



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:30 PM, Tuesday, January 20, 2015

Room 200, Municipal Council Chambers

351 West Center, Provo, Utah

Opening Ceremony

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member Gary Garrett
Council Member Gary Winterton
Council Member David Sewell
Mayor John R. Curtis
Deputy City Attorney Brian Jones

Council Member Vernon K. Van Buren
Council Member Harold L. Miller, Jr.
Council Member Kim Santiago
Deputy Mayor Corey Norman
Council Executive Director Matthew Taylor

Excused: Council Member Stephen Hales

Conducting: Chair Garrett

Invocation and Pledge – Ben Drewes, Boy Scout Troop 778

Approval of Minutes – January 6, 2015 Council Meeting

Ms. Santiago asked that the minutes be amended to include the word “approve” in the motion for the Water Conservation Plan Update resolution. She also noted there was not a second to her nomination as Council Vice-Chair for 2015. Brian Jones, Deputy City Attorney, replied that a second was not needed; it was implied since there were no other nominations.

Motion: Council Member Harold L. Miller, Jr. moved to approve the minutes as amended. The motion was seconded by Council Member Vernon K. Van Buren.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor. Council Member Hales was excused.

Presentations, Proclamations and Awards

1. Special presentation and tribute to Becky Lockhart

Chair Garrett announced a special presentation and tribute would be given honoring Representative Becky Lockhart, former Utah State Legislator and Speaker of the House, who passed away on January 17, 2015. Chair Garrett stated the Council was honored to have her husband, Stan Lockhart, present at the meeting, as well as other family members and friends. He noted that Mr. Lockhart served on the Provo City Council a few years ago. Chair Garrett asked Kim Santiago to make the Council's presentation (a copy of the full text attached to the permanent minutes).

Ms. Lockhart was a member of the Utah House of Representatives, representing the State's 64th District, which covered central and southeast Provo, as well as north Springville. She was first elected to office in 1998 and served as Assistant Majority Whip in 2008. On November 4, 2010, Ms. Lockhart was chosen by her colleagues to be Speaker of the House – the first woman in Utah history to hold the top leadership position. Her service in the House ended just last month (December 2014). The Provo City Council offered their gratitude for Becky Lockhart's years of service, countless contributions to the community, and for inspiring others to speak up and have a voice. To the Lockhart family the Council extended their heartfelt and deepest sympathies.

Mayor Curtis said that Becky Lockhart established a standard for women to dream and to achieve great things. He announced that, in conjunction with the Lockhart family, Provo City would build a memorial in her honor to acknowledge the many things she accomplished but, above all else, the way she inspired young women. Donations for the memorial could be made through the Provo Foundation.

Stan Lockhart stated that Becky was really cool. When she became Speaker of the House there were people that said she was elected because she was a woman. He said Ms. Lockhart felt she was elected because she had earned it. As the first woman Speaker of the House she received many requests from people to have her picture taken with their daughters. During the four years she was Speaker of the House she became a passionate defender of women. She wanted them to dream big and find ways to achieve those hopes and dreams.

Chair Garrett invited all present to join in a moment of silence in honor of Becky Lockhart.

1. A presentation by Tom Holdman Studios and his blown glass exhibit in the Covey Center Gallery

Lauren Nielsen, Art Gallery Coordinator at the Covey Center, presented. She announced an exhibit showcasing Tom Holdman Studios and his blown glass exhibit would be opening on Friday, February 6, 2015 and would run through March 2015. She invited James Graham, Assistant Gallery Director at Holdman Studios, to make a presentation showing some of the blown glass art that would be shown during the exhibit.

Mr. Graham reported that Tom Holdman Studios created all types of blown glass art work including chandeliers, plates, platters, stained glass windows, bowls, lighting fixtures, and vases. His work could be found across the United States and all over the world. He reminded the Council the exhibit would open February 6, 2015 and would run for two months.

2. A presentation on the Canyon Bicycle Commuter Golden Spoke Award

Aaron Skabelund, Provo Bike Committee, presented. He appreciated the Council's support for the Bicycle Master Plan that was approved last year. He asked the Council to continue to support the Provo Bike Committee as they applied for CDBG funding for the 200 East Neighborhood Greenway project. Mr. Skabelund announced that the Utah Bike Summit would be hosted by Provo City for the first time on April 10, 2015 at the Provo Library.

For the past three years, during Bike to Work week in Provo, Mayor Curtis has presented a general Bicycle Commuter Golden Spoke Award. The Provo Bike Committee decided to create a winter bicycle commuter award to highlight that, even in the dead of winter, any day is a good day to bicycle to work or school. Mr. Skabelund thanked Canyon Bicycles for sponsoring the Canyon Bicycles' Winter Bike Commuter Golden Spoke Award.

Mr. Skabelund counted down the seven "not so secret" benefits of biking through winter:

- 7 – It makes you feel like a rebel to know that the cold can't beat you.
- 6 – You never have trouble finding bike parking.
- 5 – Friends and peers may think you are nuts but they are secretly impressed.
- 4 – It's all about the layers, it is not as specialized or complicated as you think. There is no such thing as bad weather, just bad gear.
- 3 – You will be warmer riding your bike than waiting for your car to heat up.
- 2 – You won't foul the air and you can easily earn one of the Mayor's clean air pins.
- 1 – Some days it is safer to walk and to take transit than to ride. But, doing so does not make you any less of a rebel.

Mayor Curtis announced Lexi Williamson as the recipient of the Canyon Bicycles' Winter Bike Commuter Golden Spoke Award. Ms. Williamson, who started riding her bike in high school, now rides her bike from west Provo to school at BYU, a round trip of more than 10 miles through rain or snow. She also used her bike for shopping and recreation. Mayor Curtis congratulated Ms. Williamson for her dedication to bicycling and presented her with a gift certificate to Canyon Bicycles.

Ms. Williamson thanked those that donated the award. She stated it was nice to be recognized for something she did not think was of any significance. She asked the Council and Mayor to continue creating an interconnected network of bikeways so that bicyclists could bike around Provo safely.

Public Comment

Diane Christensen thanked the Council for their tribute to Becky Lockhart. She was already aware of two donations to the Provo Foundation that would be used for the memorial. A couple of years ago she had asked for Ms. Lockhart's help with a political matter that might have been damaging to Ms. Lockhart's career. Ms. Lockhart agreed to work with her regardless of the possible damage. Ms. Christensen stated her life was better for having known Ms. Lockhart.

Mayor's Items and Reports

- 3. A public hearing on Resolution 2015-04 authorizing the issuance and sale of Water Revenue Bonds; authorizing the execution and delivery of a Master Indenture and Supplemental Indenture; authorizing the taking of all other actions necessary for the consummation of the transactions contemplated by this resolution; and related matters. (15-102)**

Dan Follett, Deputy Director of Finance, presented. Mr. Follett announced that Provo City had sold Water Revenue bonds in the amount of approximately \$12 million. The sale was subject to a public hearing and Council approval. The City was able to take advantage of a very favorable variable interest rate market. The 20-year bonds were sold at an interest rate of 2.68 percent over the full term. He invited Brian Baker, Municipal Advisor from Zion's Bank, to comment on the sale.

Mr. Baker reported that Provo City, with their bond ratings and financial management, put themselves in a great position to sell the bonds. At 9:15 that morning (January 20, 2015) the sale was opened to all bidders and underwriters across the country. Eight bids were submitted with the winning bid awarded to Janney Montgomery, based out of Philadelphia. He stated they were pleasantly surprised that this rate was even better than the 2011 Recreation Center Bonds interest rate of 4.19 percent. The public hearing was a legal requirement to allow the public to comment on possible private business issues or conflicts within the City.

In response to a question from Mr. Winterton, Mr. Baker replied that he did not think it would be a problem obtaining an additional water bond in a few years. It was fully discussed and disclosed that the City would need additional funding in a few years. It actually helped because it showed that the City was doing some long-term planning.

Chair Garrett invited public comment. There was no response to the request so he invited additional council questions or discussion.

Ms. Santiago asked why the resolution showed a principal amount of \$10.775 million instead of the \$12 million that the City was expecting. Mr. Baker explained that when the bidders submit a bid they determine both the coupon rate and the interest rate on the offerings. The coupon rate was stated on the bonds and most investors did not want to own bonds that had coupon rates as low as what the market was dictating; so the investors put 4 percent on the eight year bonds. Instead of giving the City one dollar for every dollar worth of bonds the increased interest rate would give the City a dollar and a quarter for every dollar worth of bonds. That gave the City \$12 million for Public Works, paid the underwriter fee, and paid the other costs of issuance related to the bond transaction.

There was no further council discussion so Chair Garrett called for a motion.

Motion: Council Member Gary Winterton moved to approve **Resolution 2015-04** approving the sale of the Water Bonds. The motion was seconded by Council Member Kim Santiago.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor. Council Member Hales was excused.

4. A public hearing on Resolution 2015-05 authorizing the issuance and sale of Wastewater Revenue Bonds; authorizing the execution and delivery of a Master Indenture and Supplemental Indenture; authorizing the taking of all other actions necessary for the consummation of the transactions contemplated by this resolution; and related matters. (15-012)

Mr. Follett reported the Wastewater Revenue Bonds were sold approximately 30 minutes after the sale of the Water Bonds. The bond proceeds would be approximately \$10 million to be utilized to make improvements in the wastewater system. The same underwriter, Janney Montgomery, bid on the bonds with the same interest rate of 2.68 percent. The Council was being asked to hold a public hearing and then approve the sale of the bonds.

Mr. Baker noted that the same eight bidders made bids on both the Water and Wastewater bonds. He said it was interesting that the bidders all bid the same amount on both bids.

In response to a question from Mr. Winterton, Mr. Baker explained there was a fixed date and time when all the bids were due. The bidders could submit and retract bids up until that time but did not know who else was bidding and how much they were bidding.

There was no response to the request for public comment. Chair Garrett invited further Council discussion or a motion on the request.

Motion: Council Member David Sewell moved to approve **Resolution 2015-05**. The motion was seconded by Council Member Vernon K. Van Buren.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor. Council Member Hales was excused.

5. A resolution appropriating \$95,000 in the Economic Development Department of the General Fund for operating expenses related to providing a construction loan for the startup building project and applying to the Fiscal Year ending June 30, 2015. (15-013)

Dixon Holmes, Deputy Mayor - Economic Development, presented. Mr. Holmes noted that this item and the RDA item next on the agenda were related. The funds from both requests would be combined to provide a construction loan for the Startup Building Project.

Provo City had been working with the Tom Taylor family, owners of the Startup building located at 600 South 100 West, to provide low-cost space for startup companies to use. A few years ago a portion of the Startup building was converted to co-working space to provide temporary office

space for startup companies. The purpose of the loan would be to convert the manufacturing space on the main level to additional co-working and small office space. The \$95,000 would be combined with additional funds from the RDA for a total of \$200,000 to loan to the Taylor family. The construction loan would be for a term of five years with no interest. The City would place a lien on the building for \$200,000. The building had a much higher value so city staff was comfortable with that lien amount. The Startup building was in an ideal location next to the FrontRunner station and near downtown.

In response to a question from Mr. Sewell, Mr. Holmes stated that a coding business, called DevMountain, had started out renting space in the building. The business had become so successful that they were using most of the space on the second and third levels. The loan would help facilitate remodeling the 12,000 square foot main floor. One-third of the space would be dedicated to co-working space, one-third to small office space, and the remaining third would be event space. The co-working space was short-term and provided an open atmosphere to network with others. The small office space would be rented out to businesses requesting a little more privacy. The event space would be available for entities needing to hold meetings or meet with investors.

Ms. Santiago noted the cabinet shop on the main floor had been the mainstay for the financial liability of the building. With that business gone what were the guarantees the Taylors could meet their financial obligation in repaying the loan. Mr. Holmes replied that DevMountain was a paying tenant and fees for use of the co-working space, event space, and small office space would be charged. Mr. Holmes said there were no guarantees but that was typical with any new business and that was why the City was asking for a lien of \$200,000 to cover the loan.

Mr. Holmes stated the \$95,000 would come from money that was budgeted in the General Fund for building improvement in the downtown area and was not CDBG façade grant funding. The budget of \$175,000 would be reduced by \$95,000 leaving \$80,000.

In response to a question from Mr. Miller, Mr. Holmes said the Taylor's own the building and work, in conjunction with others, to run the day-to-day operations of the building. The Taylors would be the ones receiving the loan, hiring the contractors with oversight from the City, and renting out the space. The City would not receive any space as a result of this loan. Mr. Holmes stated the City had a previous agreement with the owners that allowed us to use space in the building for a three-year period at a cost of \$18,000 per year. There was about 1 ½ years left on that agreement.

Mr. Holmes felt it was in the best interest of the City to have this type of space available for young businesses to use in the early stages of their business and was consistent with the Economic Development Strategic Plan. The City could supply funding to "close the gaps" with what the private sector could do and what was needed. There would be no direct return on the investment, simply the repayment of the principal amount. The most important benefit would be the name recognition that Provo received for supporting and encouraging new businesses.

In response to a question from Mr. Winterton, Mr. Holmes replied that, hopefully, the startup businesses would stay in Provo as they expanded and moved to other locations. He did not have

specific numbers for what businesses had stayed in Provo but he would do some research and report back to the Council at a later date.

Mr. Sewell felt there was value in providing “incubator” spaces for small businesses. He started his business in his basement and now employed 45 people. They did not have this type of space available back then. If it had been available he might have grown more and learned faster. However, in doing this we were making an assumption that there was a demand for more of these types of spaces. Mr. Holmes said it was the City’s hope that we would eventually have five or six of these types of buildings in Provo.

Ms. Santiago appreciated having this type of opportunity in our community. The staff report mentioned that the banks felt this type of loan was a risk. She asked why the City was willing to take that risk. Mr. Holmes replied that the City was willing to finance the gap loan to help those businesses that could not secure funding on their own. It was important to help fund small businesses to help them get going. He noted that the Taylor’s were willing to take that risk also.

Brian Jones, Deputy City Attorney, stated that the City would have the \$200,000 lien and, if it was not paid back, we could ask the Taylor’s to sell the building in order to pay the lien. Mr. Holmes said that the remodeling would make the building more useable. If things went bad, the City would still have a lien on the building.

Mr. Holmes said there were other businesses that had asked for assistance but they were talking about millions of dollars to convert space. The City felt that was too much to invest at this point.

Chair Garrett called for a motion on the resolution.

Motion: Council Member David Sewell moved to approve **Resolution 2015-06**. The motion was seconded by Council Member Harold L. Miller, Jr.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor. Council Member Hales was excused.

Recess Municipal Council and convene as Redevelopment Agency

Motion: Council Member Harold L. Miller, Jr. moved to adjourn the Municipal Council meeting and convene as the Redevelopment Agency at 6:54 p.m. The motion was seconded by Council Member Vernon K. Van Buren

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor. Council Member Hales was excused.

Redevelopment Agency of Provo

- 6. Resolution 2015-01-20-1 appropriating \$200,000 in the Tax Increment Fund to facilitate a construction loan for the startup building remodel project and applying to the Fiscal Year ending June 30, 2015. (15-013)**

David Walter, Redevelopment Agency Director, presented. The RDA Board was being asked to appropriate \$200,000 from the RDA Tax Increment Fund for a construction loan to the Taylor family. The funding sources for the loan includes a \$95,000 transfer into the Tax Increment Fund the from General Fund (the item previously approved) and the remaining \$105,000 from the fund balance in the RDA Tax Increment Fund. The RDA would be giving the loan and would be requesting the lien on the building. Loan payments would be applied to the \$95,000 General Fund appropriation first. This proposal was not taking funds away from any project budgeted with CDBG or RDA funds.

There was no further discussion. Chair Sewell invited a motion.

Motion: Board Member Vernon K. Van Buren moved to approve **Resolution 2015-01-20-1**. The motion was seconded by Board Member Gary Winterton.

Roll Call Vote: The motion passed 6:0 with Board Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor. Board Member Hales was excused.

Adjourn as the Redevelopment Agency and reconvene as the Municipal Council

Motion: Board Member Kim Santiago moved to adjourn the Redevelopment Agency meeting and reconvene as the Municipal Council at 6:58 p.m. The motion was seconded by Board Member Gary Garrett.

Roll Call Vote: The motion passed 6:0 with Board Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor. Board Member Hales was excused.

Municipal Council

Policy Items Referred from the Planning Commission

- 7. A public hearing on Ordinance 2015-04 amending the Zone Map Classification from the A1.5 (Agricultural) Zone to the R1.8 (One Family Residential) Zone for approximately 35 acres of real property located generally at 680 West 1560 South for a future subdivision development. Lakewood Neighborhood. (14-0003R)**

Bill Peperone, Deputy Director of Community Development, presented. The proposed ordinance would change the zoning of 35 acres located approximately 1560 South 680 West from

Agricultural (A1.5) to One Family Residential (R1.8). The housing density of the subdivision would be three units per acre which was more consistent with the R1.10 zone. The lots ranged in size from 8,400 square feet to 14,000 square feet with the average lot size of 9,500 square feet. The developer had agreed to provide open space on the south and west sides of the property. The open space would allow for a trail system that would connect further to the west as the West Side Master Plan was being developed.

The developer did not put all the large lots in one section, allowing for a variety of house sizes and styles throughout the neighborhood. Mr. Peperoni said there was such a small supply of single family lots in the City that it would push the prices of lots and homes up in the subdivision. He was not worried about the size of the lots dictating the size of the homes. He felt the City would be happy with the development. The road layout would have shorter streets, four way stops, and more turns which would help eliminate speeding and slow down traffic in the area. He reported the Planning Commission recommended approval on a 4:3 vote.

In response to a question from Ms. Santiago, Mr. Peperone replied that the developer had agreed to dedicate the open space and improve it. The Parks and Recreation Department has agreed to maintain the space. The Parks Department would be involved in the design of the open space so that it would not be labor intensive to maintain.

Mr. Jones said the City could be liable if the trail was not constructed or maintained properly.

Mr. Winterton expressed concern about the water table in that area. Dave Decker, Public Works Director, responded that the City compromise level of Utah Lake was 4495. The City required all buildings to be built one foot above that elevation. Basements were unlikely in that area.

Dave Gardner, property developer, was asked to respond. Mr. Gardner said the master plan for the development called for residential homes. The majority of the lots would be 9,000 to 10,000 square feet. The intent was to build homes just less than 2,000 square feet with four bedrooms which would fit on the smallest lots. The Provo staff had requested the open space because of future plans being discussed with the Westside Master Plans for a trail system in the west side. The proposed open space connected with a seven acre parcel of land owned by the Division of Wildlife that went all the way down the collector road. Provo City staff was working with the Division of Wildlife to swap land in exchange for the land near the subdivision. The trail system would be developed incrementally as development occurred in the subdivision.

Mr. Gardner stated that traffic was a concern with the neighbors. The traffic study showed that traffic from this subdivision would be well within the guidelines suggested. As for the water table, he reported that during the flood years of 1983 and 1984 this land did not have standing water on it.

In response to Mr. Winterton, Dave Decker, Public Works Director, replied that he did not have the exact elevations of the water table during the flood years. Further to the east there was a pretty significant amount of standing water near the treatment plant. He reported there was a dyke system in place on the property in question.

In response to a question from Mr. Miller, Mr. Peperoni stated that 500 West was wide enough for traffic from the subdivision. The only improvements along 500 West would be sidewalks in areas where they were not required in the past.

Mr. Sewell noted that the proposed subdivision had a pretty good mix of lot sizes. He asked if there would be changes to the project if another developer took over. Mr. Gardner said he could not guarantee any changes but he would not like to be the developer that had to go back to the City to request changes. The homes would be large enough for a family to move into and have their children attend school up through high school.

Chair Garrett opened the public hearing and invited Terry Herbert, Lakewood Neighborhood Chair, to comment. Mr. Herbert reported he worked for Provo City in Irrigation and Storm Drain during the 1983 and 1984 floods. The Army Corp of Engineers built dykes around the property at elevations of 4497 feet on the south side and 4495 on the west side. The compromise level of Utah Lake at that time was 4489.45 and the flood waters went as high as 4495 feet. Had the dykes not been there that land would have been under water. He sat on the Westside Steering Committee and one of their recommendations was to require finished floor elevations of 4496 feet or any development in that area. As for drainage on that property, there was one spring that was not contiguous to Utah Lake and, therefore, not subject to the Wetlands Mitigation Act. The developer would need to put a drainage system into the subdivision to handle the water from the spring.

Mr. Herbert said there had been at least five meetings concerning development on the west side since he became Neighborhood Chair in 2007. Over the years residents were concerned that homes would be too small, there would be an increase in traffic, the sidewalks were not completed, and there would be storm and sewer water problems. At the last meeting there were 60 residents in attendance and their comments were basically the same. There were a handful that liked the rural and open area but they knew it would be developed eventually.

Brian Smith, Lakewood Neighborhood, stated that some of the residents felt their property values would drop because of the smaller lot sizes in the subdivision. The neighbors were also concerned it would become a transient neighborhood with a lot of rentals. He stated that the speed limit on 500 West was 25 mph but people actually drove 45 to 50 mph so traffic calming issues on 500 West and 1560 South were his biggest concern. He liked the project as it was presented with a lot of variation in lot and home sizes. They just want the best plan possible and the infrastructure to handle the development.

Dave Knecht, Provost South Neighborhood Chair, felt it was time for this type of development to be built in the west side. A similar proposal was made about 10 years ago but it was denied because of access issues. At that time they did not have another road under the freeway or another road out to the airport. Another issue with the west side was the large number of small homes. There were not enough larger homes for people to move up to so they had to move out of the neighborhood. Having a mix of smaller homes with larger homes was a great example of how it should be done. He also liked the layout of the roads because it would help prevent people from speeding through the subdivision.

Ben Markham, Chair of the Transportation and Mobility Advisory Committee (TMAC), reported they had held several discussions during their meetings about east – west transportation in Provo. They felt the City was not quite there yet and, as they looked at the long range plans, there were still some questions. He saw a lot of nice homes in the proposed development but asked how residents in that neighborhood would get to work if they lived in Provo. He was in favor of the development with the mixed sized lots but wanted to make sure the City was giving enough thought to transportation issues, not just sewer and water issues.

Mr. Peperoni stated that most people driving out of the subdivision would go drive north up 500 West into the city center. The Westside Connector, under construction just south of this development, would provide an easy route south out of the development to the freeway or the east side of Provo.

Cindy Richards, Provo Franklin Neighborhood, had seen four proposals for that property in the last 20 years. This was the best proposal she had seen for this property. During the past 20 years the majority of development on the west side was R1.8 with most of the homes having 2 and 3 bedrooms. There had also been a rental issue in that area. She stated the new elementary school off Geneva Road in northwest Provo was supposed to have been a high school. There were so many families that bought the smaller homes, grew out of them, and then moved away. Four bedrooms was a big deal and could help a family stay in the home. The quality and track record of the developer has shown they keep their promises and she felt traffic calming measures would be automatic for this developer. This development would provide the area with long-term residents.

Mr. Gardner did not think the traffic would quadruple. The traffic study showed that there were 1,750 trips per day on 500 West, north of 1560 South. The development would add an additional 1,400 trips per day. He pointed out that 500 West was a residential collector road and was designed to handle 7,000 trips per day so they were well within the guidelines adopted by the City. This property was in a great location because the commute to the freeway would be one minute when the Westside Connector was finished.

Pam Argyle, Provo, owned property on the west side of the proposed development. She felt there would be a traffic issue on 1560 South with people taking their kids to and from school. She wanted to know if the elementary students in the development would attend Franklin or Sunset because that would make a big difference on the traffic and was a big concern to the residents.

There were no more public comments.

Ms. Santiago felt her questions about the development had been satisfied. This type of development was what the City was looking for because of the diverse sizes of homes. She also liked the green space that included connectivity with a trail system.

Mr. Winterton was confident that the City Engineers would handle the traffic calming issues. He felt the City had looked at what traffic there might be and asked Ms. Argyle to work with the City to make sure the area had the traffic calming measures it needed.

There was no more discussion so Chair Garrett called for a motion on the proposed ordinance.

Motion: Council Member Vernon K. Van Buren moved to approve **Ordinance 2015-04**. The motion was seconded by Council Member Kim Santiago.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor. Council Member Hales was excused.

Council Items and Reports

8. Resolution 2015-07 encouraging the State of Utah to address comprehensive transportation funding. (15-007)

Matthew Taylor, Council Executive Director, presented. The Utah League of Cities and Towns had asked for member cities to adopt a resolution that encouraged the Utah State Legislature to adopt additional transportation funding options during the 2015 legislative session. This item was discussed in detail during work session earlier in the day. Several amendments to the proposed resolution were requested and the amended version had been given to the Council Members.

Mr. Taylor reported that two of the options suggested would be to request a general increase in the gasoline tax or a local option sales tax for municipalities to adopt at their discretion. He emphasized these were not the only options that might be considered, there could be others proposed by the legislators. The Provo City resolution stated the City was supportive of efforts by the legislature to diversify the number of tools that cities had at their disposal to meet their transportation needs.

Mr. Winterton asked that Ben Markham, chairman of the TMAC, review the proposed resolution. He felt this was an opportunity to find other options for the City, even though they had done a very good job of solving some of the city's problems on their own.

Mayor Curtis expressed his support of the proposed resolution even though he could not vote on it. He would be pleased to sign the resolution if the Council approved.

Chair Garrett felt this was an opportunity to join with other cities and towns and invite the legislators to provide cities with more tools to finance or pay for road improvements and other transportation needs in the cities. He supported the effort by the Utah League of Cities and Towns.

Ben Markham, TMAC Chair, felt one of the critical elements of any transportation funding plan was a "pay-as-you-go" component. The fuel tax opportunity made a lot of sense and he would support it because Utah had a relatively low fuel tax. With Tier 3 gasoline coming in the price of fuel will go up as much as ten cents per gallon. The price of crude oil had dropped from \$100 to

\$50 per barrel so gasoline prices had dropped. He thought they would stay at the current level for a few years rather than go back up. This provided an opportunity to use a fuel tax as a way to raise revenue for transportation infrastructure, not just roads. The average car was driven 1,000 miles per month. Raising fuel taxes by 10 cents per gallon would increase the average cost to the consumer \$4 per month. If that \$4 gave the consumers better infrastructure, quicker transportation time, and encouragement to buy fuel efficient cars that would help the environmental issues, then it was \$4 well spent by the consumers.

Mr. Markham felt the City had to keep things in parity with other cities along the Wasatch Front. Having flexibility might not be effective if Orem or Springville did not follow suit. For instance, if Provo added a fuel tax and other cities didn't the consumers might just go to Orem or Springville to purchase fuel in order to avoid the tax. Utah County had done a good job of protecting taxes but we were behind on infrastructure improvements. If we want to bring people to Provo we need to make sure the infrastructure is there.

Chair Garrett stated the beauty of the proposed resolution was that it was broad and supportive of state legislation that would give cities tools to use for transportation issues. The City could decide how to apply and use those tools.

Ms. Santiago stated there was a lot of discussion during the work session and invited people to view the meeting to get more information about this issue. She said it was helpful to speak with Cameron Diehl and Ken Bullock with the Utah League of Cities and Towns. They were able to shed light on some of the options the legislature would be looking at. The City was trying to support the ULCT and state legislature in their efforts to meet the transportation needs and would like the flexibility to make decisions for the City's transportation needs.

Chair Garrett called for a motion on the resolution. Mr. Winterton indicated he would like the resolution to be a joint resolution and allow Mayor Curtis to vote. Mr. Jones clarified that the Mayor was voting that he approved the recommendation but the vote was not part of the council vote. There would be two separate votes.

Motion: Council Member Gary Winterton made a motion to allow this resolution to be a joint resolution between the administration and city council and to approve **Joint Resolution 2015-07** as written. The motion was seconded by Council Member David Sewell.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor. Council Member Hales was excused.

Vote: Mayor Curtis voted to support **Joint Resolution 2015-07** as written.

9. Joint Resolution 2015-08 encouraging parents to speak with their youth about the dangers of Fight Nights in order to help ensure the health, safety, and welfare of our children. (14-102)

Kim Santiago, Council Member, presented. In February 2014 the Council held a discussion about MMA fights and considered an ordinance that would have allowed MMA fights at the Utah Valley Convention Center. She questioned why there was a fight ordinance in the first place. As she researched the issue she found that at the time the ordinance was adopted there were “Fight Club” fights around the city. Sometimes people would be left broken and bleeding on the pavement and everyone would run. There were a lot of issues with these fights, such as not having medical personnel in attendance. An ordinance was adopted so that the police would have some mechanism for dealing with those engaging in the fights.

Ms. Santiago reported that the fights were still going on in the community. There had been ten fights over a 9-10 month period that she was told about. She felt this was a disturbing trend in our community. Fight Nights actually started out as lunchtime fights where kids would gather at a home and, using MMA or other types of gloves, call each other out and fight in 30-second intervals. The kids considered it a sporting event and even parents were present. Eventually the fights started happening at night and were called “Fight Nights.” The police would stop by and try to figure out what was going on but no action was taken. That made it seem to the kids and parents that there was nothing wrong with the fighting. They did not realize it was illegal, both in Provo City but also in the State.

Fight Nights could include up to 100 kids and anyone could be called out to fight – girls or boys. Some of the kids might not want to fight but felt they had to. If they did not fight they would be humiliated or shamed on social media sites. The youth could suffer broken bones or concussions with no doctor on site to attend to the injuries or prevent them from driving with a concussion. There are concussion protocols for kids involved in football or any other type of sport but not for youth injured in one of these fights.

Ms. Santiago drafted and distributed a letter concerning the harmful effects of Fight Nights. The letter immediately garnered support from a lawyer, two pediatricians, a school psychologist, the Timpview PTA, and Timpview principal. The Provo School Board would be discussing the letter in a future meeting. Ms. Santiago read the letter into the record with a copy attached to the permanent minutes.

There had been made mention that these events happen infrequently. Ms. Santiago asked Utah State Representative Dean Sanpei to look into the fights. Representative Sanpei contacted several Sheriff’s offices and found 16 cases statewide that had been investigated during the past seven years. The problem was that many fights went unreported and went beyond our community borders. She thanked Mr. Taylor for his suggestion to make this a resolution because it would get the word out a little more effectively. She reported the Jimmer Fredette Foundation was planning to help spread the word through their anti-bullying campaign. It was important to get the information out there so that people were aware of what was happening.

Ms. Santiago asked for thoughts or feedback from the Council.

Mr. Sewell appreciated Ms. Santiago’s efforts and her educational outreach. Ms. Santiago knew people that had been injured in these fights so he was in favor of the resolution and helping to get the word out about the dangers involved.

Mr. Winterton was grateful to know that the resolution showed these fights were against the law and were a Class B Misdemeanor. Mr. Jones explained that the maximum penalty could be up to one year in jail and a \$1,000 fine. Ms. Santiago reported there was also state law that made it a Class A Misdemeanor which carried up to 18 months in jail.

Chair Garrett asked for a motion on the resolution encouraging parents to speak to their youth about the dangers of Fight Nights. The resolution carried most of the information that was included in Ms. Santiago's letter. This would be a joint resolution with the Council voting for approval and the Mayor being asked to vote separately.

Motion: Council Member Kim Santiago moved to approve **Joint Resolution 2015-08** as written. The motion was seconded by Council Member David Sewell.

Roll Call Vote: The motion passed 5:1 with Council Members Garrett, Santiago, Sewell, Van Buren, and Winterton in favor and Council Member Miller opposed. Council Member Hales was excused.

Vote: Mayor Curtis voted to support **Joint Resolution 2015-08**.

Adjourn

Motion: Council Member Kim Santiago moved to adjourn at 8:09 p.m. The motion was seconded by Council Member Vernon K. Van Buren.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor. Council Member Hales was excused.