



PROVO MUNICIPAL COUNCIL Redevelopment Agency Governing Board

Work Meeting

1:00 PM, Tuesday, May 26, 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 26 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

April 22, 2025 Council Meeting
June 17, 2025 Council Meeting
March 10, 2026 Council Meeting
May 5, 2026 Council Meeting
May 12, 2026 Work Meeting
May 12, 2026 Council Meeting

Business

- 1 A Presentation on Voluntary Stretch Energy Codes by Utah Clean Energy (26-040)
- 2 A presentation on Provo's water system and proposed water rate increases (25-039)
- 3 A resolution to place a 5.079 acre parcel of ground located to the south of the Epic Sports Park on Lakeview Parkway in Provo on the surplus property list. (26-012)
- 4 A discussion regarding external accessory dwelling units. (26-38)
- 5 An ordinance amending Provo City code to add a caretaker dwelling as a permitted accessory use in the general commercial zone. (PLOT20260119)

Redevelopment Agency Governing Board

- 6 A resolution approving the Redevelopment Agency of Provo City to adopt a project area budget for the Lakeview Parkway community reinvestment area (26-005)

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, June 9, 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.

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PROVO MUNICIPAL COUNCIL

Regular Meeting Minutes

5:30 PM, Tuesday, April 22, 2025

Council Chambers (Room 100)

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

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

1

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Becky Bogdin

Councilor Gary Garrett

Councilor Travis Hoban

Councilor Rachel Whipple

Council Executive Director Justin Harrison

City Attorney Brian Jones

Councilor Craig Christensen

Councilor George Handley

Councilor Katrice MacKay

Mayor Michelle Kaufusi

Chief Administrative Officer Scott Henderson

City Recorder Heidi Allman

Conducting: Chair Gary Garrett

2

Prayer – Rachel Breen

3

Pledge of Allegiance – Councilor Christensen

4

Presentations, Proclamations, and Awards

5

1 Provo City Employee of the Month - April 2025 (25-007) [\(7:32\)](#)

6

Mayor Kaufusi and Carla Gordon, Director of Library Services, presented a Provo City Employee of the Month award to Caroline MacFarlane, a librarian in the Children’s Collection. Ms. Gordon said Ms. MacFarlane cared deeply about connecting books to readers. The Council took the opportunity for a photograph.

10

11

Public Comment [\(12:55\)](#)

12

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

14

Andrew Thompson, Provo resident, commented that the City needed an ADA Coordinator. He said he would continue to attend until something was done and pointed out ADA requirements were Federal Law. Mr. Thompson said there was a lot for an ADA Coordinator to do in Provo City.

18

Eric Ellsworth, Provo resident, said he lived on just over an acre of agricultural property. He said his water bills had continued to go up and said he did not understand the reason for different rates on different types of property. Mr. Ellsworth said taxes had gone up on agricultural properties and

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22 suggested giving agricultural properties a break on the water rates. He commented that the City was
23 losing open area and said he did not want to see it go.
24

25 Naomi Flinders, Provo resident, said it was important to her that an RFP be included in the budget for a
26 study of potential short-term and long-term changes on Center Street. She said anything that happened
27 on Center Street would need to be a communal decision with a lot of public input. Ms. Flinders
28 suggested downtown Center Street could be an attractive reception area for Provo events. She said the
29 downtown area had a lot of potential and spoke of benefits of walkable cities.
30

31 Chair Garrett closed public comment.
32

Action Agenda

33

2 A resolution approving an agreement between Provo City and Xerces Society for Invertebrate Conservation to make Provo a member of Bee City USA (25-014) [\(22:08\)](#)

34

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

35

36 David Pyle, Council Intern, said both Parks and Recreation and the Sustainability Committee had
37 indicated support for the proposed agreement with Xerces Society for Invertebrate Conservation for
38 Provo to become a member of Bee City USA. Mr. Pyle said he and Councilor Whipple had an upcoming
39 meeting scheduled with the Provo Foundation in which they would discuss setting up a donation portal
40 to fund the \$500 annual fee through public donations. Responding to a question from Councilor Bogdin,
41 Mr. Pyle said he was confident several years' worth of donations would be realized based on
42 conversations with the public. He said it would be for the Council to decide what would happen in the
43 future if donations were to run out. Additional initial costs would include a sign declaring Provo to be a
44 Bee City, situated in a prominent location, as well as some administration costs. Mr. Pyle emphasized
45 many of the requirements to participate in the program were already being done by Parks and
46 Recreation and said the required sign could be funded from the Parks and Recreation budget.
47

48

48 Chair Garrett asked Mr. Pyle to outline the participation requirements for Provo City. Mr. Pyle said the
49 goal of the program was to use public lands to create a habitat that was conducive to pollinators. Parks
50 and Recreation would be required to prepare a list of recommended pollinator-friendly plants to be
51 used in public areas and create an integrated pest management plan (which was already in place).
52

53

53 Councilor Whipple said she was aware of a misperception that the program would advocate for property
54 owners to let their landscaping go, resulting in weeds and long grasses. Mr. Pyle said the program did
55 not advocate wild, untamed grassland, but would ensure that plantings and pesticides used would be
56 friendly to pollinators. Councilor Whipple asked if Parks and Recreation and the Sustainability
57 Committee would provide public education, and Mr. Pyle said the idea had been to create a booth at the
58 Farmer's Market in which information would be distributed.
59

60

60 Chair Garrett opened public comment.
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62 Sharron Memmott, Provo resident, said she was not excited about the program, mostly because of the
63 funding. She asked if the resolution could be amended to state that Provo welcomed participation as
64 long as the annual fee would be covered by Provo Foundation or some other private donation.
65

66 Naomi Flinders, Provo resident, expressed support for participation in the program, and said she would
67 be comfortable with the annual fee coming out of the City budget. She suggested the sign could be
68 placed on Center Street.
69

70 Chair Garrett closed public comment and invited Council discussion.
71

72 Responding to a question from Councilor Bogdin, Brian Jones said the agreement was a year-to-year
73 agreement. If the City did not have the funds to continue, the agreement would end.
74

75 Councilor MacKay said she loved bees but was not confident the plan would translate into more bees in
76 the City. She said she did not like the idea of the City paying money for someone to tell the City what to
77 do and said she would vote against participation.
78

79 Councilor Christensen expressed the opinion that the program was very worthwhile and emphasized the
80 need to think in terms of ecosystem. He said he was delighted Provo City had already implemented
81 some of the practices and said he did not view the program as someone telling the City what to do.
82

83 Councilor Christensen said he would be happy to contribute financially as an individual. He suggested
84 the City had already spent more than \$500 on research and consideration of the program and said he
85 wanted the City to educate and encourage interdependence with the entire environment.
86

87 Councilor Whipple said the proposed agreement would require the City to apply for renewal in February
88 of each year by submitting an application, report, and participation fee. If the City did not have the
89 funds, the Council could choose not to apply. Councilor Whipple expressed support for highlighting the
90 good work the Parks and Recreation Department were already doing and being an example for the rest
91 of the community. She pointed out the City paid much higher annual fees to be affiliated with other
92 groups that did not have as happy a purpose.
93

94 Chair Garrett expressed support for the proposed agreement and said he agreed funding should come
95 through the Provo Foundation.
96

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

96

3 An ordinance amending the Conservation and Resiliency Plan to include a new appendix committing Provo to be a Bee City USA affiliate (PLGPA20250139) [\(40:27\)](#)

97

Motion: An implied motion to approve Ordinance 2025-22, as currently constituted, has been made by Council rule.

98

99 City Planner Hannah Salzl presented proposed Ordinance 2025-22 to amend the Conservation and
100 Resiliency Plan to include a new appendix committing Provo to be a Bee City USA affiliate. Chair Garrett

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101 asked if the Sustainability Committee would play a role in the program. Ms. Salzl said the Parks and
102 Recreation Department would be the entity responsible for enacting the landscape management plan
103 and would present an annual report to the Sustainability Committee.
104

105 Chair Garrett opened and closed public comment seeing no one come forward.
106

107 Councilor Bogdin said a resident had asked if it would be possible for an interested neighborhood to
108 provide funding and permanent location for the sign instead of the Parks and Recreation budget. Ms.
109 Salzl said the cost of the sign would depend on the design, size, and construction. Councilor Christensen
110 said he was sensitive to the budget, but also sensitive to spending a lot of time micromanaging
111 something like a sign.
112

113 Chair Garrett called for a vote.
114

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

115

**4 A public hearing regarding the 2025-2029 Consolidated Plan and Year-One Annual Action
Plan draft (25-051) (47:16)**

116

117 Melissa McNalley, Community Grant Administrator, said a five-year Consolidated Plan and Year-One
118 Annual Action Plan to prioritize use of HUD Grant funds received from Community Development Block
119 Grant (CDBG) and HOME were available to review online. She requested the Council open a public
120 hearing, to remain open until June 3, 2026.
121

122 Chair Garrett opened a public hearing. Seeing no one come forward, Chair Garrett closed the public
123 hearing period for the evening, noting the public hearing would remain open for submitted comment
124 until June 3.
125

126

**5 An ordinance repealing outdated references to the Utah Alcoholic Beverage Control Act (25-
047) (50:02)**

127

Motion: An implied motion to approve Ordinance 2025-23, as currently constituted, has been
made by Council rule.

128

129 City Attorney Brian Jones said the proposed ordinance would remove references in City Code to the
Utah Alcoholic Beverage Control Act, which no longer existed.
130

131

132 Chair Garrett opened and closed public comment seeing no one come forward. Chair Garrett called for a
vote.
133

134

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

134

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6 **An ordinance amending Provo City Code regarding fees and fines associated with code enforcement, and declaring failure to correct grading violations a nuisance (PLOTA20250108) [\(51:50\)](#)**

135

Motion: An implied motion to approve Ordinance 2025-24, as currently constituted, has been made by Council rule.

136

137 Zoning Administrator Scott Johnson presented proposed updates to Title 17 of City Code to: change
138 verbiage from “fee(s)” to “fine(s)”; increase and standardize daily civil fines; define “subsequent
139 offense”; correct to whom fines were paid; and update administrative citation fines. Staff answered
140 questions from the Council concerning subsequent offenses, enforcement, and time allowed for
141 compliance.

142

143 Chair Garrett opened and closed public comment seeing no one come forward. Chair Garrett invited
144 Council discussion.

145

146 Councilor MacKay said she believed the amendment was a long time coming and said she appreciated
147 the work Mr. Johnson had done. She said the amendment was meant to address the issue of repeated
148 serial offenders.

149

150 Chair Garrett called for a vote.

151

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

152

7 **A resolution approving the first amendment to the Lakeview Fields Development Agreement to allow updated plans, optional basements, vinyl fencing, and a separate HOA for the subject property (25-052) [\(1:05:32\)](#)**

153

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

154

155 Jessica Dahneke, Planner, presented the proposed first amendment to the Lakeview Fields Development
156 Agreement to allow updated plans, optional basements, vinyl fencing, and a separate HOA for the
157 subject property. The amendment would not include changes to the zone or density. Ms. Dahneke said
158 the proposed amendment had been reviewed by the CRC and City Attorney.

159

160 Chair Garrett opened and closed public comment seeing no one come forward.

161

162 The applicant said the main reason for trying to amend the Development Agreement was the age of the
163 agreement (approved in 2007), and a need for more flexibility than established requirements would
164 allow. He commented that the requirements in the 2007 agreement would be cost prohibitive in the
165 current economy.

166

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167 Councilor Whipple asked if the applicant would be willing to include in the amendment that a certain
168 percentage of the units would need to be owner occupied and could not be rented in the first year after
169 conveyance. The applicant said he would be comfortable with 70%. Councilor MacKay pointed out the
170 Provo City standard was a 100% restriction on unit rental in the first year after conveyance and
171 expressed the opinion that a reduction to 70% should apply in perpetuity, not just for the first year. The
172 applicant said with developments in which he had been involved in the past, development agreements
173 had included a requirement for a certain percentage of owner-occupied units that would remain in place
174 for a specified number of years. He proposed for the restriction to end after a period of five years.

175
176 Councilor Handley said he would be comfortable with ending the restriction after five years. He said he
177 wanted to be sensitive to reports that showed only 20% of residents could afford to buy a home in
178 Provo. Councilor Handley said he was concerned about over-restricting the rental market. Councilor
179 Bogdin said she would want more than five years. Councilor MacKay expressed support for a 70%
180 restriction for five years. The applicant clarified his intent was to offer all the units for sale.

181
182 Chair Garrett opened a public comment period.

183
184 Sharron Memmott, Provo resident, said she liked the project. She said the 70% owner-occupied
185 restriction felt like a personal property right issue, since some would be able to rent their properties and
186 some would not. Ms. Memmott said a 100% owner-occupied restriction for a certain number of years
187 made more sense to her.

188
189 Chair Garrett closed public comment and invited Council discussion.

190
191 Mr. Jones explained the development would have an HOA, and a lot of HOAs had capped the number of
192 properties within the HOA that could be rented. The proposed development agreement would require
193 the HOA to cap rentals and have a deed restriction recorded on the properties so that buyers knew
194 about the cap before purchase, with any violation enforced by the City.

195
196 Chair Garrett called for a vote.

197
Vote: The motion passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban,
MacKay, and Whipple in favor.

198
**8 An ordinance adjusting the common boundary between Provo and Springville along 1400
North in Springville (25-021) [\(1:20:23\)](#)**

199
Motion: An implied motion to approve Ordinance 2025-25, as currently constituted, has been
made by Council rule.

200
201 Ms. Dahneke stated the proposed ordinance was the final step in the boundary line adjustment process.

202
203 Chair Garrett opened and closed public comment seeing no one come forward. He invited Council
204 discussion. With none, he called for a vote.

205

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

206

9 An ordinance amending Provo City Code regarding permitted uses and floor area ratio in the Specialty Support Commercial (SSC) Zone. City-wide application (PLOTA20250083) [\(1:22:00\)](#)

207

Motion: An implied motion to approve Ordinance 2025-26, as currently constituted, has been made by Council rule.

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214

Mary Barnes, Planner, presented a proposed text amendment to the SSC Zone to add Indoor Storage Units and Drive-Throughs as permitted uses. The applicant requested that the Council entirely remove the permissible floor area ratio requirement, staff recommended a 30% lot coverage requirement, and the Planning Commission counter-recommended a 34% lot coverage requirement based on the concept plan provided by the applicant.

215

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223

Councilor Bogdin said during the Planning Commission meeting, neighbors mentioned an issue with the mailbox on an existing residential property across 3470 North having been hit by traffic many times. Councilor Bogdin asked if the section of street could be widened to resolve the problem. Mr. Haight said a traffic study would be needed. He said the driveway referred to was in the middle of the street and created a weird anomaly. Mr. Haight explained that additional right-of-way would be needed from the subject project in order to widen the road. Mr. Jones said the Council could find that approval should be conditioned on improvement of the road. If the applicant found such improvement would be feasible, they could enter into a development agreement with the City to guarantee the fix.

224

225

226

227

Chair Garrett asked Douglas Nielsen, applicant, if he had concerns about 3470 North. Mr. Nielsen said he was told by the Public Works Department that the current road width was adequate for the proposed project.

228

229

230

Councilor MacKay asked if the townhomes would be for sale, and if there would be an owner-occupied requirement. Mr. Nielsen said he intended to keep the units and operate them as rentals.

231

232

Chair Garrett opened public comment.

233

234

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241

Robert Hammond, Provo resident, said he spoke on behalf of the Riverside neighborhood. He said Mr. Nielsen had brought development of the property forward three times. He said at a neighborhood meeting, 25 voted in favor of the proposed rezone with one against, and 19 voted in favor of the proposed text amendment with zero against. Mr. Hammond said he appreciated the quality that had already been developed in the Jamestown project. He expressed concern with traffic and the presence of multiple drive-throughs in a small space. Mr. Hammon said drivers came off University Avenue onto 3470 North at a high speed, which would cause traffic problems with the proposed number of drive-throughs. He said he had hoped the townhomes would be owner occupied instead of rentals.

242

243

244

Sharron Memmott, Provo resident, said she appreciated the Planning Commission recommendation for a 34% lot coverage requirement. She suggested widening 3470 North would give a little more leeway and reduce the number of problems with the driveway across the street. Ms. Memmott asked if the

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245 percentage would need to be changed in the text amendment if Mr. Nielsen were to give up a couple of
246 feet.

247

248 Chair Garrett closed public comment and invited Council discussion.

249

250 Councilor Bogdin asked if it was the blind driveway or the width of the road that was the problem. Mr.
251 Haight said he believed the driveway in the middle of the road was the issue. The State would need to
252 be involved to restrict access from University Avenue. Mr. Haight said the traffic study may identify
253 some alternatives that could be considered, but stated that whatever measures were taken, the project
254 would increase traffic in the area and the rate at which the mailbox was hit would probably increase.

255

256 Councilor Bogdin suggested right-in-right-out only from the retail/commercial access closest to
257 University Avenue on the north. Mr. Haight expressed the opinion that fixing the driveway or doing
258 something on-site would be a better solution. He said the City could meet with UDOT and do a safety
259 analysis for the intersection, and if an adjustment to University Avenue was needed, the time could be
260 spent. Mr. Haight said the traffic study would come back with recommendations.

261

262 Ms. Barnes noted that the applicant provided additional double-drive-through concepts, but staff had
263 not reviewed them. Mr. Nielsen said he believed it would be great if the intersection of 3470 North and
264 University Avenue were a right-only intersection. Councilor MacKay pointed out that University Avenue
265 was a State road, not a City road, and the decision would need to be made by the State. Mr. Nielsen
266 suggested the UDOT encroachment area along University Avenue could be utilized as a deceleration
267 lane. He said he wanted the intersection to be safe. Vern Keeslar, Traffic Manager, said it was highly
268 likely with the change of land use that UDOT would require a traffic study and a right-in-right-out.

269

270 Mr. Nielsen said the architect involved had experience designing double-drive-throughs. He said
271 because of the size of the small retail site, the business would be something like a Subway, not a
272 McDonald's or In-n-Out Burger. He said the double-drive-through concept was working well throughout
273 the State.

274

275 Chair Garrett said the Council had been trying to move the needle more toward owner-occupied units
276 instead of rental units and asked if Mr. Nielsen would be willing to proffer a percentage of the
277 townhomes to be owner occupied. Mr. Nielsen responded he would not do it willingly. He said he
278 understood the goal but did not think the six-unit project would solve the City's problem. He said he
279 anticipated that employees in the project would benefit from the rentals. Responding to a question
280 from Councilor Whipple, Mr. Nielsen said it was his intention to keep and manage the units himself
281 through a rental management group.

282

283 Chair Garrett opened public comment.

284

285 Naomi Flinders, Provo resident, said she heard the comment that the small project would not solve the
286 problem, and wondered why someone would not want to help provide stability at least a small amount.

287

288 Chair Garrett closed public comment.

289

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290 Councilor Christensen said he liked the entire Jamestown project and said he was confident traffic issues
291 could be solved with a traffic study. He said the homeownership issue was important, and said every
292 home made a difference. Councilor Christensen said he could not support the project with no home
293 ownership available.

294
295 Councilor Whipple said she was supportive of the project. She suggested allowing Mr. Nielsen to build
296 and retain and rent the townhome units, but if Mr. Nielsen were to ever decide to sell that portion of
297 the project, the units would be required to become owner-occupied.

298
299 Mr. Jones said Mr. Nielsen had already demonstrated he was a good landlord, and the issue he had with
300 rentals was not quality of management. He said his issue was with availability of homes for sale and
301 spoke of homeownership being part of the “American Dream.” Mr. Jones said the standard practice was
302 for development agreements to terminate upon certificate of occupancy. He said the City had
303 participated in extended development agreement situations through HOA rules, CC&Rs, and deed
304 restrictions, but none of those would apply to the suggested concept.

305
306 Mr. Jones commented that the ordinance for the proposed rezone under Agenda Item 10 did not
307 contemplate a development agreement. If a development agreement became necessary to approve a
308 rezone, the item would need to be continued to allow time to change the ordinance. He said the implied
309 motion for Agenda Item 9 anticipated a decision having already been made concerning the permissible
310 floor area ratio requirement. The applicant proposed removal of the requirement, staff recommended a
311 30% lot coverage requirement, and the Planning Commission recommended a 34% lot coverage
312 requirement.

313
314 Mr. Jones said the proposed text amendment under Agenda Item 9 was proposed because of the
315 specific project, but if approved, it would apply City-wide. He suggested the Council consider if they
316 wanted to move forward with the text amendment at that time if they anticipated tabling the rezone.

317
318 **Chair Garrett read in Agenda Item 10, and invited Council discussion. ([2:03:24](#))**

319
320 **10 An ordinance amending the zone map classification of real property, generally located at
3433 N 100 E, from the Professional Office (PO) Zone to the Specialty Support Commercial
(SSC) and Low Density Residential (LDR) Zones, Riverside (PLRZ20250082) ([2:03:24](#)) &
([2:35:42](#))**

Motion: An implied motion to approve Ordinance 2025-27, as currently constituted, has been
made by Council rule.

321
322 Councilor Hoban said he was supportive. He said he knew the City wanted owner occupancy, but would
323 view business, retail, and six nice rental units on a previously vacant property as a benefit. Councilor
324 Handley said he agreed and suggested the location would not be conducive to homeownership. He
325 expressed confidence that the units would have stability and provide local housing for workers.
326 Councilor Handley said he agreed it would be unnecessary to approve Agenda Item 9 if the Council did
327 not approve Agenda Item 10.

328

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329 Chair Garrett opened public comment on Agenda Item 10.

330

331 Sharron Memmott, Provo resident, said the neighbors had not voted against the project at the recent
332 neighborhood meeting. She said the concerns had been about traffic on 3470 North. She expressed
333 support for the idea of allowing Mr. Nielsen to rent the units and requiring owner occupancy if he ever
334 decided to sell.

335

336 Chair Garrett closed public comment, and seeing no further comment from the Council, called for a vote
337 on the Agenda Item 10 implied motion.

338

Vote: The motion failed with a vote of 3:4, with Councilors Handley, Hoban, and Whipple in favor, and Councilors Bogdin, Christensen, Garrett, and MacKay opposed.

339

Motion: Chair Garrett made a substitute motion relative to Ordinance 2025-27 amending the Zone Map classification to pass the rezone pending a development agreement wherein the developer would be willing to sell 66% of the townhome project and rent only two of the six units.

340

341 The motion failed for lack of second.

342

Motion: Chair Garrett made a motion to continue Ordinance 2025-27 to the May 6, 2026 Council meeting and encourage the developer to submit a development agreement. Councilor Christensen seconded the motion

343

344 Mr. Nielsen asked what would happen in the units were put up for sale but there were no buyers.
345 Councilor Whipple suggested the same could be said of the whole project. Mr. Nielsen expressed the
346 opinion that investors were more likely to be the parties interested in purchasing the units to rent out
347 than owner-occupiers. He said the units would not have a playground or common areas, and suggested
348 buyers looking to purchase a three-bedroom townhome for a long-term home would look in projects
349 that offered amenities. Mr. Nielsen said he believed the units were better suited to renting and asked
350 the Council to reconsider his argument.

351

352 Chair Garrett thanked Mr. Nielsen for his comments, and said the Council had reason to believe there
353 was a great demand for owner occupancy in Provo.

354

355 Councilor Whipple asked Mr. Nielsen if it would be possible to build the rest of the project without the
356 housing element. Mr. Nielsen said it would be possible to bifurcate the residential from the commercial
357 portion.

358

Motion: Councilor Whipple made a substitute motion to amend Ordinance 2025-27 to only include rezone of the SSC portion of the property and exclude the LDR portion from the ordinance. Councilor Handley seconded the motion.

359

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

DRAFT MINUTES

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367

Mr. Jones said the portion of the road that would be affected by changes to the Agenda Item 9 text amendment was adjacent to the LDR portion of the project, which was removed from the rezone text. He advised the Council that a motion for Agenda Item 9 would be appropriate.

Chair Garrett called for a vote on the implied motion to approve Ordinance 2025-26, as currently constituted (Agenda Item 9).

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

368
369
370
371

Mr. Jones pointed out the Council needed to decide which Exhibit B to include prior to voting on Ordinance 2025-26.

Motion: Councilor Hoban moved to reconsider the previous vote. Councilor Bogdin seconded the motion.

372
373

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

Motion: Councilor Whipple moved to amend Ordinance 2025-26 to include Exhibit B with the 34%. Councilor Handley seconded the motion.

374
375

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

376
377

Chair Garrett called for a vote on the implied motion to approve the amended Ordinance 2025-26.

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

378
379
380
381

Mr. Jones said he would bring back the changes drafted to amended Ordinance 2025-27 later in the meeting.

11 An ordinance amending the Zone Map classification of real property, generally located at 1780 South State Street, from the Agricultural (A1.5) Zone to the Planned Industrial Commercial (PIC) Zone, Spring Creek Neighborhood (PLRZ20240369) [\(2:24:12\)](#)

382
383

Motion: An implied motion to approve Ordinance 2025-28, as currently constituted, has been made by Council rule.

384
385
386
387

Ms. Barnes showed on a map the property for proposed rezone, and said the applicant requested the rezone to be able to build flex-office warehouse space, including a drive-through component. She said concerns expressed in a neighborhood meeting included access for pick-up and drop-off at the neighboring charter school, and proximity to the school. Ms. Barnes said the Planning Commission had

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388 concerns about types of uses permitted in the PIC Zone and permitted noise levels. She said the
389 applicant indicated there was no room for any kind of formal loading dock that would fit a semitruck.
390 The applicant planned overhead doors to accommodate smaller delivery trucks.
391

392 Dustin Cutler, Lehi resident and applicant, responded to questions and comments from the Council.
393 Councilor MacKay said she liked Mr. Cutler’s other projects and hoped he would build a good high-end
394 project at the subject location. Mr. Cutler said he had developed next to a charter school before and
395 knew from experience that charter school traffic was worse than any traffic that would result from his
396 small commercial building. He said the school impact was short and was not expected to disrupt
397 business tenants.
398

399 Chair Garrett spoke of disruption caused by construction and asked for the anticipated build-out time.
400 Mr. Cutler said the work would take less than a year and would have minimal noise impact.
401

402 Chair Garrett opened and closed public comment seeing no one come forward. He invited Council
403 discussion, and seeing none, called for a vote.
404

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

405
406 Mr. Jones presented the **amended Ordinance 2025-27 (Agenda Item 10)**, with all references to the Low-
407 Density Residential Zone (LDR) removed.
408

409 Chair Garrett called for a vote on the amended implied motion.
410

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

411
**12 An ordinance amending the Zone Map classification of real property, generally located at
130 S. 2050 W., from the One-Family Residential (R1.8) Zone to the One-Family Residential
Performance Development Overlay (R1.8PD) Zone, Provo Bay (PLRZ20240323) [\(2:37:37\)](#)**
412

Motion: An implied motion to approve Ordinance 2025-29, as currently constituted, has been
made by Council rule.

413
414 Dustin Wright, Planner, explained an application to apply the Performance Development Overlay (PDO)
415 to three acres currently zoned One-Family Residential to build clustered townhomes. The northern
416 portion of the same parcel was rezoned to Mixed-Use Zone in 2023 and developed with commercial and
417 60 residential units. Mr. Wright said the General Plan showed residential for the area. The Planning
418 Commission found the concept plan presented to them did not meet the requirements for the zone. The
419 proposed rezone before the Council did not include a concept plan. He said the Southwest Plan
420 recommended three units per gross acre.
421

422 Councilor Bogdin asked for a brief recess. Chair Garrett called a ten-minute recess at 8:06 pm. The
423 Council reconvened at 8:16 pm. Chair Garrett welcomed comment from the applicant.

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424

425 Steve Turley, applicant, distributed physical copies of presentation pages he had amended during the
426 meeting. He said he watched the recent Housing Summit and saw it as an invitation for the community
427 to come together and provide affordable housing opportunities. Mr. Turley said the subject property
428 was narrow and subject to a driveway prohibition on 2050 West. He said he put together a hybrid of a
429 pocket neighborhood and clustering and pointed out that property across the street from the subject
430 property was also zoned R1.8PD.

431

432 Mr. Turley said staff suggested he request the PDO for flexibility. He said the base density of the
433 proposed project would be 15 units, and with added variation to the units, the project would qualify
434 under the PDO for a variation to 17 units. Speaking of sewer capacity, Mr. Turley said sewer holding
435 tanks were widely used across the United States to overcome sewer capacity issues.

436

437 Mr. Turley said he did not have a problem with putting together a development agreement. He said he
438 would be happy to deed restrict to ensure owner occupancy at R2 density, which would allow five more
439 units. Mr. Turley said he found it painful that less than 5% of Provo residents could qualify for a
440 \$450,000 townhome and said he would not build single-family homes on the subject property
441 considering the current housing market in Provo. He said he hoped for an opportunity for dialog with
442 the Council to find solutions to any concerns.

443

444 Chair Garrett opened and closed public comment seeing no one come forward. He invited Council
445 discussion.

446

447 Chair Garrett said he would benefit from time to review and get feedback from staff regarding the
448 material revised by Mr. Turley that evening. Councilor Handley said a lot of information was presented
449 that had not been available for Council review prior to the meeting and said he did not know anything
450 about sewer holding tanks.

451

452 Chair Garrett called for a vote.

453

Vote: The implied motion to approve Ordinance 2025-29 failed 0:7 with Councilors Bogdin,
Christensen, Garrett, Handley, Hoban, MacKay, and Whipple opposed.

454

**13 An ordinance amending Provo City Code regarding use of Transportation Utility Fee funds
and amending the Consolidated Fee Schedule (25-028) [\(3:08:13\)](#)**

455

Motion: An implied motion to approve Ordinance 2025-30, as currently constituted, has been
made by Council rule.

456

457 Vern Keeslar, Traffic Manager, shared a history of Transportation Utility Fees (TUF) in Provo City, and
458 showed current TUFs for eight use categories (Residential A and B, Commercial, A, B, C, and D, and
459 Public Use A and B). The total annual revenue from TUFs in 2024 was \$2,700,000. Provo had only
460 increased the TUF once since implementation in 2014. Staff pointed out that the fees implemented by
461 the City in 2014 were half what the study reported they should be. Mr. Keeslar emphasized that Provo

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462 followed the “good roads cost less” idea, and said roads were maintained conservatively. Mr. Keezlar
463 presented a proposed TUF increase and a proposed ordinance amendment.

464
465 Chair Garrett opened public comment.

466
467 Eric Davis with Brigham Young University said the Supreme Court approved Transportation Utility Fees
468 in principle, but not as applied. He said the challenge would always be whether an ordinance could be
469 drafted that met the test of equity and proportionality that was constitutionally required. Mr. Davis said
470 the concern of BYU was that City streets were not truly a utility, but were public property, and that
471 Transportation Utility Fees were not truly fees, but a property tax. He said proposed changes to the
472 ordinance would exacerbate the problems and said it appeared the intent would be to have property
473 owners bear all costs of road maintenance, while other users of the roads paid none of the cost. Mr.
474 Davis said the more the fees were expanded, the more they looked like revenue generation instead of
475 fees for services provided. He asked who the intended beneficiary of the fees would be, what services
476 would fee payers get that the general public would not get, what was included in “reasonable
477 administrative costs,” and were the administrative costs truly related to services provided.

478
479 Naomi Flinders, Provo resident, asked why BYU would be against Transportation Utility Fees because the
480 whole community was connected, and everyone used the roads.

481
482 Silvia Andrew, Provo resident, said she agreed with Mr. Davis that the roads should be a user fee, not a
483 property fee.

484
485 Sharron Memmott, Provo resident, thanked the Council for the Transportation Utility Fee, and for not
486 exempting non-profit organizations. She questioned why the proposed increase for the next three years
487 was so high and asked what constituted reasonable administrative costs.

488
489 Chair Garrett closed public comment.

490
491 Councilor MacKay said the study done in 2014 reported the TUF should be more than \$6.00 per home,
492 but the Council chose to implement half the recommended amount. The TUF had only been increased
493 once since 2014, and the cost of the fee with the proposed increase would still be under the \$6.00 per
494 home recommended in 2014. She said the proposed ordinance amendment would allow TUF revenue to
495 be used to fund the transportation studies required by the Federal government for the TUF.

496
497 Councilor Whipple asked if revenue from the TUF would cover all costs of road maintenance. Mr. Keezlar
498 said the TUF revenue would not come close to paying the entire cost of road maintenance. Councilor
499 Whipple said everyone, including BYU, benefited from maintained roads.

500
501 Chair Garrett called for a vote.

502
Vote: The motion passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban,
MacKay, and Whipple in favor.

503

DRAFT MINUTES

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14 **An ordinance amending water fees on the Provo City Consolidated Fee Schedule (25-013)** [\(3:26:42\)](#)

504

Motion: An implied motion to approve Ordinance 2025-31, as currently constituted, has been made by Council rule.

505

506 Mr. Haight described analysis done by staff, and said staff recommended the Council consider a 5%
507 increase (2025) on a tiered water rate structure. Mr. Haight said he personally believed it would be
508 possible to meet infrastructure and conservation goals without a fee increase.

509

510 Keith Larsen of Bowen Collins and Associates said the recommended rate increase schedule previously
511 presented to the Council had been updated to consider potential income from developer contributions,
512 a decrease of \$1.1 million in administrative costs, and a shift in project timing. He presented the
513 following rate increase schedule.

514

Year	Previous Recommendation	Updated Recommended Rate Increase
2025	12%	5%
2026	8%	5%
2027	7%	5%
2028	6%	8%
2029	6%	8%
2030	6%	7%
2031	6%	7%
2032	6%	4%
2033	6%	4%

515

516 Mr. Larsen said House Bill 274 (2025): required water supplier rates to incorporate increasing block units
517 of water used (i.e., tiered structure); required water suppliers to consider water conservation when
518 setting water rates; and stipulated that water rates must be based on a generally accepted rate setting
519 method, including a standard or method established by the American Water Works Association. He said
520 the proposed rate schedule complied with the requirements of HB274.

521

522 Mr. Larsen presented tier breaks and showed that moving from the current structure to a tiered
523 structure would result in less of a monthly increase for low and average users.

524

525 Councilor MacKay said she had worked on calculations for residents who had contacted her and found
526 the increase to not be consistent across different users. She said she found that the increase for most
527 users would be 5% or less, and the increase for top users would be crazy high. Councilor MacKay said
528 she did not think some users should be charged so much higher, and said it felt punitive. She said she
529 did not understand the idea that larger lots put more stress on the system. Councilor MacKay asked why
530 staff called it a 5% increase. Mr. Larsen clarified that the revenue the City would receive would increase
531 by 5%. He said the proposed structure tiered by user type would result in higher users paying a higher
532 rate.

DRAFT MINUTES

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533
534 Responding to a request from Councilor Bogdin, Mr. Larsen explained proposed base rates, tier volume
535 breaks with three tiers, and tier volume costs. Councilor Hoban said other cities in the area had between
536 four and eight tiers, which he believed took the lot size into consideration. He asked why staff did not
537 recommend more tiers/size classifications. Mr. Larsen said additional tier volumes would have
538 necessitated higher proposed rates. He said staff tried to find a balance to cover 95% of the customers
539 with the existing subsidy removed. Councilor Hoban said the other 5% of customers would see a large
540 monthly increase, which he did not believe was fair.

541
542 Mayor Kaufusi thanked citizens for their outreach and feedback. She read aloud a statement
543 underscoring that the responsibility for setting water rates lay with the Council. She said she was
544 actively exploring options that reflected citizen and Public Works Department input and respectfully
545 asked the City Council to allow her the opportunity to fully vet alternatives and present a proposed
546 water rate and tier approach in two weeks as part of her budget presentation.

547
548 Chair Garrett opened public comment.

549
550 Mark Sutra, Provo resident, said he did not agree with the idea that residents with larger lots used more
551 water than higher density housing. He spoke of xeriscaping restrictions, and suggested residents should
552 be allowed to xeriscape with fewer restrictions to actively conserve water. Mr. Sutra asked the Council
553 not penalize people with larger lots in Provo.

554
555 John Bennion, Provo resident and member of the Conserve Utah Valley Board, said the Board urged the
556 Council to follow the recommendation of the expert study commissioned by the City and increase
557 expenditure on replacement of water mains with funds coming from a three-tiered rate schedule. He
558 said the proposed structure would equitably align and place the burden on those who burdened the
559 ancient water mains the most, with the least cost to those who used less water, encouraging
560 conservation. Mr. Bennion said he had heard nothing that evening to change his opinion.

561
562 Derek Brutton, Provo resident, said the City was facing large water infrastructure investment, and said
563 he appreciated the serious thought put into the matter by staff, the Council, and the community. He
564 expressed support for the City taking the long-term view in doing what was right for the citizens.

565
566 Lisa Rivera, Provo resident, said she understood there was a need for increasing rates, and asked the
567 Council to think through the tiers more. She said landscaping made Utah beautiful and said she believed
568 the tiered system would discourage gardening and landscaping. Ms. Rivera said it saddened her that
569 families who were already struggling would see significant increases in water costs. She said the City
570 needed to find a way for everyone, particularly high-density housing, to contribute.

571
572 Dave Lewis, Provo resident, said he agreed the City needed to be proactive with old water lines, but said
573 he believed the proposal would raise the rates more than necessary, and appreciated the Mayor asking
574 for a couple of weeks to be able to include a proposal with her budget presentation.

575
576 Silvia Ander, Provo resident, asked the Council not raise water rates to the extent proposed.

577

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578 Joann Ellsworth, Provo resident, said she had an agriculturally zoned lot, a large garden, and an above-
579 ground pool where she taught swimming lessons in the summers. She said the proposed rate structure
580 made her feel like Provo did not want anything but high-density houses. She asked if the City did not
581 want agricultural land anymore.
582

583 Ted Tronson, Provo resident, said he lived in an HOA. When the HOA was built, Provo City required a lot
584 of grass, trees, and mow strips. The green space used a lot of water, and the proposed increase would
585 have an impact. He said water was cheap, and the biggest cost was the infrastructure. Mr. Tronson said
586 the pipe size and amount of water did not matter and suggested the City should pursue a bond
587 arrangement to fund infrastructure costs.
588

589 Tina Carter, Provo resident, said the proposed Tier 2 rate for Provo was higher than the current Orem
590 City Tier 2 rate, and asked why it would be higher since Provo water came from wells and did not need
591 to be treated. She suggested the City ask Orem how their rates were so much lower. Ms. Carter
592 expressed concern that there were so many Provo residents who were not aware of the proposed
593 increase and asked if the Council had really considered whether the Tier 3 residents would even be able
594 to afford the proposed increase. She emphasized residents needed to know what was happening before
595 the Council made a decision.
596

597 Joseph Billings, Provo resident, said the tiered structure seemed unfair, and asked why the proposed
598 rate increase was so high.
599

600 Amanda Burnell, Provo resident, said she could not afford to buy a home and did not want to have to
601 tell her kids they could not play in the sprinklers. She said she had questions about the rates for different
602 pipe sizes.
603

604 Sharron Memmott, Provo resident, asked if the current winter and summer rate structure would go
605 away, and said she did not understand how anyone's rate would go down with the proposed structure.
606 She asked the reason for the proposed increase if needs could be met without an increase as Mr. Haight
607 said. Ms. Memmott said she would appreciate additional tiers, and suggested each tier not increase by
608 more than 5%. She expressed interest in the Mayor's proposal.
609

610 Chair Garrett closed public comment and invited Council discussion.
611

612 Councilor Whipple said she took Public Works seriously when they said the City had an \$80 million
613 shortfall in repair and maintenance of water pipes because inflation had gone up, and the cost to repair
614 and replace pipes had increased every year. She said the standard of pipes had gone up overtime, and
615 pipes installed now would last longer than the existing pipes. Councilor Whipple said the Council had
616 received the presentation in nine public meetings and said the proposed structure would cause those
617 who used the most water and caused the water to cost more for everyone, would bear the majority of
618 the burden. She said the Mayor's Office asked for more time to look at the rates in February when the
619 Council considered a 12% increase, and the proposed 5% increase was the result. Councilor Whipple said
620 she was uncomfortable with the reduction to 5% because she took the need for repair and replacement
621 of water infrastructure seriously. She expressed the opinion that the original plan presented to the
622 Council was the most responsible way to address infrastructure needs, and said the revised proposed
623 structure had an element of speculation that made her nervous.

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624
625 Councilor Whipple said she would be willing to go along with the proposed structure because it would
626 be reevaluated by the Council every year. She said she did not agree with the political pressure to do
627 nothing. She said she was grateful the administration was looking at different options but frustrated that
628 they did not begin looking sooner. Councilor Whipple said the City had enjoyed cheap water for a long
629 time, but conditions had changed. She pointed out there were more and less efficient forms of
630 landscaping, and property owners had some control over how much water they used. Councilor Whipple
631 said she was surprised by Mr. Haight's statement that needs could be met without an increase, and
632 surprised by the Mayor's request for more time, because she felt the statements undermined the hard
633 work the Council had been doing, and diminished willingness to make the hard, responsible decisions.
634 She said she did not want to kick the can down the road.

635
636 Councilor Handley said he felt misled about what the problem was because he had taken the reports
637 seriously for the last two years. He said every study he had looked at reported that if the City did not
638 raise the needed revenue to do needed work in a timely manner, the work would end up costing the
639 City at least 60% more. He stated not raising the rates was the fiscally irresponsible thing to do.
640 Councilor Handley said not enough had been said about the need for conservation. He said the law
641 passed by the State required that the City had meaningful tiers that adequately accounted for impact to
642 the system and contributed to water conservation. He said he could not find any factual evidence to
643 support the claim that higher density would be subsidized by raising rates on heavier water users.
644 Councilor Handley pointed out that more tiers would mean even higher rates for the higher users. He
645 said there was an exception to gardening, and more efficient forms of landscaping than Kentucky Blue
646 Grass. He said he believed the Council had been very transparent and felt strongly the Council should
647 move forward with the proposed rates.

648
649 Councilor Hoban said there was not a gardening exception, but there was an urban farming exception
650 with no attached criteria. He suggested criteria should be adopted. Councilor Hoban expressed the
651 opinion that Conserve Utah Valley did not get to be the moral police on when his water use was too
652 much. He said his family used his grass space, and he had a right to have grass. He said he did not
653 understand the comment that having a large lot did not mean he had to use a lot of water. Councilor
654 Hoban said an urban farming exception should be delivered before the Council voted. He asked the
655 Council to wait and give the Mayor a chance to present another option.

656
657 Councilor Christensen said he did not like the current inflationary environment. He said as a member of
658 the Council, he wanted to do his part for the City and do what was right for the City. He expressed
659 confidence in the way the Council had gone about the issue and said he did not agree with kicking the
660 can down the road. He said he was willing to wait two weeks if the Mayor and Mr. Haight believed they
661 had an alternative. He said he was willing to make the hard decision and do what was best for the City.

662
663 Councilor MacKay said she wanted to wait the two weeks and acknowledged that something needed to
664 be done. She said she also did not want to kick the can down the road. She said she did not agree with
665 paying enormous differences per gallon and did not understand the concept that higher users were
666 responsible for the higher rates. Councilor MacKay said she was interested in knowing why rates were
667 so much less in Orem. She said she did not believe there had been intentional lack of transparency by
668 anyone.
669

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670 Councilor Bogdin said she was frustrated because the Public Works Department fell under supervision of
671 the Mayor’s Office, and she assumed the Mayor’s Office would have signed off on a presentation by
672 Public Works. She said she felt the Council had been thrown under the bus that evening and believed
673 some of the communication should have happened prior to the Council meeting. Councilor Bogdin said
674 the City hired independent consultants to study and tell the City where the tiers needed to be, what the
675 law said, and how to abide by industry standards. If funds were not raised and needed maintenance
676 done, bigger waterline breaks would happen more frequently. She said she hoped if the Council waited
677 two more weeks it would be the end of the administration acting surprised and asking for more time.
678 Councilor Bogdin expressed support for the proposed tier structure.
679

Motion: Chair Garrett motioned to continue this item to a future Council meeting. Councilor Hoban seconded the motion.

680
681 Chair Garrett called for a vote.
682

Vote: The motion passed 4:3 with Councilors Christensen, Garrett, Hoban, and MacKay in favor, and Councilors Bogdin, Handley, and Whipple opposed.

683
Adjournment

684
685 The meeting was adjourned by unanimous consent at approximately 10:26 pm.

PENDING APPROVAL - DRAFT MINUTES

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PROVO MUNICIPAL COUNCIL
Redevelopment Agency Governing Board
Stormwater Service District Governing Board
Regular Meeting Minutes
5:30 PM, Tuesday, June 17, 2025
Council Chambers (Room 100)
Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or
<https://www.youtube.com/provocitycouncil>

1

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

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

Conducting: Chair Gary Garrett

2

Prayer – Jennifer Dees

3

Pledge of Allegiance – Councilor Hoban

4

Presentations, Proclamations, and Awards

5

1 Provo City Employee of the Month - June 2025 (25-007) [0:00:00](#)

6

7 Mayor Kaufusi emphasized the importance of celebrating exceptional employees whose dedication and
8 professionalism positively impact the community. She invited Gary Calder, Water Division Director, to
9 present the June 2025 Employee of the Month Award to a member of the Public Works team, Shellie
10 Turnbow, and invited him to speak about her accomplishments.

11

12 Mr. Calder stated that Shellie does not enjoy being in the spotlight but emphasized her significant
13 contributions to the Public Works Department. He explained that Shellie manages the lab at the water
14 reclamation plant and is a strong advocate for Dave Torgersen, who also helps manage the plant. In
15 addition to her work at the plant, she is responsible for water sampling of the city's drinking water,
16 fulfilling a dual role. Gary noted that Shellie is highly respected, well-liked by her peers, and known for
17 her strong work ethic. He also pointed out that her family was present in the audience and described
18 her as a key leader at the plant who leads by example. He expressed deep appreciation for her service.

19

20 Ms. Turnbow said that speaking before the City Council was a personal goal for the year and thanked the
21 Council for the opportunity. She said she felt honored and humbled to receive the Employee of the
22 Month Award and extended sincere appreciation to Provo City and the Water Resources Division for the

PENDING APPROVAL - DRAFT MINUTES

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23 recognition. Shellie emphasized that the award reflected the collective efforts of her entire team, not
24 just her own. She thanked her manager, Dave Torgersen, for his guidance and support, and
25 acknowledged her colleagues for their collaboration and teamwork. She concluded by expressing
26 gratitude for the opportunity to work at the Water Reclamation Facility and reaffirmed her commitment
27 to contributing to its ongoing success.
28

2 A presentation recognizing Provo Power line crew participants in the Light Up Navajo initiative (25-007) [0:05:00](#)

29
30 Mayor Kaufusi shared that she had the honor of introducing a group of four individuals who participated
31 in a recent event, noting that three of them were present at the meeting. She stated that a video would
32 be shown to tell the full story of their experience.
33

34 Scott Bunker, Energy Director, thanked the Council for the opportunity to recognize the linemen and
35 spoke about the pride and dedication they bring to their work. He noted that linemen often perform at
36 their best during the worst conditions such as bad weather, late nights, and challenging situations that
37 most would avoid. He introduced Elijah Konchar, Braeden Walker, and Brian Groesbeck, and
38 acknowledged Alan Hone, the foreman who accompanied them. Scott highlighted the impact of their
39 recent deployment, noting that 10,000 families on the reservation were still without power and that
40 over 40 companies participated in the effort to restore electricity. He expressed hope that Provo Power
41 can continue supporting similar efforts in the future, emphasizing that while these experiences benefit
42 those being served, they also provide valuable perspective and growth for those who serve. He
43 concluded by thanking the linemen for their efforts.
44

Public Comment [0:15:52](#)

45
46 Chair Garrett read the public comment preamble and opened the public comment period.
47

48 Andrew Thompson, of Provo, expressed frustration that several issues he previously raised have not
49 been addressed. He listed concerns including the utility poles and sidewalks, lack of handicap parking at
50 the farmers market, and the need for loading zones and a curb cut on 100 South to improve
51 accessibility. He also shared a personal experience about being unable to access Rock Canyon in a
52 wheelchair due to closely spaced steel posts at the trailhead, despite the presence of accessible parking
53 and restrooms. Additionally, he raised concerns about the need for better coordination with UTA on bus
54 stop placements, noting that blame is often shifted to the City. He requested to know who is responsible
55 for liaising with UTA and called for a dedicated coordinator to address these ongoing accessibility and
56 transportation issues.
57

58 Mike Roan, of Provo, addressed the Council regarding two letters he had sent expressing concern over
59 the use of a statement stuffer that he believes violates both state and federal election laws. He
60 explained that the material, recently included with utility bills, appeared to promote a specific candidate
61 by referring to them as the "sewer mayor" and providing them with widespread exposure during an
62 election period. He estimated the cost of producing and distributing the material to 38,000 households
63 at approximately \$200,000, which he viewed as an unfair advantage. Mike referenced IRS guidelines
64 included in his second letter and warned that such use of public resources could jeopardize the City's

PENDING APPROVAL - DRAFT MINUTES

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65 tax-exempt status under Section 501(c)(3). He noted that he consulted a retired federal judge who,
66 while unofficial, believed the situation likely constitutes a legal violation. Mike urged the City to take the
67 matter seriously to avoid repeating costly legal disputes, referencing a past issue involving signage near
68 a medical clinic in North Provo.

69
70 Mary Sorenson, of Provo, shared her experience from June 7, stating that she was unable to leave her
71 neighborhood due to road closures for the Utah Valley Marathon. She noted that the 10K typically starts
72 near Canyon Crest and the marathon proceeds down University Avenue, making travel from her area
73 difficult. Mary expressed frustration that there was no clear communication about the closures this
74 year. She checked the marathon website but found no updates, unlike in previous years when
75 information was shared through the Mayor’s Instagram and City Pages. She also contacted both the
76 non-emergency police line and Provo City customer service but was placed on hold for over five minutes
77 by both. Mary stated that this reflected a broader communication issue within the city and urged the
78 City to improve external and internal communication, especially regarding road closures for large events
79 like the Utah Valley Marathon and the Freedom Festival. She emphasized that a single post made less
80 than 24 hours before the race was not sufficient.

81
82 Cindy Reid, of Provo, commented on the notice regarding the transfer of utility funds, expressing
83 frustration with both the content of the notice and recent utility rate increases. She noted that the
84 notice claims the transfer helps keep property taxes low, yet her property taxes have increased by 61%
85 since 2020. She also pointed out that water rates were raised this year, while \$2.6 million was
86 transferred from the water utility to the general fund. Cindy expressed particular concern about the
87 storm drain utility, referencing an incident in August when manhole covers along 3950 North blew off
88 due to heavy water flow. She described recurring flooding issues near her home at the bottom of 3950
89 North and Canyon Road, attributing the problem to inadequate storm drain infrastructure that has not
90 been updated to account for new residential development in the area. Despite investing thousands of
91 dollars in private drainage improvements, she stated that water regularly overwhelms the system and
92 floods her property, noting that it has happened at least a dozen times during her time living there.

93
94 Chair Garrett closed public comment.

95

Action Agenda

96

3 An ordinance amending Provo City Code regarding covered parking structures on historic landmark properties. (PLOTA20250179) [0:26:42](#)

97

Motion: An implied motion to approve Ordinance 2025-36, as currently constituted, has been made by council rule.

98

99 Dustin Wright, City Planner, explained that the proposed text amendment applies to properties in ADU
100 overlay areas that are also on the Provo Historic Landmark Register. The amendment would remove the
101 requirement for covered parking on these properties while still requiring four total parking spaces. The
102 applicant owns a historic property without covered parking and wants to add an ADU. Staff reviewed the
103 proposal and believed it would help support the preservation and financial stability of historic
104 properties. The Planning Commission gave a positive recommendation, and the legal department later

PENDING APPROVAL - DRAFT MINUTES

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105 revised to align the amendment with state requirements. Staff recommended approval of the updated
106 version.

107
108 Councilor MacKay asked what particular house that brought this to light.

109
110 Mr. Wright said the property is the Hendrickson Mansion located at 600 West and 300 South.

111
112 Wendy Holdaway, applicant, shared that she purchased the Henriksen Mansion in 2015 and was
113 captivated by its history, referring to the home as “Isabella.” Despite a pre-sale inspection, she
114 discovered significant structural issues, including a failed roof that caused adobe walls to deteriorate
115 and a collapsed sewer line with a junction box under a neighbor’s carport. She has since invested heavily
116 in restoring the Victorian home, even working with the same masons who rebuilt the Provo Tabernacle.
117 Wendy expressed her deep commitment to preserving the house and requested a change to the civil
118 code to allow her to use the property as a multi-generational home, as it was originally intended,
119 without compromising its historical character.

120
121 Councilor Bogdin asked in order for the property to qualify for an ADU, there would need to be an
122 external entrance point.

123
124 Ms. Holdaway explained that the home was originally designed as a multi-generational house and still
125 includes two separate entrances and two distinct living spaces, all up to code and inspection standards.
126 She noted that the property has four off-street parking spaces, meeting requirements, with the only
127 remaining issue being the lack of a covered parking structure. She expressed concern that adding a
128 modern carport would detract from the historic appearance of the home. Due to a setback limitation—
129 19 feet instead of the required 20.5 feet—she is unable to build a traditional garage and prefers not to
130 install a vinyl carport that would compromise the home’s historic character.

131
132 Ms. Holdaway explained that she had explored several options and was advised by the Planning
133 Commission that pursuing a text amendment would be the most efficient route, as a variance for a
134 Victorian-style garage would likely not be granted due to setback limitations.

135
136 Councilor Bogdin questioned whether a variance could resolve the setback issue, to which Ms. Holdaway
137 reiterated the challenges involved. Councilor Bogdin also asked if the interior of the home had been
138 modernized.

139
140 Ms. Holdaway responded that while the home now includes modern features such as five bathrooms
141 and two kitchens, she has made every effort to preserve the historical character by maintaining original
142 layouts, ceiling heights, and overall appearance. She emphasized her commitment to restoring the home
143 to its original 1886 condition, not simply updating it.

144
145 Chair Garrett opened public comment. With none, he invited a council discussion.

146
147 Councilor MacKay thanked Ms. Holdaway for restoring the beautiful home.

148
149 Chair Garrett called for a vote.

PENDING APPROVAL - DRAFT MINUTES

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150

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

151

4 A resolution approving the execution of an interlocal cooperation agreement to authorize Provo City's participation in the Utah Valley HOME Consortium (25-069) [0:36:39](#)

152

Motion: An implied motion to approve Resolution 2025-32, as currently constituted, has been made by council rule.

153

Melissa McNalley, Redevelopment Director, requested approval of a resolution allowing Provo City to continue participating in the Utah Valley HOME Consortium, which provides HUD funding for affordable housing initiatives. She explained that the consortium includes Provo City, Utah County, Lehi City, Orem City, and the addition of Eagle Mountain. The agreement allows HOME funds to be used across participating communities. Ms. McNalley noted that the renewed agreement would take effect on October 1 and that Provo City would continue serving as the lead entity, responsible for reporting and ensuring compliance with HUD regulations.

161

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

163

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

164

5 An ordinance amending Provo City Code regarding certain employee retirement programs (25-064) [0:39:19](#)

165

Motion: An implied motion to approve Ordinance 2025-37, as currently constituted, has been made by council rule.

166

Daniel Softley, Director of Human Resources, requested an amendment to Section 4.04.100 of the Provo City Code to increase supplemental retirement contributions for employee groups that do not participate in Social Security. He explained that Social Security, formally known as Old Age, Survivors, and Disability Insurance (OASDI), is a federally mandated retirement program, but state and local governments may opt out if they provide an alternative retirement plan of equal value. He noted that Provo City previously opted out of Social Security for sworn police officers and firefighters, while all other employees continue to participate. Mr. Softley stated that the current code allows the City to match up to 2% of employee contributions to a supplemental 401(k) plan. He explained that market research showed agencies that do not participate in Social Security typically offer higher supplemental retirement contributions, with a median match of 4%. The proposed ordinance amendment would increase the City's matching contribution from 2% to 4% for sworn police officers and firefighters in order to remain competitive with similar agencies.

179

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

180

181

PENDING APPROVAL - DRAFT MINUTES

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

182

6 A public hearing regarding management salary increases (25-073) [0:42:46](#)

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Chair Garrett confirmed that the increases were already included in the proposed budget.

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Councilor Christensen asked Mr. Softley to explain why the proposed compensation increase for executive employees is important at a time when the City is experiencing rising expenses. He noted that the proposal represented a significant increase and asked what value the pay adjustment would provide to Provo residents and the community.

Mr. Softley explained that compensation adjustments are intended to help the City attract and retain highly qualified employees with expertise in their respective fields. He noted that many nearby agencies actively compete for experienced personnel, making competitive compensation important for retention. He stated that the City conducts an annual compensation study comparing salaries across approximately 25 similar agencies and bases pay decisions on those findings. Mr. Softley described the City's approach as conservative but competitive, explaining that the goal is to remain near the median of comparable agencies in order to retain key executive staff.

Chair Garrett asked Mr. Softley about the City's current employee turnover rate and how it compares to similar agencies and the broader market. He also asked specifically about turnover among management and executive employees.

Mr. Softley stated that turnover among management employees is very low and is typically due to retirements. He explained that the City's overall employee turnover rate averages around 10% annually, which includes retirements, deaths, and employees leaving for other opportunities. He noted that voluntary turnover, which more accurately reflects employees leaving for other agencies, is closer to 5% annually. He added that Human Resources has tracked these trends for several decades.

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

Councilor Bogdin shared a conversation she had with family members about issues occurring in another city, where residents were dissatisfied with city leadership and operations. She stated that the concerns appeared to stem more from staffing and administration issues than from elected officials. She said the

PENDING APPROVAL - DRAFT MINUTES

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224 discussion made her appreciate the quality of Provo City employees and emphasized the importance of
225 maintaining competitive compensation to retain experienced and capable staff. Councilor Bogdin
226 expressed concern that without competitive pay, talented employees could be recruited by other
227 agencies. She voiced strong support for the proposal, stating that Provo is fortunate to have highly
228 skilled employees and that losing them would be a significant loss to the City.

229
230 Chair Garrett thanked Mr. Softley for the information.
231

7 **An ordinance adopting a public safety impact fee combined table and amending city code in reference to it. (25-065) [0:49:59](#)**

232
Motion: An implied motion to approve Ordinance 2025-38, as currently constituted, has been
made by council rule.

233
234 Brian Jones, City Attorney, explained that the ordinance addressed updates related to the City's public
235 safety impact fee. He stated that the City previously combined separate police and fire impact fees into
236 a single public safety impact fee to better align with state law terminology. He emphasized that the
237 change did not create a new fee or increase existing fees but simply combined the two existing fees into
238 one category. Mr. Jones noted that the consolidated fee schedule included in the proposed budget
239 reflects this combined fee. He explained that the ordinance updates the City Code to reference the
240 public safety impact fee using the correct terminology and reorganizes the related code section
241 accordingly.

242
243 Chair Garrett opened public comment. With none, and no council discussion, he called for a vote.
244

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

8 **An ordinance adopting a budget for Provo City for the fiscal year beginning July 1, 2025 and ending June 30, 2026, in the amount of \$319,675,508. (25-025) [1:04:25](#)**

246
Motion: An implied motion to approve Ordinance 2025-39, as currently constituted, has been
made by council rule.

247
248 Chair Garrett announced that the order of the next two agenda items would be reversed in order to first
249 hold the required public hearing regarding the annual disclosure of funds transferred from utility
250 enterprise funds to other funds as part of the upcoming budget process.

251
252 *The council moved to Item 9*

253
254 Kelsey Zarbock, Budget Officer, stated that the proposed budget represented the culmination of
255 approximately six months of work to develop a balanced budget that incorporates Council priorities. She
256 expressed appreciation to the Council, Mayor, departments, and staff for their efforts throughout the
257 budget process. She explained that the Council received the tentative budget on May 6 following
258 multiple budget presentations and noted that the first required public hearing was held on June 3, with

PENDING APPROVAL - DRAFT MINUTES

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259 the current meeting serving as the second and final public hearing on the budget. Ms. Zarbock outlined
260 that the proposed ordinance would adopt the Fiscal Year 2026 budget and its amendments, approve the
261 certified property tax rates without increasing property taxes, adopt the pay range table, and approve
262 the consolidated fee schedule with updated fees.

263
264 Councilor Christensen expressed appreciation to Kelsey Zarbock and the Finance team for their
265 extensive work on the budget process.

266
267 Chair Garrett opened the second of the two required public hearings on the proposed Fiscal Year budget
268 and invited members of the public to provide comments. He stated that since there were no comments,
269 he closed the public hearing and returned to the Council for discussion.

270
271 Councilor MacKay stated that although she was unable to fully participate in the previous Council
272 meeting due to travel and technical difficulties, she had since reviewed the budget in detail and was
273 generally supportive of it. However, she expressed continued concerns regarding the proposed tiered
274 water rate structure, specifically the adopted 3.3% adjustment. She stated that while she supports
275 tiered rates and recognizes the need for additional revenue to maintain water infrastructure, she did not
276 agree with what she viewed as a punitive impact on larger residential lots. She questioned the reasoning
277 that larger lots are the primary driver of infrastructure demands and noted that major water users also
278 include parks, sports complexes, commercial properties, schools, BYU, and golf courses. She argued that
279 larger residential lots represent only a small portion of overall water usage and are often older
280 properties that existed long before more recent development and growth. Councilor MacKay also
281 expressed concern about the effect of higher water costs on landscaping, trees, and overall
282 neighborhood quality of life. She emphasized the environmental and community benefits of trees and
283 green space and cautioned against policies that could encourage residents to remove landscaping. She
284 noted that citywide water usage has remained relatively flat despite population growth and stated that
285 residents are already conscious of water conservation. She further stated that the proposed structure
286 does not directly measure actual conservation efforts, noting that some residents on larger lots may use
287 water more efficiently than those on smaller properties. While she acknowledged that revisions had
288 improved the proposal from its original version, she remained opposed to the current structure and
289 stated that she would vote against the budget if the 3.3% water rate adjustment remained included.

290
291 Chair Garrett asked Councilor MacKay whether she preferred the proposed 2.5% increase rather than
292 the 3.3% increase.

293
294 Councilor MacKay responded that she supported increasing revenue for infrastructure improvements,
295 even up to 5% overall, but felt that implementing the tiered rate structure was more complex than a
296 simple rate increase. She stated that she believed the Mayor's proposed 2.5% approach was responsible
297 and appropriate. Councilor MacKay added that establishing the tiered system was an important first
298 step and that future general increases could then be implemented gradually as needed to meet
299 infrastructure goals.

300
301 Councilor Hoban stated that he agreed with Councilor MacKay's concerns regarding the water rate
302 proposal and noted that he had supported a different option discussed previously, although he did not
303 intend to make a motion to revisit the issue. He then asked a question regarding the urban farming

PENDING APPROVAL - DRAFT MINUTES

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304 provision, noting that the current language states that the Water Resources Director may grant
305 exemptions for customers participating in urban farming. He sought clarification on the scope and
306 application of that provision.
307

308 Mr. Jones explained that the urban farming exemption language was currently part of a draft policy still
309 under consideration. He stated that because the Council establishes utility rates, any exemptions to
310 those rates would likely require a formal ordinance amendment approved by the Council. He noted that
311 the new rates would not take effect until September 1 and that state law requires the City to have an
312 urban farming policy in place. Mr. Jones advised that Public Works would need to return with a
313 proposed ordinance before September 1 defining the applicable exemptions.
314

315 Councilor Hoban expressed support for creating an urban farming exemption, noting that it could
316 benefit residents with larger lots who use their property for purposes such as fruit trees and gardening.
317 However, he raised concerns about the draft policy language being too open-ended and lacking clear
318 criteria for determining eligibility and exemptions. He cautioned that leaving such decisions solely to the
319 discretion of the Water Resources Director could create inconsistency and expose the City to complaints
320 or challenges regarding unequal treatment.
321

322 Mr. Jones agreed that the current draft language was only preliminary and stated that he would not
323 recommend adopting an ordinance without clearly defined criteria. He explained that the draft policy
324 included in the meeting materials was not part of the budget ordinance and carried no legal effect. He
325 clarified that the City is required by state law to have an urban farming policy in place before the new
326 rates take effect on September 1 and expressed confidence that a formal ordinance with appropriate
327 standards could be brought back to the Council before that deadline.
328

329 Councilor Hoban stated that he wanted to ensure the City was not adopting an unclear or legally
330 questionable policy, and Mr. Jones confirmed that no such policy was being approved as part of the
331 current budget action.
332

333 Councilor Handley stated that he was pleased with both the budget process and the proposed budget.
334 He acknowledged the earlier discussion regarding water rates and appreciated Councilor MacKay having
335 the opportunity to fully express her concerns. He noted that the Council had already voted on the issue
336 and stated that he did not believe further discussion was necessary.
337

338 Chair Garrett called for a vote.
339

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

340

9 **A public hearing regarding the annual disclosure of funds transferred from the utility enterprise funds to other funds for the upcoming budget. (25-025) [0:53:18](#)**

341

342 Dan Follett, Division Director of Finance, presented. He explained that the City recently distributed
343 notices to utility ratepayers regarding transfers from utility enterprise funds to other City funds, as
344 required by state law. He stated that Provo City has historically budgeted transfers from utility revenues

PENDING APPROVAL - DRAFT MINUTES

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345 to the general fund as a dividend to taxpayers based on their investment in the City's utility
346 infrastructure. He noted that these funds help support services such as police, fire, parks and recreation,
347 and other general City functions, while also helping keep property taxes lower. Mr. Follett explained that
348 if utilities were privately owned, those dividends would instead go to private investors. He stated that
349 the proposed Fiscal Year 2026 budget includes \$16.36 million in utility transfers, along with an additional
350 \$1.71 million to reimburse the general fund for administrative services such as legal, human resources,
351 information technology, and finance. The total proposed transfers equal approximately \$18.08 million.
352 He concluded by noting that state law requires the City to hold a public hearing regarding the transfers.
353

354 Chair Garrett asked Mr. Follett to provide context on how the proposed utility transfer total compares to
355 previous fiscal years, including the prior year and earlier budgets.
356

357 Mr. Follett stated that the total utility fund transfer increased by approximately 1.5% compared to the
358 previous fiscal year.
359

360 Councilor Bogdin addressed comments made during the public comment period and asked Mr. Follett to
361 explain how the utility fund transfers help keep property taxes in Provo low.
362

363 Mr. Follett explained that if the \$16.36 million in utility fund transfers were instead funded through
364 property taxes, the burden would fall solely on taxable properties within Provo. He noted that many
365 entities in the city, including churches, government-owned properties, schools, and hospitals, are
366 exempt from property taxes and would not contribute toward those costs. As a result, taxable property
367 owners would have to absorb the full cost of maintaining services such as police, fire, parks, and
368 recreation, which would significantly increase property taxes for those residents and businesses.
369

370 Councilor Bogdin asked about the percentage of non-taxable property within Provo.
371

372 Mr. Follett responded that he did not have the exact figure available but estimated it to be around 50%.
373

374 Councilor MacKay added that the percentage typically ranges between 48 and 52%.
375

376 Councilor Bogdin noted that if the utility transfer revenue were replaced with property taxes, only the
377 taxable portion of the community would bear the cost, whereas the current system allows all utility
378 users to contribute toward City services.
379

380 Mr. Follett added that all entities in Provo, including county, state, federal, hospital, and educational
381 institutions, utilize City services such as police and fire protection.
382

383 Councilor Bogdin then asked about the breakdown of property tax distribution between the City and the
384 school district.
385

386 Mr. Follett stated that he did not have the exact figures available but noted that the largest share of
387 property tax revenue goes to the school district.
388

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389 Councilor Bogdin commented that only about 7% of a property tax bill goes to the City, while the school
390 district receives the majority of the revenue.

391
392 Justin Harrison, Council Executive Director, explained that approximately 60% of the property taxes paid
393 by Provo residents go to the school district. He stated that Provo City receives roughly seven cents of
394 every property tax dollar collected, which is further divided among the general fund, library operations,
395 and bond payments for buildings and facilities.

396
397 Chair Garrett opened public comment.

398
399 Cindy Reid, of Provo, stated that the discussion helped her better understand the utility fund transfers
400 and acknowledged that the system allows the City to collect revenue from students and others who use
401 City services but do not pay property taxes. She indicated that the explanation addressed some of her
402 concerns regarding property tax increases, though she reiterated her desire for the City to address
403 ongoing storm drain issues in her neighborhood.

404
405 Chair Garrett closed the public comment period.

406
407 Councilor MacKay stated that she carefully considered the proposed increase and discussed it with
408 department directors and staff before reaching a level of comfort with the proposal. She noted that her
409 experience serving on the Energy Board helped provide additional perspective, particularly regarding the
410 importance of supporting employees and departmental operations. Councilor MacKay stated that utility
411 fund transfers benefit both employees and the community, and she compared the transfers to dividends
412 paid to shareholders in private utility companies.

413
414 Councilor Christensen noted that although the Council may appear to move through budget items
415 quickly during meetings, the Council had already spent several months reviewing detailed departmental
416 budget presentations. He stated that the process included many hours of discussion and review, all of
417 which are publicly available online. He explained that the lack of extensive questioning during the
418 meeting should not be interpreted as a lack of engagement, but rather that many Council comments
419 and suggestions had already been incorporated into the proposed budgets through the earlier review
420 process.

421
422 *The council returned to Item 8*

423
424 *With no objections, the Provo Municipal Council adjourned and reconvened as the Stormwater Service*
425 *District Governing Board of Provo City with Chair Garrett conducting.*

426
427 **Stormwater Service District**

428 **10 A resolution adopting a budget for the Provo City Stormwater Service District in the amount of \$3,377,755 for the fiscal year beginning July 1, 2025, and ending June 30, 2026. (25-025) [1:23:30](#)**

Motion: An implied motion to approve 2025-SSD-06-17-1, as currently constituted.

PENDING APPROVAL - DRAFT MINUTES

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429

430 Andrea Wright, Budget Analyst, presented. Andrea Wright explained that state law requires two public
431 hearings before adoption of the Stormwater Service District budget. She stated that the proposed Fiscal
432 Year 2026 budget totals \$3,377,755, with the first public hearing held on June 3 and the second held
433 during the current meeting. She noted that following the second public hearing, the budget could be
434 adopted.

435

436 Chair Garrett opened the public hearing. With no comments, and no board discussion, he called for a
437 vote.

438

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

439

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

442

Redevelopment Agency of Provo

443

**11 A resolution adopting a budget for the Redevelopment Agency of Provo City for the fiscal
year beginning July 1, 2025, and ending June 30, 2026, in the amount of \$1,488,791. (25-
025) [1:25:55](#)**

444

Motion: An implied motion to approve 2025-RDA-06-17-1, as currently constituted.

445

446 Ms. Wright explained that the item was the second required public hearing for the Redevelopment
447 Agency Fiscal Year 2026 budget in the amount of \$1,488,791. She noted that the first public hearing was
448 held on June 3 and that the second hearing was being held during the current meeting. She stated that
449 following the public hearing, the Board could consider adoption of the budget and asked if there were
450 any questions.

451

452 Chair Whipple opened the public hearing. With no comments, and no board discussion, she called for a
453 vote.

454

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

455

Adjournment

456

457 The meeting was adjourned by unanimous consent at approximately 7:04 PM.

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PROVO MUNICIPAL COUNCIL

Regular Meeting Minutes

5:30 PM, Tuesday, March 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 Travis Hoban

Councilor Katrice MacKay

Councilor Rachel Whipple

Councilor Jeff Whitlock

Mayor Marsha Judkins

Chief Administrative Officer Scott Henderson

Council Executive Director Justin Harrison

City Attorney Brian Jones

City Recorder Heidi Allman

Conducting: Chair Katrice MacKay

2

Prayer – Kalan Tolstrup

3

Pledge of Allegiance – Chair MacKay

4

Presentations, Proclamations, and Awards

5

1 A ceremony celebrating Provo High School Boys basketball team as state champions (26-007)

6

Chair MacKay congratulated the Provo High School Boys Basketball Team for winning the 2026 State Championship, noting that the team had not received the title since 2008 and expressing excitement and pride for the accomplishment. The coaches and players were recognized by the Provo Municipal Council and invited to the front of the room for a commemorative photograph with the Council and Mayor.

10

11

12

2 A ceremony recognizing the Provo City employee of the month - February 2026 (26-007)
[00:00:15](#)

13

Amanda Ercanbrack recognized Pearl Spencer for her contributions to the Customer Service Division. Ms. Ercanbrack stated that Ms. Spencer had been with the City for three years and was recently promoted to Senior Customer Service Representative in recognition of her dedication, professionalism, and growth. She highlighted Ms. Spencer's certification as a notary, her successful management of the RPS mail processing system for six months without error, and her support of the City's parking collections process. Ms. Ercanbrack noted that Ms. Spencer consistently provided excellent customer service, effectively resolved complex resident issues, supported coworkers, and contributed positively to the workplace culture.

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PENDING APPROVAL - DRAFT MINUTES

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3 A ceremony recognizing the new sewer treatment plant project for receiving the APWA-Utah Wastewater Project of the Year Award (26-007) [00:03:30](#)

23
24 Brian Romrell, representing the American Public Works Association Utah Chapter, presented the
25 Outstanding Wastewater Project of the Year Award to the Provo City Water Reclamation Facility project.
26 Mr. Romrell spoke about the importance of public works professionals and recognized the role
27 wastewater treatment facilities play in protecting public health and the environment. He noted that the
28 Water Reclamation Facility project began in 2020 and was completed in 2025, increasing treatment
29 capacity to approximately 16 million gallons per day while meeting updated phosphorus and nitrogen
30 removal regulations. Mr. Romrell also recognized the collaboration between Water Works Engineers
31 and Alder Construction in completing the project on time before presenting the award to City
32 representatives.

33
34 Chair MacKay stated that the Water Reclamation Facility project was a significant and costly undertaking
35 that required years of effort. She expressed appreciation for the foresight behind the project and noted
36 that the upgraded treatment plant was an important benefit to the community and the environment.
37

4 A ceremony recognizing Provo as a gold-level bicycle friendly community (26-007) [00:07:51](#)

38
39 Scott Henderson, Chief Administrative Officer, announced that Provo had been elevated to Gold Status
40 as a Bicycle Friendly Community by the League of American Bicyclists, noting that Provo was one of only
41 two cities in Utah to receive the designation. Mr. Henderson stated that the recognition reflected the
42 City's long-term commitment to balanced transportation planning and highlighted Provo's progression
43 from bronze to silver and now gold status. He recognized the efforts of Vern Kessler, Hannah Salzl,
44 Lynden Abernathy, and himself in coordinating the extensive application process and emphasized the
45 collaboration between City departments in developing the application. Mr. Henderson invited Vern
46 Kessler, Transportation Manager, to assist with the presentation of the awards and signs to the Mayor
47 and Council.

48
49 Vern Kessler, Traffic Manager, thanked City staff for their collaboration throughout the Bicycle Friendly
50 Community application process. Mr. Kessler explained that the 92-page application process began in
51 October 2024 and required participation from departments citywide before being submitted in June
52 2025. He noted that the City received notification of the award in January 2026. Mr. Kessler compared
53 Provo's Gold Status designation with neighboring states and communities and stated that the
54 recognition reflected the City's continued investment in transportation infrastructure. He emphasized
55 that the award represented a citywide accomplishment before presenting the League of American
56 Bicyclists Bicycle Friendly Community Gold Award to the Mayor and Council.
57

Public Comment

58
59 Chair MacKay read the public comment preamble and opened public comment.

60
61 Dallin Flake, a Provo resident, expressed concerns regarding the use of Flock Safety cameras. Mr. Flake
62 stated that public safety and privacy could coexist and cautioned against framing the discussion as a
63 choice between the two. He expressed concerns about the role of private corporations in implementing
64 surveillance technology and stated that many communities across the country had raised objections to

PENDING APPROVAL - DRAFT MINUTES

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65 similar programs after learning about them. Mr. Flake encouraged the Council to consider public
66 concerns and community input regarding the technology.

67
68 Bonnie Shiffler-Olsen, a Provo resident, expressed gratitude to the Council and City staff for their
69 assistance in organizing a vigil in memory of her friend, Kate Hope. Ms. Shiffler-Olsen thanked the
70 Council and staff for their compassion, support, and patience during the process and presented
71 homemade jelly that she and Kate had made together prior to her passing.

72
73 Amanda Nelson, a Provo resident and representative of Utah Valley Refugees, introduced the
74 organization to the Council and explained that the nonprofit serves refugees and immigrants throughout
75 Utah County by helping individuals and families become self-reliant. Ms. Nelson stated that many of the
76 organization’s clients reside in Provo and expressed appreciation for the opportunity to work with and
77 partner with the City on initiatives supporting refugee and immigrant populations.

78
79 Seth Draper, of Provo, expressed concerns regarding the use of Flock Safety cameras, including the
80 potential for misidentification and wrongful arrests. Mr. Draper stated that he wanted Provo to remain a
81 safe and secure community and encouraged continued public discussion regarding the technology.

82
83 Vivian Flake, a Provo resident, expressed concerns regarding the privacy implications of Flock Safety
84 cameras. Ms. Flake stated that she was concerned about the collection and accessibility of information
85 by law enforcement agencies and raised concerns regarding potential security flaws and reliability issues
86 associated with the technology. She encouraged the Council to continue prioritizing the rights, safety,
87 and privacy of Provo residents in future discussions regarding the program.

88
89 Chair MacKay closed the public comment period and stated that Captain Robert Patrick would respond
90 to concerns raised regarding Flock Safety cameras. She noted that the topic had also been discussed
91 during the Council’s work meeting earlier that day.

92
93 Captain Robert Patrick of the Provo Police Department responded to concerns raised regarding the Flock
94 camera program. Captain Patrick stated that the system does not collect personal identifying
95 information such as names, phone numbers, or biographical data, but instead captures images of
96 vehicles and license plates to assist in criminal investigations. He explained that law enforcement access
97 to the system is tied to investigations involving reported crimes and stated that the technology had
98 assisted in identifying and apprehending criminal offenders. Captain Patrick also addressed concerns
99 regarding federal access to the system and stated that information would only be shared in connection
100 with criminal investigations involving Provo jurisdiction and partner agencies. He invited community
101 members with questions or concerns to contact him directly to discuss the program further.

Action Agenda

- 103
5 **An ordinance amending Provo City Code regarding development standards for the year
2026. (PLOTA20250658) [00:24:42](#)**

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

PENDING APPROVAL - DRAFT MINUTES

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106 Gordon Haight, Director of Public Works, explained that the proposed ordinance updated City code to
107 align with changes made to applicable federal and state regulations. Mr. Haight stated that the
108 amendments were largely administrative in nature and intended to maintain compliance with updated
109 agency requirements. He also noted that the ordinance included provisions related to the City's water
110 sampling station specifications.

111
112 Chair MacKay opened public comment. With no comments offered and no Council discussion, she called
113 for a vote.

114
Vote: The motion passed 6:0 with Councilors Bogdin, Garrett, Hoban, MacKay, Whipple, and
Whitlock in favor. Councilor Christensen excused.

115
**6 A resolution amending the 2026 Provo standard drawing details and 2026 Provo City public
works department development design standards due to changes in the minimum street
width requirements. (26-020) [00:26:50](#)**

116
Motion: An implied motion to approve Resolution 2026-6, as currently constituted, has been
made by council rule.

117
118 Gordon Haight reviewed the proposed amendments related to street cross-section standards and noted
119 that the topic had been discussed during previous work meetings, a prior Council meeting, and earlier
120 that day. Mr. Haight explained that the City adopted a 25-foot minimum pavement cross section
121 standard in 2018, which included no parking on one side of the street. He stated that approximately
122 eight or nine streets had been constructed under that standard since adoption and acknowledged that
123 parking restriction signage had not initially been installed on some streets, though Public Works was
124 working to correct the issue. Mr. Haight explained that the proposed amendment would allow a 24-foot
125 cross section for infill and hillside projects with fewer than 400 average daily trips, subject to Fire
126 Marshal approval. He stated that the proposal would provide flexibility for subdivision design while still
127 meeting safety requirements and noted that the standard would not be used extensively. Mr. Haight
128 also stated that the proposal had been reviewed with the Fire Department and that staff did not
129 anticipate significant enforcement burdens related to parking restrictions.

130
131 Chair MacKay opened the public comment period.

132
133 Catherine Hall, a resident of Provo, asked when no parking signs would be installed on streets subject to
134 the parking restrictions and whether the signs would be installed before homes were sold.

135
136 Chair MacKay closed the public comment period and invited a council discussion.

137
138 Councilor Hoban stated that his primary concern with reducing road widths to 24 feet was the ability to
139 consistently enforce parking restrictions necessary to maintain access for emergency vehicles. He
140 expressed concern that residents could become accustomed to parking in restricted areas and
141 referenced challenges other cities had experienced with enforcement. Councilor Hoban stated that he
142 would prefer not to expand the use of 24-foot roads at this time and instead evaluate how enforcement
143 functions in existing areas before considering additional applications of the standard.

144

PENDING APPROVAL - DRAFT MINUTES

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145 Councilor Whipple clarified that the City already allowed 24-foot road sections under existing code and
146 stated that the current discussion focused on whether to continue permitting that option. She
147 expressed support for the proposed option requiring Fire Marshal approval, noting that it addressed her
148 primary safety concerns regarding emergency vehicle access. Councilor Whipple also stated that she
149 supported limiting the option to low-traffic situations and generally preferred minimizing additional
150 regulations and restrictions within City code.

151
152 Councilor Whitlock stated that the proposed amendments were more restrictive than the current code
153 and clarified that each option under consideration narrowed the circumstances in which 24-foot road
154 sections could be permitted. He noted that previous discussions identified hillside developments and
155 small infill residential projects as appropriate situations for the reduced street width due to terrain and
156 low traffic volumes. Councilor Whitlock also stated that the proposal clarified parking restrictions and
157 required Fire Marshal approval to address public safety concerns related to emergency vehicle access.

158
159 Councilor Hoban clarified that he did not support expanding the use of 24-foot roads within the City and
160 stated that he would prefer removing the option altogether.

161
162 Chair MacKay stated that option three largely reflected the City's current practices while adding
163 additional clarification to the code. She expressed concerns regarding parking limitations associated
164 with 24-foot roads, particularly as residential density continues to increase throughout the City. Chair
165 MacKay discussed the challenges limited street parking can create for residents hosting gatherings and
166 visitors and shared personal experiences living in an area with restricted street parking. She also
167 expressed concerns about enforcement of parking restrictions and noted that vehicles parked on both
168 sides of narrow streets could impede emergency vehicle access during critical situations. Chair MacKay
169 stated that her primary concern remained public safety and ensuring that emergency access could be
170 maintained.

171
Motion: Councilor Hoban made substitute motion to remove 24-foot option from code.
Councilor Bogdin seconded the motion.

172
173 Councilor Whitlock stated that he was concerned the discussion represented a shift from the Council's
174 previous direction, which supported the use of 24-foot roads for infill development. He emphasized the
175 importance of infill housing opportunities as available land within the City becomes more limited and
176 noted that smaller developments can help provide more affordable homeownership opportunities for
177 younger residents. Councilor Whitlock also referenced recent parking enforcement data indicating
178 strong compliance with parking restrictions, including on Slate Canyon Drive, and stated that
179 enforcement appeared to be functioning effectively.

180
181 Chair MacKay acknowledged the need for infill housing and smaller homes to improve affordability but
182 expressed concern that increasing density was already contributing to parking challenges in some areas
183 of the City. She noted that tighter residential developments, particularly on the west side of Provo, had
184 experienced frustrations related to limited parking availability and older driveway configurations. Chair
185 MacKay stated that parking constraints could create additional challenges as development continues.

186
187 Councilor Hoban clarified that his concern centered on evaluating how enforcement of parking
188 restrictions on existing 24-foot roads would function before expanding the option further. He stated

PENDING APPROVAL - DRAFT MINUTES

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189 that he would like to observe resident response, enforcement effectiveness, and impacts on emergency
190 services access before considering additional applications of the standard. Councilor Hoban noted that
191 the Council could revisit the issue in the future if the existing approach proved successful but
192 emphasized the importance of ensuring the policy worked effectively before expanding it further.
193

194 Councilor Whipple stated that the City had already implemented 24-foot streets in limited areas and
195 noted that the Council had received public comments and emails supporting the preservation of
196 narrower streets. She stated that residents appreciated the neighborhood character, traffic calming
197 benefits, and improved pedestrian and bicycle safety associated with narrower streets. Councilor
198 Whipple emphasized that the option was used selectively rather than citywide and stated that
199 maintaining flexibility for infill and hillside development remained important. She also noted that
200 requiring Fire Marshal approval addressed safety concerns related to emergency vehicle access and
201 stated that she did not support removing an option she believed contributed positively to neighborhood
202 quality of life.
203

204 Chair MacKay noted that many residents who submitted comments in support of narrower streets
205 referenced the Shakespeare neighborhood, which includes alley access for parking, garbage collection,
206 and visitor access. She stated that the presence of alleys created a different parking and circulation
207 dynamic than neighborhoods without alley access and emphasized that the distinction was significant
208 when considering the impacts of narrower street widths.
209

210 Councilor Whipple responded that removing the 24-foot road option entirely would also eliminate the
211 ability to use narrower streets in developments with alley access. She stated that the proposal under
212 discussion did not limit 24-foot streets only to areas with alleys and expressed concern that removing
213 the option altogether would unnecessarily reduce flexibility in future development planning.
214

215 Councilor Garrett asked whether there could be an opportunity for developers to appeal for an
216 exception allowing a 24-foot street under certain circumstances, even if the ordinance removed the
217 option from the standard code provisions.
218

219 Brian Jones, City Attorney, responded that allowing discretionary exceptions without established criteria
220 could create concerns regarding unequal application of the law. Mr. Jones explained that both proposed
221 options were intended to provide clear criteria identifying when 24-foot streets could be permitted. He
222 stated that granting exceptions without standards could be problematic because decisions could appear
223 arbitrary. Mr. Jones also explained that development agreements allowing deviations from City code
224 were technically permissible under state law but would require completion of the full land use approval
225 process, including Planning Commission review and Council approval. He noted that such agreements
226 were generally disfavored and stated that he could recall only one prior instance in which the City had
227 approved a development agreement allowing a deviation from existing code standards.
228

229 Councilor Hoban stated that he preferred taking a cautious approach by pausing additional use of 24-
230 foot roads while the City evaluated enforcement and resident response on existing streets subject to
231 parking restrictions. He stated that the Council could revisit the issue in the future after observing
232 whether the approach functioned effectively for residents and emergency access. Councilor Hoban
233 emphasized that once a road is constructed at 24 feet wide, it would be difficult to later expand, and he

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234 preferred erring on the side of caution rather than potentially regretting a more permissive approach in
235 the future.

236
237 Councilor Whitlock asked how the proposed code changes would affect developments that had already
238 been approved or were currently underway, including developments with existing 24-foot road
239 approvals.

240
241 Chair MacKay stated that projects already approved through development agreements would continue
242 under their existing approvals.

243
244 Mr. Jones clarified that applications submitted prior to any code change would be vested under the
245 regulations in effect at the time of application submission.

246
247 Councilor Christensen stated that he shared Councilor Hoban’s concerns and preferred taking a cautious
248 approach regarding 24-foot roads. He stated that the decision would be difficult to reverse once
249 implemented and, after reflecting on prior discussions and constituent feedback, expressed support for
250 removing the 24-foot road option for the time being, with the possibility of revisiting the issue in the
251 future if circumstances changed.

252
253 Chair MacKay called for a vote on the substitute motion.

254
Vote: The motion passed 4:3 with Councilors Bogdin, Christensen, Hoban, and MacKay in
favor. Councilors Garrett, Whipple, and Whitlock opposed.

255
256 Brian Jones clarified the procedural status of the motion before the Council. Mr. Jones explained that
257 the substitute motion proposed adopting a revised version of the ordinance that removed the 24-foot
258 road option entirely. He stated that the Council would still need to vote on the amended motion
259 reflecting the updated ordinance language.

260
261 Chair MacKay called for a vote on the revised ordinance.

262
Vote: The motion passed 5:2 with Councilors Bogdin, Christensen, Hoban, Garrett, and
MacKay in favor. Councilors Whipple and Whitlock opposed.

263
**7 An ordinance amending the zone map classification of real property, generally located at
1507 S 180 E, from the planned industrial commercial (PIC) zone to the planned industrial
commercial data center overlay (PICDC) zone. (PLRZ20250622) [00:49:12](#)**

264
Motion: An implied motion to approve Ordinance 2026-10, as currently constituted, has been
made by council rule.

265
266 Dustin Wright, City Planner, explained that the property was currently zoned Planned Industrial
267 Commercial and that the overlay request would allow development of a new data center on the site,
268 replacing an existing structure. He stated that the proposal aligned with the Commercial designation in
269 the General Plan. Mr. Wright explained that the applicant proposed obtaining electrical capacity through
270 coordination with Provo Power rather than generating power onsite, which would reduce

PENDING APPROVAL - DRAFT MINUTES

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271 environmental impacts associated with onsite power generation. He also noted that the applicant
272 proposed using a closed-loop water cooling system to reduce water consumption and indicated that
273 provisions related to power acquisition, water use, and wastewater disposal would be included in a
274 development agreement. Mr. Wright stated that representatives from Provo Power and the applicant
275 were present to answer questions from the Council.

276
277 Chair MacKay opened public comment.

278
279 Angie Carter, a Provo resident, expressed concerns regarding the proposed data center rezoning in the
280 East Bay area and requested that the Council postpone a decision on the application. Ms. Carter
281 referenced a letter from Mayor Judkins recommending that the matter be delayed until completion of
282 the City's economic development plan, stating that additional analysis could help determine the most
283 appropriate location for a data center within Provo. Ms. Carter also expressed concerns regarding the
284 proposed site's proximity to hotels and a school, citing potential noise impacts. She further questioned
285 whether Provo may still have unmet needs for business and office space, referencing the relocation of
286 portions of Rocky Mountain University operations outside of Provo. Ms. Carter clarified that she was not
287 opposed to technology or data centers generally but believed additional study regarding land use,
288 energy use, and long-term impacts was warranted before proceeding with the rezoning request.

289
290 Alec Bracken, a Provo resident, expressed opposition to the proposed data center and stated that he did
291 not believe data centers provided sufficient economic benefit to the City compared to their impacts. Mr.
292 Bracken raised concerns regarding water usage associated with cooling systems, particularly in light of
293 drought conditions and reduced water levels throughout Utah. He also expressed concern that
294 increased power demands from the facility could contribute to higher utility costs for residents. Mr.
295 Bracken urged the Council to consider the long-term impacts on residents and stated that he did not
296 believe the proposal provided meaningful benefits to the community.

297
298 Jocelyn Bracken, a Provo resident, expressed opposition to the proposed data center and thanked
299 Council members who had responded to her previous correspondence regarding the project. Ms.
300 Bracken raised concerns related to environmental impacts, water usage, energy demands, and noise
301 associated with data centers. She stated that she did not believe the proposal aligned with the City's
302 community goals or recent recognition as a bicycle-friendly community and expressed a preference for
303 development that would provide more direct community benefits. Ms. Bracken also expressed concerns
304 regarding long-term reliance on emerging technologies such as artificial intelligence and urged the
305 Council not to proceed with the proposal.

306
307 Dallin Whitmer, a Provo resident, expressed opposition to the proposed data center, stating that he
308 believed the project would primarily benefit large technology corporations rather than Provo residents.
309 Mr. Whitmer raised concerns regarding the facility's projected power demands and the potential impact
310 on the City's electrical grid and utility costs. He also expressed concerns regarding both direct and
311 indirect water usage associated with data centers, including water and energy demands tied to
312 electricity generation and semiconductor manufacturing. While acknowledging the importance of
313 investing in new technologies, Mr. Whitmer stated that he did not believe the proposed data center
314 would provide sufficient long-term benefits to the community.

315

PENDING APPROVAL - DRAFT MINUTES

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316 Brennen Larson, a Provo resident, expressed opposition to the proposed data center and questioned
317 whether the project aligned with broader community priorities. Mr. Larson stated that he was
318 concerned about the facility's projected energy demands and the potential impact on utility costs for
319 residents. He suggested that any future data center project should include investments in the City's
320 power infrastructure and renewable energy resources to offset impacts on residents. Mr. Larson also
321 expressed concerns regarding housing affordability and displacement pressures within the community
322 and encouraged the City to pursue solutions that would provide broader long-term benefits to Provo
323 residents.

324
325 Alex Strausberg, a Provo resident, expressed opposition to the proposed data center and cited concerns
326 regarding environmental impacts and water usage during ongoing drought conditions.

327
328 Austin Simcox, a Provo resident, expressed opposition to the proposed AI data center. Mr. Simcox
329 questioned the project's economic benefits relative to its potential environmental and infrastructure
330 impacts and expressed concerns regarding future energy demands associated with data centers. He also
331 raised ethical concerns related to the use of generative artificial intelligence technologies and stated
332 that he did not support Provo's involvement in the development or expansion of such facilities.

333
334 Seth Draper, a resident Provo and former Virginia resident, expressed opposition to the proposed data
335 center. Mr. Draper referenced his experiences living in areas with significant concentrations of data
336 centers and stated that he believed such facilities had negatively impacted quality of life through
337 increased utility costs and noise pollution. He urged the Council not to approve the project and
338 expressed appreciation for Provo's character and livability.

339
340 Dallin Flake, a Provo resident, expressed concerns regarding the long-term economic viability of artificial
341 intelligence companies and the potential risks associated with constructing data centers to support the
342 industry. Mr. Flake discussed reports of substantial operational subsidies within the AI sector and
343 suggested that some companies may face financial sustainability challenges in the future. He stated that
344 he was concerned that a data center could become underutilized or difficult to repurpose if market
345 conditions changed and encouraged the Council to consider the long-term adaptability and economic
346 risks associated with the project.

347
348 Aaron Wheatley, of Provo, expressed opposition to the proposed data center and shared observations
349 from Loudoun County, Virginia, an area with a significant concentration of data centers. Mr. Wheatley
350 stated that he observed continued expansion of data center development in that region and expressed
351 concerns regarding long-term environmental and infrastructure impacts. While acknowledging efforts by
352 the applicant to address water and energy concerns, he stated that he remained skeptical about the
353 long-term outcomes and questioned whether the short-term financial benefits would outweigh future
354 impacts on the community. Mr. Wheatley encouraged the Council to proceed cautiously and vote
355 against the proposal.

356
357 Brooklyn Brighton, a Provo resident, encouraged the Council to proceed cautiously regarding the
358 proposed data center while keeping future opportunities related to artificial intelligence and technology
359 development available. Ms. Brighton stated that her husband was a doctoral student studying artificial
360 intelligence and discussed the rapid pace of advancement and investment occurring within the industry.
361 She expressed support for thoughtful, measured decision-making and stated that she hoped Provo could

PENDING APPROVAL - DRAFT MINUTES

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362 continue fostering innovation and technology growth while preserving community values and quality of
363 life.

364
365 John Sutherland, a Provo resident and retired technology executive, expressed opposition to locating a
366 data center within Provo City. Mr. Sutherland stated that while he recognized the growing importance of
367 artificial intelligence and energy infrastructure initiatives, he believed data centers were better suited
368 for more remote locations with dedicated infrastructure resources. He raised concerns regarding water
369 usage, energy demands on the City's power grid, and future expansion of data center development
370 within Provo. Mr. Sutherland encouraged the Council not to proceed with the proposed project within
371 city limits.

372
373 Bonnie Shiffler-Olsen, of Provo, stated that she uses and appreciates artificial intelligence technology
374 and suggested we ask AI if this plan is feasible and aligns with our goals.

375
376 Catherine Hall, a Provo resident, expressed concerns regarding potential environmental and health
377 impacts associated with the proposed data center. Ms. Hall stated that while the project proposed a
378 closed-loop water cooling system, she was concerned about contaminants generated when the system
379 is periodically flushed and questioned whether existing treatment facilities could adequately process
380 those materials. She also expressed concerns regarding potential emissions from backup generators and
381 the impact those emissions could have on residents with respiratory conditions, including asthma. Ms.
382 Hall urged the Council to consider potential effects on environmental quality and quality of life for
383 nearby residents.

384
385 Holland King, a former Provo resident now living in Orem, expressed concerns regarding the impacts of
386 artificial intelligence and data centers on employment opportunities. Ms. King shared concerns that
387 advancements in AI technology could reduce opportunities for entry-level and creative positions,
388 referencing experiences of family members working in graphic design and related industries. She
389 acknowledged that artificial intelligence could provide benefits in some circumstances but urged the
390 Council to consider the potential long-term impacts on the local workforce and young residents entering
391 the job market before approving the proposed data center.

392
393 Adam Shin, a Provo resident, discussed water conservation concerns related to the proposed data
394 center and emphasized the importance of responsible environmental planning in Utah's desert climate.
395 Mr. Shin noted that residents use significant amounts of water for other purposes and referenced state
396 programs that support water conservation efforts, including xeriscaping and reduced landscape
397 irrigation. He encouraged the City to consider participating in additional conservation programs and
398 suggested that broader residential water conservation measures could significantly reduce overall water
399 usage within the community.

400
401 Chair MacKay closed public comment and invited a council discussion.

402
403 Steve Steyler, representing the applicant, presented additional information regarding the proposed data
404 center project and responded to concerns raised during public comment. Mr. Steyler explained that the
405 property was acquired in 2017 as part of the larger Novell campus and stated that the proposal had
406 been under discussion with City staff for approximately one year. He stated that the applicant's goal was
407 to redevelop the property responsibly while minimizing impacts to air quality, water resources, and the

PENDING APPROVAL - DRAFT MINUTES

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408 City's power infrastructure. Mr. Steyler stated that the project team had worked closely with City staff
409 and the Planning Commission to address concerns related to water use, energy demands, parking, and
410 environmental impacts. He explained that the applicant proposed using a closed-loop cooling system
411 and was exploring the potential use of treated "silver water" from the nearby water reclamation facility
412 rather than potable water sources. He further stated that the applicant would not discharge cooling
413 system water into the City sewer system and would instead utilize third-party disposal services for any
414 water replacement needs. Regarding power usage, Mr. Steyler explained that the proposed facility
415 would utilize electrical infrastructure already allocated to the site and that the current application
416 focused on using existing available capacity rather than onsite power generation. He stated that
417 representatives from Provo Power had expressed support for the proposal during Planning Commission
418 discussions because the existing power allocation was currently unused. Mr. Steyler also discussed the
419 project's anticipated economic impact, stating that the proposed facility and equipment could represent
420 between approximately \$1.2 billion and \$1.4 billion in taxable value. He explained that equipment
421 within the facility would be periodically replaced and updated, creating an ongoing taxable asset base.
422 Mr. Steyler further stated that the applicant viewed the project as foundational infrastructure that could
423 support future technology and business development within the surrounding campus area.

424
425 Councilor Bogdin stated that the Council, Provo Power, and Utah Municipal Power Agency had been
426 studying data centers, energy demands, and related infrastructure impacts for an extended period of
427 time. She emphasized that issues related to power and water use had been carefully evaluated as part
428 of the City's development of a data center policy adopted the previous fall. Councilor Bogdin noted that
429 the proposal also included a development agreement intended to address project impacts and clarified
430 that, although she would not be supporting the proposal, she wanted residents to understand that the
431 City had devoted substantial time and analysis to the issue and had worked to protect community
432 interests throughout the process.

433
434 Councilor Hoban stated that, while he recognized there were arguments both in favor of and opposed to
435 the proposed data center, his primary concern centered on the long-term land use implications for the
436 area. He explained that the site represented an important redevelopment opportunity for the City and
437 expressed a desire to better understand the community's long-term economic development goals
438 before making a final decision. Councilor Hoban stated that the forthcoming economic development
439 study could help determine whether a data center or another type of development would best align
440 with the City's future vision for the area.

441
442 Councilor Christensen stated that the proposed data center represented a significant long-term decision
443 for the City and thanked residents who had shared their perspectives throughout the process. He
444 emphasized that property owners have the right to apply for land use approvals and zoning changes
445 permitted under City processes and clarified that consideration of the proposal was part of the City's
446 land use review responsibilities rather than a moral endorsement of the project. Councilor Christensen
447 stated that his primary concern was ensuring the City proceeded carefully and deliberately because
448 decisions related to land use and infrastructure are difficult to reverse once implemented.

449
450 Councilor Whitlock stated that the Council had received significant public input regarding the proposed
451 data center, including a large volume of emails from residents. He noted that the proposal was being
452 considered while the City was simultaneously conducting an economic development study for the East
453 Bay area and during a transition in leadership at Provo Power. Councilor Whitlock stated that, while the

PENDING APPROVAL - DRAFT MINUTES

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454 project could provide financial benefits to the City’s general fund, he remained concerned about
455 potential impacts related to power demand, utility rates, noise, air quality, and water usage. He also
456 questioned whether the proposal represented the highest and best use of the property and expressed
457 concern regarding the feasibility of the proposed closed-loop cooling system at the scale proposed.
458 Councilor Whitlock stated that he supported proceeding cautiously to avoid approving a project the City
459 could later regret.

460
461 Chair MacKay stated that Provo’s relatively low-cost electricity and ownership of Provo Power made the
462 City attractive for data center development. She emphasized the importance of protecting the City’s
463 power resources, noting that Provo Power is one of the City’s greatest assets and contributes significant
464 value to residents. Chair MacKay stated that she supported waiting for completion of the City’s
465 economic development plan before making a long-term land use decision for the property. She also
466 expressed concerns regarding potential future expansion of the data center, including the possibility of
467 onsite power generation and associated emissions impacts on air quality. While acknowledging that the
468 proposed water reuse approach involving “silver water” was innovative, she stated that questions
469 remained regarding long-term scalability and future impacts.

470
471 Councilor Garrett stated that, after hearing the discussion and public input, he was encouraged by
472 advancements being made within the data center industry related to environmental impacts. He
473 referenced the proposed closed-loop cooling system and potential use of recycled “silver water” and
474 stated that he believed data center technologies were moving in a more environmentally responsible
475 direction. Councilor Garrett also stated that he agreed the City should carefully evaluate the best long-
476 term use for the property but expressed optimism that data centers could continue improving their
477 environmental practices in the future.

478
479 Councilor Whipple stated that she had additional questions based on conversations with constituents
480 but did not feel it was necessary to address them further given the direction of the Council’s discussion.
481 She thanked the applicants for working with the City and acknowledged that there are limited locations
482 within Provo where a data center could potentially be developed. Councilor Whipple noted that the
483 site’s proximity to hotels and a nearby elementary school contributed to some hesitation on her part.
484 She also stated that she had tried to remain mindful of her own biases regarding artificial intelligence
485 and data centers and expressed interest in learning more about the implementation and success of
486 closed-loop cooling systems at comparable scales before moving forward with a project of this type.

487
488 Chair MacKay called for a vote.

489
Vote: The motion failed 0:7 with Councilors Bogdin, Christensen, Garrett, Hoban, MacKay,
Whipple, and Whitlock opposed.

490

Adjournment

491

492 The meeting was adjourned by unanimous consent at approximately 7:15 PM.

493

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 Stormwater Service District Governing Board

5:30 PM, Tuesday, May 05, 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 Jeff Whitlock	Mayor Marsha Judkins
Chief Administrative Officer Scott Henderson	Council Executive Director Justin Harrison (REMOTE)
Assistant City Attorney Gary Millward	City Recorder Heidi Allman

Conducting: Chair Katrice MacKay

Excused: Councilors Craig Christensen and Rachel Whipple

2

Prayer – Julie Rose

3

Pledge of Allegiance – Councilor Whitlock

4

Action Agenda

5

- 1 A presentation of the tentative budget for Provo City for the fiscal year beginning July 1, 2026, and ending June 30, 2027. (26-001) [7:12](#)**

6

7 Mayor Judkins presented the proposed FY 2027 tentative budget, emphasizing that it is a balanced
8 budget with no proposed property tax increase. She stated that the administration worked closely with
9 finance staff and department directors to identify efficiencies, responsibly manage supplemental
10 requests, and prioritize long-term investments that improve quality of life for Provo residents. Mayor
11 Judkins highlighted investments in public safety, cybersecurity, permitting efficiency, and employee
12 support, including a 2% cost-of-living adjustment and expanded parental leave. She also noted efforts to
13 reduce Fire Department overtime costs, maintain low property taxes and utility rates through utility
14 fund transfers, and support Council priorities such as home ownership, economic development, and
15 code enforcement. She thanked staff and the Council for their collaboration throughout the budget
16 process.

17

18 Kelsey Zarbock, Budget Officer, expressed appreciation to the Council, department directors, staff, and
19 city leadership for their extensive work and collaboration in preparing the FY 2027 tentative budget. She
20 specifically recognized Administrative Services Director Dan Follett and Budget Analyst Andrea Wright
21 for their significant contributions to the budget process. Ms. Zarbock explained the timeline for the
22 budget adoption process, noting that the tentative budget was being delivered to the Council, with
23 tentative adoption scheduled for May 12, public hearings on June 9 and June 23, and final adoption

PENDING APPROVAL - DRAFT MINUTES

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24 anticipated by June 23 ahead of the June 30 state deadline. She informed the public that the tentative
25 budget was available online through the City’s transparency portal and highlighted key sections of the
26 budget document, including summaries of fee changes, utility rate changes, personnel items, and
27 funded supplemental requests. Ms. Zarbock emphasized that the proposed budget does not include any
28 recommended property tax increases for general operations or the library. She encouraged residents
29 and Council members to review the budget documents and provide feedback throughout the adoption
30 process.

31
32 Councilor Garrett asked for clarification regarding updated sales tax and revenue projections discussed
33 during the previous work session. He referenced an earlier estimate showing approximately \$6.2 million
34 in increased sales tax and other revenues and asked whether the updated figures reflected a reduction
35 to \$3.6 million in sales tax revenue alone or if the original estimate had included additional revenue
36 sources.

37
38 Ms. Zarbock explained that the sales tax revenue projection for FY 2027 was ultimately adjusted to a
39 more conservative estimate based on updated information. She stated that the proposed budget
40 reflects an approximately \$3.6 million increase in sales tax revenue compared to the FY 2026 budget.
41 Ms. Zarbock noted that the previously discussed \$6.2 million figure may have referred to a broader
42 overall revenue estimate rather than sales tax alone but confirmed that sales tax revenues are still
43 projected to increase significantly in the FY 2027 budget.

44
45 Councilor Garrett asked whether it was fair to conclude that the majority of the increased FY 2027
46 budget was allocated toward adding new staffing positions, based on the summary of proposed
47 positions included in the budget document.

48
49 Ms. Zarbock responded that personnel costs are a significant component of the FY 2027 budget and are
50 outlined in the personnel section of the budget highlights. She noted that several new full-time positions
51 were added but explained that many of those additions were offset by reductions or savings in other
52 areas, such as overtime reductions associated with new firefighter positions. She stated that staff could
53 provide a more detailed breakdown of the overall personnel cost impacts if needed.

54
55 Councilor Garrett stated that he was seeking additional context as he reviewed the proposed budget
56 and wanted to better understand where the increased revenues were being allocated. He noted
57 references in the Mayor’s budget letter to new staffing positions and cost-of-living adjustments and
58 expressed interest in identifying how those increased revenues were reflected throughout the budget.

59
60 Ms. Zarbock explained that each department section in the budget document includes tables showing
61 historical actual expenditures, the FY 2026 adopted budget, adjusted FY 2026 figures reflecting
62 carryovers or mid-year appropriations, and the proposed FY 2027 budget. She stated that comparing the
63 FY 2026 and FY 2027 figures could help identify where revenues and expenditures had increased and
64 offered to provide an additional summary to assist with the review process.

65
66 Councilor Garrett thanked staff and the administration for their work on the FY 2027 budget. He
67 expressed appreciation for the focus on Council priorities and for presenting a balanced budget that
68 does not include a property tax increase.

69

PENDING APPROVAL - DRAFT MINUTES

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70 Councilor Bogdin asked when the Council would receive the consolidated fee schedule.

71
72 Ms. Zarbock stated that she could provide the Council with a red-lined version of the consolidated fee
73 schedule that evening. She also noted that the complete fee schedule is extensive and recommended
74 beginning with the summary of fee changes included at the back of the budget book to better
75 understand the proposed updates.

76
77 Councilor Bogdin stated that additional information regarding recreation center fees included in the
78 budget would be helpful, particularly because the budget document did not provide exact figures for
79 some of the proposed changes.

80
81 Ms. Zarbock acknowledged that there were numerous proposed fee changes and explained that staff
82 chose to summarize the updates within the budget book rather than include the full fee schedule. She
83 stated that she had the complete consolidated fee schedule available and would provide it to the
84 Council.

85
86 Councilor Bogdin thanked Ms. Zarbock and staff for their time and efforts in preparing the budget
87 materials and responding to Council questions.

88
89 *With no objections, the Provo Municipal Council adjourned and reconvened as the Redevelopment*
90 *Agency Governing Board of Provo City with Vice-chair MacKay conducting.*

91 92 **Redevelopment Agency of Provo**

2 **A presentation of the tentative budget for the Redevelopment Agency of Provo City for the fiscal year beginning July 1, 2026, and ending June 30, 2027. (26-001) [23:27](#)**

93
94 Ms. Zarbock explained that the Redevelopment Agency budget was included within the Provo City
95 budget document on page 143 and emphasized that the document represented a proposed budget
96 rather than a final adopted budget. She acknowledged Redevelopment Agency Director Melissa McNally
97 for her work in preparing the budget information.

98
99 *With no objections, the Redevelopment Agency Governing Board of Provo City adjourned and*
100 *reconvened as the Stormwater Service District Governing Board of Provo City with Chair MacKay*
101 *conducting.*

102 103 **Stormwater Service District**

3 **A presentation of the tentative budget for the Provo City Stormwater Service District for the Fiscal Year beginning July 1, 2026, and ending June 30, 2027. (26-001) [24:32](#)**

104
105 Ms. Zarbock explained that the Storm Water Service District budget is included near the end of the
106 Provo City budget document on page 142. She stated that the budget was being presented for Storm
107 Water Board review and again noted that final adoption would not occur until the second meeting in
108 June.

109

PENDING APPROVAL - DRAFT MINUTES

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110 Chair MacKay asked for clarification regarding the ongoing purpose of the Storm Water Service District,
111 noting that the district had originally been created for a specific project that has since been completed.
112 She asked whether the City intends to maintain the district indefinitely or if there are future plans
113 related to its continuation.
114

115 Ms. Zarbock explained that the Storm Water Service District was originally created to support bond
116 financing for stormwater-related projects and noted that the associated bonds were paid off several
117 years ago. She stated that the district currently functions as a separate entity primarily because of the
118 historical bond structure and suggested that legal staff would be best suited to determine whether the
119 entity is still needed. Ms. Zarbock added that the district now oversees stormwater division operations
120 and maintenance within the Public Works Department, including storm drain system maintenance.
121

122 Board Member Bogdin asked Assistant City Attorney Gary Millward whether he had any additional
123 insight regarding the continued existence and purpose of the Storm Water Service District.
124

125 Mr. Millward stated that he did not have specific insight at that time regarding the Storm Water Service
126 District but noted that legal staff could review the requirements for dissolving a special service district
127 and consult with Public Works staff. He indicated that, following that review, legal staff could provide
128 guidance on whether and when the district could potentially be dissolved.
129

130 Board Member Whitlock summarized his understanding that the Storm Water Service District was
131 originally created to facilitate bond financing, that the bonds have since been paid off, and that the
132 district now appears to function primarily as an administrative artifact rather than a separate
133 operational entity.
134

135 Mr. Millward agreed that the Storm Water Service District appeared to primarily remain in place
136 following the payoff of the related bonds. He stated that decisions regarding how the district's funds are
137 currently budgeted would be a matter for the Finance Department, while legal staff would need to
138 review the legal requirements and process necessary to dissolve the district if that were pursued.
139

140 Chair MacKay clarified for the public that the proposed budget presentation marked the beginning of
141 the Council's review process and that no final decisions had been made. She stated that the Council
142 would carefully study the budget over the coming weeks to ensure it aligns with Council priorities and
143 emphasized that the budget process would continue for approximately seven weeks before final
144 adoption.
145

Adjournment

146
147 The meeting was adjourned by unanimous consent at approximately 5:53 PM.

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PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

Time | Date

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
Councilor Gary Garrett
Councilor Jeff Whitlock
Councilor Becky Bogdin
Councilor Travis Hoban
Councilor Rachel Whipple
Mayor Marsha Judkins

Approval of Minutes

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

Approved by unanimous consent.

Business

1. A presentation regarding children's mental health services in Utah County (26-032) [00:00:51](#)

Chair MacKay introduced Rebecca Duston, President and CEO of the Children's Center Utah, who presented on children's mental health services in Utah County. Duston was accompanied by Stephanie Warner, Government Relations Manager for the organization.

Duston began by providing an overview of the Children's Center Utah, which was established in 1962 by Dr. Agnes M. Plank. She described the organization's foundational philosophy that early intervention with young children, in partnership with their caregivers and families, can meaningfully change the trajectory of children's lives by equipping them with tools to manage their emotional challenges. The Children's Center Utah has operated in the Salt Lake County area for over 63 years and is currently expanding statewide.

Duston described the organization's core services, noting that it is a licensed outpatient mental health center and a licensed day treatment center serving children from birth to age six. The organization serves approximately 1,000 families per year in Salt Lake County. Services provided include initial mental health assessments, psychological testing, psychiatric services, and a primary focus on dyadic therapy—working with children and their caregivers together to strengthen attachment and family relationships.

Duston also described the organization's statewide workforce training and consultation efforts, including 100 free hours of webinars and teleconsultation provided annually to early childhood providers of all backgrounds, including preschool and childcare providers, licensed mental health professionals, and pediatricians. She noted that the Children's Center Utah is contracted with the State of Utah to provide consultation and coaching to childcare providers, including providers in Utah County.

Duston highlighted two specialized programs: the Infant Toddler Court Program and the Trauma Program for Young Children. She noted that two teams from the Infant Toddler Court Program are currently working in Utah County in partnership with the Fourth District Court, serving families involved in the child welfare system. Both programs are federally funded. Duston also outlined the organization's policy and advocacy work, which includes efforts to expand Medicaid billing codes and reduce barriers to access, as well as a statewide public awareness effort to reduce stigma around children's mental health.

Duston presented data on the scope of mental health need in Utah, noting that as many as one in five children ages birth to eight (approximately 20 percent) will experience a mental, behavioral, emotional, or developmental challenge. She stated that nearly 60 percent of Utah children ages 3 to 17 who have a mental health diagnosis are not receiving treatment, and that suicide remains the leading cause of death among Utah children ages 10 to 17. She further noted that Utah has approximately one-third fewer behavioral health providers per 100,000 residents than the national average.

Duston described the public-private partnership model the organization has employed to fund its statewide expansion. The Children's Center Utah has received legislative investment to expand beyond Salt Lake County, with Utah County being the first expansion location. She stated that the organization has matched state investments with private donations at a 2-to-1 ratio for the Utah County location.

Duston extended a personal invitation to Council members to attend the ribbon cutting for the new Lehi center, scheduled for October 1. The facility, to be known as the Lehi Center, will be located on the Intermountain Primary Children's Hospital Larry H. and Gail Miller Family Campus in Lehi and will offer both outpatient family therapy and a therapeutic preschool day treatment program.

Chair MacKay asked whether services are offered on a sliding scale. Duston confirmed that the organization accepts both private pay and Medicaid and that all services are offered on a sliding fee scale. She stated that the Children's Center Utah does not turn away any family for whom

they are the appropriate treatment provider, and that private philanthropic fundraising is used to offset the gap between the cost of services and reimbursement rates.

Councilor Christensen expressed enthusiasm for the announcement, calling the development exciting. Duston noted that upon aging out of the organization's services, children and families are referred to partner organizations. She described existing referral relationships with Intermountain Health, Huntsman Mental Health, Valley Behavioral Health, and Wasatch Behavioral Health in Utah County.

Councilor Whipple asked whether the organization provides court-ordered or court-involved therapy. Duston confirmed that some court-involved work is occurring through the Infant Toddler Court Program, and that the organization also serves children who have experienced abuse and children in foster care. She emphasized that the early intervention model is designed to address the compounding effects of social determinants of health and to break cycles of intergenerational poverty and intergenerational trauma.

Councilor Garrett thanked Duston for the services being brought to Utah Valley and requested that Policy Analyst Dayley ensure the ribbon cutting event is placed on the Council's calendar. He asked whether the Children's Center Utah's services would duplicate those of existing organizations such as the Children's Justice Center in Provo. Duston confirmed that the two organizations have been in contact and that collaboration rather than duplication is the intent, noting that a visit to the Children's Center Utah's West Valley facility had been arranged for the Children's Justice Center's director. She noted that there is a significant shortage of service providers and that coordination is essential.

Chair MacKay thanked Duston for the presentation, acknowledged Provo's role as the seat of Utah County, and indicated the Council would distribute information about the Children's Center Utah's services through neighborhood meetings and other community channels.

2–5. Sales Tax Increment Post-Performance Payments [00:20:04](#)

Chair MacKay introduced agenda items 2 through 5 together, as presented by Cody Hill, Economic Development Division Director. The four items before the Council were:

- **Item 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)
- **Item 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)
- **Item 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)
- **Item 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)

Hill presented all four items together, noting that the underlying agreements are governed by resolutions dating to 2016, 2018, 2018, and 2019, respectively, and that the items are substantially similar in structure.

Hill provided contextual background on sales tax increment remittance agreements in general, noting that he had received feedback from staff monitoring community channels expressing concerns about these types of arrangements. He described two general categories in which these agreements arise: first, when a new business is seeking an incentive to locate in Provo; and second, when an existing commercial property seeks support for improvements, renovations, or expansions. He noted that the four properties before the Council fell into the second category. He further clarified that the State of Utah no longer permits cities to enter into new direct sales tax increment agreements of this type; any new arrangements of this nature would need to be structured through a redevelopment agency.

Hill addressed concerns that had been raised publicly, including whether such agreements constitute a form of municipal extortion or represent excessive generosity toward commercial interests. He stated that the agreements were not made under duress—none of the properties were threatening to leave Provo—but rather represented opportunities for the city to support improvements to existing commercial properties in exchange for a share of the resulting growth in sales tax revenue. He noted that the city retains a substantial portion of the incremental revenue generated above the established base amount, and that in his assessment, all four properties have generated meaningful increases in sales tax revenue to the city under these agreements.

Hill noted that the payment to East Bay Shopping Center reflected a decrease from approximately \$65,000 in the prior year to approximately \$57,765 in the current year, which he described as the only anomalous result among the four. He stated that he had submitted the list of businesses from which sales tax revenues were captured to the East Bay representative for verification, and that Finance staff member Daniel Follett was assisting in reviewing two items within the East Bay data before the item advances to a formal Council vote: one business that appeared to have a negative sales tax figure and another that appeared unusually low.

In response to Council discussion, Hill confirmed that the base amount used in each agreement represents the level of sales tax revenue the property was generating at the time the agreement was executed. The increment subject to remittance is the amount generated above that base, with the city remitting a portion—described as half of the city's one percent point-of-sale share—to the commercial entity as a post-performance payment.

Chair MacKay asked whether Parkway Village includes the neighborhood Walmart, and Hill confirmed that it does. Chair MacKay observed that the Parkway Village figures appeared to show strong performance. Hill agreed, noting that even after the city remits a portion of the increment, the retained revenue remains substantial. Hill added that, when adjusted for inflation, the East Bay figures still show a meaningful increase in revenue since the first payment.

Discussion also addressed the specific tenants included within each agreement's boundaries. Hill confirmed that the East Bay agreement does not include Sam's Club and covers only certain

properties within the broader East Bay area. The Parkway Village agreement was confirmed to include the Walmart, attached outpad tenants, and two detached outpad buildings—but not all surrounding properties such as the adjacent 7-Eleven. Day's Market was confirmed to cover only the grocery store itself, not the full strip. Hill noted the arrival of First Watch as a new tenant at Parkway Village in the space previously occupied by a restaurant, which was expected to provide a positive impact on future payment amounts.

Councilor Garrett asked why the state had prohibited new direct city-to-developer sales tax increment agreements. Hill explained that the prohibition was driven in part by concerns about cities being pitted against one another in competitive bidding situations to attract major retailers. He cited Costco as an example, noting that the company had solicited competing offers from multiple municipalities. Hill said the legislature determined it was in the public interest to remove this tool from cities' direct use in order to prevent the erosion of net community benefit when competition becomes extreme.

Closed Meeting [00:34:48](#)

Deputy City Attorney Gary Millward stated that the topic for discussion in the closed session was a strategy session for the sale of real property, which he confirmed is a permissible purpose under Utah statute.

A motion to convene in a closed meeting for the purpose of holding a strategy session to discuss the sale of real property, pursuant to Utah Code 52-4-204 and 52-4-205, was made by Vice-Chair Christensen and seconded by Councilor Garrett. The motion passed 5-0 (Councilors Whitlock and Hoban excused)

The Council recessed the Work Meeting and reconvened in the pre-function room for the closed session.

Adjournment

PENDING APPROVAL - DRAFT MINUTES

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PROVO MUNICIPAL COUNCIL Redevelopment Agency Governing Board Stormwater Service District Governing Board Regular Meeting Minutes 5:30 PM, Tuesday, May 12, 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

Mayor Marsha Judkins

Chief Administrative Officer Scott Henderson

Assistant City Attorney Gary Millward

Council Executive Director Justin Harrison

City Recorder Heidi Allman

Conducting: Chair Katrice MacKay

Excused: Councilor Travis Hoban

2

Prayer – Rajan Zed, President of the Universal Society of Hinduism

3

Pledge of Allegiance – Councilor Bogdin

4

Presentations, Proclamations, and Awards

5

1 A ceremony recognizing the Spring 2026 Provology Graduates (26-007)

6

Chief Administrative Officer, Scott Henderson, presented and congratulated the Provology Spring 2026 graduates. He stated the group demonstrated an unparalleled passion for Provo and expressed appreciation for the opportunity to spend the previous 11 weeks with them. He thanked the department presenters for sharing their enthusiasm and expertise throughout the semester and recognized Shantel in the Mayor's Office for her communication efforts and organization of the program. Mr. Henderson explained that the program included more experience-based learning opportunities this year, including visits and tours at the airport, wastewater treatment plant, Library, City Hall, Recreation Center, and the Covey Center. He also noted the class had the opportunity to stand on the tarmac and watch planes take off and land and experience the raw power of electricity. Mr. Henderson then read the names of the graduates and jokingly remarked that he had told the class each week they were the most intelligent and best-looking Provology class ever.

17

18

2 A ceremony recognizing the Provo City Employee of the month: Parks and Recreation (26-007)

19

PENDING APPROVAL - DRAFT MINUTES

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20 Brad Raney, Director of Parks and Recreation, recognized Bobby Randall, Senior Accounting Technician,
21 as Provo City's Employee of the Month for April 2026. He also recognized Ms. Randall's family members
22 who were present in support of her and thanked them for sharing her time and talents with the City. Mr.
23 Raney stated Ms. Randall joined the Parks and Recreation Department in 2015 and had become a vital
24 member of the administration team, overseeing financial operations including budget monitoring,
25 expenditure tracking, and preparation of the capital improvement plan. He noted her integrity,
26 attention to detail, and professionalism supported informed decision making and benefited Provo
27 residents. Mr. Raney explained that Ms. Randall played a key role during the City's transition to a new
28 financial software system, mastering the platform and helping train employees throughout the
29 organization. He further stated her preparation and presentation during the department's national
30 accreditation review contributed to the department receiving a nearly perfect score. Mr. Raney also
31 highlighted Ms. Randall's passion for bowling, noting she had bowled two perfect games and had
32 organized leagues and tournaments throughout Utah and surrounding states, including leading teams to
33 national championship competitions. He expressed appreciation for her professionalism, commitment
34 to excellence, and dedication to serving Provo residents and congratulated her on the recognition.
35

Public Comment

36
37 Chair MacKay read the public comment guidelines and opened the public comment period. No
38 comments were made, and she subsequently closed the public comment period.
39

Action Agenda

40

3 A public hearing to solicit input on the 2026-27 Annual Action Plan (26-025)

41

42 Melissa McNalley, Community Grants Administrator, presented the public hearing regarding the Annual
43 Action Plan for the City's U.S. Department of Housing and Urban Development (HUD) programs,
44 including Community Development Block Grant (CDBG) and HOME funding. She explained the purpose
45 of the hearing was to receive input from Provo residents and members of the Utah Valley Home
46 Consortium regarding the proposed use of funding for the 2026–2027 program year. Ms. McNalley
47 stated a draft of the Annual Action Plan was available on the Provo City website and could be accessed
48 through a QR code. She noted comments could be submitted through the website, by email, phone, or
49 mail, and stated the contact information for submitting comments was included in the plan.
50

51

51 Chair MacKay opened the public hearing. With none, and no council discussion, she moved to the next
52 item.
53

4 A resolution amending the Council Audit Committee Charter and Internal Audit Charter (26-030)

54

Motion: An implied motion to approve Resolution 2026-11, as currently constituted, has been made by council rule.

55

56 Tanner Taguchi, Council Policy Analyst, presented proposed amendments to the Council Audit Charter,
57 Council Audit Committee Charter, and Internal Audit Charter, noting the item had previously been
58 discussed during a work meeting two weeks earlier. He explained the changes were being made by

PENDING APPROVAL - DRAFT MINUTES

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59 resolution and would not result in amendments to City Code. Mr. Taguchi stated the proposed revisions
60 would update terminology currently modeled after private business auditing practices by replacing
61 references to “external” and “internal” audits with “financial” and “performance” audits to better align
62 with governmental auditing structures and improve clarity for the public. He explained the term
63 “performance auditing” had been defined within the charter using an established auditing source to
64 ensure the City maintained broad authority to review city functions and operations. Mr. Taguchi further
65 explained the amendments would provide flexibility in the composition of the Audit Committee by
66 allowing adjustments to the number of public and Council members serving on the committee based on
67 qualified interest and participation. He stated the changes would also designate the Council Executive
68 Director as the Chief Audit Executive to serve as a liaison between the Audit Committee and the
69 legislative audit process. He noted committee members would be required to complete audit training
70 through the Office of the Legislative Auditor General and described the office as a highly respected
71 auditing agency that provides valuable guidance for effective auditing practices and recommendations.
72 Mr. Taguchi stated additional language had been added at the request of Council Members to explicitly
73 require committee members to comply with the City’s ethics and conflict of interest standards, including
74 disclosure of potential conflicts or family relationships involving audit subjects. He also reviewed
75 proposed changes to the Internal Audit Charter, including clarifying the audit planning process, allowing
76 for either outside contracted audits or limited internal reviews by Council staff, and adding explicit
77 procedures for responding to fraud hotline complaints submitted through the City’s online portal. He
78 concluded by stating the requested action was approval of the charter amendments as presented.

79
80 Councilor Garrett asked whether the proposed audit training for Audit Committee members was
81 separate from the training videos Council Members were already required to review through the State
82 Auditor’s Office.

83
84 Mr. Taguchi confirmed the training would be separate and explained it would focus specifically on the
85 audit function rather than general ethics standards. He added that Council staff would coordinate the
86 training with the Office of the Legislative Auditor General and provide scheduling information when
87 available.

88
89 Chair MacKay opened the public comment period. With no public comments or Council discussion, she
90 called for a vote.

91
Vote: The motion passed 6:0 with Councilors Bogdin, Christensen, Garrett, MacKay,
Whipple, and Whitlock in favor. Councilor Hoban excused.

92
5 A resolution appointing public members to a council standing committee. (26-031)

93
Motion: An implied motion to approve Resolution 2026-12, as currently constituted, has been
made by council rule.

94
95 Mr. Taguchi presented the proposed reappointment of Rick Anderson to serve another term as the
96 public member of the Audit Committee. He stated Mr. Anderson had previously served on the Audit
97 Committee prior to its transition to the Council Office and had also completed one term under the
98 current structure. Mr. Taguchi noted the Council had previously been provided with Mr. Anderson’s

PENDING APPROVAL - DRAFT MINUTES

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99 credentials and experience, including his extensive background in banking and finance, and stated no
100 changes had occurred since the item was discussed during the work meeting.

101
102 Chair MacKay called for a council discussion. With none, she called for a vote.
103

Vote: The motion passed 5:0 with Councilors Bogdin, Christensen, Garrett, MacKay, and Whipple in favor. Councilor Hoban excused. Councilor Whitlock abstained.

104
6 *****CONTINUED*** Natalie & Douglas Langford request an ordinance text amendment to Provo City code 14.22.020 to add a caretaker dwelling as a permitted accessory use in the CG (General Commercial) zone. citywide application. (PLOTA20260119)**

105
7 **A resolution tentatively adopting a proposed budget for Provo City for the fiscal year beginning July 1, 2026 and ending June 30, 2027. (26-001)**

106
Motion: An implied motion to approve Resolution 2026-13, as currently constituted, has been made by council rule.

107
108 Chair MacKay clarified for the public that adoption of the tentative budget did not mean the budget
109 process was complete or that no further changes would occur. She explained the Council would
110 continue refining the budget through the second week of June before final adoption.

111
112 Kelsey Zarbock, Budget Controller, explained the tentative budget had been presented to the Council
113 the previous week and stated the current item served as formal acknowledgment of its receipt.

114
115 Chair MacKay opened the public comment period. With no public comments or Council discussion, she
116 called for a vote.

117
Vote: The motion passed 6:0 with Councilors Bogdin, Christensen, Garrett, MacKay, Whipple, and Whitlock in favor. Councilor Hoban excused.

118
119 *With no objections, the Provo Municipal Council adjourned and reconvened as the Stormwater Service
120 District Governing Board with Chair MacKay conducting.*

121
Stormwater Service District

122
8 **A resolution tentatively adopting a proposed budget for the Provo City Stormwater Service District for the Fiscal Year beginning July 1, 2026 and ending June 30, 2027 (26-001)**

123
Motion: An implied motion to approve Resolution 2026-SSD-05-12-1, as currently constituted, has been made by council rule.

124
125 Ms. Zarbock presented the item acknowledging receipt of the Stormwater Service District proposed
126 budget. She explained the proposed budget had been presented to the Board the previous week and
127 stated the current item served as formal acknowledgment of its receipt.

128

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.

129 Chair MacKay opened the public comment period. With no public comments or Board discussion, she
130 called for a vote.

131
Vote: The motion passed 6:0 with Board Members Bogdin, Christensen, Garrett, MacKay,
Whipple, and Whitlock in favor. Board Member Hoban excused.

132
133 *With no objections, the Stormwater Service District Governing Board adjourned and reconvened as the*
134 *Redevelopment Agency Governing Board with Chair Christensen conducting.*

135
Redevelopment Agency of Provo

136
9 A resolution tentatively adopting a proposed budget for the Redevelopment Agency of
Provo City for the fiscal year beginning July 1, 2026 and ending June 30, 2027 (26-001)

137
Motion: An implied motion to approve Resolution 2026-RDA-05-12-1, as currently constituted,
has been made by council rule.

138
139 Ms. Zarbock presented the item acknowledging receipt of the Redevelopment Agency proposed budget.
140 She stated the proposed budget had been presented to the RDA Board the previous week and explained
141 the current item served as formal acknowledgment of its receipt.

142
143 Chair Christensen opened the public comment period. With no public comments or Board discussion, he
144 called for a vote.

145
Vote: The motion passed 6:0 with Board Members Bogdin, Christensen, Garrett, MacKay,
Whipple, and Whitlock in favor. Board Member Hoban excused.

146
Adjournment

147
148 The meeting was adjourned by unanimous consent at approximately 6:02 PM.

Intermountain Low/Zero Emission Stretch Code Collaborative

Accelerating zero emission
homes and buildings

Presentation to Provo City Council
Work Meeting
May 26, 2026



Core Team

Local Government Cohort

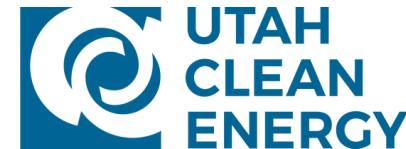


Plus: Industry and community engagement in each city

Funder & Project Officer

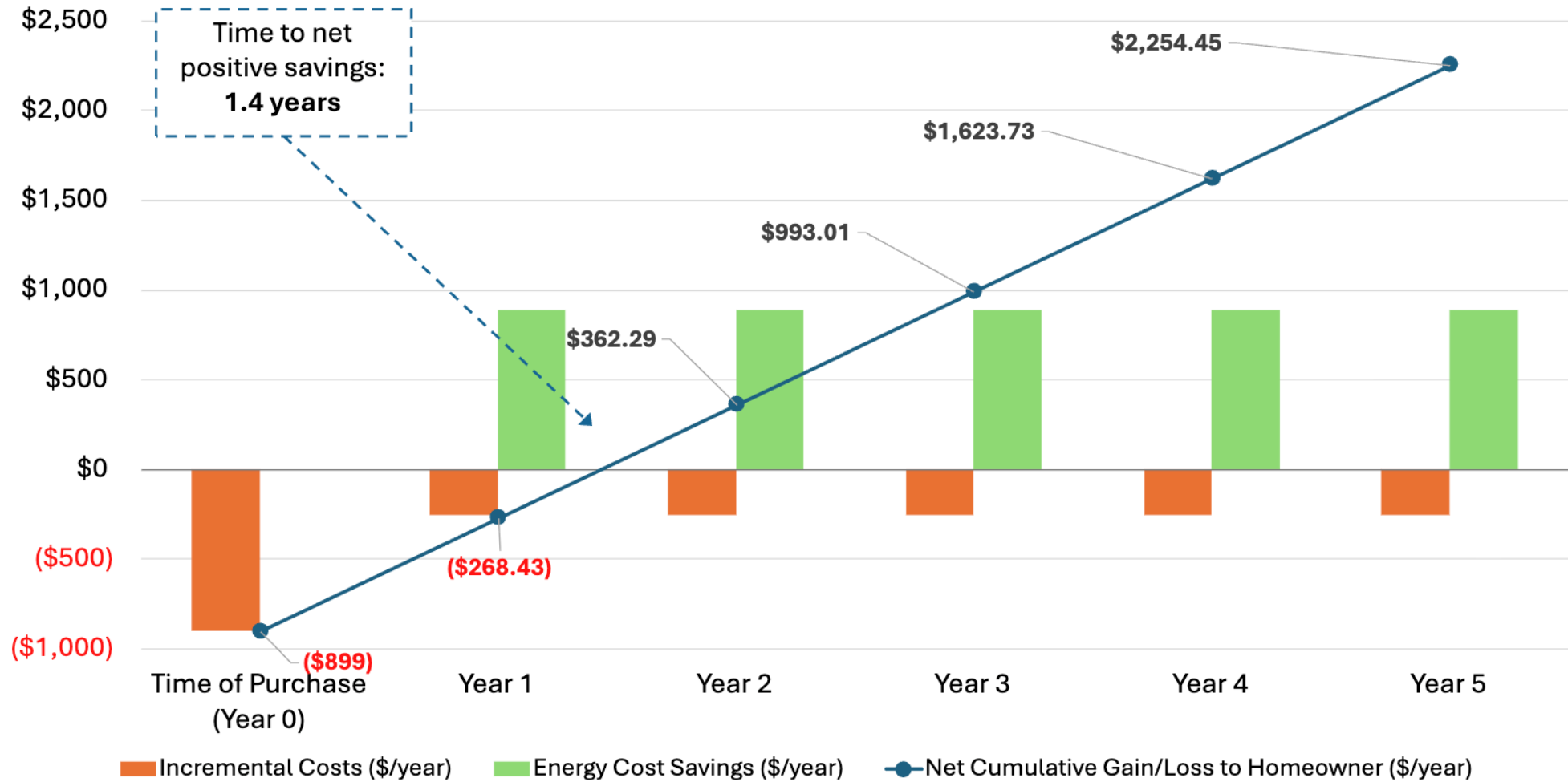


Technical Advisory Committee ("TAC")



Low and Zero Emission Housing Is Affordable

Net Cost Savings to Homebuyer Over Time



Two Tiers: Low- & Zero-Emissions Buildings

Tier 1: Zero-Emissions Building

Definition: “A building that achieves zero operational emissions from energy use through achieving high level of energy efficiency, being free of on-site emissions from energy use, and using energy that is generated solely from clean energy sources.”

Key Criteria

1. Highly energy efficient
2. Free of on-site emissions
3. Powered 100% by on- or off-site clean energy

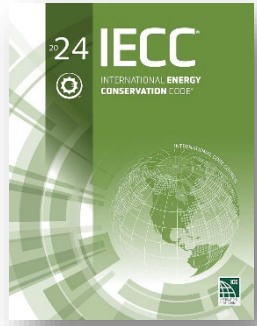
Tier 2: Low-Emissions Building

Definition: “A building that achieves significantly reduced operational emissions through achieving high levels of energy efficiency, limiting on-site combustion, and meeting **part of** its energy consumption with clean energy sources.”

Key Criteria

1. Highly energy efficient
2. Limited on-site emissions (**details pending**)
3. Powered partly by clean energy (**details pending**) or solar-ready

WORKING DRAFT - NOT FINAL



Code-based Pathway 1:

2024 IECC + Appendices/Resources

Commercial 2024 IECC + Appendices & Resources

1. Appendix CC Zero Energy Commercial Building Provisions
2. Appendix CI Demand Responsive Controls
3. Appendix CF Energy Credits
4. Resource CRA All-Electric Commercial Building Provisions

Residential 2024 IECC + Appendices & Resources

1. Appendix RC Zero Energy Commercial Residential Buildings
2. Appendix RJ Demand Responsive Controls
3. Appendix CF Energy Credits
4. Resource RRA All-Electric Residential Buildings

WORKING DRAFT – NOT FINAL

Code-based Pathway 2:

Local energy code + Zero Energy
& All-Electric “Add-ons”

Commercial Local Energy Code, plus:

1. Zero Energy Commercial Building Provisions (2021 IECC)
2. All-Electric Commercial Building Provisions (2024 IECC Resource CRA)

Residential Local Energy Code, plus:

1. Zero Energy Residential Building Provisions (2021 IECC)
2. All-Electric Residential Buildings (2024 IECC Resource RRA)

WORKING DRAFT – NOT FINAL

Pathway 3: Above Code Programs



WORKING DRAFT - NOT FINAL



LEEDZero



Incentives

Incentives Being Investigated

1. Rebates and Green Financing (in cooperation with Provo Power and RDA)
2. Technical Assistance
3. Streamlined Permits
4. Zoning Variances
5. Promotion and Awards

WORKING DRAFT – NOT FINAL



Request

Formal support for continuation of the project

- Continuing our collaboration with Provo city staff, industry stakeholders, and community members to develop a proposed voluntary stretch code policy



**PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT**



Submitter: TTAGUCHI
Presenter: Kevin Emerson, Director of Building Efficiency and Decarbonization; Alyson Bergomi, Clean Energy Associate
Department: Recorder
Meeting Date: 5/26/2026
Requested Duration (Minutes): 15 minutes
CityView or Issue File Number: 26-040

SUBJECT: 1 A Presentation on Voluntary Stretch Energy Codes by Utah Clean Energy (26-040)

ADMINISTRATIVE RECOMMENDATION: Consider whether the Council would like to continue hearing more information as Utah Clean Energy continues its research into the implementation of stretch energy codes. If so, the Council should draft a letter of support which will be sent to the US Department of Energy.

ADMINISTRATIVE MEMO: This is a Council submitted item. Notes on this item will be included in the Council section.

FISCAL IMPACT: No proposal with a fiscal impact at this time.

COUNCIL STAFF MEMO: Utah Clean Energy received a grant from the US Department of Energy to study the implementation of voluntary building codes, known as stretch codes, that are aimed at reducing direct emissions (e.g., gas stoves) and improving overall energy efficiency (i.e., the amount of electricity/gas a fixture or appliance consumes). Developers would assume the added burden of more stringent building codes voluntarily in exchange for incentives such as administrative streamlining or superior financing.

Utah Clean Energy's grant is divided into two parts. They are currently in the first phase of that grant period. They must report back to the department on its progress. This includes showing that jurisdictions have interest in hearing more about their research into implementing stretch codes. In the materials they've provided you'll find the purpose of their work as well as more detailed proposals. None of these proposals are final and they are not asking for a commitment to take action.

If the Council is interested in hearing more from them and is willing to consider adopting stretch codes in the future, the Council would write a letter of support (draft attached) that would be included in their mid-grant report to the federal government.

[City Mayor's/ City Council's Letterhead]

[Date]

The Honorable Chris Wright
Secretary of Energy
U.S. Department of Energy
1000 Independence Ave. SW
Washington, DC 20585

RE: Expression of Continued Support for Cooperative Agreement [Insert Agreement Number]

Dear Secretary Wright,

On behalf of Provo City, Utah, I am writing to formally express our commitment to continued participation in the three-year U.S. Department of Energy (DOE) cooperative agreement focused on developing low- and zero-emission building incentive programs. Furthermore, Provo is committed to formal consideration of adopting a voluntary low and zero emission building program during the upcoming second phase of this project.

The building sector represents a significant opportunity for improved affordability and emission reductions. In Provo, residential and commercial structures account for 64% of our local emissions. The City has adopted a Conservation and Resiliency that includes the goal to reduce emissions by 15% by 2030 and 50% by 2050. Addressing emissions from our built environment is one of the most crucial steps to achieving that goal.

The technical assistance and framework provided through this partnership have been instrumental in moving us beyond conceptual planning toward the design of robust, market-transforming incentive programs. Over the past year, this collaboration has enabled us to understand the benefits of low- and zero-emission buildings, learn about possible incentives to offer, and gain insights into local market needs for high-performance building standards. This initiative offers both environmental and economic benefits. By incentivizing the adoption of energy efficient, low- and zero-emissions homes and buildings, this program will help residents—including low-to-moderate-income households—reduce long-term energy burdens, insulate themselves from volatile costs, and meet community goals for energy conservation and stewardship.

Our progress to date is significant. We have engaged a diverse coalition of stakeholders including designers, developers, contractors, community organizations, and utilities to ensure our programs are technically sound and aligned with local market needs. We look forward to finalizing the design of the programs, launching pilot initiatives, gaining our first program participants, and establishing a scalable model for other municipalities to follow.

Commented [HS1]: Note that we are committing to consider it. We promise a discussion, public hearing, and vote, but none of this binds the Council to any specific outcome of the vote.

Achieving our community goals benefits directly from sustained federal-local cooperation. The DOE's investment is a testament to what is possible when national policy meets local implementation. We are eager to continue this vital work and look forward to a productive continuation of this initiative.

Sincerely,

[Signature]

[Council Chair Name]

Provo City Council



MEMORANDUM

To: Provo City Council

From: Alyson Bergomi and Kevin Emerson, Utah Clean Energy

Date: May 19, 2026

Subject: Update on Development of a Voluntary Program to Encourage High-Performance Affordable Homes and Buildings

I. Background & Update

In 2023, Utah Clean Energy and staff presented to the Provo City Council about a voluntary program to incentivize high-performance homes and buildings, and the Council unanimously directed us to develop a draft that they could evaluate. This memo is an update to the Council about the progress we have made.

Since early 2025, Utah Clean Energy staff have been working with Provo City staff on a U.S. Department of Energy funded effort to develop a voluntary incentive framework for energy-efficient and affordable, low- and zero-emissions homes and buildings that would be feasible for Provo’s developer community. We are incorporating the Council’s previous feedback and are ensuring that the standards are consistent across participating local municipalities to simplify the program for participating developers.

Energy-efficient, low- and zero-emission (LZE) homes and buildings reduce energy bills, which increases the long-term affordability of housing in Provo while also supporting community air quality goals. The proposed framework is designed to help Provo expand housing affordability, support builder innovation, and encourage low- and zero-emission construction through voluntary, incentive-based pathways tailored to address local priorities. This regional effort also includes Boise, Idaho; Jackson, Wyoming; and Salt Lake City, and involves research, development of program design, stakeholder engagement, and more.

II. Voluntary Construction Standards and Incentives Being Discussed

We are currently seeking feedback from industry stakeholders and City staff about what construction standard the City should reference for contractors or developers to be eligible for the proposed incentives. The tables below outline the current options for voluntary construction standards.

Voluntary Construction Standards

Code-Based Pathway – Two Options:	
Option 1: 2024 IECC and Appendices	Option 2: Local Energy Code and Appendices

Base code: 2024 IECC provides superior energy efficiency, plus	Base code: Whichever energy code is in effect, plus
<ul style="list-style-type: none"> • Zero Energy Building (<i>renewable energy + base efficiency</i>) • Demand Responsive Controls (<i>grid flexibility</i>) • Energy Efficiency Credits (<i>additional energy efficiency</i>) • All-Electric Building (<i>all-electric appliances and equipment</i>) 	<ul style="list-style-type: none"> • Zero Energy Building (<i>enhanced energy efficiency and renewable energy</i>) • All-Electric Building (<i>all-electric appliances and equipment</i>)

Third-Party Certification Pathway – Multiple Options:
Option 3: Use a recognized third-party certification program, such as:
<ul style="list-style-type: none"> • DOE Efficient New Home Program (U.S. DOE) • ENERGY STAR NextGen Certification (U.S. DOE) • LEED Zero Energy (USGBC) • NGBS Green + Net Zero Energy Badge (Home Innovation Research Labs) • Phius ZERO (PHIUS) • Zero Energy Certification (ILFI)

Based on research from other municipal and state programs and feedback from local stakeholders and City departments, we are refining a list of proposed incentives that the City could offer to encourage designers, contractors, and developers to construct buildings to more innovative standards. The table below outlines the current types of incentives being considered.

Incentive Concepts Being Discussed
<ul style="list-style-type: none"> • Rebates and Green Financing (in coordination with Provo Power and RDA) • Technical Assistance • Streamlined Permits • Zoning Variances • Promotion and Awards

III. Benefits to Provo City

For Provo, the strongest value of this approach is practical: lower utility costs for residents, reduced barriers to high-performance construction through incentives, and a voluntary structure that gives builders flexibility while improving long-term housing affordability. Utah Clean Energy’s pilot work found that buyers of low- and zero-emission model homes are expected to see a return on investment in approximately 1.4 years, demonstrating that energy efficiency improvements can produce near-term savings for Provo residents.

The proposed framework can be customized to Provo’s needs by defining clear performance targets for low- and zero-emission buildings and pairing them with practical incentives. In simple

terms, low-emission buildings prioritize high efficiency and may include limited on-site natural gas usage, while zero-emission buildings are all-electric and powered by on- or off-site renewable energy. Potential incentives include rebates or green financing, technical assistance, streamlined permitting, zoning flexibility, and public recognition for participating projects.

IV. What We Have Heard

To date, we have held numerous meetings with Provo City leadership and staff, including Mayor Judkins, Building Services, Planning, the Provo City RDA, Economic Development, and the Mayor's Sustainability Committee. We have begun to host listening and feedback meetings with construction industry stakeholders and community members, including members of the Citizens Sustainability and Natural Resources Committee. We will meet with Provo Power staff on May 20th. Based on our engagement to date, several priorities stand out for Council consideration:

- **Support for a voluntary approach.** Nearly all stakeholders recognized the value of a voluntary, incentive-based approach for this initiative.
- **Housing affordability must remain central.** Stakeholders emphasized that a voluntary program should create pathways for multifamily and existing housing so efficiency benefits are broadly accessible.
- **Incentives should focus on measures that matter to the market.** Expedited permitting, zoning flexibility for multifamily projects, and support for off-site renewable energy (such as Provo Power's SharedSolar program) emerged as the most meaningful options for encouraging participation.
- **Implementation support will be important to success.** Technical assistance for both City staff and industry participants can help Provo launch a voluntary program with clarity and consistency.

V. Requests

Utah Clean Energy staff respectfully request an opportunity to brief the City Council on this voluntary incentive framework that will encourage the construction of affordable, high-performance, low- or zero-emission homes and buildings in Provo City.

Second, we seek the City Council's formal support for continuing this collaboration through a formal affirmation of this intent. This documentation is needed by the U.S. Department of Energy to demonstrate the City's support for continuing the project into the second phase. The same request is being made of the other participating jurisdictions.

Thank you for considering these requests. We look forward to answering questions and hearing your thoughts on how a voluntary stretch code program could best serve the Provo community.

Proposed Water Rate Increase

FY27 Tentative Budget Discussion

Provo Rate Increases Have Remained Steady

Provo's Water Rate Increases										
2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
20%	11%	8%	5%	5%	5%	5%	5%	5%	0%	3.3%

10-year analysis of 24 cities:

Half raised rates by 10% or more at least once following COVID ('22-'24).

Sometimes increases were as high over 30%.

Other Cities Are Considering Water Rate Increases

City	FY27 Proposed Increase
Provo	6%
Spanish Fork	3%
Orem	5.5%
Springville	3%

Proposal:

6% increase to the base and tiered water rates

6% Increase in Values

Monthly Base Rate for 1" Connection

Current Base	Proposed Base	
\$27.04	\$28.66	+\$1.62

Rate Per 1,000 Gallons

Current Tier 1	Proposed Tier 1
\$1.37	\$1.45

First 15k Gallons

+\$0.08

Current Tier 2	Proposed Tier 2
\$2.09	\$2.22

Next 85k Gallons

+\$0.13

Current Tier 3	Proposed Tier 3
\$2.81	\$2.98

Over 100k Gallons

+\$0.17

Max Monthly Tier 1:

\$20.55 -> \$21.75

Household Increase Example #1

Monthly Assumptions:

- 1" Connection
- Average of 18,000 Gallons

	Current	Proposed	
Base	\$27.04	\$28.66	
Tier 1	\$20.55	\$21.78	
Tier 2	\$6.27	\$6.65	
Utility Tax	\$3.23	\$3.43	
			Difference:
Monthly Bill	\$57.09	\$60.52	\$3.43
Annual Cost	\$685.10	\$726.21	\$41.11

Household Increase Example #2

Monthly Assumptions:

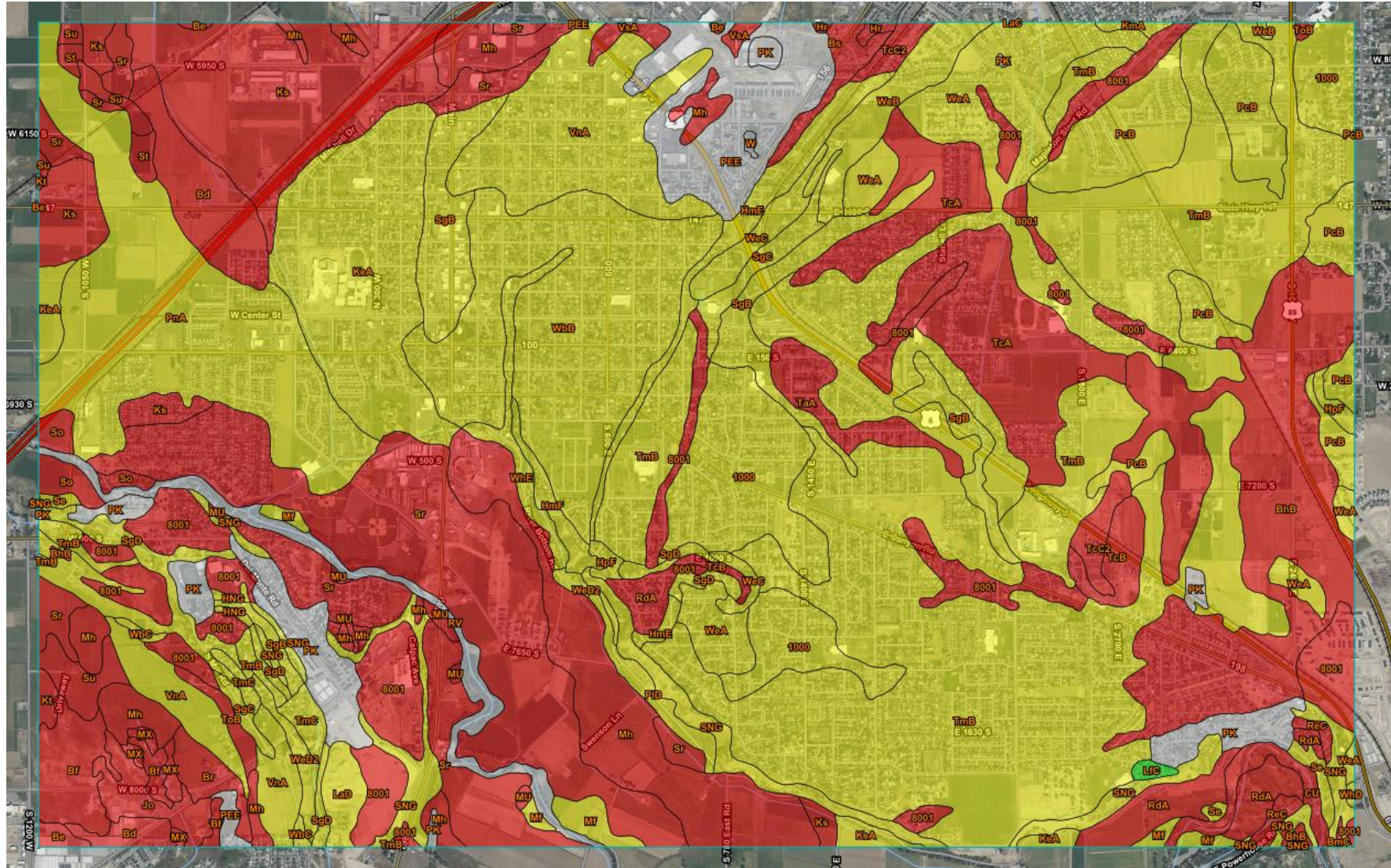
- 1" Connection
- Average of 25,000 Gallons

	Current	Proposed	
Base	\$27.04	\$28.66	
Tier 1	\$20.55	\$21.78	
Tier 2	\$20.90	\$22.15	
Utility Tax	\$4.11	\$4.36	
			Difference:
Monthly Bill	\$72.60	\$76.96	\$4.36
Annual Cost	\$871.19	\$923.46	\$52.27

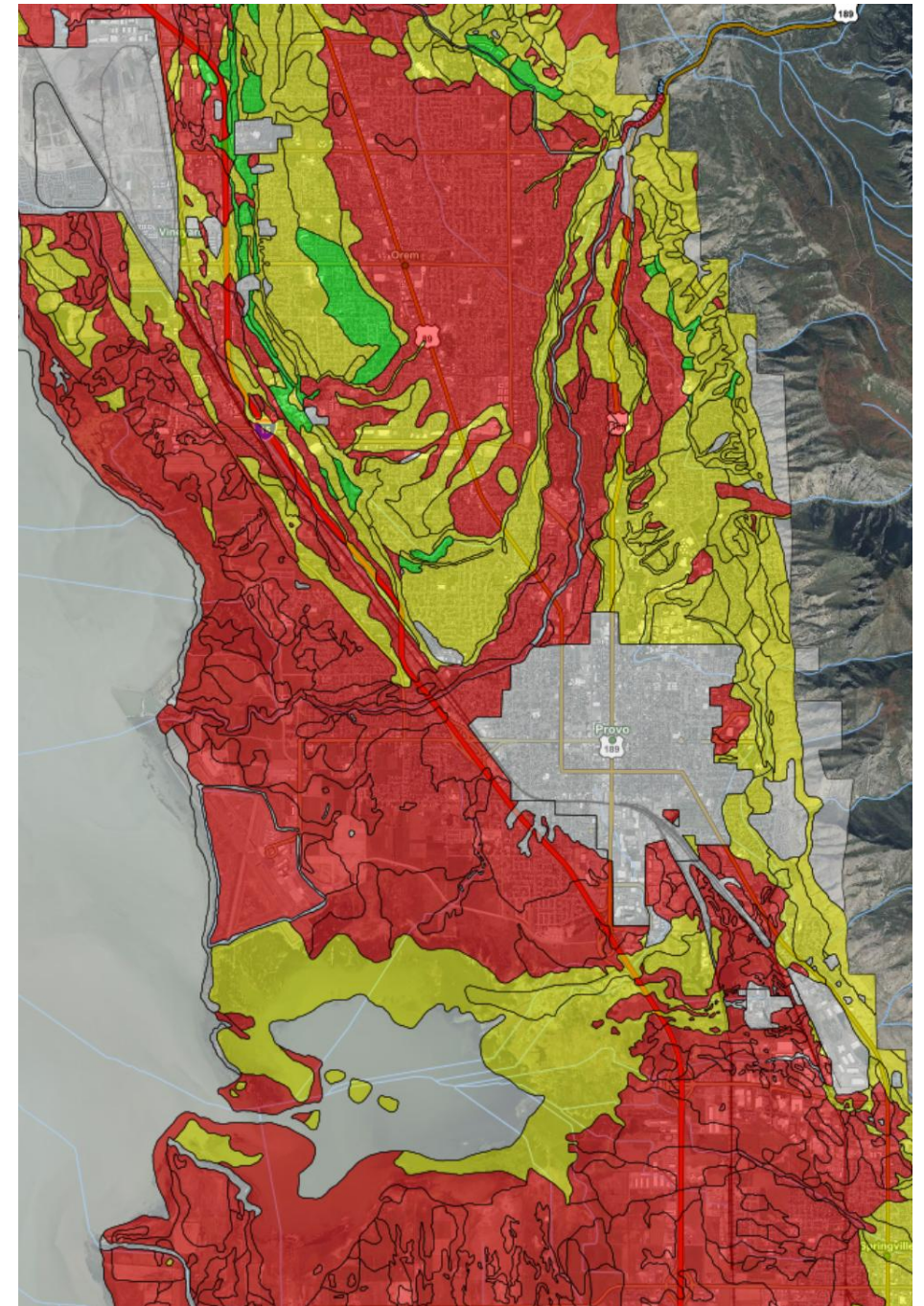
Fundamental Assumptions

1. No pipe is invincible or immortal.
2. Inflation increases the cost of wages and materials annually to deliver the same amount of service.

Spanish Fork Corrosion Risk



Provo/Orem Corrosion Risk



Infrastructure Differences

Provo and Orem

~85% Ductile Iron
~10% Cast Iron

Pros

- Less susceptible to lateral cracks
- Repairs are simple

Cons

- More susceptible to corrosion

Springville and Spanish Fork

Phasing in PVC over the past 30 years

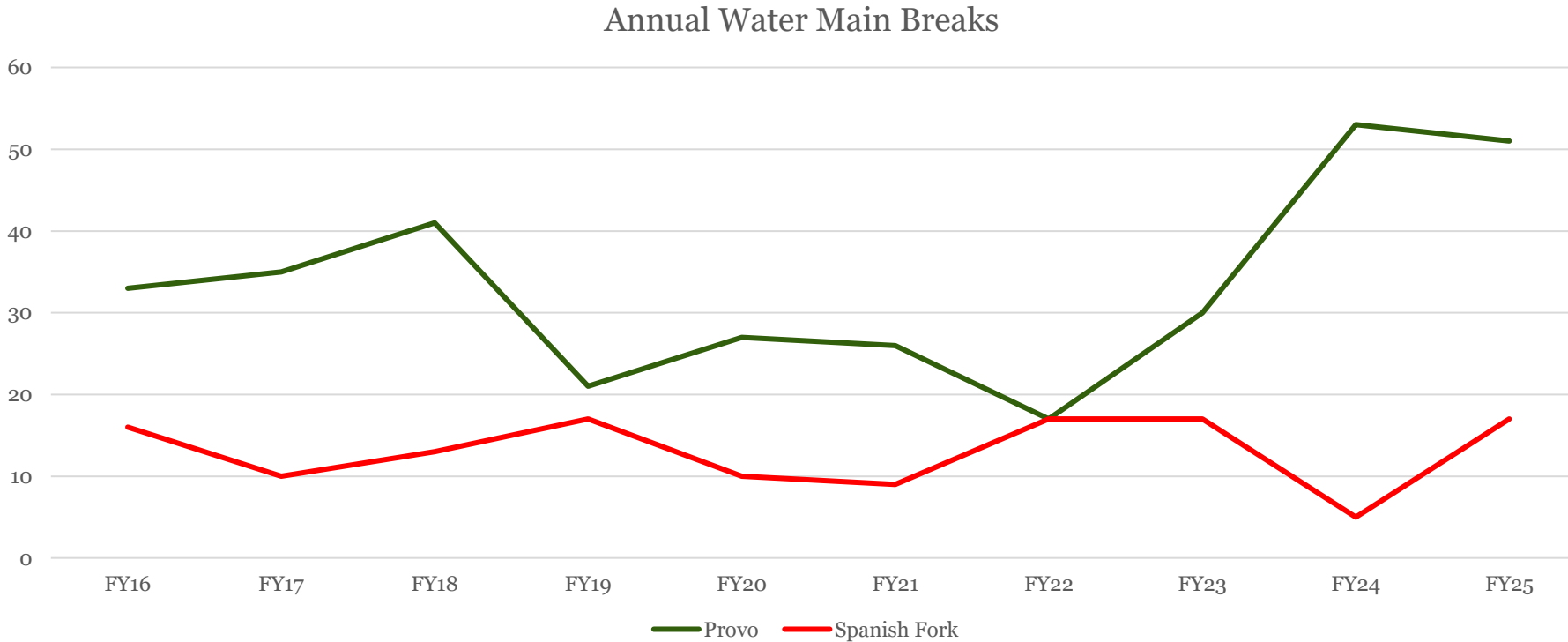
Pros

- Cheaper (~50%)
- Less susceptible to corrosion & breaks

Cons

- Limited track record

Provo's System Likely Requires More System Repairs Than Other Cities



How Many Miles Should Be Replaced Annually?

Water division recommendations are based on increasing the pace of replacements to achieve system turnover in **80 years**.

2 Miles Per Year	3 Miles Per Year	4 Miles Per Year	5 Miles Per Year	5.5 Miles Per Year
215 Year Pace	143 Year Pace	108 Year Pace	86 Year Pace	78 Year Pace



Inflation Has Impacted Costs

Provo: 12" Ductile Iron Pipe

2016

\$171



8.8% Average Annual

2026

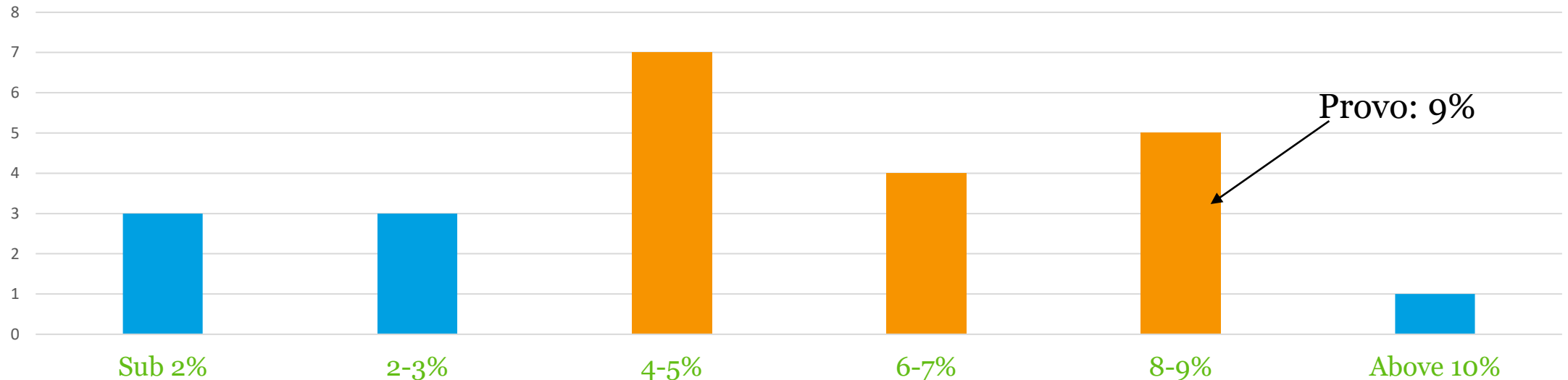
\$322

Regular Rate Increases Are Normal

10-year analysis of 24 cities:

- 83% raised rates at least 3 times
- 25% raised rates more than 8 times

2/3 of Sample Cities Have Average Annual Increases Between 4% and 9%



Water Professionals Prefer Consistency

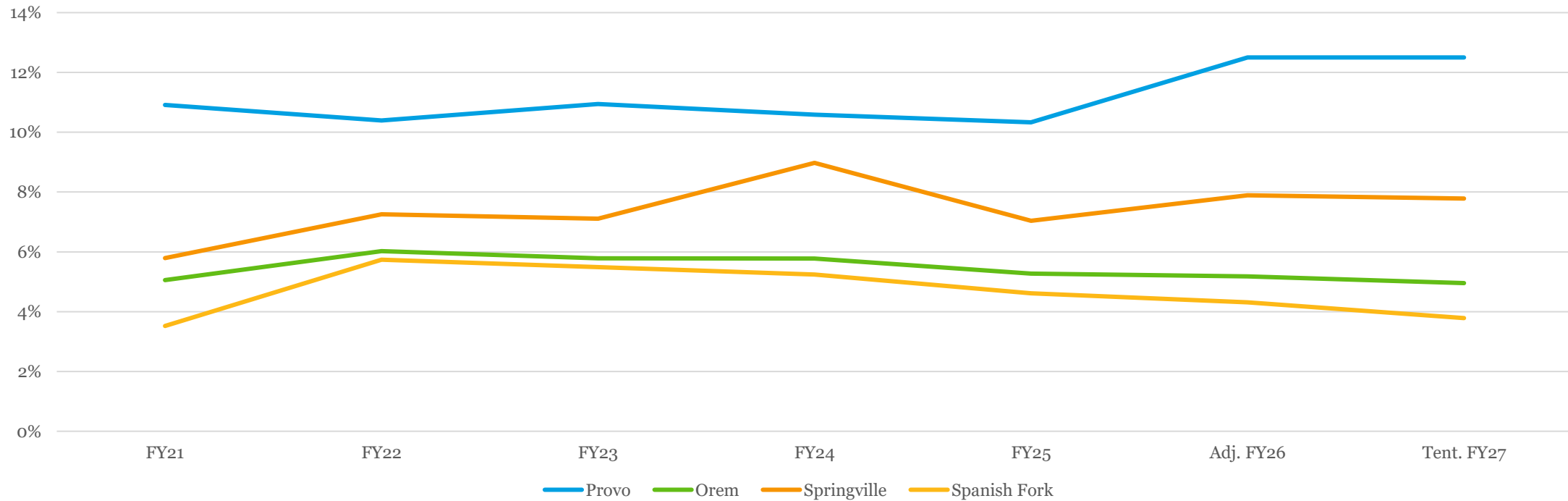
Interviewed cities favored regular rate increases.

- Orem
- Springville
- Spanish Fork

Sample cities that delayed increases had to catch up.

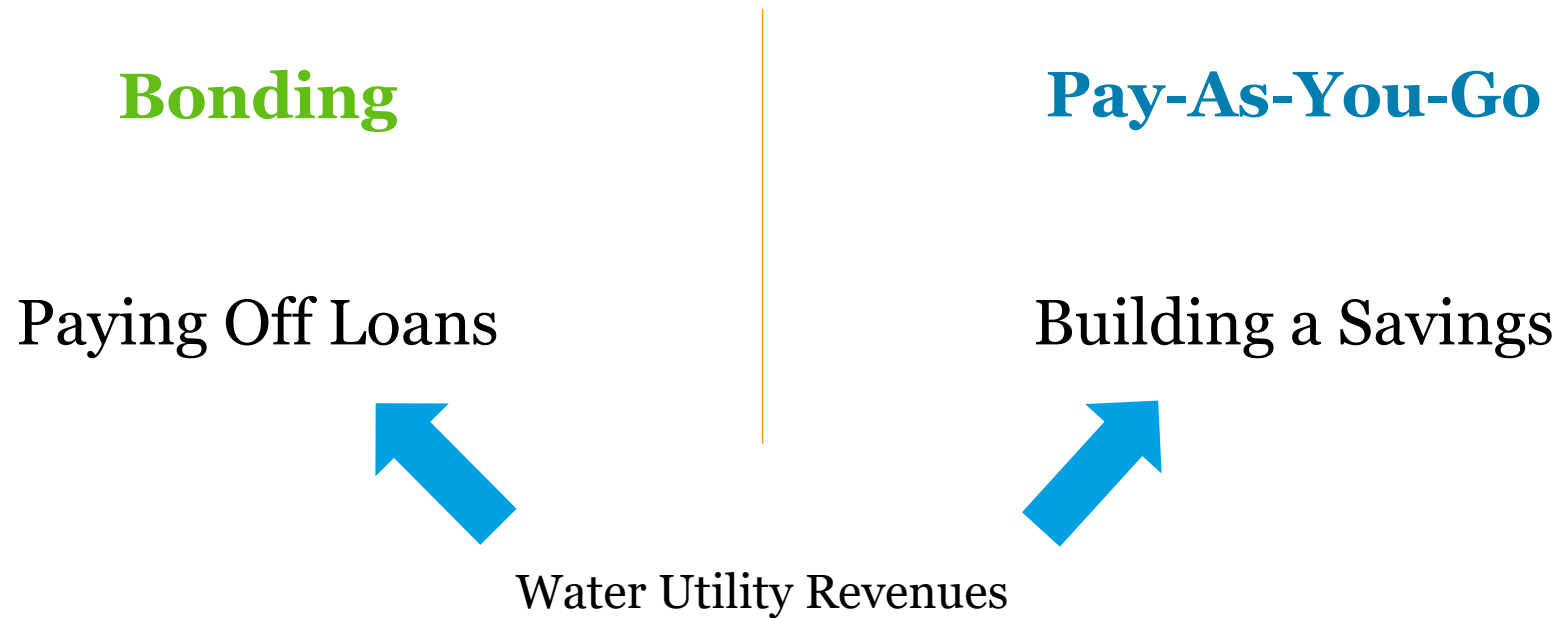
- Woodland Hills
- Elk Ridge
- Salt Lake City
- Highland
- Eagle Mountain
- Saratoga Springs
- Logan

Provo Water's General Fund Transfers Are Higher Than Other Cities



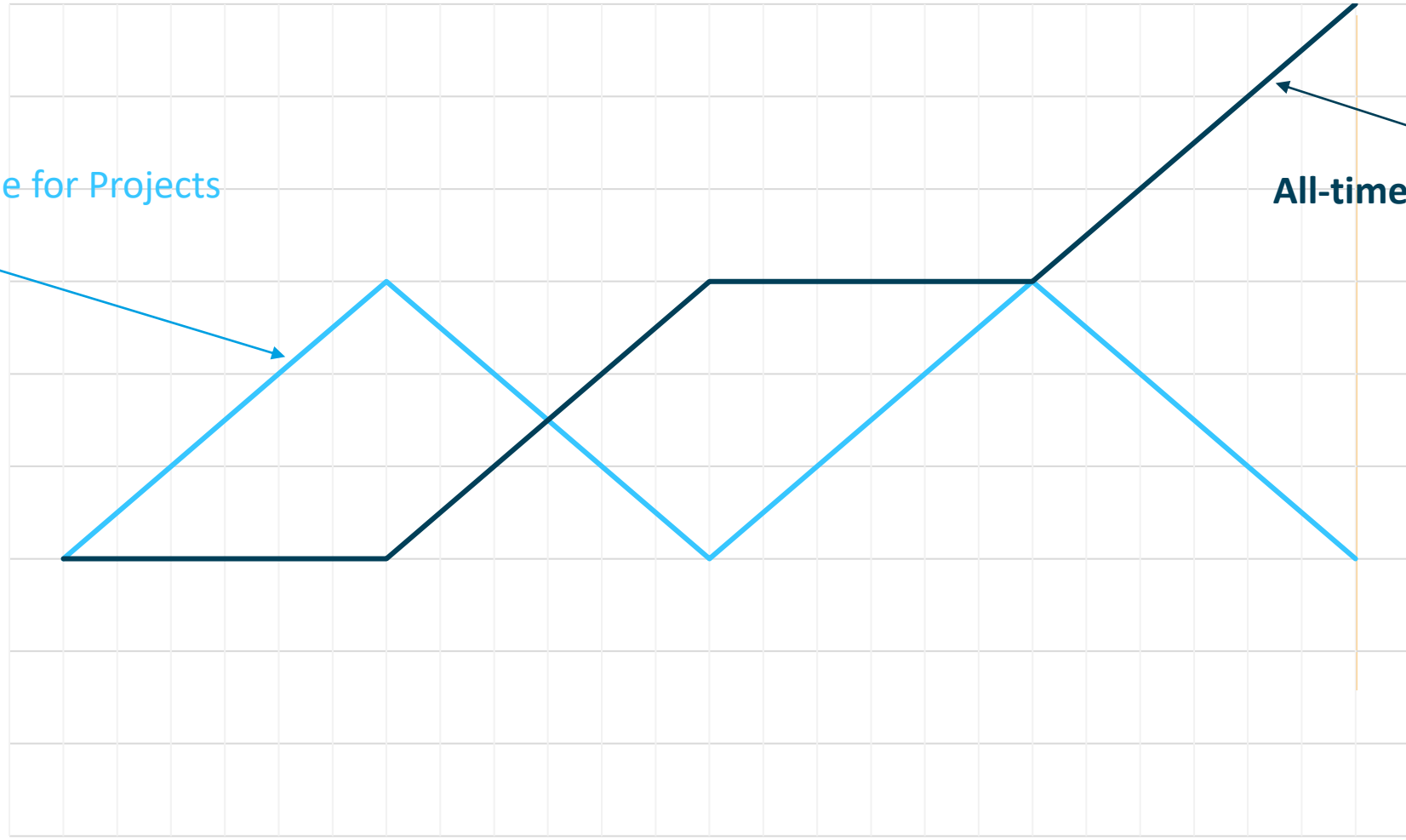
Bonding: Timeline vs Payment Source

Bonding vs Pay-As-You-Go affects timeline not of the source of payment.



Annual Cash Available for Projects

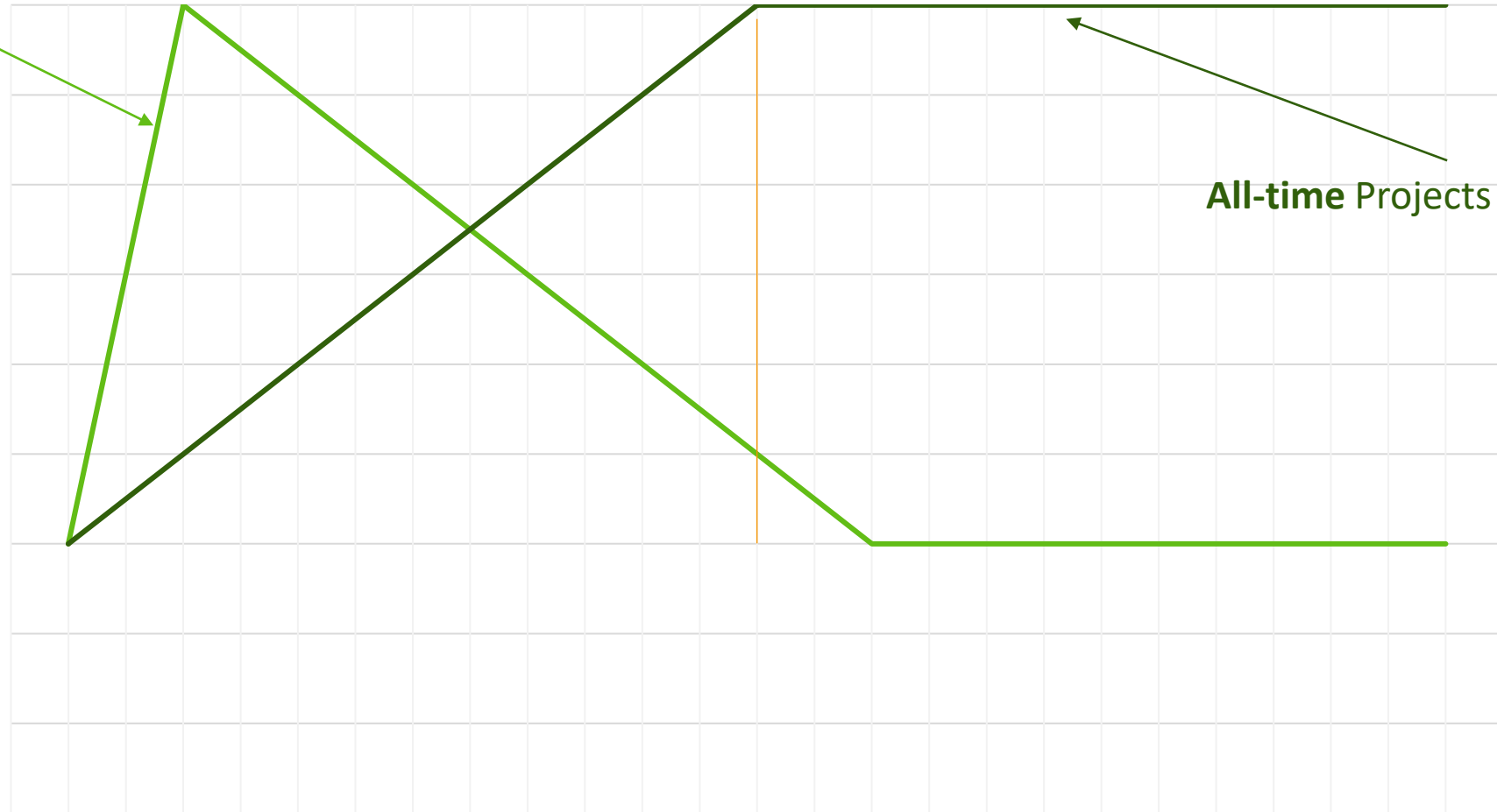
All-time Projects Completed



Pay As You Go



Annual Cash Available for Projects



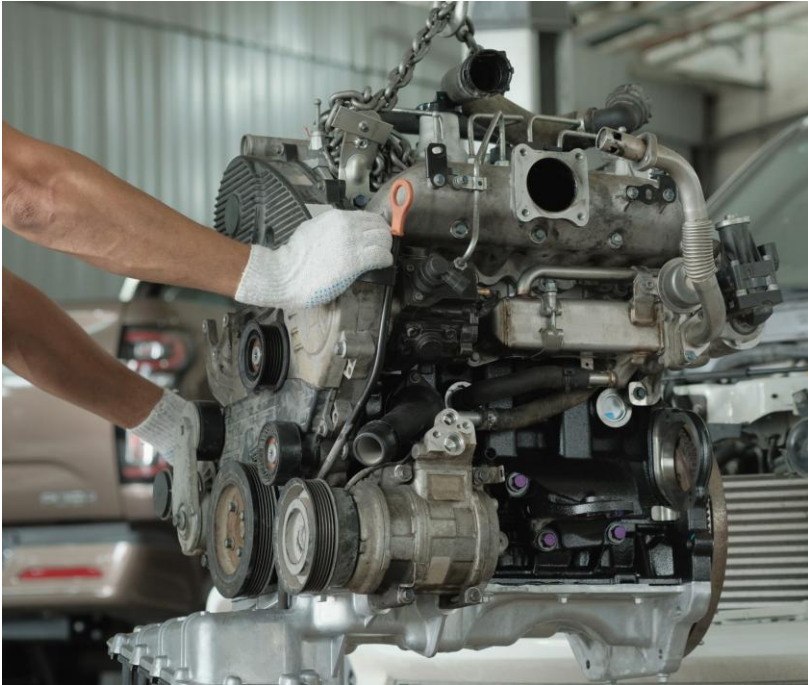
All-time Projects Completed

Revenue Bonding



Bonding: Limitations

Must spend 85% of bond revenue within three years.



VS



Liabilities

Water-related Liability Payments are Increasing

	2022	2023	2024	2025
# of Claims	2	5	7	26
\$ of Payments	\$1,800	\$50,232	\$76,978	\$154,861*

*\$166,000 still pending

Average of **five leaks** per month (2025)

Average of **15 homes** affected per shut off

Proactivity vs. Reactivity

Bowden Collins & US Department of Energy:

Reactive replacement in water is significantly more expensive.

Non-monetary costs must be considered case by case.



Recommendation:

**Hear Detailed Data on
Comparison Cities In Two Weeks**

Comparisons Cities with Lower Rates

System Miles

Utility Customers

Miles Per Customer

O&M Budget

O&M Per
Mile

Average Capitol
Expenditures

Avg. Capitol
Per Mile

Comparisons Cities with Lower Rates

Total Leaks

Leaks per Mile

Annual Repair Costs

Annual Replacement Costs

Finance

O&M per mile

Annual CIP funds?



**PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT**



Submitter: TTAGUCHI
Presenter: Tanner Taguchi, Council Policy Analyst
Department: Recorder
Meeting Date: 5/26/2026
Requested Duration (Minutes): 90 minutes
CityView or Issue File Number: 26-039

SUBJECT: 2 A presentation on Provo's water system and proposed water rate increases (25-039)

ADMINISTRATIVE RECOMMENDATION: Consider the data provided by Council Staff that give context to the rate increase proposal and decide whether more detailed data is warranted before making decisions on the final rate for FY27

ADMINISTRATIVE MEMO: See attached memorandum document.

FISCAL IMPACT: There is no fiscal impact from this presentation. However, there will be fiscal impacts based on the final water rates.

COUNCIL STAFF MEMO: This is a Council Office item. All information is in the attached memo and presentation documents.



Municipal Council Policy Analyst Memo

To: Provo Municipal Council

From: Tanner Taguchi, Council Policy Analyst

Re: Analysis of Proposed Water Rates

Date: Tuesday May 26, 2026

Executive Summary

The water division is recommending a 6% increase to the base and tiered water rates. Provo has historically adopted similar annual rate increases. This proposal is also consistent with how other Utah Valley cities have addressed inflated costs associated with providing reliable water service to residents. The proposal is based on a comparison between the life of the materials used in the system and the resources needed to replace they materials before they wear out. When pipes run to the point of failure, there may be increased costs compared to proactive replacement, especially when considering non-monetary costs like outages and property damage. Given this, Council should hear more data from neighboring cities that can be used to inform their judgement on rate decisions.

Condition

Water System

Like many established Utah cities, significant portions of Provo's water infrastructure were installed between 1918 and 1990. While the age of a pipe is not the only factor in determining its risk of failure, other conditions such as pipe material and soil conditions can accelerate pipe deterioration. Provo's soil is highly corrosive. While most cities in Utah Valley have corrosive soil, the portion of Provo's land that is severely corrosive is higher than other cities.

While the soil composition contributes the more rapid deterioration of Provo water pipes, the problem is exacerbated by the composition of the system itself. Provo's system is about 85% ductile iron and 10% cast iron. Studies have shown that ductile iron is relatively susceptible to corrosion. It is thinner than cast iron, but still corrodes at similar rates. PVC pipe, on the other hand, is not as susceptible to corrosion in the same way.

This confluence of system age and composition as well as soil conditions lead Provo's system to have an increasing number of leaks over the past five years. In FY24, Provo system experienced 53 water main breaks and 51 main breaks in FY25.

Finances

The division is seeking to fund ongoing repair and replacement efforts through a pay-as-you-go approach. This means saving money gradually through the CIP funds to pay for pipe replacement projects. The alternative would be bonding.

Bonding and pay-as-you-go are two options that affect the timeline in which cash to fund projects is available. It does not affect the burden that the city and its residents assume to pay for desired improvements. With either option, water revenues received from rate-paying residents would fund the ongoing effort to replace the aging water system.

In the case of pay-as-you go, revenues from water rates pay to fund CIP projects that are executed in a mid-range schedule. Projects could be completed over a long period of time and the city does not have obligation to repay the bond.

Alternatively, in the case of bonding, water rate payers would support the additional annual cost of making the principal and interest payments on the loan. Also, under federal law a significant portion of those funds must be expended within three years.

The constant in both cases is the consistent and unavoidable effect of inflation. While water usage per household remains stable year to year, the cost to provide that water increases rapidly. The cost of 12” ductile iron pipe has increased 88% over ten years. The purpose of the proposed rate increase is to match this inflation while anticipating future needs.

Criteria

Water System

While Provo and Orem have historically used ductile iron in its system, including recent replacement projects. Spanish Fork and Springville have phased in PVC over the course of the last 10-30 years. It should also be noted that the latter cities have comparatively less corrosive soil than the former ones. As a result, the latter cities tend to experience fewer main breaks, limited damage claims, and decreased overall costs¹.

Finances

Springville and Spanish Fork both favor a pay-as-you-go approach to financing system improvements. Ongoing improvements involved many medium scale projects over a long period. Saving is better suited to the needs of gradual replacement. The cost of ongoing replacements is variable, unlike a large capital project with fixed parameters. Residents would accept additional interest costs to get cash up front. Cash they’d likely pay back with increased water rates.

Cause

The proposal is based on the recommendations of the water division’s consultant Bowden Collins, who recommended that system replacements be done on pipes at a rate that would allow the system to be completely replaced over 80 years. This aligns with the typical lifespan of ductile iron pipe in an environment like Provo’s.

¹ PVC is about 50% cheaper as of this week than ductile iron.

The slower pipes are replaced the longer it will take to replace the system. If aging or leak-prone portions of the system are left unaddressed negative impacts on residents may become more apparent.

Effect

The effect of Provo having a relatively high number of leaks is that 1) water outages could increase and 2) damage claim payments could increase.

Outages

Outages for residents will likely increase if pipes are not replaced at sufficient rates. Deteriorating pipes require more frequent repairs and each repair typically involves an outage to 15-20 homes. While the time of an outage depends on the circumstances, total work to repair a pipe could last four to six hours, according to the water division. Of that time, only a portion would involve cutting water to residents.

Damage Claims

In the past four years, the number and dollar values of damage claims filed against the city for water-related incidents has risen. While catastrophic events, like the Center Street main burst have cost the city over \$150,000 in payments². Non-monetary costs should be considered as well. For example, if pipes catastrophically failed in sensitive areas next to community institutions like a schools or hospital, there would be increased burdens on residents in ways that are difficult to quantify.

Recommendation

As I continue to work with neighboring cities to acquire more data, more clearer comparisons can be made that may affect Councilor's judgement on the proposed rate. I recommend that I continue to gather more research and present at a future work meeting prior to budget finalization.

² This could increase to about \$300,000 if all pending claims are paid out.

**PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT**



Submitter: TARAR
Presenter: Tara Riddle, Real Property Administrator
Department: Development Services
Meeting Date: 5/26/2026
Requested Duration (Minutes): 10 minutes
CityView or Issue File Number: 26-012

SUBJECT: 3 A resolution to place a 5.079 acre parcel of ground located to the south of the Epic Sports Park on Lakeview Parkway in Provo on the surplus property list. (26-012)

ADMINISTRATIVE RECOMMENDATION: In order to discuss the terms of a purchase agreement on this property, it will need to be placed on the Surplus Property List first. It is recommended that the resolution be approved so that we may proceed with discussion with the council and developer.

ADMINISTRATIVE MEMO: Provo City Corporation owns a 5.079 acre parcel of ground located south of the Epic Sports Park on Lakeview Parkway in Provo. This property is zoned SC2 (Community Shopping Center) and has been intended to be developed with a commercial project which would benefit the Provo Municipal Airport and the Epic Sports Park. A Request for Proposals has been issued for the development of the parcel and placing the property on the surplus property list is a necessary step for the project. The terms of a sale and development agreement will be discussed with the Council at a later date.

FISCAL IMPACT: Full Fiscal Impact is yet to be determined (Appraised Value of \$4,360,000)

TIME SENSITIVITY: We cannot proceed with discussions with the Council and developer until the property is surplus. The sooner the property is surplus, the sooner we will be able to proceed with a presentation to the Council in closed session.

COUNCIL STAFF MEMO:

RESOLUTION 2026 -

Approved as to form: ___

A RESOLUTION TO PLACE A 5.079 ACRE PARCEL OF GROUND LOCATED TO THE SOUTH OF THE EPIC SPORTS PARK ON LAKEVIEW PARKWAY IN PROVO ON THE SURPLUS PROPERTY LIST.

Provo City Corporation (the City) owns a 5.079 acre parcel of ground located south of the Epic Sports Park on Lakeview Parkway in Provo and identifies this property as a portion of Utah County Tax ID # 21-039-0024, which is further described in Exhibit A;

This property is vacant and is the subject of a request for proposals for future commercial development;

The Mayor has recommended that this parcel be placed on the surplus property;

On May 26, 2026, the Municipal Council met to consider the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds: (i) the real property described in Exhibit A should be added to the surplus property list for disposal; and (ii) such action reasonably furthers the health, safety and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council resolves as follows:

PART I:

The real Property described in the attached Exhibit "A" is hereby placed on the Surplus Property list.

PART II:

This resolution takes effect immediately.

END OF RESOLUTION.

EXHIBIT A

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF LAKEVIEW PARKWAY, LOCATED WEST 2882.39 FEET AND SOUTH 178.55 FEET FROM THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF LAKEVIEW PARKWAY THE FOLLOWING (2) COURSES; THENCE S46°00'16"W 405.97 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF A 960.00 FOOT RADIUS CURVE TO THE RIGHT 488.87 FEET, THROUGH THE CENTRAL ANGLE OF 29°10'39" (CHORD BEARS: S60°35'35"W 483.61 FEET); TO THE EAST RIGHT-OF-WAY LINE OF 2770 WEST STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF 2770 WEST STREET THE FOLLOWING (2) COURSES; THENCE NORTHERLY ALONG THE ARC OF A 473.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT 69.64 FEET, THROUGH THE CENTRAL ANGLE OF 08°26'11" (CHORD BEARS: N03°40'04"W 69.58 FEET) THENCE N00°33'01"E 450.03 FEET; THENCE N90°00'00"E 713.48 FEET TO THE NORTH RIGHT-OF-WAY LINE OF LAKEVIEW PARKWAY AND THE POINT OF BEGINNING.

AREA: 221,256 SQUARE FEET OR 5.079 ACRES

The Details

- Parcel contains 5.079 acres of property.
- Parcel is zoned SC2 (Community Shopping Center).
- An appraisal was completed on April 14, 2026, which indicated a market value of \$4,360,000.

The Details

- A Request for Proposals has been issued for the development of the parcel and placing the property on the surplus property list is a necessary step for the project.
- The terms of a sales and development agreement will be discussed with the Council at a later date.

External Accessory Dwelling Units

SB284 - State Mandated Changes

&

Discussion on amending current Provo City regulations

May 26, 2026

Provo External ADU Code w/ SB284 Changes

Chapter 14.30- Accessory Dwelling Units

Chapter 6.26- Rental Dwelling License

SB284 Changes- October 1, 2026 implementation deadline

Prohibited:

All PRO zones,
R2PD zones,
RM, R16, R17, R18, R19, R110, R w/ PD, SDP-5

Allowed:

West of I-15 (except SDP-5 & R2PD)
Specified R16 & R18 areas
Any parcel that is 11,000 sq ft or greater & allows
single-family dwellings

Regulations:

One ADU per primary dwelling
Owner Occupancy
Building height & footprint less than main dwelling
Architecturally compatible
Permanent foundation & utility infrastructure
~~4 off-street parking spots~~
Rental Dwelling License
Impact fees
2 off-street parking spaces maximum if the unit is 650 sq ft or larger
1 off-street parking space maximum if the unit is less than 650 sq ft

Visualizing SB284's Impact On ADUs in Provo City



Utah SB284 calls for cities with a population of 5,000 or more to allow detached ADUs on lots that fit the following criteria:

- At least 11,000 square feet
- Permits single-family dwellings*

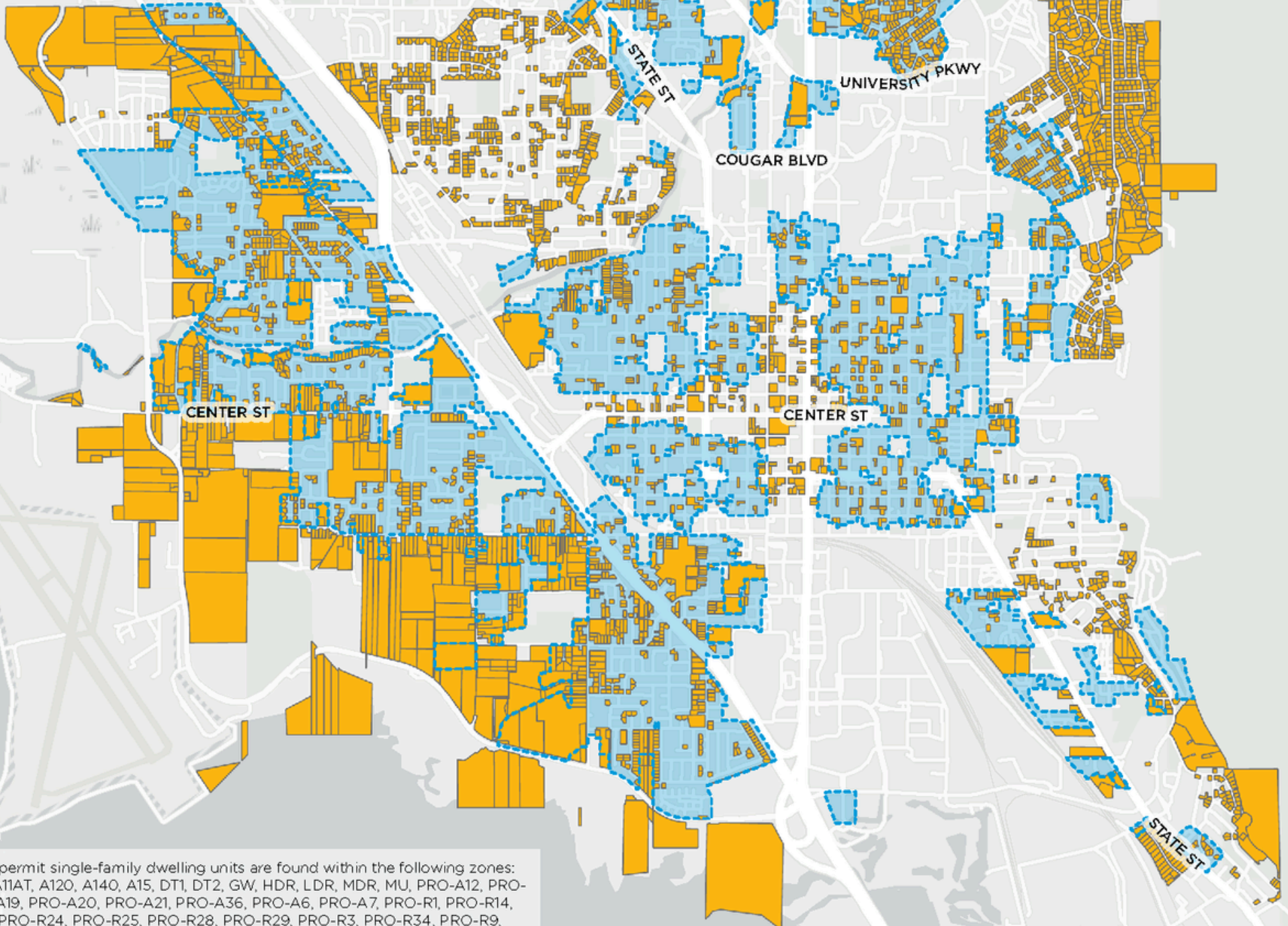
Tax-exempt parcels and parcels with no recorded assessor division are excluded (roads, common areas, schools, etc.).

Provo City Code 14.30 (Accessory Dwelling Units) regulates both internal and external ADUs including where they are permitted and design, parking, and infrastructure standards.

While a parcel may be in an ADU-permitted zone or area, all potential ADUs must go through Provo City's permitting and rental dwelling licensing process before becoming a legal residence.

If you have any questions about the requirements for an ADU, contact Development Services at 801-852-6427.

-  **Parcels That Meet SB284 Criteria**
-  **Accessory Dwelling Unit Overlay**



*Lots that permit single-family dwelling units are found within the following zones: A11, A110, A11AT, A120, A140, A15, DT1, DT2, GW, HDR, LDR, MDR, MU, PRO-A12, PRO-A18, PRO-A19, PRO-A20, PRO-A21, PRO-A36, PRO-A6, PRO-A7, PRO-R1, PRO-R14, PRO-R22, PRO-R24, PRO-R25, PRO-R28, PRO-R29, PRO-R3, PRO-R34, PRO-R9, R110, R110PD, R120, R120PD, R16, R16PD, R17, R18, R18PD, R19, R2, R2PD, RA, RAPD, RC, RM, SDP1, SDP3, SDP4, SDP5, and WG.

Council Discussion

Amendments

Council majority motions to amend Chapter 14.30 in addition to state required changes

No Amendments

Staff will update Chapter 14.30 according to state required changes

Next Steps

Amendments- Option 1

Majority motioned amendments incorporated into Chapter 14.30 in the zoning rewrite

- *Late Summer/Early Fall*

Amendments- Option 2

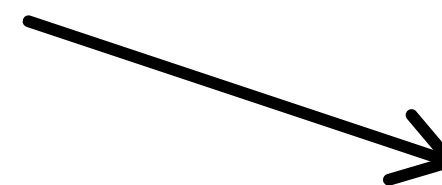
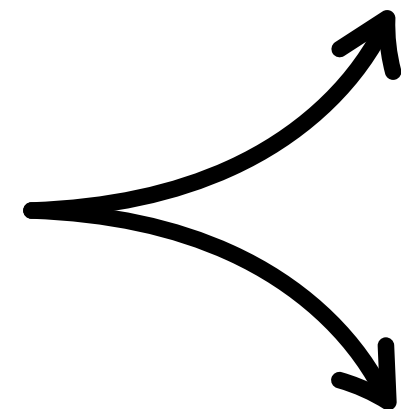
Majority motioned amendments incorporated into Chapter 14.30 now, separate from zoning rewrite

- *June 10th Planning Commission*
- *July 14th Council Meeting*

No Amendments

State required changes incorporated into Chapter 14.30 as part of zoning rewrite

- *Late Summer/Early Fall*



**PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT**



Submitter: MDAYLEY
Presenter: Melia Dayley, Council Policy Analyst
Department: Recorder
Meeting Date: 5/26/2026
Requested Duration (Minutes): 50 minutes minutes
CityView or Issue File Number: 26-38

SUBJECT: 4 A discussion regarding external accessory dwelling units. (26-38)

ADMINISTRATIVE RECOMMENDATION: Discussion- seeking Council motion for further action.

ADMINISTRATIVE MEMO: N/A

FISCAL IMPACT: None

COUNCIL STAFF MEMO: As part of a Council issue sponsor request, this discussion will (1) review the state mandated changes to external accessory dwelling unit city code that need to be implemented by October 1, 2026 and (2) Provo City regulations on external ADUs.

Visualizing SB284's Impact On ADUs in Provo City



Utah SB284 calls for cities with a population of 5,000 or more to allow detached ADUs on lots that fit the following criteria:

- At least 11,000 square feet
- Permits single-family dwellings*

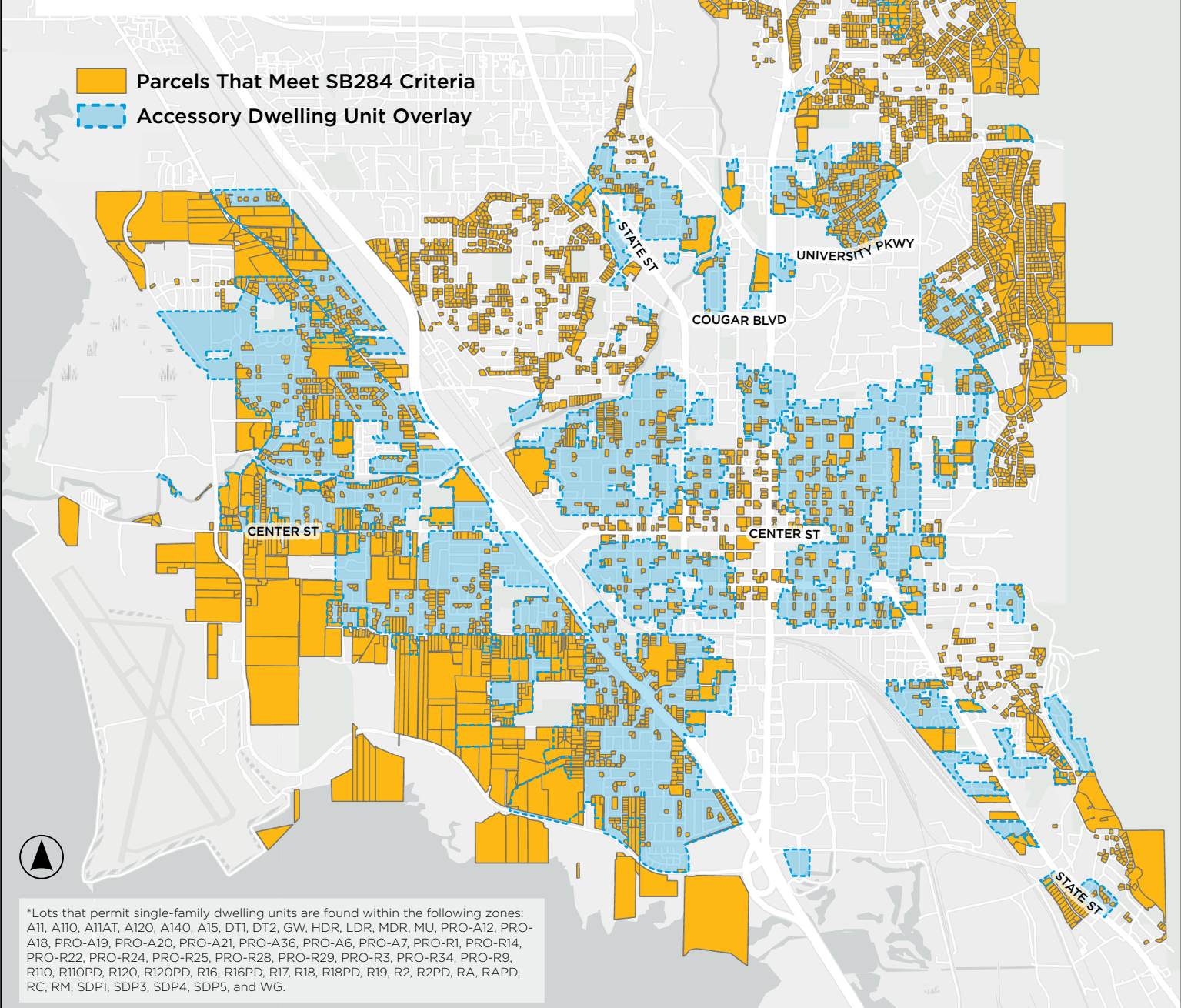
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Provo City Code 14.30 (Accessory Dwelling Units) regulates both internal and external ADUs including where they are permitted and design, parking, and infrastructure standards.

While a parcel may be in an ADU-permitted zone or area, all potential ADUs must go through Provo City's permitting and rental dwelling licensing process before becoming a legal residence.

If you have any questions about the requirements for an ADU, contact Development Services at 801-852-6427.

-  **Parcels That Meet SB284 Criteria**
-  **Accessory Dwelling Unit Overlay**



*Lots that permit single-family dwelling units are found within the following zones: A11, A110, A11AT, A120, A140, A15, DT1, DT2, GW, HDR, LDR, MDR, MU, PRO-A12, PRO-A18, PRO-A19, PRO-A20, PRO-A21, PRO-A36, PRO-A6, PRO-A7, PRO-R1, PRO-R14, PRO-R22, PRO-R24, PRO-R25, PRO-R28, PRO-R29, PRO-R3, PRO-R34, PRO-R9, R110, R110PD, R120, R120PD, R16, R16PD, R17, R18, R18PD, R19, R2, R2PD, RA, RAPD, RC, RM, SDP1, SDP3, SDP4, SDP5, and WG.

Various Utah Cities' External/Detached ADU Regulations									
	Provo	Sandy	West Jordan	Spanish Fork	Murray	St George	Draper	Logan	Orem
Permitted Zones	West of I-15 (except SDP-5 & R2PD) Specified R16 & R18 areas Any parcel that is 11,000 sq ft or greater & allows single-family dwellings	Single family zones	only permitted on platted lots of 10,000 square feet and larger in R-1, RR, RE, PC, LSFR, and VLSFR zones	Residential zones	allowed on properties that allow single-family dwellings as a permitted use	Single family residential zones; shall be allowed only on parcels containing a single-family dwelling	permitted use in all primary residential zoning districts on individual parcel (12,000 ft ²) or greater	All zones- parcel needs a detached, single family dwelling exist	
Off-Street Parking	must have at least four (4) off-street parking spaces.	Off-street parking space shall be available for use by the occupants of the accessory apartment and shall comply with the City's adopted residential parking standards. If a detached garage is converted to DADU, parking spaces lost must be replaced parking shall be replaced	Minimum of one additional space; if a detached garage is converted to DADU, parking spaces lost must be replaced	Minimum of 4 off-street for D-ADUs. Minimum of 3 I-ADUs	In addition to the parking required for the primary unit, one (1) additional off street parking spaces shall be provided	one off-street space; if primary dwelling parking is converted to ADU, parking must be replaced	one additional spot in addition to the number required for the primary dwelling	minimum 2 spaces	
Setbacks	shall be set back from any property line no less than ten (10) feet or the distance of the existing setback of the one (1) family dwelling from that same property line, whichever is less	Quite detailed by lot size and location of the structure- best to look at the charts in Sandy city code: https://library.municode.com/ut/sandy/codes/city_code?nodeId=COOR_TIT21LADECO_CH21-11SPUSST_S21-11-2ACST	Six feet (6') setback from primary dwelling Six feet (6') setback from rear property line; Six feet (6') setback from internal side property line; and Twenty feet (20') setback from the corner side property line.	The minimum front setback shall conform to the minimum front setback for the existing principal structure and shall be set at least five (5) feet, measured from eave to eave, from all structures on the property.	Rear Yard: Ten feet (10') from property line. Side Yard: Ten feet (10') from property line. Corner Side Yard: Twenty feet (20') from property line	One (1) Story Structure: Rear Yard: Zero feet (0') from rear and side property lines Front, street side, and side: meet the single-family dwelling setbacks for the zone Two (2) story structure Meet the single-family dwelling setbacks for the zone, and maintain a minimum six foot (6') separation from any structure on the property Minimum six foot (6') separation from any structure on the property	same setbacks as underlying zone of primary dwelling	minimum building setbacks of the underlying zone	
Owner Occupancy	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Square Footage /Lot Coverage	shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be less than two hundred (200) square feet in area;	Quite detailed by lot size- best to look at the charts in Sandy city code: https://library.municode.com/ut/sandy/codes/city_code?nodeId=COOR_TIT21LADECO_CH21-11SPUSST_S21-11-2ACST	the footprint area shall be less than the principal building; shall not cover more than twenty percent (20%) of the rear and side yard; Lots with EADUs are subject to all maximum building coverage requirements of the city code	combined square footage of all detached accessory structures shall not exceed 15% of the total lot area if the structure is entirely within the setbacks for the principal structure, or 10% of the total lot area if the structure is located elsewhere on the lot; On parcels that are less than one (1) acre in size, units shall not have more than 1,000 square feet of habitable living space.	Construction of a detached ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks; shall not exceed one thousand (1,000) square feet	less than the gross floor area of the single-family dwelling	shall not exceed fifty percent (50%) of the single-family dwelling's total square footage not including the garage	not exceed 50% of the building footprint of primary dwelling; no larger than 1000 sq ft; cannot cover more than 50% of the rear and/or side yard area	
Minimum Lot Size	11,000 sq ft or permitted zone/area	Quite detailed by lot size- best to look at the charts in Sandy city code: https://library.municode.com/ut/sandy/codes/city_code?nodeId=COOR_TIT21LADECO_CH21-11SPUSST_S21-11-2ACST	10,000 sq ft	6,000 sq ft	10,000 sq ft	-	-	-	-
Utilities/Meters	must be approved for, and permanently connected to, all required utilities with a connection and meter independent and separate from the primary dwelling;	It shall be prohibited to install separate utility connections or meters. Private utility meters installed behind the primary meters and internal to the dwelling may be allowed.	illegal to have separate utility metering	No separate meter required; connected to primary dwelling or public-right-of-way laterals	illegal to have separate utility metering	-	illegal to have separate utility metering	illegal to have separate utility metering	
Secondary Address	shall have its own address assigned by Provo City	No separate addresses will be assigned to the property. Additional mailboxes are also prohibited.	-	Assigned a secondary address for public safety purposes. The address is not recognized by the USPS for mail delivery.	-	-	-	-	
License	Yes; annual	Yes; annual	Yes; annual	Yes; annual	Yes; annual	Yes; annual	Yes; annual	Yes; annual	
ADUs per Dwelling	1	1	1	1	1	1; 2 within the "downtown"	1	1	
Height	height less than the main dwelling	Quite detailed by lot size- best to look at the charts in Sandy city code: https://library.municode.com/ut/sandy/codes/city_code?nodeId=COOR_TIT21LADECO_CH21-11SPUSST_S21-11-2ACST	maximum building height of each EADU is twenty feet (20'); EADU over seventeen feet (17') high shall be set back from side and rear property lines in accordance with the minimum setbacks of this section, plus one foot (1') for each additional foot of height, or part thereof, in excess of seventeen feet (17')	structures that meet the setback requirement for the principal building may be allowed to meet the maximum height allowed in that zone; 20 feet to the peak of the roof measured from the finish grade (measured five (5) feet from the proposed structure). Any structures taller than 15 feet shall have a roof pitch of no less than 2/12; Properties over one-half (1/2) acre in size can increase the maximum height to 24 feet by having the rear and side setbacks the same as the building height	limited to one story and to twenty feet (20') or the height of the principal structure, whichever is less	Maximum: twenty-five feet (25')	shall conform to the height limit specified for main buildings in the zoning district in which it is located	not exceed the height of the primary dwelling, or up to 20 feet, whichever is more restrictive	
Design	shall be architecturally compatible with the main dwelling; shall be permanently affixed to a site-built foundation; Outside entrances shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.	Any additions to the existing dwelling unit or detached guesthouse, shall be designed and constructed as to blend in and be compatible with the architectural components of the primary dwelling unit (including, but not limited to matching exterior materials, colors, windows, architectural style, building articulations, design elements, and roof pitch); Only one primary entrance into the existing dwelling is allowed facing the street or front property. No additional entryways or access to these accessory living areas shall be visible from the street or front property line.	must be built on a permanent foundation which meets the building code; design and materials shall be similar to and compatible with the design of the primary dwelling and shall be approved by the design review committee	architecturally compatible with the Primary Structure	A separate entrance to the ADU shall not be allowed on the front yard. Any separate entrance shall be located to the side or rear of the principal residence; shall be compatible with the exterior color and materials of the principal dwelling	A detached ADU in the rear yard that is shorter than the single-family dwelling does not need to match its design. All other ADUs shall match the roof form, materials, and color scheme of the single-family dwelling	architectural design, color pallet, and materials of a D-ADU shall match those of the single-family dwelling.	-	
Location on lot	-	-	-	behind the front wall plane of the principal structure	-	anywhere	rear yard area	rear or side yard & at least 10 ft behind front wall plain of main dwelling;	
Short term rental	illegal use	illegal use	-	-	illegal use	illegal use	illegal use	-	
Occupancy Restrictions	The ADU shall not be occupied by more than three (3) related or unrelated adults, together with any minor children of those adults	shall be an additional single family. The occupants of the accessory apartment shall not sublease any portion of the accessory apartment to other individuals.	-	-	-	-	-	-	

External ADUs not currently allowed

**PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT**



Submitter: AARDMORE
Presenter: Aaron Ardmore, Planning Manager
Department: Development Services
Meeting Date: 5/26/2026
Requested Duration (Minutes): 10 minutes
CityView or Issue File Number: PLOTA20260119

SUBJECT: 5 An ordinance amending Provo City code to add a caretaker dwelling as a permitted accessory use in the general commercial zone. (PLOTA20260119)

ADMINISTRATIVE RECOMMENDATION: Planning Commission recommended approval.

ADMINISTRATIVE MEMO: Before recommending an amendment, the Commission must find that the amendment serves the public interest and aligns with the General Plan, based on consideration of the following:

(a) Public purpose for the amendment in question;

Applicant Response: “Overall proposal would improve neighborhood safety, cleanliness, and property value without any burdens on city services.”

Staff Response: Staff recognize increased safety, cleanliness and property value as legitimate public purposes.

FINDING: Complies.

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

Applicant Response: “The caretaker dwelling will provide clear benefits to the city and surrounding community. Not only will a caretaker dwelling enhance overnight security, but it will also discourage loitering, encampment, and illicit drug use. It will help ensure cleanliness and provide enhanced safety for local residents.”

Staff Response: Allowing a caretaker dwelling in the CG zones saves the city from a potential loss of commercial zoning with possible rezone requests, while allowing for the safety and security that a full-time tenant can provide.

FINDING: Complies.

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

Applicant Response: "This caretaker dwelling will further the vision of Provo City by ensuring a clean, well-monitored and safe environment."

Staff Response: The goals identified by the applicant are consistent with the following General Plan goals:

- GP chapter 3, goal 4a: to facilitate an "efficient built environment and promoting the health and safety of its residents."
- GP chapter 4, goal 1b: "consider revising regulations to encourage development of a mix of housing types."
- GP chapter 5, goal 1: "employ innovative approaches to promote local business and create community."
- GP chapter 7, goal 4: "promote a high quality of life for Provo residents..."

FINDING: Complies.

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

Applicant Response: No response (not applicable).

Staff Response: There are no timing and sequencing provisions related to this request.

FINDING: Complies.

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

Applicant Response: "The proposed caretaker dwelling will have a negligible impact on city infrastructure and services while providing significant improvements to neighborhood cleanliness and security."

Staff Response: By allowing the caretaker dwelling rather than rezoning to allow a residential use, the General Plan goals and policies could remain intact and would not create much additional demand for city services. There are approximately 245 acres of CG Zone currently throughout the city. While it may be difficult to know how many of those may take advantage of a caretaker dwelling, this use is already permitted in the A1, PF, FI, M1, M2, CM, MP, and PIC zones. The percentage of properties that have established caretaker dwellings in these zones is under 5%.

FINDING: Complies.

(f) Adverse impacts on adjacent land owners; and

Applicant Response: "This caretaker dwelling will enhance neighborhood cleanliness, safety, and property value without any additional burdens on city services."

Staff Response: If passed, it is more likely that the caretaker dwelling would have a positive impact on adjacent land owners by ensuring safety and cleanliness when businesses are closed.

FINDING: Complies.

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

Applicant Response: No response (not applicable).

Staff Response: Not applicable.

FINDING: Complies.

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

Applicant Response: Applicant has responded to policies (see attached).

Staff Response: This request would not impact the General Plan map.

FINDING: Complies.

FISCAL IMPACT: None

COUNCIL STAFF MEMO:

EXHIBIT A

45
46
47 14.22.020 Permitted Uses.

48 .

49 .

50 .

51 (5) *Permitted Accessory Uses*. Accessory uses and structures are permitted in the CG zone provided they
52 are incidental to, and do not substantially alter, the character of the permitted
53 principal use or structure. Such permitted uses and structures include, but are not limited to, the
54 following:

55 (a) Accessory buildings such as garages, carports, equipment storage buildings and supply
56 storage buildings which are customarily used in conjunction with and incidental to a
57 principal use or structure permitted in the CG zone; ~~and~~

58 (b) Storage of materials used for construction of buildings, including the contractor's
59 temporary office provided that such use be located on the building site or immediately adjacent
60 thereto, and provided further, that such use shall be permitted only during the construction
61 period and thirty (30) days thereafter; ~~and~~

62 (c) A caretaker dwelling, subject to Provo City Code 14.34.220.

Provo City Planning Commission

Report of Action

April 22, 2026

***ITEM 1** Natalie & Douglas Langford request an Ordinance Text Amendment to Provo City Code 14.22.020 to add a caretaker dwelling as a permitted accessory use in the CG (General Commercial) Zone. Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLOTA20260119

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 22, 2026:

RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Joel Temple

Second By: Anne Allen

Votes in Favor of Motion: Anne Allen, Joel Temple, Matt Wheelwright, Jonathon Hill, Melissa Jensen, Jon Lyons

Jonathon Hill was present as Chair.

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

TEXT AMENDMENT

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

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Staff also responded to questions from the Planning Commission regarding allowance of caretaker dwellings in other zones, process of approval and enforcement, and related definitions and standards.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- Citywide application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was Citywide or affected multiple neighborhoods.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

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

- Julie Rose spoke on behalf of online commenters sharing concerns about potential abuse of the caretaker dwelling, limits of the dwelling size, and one person indicating support.

APPLICANT RESPONSE

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

- Applicant was not in attendance.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Planning Commission discussed some potential changes that staff should evaluate with the current caretaker dwelling standards in 14.34.220, including floor area, manufactured homes, and ambiguity of "accessory" standard.

- Commissioners shared thoughts on the amendment and use of caretaker dwellings, indicating support for the idea and noting that this allowance is a more natural setup for small businesses and could help startup businesses in the city.
- Commissioners also discussed additional changes that could be made to this type of use.



Planning Commission Chair



Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

14.22.020 Permitted Uses.

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(5) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the CG zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the CG zone; and

(b) Storage of materials used for construction of buildings, including the contractor's temporary office provided that such use be located on the building site or immediately adjacent thereto, and provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter.

(c) A caretaker dwelling, subject to Provo City Code 14.34.220.

***ITEM 1** Natalie & Douglas Langford request an Ordinance Text Amendment to Provo City Code 14.22.020 to add a caretaker dwelling as a permitted accessory use in the CG (General Commercial) Zone. Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLOTA20260119

APPLICANT:	Natalie and Douglas Langford
PROPERTY OWNER:	Not Applicable – Citywide Amendment
PARCEL ID:	Not Applicable – Citywide Amendment
ACREAGE:	Not Applicable – Citywide Amendment
CURRENT LEGAL USE:	Not Applicable – Citywide Amendment
GENERAL PLAN DESIGNATION:	Not Applicable – Citywide Amendment
CURRENT ZONE:	Not Applicable – Citywide Amendment
APPLICATION TYPE:	Legislative Decision – Planning Commission will make a recommendation to the City Council.

NEIGHBORHOOD FEEDBACK

Because this is a citywide amendment, there has been no neighborhood district discussion of this proposal. Staff have not received any public feedback at the time of this report.

PROJECT SUMMARY

The applicants have an interest in property within the CG Zone and are proposing a code amendment to allow for a caretaker dwelling to be established as an accessory use, subject to existing code standards for caretaker dwellings found in Provo City Code 14.34.220. While staff assisted the applicant with what amendment would be needed and how it could look, the applicant has provided some additional information and justification for the request, these are attached to the end of this report.

STAFF ANALYSIS

Before recommending an amendment, the Commission must find that the amendment serves the public interest and aligns with the General Plan, based on consideration of the following:

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

Applicant Response: “Overall proposal would improve neighborhood safety, cleanliness, and property value without any burdens on city services.”

Staff Response: Staff recognize increased safety, cleanliness and property value as legitimate public purposes.

FINDING: Complies.

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

Applicant Response: “The caretaker dwelling will provide clear benefits to the city and surrounding community. Not only will a caretaker dwelling enhance overnight security, but it will also discourage loitering, encampment, and illicit drug use. It will help ensure cleanliness and provide enhanced safety for local residents.”

Staff Response: Allowing a caretaker dwelling in the CG zones saves the city from a potential loss of commercial zoning with possible rezone requests, while allowing for the safety and security that a full-time tenant can provide.

FINDING: Complies.

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

Applicant Response: “This caretaker dwelling will further the vision of Provo City by ensuring a clean, well-monitored and safe environment.”

Staff Response: The goals identified by the applicant are consistent with the following General Plan goals:

- GP chapter 3, goal 4a: to facilitate an “efficient built environment and promoting the health and safety of its residents.”
- GP chapter 4, goal 1b: “consider revising regulations to encourage development of a mix of housing types.”
- GP chapter 5, goal 1: “employ innovative approaches to promote local business and create community.”
- GP chapter 7, goal 4: “promote a high quality of life for Provo residents...”

FINDING: Complies.

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

Applicant Response: No response (not applicable).

Staff Response: There are no timing and sequencing provisions related to this request.

FINDING: Complies.

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

Applicant Response: “The proposed caretaker dwelling will have a negligible impact on city infrastructure and services while providing significant improvements to neighborhood cleanliness and security.”

Staff Response: By allowing the caretaker dwelling rather than rezoning to allow a residential use, the General Plan goals and policies could remain intact and would not create much additional demand for city services. There are approximately 245 acres of CG Zone currently throughout the city. While it may be difficult to know how many of those may take advantage of a caretaker dwelling, this use is already permitted in the A1, PF, FI, M1, M2, CM, MP, and PIC zones. The percentage of properties that have established caretaker dwellings in these zones is under 5%.

FINDING: Complies.

(f) Adverse impacts on adjacent land owners; and

Applicant Response: “This caretaker dwelling will enhance neighborhood cleanliness, safety, and property value without any additional burdens on city services.”

Staff Response: If passed, it is more likely that the caretaker dwelling would have a positive impact on adjacent land owners by ensuring safety and cleanliness when businesses are closed.

FINDING: Complies.

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

Applicant Response: No response (not applicable).

Staff Response: Not applicable.

FINDING: Complies.

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

Applicant Response: Applicant has responded to policies (see attached).

Staff Response: This request would not impact the General Plan map.

FINDING: Complies.

APPLICABLE ZONING CODES

Provo City Code 14.22 (CG Zone): <https://provo.municipal.codes/Code/14.22>

Provo City Code 14.34.220 (Caretaker Dwellings as an Accessory Use):
<https://provo.municipal.codes/Code/14.34.220>

In zones that specifically allow caretaker dwellings as permitted accessory use, such dwellings may be established only if such dwellings:

- (1) are accessory to a functioning principal use, with not more than one caretaker dwelling per lot or principal use;
- (2) are located on the same property as the principal use;
- (3) are occupied by only one (1) family;
- (4) contain only one (1) kitchen;
- (5) have no associated accessory living space;
- (6) are accessory in size to the main use and do not to exceed one thousand two hundred (1200) square feet of floor area;
- (7) are designed as a part of and in harmony with the architecture of the main building(s) on the subject property;
- (8) are not a manufactured dwelling unit; and
- (9) are occupied or rented only by an employee or subcontractor of the legal entity which owns the principal use being cared for (with or without family members).
The caretaker shall be employed at least fifty percent (50%) of the time as an employee or subcontractor of the legal entity which occupies main buildings on the subject property. Any person occupying a caretaker dwelling shall submit evidence of compliance with this Section upon request of the City.

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may make any of the following findings:

1. **Recommend Approval:** The proposal is consistent with the General Plan. *“The Planning Commission recommends approval of the proposed ordinance text amendment of Provo City Code 14.22.020 to the City Council”*
2. **Recommend Denial:** The proposal is not consistent with the General Plan. *“The Planning Commission recommends denial of the proposed ordinance text amendment of Provo City Code 14.22.020 to the City Council”*
3. **Continue:** New information presented at the public hearing or additional study needs to be done. *“The Planning Commission continues this item to a future hearing due to [state reasons]”*

ATTACHMENTS

1. Proposed Ordinance Text Amendment
2. Applicant Analysis of Impacts of Amendment
3. Applicant Ordinance Amendment Written Description
4. Applicant Justification Statement

ATTACHMENT 1 – PROPOSED ORDINANCE TEXT AMENDMENT

14.22.020 Permitted Uses.

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(5) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the CG zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the CG zone; and

(b) Storage of materials used for construction of buildings, including the contractor's temporary office provided that such use be located on the building site or immediately adjacent thereto, and provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter.

(c) [A caretaker dwelling, subject to Provo City Code 14.34.220.](#)

ATTACHMENT 2 – APPLICANT ANALYSIS OF IMPACTS OF AMENDMENT

This application proposes the approval of a caretaker dwelling within a building in a general commercial zone in Provo. This amendment is intended to improve property security, sanitation, and oversight while supporting the continued operation of a medical service. This caretaker dwelling will enhance neighborhood cleanliness, safety, and property value without any additional burdens on city services.

ATTACHMENT 3 – APPLICANT ORDINANCE AMENDMENT WRITTEN DESCRIPTION

The beauty of the Grandview community will be strengthened by this proposed caretaker dwelling. The caretaker dwelling will provide clear benefits to the city and surrounding community. Not only will a caretaker dwelling enhance overnight security, but it will also discourage loitering, encampment, and illicit drug use. It will help ensure cleanliness and provide enhanced safety for local residents. This caretaker dwelling will further the vision of Provo City by ensuring a clean, well-monitored and safe environment.

ATTACHMENT 4 – APPLICANT JUSTIFICATION STATEMENT

The proposed caretaker dwelling will have a negligible impact on city infrastructure and services while providing significant improvements to neighborhood cleanliness and security.

The unit will function as a residential dwelling for a caretaker who would be responsible for monitoring and maintaining the property. The remainder of the building houses a neurology medical office.

Over the past several years the property has experienced:

- Human waste in the patient parking lot
- Individuals camping behind the building
- Garbage accumulation
- Drug paraphernalia left on the premises
- Unauthorized individuals entering the property

These conditions create sanitary and safety concerns particularly given the vulnerable nature of patients in the clinic. Having an on-site caretaker would allow for:

- Immediate monitoring of suspicious activity
- Faster response to trespassing
- Rapid resolution of sanitation hazards
- Improved coordination with local law enforcement when necessary
- Regular inspection of the property exterior

From an infrastructure standpoint

- No meaningful increase in traffic is expected
- Parking will be accommodated with existing on-site parking
- No additional utility infrastructure is required.

Overall proposal would improve neighborhood safety, cleanliness, and property value without any burdens on city services.

**PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT**



Submitter: MMCNALLEY
Presenter: Melissa McNalley - RDA Director
Department: Development Services
Meeting Date: 5/26/2026
Requested Duration (Minutes): 15 minutes
CityView or Issue File Number: 26-005

SUBJECT: 6 A resolution approving the Redevelopment Agency of Provo City to adopt a project area budget for the Lakeview Parkway community reinvestment area (26-005)

ADMINISTRATIVE RECOMMENDATION: This is informational for the RDA Board prior to a public hearing and adoption by resolution.

ADMINISTRATIVE MEMO: The proposed Lakeview Parkway Community Reinvestment Area Budget will be presented to the RDA board. This is a revision from the budget presented in January as the projections are now based on general retail projections and not store specific projections. The budget anticipates 50% participation in post-performance sales tax incentives on all parcels.

FISCAL IMPACT: possible 50% of City's Point of Sales tax for the Project Area

COUNCIL STAFF MEMO:

1 RESOLUTION <<Document Number>>

2
3 A RESOLUTION APPROVING THE REDEVELOPMENT AGENCY OF
4 PROVO CITY TO ADOPT A PROJECT AREA BUDGET FOR THE
5 LAKEVIEW PARKWAY COMMUNITY REINVESTMENT AREA(26-005)

6
7 RECITALS:

8
9 It is proposed that the Governing Board of the Redevelopment Agency of Provo City (the
10 Agency Governing Board) consent to the adoption of the Lakeview Parkway Community
11 Reinvestment Project Area Budget (EXHIBIT A).

12
13
14 On June 9, 2026, the Municipal Council met to consider the facts regarding this matter
15 and receive public comment, which facts and comments are found in the public record of the
16 Council’s consideration; and

17
18 After considering the facts presented to the Municipal Council, the Council finds that (i)
19 the proposed action should be approved as described herein, and (ii) such action furthers the
20 health, safety, and general welfare of the citizens of Provo City.

21
22 THEREFORE, the Provo Municipal Council resolves as follows:

23
24 PART I:

25
26 The Agency of the Governing Board consents to the adoption of the Lakeview Parkway
27 Community Reinvestment Project Area Budget.

28
29
30 PART II:

31
32 This resolution takes effect immediately.

Community Reinvestment Project Area Budget

2025-1 Lakeview Parkway

Utah Code §17C-5-303

Provo City Redevelopment Agency

I. Tax Increment

The base tax year for the project area shall be 2025. The base taxable value of the area is \$3,091,100, established across the three parcels comprising the project area as follows:

Parcel Number	Base Taxable Value
21:051:0062	\$1,729,100
21:051:0063	\$1,362,000
21:039:0024	—
Total Base Taxable Value	\$3,091,100

The incremental taxable value of the project area is projected to reach \$210,428,899 in Year 20 of the project area plan, generating an estimated \$32,339,759 in incremental property tax revenue across all participating taxing entities over the 20-year duration. The projected incremental tax revenue by taxing entity, and the maximum amount the Agency may receive, are set forth in Section IV (Exhibit A) of this Budget.

The Agency does not currently plan to collect property tax increment from this project area. In the event the Agency elects to collect tax increment in the future, participation shall be limited to Provo City's increment only and shall not exceed the maximum amounts set forth in Exhibit A. No tax increment shall be collected from any other taxing entity.

II. Sales and Use Tax Revenue

The Agency anticipates entering into an interlocal agreement with Provo City for 50% of the City's portion of the Sales and Use Tax revenue generated by the retail sites within the project area. Such agreements are anticipated to commence upon the issuance of a Certificate of Occupancy for each participating retail site and to continue for a period of 20 years.

Any sales and use tax revenue collected under such agreements will be applied toward the extraordinary costs of developing the land for commercial use, including infrastructure improvements and the cost of fill material necessary to create developable area, as the sites currently lie within the 100-year floodplain. No other Agency incentives are currently proposed.

III. Use of Project Area Funds

Agency funds collected within the project area shall be allocated as follows:

- No more than 5% shall be expended for administrative costs associated with the project area, in accordance with Utah Code §17C-5-303.
- No less than 10% shall be deposited into the Agency's Housing Fund in accordance with Utah Code §17C-5-307.

- The remaining balance shall be applied to redevelopment activities and project area development costs as further described in Exhibit A.

The Agency does not currently own any property within the project area.

Exhibit A

Project Area Budget — Lakeview Parkway CRA (2025-1)

A.1 Base Taxable Value by Parcel

Parcel Number	Base Taxable Value
21:051:0062	\$1,729,100
21:051:0063	\$1,362,000
21:039:0024	—
Total Base Taxable Value	\$3,091,100

A.2 Incremental Property Tax Revenue and Agency Participation by Taxing Entity (20-Year Projection)

Taxing Entity	Tax Rate	20-Year Incremental Revenue (All Entities)	Agency Participation (Maximum)
Utah State	0.0652%	\$2,076,212	—
Multicounty Assessing & Collecting	0.0015%	\$47,740	—
County Assessing & Collecting	0.0109%	\$346,805	—
Provo City School District	0.7208%	\$22,945,059	—
Provo City	0.1775%	\$5,649,755	\$5,649,755
Central Utah Water Conservancy	0.0400%	\$1,274,186	—
TOTALS	1.0159%	\$32,339,757	\$5,649,755

* The Agency currently plans no property tax increment collection. The Agency participation column above represents the maximum allowable amount if the Agency elects to collect from Provo City's increment only in a future action.

A.3 Agency Revenue Sources (20-Year Projection)

Revenue Source	20-Year Projected Maximum
Property Tax Increment (Conditional)	
<i>Provo City Tax Increment (Maximum — not currently planned for collection)</i>	\$5,649,755
Sales and Use Tax Revenue (Anticipated — No Agreement in Place)	
<i>50% of Provo City Point-of-Sale Tax — Amount to be determined upon execution of interlocal agreement</i>	\$19,481,867
Maximum Authorized Property Tax Increment	\$5,649,755

A.4 Sales and Use Tax Revenue Projection — 20-Year Summary

Projected gross taxable sales and Agency participation based on full buildout of 637,000 SF across all three use types, phased over 5 years, with 2% annual sales growth. Sales tax participation modeled at 50% of the City of Provo's 1.10% point-of-sale share under a future interlocal agreement (Utah Code §17C-5-204). No agreement is currently in place.

A.4.1 Gross Taxable Sales by Use Type

Use Type	Total SF	Est. Annual Sales/SF	20-Year Projected Gross Sales
General Retail	497,000	\$250	\$2,746,415,564
Restaurant	40,000	\$400	\$353,663,171
Hotel	100,000	\$200	\$442,078,964
TOTAL	637,000	—	\$3,542,157,699

A.4.2 Sales Tax Distribution and Agency Participation

Revenue Component	Rate	20-Year Projected Amount
Total Gross Taxable Sales (all use types)	—	\$3,542,157,699
Combined Sales Tax Generated (City, County, State, Special Districts)	7.45%	\$263,890,749
City of Provo Point-of-Sale Share	1.10%	\$38,963,735
Agency Participation — 50% of City’s Share (Utah Code §17C-5-204)	0.55%	\$19,481,867
Net Sales Tax Retained by City of Provo after Agency Participation	0.55%	\$19,481,867

** All projections assume a phased buildout (15% in Year 1 through 100% by Year 5), a 2% annual sales growth rate, and the annual sales per SF benchmarks shown above. Actual revenues will vary based on tenant mix, occupancy, and market conditions. Hotel revenue modeled as taxable room revenue. No sales tax participation agreement is currently in place; revenues are contingent upon future execution of an interlocal agreement with Provo City.*

A.5 Expenditure Allocations

Expenditure Category	Statutory %	20-Year Projected Amount
Administration (maximum)	5%	\$974,093
Agency Housing Fund (minimum per Utah Code 17C-5-307)	10%	\$1,948,187
Redevelopment and Development Activities	85%	\$16,559,587
TOTAL	100%	\$19,481,867

A.6 Project Area Development Activities — Authorized Uses of Funds

The remaining 85% of Agency funds collected within the project area shall be applied to redevelopment activities within or directly benefiting the project area, which may include the following priority uses:

- **Extraordinary Site Preparation Costs** — Fill material, grading, and infrastructure improvements necessary to develop parcels currently located within the 100-year floodplain to a developable condition.
- **Public Infrastructure Improvements** — Construction or reimbursement of on- and off-site infrastructure including roads, utilities, drainage, and related improvements required to support commercial development within the project area.
- **Development Incentives and Agreements** — Financial assistance to qualified developers pursuant to participation agreements authorized under Utah Code Title 17C, to offset extraordinary development costs and incentivize investment within the project area.
- **Agency Administration of Redevelopment Activities** — Costs directly associated with implementing the project area plan, including professional services, legal, and project management.

Specific expenditures shall be authorized by the Agency Board through future action consistent with Utah Code Title 17C and the Provo City Redevelopment Agency’s adopted policies and procedures.

All dollar amounts represent 20-year nominal projections based on a 2.5% annual inflation rate. Net present values are calculated at a 5% discount rate. Actual revenues and expenditures are subject to development timing, market conditions, and future Agency action.