



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:30 PM, Tuesday, July 05, 2016
Room 310, Provo City Conference Room
351 West Center, Provo, Utah

THE FOLLOWING ELECTED OFFICIALS WERE PRESENT:

Council Member David Harding
Council Member David Knecht
Council Member Kim Santiago
Council Member George Stewart
Council Member Vernon K. Van Buren
Council Member Gary Winterton
Mayor John R. Curtis

Excused: Council Member David Sewell
Conducting: Council Chair Kim Santiago

Agenda

[Roll Call](#)

[Prayer](#)

Corey Norman, Deputy Mayor, offered the prayer.

Council Business: Outcomes and Ends Policies

1. [A discussion on the proposed Keeping of Swine ordinance. \(16-084\)](#)

Gary Millward, City Attorney, presented. The proposed ordinance introduced today increases the distance a pigsty must be located from a residential dwelling and increases the current codified distance from 100 feet to 300 feet. This ordinance is specific to swine. Bill Peperone, Assistant Director of Community Development, clarified that if this ordinance passes, the ordinance on animals introduced a few weeks ago would be null and void

Council Member David Harding supports this ordinance with the change that the distance be from the property boundary rather than a dwelling. He stated that the justification for the other ordinance reviewed a few weeks ago made a strong case for buffering between agricultural and residential uses.

Council Member David Knecht said some people have written to him regarding their concerns about taking away animal rights of established farmers. Therefore, he would like to address only the issue surrounding swine. Council Kim Santiago said the previously discussed animal proposal brought forth by Community Development was introduced a few weeks ago to mitigate possible problems regarding agricultural areas next to residential areas. Council Members discussed whether to consider both animal proposals or to address just the swine issue. One of the concerns raised is that when residential zoned housing is built next to an agricultural zoned land, they begin to make demands upon the farmers.

Mr. Milward said the State statute allows municipality authority broad discretion related to pigsty. It does not specifically say how to deal with it but rather, leaves it up to the municipality to establish their own rules. The ordinance introduced today has to do with Animal Control rather than a zoning issue, therefore making it easier to enforce.

Some of the questions raised and need more consideration were:

1. What kind of buffering is in place for the agriculture zone?
2. Are there other zones we need to be concerned about?
3. Do we have enough feedback from those with agriculture experience?
4. Are the farmers being protected so they can raise the animals they choose?
5. Is the 300' distance enough?

Council Member Kay Van Buren would like to have a public hearing to see what the local farmers have to say about the issue.

Mayor John Curtis said there is not much of a difference in enforcement whether the distance is from the dwelling or the property line.

Motion: Council Member David Knecht moved this item forward to the July 19, 2016 Council Meeting. In addition, addressing the changes of use to be a distance of 300 feet from the property line. Seconded by Council Member George Stewart. Approved 6:0. Council Member David Sewell excused.

Roll Call Vote: The motion passed 6:0 Council Member David Sewell excused.

Mayor's Items and Reports

2. [A discussion on the Parkway Plaza Potential Redevelopment Area. \(16-087\)](#)

David Walters presented. The Plum Tree Plaza area has been purchased by Westport Capital, located in California. They have an ambitious plan for the property and will make a formal submittal in the near future. The new owners feel that focusing solely on retail is not a winning strategy for the center and are looking to add hospitality (hotel), residential and office elements to the center. They do believe retail uses will still have a place in the new center but those uses will be a supporting role and not the driving force behind the

rehabilitation of the complex.

They are anticipating 300,000 square feet of office space. In order to meet all the parking ratios required, they are requesting the Redevelopment Agency consider adopting a Community Reinvestment Project Area for just the plaza area.

Dixon Holmes, Director of Economic Development, informed the Council that Westport Capital is bringing energy and momentum to this area of Provo. The mix of use in the area is needed and market driven. Currently, they are lining up tenants, one already announced is Café Rio. Brandon Fugal (top agent in Utah) has been hired to work with them.

Westport Capital has not requested in taxing or fee waivers. The plan is for \$140 Million in improvements and \$30 Million in taxes above what we are getting.

Motion: Council Member George Stewart moved this item to the July 19 2016 Council Meeting. Seconded by Council Member David Harding.

Roll Call Vote: The motion passed 6:0. Council Member David Sewell excused.

3. [The funding of utility and infrastructure improvements at the Provo Municipal Airport for Duncan Aviation. \(16-085\)](#)

Wayne Parker, CAO, introduced this item. He gave a brief history of Duncan Aviation and their search in 2007 for a Western States location for their business. Duncan began their relationship and conversations with Provo at that time while choosing between two site selections in Utah and one in New Mexico. Duncan chose Provo for their site. Duncan is bringing approximately 600-700 household sustaining jobs which is a key economic development factor for Provo. Duncan needed time to work through the economic recession which hit in 2008. Duncan set up a small facility at that time in Provo for one of their clients. The environmental work has been completed with the State Department of Environmental Quality and the Governor's Office of Economic Development. The Duncan/Airport project has been in the works for ten years and we are now in a position to bring a larger scale operation to the Provo Airport.

Dixon Holmes, Director of Economic Development, presented. In 2008, a Provo contingency made a trip to Battle Creek, Michigan to tour Duncan's facilities. Another tour in August is being planned to visit the Lincoln, Nebraska facilities. The enticement package to Duncan from the City was not competitive, even though the competition was very tough. The utility and infrastructure is not in place to support business, commercial, and other future development. The Council has set-up by General Plan, future development at the airport at the area South of 3110, on the East and West side. The recently adopted Strategic Economic Development Plan identifies aviation as a key component.

Bill Prochazka, Duncan Aviation Chief Operating Officer, presented the company's experience, core values and processes to the Council. The company is a family oriented company. The reasons given for choosing Provo, Utah were:

1. Utah has one of the lowest crime rates in the nation which is less than half the national average.
2. Utah has one of the lowest unemployment rates in the nation, currently under 4%.
3. Utah and Provo are both very friendly, family-oriented areas.
4. Solid infrastructure planning and strong community relationships exist within Provo.

Mr. Prochazka suggested that Provo maintain a buffer zone of agriculture around the airport. His employees average \$30.00 per hr.

Teresa Foxley, Deputy Director in the Governor's Office of Development, said the statewide impact of new wages Duncan will bring is \$389 Million which translates to \$20 Million in new State revenues. \$53 Million will be spent on this project. Phase one will bring 425 jobs. Phase two will bring approximately 700 jobs, all high paying wages which is 150% of Utah's average. This will diversify the communities economic and education ladders.

Jeff Edwards, Economic Development Corporation of Utah said that Duncan is a top company with an outstanding reputation for taking care of aviation business and for keeping their word. In the last decade, commercial aviation has grown along with other aviation uses. This will grow the States aviation industry as a whole and his corporation is very supportive.

Steve Gleason, Airport Manager, said that Duncan is respected in the aviation community. This investment will increase the reputation of Provo Airport and provide 6 cents per gallon revenue to the city. Duncan will also ensure that Provo keeps its control tower which ensures FAA funding to maintain the airport. The eight mile runway was paid for by the FAA. The airport infrastructure that will be needed includes roads, curb, gutter, sewer, storm drain, and power. A list of the needed infrastructure expenditures (\$2,813,707.47) was shared with the Council. Provo City received an APA Grant which will pay for the building of a \$7 Million public ramp. The FAA has put in \$1 Million to help build the ramp. The ramp is for the parking of diversion aviation traffic from Salt Lake City airport. The ramp is made of extra thick and strong concrete for the parking of these planes. The time has come to build the infrastructure.

Dixon Holmes and other city departments have worked together to find funding for the infrastructure. Mr. Holmes reviewed the funds available for the airport from various departments. Council Members were not comfortable with drawing funds from the Public Works Water Department because of the great need for those funds. They asked for other options. Council Member George Stewart asked for consideration of using power revenues instead of water to finance this (Interfund Transaction with Energy Fund). Wayne Parker said this would put our bonding out a year in terms of the Capital Improvement Plan.

David Walter, Redevelopment Agency Director, presented another funding option:

1. Community Development Block Grant (CDBG) has funds that can be used for jobs

creation. We would get a loan guarantee and then pay it back through CDBG. This would be paid back through an existing revenue stream.

Council Chair Kim Santiago requested the Administration come back with low, middle, and high funding options and hear this on the July 19, 2016 Work Meeting.

Motion: Council Member George Stewart moved to have a resolution to authorize Mayor John Curtis to sign a commitment letter on the part of the City for the infrastructure financing as defined in the Work Meeting today. This resolution will be prepared for the July 19, 2016 Council Meeting. Seconded by Council Member David Harding.

Note: This item will also be heard at the next Work Meeting to receive from Administration the low, middle and high option for funding and other possible funding mechanisms.

Roll Call Vote: The motion passed 6:0. Council Member David Sewell excused.

Council Executive Director's Items and Reports

4. [A discussion on updating the explanatory text for the 2016 Council Priorities. \(16-015\)](#)

Council Member David Harding presented. Two weeks ago, the Council discussed a couple of changes that were made and time was given to Council Members to review the text.

Council Members discussed the following in relation to priority 5, Budgeting to Priorities:

1. Implementing the review of city programs will take time and effort
2. Administration's unclearness as to what budgeting to priorities means.
3. Council will be able to tie the budget with their outcomes. Then a determination can be made as to the priority of city programs.
4. Better articulate how the Council goals and priorities line-up with the City's existing long term goals such as Vision 2030 and the General Plan.
5. The difficulty Council Members have when appropriations come before them and the inability to see how it fits in comparison with city programs and Council priorities.

Mr. Harding reminded the Council Members of the purpose of the discussion which is to approve the nine priority sheets in the current format so that they may be put on the website. Clifford Strachan added that the current document is a good beginning in moving the city budget in the right direction.

Council Members continued the discussion on:

1. More specificity of the budget will lead to better Administrative understanding and greater transparency for the public.
2. It was suggested that at each Work Meeting, Council could pick a priority to discuss and evaluate.
3. The priorities and goals are meant to provide a high level of direction to the Administration as to where the Council would like to go.
4. The Budget Committee could look at twenty-five fees quarterly and review the budget earlier.

It was requested that the section on the Budget to Priorities sheet entitled “A budget in the following format” should be removed and that a letter conveying this same information to the Administration through a letter.

The 2016 Council Priorities is to be placed on the website this coming week.

Motion: Council Member David Knecht moved to accept the 2016 Council Priority Sheets as currently formatted and to delete the section titled: “A budget in the following format” along with the bullet points underneath and a letter to be sent to the Administration reiterating this section as a formal request. The deleted section will be discussed further by the Council in a future Work Meeting. Seconded by Council Member Gary Winterton. Approved 6:0. Council Member David Sewell excused.

Roll Call Vote: Approved 6:0. Council Member David Sewell excused.

5. [A discussion on Council Committees.\(16-088\)](#)

A request has been made by Council Member Kay Van Buren to make a change to the Ad Hoc Housing Committee and the Development Review Committee.

Motion: Council Member Gary Winterton moved to approve Council Member David Knecht as Chair of the Ad Hoc Housing Committee. Seconded by Council Member George Stewart. Approved 6:0. Council Member David Sewell excused.

Roll Call Vote: Approved 6:0. Council Member David Sewell excused.

Motion: Council Member David Harding moved to approve Council Member David Knecht to the Development Review Committee to replace Council Member Kay Van Buren. Seconded by Council Member Gary Winterton. Approved 6:0. Council Member David Sewell excused.

Roll Call Vote: Approved 6:0. Council Member David Sewell excused.

6. [A status update on commercial trampoline gym facilities. \(16-089\)](#)

Council Chair Kim Santiago presented. She explained that the trauma surgeons at the Utah Valley Hospital had asked for a review of regulations regarding commercial trampoline gym facilities because of the alarming amount of injuries and severity of those injuries caused in these facilities. The gyms are currently self-regulating. The members of the trampoline gym stakeholders are: a trauma surgeon, interim fire chief Tom Augustus, a trampoline gym owner, a parent/citizen and a member of the health department. Brian Jones, Council Attorney has been instrumental in putting legislation together.

It is important to have all gyms playing by the same rules rather than learning by trial and error. It is the hope that the State Legislators will address this issue statewide and put in some regulations.

The Trauma Surgeons love that children are being active, but this activity needs to be done safely to reduce the number of injuries and severity.

This is an update only.

Closed Meeting

7. 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.

Brian Jones, Council Attorney, stated the reason for holding a closed meeting is to consider a motion to close the meeting to discuss the purchase, sale, exchange, or lease of real property.

Motion: Council Member David Knecht moved to close the meeting. Seconded by Council Member Kay Van Buren.

Roll Call Vote: Approved 6:0. Council Member David Sewell excused.

Motion: Council Member David Harding moved to adjourn. Seconded by Council Member Gary Winterton.

Roll Call Vote: Approved 6:0. Council Member David Sewell excused.