for oversight rests with the entire
31 City leadership. Mr. Flake noted increasing public interest and media attention on the issue and
32 encouraged residents to share their concerns to ensure transparency and accountability. He expressed
33 the view that the use of Flock Safety cameras may pose risks to privacy and civil liberties and urged the
34 Council to evaluate whether the contract aligns with community values. He also invited members of the
35 public to connect with him after the meeting or through social media to further discuss the issue.

36
37 Aaron Capell, of Clearfield, expressed concerns about the use of Flock Safety technology across Utah
38 cities. Although not a Provo resident, he stated that the issue has statewide implications. Mr. Campbell
39 raised concerns about the company's national database, describing it as a form of widespread
40 surveillance with limited benefit to law enforcement. While expressing support for law enforcement, he
41 emphasized the importance of protecting constitutional rights, specifically referencing concerns related
42 to unreasonable searches and seizures. He commended Provo residents for voicing their concerns and
43 encouraged the Council to take a critical look at the City's contract with Flock Safety.

44
45 Chair MacKay closed the public comment period.

46 47 **Action Agenda**

2 **A public hearing to receive input from the public with respect to the issuance of up to \$20,000,000 of transportation sales tax revenue bonds for the purpose of financing construction of the Airport terminal expansion (26-009) [\(27:46\)](#)**

48
49 Jimmy McKnight, Public Works Division Director, presented. He provided background on a previously
50 approved resolution authorizing \$20 million in transportation sales tax revenue bonds. He explained
51 that two issues required the item to be returned for further action. First, because the City intends to
52 repay the bonds early using airport revenues, federal tax regulations (IRS requirements) necessitate an
53 additional public hearing. Second, during lender due diligence, concerns were raised about the County's
54 authorization of the sales tax revenues, which were subject to review in 2028. Mr. McKnight reported
55 that the City worked with Utah County to address this concern, resulting in an interlocal agreement
56 approved by the County Commission to maintain the sales tax revenues through the term of the bond.
57 He noted that the purpose of the public hearing was to receive input on the bonds, and that a
58 subsequent agenda item would include reauthorization of the bonds and approval of the interlocal
59 agreement. He also indicated that additional staff and bond counsel were available to answer questions
60 related to the project or financial details.

61
62 Chair MacKay opened the public hearing.

63

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64 Melanie McCoard, of Provo, spoke regarding the history and development of the Provo Regional Airport.
65 She recognized several individuals who contributed to the airport's establishment over many years and
66 expressed concern that their efforts have not been consistently acknowledged in public discussions. Ms.
67 McCoard also outlined her personal involvement in past airport-related issues, including community
68 organizing, advocacy on property impacts, and engagement with regulatory and operational matters.
69 She stated that she has applied multiple times to serve on the Airport Board but has not been selected.
70 She encouraged the Council to appoint individuals who can provide independent perspectives and
71 oversight of airport matters.

72
73 With no other comments, Chair MacKay closed the public hearing and invited questions from council.

74
75 Councilor Bogdin noted that nearby neighborhoods had representation on the Airport Board, which
76 continued until the previous June. She asked Brian Torgersen whether there are plans to include a
77 neighborhood representative in an upcoming board appointment.

78
79 Brian Torgersen, Airport Director, clarified that he does not make appointments to boards but supports
80 neighborhood representation on the Airport Board. He stated that he would recommend such
81 representation to the Mayor, who is responsible for appointments, subject to Council approval.

82
83 Councilor Bogdin expressed support for including one or more residents on the Airport Board,
84 specifically noting a preference for representation from areas most directly impacted, such as the Provo
85 Bay and Fort Utah neighborhoods.

86
87 Councilor Garrett asked for clarification on the full term of the bond, referencing prior discussion about
88 the City's interest in paying it off early, and inquired whether the term was 15 years.

89
90 Mr. McKnight confirmed that the bond term is 15 years and stated that the City's goal is to repay the
91 bonds earlier, within approximately seven to eight years.

92
93 Chair MacKay proceeded to the next agenda item.

94
95
3 A resolution approving the issuance of transportation sales tax revenue bonds, and the execution and delivery of an interlocal agreement with Utah County. (26-009) (34:55)

Motion: An implied motion to approve Resolution 2026-4, as currently constituted, has been made by council rule.

96
97 As the presentation had been provided with the previous item, Chair MacKay opened the public
98 comment period. With no comments received, she closed the public comment and invited a council
99 discussion.

100
101 Councilor Bogdin asked for clarification on the trade-offs associated with allocating transportation sales
102 tax funds to the airport. She noted that she had received questions from the public and requested an
103 explanation of what the City may be foregoing by using these funds for the airport instead of other
104 transportation-related purposes.

105

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106 Mr. McKnight explained that the quarter cent transportation sales tax being used for the airport is one
107 of several funding sources available for transportation related projects, including roads, sidewalks, and
108 airports. He noted that by allocating these funds to the airport, the City is forgoing the opportunity to
109 use them for other transportation needs. However, he emphasized that the City has additional funding
110 sources such as the fifth cent sales tax, transportation utility fees, and Class B and C road funds available
111 to continue supporting other transportation projects.

112
113 Councilor Bogdin referenced information in the meeting materials indicating that the County
114 Commission plans to continue the transportation sales tax beyond the previously scheduled 2028 review
115 due to the importance of the airport. She asked for confirmation that the County would delay
116 reevaluating the tax until after the City's bond obligations for the airport are repaid and suggested that
117 this commitment may reduce concerns about long term tradeoffs.

118
119 Mr. McKnight confirmed that the County Commission intends to continue the tax and clarified that the
120 existing code only required a review in 2028, not termination. He explained that, to address uncertainty
121 for potential bond purchasers, the County agreed through the interlocal agreement to commit to
122 maintaining the tax rather than discontinuing it.

123
124 Chair MacKay asked for clarification on whether the transportation sales tax funds are specific to Provo
125 or allocated by the County.

126
127 Mr. McKnight clarified that the funds in question are Provo's portion and have been consistently
128 received by the City since 2019.

129
130 Chair MacKay called for a vote on the implied motion.
131

Vote: The motion passed 6:0 with Councilors Bogdin, Christensen, Garrett, MacKay,
Whipple, and Whitlock in favor. Councilor Hoban excused.

132
133 **4 A resolution to place a 2.952 acre parcel of ground located at 351 West Center Street on
the surplus property list. (26-012) [\(38:36\)](#)**

Motion: An implied motion to approve Resolution 2026-5, as currently constituted, has been
made by council rule.

134
135 Tara Riddle, Property Manager, presented. She explained that the property under discussion is the
136 former City Center block located at 351 West Center, consisting of just under three acres. She noted that
137 the property was appraised twice, with a combined value of approximately \$6.8 million. She stated that
138 a request for proposals has been issued for redevelopment of the site and that placing the property on
139 the surplus property list is a required step to move forward with the redevelopment process.

140
141 Councilor Bogdin asked whether placing the property on the surplus list would obligate the City to
142 accept a proposal received through the request for proposals process, particularly if the Council is not
143 satisfied with the submissions.
144

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145 Ms. Riddle clarified that placing the property on the surplus list does not oblige the City to accept any
146 proposals received. She explained that the designation simply indicates the property is available for sale
147 and is a required step in the process. She noted that the City retains full discretion and may remove the
148 property from the surplus list at any time if desired.

149
150 Councilor Bogdin sought clarification on the Council’s authority in the RFP process, asking whether, if
151 staff selects a proposal through the administrative process, the Council retains the ability to reject that
152 proposal and choose not to proceed.

153
154 Chair MacKay confirmed that nothing can move forward unless it is brought back to the council to vote.

155
156 Chair MacKay opened public comment. With none, and no further council discussion, she called for a
157 vote.

158
Vote: The motion passed 6:0 with Councilors Bogdin, Christensen, Garrett, MacKay,
Whipple, and Whitlock in favor. Councilor Hoban excused.

159
**5 An ordinance amending the zone map classification of real property, generally located at
1560 South 1100 West, from the A1.5 and RA zones to the General Commercial (CG) and
Very Low Density (VLDR) zones. Lakewood Neighborhood. (PLRZ20250028) [\(41:18\)](#)**

160
Motion: An implied motion to approve Ordinance 2026-6, as currently constituted, has been
made by council rule.

161
162 Aaron Ardmore, Planning Supervisor, provided an overview of the property and proposed zoning
163 changes. He explained the location of the site in relation to Lakeview Parkway and nearby roads, and
164 described the surrounding land use designations, including residential, mixed use, and open space. He
165 stated that the proposal would rezone the majority of the property to General Commercial, with a
166 smaller portion designated for Very Low Density Residential use. He also noted that the application has
167 been reviewed by staff and the Planning Commission, and that a conceptual plan was submitted as part
168 of the proposal.

169
170 Chair MacKay opened public comment.

171
172 Teri Jerman, a Provo resident whose property is adjacent to the subject site, spoke in support of the
173 small proposed commercial designation. She noted that a portion of her property had previously been
174 acquired by the City for construction of Lakeview Parkway. While she supports the current plan for
175 limited commercial use, she encouraged the Council to be mindful of expanding the commercial area if
176 development proves successful and appropriate given the surrounding roadway infrastructure.

177
178 Chair MacKay closed public comment and invited a council discussion.

179
180 Councilor Bogdin expressed opposition to the proposed zoning plan, noting concerns previously raised
181 during the work meeting. She stated that the proposal designates the area as general commercial rather
182 than neighborhood commercial, which she believes is more appropriate given the surrounding context.
183 She also noted that nearby commercial areas, such as East Bay, already provide amenities, and

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184 questioned whether the location would effectively serve surrounding neighborhoods. Councilor Bogdin
185 raised additional concerns about the lack of appropriate transitions between residential and commercial
186 uses, including insufficient buffering and alignment with adjacent properties. She also referenced City
187 policies regarding driveway access on collector roads and suggested the residential component should
188 be better integrated into the overall plan. She indicated a preference for an alternative zoning approach
189 and concluded that she would not support the proposal in its current form.

190
191 Chair MacKay invited the developer to share any thoughts.

192
193 Andrade Christensen, the applicant, stated that efforts have been made to align the proposal with
194 community needs and feedback. He indicated that the vision for the site includes uses such as a
195 convenience store, gas station, and restaurant, noting some preliminary interest from potential tenants.
196 He explained that site constraints and surrounding roadway configurations influenced the layout,
197 including a transition from a larger collector road near the sports park to smaller neighborhood roads.
198 Mr. Christensen stated that the proposal is consistent with the general plan and intended to
199 complement planned residential development in the area, which includes approximately 260 housing
200 units across a larger 57-acre project. He expressed a desire to create a development that fits well within
201 the community.

202
203 Councilor Garrett referenced the suggestion to consider an SC-1 zoning designation and asked whether
204 that zoning would accommodate the applicant's proposed uses, including a gas station. He further
205 inquired whether any elements of the project would not be permitted under an SC-1 zone compared to
206 the proposed general commercial (CG) zoning.

207
208 Aaron Ardmore explained that a gas station is permitted by right in the general commercial (CG) zone
209 but would be a conditional use in the SC-1 zone. He noted that many retail and restaurant uses are
210 allowed in both zones and are generally similar. In response to a follow-up question from Councilor
211 Garrett regarding specific differences, including whether a hotel would be permitted, Mr. Ardmore
212 stated that he would review the zoning comparisons and provide additional information.

213
214 Councilor Whitlock requested additional details regarding the residential component of the proposal. He
215 acknowledged the general concept for commercial uses on the site and asked the applicant to elaborate
216 on the housing portion, including the type of units, whether they would be rental or owner occupied,
217 and how the development would be managed.

218
219 Mr. Christensen stated that all proposed housing units would be for sale rather than rental. He noted
220 that the development is intended to align with the City's plans and agreements and described the
221 project as a livable community with a range of home sizes. He explained that offering both smaller and
222 larger homes would allow residents to remain within the same neighborhood over time, supporting long
223 term stability and community cohesion.

224
225 Chair MacKay expressed appreciation for the clarification that the applicant owns additional surrounding
226 property, noting that this provides a more comprehensive approach to planning the area. She indicated
227 that considering the broader development as a whole, rather than a single parcel, would be beneficial in
228 determining the best use of the site.

229

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230 Mr. Ardmore provided examples of uses permitted in the general commercial (CG) zone that are not
231 allowed in the SC-1 zone, including hotels, garden supply stores, larger retail uses, and gyms or athletic
232 clubs. He also noted that the CG zone allows certain conditional auto-related uses that are not
233 permitted in the SC-1 zone.

234
235 Councilor Bogdin asked about the possibility of changing the General Commercial zone to an SC1 zone.
236

237 Mr. Christensen indicated he is open to either zoning option, provided it accommodates the intended
238 uses such as a gas station, restaurants, and community serving amenities. He stated that maintaining
239 flexibility for those uses is important to the project.

240
241 Chair MacKay clarified that both zoning options would allow a gas station and restaurants, but the SC-1
242 zone would exclude uses such as hotels, which had been a concern raised by Councilor Bogdin.
243

244 Mr. Christensen responded that he understood the need for hotels in the area but agreed that such a
245 use could be more appropriate in a different location.

246
247 Councilor Bogdin raised concerns about the proposed layout of the Very Low Density Residential (VLDR)
248 portion, specifically questioning whether it could be better integrated into the overall development with
249 rear loaded access to avoid driveways on 1560 South.

250
251 Mr. Christensen responded that due to the shape and size constraints of the parcel, particularly near an
252 adjacent property, it would be difficult to provide residential access from within the neighborhood. He
253 explained that accessing the units from the commercial side was not desirable and that the current
254 layout was intended to create a buffer between commercial and residential uses.

255
256 Councilor Bogdin acknowledged the intent to create a buffer but reiterated concerns about allowing
257 driveways on collector roads, emphasizing that 1560 South is a heavily traveled corridor serving schools,
258 a church, and surrounding neighborhoods. She expressed a preference for limiting direct driveway
259 access in favor of consolidated entrances and raised additional concerns about insufficient buffering and
260 transitions between differing residential densities. She also noted potential parking and traffic issues in
261 the area, particularly given nearby institutional uses.

262
263 Councilor Whipple expressed strong support for the proposal, highlighting the value of creating
264 neighborhood scale commercial areas that serve surrounding residential communities. She noted that
265 the inclusion of restaurants and grocery type uses would be appropriate for the area and beneficial to
266 nearby residents, as well as supportive of activity at the sports park along Lakeview Parkway. She also
267 indicated support for the potential inclusion of a hotel, citing a broader shortage of hotel rooms in the
268 city and region, particularly during large events. Councilor Whipple stated that the proposed layout,
269 with more intensive uses along the parkway and neighborhood-oriented development closer to
270 residential areas, was well considered. She further expressed appreciation for the inclusion of varied
271 housing types, noting that the transition in density would create a desirable and livable community. She
272 commended the applicant for taking a comprehensive approach to development that contributes to a
273 functional and sustainable community.

274

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275 Chair MacKay expressed strong support for the proposal, noting that the applicant’s ownership of the
276 surrounding property provides confidence in a cohesive and well-planned development. She stated that
277 the for-sale housing component is a positive aspect and contributes to creating a desirable place to live.
278 She also shared her experience living near neighborhood commercial uses, noting that proximity to
279 small scale retail can enhance quality of life and serve as a central gathering point for the community.
280

281 Councilor Christensen indicated a preference for the SC1 zoning designation, noting that it would better
282 support neighborhood oriented commercial uses.
283

284 Councilor Garrett expressed support for the developer’s intent to develop the parcel and acknowledged
285 the need for commercial uses along Lakeview Parkway. He noted that a nearby parcel is already zoned
286 general commercial and could accommodate more intensive uses, such as a hotel. He suggested that
287 rezoning this parcel to SC-1 could provide a better transition between that site and the adjacent
288 residential neighborhood. Councilor Garrett indicated support for the project and encouraged the
289 developer to return with a revised proposal reflecting SC-1 zoning.
290

Motion: Councilor Whitlock made a motion to change the rezone designation from CG to SC.1.
Councilor Christensen seconded the motion.

291
292 Chair MacKay called for discussion on the substitute motion. With none, she called for a vote.
293

Vote: The motion passed 5:1 with Councilors Bogdin, Christensen, Garrett, MacKay, and
Whitlock in favor. Councilor Whipple opposed and Councilor Hoban excused.

294
295 **The Council proceeded to Item 6 while staff revised the ordinance language.
296

297 Chair MacKay reread the item with the updated language. She then called for a vote.
298

Vote: The motion passed 6:0 with Councilors Bogdin, Christensen, Garrett, MacKay,
Whitlock, and Whipple in favor. Councilor Hoban excused.

299
300 **6 An ordinance amending the zone map classification of approximately 39 acres of real
property, generally located at 2255 N University Parkway from the RC and SC2 zones to the
VLDR, LDR, MDR, and SC3 zones. Carterville Neighborhood (PLR220250689) (1:05:00)**

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

301
302 Jessica Dahneke, City Planner, presented the proposed rezone for the 2230 North Station Area Plan. She
303 explained that the station area plans were adopted in September, and this step ensures that current
304 zoning aligns with the adopted future land use plan. She described the planning approach as
305 concentrating higher density and more intense uses near the station, with a gradual transition to lower
306 density residential areas to better integrate with existing neighborhoods. Ms. Dahneke outlined the
307 proposed zoning, including rezoning the Walmart area to allow for commercial mixed use and applying a
308 range of residential zones with decreasing density moving outward. She summarized feedback from the
309 Planning Commission, which included concerns about traffic impacts and the need for open space, as

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310 well as general support for the rezone. She noted the Commission recommended approval but
311 suggested the Council consider adjusting boundary lines to avoid placing significantly different densities
312 directly across from each other. She also clarified that while changes to the overall station area plan
313 would require recertification with the state, adjustments to zoning boundaries may be made without
314 that step, as long as they remain consistent with the adopted land use designations.
315

316 Chair MacKay asked for clarification on what types of zoning changes could be made without requiring
317 state recertification of the station area plan.
318

319 Ms. Dahneke explained that adjusting zoning within the bounds of the adopted land use, such as shifting
320 from MDR to LDR where similar housing types are allowed, would not require returning to the state.
321 However, more significant changes, such as moving to single family only development that does not
322 align with the planned land use, would likely require recertification. She also noted uncertainty about
323 the timeline for such a process, as it has not yet been done.
324

325 Councilor Bogdin asked about the implications of not approving the proposed rezone.
326

327 Ms. Dahneke explained that aligning zoning with the adopted station area plan is a requirement tied to
328 the state process coordinated through MAG (Mountainland Association of Governments). She noted
329 that failure to comply could result in the City losing eligibility for certain transportation funding. While
330 she did not have specific dollar amounts, she indicated that funding impacts would be related to
331 transportation resources.
332

333 Councilor Whitlock asked clarifying questions to help the public understand the requirements and
334 implications of the station area rezone process.
335

336 Ms. Dahneke confirmed that state law required the City to adopt station area plans for UVX corridors,
337 that those plans have already been approved by the state, and that the City must now update zoning to
338 align with those plans. She noted the target timeline for completing the rezonings is December 31, 2025,
339 with some flexibility as the City continues to work through the process.
340

341 Councilor Whitlock also asked about the practical impact of the rezonings.
342

343 Ms. Dahneke explained that the intent is to guide future redevelopment, though there are currently no
344 major development proposals anticipated in the area, and changes will likely occur gradually based on
345 market conditions.
346

347 Councilor Whitlock inquired about potential challenges if future development proposals do not align
348 with the adopted plan.
349

350 Ms. Dahneke explained that significant deviations would likely require the City to return to the state for
351 recertification of the plan, though there is limited precedent for that process. She added that staff
352 would first work with developers to align projects with the adopted zoning and land use framework
353 before pursuing plan amendments.
354

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355 Councilor Whipple expressed reservations about the Planning Commission’s recommendation to adjust
356 zoning boundaries mid-block. She stated that using streets as boundary lines provides clearer and more
357 consistent divisions, whereas mid-block changes could create irregular parcel configurations. She noted
358 that differing zones will adjoin regardless of boundary placement and did not believe the proposed
359 adjustments would meaningfully improve neighborhood impacts. Given the area’s recent development
360 and limited likelihood of near-term changes, she indicated she does not support modifying the proposed
361 zoning boundaries.

362
363 Chair MacKay opened public comment. With none, she closed public comment and invited a council
364 discussion.

365
366 Councilor Bogdin expressed uncertainty about the appropriateness of medium density residential zoning
367 along the river corridor, noting that upcoming river planning efforts may provide additional insight. She
368 suggested that while the City may need to proceed with the current rezone, it would be beneficial to
369 revisit the area in the future to determine whether the zoning remains aligned with long term goals for
370 the corridor.

371
372 Councilor Whipple noted that existing regulations, including a 100-foot setback requirement, already
373 provide protection for development near the river regardless of zoning. She expressed that the
374 proposed rezone would not change those standards and asked whether adopting the zoning would still
375 allow for a future overlay zone to address river corridor protections. She suggested that an overlay could
376 be an effective tool to add additional safeguards while remaining consistent with the adopted plan.

377
378 Councilor Whitlock noted that the existing 100-foot river setback would likely limit redevelopment of
379 the parcel in question. He stated that, based on prior discussion, the property may already fall largely
380 within that setback area, making redevelopment unlikely in the near term due to practical and economic
381 constraints.

382
383 Chair MacKay stated she would be voting in opposition to the item, citing concerns with state
384 preemption. She expressed that the requirement to rezone limits the City’s ability to negotiate specific
385 outcomes during the development process and reduces local control. She then called for a vote on the
386 motion.

387
Vote: The motion failed 3:3 with Councilors Garrett, Whipple, and Whitlock in favor.
Councilors Bogdin, Christensen, and MacKay opposed. Councilor Hoban excused.

388
389 **The Council returned to Item 5 to vote on the revised ordinance language.

390
391 *With no objections, the Provo Municipal Council adjourned and reconvened as the Redevelopment*
392 *Agency Governing Board of Provo City with Vice-Chair MacKay conducting.*

393
394 **Redevelopment Agency of Provo**

395 **7 A resolution of the Redevelopment Agency of Provo City approving the project area plan
for the Lakeview Parkway Community Reinvestment Area (26-005) [\(1:22:01\)](#)**

PENDING 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.

Motion: An implied motion to approve Resolution 2026-RDA-02-10-1, as currently constituted, has been made by council rule.

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Melissa McNalley, Redevelopment Director, presented. She explained that the purpose of the plan is to incentivize commercial development in targeted areas, including parcels near the University Avenue interchange and a site south of the Epic Sports Park. Ms. McNalley noted that these properties are already zoned for commercial use, and the plan would provide tools to encourage development. She explained that incentives are needed due to the significant infrastructure requirements and costs associated with preparing the sites, including work related to floodplain conditions. She added that the plan aligns with the City's general plan, economic development goals, and ongoing investments in the sports park and airport expansion.

Vice-Chair MacKay sought confirmation that approving the Community Reinvestment Area plan does not commit the RDA to any specific development or incentive. She clarified that any future incentives or project details would still require separate approval.

Ms. McNalley confirmed that any incentives would be project specific and would require formal approval by the Council and the Redevelopment Agency board. She clarified that the resolution simply establishes a tool that allows the City to consider incentives in the future and does not create any binding commitments.

Board Member Whitlock asked for clarification that the specific details of any future incentives, such as duration and terms, would be established through separate proposals.

Ms. McNalley confirmed that the resolution creates only the framework for potential incentives. She explained that the plan outlines an intent to consider post-performance tax incentives, meaning incentives would be provided after agreed upon development outcomes are achieved. She also noted that this language is included to set expectations and clarify that property tax incentives are not anticipated.

Board Member Bogdin expressed concern that moving forward with the Community Reinvestment Area plan may be premature given the City's ongoing Economic Development Study. She suggested that the City has shifted its approach and that it may be more appropriate to wait for the study results before identifying areas for incentives. She asked whether the item is time sensitive and indicated a preference to revisit the plan after the study is completed to ensure alignment with broader economic development priorities.

Brian Jones, City Attorney, generally agreed that the Board and Council could wait for the Economic Development Study before proceeding, but noted an important exception. He explained that if a specific development proposal seeking incentives comes forward before the study is complete, the City would need to have the Community Reinvestment Area established in order to offer those incentives.

Vice-Chair MacKay opened public comment.

Jason Largever, a Salt Lake City resident and licensed real estate agent, spoke on behalf of property owners along the Lakeview Parkway corridor. He emphasized the importance of incentives as a tool to

PENDING APPROVAL - DRAFT MINUTES

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440 attract outside investment and support economic growth in the area. He encouraged the Council to
441 consider how the timing of establishing incentive frameworks may impact the City's ability to recruit
442 development and generate tax revenue.

443
444 Vice-Chair MacKay closed public comment and invited a board discussion. She expressed strong support
445 for the proposal, emphasizing the City's intentional investment in the sports park as an economic driver.
446 She noted that complementary uses such as hotels, restaurants, and retail are essential to maximize the
447 success of that investment, particularly in conjunction with the airport. She indicated that establishing
448 the framework for incentives is time sensitive and necessary to attract development that supports
449 tourism and economic activity. Drawing on personal experience, she highlighted the spending potential
450 associated with tournaments and events and stated her intent to support the item.

451
452 Chair Christensen expressed support for the proposal, stating that it aligns with the City's broader
453 economic development strategy. He noted that significant investments have already been made in the
454 airport and sports park, and that this plan helps leverage those investments by encouraging
455 complementary development. He added that the proposal would help generate additional revenue and
456 provide amenities for both visitors and west side residents and indicated his intent to vote in favor.

457
458 Board Member Whitlock expressed support for the proposal, describing it as a flexible and reversible
459 decision that preserves the City's ability to offer incentives in the future without committing to specific
460 actions today. He indicated that this approach does not present significant risk and allows the RDA and
461 Council to evaluate opportunities as they arise. He also emphasized the importance of supporting the
462 success of the sports park, noting the City's existing investment, and stated that additional tools may be
463 necessary to fully realize its potential. Board Member Whitlock added that tax increment financing could
464 be a valuable tool for broader applications, including potentially addressing housing challenges, and
465 expressed interest in gaining experience with its use.

466
467 Board Member Whipple expressed support for moving forward with the proposal, noting that while a
468 larger project area could have provided broader flexibility for funding, she understands the decision to
469 focus on a smaller area in response to community feedback. She acknowledged that the narrower scope
470 may be more limited but indicated her support for proceeding with the plan.

471
472 Vice-Chair MacKay called for a vote.
473

Vote: The motion passed 5:1 with Board Members Christensen, Garrett, MacKay, Whipple,
and Whitlock in favor. Board Member Bogdin opposed and Board Member Hoban
excused.

474
8 *CANCELLED*** A resolution approving the redevelopment agency of Provo City to
adopt a project area budget for the Lakeview Parkway Community Reinvestment Area (26-
005)**

475
476 *With no objections, the Redevelopment Agency Governing Board of Provo City adjourned and*
477 *reconvened as the Provo Municipal Council with Chair MacKay conducting.*
478

Action Agenda

PENDING APPROVAL - DRAFT MINUTES

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479

9 An ordinance approving the Lakeview Parkway Community Reinvestment Project Area Plan. (25-005) [\(1:34:38\)](#)

480

Motion: An implied motion to approve Ordinance 2026-8, as currently constituted, has been made by council rule.

481

482 Mr. Jones explained that state law requires approval from both the Redevelopment Agency (RDA) board
483 and the Municipal Council because they are legally separate entities. He noted that while the dual
484 approval process may seem redundant, it is necessary to meet legal requirements.

485

486 Chair MacKay opened item for public comment. With none, and no council discussion, she called for a
487 vote.

488

Vote: The motion passed 6:0 with Councilors Bogdin, Christensen, Garrett, MacKay, Whipple, and Whitlock in favor. Councilor Hoban excused.

489

Adjournment

490

491 The meeting was adjourned by unanimous consent at approximately 7:00 PM.

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



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:00 PM | April 28, 2026

Provo Peaks Conference Room (110)

445 W. Center Street, Provo, UT 84601

Agenda

Roll Call

Council Chair Katrice MacKay, conducting
Council Vice-Chair Craig Christensen (Remote)
Councilor Gary Garrett
Councilor Jeff Whitlock
Councilor Becky Bogdin
Councilor Travis Hoban
Councilor Rachel Whipple
Mayor Marsha Judkins

Approval of Minutes

- March 24, 2026 Council Meeting
- April 14, 2026 Work Meeting
- April 14, 2026 Council Meeting

All three sets of minutes were approved by unanimous consent.

Business

Item 1: A resolution amending the Council Audit Committee Charter and Internal Audit Charter (26-030) [00:01:21](#)

Council Policy Analyst Tanner Taguchi presented proposed amendments to the Council Audit Committee Charter and Internal Audit Charter, explaining that the current charters require regular review and that the Audit Committee had met to discuss several proposed changes.

Taguchi summarized the major proposed changes to the Audit Committee Charter. First, the composition of the committee would be amended to allow greater flexibility, moving from a fixed requirement of two councilors and two public members to a variable composition of three to five members, with at least one member of the public and at least two members of the council. Taguchi noted that this reflects the current composition following the recent end of a member's term. Second, the charter would more explicitly designate the Council Executive Director as the chief audit executive, a standard industry term for the person who interfaces with the governing

board or committee. Taguchi explained that the existing charter language already implies this role, and that the amendment simply makes it more explicit.

Regarding the Internal Audit Charter, Taguchi outlined that the main change involves clarifying the terminology around "external" versus "internal" functions and "financial" versus "performance" audits in order to provide greater clarity for the committee, the council, and the public. Additionally, a more explicit process for responding to fraud hotline complaints would be added.

Councilor Bogdin asked how frequently fraud hotline complaints are received. Council Executive Director Justin Harrison responded that the committee receives between one and two complaints per quarter on average, but that in his four years in the position, only two had been genuinely related to the purpose of the hotline — that is, allegations of fraud or abuse within the city. The remainder, he said, are typically submitted by members of the public who believe they have been defrauded by private businesses and are redirected to the appropriate law enforcement channel. Bogdin confirmed that none of the substantive complaints had been verified.

Taguchi also noted that a provision had been inadvertently omitted from his initial summary: that new committee members would be required upon joining to complete a training offered by the Office of the Legislative Auditor General, covering the basic principles of government auditing and the best practices for serving as a member of an audit oversight body.

Council Vice-Chair Christensen asked for clarification on the designation of the Council Executive Director as chief audit executive, questioning whether that role should more appropriately be held by a certified auditor rather than an administrator. Councilor Hoban responded by providing context on how the chief audit executive role typically functions in the private sector, reporting directly to a board of directors with independence from the executive, and acknowledged that the city faces structural limitations that do not exist at the county or state level, where an elected county auditor reports directly to voters. Hoban noted that the city could, in theory, hire a dedicated chief audit executive, but that there are constraints imposed by state law regarding the separation of branches of government.

City Attorney Brian Jones expanded on these structural limitations, explaining that, unlike at the county and state levels, the city has no statutory framework defining the auditor position or its powers, and that most cities have not established one. Jones noted that the audit committee structure was adopted in part to earn points on the state's fraud risk assessment scorecard, which, while not mandatory, signals the level of financial responsibility the city's finance department undertakes. Jones observed that the fundamental challenge is that any auditor working under the council's authority would be limited in compelling cooperation from the executive branch, as the council cannot direct executive branch staff under state law. He added that the most effective path forward would be alignment between the administration and the council on the scope and authority of the audit function, and that some of those powers could theoretically be codified in the city's own ordinance, within the limits of state law.

Councilor Hoban offered concrete examples of why he views the audit committee as valuable, citing recent fraud hotline tips about an employee and a department that had come to the

committee's attention. He emphasized that having the committee serve as an independent review body prevents what he described as "the fox guarding the henhouse" in situations involving potential concerns about the administration. He also noted the committee's role in overseeing the selection and review of the external auditor and added that while the internal audit function had faced some challenges during the current year, largely due to unresolved questions of clarity, he expected improvements going forward.

The broader conversation turned to the question of whether the council body at large should have more formal input into the annual audit plan and priorities. Jones indicated that having the audit committee bring recommendations to the full council for approval before executing them would help establish the legitimacy of the process. Councilor Hoban expressed support for that approach and acknowledged that the prior year's internal audit work had not been completed due to some of those clarity issues. Councilor Garrett noted that the council body, as the decision-making body, has the authority to determine the committee's composition, budget, and areas of focus, and that expanding those functions would simply require additional budget allocation.

Councilor Whitlock asked whether a conflict-of-interest recusal process should be codified in the charter, noting that the Council Executive Director's dual role as both an administrator and chief audit executive could create complications. Taguchi acknowledged the question and noted that this would likely be covered by existing statutory conflict of interest disclosures, but that additional language could be explored. Harrison added that the charter already delineates that direction for the council office employees in this function flows from the audit committee and council leadership, and offered to look further into appropriate language.

Councilor Whitlock also inquired about reducing the minimum public membership from two to one, asking whether this change was driven by difficulty in recruitment. Taguchi confirmed that flexibility in response to varying applicant pools was the primary motivation. Hoban explained that maintaining a council-member majority is an important governance principle to ensure that elected officials retain control of the committee, and that reducing public members to one was a response to the current state of having only two council members serving on the committee.

Councilor Whipple raised the question of how the audit committee should present its annual audit plan to the full council — whether by email, work meeting, or closed session — noting that some topics could be sensitive. Jones indicated that closed session opportunities for such discussions would be limited by the narrow statutory grounds for closed sessions, and that the appropriate method of presentation would likely depend on the subject matter. The consensus was that the audit committee, in coordination with council leadership, should determine the appropriate format on a case-by-case basis.

Taguchi noted that he would add language to the charter explicitly referencing council input into the annual audit plan prior to execution, in time for the night meeting. Vice-Chair Christensen expressed strong support for continuing the discussion, emphasizing that independent audit functions serve the public interest regardless of whether they are required by the state, and encouraged the council to ask not what is required, but what is in the best interest of citizens.

Councilor Hoban closed by acknowledging and thanking both the council and the administration for making the internal audit function a priority, noting that Provo is one of few cities in the state doing so.

The item was identified as ready for consideration at a night meeting, with Taguchi indicating that the two charters would be brought back by resolution for adoption.

Item 2: A presentation regarding conservation easements (26-026) [00:39:52](#)

Wendy Fisher, Executive Director of Utah Open Lands, presented an overview of conservation easements to provide context for the subsequent item regarding a potential conservation easement on Slate Canyon. Fisher noted that she has been with the organization for 37 years and that Utah Open Lands was established in 1990 as the first local land trust in the state of Utah.

Fisher explained that Utah Open Lands holds conservation easements primarily for the purpose of protecting agricultural, recreational, wildlife, scenic, and open space resources throughout the state. She noted that the organization works with a range of landowners — both private and governmental — and cited examples of governmental partnerships, including work with Wasatch Mountain State Park, Salt Lake County, Utah County on Bridal Veil Falls, and Provo City on Bunnells Fork. She also referenced the Snake Creek Conservation Easement, one of the first conservation easements ever placed on state-owned property, signed by the governor in 1995.

Fisher addressed a common point of confusion, emphasizing that a conservation easement does not transfer land ownership to Utah Open Lands. Rather, she described it as an "encumbrance on the landscape": an obligation placed on Utah Open Lands to ensure the protection of a given landscape in perpetuity, which requires the organization to actively defend those protections. She drew a parallel to the prior discussion on independent auditing, suggesting that a conservation easement provides a form of check and balance for the city: the city retains ultimate authority over the land, but voluntarily takes on a structured commitment that codifies the community's vision for a property's future and guards against rash or politically motivated decisions.

Fisher outlined other benefits of partnering with an organization like Utah Open Lands, including collaboration on management strategies such as wildfire mitigation, forest health research, water quality studies, and regenerative agricultural practices. She noted that these services are provided at no cost to the city as part of the partnership.

Fisher described the typical components of a conservation easement, including: a baseline documentation report establishing the existing condition of the property; a list of permitted and prohibited uses determined by the council and city staff; and an optional adaptive management plan provision. She used the Bonanza Flat conservation easement with Park City as an example of a successful partnership, noting that Utah Open Lands helped secure approximately \$500,000 in grant funding for trailhead and trail development on that property.

She emphasized that the organization's ongoing role is to serve as a steward of the land, providing at least annual monitoring reports, assisting with grant writing, and ensuring adherence to the terms of the easement.

Councilor Bogdin asked whether it was possible to exit a conservation easement if circumstances changed. Fisher explained that while it is not a simple process, provisions exist, most notably, that a government entity with condemnation powers could condemn the conservation easement itself, which would result in a legal merger of the rights back into the underlying property. City Attorney Jones added that condemnation can only be exercised for legally permitted public purposes under state law and would require payment of fair market value for the property right being taken back from Utah Open Lands. Fisher clarified that in the context of Provo City's negotiations, the value of the easement right being transferred has been intentionally kept modest, enough to serve as a disincentive to casual reversal, but not so large as to create a prohibitive financial barrier. Jones confirmed that this has been a deliberate structuring choice, noting that the intent is to build virtually all anticipated public purposes into the easement so that condemnation would seldom be necessary.

Bogdin followed up by asking why, if the city can ultimately exit a conservation easement, one should be entered into at all. Fisher responded that the process of exiting — whether through condemnation or other means — is deliberately more public and more procedurally demanding than simply placing a property on a surplus list, providing the kind of transparency and intentionality that protects long-term community interests. She referenced examples of properties she had seen threatened by development actions that occurred outside of public view, including a property along the Jordan River with a 4,000-year-old archaeological site, and argued that the conservation easement structure creates important safeguards. Fisher also confirmed that in 37 years, Utah Open Lands has never had a conservation easement undone.

Item 3: A presentation regarding a Slate Canyon conservation easement (26-026)
[01:01:54](#)

Council Policy Analyst Melia Dayley presented the specifics of a proposed Slate Canyon conservation easement. She oriented the council to the geography using a map, identifying the relevant parcels. The green-shaded parcels represent city-owned land. The area under consideration encompasses approximately 115 acres, which a staff working group has recommended for inclusion in the easement. A separate 47-acre parcel also owned by the city was reviewed by the working group but was not recommended for inclusion in the easement at this time.

Dayley noted that the area is currently designated as Slate Canyon Park, and provided a corresponding aerial photograph. She noted that the parcel boundaries and what is recommended south of a certain substation address was clarified during the discussion, with Dayley indicating the recommended area stops at a particular boundary, though the parcel as currently constituted extends further.

Dayley explained that this item originated as an issue sponsor request from Councilors Whitlock and Christensen to explore the potential for a conservation easement on Slate Canyon. Following that request, a broad working group was convened that included staff from nearly every city department and the Mayor's Office. Topics discussed included initial concerns and points of enthusiasm, lessons learned from the Bunnells Fork conservation easement, desired changes in approach, and the question of which partner organization to work with. The outcome of those deliberations was a recommendation to pursue a Slate Canyon conservation easement, with the city as landowner and Utah Open Lands as easement holder.

Dayley noted that the legal mechanism would be the same section of state code used for Bunnells Fork, which permits the city to provide nonmonetary assistance to nonprofits without receiving fair market value compensation, provided a public benefit study is completed. She confirmed that such a study had been completed for the Bunnells Fork easement and that a similar one would be required for Slate Canyon. Dayley also reported that Conserve Utah Valley, a local nonprofit, had offered to cover the initial stewardship costs associated with entering into the easement, estimated at approximately \$10,000, and had offered to fundraise and pay those costs directly.

Regarding process, Dayley outlined that if a majority of the council indicated support to proceed, the next steps would be: drafting a memorandum of understanding between Provo City and Utah Open Lands affirming the city's intent to enter into an easement without contributing monetary funds; collaborating with the administration, legal, public works, parks and recreation, development services, and fire departments — along with Utah Open Lands — to draft the easement document; and drafting a public interest valuation study in parallel. The process would conclude with a resolution brought to the full city council authorizing the easement, accompanied by a notice and public hearing, consistent with the process used for Bunnells Fork.

Dayley noted that in drafting the Bunnells Fork easement, staff had reviewed the parks and recreation master plan and the public works master plan in detail to ensure that all future infrastructure and recreational needs were accounted for. She indicated that the same approach would be applied here. Multiple representatives from development services, public works, and parks participated in the working group. She also identified that numerous existing utility easements held by other entities — including Rocky Mountain Power, Enbridge, and the state — already encumber portions of the land and that coordination with those parties was underway.

Councilor Bogdin raised a concern about public expectations, noting that Slate Canyon is envisioned as a future park but that funding for parks is limited and development could be many years or even decades away. She expressed concern that placing the land under a conservation easement might lead residents to believe a park is imminent, and also noted that the easement would eliminate any future option to sell portions of the property to generate revenue for park construction. Dayley acknowledged that Bogdin's concern was well taken.

Discussion arose regarding a northwestern portion of the property adjacent to Slate Canyon Drive, which public works had identified as needed for water infrastructure — specifically a water retention basin. Councilor Whitlock noted that this consideration had led the working

group to retain that parcel within the easement rather than splitting it off. Dayley indicated that she would follow up with public works on the specific plans for that area and report back.

Councilor MacKay asked whether a conservation easement would prevent the city from incorporating amenities such as food vendors, concession stands, or gathering areas — citing examples from other parks in the region. Dayley explained that the parks and recreation master plan for Slate Canyon Park would govern permitted uses and had been incorporated into the easement discussions. Fisher added that an adaptive management plan provision could be built into the easement, allowing the city to respond to evolving community needs within the guardrails established by the easement's stated purposes. She emphasized that activities oriented toward public benefit — including recreational amenities, festivals, and vendor events — would generally be compatible with conservation easement purposes, while private-benefit uses would not. Councilor Whitlock offered the example of a large disc golf tournament in the parks plan, which the working group had specifically confirmed would be compatible with the proposed easement terms.

Fisher summarized her perspective on the fundamental purpose of the conservation easement as codifying what the community values about the land, ensuring that future decisions about the property are made with deliberate intentionality, and establishing major guardrails within which the city retains broad adaptive flexibility.

Vice-Chair Christensen expressed strong support for the proposal, stating that it represents a significant commitment to what makes Provo unique and a lasting gift for future generations. He emphasized that the property, largely above 30 percent grade and thus not significantly buildable, was an ideal candidate for conservation easement protection. Councilor Whitlock echoed that sentiment, noting that constituent conversations had made clear that residents understand the park is a long-term aspiration and that they view the conservation easement as the city sending a clear signal about the land's intended future.

Dayley indicated that if the council passed a motion to proceed, a public open house was tentatively planned at Slate Canyon Park on June 13 to provide education about conservation easements and the Slate Canyon project, followed by a group hike.

Council Vice-Chair Christensen moved to proceed with the Slate Canyon conservation easement process. The motion was seconded by Council Chair MacKay. The motion passed 7–0.

Dayley confirmed that the public open house at Slate Canyon Park would proceed as planned for June 13. Chair MacKay expressed gratitude to Conserve Utah Valley for offering to cover the initial stewardship costs.

Item 4: A resolution appointing public members to a council standing committee (26-031) [01:22:22](#)

Policy Analyst Taguchi returned to present a resolution appointing a public member to the Council Audit Committee. He explained that under the current audit committee charter, citizen members are required to participate and must be approved by the full council. He reported that one current public member, Dave Shipley, would not be returning due to an inability to continue fulfilling his responsibilities. Taguchi expressed appreciation for Shipley's service and his financial expertise.

Taguchi reported that the other incumbent public member, Rick Anderson, had expressed willingness to continue serving on the committee. Biographical information regarding Anderson had been included in the council packet. Councilor Hoban spoke to Anderson's contributions, describing him as an active and valued member of the committee who had added meaningful value. Hoban noted that the committee would welcome the addition of another public member if a third council member were to join the committee and that the opportunity remained open.

Item 5: A presentation regarding the FY26 – FY27 Budgeted Revenue Comparison (26-001) [01:24:12](#)

Budget Officer Kelsey Zarbock presented a comparison of budgeted revenues between fiscal year 2026 and fiscal year 2027. She prefaced the presentation by noting that the slides had been prepared approximately two months prior and that the specific figures had since been updated. She advised the council to focus on trends rather than precise numbers, as a more current tentative budget would be delivered the following Tuesday.

Zarbock began with the general fund, noting that the overall allocation structure remained largely consistent with prior years, with sales tax as the largest revenue source, followed by transfers from other funds. She highlighted that two categories — sales tax and several other revenues flowing from state allocations — are largely outside the city's direct control, as they depend on broader economic activity. Property tax and transfers from utility funds were identified as the two primary levers the city has more direct control over in balancing the budget.

On the question of property tax, Zarbock confirmed that the tentative FY27 budget does not include a proposed property tax increase for either general operations or the library. She noted that any increase in the city's portion of a resident's property tax bill would likely reflect a change in assessed property valuation rather than a rate change.

Regarding utility fund transfers to the general fund, Zarbock reported that the transfer rate, which had been increased from 11 percent to 12.5 percent of utility revenues in the prior year as a budget-balancing measure, would remain at 12.5 percent in FY27 with no further change recommended.

Zarbock then turned to sales tax, describing it as the most significant factor in the FY27 budget due to strong performance over the prior twelve months. She explained three contributing

factors. First, she noted that anomalies in the prior year had suppressed the baseline for comparison: another taxing entity had incorrectly received a portion of Provo's sales tax revenue, which was not recovered until approximately June of that year; and separately, a business in Provo had been overpaying sales tax for several years, triggering a one-time state reimbursement that reduced Provo's net receipts in that fiscal year by an estimated \$600,000. Second, beginning in July of the current fiscal year, the state adopted new population data from the Kem C. Gardner Policy Institute at the University of Utah, replacing U.S. Census Bureau data, which added several thousand residents to Provo's population count for sales tax allocation purposes and thereby increased the city's revenue from the population-based portion of the distribution. Third, the overall strength of Utah's economy has continued to support robust consumer spending.

Zarbock noted that approximately 60 percent of Provo's sales tax revenue currently derives from the population-based allocation and approximately 40 percent from point-of-sale transactions. She suggested that ideally a city with strong local commercial activity might see a closer to 50-50 split, and offered this as context for ongoing economic development discussions, noting that increasing the point-of-sale share would require growth in local retail activity.

Mayor Marsha Judkins provided additional clarification on the mechanics of the state sales tax distribution, explaining that of the one percent local sales tax rate, half is returned to cities based on point-of-sale activity within their boundaries, while the other half is pooled statewide and redistributed based on population.

Councilor Hoban asked whether there were broader economic forecasts available regarding the sustainability of current sales tax levels. Zarbock referenced a recent presentation at the Utah Government Finance Officers Association conference by a Zions Bank economist, who noted significant difficulty in predicting economic trends given recent volatility but who nonetheless characterized Utah's economy as continuing to outperform national trends. Zarbock indicated that budgeting for continued sales tax strength in FY27 was not unreasonable given those conditions.

Councilor Whitlock asked about a discrepancy between figures in the enterprise fund pie chart and the accompanying changes table. Zarbock acknowledged that the numbers had since been updated and that the tentative budget to be presented the following week would reflect more accurate comparisons. She offered to provide additional detail at that time. Whitlock also asked that, of the approximate \$4 million increase in projected sales tax revenue, staff attempt to quantify what portion is attributable to the population data reweighting versus underlying retail sales growth. Zarbock noted the request and indicated staff would look into it.

Councilor Garrett asked about a significant projected increase in road tax revenues. Zarbock confirmed that road tax revenues had been tracking strongly but cautioned that the projected figures in the slides were prepared before certain legislative activity regarding the gas tax, which public works staff had flagged as a potential concern for future revenue. She indicated that the numbers had been revisited since the slides were prepared.

Councilor Garrett also asked for confirmation that the transportation utility fee appears under fees rather than road taxes. Zarbock confirmed that it would appear in its own fund and would not be included in the general fund road tax line.

Councilor Whipple noted that in recent years the city had deliberately adopted conservative sales tax projections and asked whether the stronger-than-expected performance in the current year had produced a surplus in the general fund. Zarbock confirmed that a surplus was projected, that some of that would be appropriated through upcoming budget amendments, and that the remainder would benefit the general fund balance.

Zarbock closed by characterizing sales tax as the dominant theme of the FY27 budget presentation and advised the council to expect a detailed and updated presentation when the tentative budget is delivered the following Tuesday.

Item 6: A presentation regarding the Victim Services Program (26-028) [01:44:57](#)

Victim Services Coordinator Kim Thayne presented the semi-annual report on the Victim Services Program, noting that the VOCA grant — of which the program is a recipient — requires a biannual reporting to stakeholders.

Thayne explained that the Victim Services team is physically located with the police department and operates within the Criminal Investigations Division. The team's mission is to provide crisis intervention, emotional support, and critical service referrals to aid victims and their children, and to promote community awareness on victimization issues.

Victim Assistant Becky Draut described the structure of the team, which consists of five advocates — four full-time and one part-time court advocate. Two of the full-time advocates are Spanish-speaking. She noted that one advocate is always on call on a rotating weekly basis, available 24 hours a day, seven days a week, to respond to scenes or contact victims as needed.

Draut described the population served by the program, which includes victims of interpersonal crime such as domestic violence, sexual assault, physical assault, stalking, harassment, crimes against children, hate crimes, elder abuse, homicides, suicides and unexpected deaths, and other traumatic events.

Victim Assistant Estrella Farias Sanchez outlined the range of services provided, including: assistance with protective orders and stalking injunctions; safety planning; transportation to shelter; mental health referrals and crisis support; assistance with housing and food resources; education about the criminal justice process; court accompaniment through a dedicated court advocate; presence during detective interviews; obtaining victim input for prosecutors; death notification; and community outreach at schools and local organizations.

2025 Victim Services Statistics

Councilor Garrett asked how the 2025 statistics compare to the prior year and whether any significant trends were apparent. Thayne responded that overall caseload has remained fairly consistent year over year, without major shifts across the twelve-month period. She noted, however, that one area where an increase has been observed is in cases involving child victims of internet-based sex crimes. She attributed the increase largely to improved investigative tools that now allow detectives to more effectively identify and trace these crimes back to victims and suspects. She also noted that families of the suspects in such cases sometimes require support as well, given the trauma associated with learning of such situations.

Type of Victimization	Number of individuals
Domestic/Family Violence	546
Stalking/Harassment	374
Adult Sexual Assault	206
Child Sexual Assault	184
Adult Physical Assault	183
Child Abuse	123
Total	1,616*

Total services provided: 9,015

**Total reflects the sum of individuals by category. Some individuals experienced multiple types of victimization and are therefore counted more than once. The total number of unique victims is 1,558.*

Chair MacKay acknowledged the disturbing nature of the trend and expressed gratitude that the program has the capacity to address it. She also raised awareness about sex trafficking, referencing a conversation with another council member about massage businesses being used as trafficking fronts. Thayne confirmed that the program has served trafficking victims from such businesses and noted that advocates have received specialized training in identifying and serving trafficking victims, whose needs and rights differ from those in other crime categories.

Councilor Whitlock thanked the team for their service to the community and asked whether the program has encountered situations where language barriers prevent adequate service. Farias Sanchez indicated that Portuguese is the most commonly needed language beyond Spanish. Thayne explained that the department uses a language line service for other languages and may also coordinate with bilingual police officers when appropriate for interview settings, as those officers are already familiar with the subject matter. She added that BYU is also a resource for translation assistance. She noted a recent case involving an American Sign Language-speaking victim, which was handled with the assistance of a police officer trained in ASL.

Item 7: An ordinance prohibiting virtual currency kiosks within Provo City (26-027) [01:55:04](#)

Policy Analyst Dayley presented a proposed ordinance that would prohibit the hosting, operating, permitting, or placing of virtual currency kiosks within Provo City limits. She noted that a detailed memo had been included in the council packet, and summarized the key elements of the proposed code.

Dayley explained that cryptocurrency ATMs function like traditional ATMs but accept cash rather than connecting to a bank account, and are used to purchase cryptocurrency. She described a notable pattern of scam and fraud activity in Utah associated with these kiosks. The proposal originated as a council issue sponsor request from Councilors MacKay and Christensen.

Dayley outlined the proposed code provisions, which would add a new section to Chapter 9.14 (Miscellaneous Criminal Provisions) of the city code. The section would include definitions for virtual currency, virtual currency kiosk, and operator, and would establish that it is unlawful for any person or entity to host, allow, operate, permit, locate, or place a virtual currency kiosk within Provo City. Penalties for violation would also be specified.

Dayley noted that Layton City is the only other city in Utah to have adopted such a ban, and that Indiana has enacted a statewide prohibition. She clarified that the ordinance would not restrict individuals from purchasing cryptocurrency through online platforms, personal devices, or any means other than physical kiosks operating within a business.

Regarding the scope of the fraud data presented, Dayley noted that the FBI's 2025 Internet Crime Report cited \$389 million in nationwide losses associated with cryptocurrency kiosks in 2025, and that a separate chart showed \$107 million in losses in Utah, though that figure covers a four-year reporting period rather than a single year.

Councilor Becky Bogdin expressed opposition to the proposed ordinance prohibiting virtual currency kiosks, raising concerns about personal choice and the role of government regulation. She questioned how the ordinance differs from other financial services commonly associated with fraud, such as Western Union, noting that scams occur across multiple transaction methods and are not unique to cryptocurrency kiosks. Councilor Bogdin stated that she does not believe it is the City's responsibility to "police" adults' financial decisions and emphasized that individuals should retain the freedom to choose how they conduct transactions. She further indicated a personal preference for cash-based cryptocurrency transactions over those tied to bank accounts, citing security concerns. Ultimately, Councilor Bogdin stated she would not support the ordinance and intended to vote against it.

Councilor Hoban shared similar reservations. Drawing on his professional background in banking technology, he noted that fraud occurs across many financial instruments including wire transfers, Zelle, gift cards, and cash — observing that cash itself is the most common medium for fraud. He acknowledged that cryptocurrency has a history of association with criminal use but argued that the vast majority of cryptocurrency kiosk transactions are legitimate. He also raised equity concerns, noting that cryptocurrency kiosks are often used by unbanked or underbanked individuals — including migrant workers — as an alternative to traditional financial services. He stated that removing the kiosks takes away a transactional option for that population. Hoban indicated he would also vote no.

Councilor Whitlock expressed ambivalence, noting that his initial instinct aligned with Bogdin's views on adult autonomy, but that upon researching the issue he found cryptocurrency kiosks to be among the most frictionless methods for scam victims to transfer money to fraudsters, often without the warnings or delays that banks, Western Union counters, or online money transfer

platforms provide. He suggested that elderly residents may be particularly vulnerable. Whitlock expressed interest in seeing data on the friction-reduction effect of banning local kiosks before arriving at a firm position.

Councilor Whipple asked whether there is evidence that adding friction — such as requiring a victim to drive to a neighboring city — meaningfully reduces the likelihood that a scam victim follows through on a fraudulent transfer. She noted that many of these scams operate under manufactured urgency and speculated that even a 15-minute drive might provide enough of a pause for a victim to reconsider or consult a family member. She asked Dayley to look into available research on this question.

Chair MacKay noted that she had received numerous constituent responses to her newsletter on this topic, primarily from elderly residents and individuals who had helped family members or neighbors navigate financial scams — including one case involving a loss of \$250,000. She acknowledged that the ordinance would not address all forms of fraud but expressed the view that even an incremental benefit to affected families may justify the measure.

City Attorney Jones was asked whether the ordinance language could inadvertently capture products such as arcade cash cards or store-value systems. Jones indicated that such products would not likely be interpreted as virtual currency kiosks under the proposed definitions and that the police and legal departments would not apply the ordinance in that manner, but noted that clarifying language could be added if the council wished.

Council Chair MacKay moved to advance the ordinance to a night meeting for adoption. Councilor Whipple seconded the motion. The motion passed 4–2 (Councilors Bogdin and Hoban opposed; Councilor Christensen excused)

Dayley confirmed that she would supplement the memo with additional information responsive to the council's questions, including data on whether friction reduces fraud follow-through, as well as data from the Provo Police Department on the number of Provo residents who have been victims of cryptocurrency kiosk scams.

Item 8: An ordinance amending power generation, evaporative cooling, and environmental reporting requirements for data centers (PLOT20250458) [02:14:00](#)

Planner and Sustainability Coordinator Hannah Salzl presented proposed amendments to the city's data center overlay code, describing the effort as a cleanup based on real-world application of the code adopted the prior September, conversations with data centers, other city departments, and UMPA, and lessons learned from processing the first application under the existing code.

Salzl outlined three substantive changes the amendments would accomplish. First, the amendments would remove power generation as a permitted use within the data center overlay zone. She explained that under UMPA policy, data centers exceeding 50 megawatts are required to generate their own power. By removing on-site power generation as a permitted use, the

amendments would effectively cap data center size in Provo to under 50 megawatts, which also triggers minor related code cleanups to reflect the characteristics of smaller facilities.

Second, the amendments would require non-evaporative, closed-loop cooling systems. Salzl explained that this reflects a reassessment of the tradeoff between water use and energy consumption in cooling: closed-loop systems use less water but require more energy. With energy consumption now effectively capped by the size limitation, the prior need to balance those two factors is reduced. Additionally, conversations with data center operators confirmed that closed-loop systems are more feasible than staff had initially assumed, making the requirement more practical.

Third, the amendments would remove the requirement for third-party environmental analysis, which under the current code applies to data centers over 5 megawatts. Salzl explained that when staff reached out to environmental analysis firms, those firms indicated they would have limited material to analyze in the absence of major on-site power generation or discharge into the municipal water system. She noted that a data center meeting the amended requirements would have an environmental footprint comparable to a large office building. Staff emphasized that this change does not eliminate environmental transparency requirements: data centers would still be required to submit estimates of anticipated pollutant emissions, including a comparison against a similarly sized office building, allowing the city to fact-check those representations.

Salzl noted that the planning commission recommended denial of the amendments as proposed, with a counter-recommendation to make on-site power generation a conditional use rather than an outright prohibition, which would allow for greater scrutiny without closing the door entirely. She explained that staff had initially considered the conditional use approach but ultimately proposed the outright prohibition after consultation with other city departments, who viewed it as a cleaner policy signal given the city's apparent appetite for smaller rather than larger data centers.

Salzl also noted that the existing code's high level of council discretion over whether to approve individual data center applications — a feature that has worked well in practice — is not being modified by these amendments.

Councilor Bogdin questioned whether the amendments were necessary given that the council already retains discretionary authority over applications. She stated that she did not recall the council having reached a consensus that power generation on-site was categorically undesirable, and expressed the view that the existing code structure was adequate. Salzl acknowledged the concern and explained that the amendments are intended primarily to signal to prospective developers upfront which uses are likely to be non-starters, reducing uncertainty in the application process.

Councilor Whipple asked whether the removal of the third-party environmental analysis requirement would compromise the city's ability to assess the effects of backup power generation systems, which data centers typically maintain for emergency use. Salzl confirmed that environmental and air quality reporting requirements remain in place; the amendment only removes the requirement for those reports to be reviewed by an independent third party. She

indicated she would double-check the specific provisions related to backup generator emissions reporting. Salzl also noted that regulating backup generators specifically within the data center code may not be the most appropriate approach, given that many other types of facilities in Provo also operate backup generators, and that a more comprehensive noise or emissions standard applied citywide might be a better vehicle if the council identifies that as a priority.

Councilor Whipple also raised a question about noise and vibration from data center operations more broadly, noting that persistent low-frequency noise or vibration, even at levels below the decibel thresholds in the current noise ordinance, could constitute a nuisance for neighboring properties. Salzl acknowledged that this is a documented concern, particularly with larger data centers, and that it was one of the motivations for capping data center size under these amendments. She offered to add more specific noise ordinance restrictions as part of the amendments if the council wished.

Whipple further asked whether very small data centers (e.g. university research computing facilities) might reasonably use evaporative cooling and whether the blanket prohibition on evaporative cooling was appropriate at all scales. Salzl acknowledged that closed-loop systems are more energy-intensive at larger scales and less burdensome at smaller scales, and that evaporative and closed-loop systems can be combined. She offered to follow up regarding the systems used at BYU's on-campus data facilities.

Councilor Whitlock asked Salzl to explain why staff concluded that an outright prohibition on power generation was cleaner than a performance-standards or output-based approach, as the planning commission had suggested. Salzl reiterated that the rationale offered by other city departments was a preference for clarity in signaling to developers, particularly where the perception exists that large-scale on-site generation is something the council would consistently decline. She noted that the planning commission's preferred approach (i.e. a conditional use permit for on-site generation) is a more flexible mechanism but introduces some subjectivity and processing time. She also noted that the fuel cell proposal from a prior applicant would not have met even the current code, as that proposal contemplated an islanded configuration not permitted under current UMPA policy or city code.

Councilor Hoban expressed general support for reviewing the backup generator and noise issues raised by Councilor Whipple and acknowledged that limiting data center size is likely to mitigate many of the concerns associated with larger facilities.

Closed Meeting

Councilor Whipple moved into closed session pursuant to state law for discussion of character and competency of an individual and the potential sale or transfer of property. Councilor Hoban seconded. The motion passed with a vote of 6–0 (Councilor Christensen Excused).

Adjournment

PENDING APPROVAL - DRAFT MINUTES

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PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:30 PM, Tuesday, April 28, 2026
Council Chambers (Room 100)
445 W. Center Street, Provo, UT 84601 or
<https://www.youtube.com/provocitycouncil>

1

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

- | | |
|--|--|
| Councilor Becky Bogdin | Councilor Gary Garrett |
| Councilor Travis Hoban | Councilor Katrice MacKay |
| Councilor Rachel Whipple | Councilor Rachel Whipple |
| Mayor Marsha Judkins | Council Executive Director Justin Harrison |
| Chief Administrative Officer Scott Henderson | City Recorder Heidi Allman |
| City Attorney Brian Jones | |

Conducting: Chair Katrice MacKay
Excused: Councilor Craig Christensen

2

Prayer – Angie Carter

3

Pledge of Allegiance – Councilor Whipple

4

Presentations, Proclamations, and Awards

5

1 A ceremony recognizing Chief Troy Beebe as Utah Chiefs of Police Association's Chief of the year (26-007) [00:01:34](#)

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2 A ceremony recognizing Provo City students' accomplishments within the Sterling Scholar Scholarship Program (26-007) [00:04:38](#)

21

PENDING APPROVAL - DRAFT MINUTES

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22 Mayor Judkins recognized the academic achievements of Provo’s 2026 Sterling Scholars. She explained
23 that the Sterling Scholar program honors high school seniors across Utah for excellence in scholarship,
24 leadership, and citizenship, with recipients selected through a competitive process that includes
25 portfolio submissions and multiple rounds of evaluation. The Mayor recognized Rachel Ryu of Timpview
26 High School as a runner-up in Family and Consumer Sciences. She highlighted Rachel’s accomplishments,
27 including service as a Provo City School District student board member, participation on the student
28 advisory council, involvement in FCCLA leadership, and her role as a varsity lacrosse team captain.
29 Adalaide Wingate, also of Timpview High School, was recognized as a runner-up in World Languages.
30 The Mayor noted her leadership as orchestra president, her achievements as a concerto winner and
31 longtime violinist, her participation in athletics, and her strong academic performance.
32 Ella Fillmore, of Timpview High School, was recognized as the Sterling Scholar in the Dance category. The
33 Mayor highlighted her extensive dance training, international study experience, leadership in the
34 school’s dance company, and her efforts to serve the community through dance-related outreach and
35 volunteer work. Mayor Judkins congratulated each student and expressed appreciation for their
36 contributions and accomplishments.
37

Public Comment

38
39 Chair MacKay read the public comment preamble and opened the public comment period.
40

41 Angie Carter, East Neighborhood District Chair, spoke regarding a proposal discussed during the
42 Council’s work session related to a potential conservation easement for Slate Canyon. She reminded the
43 Council of strong community interest in preserving the canyon, referencing significant public turnout at
44 a neighborhood meeting the previous year when development of the area had been proposed. Ms.
45 Carter expressed that residents value Slate Canyon for its natural beauty, recreational opportunities,
46 and its role as a gateway to the Bonneville Shoreline Trail. She noted that the area already provides
47 amenities such as dirt bike trails and a disc golf course, and that it has long been identified in the City’s
48 General Plan as a future park. While acknowledging that the conservation easement was not part of the
49 formal agenda, she urged the Council to give it careful consideration as a means of preserving the
50 canyon for future generations. She emphasized the importance of maintaining access to natural spaces
51 and the positive impact such environments have on residents’ well-being.
52

53 Taudine Andrew, a Provo resident and owner of Curvature, a plus-size thrift store, invited the Council to
54 attend an upcoming ribbon cutting ceremony celebrating the expansion of her business. She noted that
55 the business is growing and has recently acquired the adjacent property, effectively doubling its size.
56 Ms. Andrew also raised concerns regarding the City’s utility deposit requirements. She explained that
57 she was asked to pay a \$400 deposit to establish utilities for the expanded space, which would be held
58 for three years. She stated that this timeframe is longer than in many other Utah municipalities, where
59 deposits are typically held for one year, and suggested the Council consider revisiting this policy to
60 better support small business growth. Additionally, she noted that despite being an existing business
61 with a strong payment history, she was initially required to provide a second deposit for the expansion.
62 While she expressed appreciation that the City ultimately granted a waiver, she suggested that a more
63 consistent policy for existing businesses could simplify the process for both staff and business owners.
64 Ms. Andrew indicated she would follow up via email with additional information.
65

66 Glen Johns, a resident of Springville, addressed the Council regarding his missing granddaughters,
67 Amelia and Sophia. He reiterated prior requests made to the Council, asking that the City encourage the

PENDING APPROVAL - DRAFT MINUTES

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68 Police Department to prioritize the case and allocate appropriate resources, utilize available
69 communication channels to increase public awareness, and support future efforts to strengthen state
70 laws related to parental abduction. Mr. Johns expressed concern that information about the missing
71 children had not been broadly shared through official channels and emphasized the importance of
72 raising awareness. He referenced information from Utah Bureau of Criminal Identification regarding the
73 serious risks and long-term impacts associated with parental abduction, including instability, emotional
74 distress, and lack of access to consistent care. He urged the Council and community to assist in efforts to
75 locate his granddaughters and emphasized the importance of reuniting them with their family.
76

77 Steven Nordstrom, a Provo resident, spoke in support of efforts to locate two missing children in the
78 community. He shared that he is a longtime friend of the children's father and expressed concern over
79 the lack of progress in the case. Drawing on his own experience as a father, he emphasized the
80 emotional impact such situations have on families. Mr. Nordstrom urged the City to ensure continued
81 attention and focus on the case, including regular updates and prioritization by law enforcement. He
82 expressed hope that all available resources would be utilized to assist in locating the children and
83 supporting their safe return.
84

85 Naomi Flinders, a Provo resident, raised concerns regarding pedestrian safety along 500 North, noting
86 that the roadway falls under the authority of the Utah Department of Transportation. She shared that a
87 child was recently struck while using a crosswalk in the area near North Park. Ms. Flinders asked the
88 Council to help bring attention to the issue with UDOT and consider potential safety improvements. She
89 suggested that replacing the existing flashing crosswalk with a stop sign could reduce confusion for
90 drivers and improve safety, particularly given the high volume of pedestrian traffic, including children.
91

92 Chair MacKay closed public comment.
93

Action Agenda

94

3 A resolution consenting to the mayor's appointment of the energy services director for Provo City. (26-028) [00:18:22](#)

95

Motion: An implied motion to approve Resolution 2026-8, as currently constituted, has been made by council rule.

96

97 Mayor Judkins recommended the appointment of Patricio Hernandez as the City's Energy Services
98 Director and requested the Council's advice and consent. She noted that Mr. Hernandez was selected
99 following a nationwide search that included 24 applicants and expressed full confidence in his
100 qualifications. The Mayor highlighted Mr. Hernandez's prior experience with Provo City as a power
101 systems control operator, where he monitored the City's energy distribution system. She also outlined
102 his subsequent work with Rocky Mountain Power and Heber Light & Power, where he gained additional
103 technical and managerial experience. Mayor Judkins emphasized Mr. Hernandez's leadership
104 background, including roles as an engineer, project manager, and his recognition as an award-winning
105 safety committee chair with the American Public Power Association. She concluded by recommending
106 his appointment for the Council's consideration.
107

108

108 With no council discussion, Chair MacKay called for a vote.
109

109

PENDING APPROVAL - DRAFT MINUTES

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Vote: The motion passed 6:0 with Councilors Bogdin, Garrett, Hoban, MacKay, Whipple, and Whitlock in favor. Councilor Christensen excused.

110
111
112

Judge Schreiner administered the oath of office to Director Hernandez.

4 A resolution consenting to the mayor’s appointment of the parks and recreation director for Provo City. (26-029) [00:22:45](#)

113

Motion: An implied motion to approve Resolution 2026-9, as currently constituted, has been made by council rule.

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Mayor Judkins recommended the appointment of Bradley Raney as the City’s Parks and Recreation Director and requested the Council’s advice and consent. She noted that Mr. Raney was selected following a nationwide recruitment process that included 87 applicants. The Mayor outlined Mr. Raney’s educational background, including a bachelor’s degree in Exercise Science from Brigham Young University and a master’s degree in athletic administration. She also highlighted his prior experience serving as Parks and Recreation Director in both Green River, Wyoming and Edmond, Oklahoma. Mayor Judkins noted that, in his most recent role, Mr. Raney successfully managed several multi-million-dollar projects that improved financial sustainability, operational efficiency, and service quality for residents. She emphasized his experience in local government operations, budgeting and financial management, and community engagement, and recommended his appointment for the Council’s consideration.

Vote: The motion passed 6:0 with Councilors Bogdin, Garrett, Hoban, MacKay, Whipple, and Whitlock in favor. Councilor Christensen excused.

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128

Judge Schreiner administered the oath of office to Director Raney.

5 A resolution appropriating \$75,000 in the General Fund for an economic development study for the fiscal year ending June 30, 2026. (26-016) [00:25:32](#)

129

Motion: An implied motion to approve Resolution 2026-10, as currently constituted, has been made by council rule.

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Cody Hill, Division Director of Economic Development, presented. He noted that this initiative was identified by the Council in January as a key priority for both the Council and City Administration. Mr. Hill explained that staff and Council have collaborated over the past several months to develop and issue a Request for Proposals (RFP), which is a formal process used by the City to solicit qualified firms to provide professional services. The RFP closed on April 18, and ten proposals were received. He indicated that a selection committee was scheduled to meet later in the week to review submissions and make a recommendation. The requested funds would support the completion of the study to help guide future economic development efforts citywide.

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

Vote: The motion passed 6:0 with Councilors Bogdin, Garrett, Hoban, MacKay, Whipple, and Whitlock in favor. Councilor Christensen excused.

142

PENDING 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.

6 An ordinance amending power generation, evaporative cooling, and environmental reporting requirements for data centers. (PLOTA20250458) [00:27:24](#)

143

Motion: An implied motion to approve Ordinance 2026-13, as currently constituted, has been made by council rule.

144

145 Hannah Salzl, City Planner and Sustainability Coordinator, presented proposed amendments to the City's
146 data center code, which had originally been adopted in September. She explained that, after
147 implementation and coordination with departments and the Utah Municipal Power Agency, staff
148 identified updates intended to better protect the City's power grid, air quality, and water resources. Ms.
149 Salzl outlined three primary components of the proposed amendments. First, the ordinance would
150 remove power generation as a permitted use for data centers. She explained that existing requirements
151 from the power provider would effectively limit facilities to 50 megawatts, which would significantly
152 reduce potential air quality impacts. Second, the amendments would require non-evaporative cooling
153 systems. While these systems may increase energy use, they reduce water consumption and would
154 prohibit discharge into the municipal wastewater system. Third, the proposal would remove certain
155 third-party environmental analysis requirements due to the reduced environmental impact, while still
156 maintaining Council discretion in reviewing applications. Ms. Salzl also noted that the Planning
157 Commission had reviewed the proposal and recommended against fully prohibiting power generation as
158 a permitted use. Instead, the Commission suggested allowing it as a conditional use with performance-
159 based standards, recognizing the potential economic benefits of data center development.

160

161 Chair MacKay opened public comment. With none, and no council discussion, she called for a vote.

162

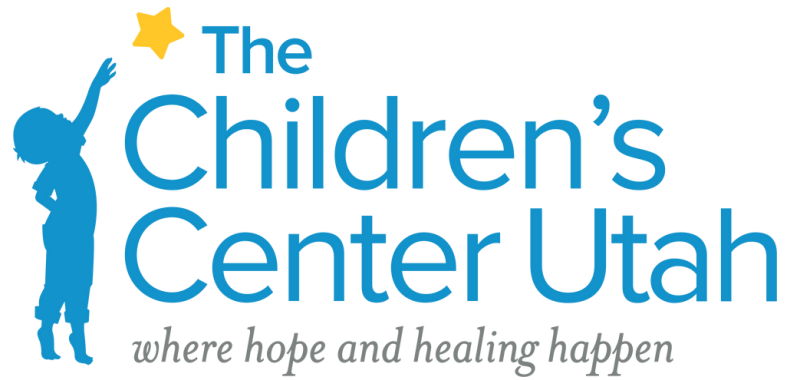
Vote: The motion passed 5:1 with Councilors Garrett, Hoban, MacKay, Whipple, and Whitlock in favor. Councilor Bogdin opposed and Councilor Christensen excused.

163

Adjournment

164

165 The meeting was adjourned by unanimous consent at approximately 6:01 PM.



Provo City Council

May 12, 2026



Established in 1962, The Children's Center Utah is the only organization in Utah providing trauma-informed, evidence-based mental health care treatment exclusively to infants, toddlers, preschoolers, and their families and caregivers



The Children's Center Utah Today

CENTER-BASED CLINICAL SERVICES: Outpatient Family Therapy and Therapeutic Preschool Program

993 young children and families served

90% of the children served were from households of less than 100% of the federal poverty level



- 759 intakes
- 5,732 individual therapy hours
- 478 consultations
- 71 psychiatric evaluations

- 136 psychological evaluations
- 160 children served in our Therapeutic Preschool Program
- 47,268 hours of Therapeutic Group Therapy

The Children's Center Utah Today

STATEWIDE PROVIDER SERVICES: Consultation, Training, and Coaching

Teleconsultation and Training



- 792 hours of webinars
- 1,259 providers trained
- 440 hours of consultations

Early Childhood Coaching and Consultation



- 295 children and classrooms observed
- 30 trainings and presentations
- 834 educators reached
- 116 hours of training conducted

The Children's Center Utah Today

STATEWIDE PROVIDER SERVICES: Consultation, Training, and Coaching

Infant-Toddler Court Program



- Court teams in Provo (2) and Cedar City (1); new prevention partnership
- Expanded integration of resources in court process
- Provided training to child welfare and court professionals
- Improved services to children and families

Trauma Program for Young Children



- 256 children and families served
- 570 children screened for trauma/trauma symptoms
- 313 providers received training

The Children's Center Utah Today

CAPACITY BUILDING SYSTEM-LEVEL WORK: Workforce Development and Public Awareness and Program/Policy Development

Workforce development efforts provide infrastructure to strengthen the number of early childhood mental health professionals and students with internship and residency opportunities.



- Undergraduate Students
- Masters-level Interns

- Doctoral Interns
(APA accredited)

- Post-doctoral Residents
- Fellows

★ *Ready! Resilient!* Utah Early Childhood Mental Health Conference *uuee*

Tuesday, November 17
Mountain America
Expo Center



Thank you to our generous partners!

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**LARRY H. & GAIL
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Call to Action
PHILANTHROPIES

CAMBIA
health foundation

UBHC
Utah Behavioral Healthcare Committee

Attain
ABA THERAPY

Equip

House of
Hope

HUNTSMAN HEALTH
MENTAL HEALTH INSTITUTE
UNIVERSITY OF UTAH

**AVALANCHE
STUDIOS**

CORPORATE
STAGING
RESOURCES

**A BOLDER
WAY FORWARD
FOR UTAH**

**UTAH
COMMUNITY
BUILDERS**
The State of Good

**UTAH WOMEN &
LEADERSHIP
Project**
AT UTAH STATE UNIVERSITY

The Children's Center Utah Today

CAPACITY BUILDING SYSTEM-LEVEL WORK: Workforce Development and Public Awareness and Program/Policy Development

Public Awareness and Program/Policy Development



- Landmark Research Studies
- May Mental Health Awareness Month and Children's Mental Health Awareness Day Proclamation by Governor Cox
- Utah Nonprofit Day on the Hill
- Legislative Break
- Legislative Dinners and Luncheons

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2025-2026



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Ze Min Xiao
Center for Economic Opp & Belonging



Bert Zimmerli
Community Advocate



Craig Zollinger
Community Advocate



UTAH

Infant and Early Childhood Mental Health Need

Up to one in five children
in our state could experience mental,
emotional, developmental, or
behavioral challenges*

- 458,000 children ages birth - 8
- 10 – 20% = as many as 90,000

*Kem C. Gardner Policy Institute Early Childhood Mental Health in Utah full report

*Child and Adolescent Health Measurement Initiative. (2017-2018). National Survey of Children's Health (NSCH) data query. Data Resource Center for Child and Adolescent Health supported by the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau (MCHB)



IECMH in Utah

Fact Sheet
October 2023

Kem C. Gardner
POLICY INSTITUTE
THE UNIVERSITY OF UTAH
DAVID ECCLES SCHOOL OF BUSINESS

Relational Health: The Connection Between Adult and Childhood Mental Health

Children's mental health is influenced by several factors, including genetic predisposition, parental or caregiver mental health, and exposure to Adverse Childhood Experiences (ACEs) such as violence in the home or community, emotional abuse or neglect, and economic hardship. Although the relationship between these factors is complex, Utah's higher-than-average ACE scores and adult mental health needs indicate areas of potential influence to support childhood mental health in the state.

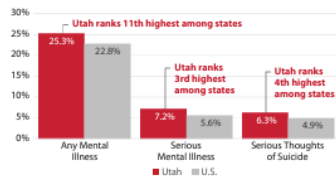
Utah and Childhood Mental Health

National estimates show 11-23% of Utah children between the ages of 3-11 experience mental, emotional, developmental, or behavioral challenges.¹ The mental health of children is influenced by many factors with research demonstrating a strong link between the mental health of children and their parents and caregivers.^{2,3} Rates of adults with a mental health condition are higher in Utah than in most other U.S. states and the national average (Figure 1).⁴ Additionally, the rates of Utah parents reporting difficulty coping with the demands of raising children or experiencing poor mental health are among the highest in the nation (Figure 2).

Children with a parent or caregiver with poor mental health are at an increased risk of experiencing ACEs, which can lead to mental and behavioral health challenges in childhood and into adulthood if untreated or mitigated by positive childhood experiences and other protective factors (Figure 3).^{5,6,7,8,9,10} Figure 3 illustrates the relationship described in the literature between parent or caregiver mental health, exposure to adverse childhood experiences, and a child's mental health outcomes. The figure also demonstrates how the relationship can be circular, with the child's mental health influencing the parent or caregiver's mental health in return.

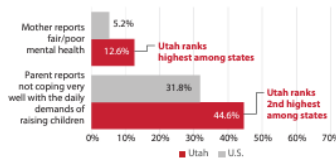
In Utah, 67.8% of adults have experienced one or more ACE, which is higher than most other states and the U.S. average (63.9%, Figure 4).¹¹ The second most common ACE experienced by Utah adults is living in a household with someone with a mental illness (28.1%).¹²

Figure 1: Utah Adults Reporting Mental Illness in the Past Year, 2021



Source: SAMHSA, Center for Behavioral Health Statistics and Quality, National Survey on Drug Use and Health, 2021

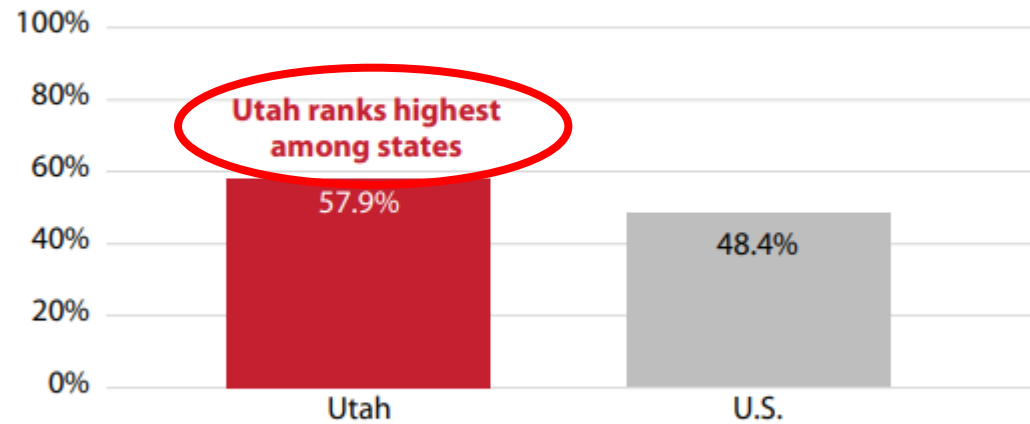
Figure 2: Share of Children Under Age 3 with Mothers Experiencing Poor Mental Health in Utah and U.S., 2018-2020 (combined)



Source: US Department of Health and Human Services (HHS), HRSA, MCHB, [2019-2021], 2018-2020 National Survey of Children's Health NSCH Public-Use Data. From Prenatal-to-3 State Policy Roadmap.

Rates of untreated mental health needs for children in Utah is the highest in the U.S. (Figure 5) and nearly 50% of Utah adults with a mental health condition are not receiving treatment.¹³ Childhood intervention and access to treatment for parents and caregivers can reduce the impacts of poor parent/caregiver mental health on children and reduce the likelihood of long-term mental health challenges of children (Figure 3).

Figure 5: Share of Children, Ages 3-17, with a Mental/Behavioral Condition Who Did Not Receive Treatment or Counseling in Utah and U.S., 2020-2021 (combined)



Source: Child and Adolescent Health Measurement Initiative. 2020-2021 National Survey of Children's Health (NSCH) data query. Data Resource Center for Child and Adolescent Health supported by the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), Maternal and Child Health Bureau (MCHB).

UTAH

Infant and Early Childhood Mental Health Need

1/3 fewer providers
per 100,000 people*

*United States Department of Labor, Bureau of Labor Statistics. (2021).



Strong Public/Private Partnership

Strong state-level support for infant and early childhood mental health, coupled with the generosity and impact of private philanthropy, has catalyzed momentum for this important work.

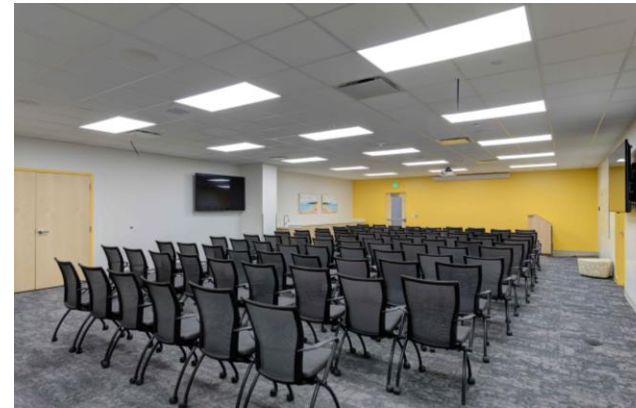
The Children's Center Utah has received **\$16.2 million from the state legislature for statewide expansion, which are matching with private donations. ~\$16 million raised to date!**

A Strong ROI: The Children's Center Utah has received **\$2.2 million from the state legislature in operating funding, which also has been matched in private donations.**



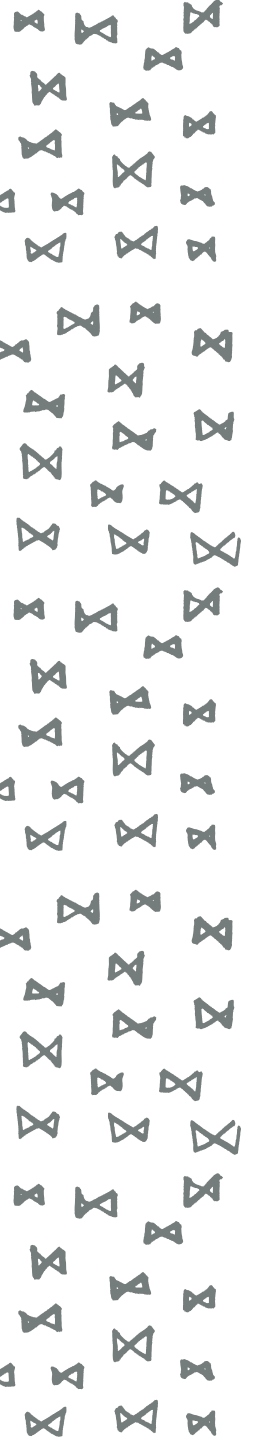
A Bold Vision and Bright Future for Utah Children and Families—a world-class children's mental health campus

- Therapeutic Design Elements to Promote Hope and Healing
- Improved Access and Growth Capacity for Diverse Populations
- Enhanced Education & Training Resources and Facilities
- Expanded Opportunities for Vibrant Community Partnerships





Bringing Hope and Healing to Utah County





Stay Informed!

Questions? Contact:

- Rebecca Dutson, President and CEO: rdutson@tccutah.org
- Stephanie Warner, Government Relations Manager: swarner@tccutah.org

Follow us on Social Media and help spread awareness!

- Facebook
 - Instagram
 - LinkedIn
 - X
-
- www.childrenscenterutah.org



Thank you!
childrenscenterutah.org



PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: KMARTINS
Presenter: Rebecca Duston, President and CEO of The Children's Center Utah
Department: Recorder
Meeting Date: 5/12/2026
Requested Duration (Minutes): 20 minutes
CityView or Issue File Number: 26-032

SUBJECT: 1 A presentation regarding children's mental health services in Utah County (26-032)

ADMINISTRATIVE RECOMMENDATION: Presentation only

ADMINISTRATIVE MEMO: We are pleased to present an overview of The Children's Center Utah, an organization that has been serving our community for more than 60 years by providing comprehensive mental health care for infants, toddlers, preschoolers, and their families. Their multidisciplinary team of over 100 professionals delivers evidence-based, trauma-informed services, including outpatient family therapy and intensive therapeutic preschool programs for children ages 2 to 5 with the most acute needs. In addition to direct clinical care, they provide statewide consultation, training, and coaching to childcare providers, medical professionals, and mental health practitioners, while also working to strengthen the pipeline of infant and early childhood mental health professionals across Utah.

As we consider the broader context, it is important to recognize that Utah faces significant challenges in this area. The state has one of the highest prevalences of child and adolescent mental health disorders, along with a high rate of untreated youth mental health needs. As many as 90,000 children ages 0 to 8 may experience mental, emotional, developmental, or behavioral challenges, and suicide is the leading cause of death for youth ages 10 to 17. Compounding this issue, Utah has approximately one-third fewer behavioral health specialists per capita than the national average, underscoring the importance of early intervention and expanded access to care (See attachment for sources)

Through its programs and partnerships, The Children's Center Utah is helping to address this crisis at both the individual and system levels. Their work has resulted in thousands of hours of family therapy and therapeutic preschool services, while also training thousands of early childhood providers and positively impacting tens of thousands of children statewide. By equipping young children with the tools to manage emotions and build resilience, and by supporting families and caregivers, the Center plays a critical role in strengthening communities and contributing to long-term social

and economic well-being. Early childhood mental health challenges affect families across all backgrounds, and the Center's efforts remind us that this is a shared community issue that requires continued attention and support.

FISCAL IMPACT: NA

COUNCIL STAFF MEMO:

The Children's Center Utah provides mental health treatment services to children ages birth through six and their families and caregivers.

Therapists provide in-person and telehealth outpatient family therapy and parent groups. Family services are currently available in Salt Lake County, with services in Utah County starting in July 2026! Interpretation services are available in most languages.

Our dedicated team includes clinical mental health counselors, clinical social workers, licensed marriage and family therapists, psychologists, and an on-site child and adolescent psychiatrist. Our team also includes graduate student interns, paraprofessionals, shuttle bus drivers, and talented administrators.



Child and Family Therapy

- ★ Assessment and Evaluation
- ★ Evidence-based Trauma Treatment
- ★ Medication Management for existing clients in family therapy whom a clinician has referred.
- ★ Comprehensive psychological testing for existing clients in family therapy whom a clinician has referred.



Therapeutic Preschool Program

Intensive group therapy for existing clients in family therapy whom a clinician has referred.

"Thanks to family therapy I feel empowered and I know how to deal with difficult situations with my child. And I think that's the greatest tool I can imagine."

Who We Help

Parents and caregivers who are concerned about:

- ★ Social-emotional delays, sleep challenges, appetite issues, toileting accidents
- ★ Children struggling to manage their emotions
- ★ Children with prolonged temper outbursts
- ★ Children who are unable to get along with peers in childcare or preschool
- ★ Families struggling to get back on track during or after a separation or divorce, and more



**Questions?
Call our
Main Line**

3725 West 4100 South
West Valley City, UT 84120

2273 North Miller Campus Drive
Lehi, UT 84043

801.582.5534
childrenscenterutah.org



Scan QR Code for more information
about our family services

Connect with Us!





**Donde suceden
la esperanza y la
sanación**

El Children's Center Utah brinda servicios de tratamiento de salud mental a niños desde el nacimiento hasta los seis años, así como a sus familias y cuidadores.

Los terapeutas ofrecen terapia familiar ambulatoria en persona y por telesalud, además de grupos para padres. Los servicios familiares están actualmente disponibles en el condado de Salt Lake, ¡con servicios en el condado de Utah a partir de julio de 2026! Los servicios de interpretación están disponibles en la mayoría de los idiomas.

Nuestro dedicado equipo incluye consejeros clínicos de salud mental, trabajadores sociales clínicos, terapeutas matrimoniales y familiares con licencia, psicólogos y un psiquiatra de niños y adolescentes en el lugar. Nuestro equipo también incluye pasantes de posgrado, paraprofesionales, conductores de autobús de transporte y talentosos administradores.



Terapia Infantil y Familiar

- ★ Valoración y evaluación
- ★ Tratamiento del trauma basado en evidencia
- ★ Manejo de medicamentos para clientes en terapia familiar referidos por un médico.
- ★ Pruebas psicológicas integrales para clientes en terapia familiar referidos por un médico.



Programa Preescolar Terapéutico

Terapia de grupo intensiva para clientes existentes en terapia familiar a quienes refirió un médico.

"Gracias a la terapia familiar me siento empoderada y sé cómo afrontar situaciones difíciles con mi hijo. Y creo que esa es la mejor herramienta que puedo imaginar".

A quién ayudamos

Padres y cuidadores preocupados por:

- ★ Retrasos socioemocionales, dificultades para dormir, problemas de apetito, accidentes para ir al baño
- ★ Niños y niñas con dificultad para manejar sus emociones
- ★ Niños y niñas con arrebatos de mal genio prolongados
- ★ Niños y niñas que no pueden llevarse bien con sus compañeros en la guardería o en el preescolar
- ★ Familias que luchan por retomar el rumbo durante o después de una separación o divorcio y mucho más



**¡Llámenos
si tiene
preguntas!**

3725 West 4100 South
West Valley City, UT 84120

2273 North Miller Campus Drive
Lehi, UT 84043

801.582.5534
childrenscenterutah.org



Escanee el código para obtener
más información sobre nuestros
servicios familiares

Nuestras Redes Sociales





Our Mission

The Children's Center Utah provides comprehensive mental health care to enhance the emotional well-being of infants, toddlers, preschoolers, and their caregivers and families. Recognized as experts in the field of children's mental health, The Children's Center Utah's multidisciplinary team of more than 100 professionals provides compassionate, expert care that physicians, early childhood providers, and others statewide seek out as a trusted resource. We collaborate with dozens of community partners to support high-quality mental health care for children and families.

Our Programs

The Children's Center Utah strengthens infant and early childhood mental health through:

Center-Based Clinical Services

We offer family therapy (Outpatient Clinical Services) and intensive group therapy for children ages 2-5 with the most acute mental health needs (Therapeutic Preschool Program). These programs utilize evidence-based, trauma-informed modalities and research-based interventions.

Statewide Provider Services

We provide in-person and virtual consultation, training, and coaching for early childhood providers statewide, including childcare providers, licensed mental health professionals, pediatricians, and other medical professionals.

Capacity Building System-Level Work

We strengthen the pipeline of Infant and Early Childhood Mental Health (IECMH) professionals available to serve Utah children and families and work diligently to ensure early childhood mental health remains at the forefront of statewide discussions.



“Through the support we receive our daughters are learning to cope with their hard feelings and turn to trusted adults for help... most importantly we're beginning to find fun and happiness together, thanks to The Children's Center Utah.”

- Shauna, Clients' mother

Utah is among a group of states with the **highest prevalence of child and adolescent mental health disorders and the highest prevalence of youth with untreated mental health needs.**¹

Utah's Children and Families are in Crisis

Utah's youngest and most vulnerable children face significant mental and behavioral health challenges, and *early intervention is essential* to protecting their futures. When children have the tools they need to thrive, families can contribute more effectively to their communities and our state's economy.



As many as **90,000** children between the ages of 0-8 are likely to experience **mental, emotional, developmental, or behavioral challenges** ¹



Suicide

is the leading cause of death for children ages **10 – 17** ²



Utah has **1/3 fewer behavioral health specialists** per 100,000 residents than average ³



Early childhood mental health challenges affect families of every income level, background, and community—reminding us that this is not an isolated issue, but one that impacts us all.

¹ Ball, Samantha, Summers, Laura, 2020, December, Early Childhood Mental Health in Utah, Kem C. Gardner Policy Institute
² Centers for Disease Control and Prevention, National Center for Health Statistics. National Vital Statistics System, Mortality 2018-2024 on CDC WONDER Online Database, released in 2026. Data are from the Multiple Cause of Death Files, 2018-2024, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at [Retrieved from https://www.abc4.com/news/local-news/suicide-is-leading-cause-of-death-among-utahns-ages-10-17-research-shows/](https://www.abc4.com/news/local-news/suicide-is-leading-cause-of-death-among-utahns-ages-10-17-research-shows/) on Apr 22, 2026 4:04:53 PM
³ Christensen, J. (2016). Utah's Mental Health Workforce, 2016: A Study on the Supply and Distribution of Clinical Mental Health Counselors, Social Workers, Marriage and Family Therapists, and Psychologists in Utah. The Utah Medical Education Council.

Transforming Early Childhood Mental Health through Clinical Services and Provider Training

The Children's Center Utah has been leading the way in providing high-quality infant and early childhood mental health care for more than 60 years. Our work is key to effectively addressing Utah's children's mental health crisis and helping the next generation grow into strong, resilient youth and adults prepared to take on life's challenges with confidence and experience life's joys to the fullest.

6,700
Family Therapy
Hours



47,000
Therapeutic
Preschool Hours



4,000
Infant and
Early Childhood
Providers Trained



26,000
Children in Utah
Benefit from
Trained Infant and
Early Childhood
Professionals



PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: Cody Hill
Presenter: Cody Hill, Economic Development Division Director
Department: Development Services
Requested Meeting Date: May 12, 2026
Requested Duration (Minutes): 10
CityView or Issue File Number:

SUBJECT: East Bay Shopping Center Post Performance Sales Tax Reimbursement Agreement – sixth payment – budget appropriation

RECOMMENDATION: Budget appropriation approval of \$57,765.50 from General Fund. This is for both the Work and Council Meeting.

BACKGROUND: On February 20, 2018 the Municipal Council approved a resolution authorizing the Mayor to execute an agreement between Provo City and East Bay Shopping Center LLC, the ownership group of the East Bay Shopping Center at 979 S University Ave for Post Performance Sales Tax Reimbursement. Per the Agreement, Provo City will reimburse the ownership group for one half of costs associated with the remodel, construction, and opening of a new Ross retail store, which would serve as a magnet to attract other retailers to fill this retail center. The reimbursement is funded through point-of-sale retail sales tax increment above the base value, \$90,099.

Provo City continues to receive this base amount of \$90,099. The developer / owner receives half of the point-of-sale revenue less this base amount on an annual basis.

The term of this agreement runs for ten years, beginning after the completion of their remodel. The Commencement Date for this agreement was November 1, 2019. The target reimbursement amount as per the agreement is \$1,154,385 which is one half of the total out-of-pocket expenses, which were \$2,308,770. This is the sixth payment in the ten-year agreement and amounts to \$57,765. The total received in six years, including this payment will be \$363,920.

FISCAL IMPACT: \$57,765

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Support economic retail growth and vitality of the City's major retail centers.

Exhibit A

**PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT**



Submitter: JAHILL
Presenter: Cody Hill, Economic Development Division Director
Department: Development Services
Meeting Date: 5/12/2026
Requested Duration (Minutes): 5 minutes
CityView or Issue File Number: 26-033

SUBJECT: 2 A resolution approving the appropriation of \$57,765.50 in the General Fund for a contractual sales tax increment post-performance payment to East Bay Shopping Center (26-033)

ADMINISTRATIVE RECOMMENDATION: Budget appropriation approval of \$57,765.50 from General Fund.

ADMINISTRATIVE MEMO: On February 20, 2018 the Municipal Council approved a resolution authorizing the Mayor to execute an agreement between Provo City and East Bay Shopping Center LLC, the ownership group of the East Bay Shopping Center at 979 S University Ave for Post Performance Sales Tax Reimbursement. Per the Agreement, Provo City will reimburse the ownership group for one half of costs associated with the remodel, construction, and opening of a new Ross retail store, which would serve as a magnet to attract other retailers to fill this retail center. The reimbursement is funded through point-of-sale retail sales tax increment above the base value, \$90,099.

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FISCAL IMPACT: \$57,765

TIME SENSITIVITY: This payment was due on March 1st. We have not heard from East Bay about the payment, but it would still be great to get the payment approved in a timely manner.

COUNCIL STAFF MEMO:

Resolution 2018-06

SHORT TITLE

A resolution authorizing the Mayor of Provo City to negotiate and execute a post-performance Sales Tax Increment Reimbursement Agreement between Provo City Corporation and Woodside Capital Partners, LLC. (18-021)


PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL	✓		
CW 2	GEORGE STEWART	✓		
CD 1	GARY WINTERTON	✓		
CD 2	GEORGE HANDLEY	✓		
CD 3	DAVID KNECHT	✓		
CD 4	KAY VAN BUREN	✓		
CD 5	DAVID HARDING	✓		
TOTALS		7	0	

This resolution was passed by the Municipal Council of Provo City, on the 20th day of February 2018, on a roll call vote as described above. Signed this 1st day of March 2018.


Chair


Mayor

Resolution 2018-06

CITY RECORDER'S CERTIFICATE AND ATTEST

I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to resolution number 2018-06.

This resolution was signed and recorded in the office of the Provo City Recorder on the 5th day of March 2018.



Amanda Grewbrack

City Recorder

1 RESOLUTION 2018-06.

2
3 A RESOLUTION AUTHORIZING THE MAYOR OF PROVO CITY TO
4 NEGOTIATE AND EXECUTE A POST-PERFORMANCE SALES TAX
5 INCREMENT REIMBURSEMENT AGREEMENT BETWEEN PROVO CITY
6 CORPORATION AND WOODSIDE CAPITAL PARTNERS, LLC. (18-021)
7

8 WHEREAS, Woodside Capital Partners, LLC owns the East Bay Shopping Center retail
9 shopping center, located at 1025 South University Avenue, Provo, Utah; and
10

11 WHEREAS, the East Bay Shopping Center retail shopping center has suffered a
12 significant amount of store vacancies over a sustained period of time; and
13

14 WHEREAS, Woodside Capital Partners, LLC is in the process of working with both
15 national, specifically Ross, and local retailers to back-fill vacant shopping center space in the
16 East Bay Shopping Center; and
17

18 WHEREAS, Woodside Capital Partners, LLC will incur costs related to improvements to
19 properties for new retail and to fill vacancies in the East Bay Shopping Center; and
20

21 WHEREAS, Woodside Capital Partners, LLC has requested that the City provide
22 reimbursement for a portion of the owner’s costs associated with attracting new desirable tenants
23 and tenant improvements; and
24

25 WHEREAS, Provo City has determined that the requested financial assistance is
26 consistent with the guidelines of Provo City’s available economic development programs; and
27

28 WHEREAS, Provo City has determined the requested reimbursements are reasonable to
29 improve retail in the East Bay Shopping Center and related new work by making said
30 improvements and investments in the shopping center; and
31

32 WHEREAS, Provo City in 2014 hired a nationally recognized retail consultant, Retail
33 Strategies, to perform a retail analysis for Provo and determined that there is a significant amount
34 of spending by Provo residents outside of Provo, also known as “leakage,” due, in part, to the
35 perception that Provo lacks retail options for goods and services, and
36

37 WHEREAS, post-performance sales tax increment agreements can be an effective tool
38 to generate additional funds and retail shopping opportunities, yet continue to provide the
39 existing baseline sales tax proceeds to the City, and
40

41 WHEREAS, the representative of Woodside Capital Partners, LLC and Provo City
42 Administration and Staff are presently negotiating a post-performance sales tax increment
43 reimbursement agreement with a ten (10) year term to capture up to half of the enumerated costs.
44 Additionally, it is proposed that if Woodside Capital Partners, LLC are able to capture half the
45 cost prior to the end of the ten (10) year term, then both Provo City and Woodside Capital
46 Partners, LLC shall share equally in the sales tax increment above the base until the end of ten
47 (10) year term; and

48
49 WHEREAS, on February 6, 2018, and February 20, 2018, the Municipal Council met to
50 ascertain the facts regarding this matter and receive public comment, which facts and comments
51 are found in the public record of the Council's consideration; and

52
53 WHEREAS, Provo City has determined the project (i) promotes retention of existing
54 businesses and attraction of new businesses within the shopping center, (ii) encourages
55 commercial redevelopment and revitalization of the area, and (iv) reasonably furthers the health,
56 safety, and general welfare of the citizens of Provo.

57
58 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as
59 follows:

60
61
62 PART I:
63
64 The Mayor is authorized to negotiate and execute a Sales Tax Increment
65 Reimbursement Agreement between Provo City Corporation and Woodside Capital Partners,
66 LLC, consistent with the parameters attached hereto as Exhibit A.

67
68 PART II:
69
70 This resolution shall take effect immediately.

71
72 END OF RESOLUTION.
73
74
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78
79
80
81

82 Exhibit A

83
84 Parameters

85
86 Deal point 1. A ten (10) year term, commencing upon execution of the agreement, which
87 contemplates a 12 to 18 month ramp up period for construction and improvements.

88
89 Deal point 2. Establish a base year using the previous 12 months of generated sales tax as a
90 starting point from execution of the agreement.

91
92 Deal point 3. Capture up to half of the costs associated with revitalization of the East Bay
93 Shopping Center and other improvements incurred by Woodside Capital Partners, LLC, costs
94 associated with the improvements, all of which shall be paid up front. The improvement costs
95 are estimated to be approximately ONE MILLION, FIVE HUNDRED THOUSAND DOLLARS
96 (\$1,500,000.00)

97
98 Deal point 4. If Woodside Capital Partners, LLC is successful in capturing up to half the costs
99 before the ten year agreement expires, then Woodside Capital Partners, LLC and Provo City will
100 share sales tax increment on a 50/50 split until the end of the ten year term.

101
102 Deal point 5. In no event will Woodside Capital Partners, LLC be able to earn back or be
103 reimbursed for more than the approved incurred improvement costs.

Economic Development Staff Memorandum

East Bay Shopping Center Sales Tax Increment Proposal

January 22, 2018

<p>Dixon Holmes 801-852-6166</p> <p>Required Time for Presentation 20 minutes</p> <p>Is This Time Sensitive Not urgent, but timeliness is desirable</p>	<p>Provide Municipal Council with an overview and proposal for a potential sales tax increment agreement with the new owners of the East Bay Shopping Center in order to provide retail incentives to offset certain costs in attracting new tenants to the shopping center. The new owners will be present at the meeting to answer questions and share details as available.</p> <p>Action Requested</p> <ul style="list-style-type: none">• Informational and Council input and feedback <p>Relevant City Policies – Council Priorities</p> <ul style="list-style-type: none">• Suitable retail where our residents want to shop in order to retain our own sales tax dollars.• Broader retail offerings• Increased tax revenue from commercial property tax and sales tax <p>Budget Impact</p> <ul style="list-style-type: none">• Preserve the baseline sales tax received and only offer increment above the baseline. Post-performance based. <p>Description of this item</p> <ul style="list-style-type: none">• Work with the new property owners of the East Bay Shopping Center to create an incentive agreement to backfill historically vacant storefronts.• The model for this incentive would be similar to that used at the Parkway Village located on University Parkway, where the
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Walmart Neighborhood store is located.

Deal Points:

- Determine an acceptable dollar amount for reimbursement. Some portion of the out of pocket costs to locate an anchor tenant, or a tenant that will facilitate backfilling the balance of the center
- Determine an acceptable time frame for which an incentive would be offered. Typically ten (10) years has been acceptable.
- Allow owners to recoup up to half the out of pocket expenses and then share additional tax revenue a 50/50 City/Owner if additional time remains on the ten (10) year term, up to actual costs, amount to be agreed upon in advance, but not to exceed actual costs.

1 RESOLUTION 2018-.

2
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65 Reimbursement Agreement between Provo City Corporation and Woodside Capital Partners,
66 LLC, consistent with the parameters attached hereto as Exhibit A.

67
68 PART II:
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70 This resolution shall take effect immediately.

71
72 END OF RESOLUTION.
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82 Exhibit A

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84 Parameters

85
86 Deal point 1. A ten (10) year term, commencing upon execution of the agreement, which
87 contemplates a 12 to 18 month ramp up period for construction and improvements.

88
89 Deal point 2. Establish a base year using the previous 12 months of generated sales tax as a
90 starting point from execution of the agreement.

91
92 Deal point 3. Capture up to half of the costs associated with revitalization of the East Bay
93 Shopping Center and other improvements incurred by Woodside Capital Partners, LLC, costs
94 associated with the improvements, all of which shall be paid up front. The improvement costs
95 are estimated to be approximately ONE MILLION, FIVE HUNDRED THOUSAND DOLLARS
96 (\$1,500,000.00)

97
98 Deal point 4. If Woodside Capital Partners, LLC is successful in capturing up to half the costs
99 before the ten year agreement expires, then Woodside Capital Partners, LLC and Provo City will
100 share sales tax increment on a 50/50 split until the end of the ten year term.

101
102 Deal point 5. In no event will Woodside Capital Partners, LLC be able to earn back or be
103 reimbursed for more than the approved incurred improvement costs.

104

Basic deal components

- 10 year agreement
- Post performance, above the base line sales tax revenue
- Reimbursement for \$1.5 million of actual costs associated with improvements for new retail
- Opportunity to earn back half the actual costs
- If time remains on the 10 years, then all new sales tax dollars above the base and \$750,000.00 are then split 50/50 up to total actual costs

Example of how it might work

	20 million = \$100,000.00	
	Provo	Woodside
1	100000	0
2	100000	0
3	100000	0
4	100000	0
5	100000	0
6	100000	0
7	100000	0
8	100000	0
9	100000	0
10	100000	0
	\$1,000,000.00	\$0.00

Example of how it might work

	40 million = \$200,000.00	
	Provo	Woodside
1	100000	100000
2	100000	100000
3	100000	100000
4	100000	100000
5	100000	100000
6	100000	100000
7	100000	100000
8	125000	75000
9	150000	50000
10	150000	50000
	\$1,125,000.00	\$875,000.00

Example of how it might work

	60 million = \$300,00.00	
	Provo	Woodside
1	100000	200000
2	100000	200000
3	100000	200000
4	150000	150000
5	200000	100000
6	200000	100000
7	200000	100000
8	200000	100000
9	200000	100000
10	200000	100000
	\$1,650,000.00	\$1,350,000.00

Example of how it might work

80 million = \$400,000.00			
100000	300000		1
100000	300000		2
250000	150000		3
250000	150000		4
250000	150000		5
250000	150000		6
250000	150000		7
250000	150000		8
400000	0		9
400000	0		10
\$2,500,000.00	\$1,500,000.00		

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: Cody Hill
Presenter: Cody Hill, Economic Development Division Director
Department: Development Services
Requested Meeting Date: May 12, 2026
Requested Duration (Minutes): 10
CityView or Issue File Number:

SUBJECT: Parkway Village Post Performance Sales Tax Reimbursement Agreement – seventh payment – budget appropriation

RECOMMENDATION: Budget appropriation approval of \$83,851.50 from General Fund. This is for both the Work and Council Meeting.

BACKGROUND: In November 2016, the Municipal Council approved a resolution authorizing the Mayor to execute an agreement between Provo City and Parkway Village LLC, the ownership group of Parkway Village located at 2255 North University Parkway for Post Performance Sales Tax Reimbursement. Per the Agreement, Provo City will reimburse the ownership group for costs associated with the demolition, of an existing retail pad, participation of the installation of a new traffic signal and the construction of a replacement retail pad. The maximum reimbursement amount is \$1,053,395. The reimbursement is funded through point-of-sale retail sales tax increment above the base value, \$136,476.

Provo City continues to receive this base amount of \$136,476. The developer / owner receives half of the point-of-sale revenue less this base amount on an annual basis.

The term of this agreement runs for ten years. The Commencement Date for this agreement was November 1, 2018. The target reimbursement amount as per the agreement is \$1,053,395, which is one half of the total out-of-pocket expenses. This is the seventh payment in the ten-year agreement and amounts to \$83,851.50. The total received in six years, including this payment, will be \$399,236.

FISCAL IMPACT: \$83,851.50

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Support economic retail growth and mitigate sales tax leakage.

Exhibit A

**PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT**



Submitter: JAHILL
Presenter: Cody Hill, Economic Development Division Director
Department: Development Services
Meeting Date: 5/12/2026
Requested Duration (Minutes): 5 minutes
CityView or Issue File Number: 26-034

SUBJECT: 3 A resolution approving the appropriation of \$83,851.50 in the General Fund for a contractual sales tax increment post-performance payment to Parkway Village. (26-034)

ADMINISTRATIVE RECOMMENDATION: Budget appropriation approval of \$83,851.50 from General Fund.

ADMINISTRATIVE MEMO: In November 2016, the Municipal Council approved a resolution authorizing the Mayor to execute an agreement between Provo City and Parkway Village LLC, the ownership group of Parkway Village located at 2255 North University Parkway for Post Performance Sales Tax Reimbursement. Per the Agreement, Provo City will reimburse the ownership group for costs associated with the demolition, of an existing retail pad, participation of the installation of a new traffic signal and the construction of a replacement retail pad. The maximum reimbursement amount is \$1,053,395. The reimbursement is funded through point-of-sale retail sales tax increment above the base value, \$136,476.

Provo City continues to receive this base amount of \$136,476. The developer / owner receives half of the point-of-sale revenue less this base amount on an annual basis.

The term of this agreement runs for ten years. The Commencement Date for this agreement was November 1, 2018. The target reimbursement amount as per the agreement is \$1,053,395, which is one half of the total out-of-pocket expenses. This is the seventh payment in the ten-year agreement and amounts to \$83,851.50. The total received in six years, including this payment, will be \$399,236.

FISCAL IMPACT: \$83,851.50

TIME SENSITIVITY: This payment was due on March 1st. We have heard from East Bay about the payment and are communicating with them on the timing and amount. Getting the payment approved in a timely manner would be great.

COUNCIL STAFF MEMO:

Resolution 2016-49

SHORT TITLE

A resolution authorizing the Mayor of Provo City Corporation to negotiate and execute a sales tax increment reimbursement agreement between Provo City Corporation and Parkway Village Provo Holdings 2, LLC.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL			✓		
CW 2	GEORGE STEWART			✓		
CD 1	GARY WINTERTON	✓		✓		
CD 2	KIM SANTIAGO			✓		
CD 3	DAVID KNECHT			✓		
CD 4	KAY VAN BUREN		✓	✓		
CD 5	DAVID HARDING				✓	
TOTALS				6	1	0

This resolution was passed by the Municipal Council of Provo City, on the 15th day of November, 2016, on a roll call vote as described above. Signed this 7 December 2016.



Chair



Mayor

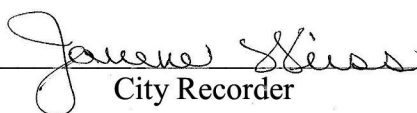
Resolution 2016-49

CITY RECORDER'S CERTIFICATE AND ATTEST

I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Resolution Number 2016-49.

This resolution was signed and recorded in the office of the Provo City Recorder on the 8th day of December, 2016 .





City Recorder

1 RESOLUTION 2016-49.

2
3 A RESOLUTION AUTHORIZING THE MAYOR OF PROVO CITY
4 CORPORATION TO NEGOTIATE AND EXECUTE A SALES TAX
5 INCREMENT REIMBURSEMENT AGREEMENT BETWEEN PROVO CITY
6 CORPORATION AND PARKWAY VILLAGE PROVO HOLDINGS, LLC
7 AND PARKWAY VILLAGE PROVO HOLDINGS 2, LLC. (16-112)

8
9 WHEREAS, Parkway Village Provo Holdings, LLC and Parkway Village Provo
10 Holdings 2, LLC (collectively “Parkway Village Holdings”) owns lots at the Parkway Village
11 retail shopping center, located at 2255 North University Parkway, Provo, Utah; and

12
13 WHEREAS, Parkway Village Holdings, in accordance with the Provo-Orem
14 Transportation Improvement Project, has entered into an agreement with Utah Transit Authority
15 and Utah Department of Transportation to create a new signalized intersection providing
16 vehicular access between Parkway Village and University Parkway; and

17
18 WHEREAS, the new intersection leg on the Parkway Village side is in direct conflict
19 with an existing retail building, which will need to be demolished, and

20
21 WHEREAS, Parkway Village Holdings will incur costs related to (i) early termination of
22 a lease with an operating business, (ii) demolition of the building where such tenant was located,
23 (iii) construction of certain driveway improvements to connect Parkway Village’s parking lot to
24 the new intersection at University Parkway, (iv) contribution to UTA and UDOT costs for
25 designing and constructing the roadway, intersection, and traffic signal improvements, and (v)
26 construction costs and associated fees for a new building to replace the demolished building; and

27
28 WHEREAS, Parkway Village Holdings has requested that the City provide
29 reimbursement for a portion of the owner’s costs; and

30
31 WHEREAS, Provo City Corporation has determined that the requested financial
32 assistance is consistent with the guidelines of Provo City Corporation’s available programs; and

33
34 WHEREAS, sales tax increment agreements can be an effective tool to generate
35 additional funds, yet continue to provide the existing baseline sales tax proceeds to the City, and

36
37 WHEREAS, Provo City Corporation has determined the requested reimbursements are
38 reasonable to offset the intersection and traffic signal upgrade impacts and related new work by
39 Parkway Village Holdings; and

41 WHEREAS, the representative of Parkway Village Holdings and Provo City
42 Administration and Staff are presently negotiating a sales tax increment reimbursement
43 agreement with a ten (10) term to capture up to half of the enumerated costs. *Additionally, it is
44 proposed that if the Parkway Village Holdings are able to capture half the cost prior to the end of
45 the ten (10) year term, then both Provo City and Parkway Village Holdings shall share equally in
46 the sales tax increment above the base until the end of ten (10) year term; and

47
48 WHEREAS, on November 15, 2016, the Municipal Council held a duly noticed public
49 meeting to ascertain the facts regarding this matter, which facts are found in the meeting record;
50 and

51
52 WHEREAS, Provo City Corporation has determined the project (i) improves traffic flow
53 and safety, (ii) promotes retention of existing businesses within the shopping center, (ii)
54 encourages commercial redevelopment and revitalization of the University Parkway Corridor,
55 and (iv) reasonably furthers the health, safety, and general welfare of the citizens of Provo.

56
57 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as
58 follows:

59
60

61 PART I:

62

63 1. The Mayor is authorized to negotiate and execute a Sales Tax Increment
64 Reimbursement Agreement between Provo City Corporation and Parkway Village Holdings,
65 consistent with the parameters attached hereto as Exhibit A.

66

67 PART II:

68

69 This resolution shall take effect immediately.

70

71 END OF RESOLUTION.

Exhibit A

Parameters

Deal point 1. A ten (10) year term, commencing upon execution of the agreement.

Deal point 2. Base year uses the previous 12 months of generated sales tax as a starting point from execution of the agreement.

Deal point 3. Capture up to half of the costs associated with demolition of existing building, design and construction of road and intersection improvements incurred by Parkway Village Holdings, costs associated with construction of a replacement building including building permit fees, plan check and impacts fees, all of which shall be paid up front.

Deal point 4.1 If Parkway Village Holdings are successful in capturing up to half the costs before the ten year agreement expires, then Parkway Village Holdings and Provo City will share sales tax increment on a 50/50 split until the end of the ten year term, but in no event shall Parkway Village Holdings receive sales tax increment in excess of the total costs described in Deal Point 3 above.

¹ This is a request of Parkway Village Holdings and has not been vetted with the Municipal Council. It will be the intent of Parkway Village Holdings to make this request and hope to further discuss this possibility in the meeting.

Department Logo

Provo City *(Department)*

Staff Memorandum

Memo Title

Meeting Date

<p>Department Head Name Dixon Holmes Phone 852-6166</p> <p>Presenter Name Dixon Holmes Phone 852-6166</p> <p>Required Time for Presentation Time 15 – 30 min</p> <p>Is This Time Sensitive Yes</p> <p>Case File # (if applicable) NA</p>	<p>Purpose of Proposal</p> <ul style="list-style-type: none">• Discussion on potential sales tax increment for a retail shopping center on University Parkway, seeking partial cost recovery due to new entrance and existing building demolition <p>Action Requested</p> <ul style="list-style-type: none">• Consideration for approving a sale tax increment reimburse agreement and authorize the Mayor to execute an agreement between Provo City and Parkway Village Partners. <p>Relevant City Policies</p> <ul style="list-style-type: none">• Economic Development <p>Budget Impact</p> <ul style="list-style-type: none">• Potentially forgo future, incremental sales tax revenue for a defined period of time. <p>Description of Parameters of Approval</p> <ul style="list-style-type: none">• Ability to capture up to half of the costs incurred to remove the old building, street access intersection costs, new building costs, including building, plan check and impact fees (all fees would be paid up front and then reimbursed overtime according to agreement.• Term of capture – 10 (ten) years• Baseline starting point a rolling 12 months back.• Recapture base on increment over the baseline, up to half of costs.
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	<ul style="list-style-type: none">• Requested but not agreed to yet – if Parkway Village is able to capture up to half of the agreed upon costs, and there was still time remaining on the ten year term, Parkway would share half of the incremental sales tax revenue to the end of the ten years.
--	--

1 RESOLUTION 2016-.

2
3 A RESOLUTION AUTHORIZING THE MAYOR OF PROVO CITY
4 CORPORATION TO NEGOTIATE AND EXECUTE A SALES TAX
5 INCREMENT REIMBURSEMENT AGREEMENT BETWEEN PROVO CITY
6 CORPORATION AND PARKWAY VILLAGE PROVO HOLDINGS, LLC
7 AND PARKWAY VILLAGE PROVO HOLDINGS 2, LLC. (16-112)

8
9 WHEREAS, Parkway Village Provo Holdings, LLC and Parkway Village Provo
10 Holdings 2, LLC (collectively “Parkway Village Holdings”) owns lots at the Parkway Village
11 retail shopping center, located at 2255 North University Parkway, Provo, Utah; and

12
13 WHEREAS, Parkway Village Holdings, in accordance with the Provo-Orem
14 Transportation Improvement Project, has entered into an agreement with Utah Transit Authority
15 and Utah Department of Transportation to create a new signalized intersection providing
16 vehicular access between Parkway Village and University Parkway; and

17
18 WHEREAS, the new intersection leg on the Parkway Village side is in direct conflict
19 with an existing retail building, which will need to be demolished, and

20
21 WHEREAS, Parkway Village Holdings will incur costs related to (i) early termination of
22 a lease with an operating business, (ii) demolition of the building where such tenant was located,
23 (iii) construction of certain driveway improvements to connect Parkway Village’s parking lot to
24 the new intersection at University Parkway, (iv) contribution to UTA and UDOT costs for
25 designing and constructing the roadway, intersection, and traffic signal improvements, and (v)
26 construction costs and associated fees for a new building to replace the demolished building; and

27
28 WHEREAS, Parkway Village Holdings has requested that the City provide
29 reimbursement for a portion of the owner’s costs; and

30
31 WHEREAS, Provo City Corporation has determined that the requested financial
32 assistance is consistent with the guidelines of Provo City Corporation’s available programs; and

33
34 WHEREAS, sales tax increment agreements can be an effective tool to generate
35 additional funds, yet continue to provide the existing baseline sales tax proceeds to the City, and

36
37 WHEREAS, Provo City Corporation has determined the requested reimbursements are
38 reasonable to offset the intersection and traffic signal upgrade impacts and related new work by
39 Parkway Village Holdings; and

41 WHEREAS, the representative of Parkway Village Holdings and Provo City
42 Administration and Staff are presently negotiating a sales tax increment reimbursement
43 agreement with a ten (10) term to capture up to half of the enumerated costs. *Additionally, it is
44 proposed that if the Parkway Village Holdings are able to capture half the cost prior to the end of
45 the ten (10) year term, then both Provo City and Parkway Village Holdings shall share equally in
46 the sales tax increment above the base until the end of ten (10) year term; and

47
48 WHEREAS, on November 15, 2016, the Municipal Council held a duly noticed public
49 meeting to ascertain the facts regarding this matter, which facts are found in the meeting record;
50 and

51
52 WHEREAS, Provo City Corporation has determined the project (i) improves traffic flow
53 and safety, (ii) promotes retention of existing businesses within the shopping center, (ii)
54 encourages commercial redevelopment and revitalization of the University Parkway Corridor,
55 and (iv) reasonably furthers the health, safety, and general welfare of the citizens of Provo.

56
57 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as
58 follows:

59
60
61 PART I:
62
63 1. The Mayor is authorized to negotiate and execute a Sales Tax Increment
64 Reimbursement Agreement between Provo City Corporation and Parkway Village Holdings,
65 consistent with the parameters attached hereto as Exhibit A.

66
67 PART II:
68
69 This resolution shall take effect immediately.

70
71 END OF RESOLUTION.

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Exhibit A

Parameters

Deal point 1. A ten (10) year term, commencing upon execution of the agreement.

Deal point 2. Base year uses the previous 12 months of generated sales tax as a starting point from execution of the agreement.

Deal point 3. Capture up to half of the costs associated with demolition of existing building, design and construction of road and intersection improvements incurred by Parkway Village Holdings, costs associated with construction of a replacement building including building permit fees, plan check and impacts fees, all of which shall be paid up front.

Deal point 4.¹ If Parkway Village Holdings are successful in capturing up to half the costs before the ten year agreement expires, then Parkway Village Holdings and Provo City will share sales tax increment on a 50/50 split until the end of the ten year term.

¹ This is a request of Parkway Village Holdings and has not been vetted with the Municipal Council. It will be the intent of Parkway Village Holdings to make this request and hope to further discuss this possibility in the meeting.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: Cody Hill
Presenter: Cody Hill, Economic Development Division Director
Department: Development Services
Requested Meeting Date: May 12, 2026
Requested Duration (Minutes): 10
CityView or Issue File Number:

SUBJECT: The Shops at Riverwoods Post Performance Sales Tax Reimbursement Agreement – fourth payment – budget appropriation

RECOMMENDATION: Budget appropriation approval of \$31,033.33 from General Fund. This is for both the Work and Council Meeting.

BACKGROUND: In June 2018, the Municipal Council approved a resolution authorizing the Mayor to execute an agreement between Provo City and Tigriswoods, LLC DBA The Shops at The Riverwoods located at 4801 N University Ave. for Post Performance Sales Tax Reimbursement. Per the Agreement, Provo City will reimburse the ownership group for costs associated the acquisition and remodel of the AMC Theater and for extensive remodel of several other buildings at this retail center. The maximum reimbursement amount is \$1,500,000. The reimbursement is funded through point-of-sale retail sales tax increment above the base value, \$118,016.

Provo City continues to receive this base amount of \$118,016. The developer / owner receives half of the point-of-sale revenue less this base amount on an annual basis.

The term of this agreement runs for fifteen years. The Commencement Date for this agreement was October 1, 2018. The target reimbursement amount as per the agreement is \$1,500,000, which is one half of the total out-of-pocket expenses. This is the fourth payment in the fifteen-year agreement and amounts to \$31,033.33. The total received in six years, including this payment, will be \$128,936.33.

FISCAL IMPACT: \$31,033.33

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Support economic retail growth and mitigate sales tax leakage.

Exhibit A

**PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT**



Submitter: JAHILL
Presenter: Cody Hill, Economic Development Division Director
Department: Development Services
Meeting Date: 5/12/2026
Requested Duration (Minutes): 5 minutes
CityView or Issue File Number: 26-035

SUBJECT: 4 A resolution approving the appropriation of \$31,003.33 in the General Fund for a contractual sales tax increment post-performance payment to the Shops at Riverwoods. (26-035)

ADMINISTRATIVE RECOMMENDATION: Budget appropriation approval of \$31,033.33 from General Fund.

ADMINISTRATIVE MEMO: In June 2018, the Municipal Council approved a resolution authorizing the Mayor to execute an agreement between Provo City and Tigriswoods, LLC DBA The Shops at The Riverwoods located at 4801 N University Ave. for Post Performance Sales Tax Reimbursement. Per the Agreement, Provo City will reimburse the ownership group for costs associated the acquisition and remodel of the AMC Theater and for extensive remodel of several other buildings at this retail center. The maximum reimbursement amount is \$1,500,000. The reimbursement is funded through point-of-sale retail sales tax increment above the base value, \$118,016.

Provo City continues to receive this base amount of \$118,016. The developer / owner receives half of the point-of-sale revenue less this base amount on an annual basis.

The term of this agreement runs for fifteen years. The Commencement Date for this agreement was October 1, 2018. The target reimbursement amount as per the agreement is \$1,500,000, which is one half of the total out-of-pocket expenses. This is the fourth payment in the fifteen-year agreement and amounts to \$31,033.33. The total received in six years, including this payment, will be \$128,936.33.

FISCAL IMPACT: \$31,033.33

TIME SENSITIVITY: This payment was due on February 1st. We have not heard from Riverwoods concerning this payment, but it would still be great to get the payment approved in a timely manner.

COUNCIL STAFF MEMO:

Resolution 2018-23

SHORT TITLE

A resolution authorizing the Mayor of Provo City to negotiate and execute a Post-Performance Sales Tax Increment Reimbursement agreement with The Shops at the Riverwoods. (18-066)

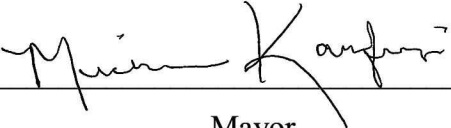
PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL	✓		
CW 2	GEORGE STEWART	✓		
CD 1	GARY WINTERTON	✓		
CD 2	GEORGE HANDLEY	✓		
CD 3	DAVID KNECHT	✓		
CD 4	KAY VAN BUREN		✓	
CD 5	DAVID HARDING		✓	
TOTALS		5	2	

This resolution was passed by the Municipal Council of Provo City, on the 19th day of June 2018, on a roll call vote as described above. Signed this 27th day of June 2018.


Chair


Mayor

Resolution 2018-23

CITY RECORDER'S CERTIFICATE AND ATTEST

I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to resolution number 2018-23.

This resolution was signed and recorded in the office of the Provo City Recorder on the 28th day of June 2018.




City Recorder

1 RESOLUTION 2018-23.

2
3 A RESOLUTION AUTHORIZING THE MAYOR OF PROVO CITY TO
4 NEGOTIATE AND EXECUTE A POST-PERFORMANCE SALES TAX
5 INCREMENT REIMBURSEMENT AGREEMENT WITH THE SHOPS AT
6 THE RIVERWOODS. (18-066)
7

8 WHEREAS, the owners of The Shops at the Riverwoods, located at 4801 North
9 University Avenue, Provo, Utah, desire to enter into a sales tax increment reimbursement
10 agreement with Provo City; and
11

12 WHEREAS, The Shops at the Riverwoods are anticipating investing between \$11 and
13 \$13 Million into the center for the purpose of upgrades and additional improvements to the
14 shopping center; and
15

16 WHEREAS, The Shops at the Riverwoods will incur costs related to improvements and has
17 requested that the City provide reimbursement through sales tax increment financing for a
18 portion of the owner’s costs associated with the upgrades and improvements; and
19

20 WHEREAS, Provo City has determined that the requested financial assistance is
21 consistent with the guidelines of Provo City’s available economic development programs; and
22

23 WHEREAS, Provo City has determined the requested reimbursements are reasonable to
24 improve The Shops at the Riverwoods shopping center; and
25

26 WHEREAS, Provo City in 2014 hired a nationally recognized retail consultant, Retail
27 Strategies, to perform a retail analysis for Provo and determined that there is a significant amount
28 of spending by Provo residents outside of Provo, also known as “leakage,” due, in part, to the
29 perception that Provo lacks retail options for goods and services, and
30

31 WHEREAS, post-performance sales tax increment agreements can be an effective tool
32 to generate additional funds and retail shopping opportunities while continuing to provide the
33 existing baseline sales tax proceeds to the City, and
34

35 WHEREAS, the representative of The Shops at the Riverwoods is presently negotiating
36 with Provo City Administration and Staff and is requesting a post-performance sales tax
37 increment reimbursement agreement with a fifteen (15) year term to capture the sales tax
38 increment above the base, which is \$98,251.00 annually, until the end of the fifteen (15) year
39 term, not to exceed \$1,500,000.00 in reimbursement; and
40

41 WHEREAS, on June 5, 2018 and June 19, 2018, the Municipal Council met to ascertain
42 the facts regarding this matter and receive public comment, which facts and comments are found
43 in the public record of the Council’s consideration; and
44

45 WHEREAS, Provo City has determined the project (i) promotes retention of existing
46 businesses, (ii) encourages commercial redevelopment and revitalization of the area, and (iii)
47 reasonably furthers the health, safety, and general welfare of the citizens of Provo.
48

49 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as
50 follows:
51

52
53 PART I:
54

55 The Mayor is authorized to negotiate and execute a Sales Tax Increment
56 Reimbursement Agreement between Provo City Corporation and The Shops at the Riverwoods,
57 consistent with the parameters attached hereto as Exhibit A.
58

59 PART II:
60

61 This resolution shall take effect immediately.
62

63 END OF RESOLUTION.

64 Exhibit A

65
66 Parameters

67
68 Deal point 1. Determine an acceptable maximum dollar amount for reimbursement – the
69 requested amount is \$1,500,000.00.

70
71 Deal point 2. Determine an acceptable time frame for which an incentive would be offered. A
72 fifteen (15) year deal has been proposed.

73
74 Deal point 3. The shopping center owners believe by making a substantial investment into the
75 store, their sales will be boosted.

76
77 Deal point 4. Current annual sales are just under \$20 Million which generates \$98,251
78 annually in sales tax revenue to Provo City.

79
80 Deal point 5. Hypothetically, if sales at the Shops at Riverwoods were to increase 10 %
81 compounded annually, the \$1,500,000.00 would be achieved in about year 13.5. Hypothetically,
82 if sales at the Shops at Riverwoods were to only increase 2.5% compounded annually, only
83 \$332,110.00 would be achieved by year 15.

84
85 Deal point 6. Allow owners to recoup the lesser of \$1,500,000 or 15 years of reimbursement.
86 Whichever of the two comes first, then the agreement will be terminated with no guarantee of
87 recouping the total amount allowed.

1 RESOLUTION 2018-.

2
3 A RESOLUTION AUTHORIZING THE MAYOR OF PROVO CITY TO
4 NEGOTIATE AND EXECUTE A POST-PERFORMANCE SALES TAX
5 INCREMENT REIMBURSEMENT AGREEMENT WITH THE SHOPS AT
6 THE RIVERWOODS. (18-066)
7

8 WHEREAS, the owners of The Shops at the Riverwoods, located at 4801 North
9 University Avenue, Provo, Utah, desire to enter into a sales tax increment reimbursement
10 agreement with Provo City; and
11

12 WHEREAS, The Shops at the Riverwoods are anticipating investing between \$11 and
13 \$13 Million into the center for the purpose of upgrades and additional improvements to the
14 shopping center; and
15

16 WHEREAS, The Shops at the Riverwoods will incur costs related to improvements and has
17 requested that the City provide reimbursement through sales tax increment financing for a
18 portion of the owner's costs associated with the upgrades and improvements; and
19

20 WHEREAS, Provo City has determined that the requested financial assistance is
21 consistent with the guidelines of Provo City's available economic development programs; and
22

23 WHEREAS, Provo City has determined the requested reimbursements are reasonable to
24 improve The Shops at the Riverwoods shopping center; and
25

26 WHEREAS, Provo City in 2014 hired a nationally recognized retail consultant, Retail
27 Strategies, to perform a retail analysis for Provo and determined that there is a significant amount
28 of spending by Provo residents outside of Provo, also known as "leakage," due, in part, to the
29 perception that Provo lacks retail options for goods and services, and
30

31 WHEREAS, post-performance sales tax increment agreements can be an effective tool
32 to generate additional funds and retail shopping opportunities while continuing to provide the
33 existing baseline sales tax proceeds to the City, and
34

35 WHEREAS, the representative of The Shops at the Riverwoods is presently negotiating
36 with Provo City Administration and Staff and is requesting a post-performance sales tax
37 increment reimbursement agreement with a fifteen (15) year term to capture the sales tax
38 increment above the base, which is \$98,251.00 annually, until the end of the fifteen (15) year
39 term, not to exceed \$1,500,000.00 in reimbursement; and
40

41 WHEREAS, on June 5, 2018 and June 19, 2018, the Municipal Council met to ascertain
42 the facts regarding this matter and receive public comment, which facts and comments are found
43 in the public record of the Council’s consideration; and

44
45 WHEREAS, Provo City has determined the project (i) promotes retention of existing
46 businesses, (ii) encourages commercial redevelopment and revitalization of the area, and (iii)
47 reasonably furthers the health, safety, and general welfare of the citizens of Provo.

48
49 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as
50 follows:

51
52
53 PART I:
54
55 The Mayor is authorized to negotiate and execute a Sales Tax Increment
56 Reimbursement Agreement between Provo City Corporation and The Shops at the Riverwoods,
57 consistent with the parameters attached hereto as Exhibit A.

58
59 PART II:

60
61 This resolution shall take effect immediately.

62
63 END OF RESOLUTION.

64 Exhibit A

65
66 Parameters

67
68 Deal point 1. Determine an acceptable maximum dollar amount for reimbursement – the
69 requested amount is \$1,500,000.00.

70
71 Deal point 2. Determine an acceptable time frame for which an incentive would be offered. A
72 fifteen (15) year deal has been proposed.

73
74 Deal point 3. The shopping center owners believe by making a substantial investment into the
75 store, their sales will be boosted.

76
77 Deal point 4. Current annual sales are just under \$20 Million which generates \$98,251
78 annually in sales tax revenue to Provo City.

79
80 Deal point 5. Hypothetically, if sales at the Shops at Riverwoods were to increase 10 %
81 compounded annually, the \$1,500,000.00 would be achieved in about year 13.5. Hypothetically,
82 if sales at the Shops at Riverwoods were to only increase 2.5% compounded annually, only
83 \$332,110.00 would be achieved by year 15.

84
85 Deal point 6. Allow owners to recoup the lesser of \$1,500,000 or 15 years of reimbursement.
86 Whichever of the two comes first, then the agreement will be terminated with no guarantee of
87 recouping the total amount allowed.
88

Incentive Name	The Shops at the Riverwoods Reinvestment	
Project Location	4801 North University Avenue	
Incentive Type	<input type="checkbox"/> Loan or Grant <input type="checkbox"/> Fee Incentive <input checked="" type="checkbox"/> Tax Increment Financing <input type="checkbox"/> Land write-down <input type="checkbox"/> Infrastructure	
Project Description	Create a post-performance incentive agreement for The Shops at the Riverwoods to offset certain costs associated with a \$10,000,000+ investment to encourage additional improvements to the shopping center.	
Brief Summary of Community Goals for the Project	<ul style="list-style-type: none"> • Current annual sales for the entire center are \$21 million which generate approximately \$105,000 in sales tax revenue to Provo City. • If a 50% sales increase is accomplished the first year, with an average 1.5% increase every year over for 15 years, sales could increase to over \$41,000,000 annually and generate \$205,000 in retail sales tax to Provo – making \$100,000 available as an incentive, to be used for other improvements/enhancements in the shopping center. 	
Proposed Project Terms	<ul style="list-style-type: none"> • 15 year deal • 100% Sales Tax Incentive • Until \$1.5 million gap is reached OR 15 years expires 	
Project Proponents	Economic Development Department	
Eligibility Criteria	The Shops at the Riverwoods must generate more than the current base of \$105,000 to receive any tax incentive. Provo City Council has made retail a priority in 2018. The Shops at the Riverwoods, is the one of the few lifestyle shopping centers in Provo that encourages community involvement through activities, in conjunction with retail opportunities. The immediate and surrounding areas, including patrons from different cities, will be drawn to the new improvements, increasing the sales tax collected; generating additional revenue for Provo City and accomplishing the goal to gain additional and retain sales tax dollars in our community.	
Principles Fulfilled by the Project	<input checked="" type="checkbox"/> Redevelopment <input checked="" type="checkbox"/> Growing the base <input checked="" type="checkbox"/> Significant capital investment/improvement - taxable <input type="checkbox"/> Increase building inventory <input checked="" type="checkbox"/> Post-performance	<input checked="" type="checkbox"/> Catalyst development, tipping point, “Field of Dreams” <input type="checkbox"/> Desirable name, product, service <input type="checkbox"/> Location of development <input type="checkbox"/> Job created/retained <input type="checkbox"/> End user vs. developer - require specific agreements

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: Cody Hill
Presenter: Cody Hill, Economic Development Division Director
Department: Development Services
Requested Meeting Date: May 12, 2026
Requested Duration (Minutes): 10
CityView or Issue File Number:

SUBJECT: Day's Market Post Performance Sales Tax Reimbursement Agreement – sixth payment – budget appropriation

RECOMMENDATION: Budget appropriation approval of \$13,509.21 from General Fund. This is for both the Work and Council Meeting.

BACKGROUND: In March 2019, the Municipal Council approved a resolution authorizing the Mayor to execute an agreement between Provo City and Day's Family Market, LLC, the ownership group of Day's Market located at 3121 N Canyon Rd, Provo, UT 84604 for Post Performance Sales Tax Reimbursement. Per the Agreement, Provo City will reimburse the ownership group for half of the costs associated with the remodel of their store, which would retain the grocer in the area and mitigate sales tax leakage. The reimbursement is funded through point-of-sale retail sales tax increment above the base value, \$39,800.

Provo City continues to receive this base amount of \$39,800. The developer / owner receives half of the point-of-sale revenue less this base amount on an annual basis.

The term of this agreement runs for ten years. The Commencement Date for this agreement was May 1, 2019. The target reimbursement amount as per the agreement is \$100,000 which is one half of the total out-of-pocket expenses. This is the sixth payment in the ten-year agreement and amounts to \$13,509.21. The total received in six years, including this payment will be \$78,461.

FISCAL IMPACT: \$13,509.21

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Support economic retail growth and mitigate sales tax leakage.

Exhibit A

**PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT**



Submitter: JAHILL
Presenter: Cody Hill, Economic Development Division Director
Department: Development Services
Meeting Date: 5/12/2026
Requested Duration (Minutes): 5 minutes
CityView or Issue File Number: 26-036

SUBJECT: 5 A resolution approving the appropriation of \$13,509.21 in the General Fund for a contractual sales tax increment post-performance payment to Day's Market. (26-036)

ADMINISTRATIVE RECOMMENDATION: Budget appropriation approval of \$13,509.21 from General Fund. This is for both the Work and Council Meeting.

ADMINISTRATIVE MEMO: In March 2019, the Municipal Council approved a resolution authorizing the Mayor to execute an agreement between Provo City and Day's Family Market, LLC, the ownership group of Day's Market located at 3121 N Canyon Rd, Provo, UT 84604 for Post Performance Sales Tax Reimbursement. Per the Agreement, Provo City will reimburse the ownership group for half of the costs associated with the remodel of their store, which would retain the grocer in the area and mitigate sales tax leakage. The reimbursement is funded through point-of-sale retail sales tax increment above the base value, \$39,800.

Provo City continues to receive this base amount of \$39,800. The developer / owner receives half of the point-of-sale revenue less this base amount on an annual basis.

The term of this agreement runs for ten years. The Commencement Date for this agreement was May 1, 2019. The target reimbursement amount as per the agreement is \$100,000 which is one half of the total out-of-pocket expenses. This is the sixth payment in the ten-year agreement and amounts to \$13,509.21. The total received in six years, including this payment will be \$78,461.

FISCAL IMPACT: \$13,509.21

TIME SENSITIVITY: This is time sensitive because this payment should have been made back in September. We have not heard from Day's Market yet about the payment, but getting this payment through in a timely manner would be great.

COUNCIL STAFF MEMO:

PARTICIPATION AND REIMBURSEMENT AGREEMENT

Day's Family Market
3121 North Canyon Road, Provo, Utah 84604

THIS PARTICIPATION AND REIMBURSEMENT AGREEMENT ("**Agreement**") is made and entered into as of the 21st day of Mar '19 ("**Effective Date**"), between the City of Provo ("**City**"), and Day's Family Market, LLC, a Utah limited liability company ("**Day's**"). Day's is referred to herein individually as an "**Owner**". City and Day's are referred to herein individually as a "**Party**", and collectively, as the "**Parties**".

RECITALS

- A.** This Agreement concerns Day's, located generally at 3121 North Canyon Road, Provo, Utah.
- B.** As of the Effective Date, Day's is the lessee of a building (located on the "**Subject Lot**") The Subject Lot is more particularly described in **Exhibit A and B** to this Agreement.
- C.** A breakdown of the Owner's Costs, estimated as of the Effective Date, is set forth on **Exhibit C** to this Agreement. As of the Effective Date, the Owner's Costs are estimated to be approximately One Million Three Hundred Thousand Dollars (\$1,300,000) ("**Owner's Estimated Costs**"), for interior renovations, along with the purchase of necessary equipment for the operation of their business.
- D.** Day's has requested that City provide reimbursement for a portion of the Owner's Actual Costs (defined in **Section 1.5**) and City Approval Fees which are estimated to be up to, but probably less than \$100,000.00 (defined in Section 1.3)
- E.** City has determined that the requested reimbursements are necessary to offset the costs of the Project, as described in Section D, for the purpose of retaining a local grocery store and continuing to capture the grocery leakage identified in retail studies and to demonstrate local support for the completion of the upgrades, and to recognize the positive impact that this investment will have on assessed values of Day's, and nearby business properties.
- F.** City has determined that the Project advances the purposes of City by retaining a large grocery store in the Northeast area of the City, continuing to capture the grocery leakage identified in retail studies and providing improvements to Day's.
- City is willing to assist the Project by reimbursing Owner a portion of the sales tax increment generated from the Subject Lot to pay for a portion of the Owner's Actual Costs expended to improve Day's as defined in Section A and B.
- G.** Subject to the terms and conditions contained herein, the Owner shall make improvements to Day's particularly the interior of the building.

NOW, THEREFORE, in consideration of the foregoing Recitals, Owner's agreements with City, and the terms and conditions hereby agreed to; and other good and valuable consideration, the Parties hereby agree as follows:

1. **DEFINED TERMS.** The Recitals set forth above, and any exhibits attached hereto, are hereby incorporated as integral parts of this Agreement. As used herein, the following terms shall have the meanings respectively indicated:

1.1 **"Annual Sales Taxes"** for a particular Tax Year (defined in **Section 1.10**) means the amount of sales taxes received by City upon taxable retail sales generated by the Subject Lot for such Tax Year at Point of Sale (defined in **Section 1.6**), which, as of the Effective Date, is 0.5% (one-half (1/2) of one (1) percent) of such taxable retail sales.

1.2 **"Base Sales Tax Amount"** means the Annual Sales Tax received by the City for the twelve (12) month period ending March of 2018, which totaled Thirty Nine Thousand, Eight Hundred Dollars (\$39,800) associated with as defined in Section A and B.

1.3 **"City Approval Fees"** means all fees paid by Owner or any entity controlled by Owner, to City in connection with any City approval, entitlement or permit, or application or submittal for any City approval, entitlement or permit, with respect to the Project in the pursuit of accomplishing Section G of the Recitals above. Owner shall pay any City Approval Fees to the City up-front.

Without limitation of the foregoing, City Approval Fees shall include any permit fees, plan check fees, impact or development fees or assessments, traffic mitigation fees, utility connection fees, or comparable fees or charges paid to the City or any department or agency of the City in the pursuit of accomplishing Section G of the Recitals above; provided however, that City Approval Fees shall not include any fees or charges paid to any party other than the City.

1.4 **"Commencement Date"** shall mean the first (1st) day of the first (1st) full calendar month following the date on which the Project, as defined in **Recital G** above, is completed. For purposes of determining the Commencement Date, the Project shall be deemed to be completed on the date when the Certificate of Completion has been issued.

1.5 **"Owner's Actual Costs"** means, collectively, the actual amount of Owner's Costs, to be determined after the Commencement Date, plus any City Approval Fees paid by Owners. Owner's Actual Costs shall be cost of construction of the interior store remodel, improvements, demolition, additions, retrofits or otherwise related to improving the interior of the store, estimated to be approximate \$1,300,000.00, but shall not include legal fees or broker commissions.

Within a reasonable period following the Commencement Date, City, and Day's shall enter into an agreement, substantially in the form attached as **Exhibit D** to this Agreement ("**Owner's Actual Costs Confirmation Agreement**"), to confirm the amount of the Owner's Actual Costs, including without limitation, the amount of the City Approval Fees paid through the Commencement Date.

1.6 “Point of Sale” with respect to Annual Sales Taxes, refers to sales tax revenues received by City based on all taxable transactions made at the Subject Lot as the geographical point of sale. Point of Sale and/or Annual Sales Taxes do not include any sales tax revenues received by the City based on the City’s population as a percentage of the overall population of the State of Utah.

1.7 “Reimbursement Payment” means, with respect to each Tax Year during the Reimbursement Term, a payment to Day’s, equal to the Sales Tax Increment (defined below) for the applicable Tax Year, until Owner has collectively become entitled to total Reimbursement Payments during the Reimbursement Term up to the Target Reimbursement Amount (defined in **Section 1.9**).

Notwithstanding the foregoing, once Owner has become entitled to Reimbursement Payments up to the Target Reimbursement Amount, Owners, shall thereafter be entitled to Additional Incentive Payments (defined in **Section 3.1**) in accordance with **Section 3**, until such Owner has become entitled to Reimbursement Payments and Additional Incentive Payments up to the amount of Owner’s Actual Costs.

“Sales Tax Increment” means the difference between (a) the Annual Sales Tax received by the City from the Subject Lot for the applicable Tax Year, and (b) the Base Sales Tax Amount. If in a given Tax Year the Sales Tax Increment is negative, such negative Sales Tax Increment will be offset against the positive Sales Tax Increment in subsequent Tax Years.

1.8 “Reimbursement Term” shall mean the term of this Agreement, beginning on the Commencement Date, and ending on the date which immediately precedes the tenth (10th) anniversary of the Commencement Date (**“Expiration Date”**).

1.9 “Target Reimbursement Amount” shall be fifty percent (50%) of the Owner’s Actual Costs, including fifty percent (50%) of the amount of any City Approval Fees (as defined in **Section 1.3**) paid by Owner.

1.10 “Tax Year” shall mean the initial twelve (12) month period beginning on the Commencement Date, and ending on the day immediately preceding the first (1st) anniversary of the Commencement Date, and each succeeding twelve (12) month period during the Reimbursement Term beginning on each successive anniversary of the Commencement Date.

2. ANNUAL REIMBURSEMENT PAYMENTS.

2.1 Address for Payments. For the period commencing on the Commencement Date and continuing through the expiration of the Reimbursement Term, City shall make annual Reimbursement Payments to Owner at the address for Reimbursement Payments to Owner set forth in **Section 7.1**, or such other address as Owner may designate from time to time in accordance with **Section 7.1**; provided however, that the total amount of the Reimbursement Payments shall not exceed the Target Reimbursement Amount.

2.2 Timing of Payments & Supporting Documentation. Reimbursement Payments pursuant to this Agreement shall be made by City within one hundred-twenty (120)

days after the end of each Tax Year and after: (i) Annual Sales Taxes for the Subject Lot for the applicable Tax Year are received by City; and (ii) documentation is received by City from the Utah State Tax Commission providing support for the Annual Sales Taxes received for the Subject Lot for the applicable Tax Year. City shall contemporaneously provide Owner with a written accounting by month, in the aggregate, of the annual Reimbursement Payment, demonstrating the City's determination of the amount of the Annual Sales Taxes (based on Point of Sale) for the Subject Lot for the applicable Tax Year and the amount of such Reimbursement Payment.

2.3 Confidentiality. Except for the amount and timing of Reimbursement Payments and any Additional Incentive Payments (defined in **Section 3.1**) made to Owner under this Agreement (if and to the extent such amounts and timing are public information), City and Owner shall keep Annual Sales Tax information confidential, unless disclosure is otherwise required by law.

2.4 Remedies. The failure of the City to timely make any Reimbursement Payment or Additional Incentive Payments hereunder in accordance with this Agreement shall constitute a material default by City under this Agreement, unless City pays any such Reimbursement Payment or Additional Incentive Payment to Owners in full in accordance with this Agreement within fifteen (15) days after City's receipt of a notice of non-payment from Owner. Upon the occurrence of a default by City, Owner shall have all remedies available to it in law or equity, including without limitation, specific performance.

3. ADDITIONAL INCENTIVE PAYMENTS.

3.1 Additional Incentive Payments - Examples. If, on or before the Expiration Date, Owner has become entitled to Reimbursement Payments equal to the Target Reimbursement Amount, then (i) the date on which the total Reimbursement Payments that Owners has become entitled to reaches the Target Reimbursement Amount shall be the "**Target Reimbursement Date**", and (ii) Owner shall be entitled to additional incentive payments equal to fifty percent (50%) of the Sales Tax Increment from the Target Reimbursement Date through the Expiration Date ("**Additional Incentive Payment**"), provided however, that in no event shall the total of all Reimbursement Payments and Additional Incentive Payments received by Owner exceed the Owner's Actual Costs.

The following examples of how the Reimbursement Payments and Additional Incentive Payments would be calculated are set forth below for purposes of illustration only. For each of the following examples, assume that the Owner's Actual Costs, without including any City Approval Fees, are the same as the Owner's Estimated Costs (\$1,300,000):

Example: Example #1:

Assume that during the Reimbursement Term, the total Sales Tax Increment is Six Hundred Fifty Thousand Dollars (\$650,000), and Day's has paid City Approval Fees totaling One Hundred Thousand Dollars (\$100,000).

Step 1: Owner's eligible costs and fees: \$1,300,000 (owner's actual costs + \$100,000 (owner's actual fees) = \$1,400,000.

Step 2: Eligible reimbursable costs:
 $.50 \times 1,400,000 = 700,000$

Step 3: Increment calculation
 $650,000 \times 100\% = 650,000$

Step 4: Total to owner is \$650,000 since the amount calculated in step 3 is less than the amount calculated in step 1.

Example #2: *Assume that during the Reimbursement Term, the total Sales Tax Increment is Eight Hundred Thousand Dollars (\$800,000), and Day's has paid no City Approval Fees during the Reimbursement Term.*

Step 1: Owner's eligible costs and fees: \$1,300,000 (owner's actual costs + \$0 (owner's actual fees) = \$1,300,000.

*Step 2:
Eligible reimbursable costs:
 $.50 \times 1,300,000 = 650,000$*

*Step 3: Increment calculation
 $650,000 \times 100\% = 650,000$
 $800,000 - 650,000) \times .50 = 75,000$
 $650,000 + 75,000 = 725,000$*

Step 4: Total to owner is \$725,000 since the amount calculated in step 3 is less than the amount calculated in step 1.

Example #3: *Assume that during the Reimbursement Term, the total Sales Tax Increment is Nine Hundred Thousand Dollars (\$900,000), and Day's has paid Approval Fees totaling One Hundred Thousand Dollars (\$100,000) City Approval Fees during the Reimbursement Term.*

Step 1: Owner's eligible costs and fees: \$1,300,000 (owner's actual costs + \$100,000 (owner's actual fees) = \$1,400,000.

Step 2:
Eligible reimbursable costs:
 $.50 \times 1,400,000 = 700,000$

Step 3: Increment calculation
 $700,000 \times 100\% = 700,000$
 $900,000 - 700,000) \times .50 = 100,000$
 $700,000 + 100,000 = 800,000$

Step 4: Total to owner is \$800,000 since the amount calculated in step 3 is less than the amount calculated in step 1.

Example #4: Assume that during the Reimbursement Term, the total Sales Tax Increment is Two Million Five Hundred Thousand Dollars (\$2,500,000), and Day's has paid City Approval Fees during the Reimbursement Term totaling One Hundred Thousand Dollars (\$100,000).

Step 1: Owner's eligible costs and fees: \$1,300,000 (owner's actual costs + \$100,000 (owner's actual fees) = \$1,400,000.

Step 2:
Eligible reimbursable costs:
 $.50 \times 1,400,000 = 700,000$

Step 3: Increment calculation
 $700,000 \times 100\% = 700,000$
 $2,500,000 - 700,000) \times .50 = 900,000$
 $700,000 + 900,000 = 1,600,000$

Step 4: Total to owner is \$1,400,000 since the amount calculated in step 1 is less than the amount calculated in step 3.

3.2 Timing of Additional Incentive Payments. Additional Incentive Payments shall be made by the City within one hundred-twenty (120) days after the end of each Tax Year ending after the Target Reimbursement Date, and after: (i) Annual Sales Taxes for the Subject Lot for the applicable Tax Year are received by City; and (ii) documentation is received by the City from the Utah Department of Revenue verifying the accuracy of the amount of Annual Sales Taxes for the Subject Lot for the applicable Tax Year. The City shall contemporaneously provide Owner with a written accounting with the Additional Incentive Payments, demonstrating the City's determination of the amount of the Annual Sales Taxes

(based on Point of Sale) for the Subject Lot for the Reimbursement Term through the end of the applicable Tax Year, the amounts of all Reimbursement Payments and Additional Incentive Payments during the Reimbursement Term through the end of the applicable Tax Year, and the amount of the applicable Additional Incentive Payment.

3.3 Cap on Payments. Notwithstanding anything in this Agreement to the contrary, in no event shall the total amount of the Reimbursement Payments and any Additional Incentive Payments exceed the Owner's Actual Costs.

3.4 Acknowledgment of the Parties' Intent – Owner Incentive. The Parties acknowledge that the intent of this Agreement, including without limitation this **Section 3**, is intended to incentivize Owner to invest in the Subject Lot and to cause the Subject Lot to be improved, managed, and operated so as to generate increased Annual Sales Taxes. Accordingly, if Annual Sales Taxes are sufficient to result in a Sales Tax Increment exceeding the Target Reimbursement Amount pursuant to **Section 1.9**, then the Parties intend for City and Owner to share equally in the Sales Tax Increment during the Reimbursement Term above the Target Reimbursement Amount.

4. TERMINATION. The Parties acknowledge that any Reimbursement Payments and Additional Incentive Payments are to be made after the end of the applicable Tax Year, in accordance with **Section 2.2**, and **Section 3.2** (if applicable).

This Agreement shall automatically terminate and be of no further force or effect after the latest of the following have occurred: (i) the Expiration Date has occurred, and (ii) Owners have received the full amount of the Reimbursement Payments and Additional Incentive Payments to which Owner are entitled hereunder, for the final Tax Year during the Reimbursement Term and all prior Tax Years; provided however, that the Parties hereby disclaim any representation or warranty that the total Reimbursement Payments and Additional Incentive Payments will equal the amount of Owner's Actual Costs or any particular percentage of Owner's Actual Costs.

This Agreement shall also automatically terminate if construction of the Project has not commenced on or before December 31, 2019.

Upon termination of this Agreement, no Party shall have any further obligations to the other Parties. Following termination of this Agreement, upon request from any Party, the Parties agree to execute any reasonable documentation which may be necessary to confirm expiration and/or termination of this Agreement.

5. ASSIGNMENT OF AGREEMENT OR PAYMENTS.

5.1 Rights of Assignees. No future owner or tenant of all or any part of the Subject Lot, other than Owner, shall be entitled to claim any right or benefit by, through or under this Agreement, including, but not limited to, the right to receive all or any portion of any Reimbursement Payments or any Additional Incentive Payments, and no future owner or tenant of the Subject Lot, other than Owner, shall be deemed to be a third party beneficiary of this Agreement, unless and until Owner have expressly assigned such right, including any right to receive any portions of any Reimbursement Payments or any Additional Incentive Payments in

writing.

5.2 Assignment. Owner shall not have any right to assign this Agreement, in whole or in part, or the right to any Reimbursement Payments or any Additional Incentive Payments, except to Day's, or a successor to Day's as a fee owner of a Subject Lot. A conveyance of a fee ownership interest in the Subject Lot shall not by itself constitute or result in an assignment of this Agreement or the right to any Reimbursement Payment or any Additional Incentive Payments, and neither this Agreement nor the right to payment of any Reimbursement Payment or any Additional Incentive Payments shall run with the land.

An assignment or partial assignment of this Agreement or the right to any Reimbursement Payments or any Additional Incentive Payments may only be effected by a writing executed by Owner. No assignment or partial assignment of this Agreement or any right to any Reimbursement Payments or any Additional Incentive Payments shall be binding on City unless and until City has received (i) a written notice of such assignment, together with a copy of the applicable assignment document, from Owner, (ii) complete contact information and an address for payment of any Reimbursement Payments or any Additional Incentive Payments to any assignee to which any right to any Reimbursement Payments or any Additional Incentive Payments has been assigned, (iii) and the tax or employer identification number of any assignee to which any right to any Reimbursement Payments or any Additional Incentive Payments has been assigned. City shall be entitled to rely on any notice of any assignment or partial assignment of this Agreement and/or right to any Reimbursement Payments or any Additional Incentive Payments which the City receives from Owner.

7. NOTICES.

7.1 Addresses. Any notice, payment, demand, or communication required or permitted to be given to any Party pursuant to any provision of this Agreement shall be deemed to have been sufficiently given or served for all purposes if sent by registered or certified mail (return receipt requested), postage and charges prepaid, or by Federal Express or other reputable overnight delivery service which maintains delivery records and requires a signature upon receipt, addressed as follows:

Notices to Day's:

Day's Family Market LLC
3121 N Canyon Rd
Provo, Utah 84604
Attn: Steven Day

Reimbursement Payments &
Additional Incentive Payment:

Day's Family Market, LLC
3121 N Canyon Rd
Provo, Utah 84604

Notices to City:

City of Provo
351 West Center Street

Provo, UT 84601
Attn.: Dixon Holmes

7.2 Receipt. Notices shall be deemed effective upon receipt. The person and place to which notices are to be given may be changed by any Party by written notice to the other Parties. For purposes of this Agreement, the term “receipt” shall mean the earlier of any of the following: (i) the date of delivery of the notice or other document to the address specified pursuant to this **Section 8** as shown on the return receipt, (ii) the date of actual receipt of the notice or other document by the person or entity specified by this **Section 7**, or (iii) in case of refusal to accept delivery or inability to deliver the notice or other document, the earlier of (A) the date of the attempted delivery or refusal to accept delivery, (B) the date of the postmark on the return receipt, or (C) the date of receipt of notice or refusal or notice of non-delivery by the sending party.

8. MISCELLANEOUS.

8.1 Attorneys’ Fees. If any Party to this Agreement commences a dispute resolution proceeding, whether litigation, arbitration, or otherwise, respecting any question between the Parties to this Agreement arising out of or relating to this Agreement or the breach thereof, the prevailing Party in such dispute resolution proceeding shall be entitled to the recovery of a reasonable attorneys’ fee and all other reasonably incurred costs and expenses of the successful prosecution or defense of such proceeding. The term “dispute resolution proceeding” as used above shall be deemed to include appeals from a lower court judgment or arbitration award and it shall include proceedings in the Federal Bankruptcy Court, whether or not they are adversary proceedings or contested matters. For purposes of proceedings in the Federal Bankruptcy Court, the term “prevailing Party” as used above shall be deemed to mean the prevailing Party in an adversary proceeding or contested matter, or any other actions taken by the non-bankrupt Party which are reasonably necessary to protect its rights.

8.2 Governing Law. This Agreement is intended to be performed in the State of Utah, and the laws of Utah shall govern the validity, construction, enforcement and interpretation of this Agreement.

8.3 Amendments. This Agreement may be amended or supplemented only by an instrument in writing executed by all of the Parties hereto.

8.4 Invalid Provisions. If any provision of this Agreement is held to be illegal, invalid, or unenforceable under present or future laws, such provision shall be fully severable; this Agreement shall be construed and enforced as if such illegal, invalid, or unenforceable provision had never composed a part of this Agreement; and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the illegal, invalid, or unenforceable provision or by its severance from this Agreement.

8.5 Further Acts. In addition to the acts and deeds recited herein and contemplated to be performed, executed, and delivered by the Parties, the Parties agree to perform, execute, and deliver or cause to be performed, executed, and delivered any and all such

further acts, deeds and assurances as may be necessary to consummate the transactions contemplated hereby.

8.6 Warranty Against Payment of Consideration for Agreement. Day's represent and warrant that neither it nor any of its members, managers, employees or officers has: (1) provided an illegal gift or payoff to an City officer or employee or former City officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in City's conflict of interest ordinance; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, an City officer or employee or former City officer or employee to breach any of the ethical standards set forth in the City's conflict of interest ordinance.

8.7 Non-liability of City Officials and Employees. No member, official, or employee of City shall be personally liable to Owner or any of their successors in interest, in the event of any default or breach by City, or for any amount which may become due to Owner or its successor, or on any obligation under the terms of this Agreement.

8.8 Governmental Immunity. Nothing in this Agreement shall be deemed to constitute or imply a waiver, modification or alteration of the caps or limitations on liability or privileges, immunities or other protection available to City under the Utah Governmental Immunity Act or such other statutes or laws affording governmental agencies caps or limitations on liability or privileges, immunities or other protections.

8.9 No Relationship of Principal and Agent. Nothing contained in this Agreement, nor any acts of the Parties or the City, the City planning director, the Planning Commission (or its designee), shall be deemed or construed to create the relationship of principal and agent, or of limited or general partnership, or of joint venture or of any other similar association between City and Owner.

8.10 No Presumption. This Agreement shall be interpreted and construed only by the contents hereof and there shall be no presumption or standard of construction in favor of or against any Party.

8.11 Captions. The captions, headings, and arrangements used in this Agreement are for convenience only and do not in any way affect, limit, amplify or modify the terms and provisions of this Agreement.

8.12 Non-Disclosure. The Parties agree that the terms of this Agreement are confidential and constitute proprietary information of the respective Parties (collectively, the "**Information**"). Each of the Parties agrees that such Party, and its respective partners, members, managers, officers, directors, employees, advisors, consultants and attorneys, shall not disclose the Information to any other person without the prior written consent of the other Parties except pursuant to an order of a court of competent jurisdiction, or to the extent required as part of any statutory public approval process required for this Agreement and/or any Reimbursement Payments; provided, however, that any Party may disclose the Information to its lenders or

prospective lenders or the accountants who audit its financial statements or prepare its tax returns, to its constituent members, partners, shareholders, to its attorneys and consultants, to any prospective transferee of all or any portions of the Subject Lot, to any governmental entity, agency or person to whom disclosure is required by applicable law, regulation or duty of diligent inquiry and in connection with any action brought to enforce the terms of this Agreement, on account of the breach or alleged breach hereof or to seek a judicial determination of the rights or obligations of the parties under this Agreement. Notwithstanding anything to the contrary contained in this Agreement, the term, "Information", shall not include information which, at the time it is disclosed and through no fault of any Party, is in the public domain or is available or becomes available to the general public. Notwithstanding anything to the contrary contained in this Agreement, City will release information required by Utah Code 63G-2-101 et seq, Government Records and Access Management Act.

8.13 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one Agreement. Any Party may effectuate the execution and delivery of this Agreement by sending a signed copy to the other Parties by email (with .pdf attachment) or other form of electronic transmission. Any document sent in the foregoing manner shall be deemed and treated in all respects as an original instrument bearing the original signature of the transmitting party.

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EXHIBIT A

Aerial Photo of the Subject Lot



EXHIBIT C

Breakdown of Owner's Estimated Costs

Owners Shopping Center Sales Tax Participation Plan

City Approval Fees(estimated)	\$ 100,000	
Construction, Demolition, Remodel Expenses	\$1,300,000	
Total	\$1,400,000	

EXHIBIT D

FORM OF OWNER'S ACTUAL COSTS CONFIRMATION AGREEMENT

OWNER'S ACTUAL COSTS CONFIRMATION AGREEMENT

This Owner's Actual Costs Confirmation Agreement ("**Confirmation Agreement**") is entered into as of _____, 20__ , by and between the City of Provo ("**City**"), Day's Family Market, LLC, a Utah limited liability company ("**Day's**") ("**Owner**"), pursuant to Section 1.5 of that certain Participation and Reimbursement Agreement, dated _____, 2018 ("**Reimbursement Agreement**").

City, and Day's, hereby acknowledge and agree that the amount of the Owner's Actual Costs (as defined in Section 1.5 of the Reimbursement Agreement) is _____ and ___/100ths Dollars (\$_____.___), including City Approval Fees (as defined in Section 1.3 of the Reimbursement Agreement) paid through the Commencement Date (defined in Section 1.4 of the Reimbursement Agreement) totaling _____ and ___/100ths Dollars (\$_____.___).

This Confirmation Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one Confirmation Agreement. Any party may effectuate the execution and delivery of this Confirmation Agreement by sending a signed copy to the other parties by email (with .pdf attachment) or other form of electronic transmission. Any document sent in the foregoing manner shall be deemed and treated in all respects as an original instrument bearing the original signature of the transmitting party.

*[this space intentionally left blank –
signatures on following pages]*

IN WITNESS WHEREOF, the parties have executed this Confirmation Agreement as of the date first above written.

Attest: Amanda Grcubrack
Provo City Recorder, 21-Mar-2019



CITY OF PROVO

By: Michelle Kaufusi

Name: Michelle Kaufusi

Its: Mayor

“CITY”

Day's Family Market, LLC

By: Steven L Day

Name: Steven L Day

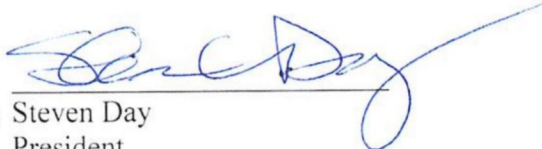
Its: President

“Day's”

Signature Page of Day's Family Market, LLC to
Participation and Reimbursement Agreement

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective
Date first above written.

Day's Family Market, LLC,
a Utah limited liability corporation

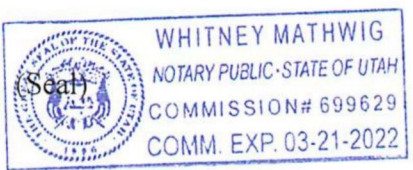
By: 
Name: Steven Day
Title: President

"Day's"

State of Utah
County of Utah

The foregoing instrument was acknowledged before me this 3-18-19 by Steven Day
President Day's Family Market, LLC.

Witness my hand and official seal




Notary Public

CITY OF PROVO

By: 
Name: Michelle Kaufusi, Mayor

Attest:

By: 

