



## **PROVO MUNICIPAL COUNCIL**

### **Redevelopment Agency of Provo**

#### **Regular Meeting Agenda**

5:30 PM, Tuesday, October 18, 2016

Room 200, Municipal Council Chambers

351 West Center

#### **Decorum**

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

#### **Opening Ceremony**

Roll Call

Invocation and Pledge

#### **Public Comment**

Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda:

Please state your name and city of residence into the microphone.

Please limit your comments to two minutes.

State Law prohibits the Council from acting on items that do not appear on the agenda.

#### **Council Items and Reports**

1. Consideration of a motion to rescind the adoption of Ordinance 2016-27, approved on October 4, 2016, which amended energy rates on the Provo City Consolidated Fee Schedule by adding a Solar Generation Capacity Charge. (16-093)

#### **Mayor's Items and Reports**

2. A resolution appropriating \$205,281 in the General Fund for body-worn cameras and equipment for storage and applying to the fiscal year ending June 30, 2017. (16-103)

#### **Policy Items Referred from the Planning Commission**

3. An ordinance amending the Zone Map Classification of approximately 2.44 acres of real property, generally located at 1290 North Geneva Road, from Agricultural Zone (A1.5) to One-Family Residential (R1.10), Lakeview North Neighborhood. (14-0013R)

## Council Items and Reports

4. A resolution approving an online civic engagement services provider and appropriating \$10,800 in the General Fund for the Fiscal Year ending June 30, 2017. (16-042)

If you have a comment regarding items on the agenda, please email or write to Council Members. Their contact information is listed on the Provo website at:

<http://provo.org/government/city-council/meet-the-council>

### Adjournment

---

Materials and Agenda: <http://publicdocuments.provo.org/sirepub/meet.aspx>

Council Blog: <http://provocitycouncil.blogspot.com/>

The next scheduled Regular Council Meeting will be held on 11/01/2016 at 5:30 PM in the Council Chambers, 351 West Center Street, Provo, unless otherwise noticed. The Work Session meeting start times is to be determined and will be noticed at least 24 hours prior to the meeting time, but typically begins between 1:00 and 4:00pm.

### Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aides and services) during this meeting are invited to notify the Provo Council Office at 351 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email [ljorgensen@provo.utah.gov](mailto:ljorgensen@provo.utah.gov) at least three working days prior to the meeting. The meeting room in Provo City Center is fully accessible via the south parking garage access to the elevator. The Council Meeting is also broadcast live Provo Channel 17 at <https://www.youtube.com/user/ProvoChannel17>. For access to past Work and Council Meetings, go to playlists on <https://www.youtube.com/user/ProvoChannel17>.

### Notice of Compliance with Public Noticing Regulations

This meeting was noticed in compliance with Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at [council.provo.gov](http://council.provo.gov). Council Meeting agendas are available through the Utah Public Meeting Notice website at [pmn.utah.gov](http://pmn.utah.gov). Email subscriptions to the Utah Public Meeting Notice are available through their website.

### 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.

*Network for public access is "Provo Guest", password "provoguest".*

Ordinance 2016-27

SHORT TITLE:

An ordinance amending the Energy Rates on the Provo City Consolidated Fee Schedule.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

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

This ordinance was passed by the Municipal Council of Provo City, on the 4<sup>th</sup> day of October, 2016, on a roll call vote as described above. Signed this \_\_\_\_\_.

\_\_\_\_\_  
Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this \_\_\_\_\_.

\_\_\_\_\_  
Mayor

Ordinance 2016-27

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the \_\_\_\_\_, with a short summary being published on the 8<sup>th</sup> day of October, 2016, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2016-27.

SEAL

---

City Recorder



Exhibit A

**ENERGY**

**AS OF JUNE 1, 2013, ENERGY CHARGES SHALL BE AS FOLLOWS:**

**Monthly Rates and Fees**

**Schedule No. 1**

**Residential – EL1, EL3**

Customer Service Charge	\$6.57 per connection
Energy Charge	\$0.0877 per 1 <sup>st</sup> 500 kWh \$0.1019 per 501-1,000 kWh \$0.1209 per additional kWh
Solar Generation Capacity Charge	\$3.00/kW-mo. <sup>1</sup>

---

<sup>1</sup> Any net metered residence that, as of October 4, 2016, has either (1) a completed net metering installation or (2) a completed net metering application filed with the City shall not be charged for the first two (2) kW-mo. of solar generation capacity.



## Provo City *Police*

Staff Memorandum

### Body-Worn-Cameras

TBD in September

<p><b>Department Head</b> Chief John King 801-960-5653</p> <p><b>Presenter</b> Chief John King 801-960-5653</p> <p><b>Required Time for Presentation</b> 30 minutes</p> <p><b>Is This Time Sensitive</b> No</p> <p><b>Case File # (if applicable)</b></p>	<p><b>Purpose of Proposal</b></p> <ul style="list-style-type: none"><li>• Review of draft policy and costs associated with implementing a Body-Worn-Camera (BWC) program within the Provo Police.</li></ul> <p><b>Action Requested</b></p> <ul style="list-style-type: none"><li>• Approve funding and review policy.</li></ul> <p><b>Relevant City Policies</b></p> <p><b>Budget Impact</b></p> <ul style="list-style-type: none"><li>• \$540,000.00</li></ul> <p><b>Description of this item (at least 2 paragraphs)</b></p> <p>This is to help Council Members to have a clear understanding of what your item is.</p> <ul style="list-style-type: none"><li>- A discussion regarding the development of our BWC policy and approval of funding the implementation.</li><li>- We have researched this project for close to four years and tested 12 different BWC systems before making our recommendation for the purchase of this system.</li><li>- We have researched both model BWC policies from professional organizations and current policies from agencies which have active BWC programs. Our draft policy has been reviewed by our Citizens Advisory Board, the ACLU of Utah, the Editorial Board of the Daily Herald and Mayor Curtis.</li><li>- In the near future we will obtain input from the Downtown Alliance, the City Attorney, police line staff and the public via electronic posting.</li></ul>
---	---

	Tazer System	Senior Records Specialist	Systems Analyst II	Senior Police Officer	Officer Equipment
FY 2017	151,698	61,612	93,859	105,000	77,383
FY 2018	100,728	64,693	98,552	110,250	-
FY 2019	100,728	67,927	103,480	115,763	-
FY 2020	100,728	71,324	108,654	121,551	-
FY 2021	100,728	74,890	114,086	127,628	-
	<b>555,088</b>	<b>340,445</b>	<b>518,630</b>	<b>657,574</b>	

Option By Year	Senior Records Specialist	Systems Analyst II	Senior Police Officer
FY 2017	213,310	245,557	334,081
FY 2018	165,421	199,280	210,978
FY 2019	168,655	204,208	216,491
FY 2020	172,052	209,382	222,279
FY 2021	175,618	214,814	228,356
	<b>895,055</b>	<b>1,073,240</b>	<b>1,212,184</b>

Payroll  
Growth Rate  
5%

August 16, 2016

## **DRAFT COPY**

### **Provo Police Use of Body-Worn-Cameras (BWC)**

#### **Purpose and Scope**

This policy provides guidelines for the use of portable audio/video recording devices by officers of this department while in the performance of their duties. Portable audio/video recording devices includes all recording systems (BWC, hand held or integrated into portable equipment).

This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes or to our mobile audio/video recordings.

#### **Policy**

The Provo Police Department may provide officers or other department employees with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Provo Police by accurately capturing interactions between officers and the public.

#### **Privacy Expectation**

All recordings made by department employees who are acting in their official capacity shall remain the property of the Provo Police regardless of whether those recordings were made with department-issued or personally owned recorders. Employees shall have no expectation of privacy or ownership interest in the content of these recordings.

#### **Officer Responsibilities**

Prior to going into service, each patrol officer will be responsible for making sure that he/ she is equipped with a portable recorder issued by the Provo Police, and that the recorder is in good working order. If the recorder malfunctions at any time, the officer shall promptly report the failure to his supervisor and obtain a functioning device as soon as practicable. Patrol officers should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded.

Any officer assigned to a non-uniformed position may carry an approved portable recorder at any time the officer believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed officers should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever possible.

When using a portable recorder, the assigned officer shall record his name, Provo Police identification number and the date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording. BWCs should be worn in a location and manner as directed by the BWC training program.

Officers should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the officer deactivated the recording. Officers shall include the reason for deactivation.

### **Activation of Portable Recorder**

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Officers should activate the recorder any time the officer believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated during the following situations:

1. All enforcement and investigative contacts including stops and field interview (FI) situations.
2. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.
3. Self-initiated activity in which an officer would normally notify the Dispatch Center.
4. Any contact that becomes adversarial.

Officers should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy. Officers will discontinue recording whenever it reasonably appears to the officer that privacy may outweigh any legitimate law enforcement interest in recording. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording. During consensual encounters in locations where members of the public have a reasonable expectation of privacy, such as a residence, the officer shall offer the member of the public the option to have the portable recording stopped. If the member of the public requests the recording be discontinued the officer should immediately discontinue use of the portable recorder.

When interacting with a person seeking to anonymously report a crime or assist in ongoing law enforcement investigation, an officer should, as soon as feasible if they would like the officer to discontinue use of the portable recorder. If the person responds affirmatively, the officer should immediately discontinue use of the portable recorder.

All offers made to discontinue the use of the portable recorder, and the responses thereto, should be recorded by the portable recorder prior to discontinuing the use of the portable recorder.

For the purpose of this policy, recordings made pursuant to an arrest or search of the residence or person is not considered a consensual encounter. The portable recorder should remain activated until the event is completed.

Deliberative process conversations between law enforcement officials, (including discussions on charging decisions, and comparing witness accounts), should not be recorded.

Whenever the officer believes that a recorded contact may lead to a complaint, they should bring the recording to the attention of their supervisor as soon as practical. A report will be completed and the recording will be tagged accordingly.

At no time is an officer expected to jeopardize his safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as practicable. Additional arriving officers that are equipped with portable recorder should activate their cameras and begin recording the situation upon their arrival until they leave the scene.

### **Surreptitious Use of Portable Recorder**

Utah law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his permission (Utah Code 77-23a-4).

Officers may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be lawful and beneficial to the investigation.

Employees shall not surreptitiously record another department employee unless lawfully authorized by the Chief of Police or his designee.

### **Cessation of Recording**

Once activated, the portable recorder should remain on continuously until the officer's direct participation in the incident is complete or the situation no longer fits the criteria for activation.

Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident. Officers will state on the recorder why they are turning off the device.

### **Explosive Device**

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

### **Prohibited Use of Portable Recorders**

Employees are prohibited from using department-issued portable recorders for personal use and are prohibited from making personal copies of recordings created while acting in their official capacity. Employees are also prohibited from retaining personal copies of recordings. Employees shall not duplicate or distribute such recordings, except for authorized legitimate department purposes.

Officers are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any employee who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any employee for the purpose of embarrassment or ridicule.

The portable recorder should not be activated while on the grounds of any K-12 school, or inside a medical treatment facility, except for the following exceptions:

1. When all parties who are being recorded are in a private room and with consent;
2. While making an arrest;
3. While controlling a person through response to resistance techniques; or
4. Other circumstances which are extraordinary.

### **Retention of Recordings**

Any time an officer records a contact that the officer reasonably believes constitutes evidence in a criminal case, the officer shall record the case number and transfer the file in accordance with current procedures. The existence of the recording shall be documented in the case report. Transfers should occur at the end of the officer's shift.

Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the officer should promptly notify a supervisor of the existence of the recording.

### **Retention Requirements**

All recordings shall be retained for a period consistent with the requirements of the Provo Police records retention schedule, but in no event for a period less than 90 days.

Data gathered by the portable recorder shall be retained by the Provo Police for a minimum of three years if the video footage captures images involving:

1. Any use of force (to include displaying a weapon and handcuffing)
2. Events leading up to and including an arrest for a felony-level offense, or events that constitute a felony-level offense; or
3. An encounter in which a complaint has been submitted by a subject in the video footage.

Data will also be stored by this Department for a minimum of three years if it is requested by:

1. Police staff for use in training;
2. A member of the public who is a subject of the video footage;
3. A parent or legal guardian of a minor who is the subject of the video footage; or
4. A deceased person's next of kin or legally authorized designee.

Any person filmed in a recording, their parent or legal guardian of a minor, or a deceased subject's next-of-kin, shall be permitted to review video footage in order to make a determination as to whether they will request it to be retained for the three year period.

Pursuant to Utah Government Records Access Act and Provo City Code 3.13.020, it is the goal of this policy to support and promote openness in government by releasing non-confidential video recordings to the public upon request. This policy must also ensure that the privacy of victims, witnesses and suspects is maintained whenever feasible. Portable recorder video footage should not be divulged or used for any commercial or other non-law enforcement purpose. This policy will not affect the release of recordings pursuant to a court order or subpoena.

Recordings should be released within three weeks of the formal request, unless the Chief of Police can specifically articulate the reason for the denial.

Nothing in this policy shall be read to contravene any laws governing the maintenance and destruction of evidence in criminal investigations and prosecutions.

Data gathered by the portable recorder may be used and shared with the County Attorney's Office, Provo City Attorney's Office or other law enforcement agencies only as permitted by law.

Any third-parties acting as an agent in maintaining portable recording footage shall not be permitted to independently access, view or alter any video footage, except to delete videos as required by law or Provo Police retention policies.

### **Review of Recordings**

When preparing written reports, officers should review their recordings as a resource. However, officers shall not retain personal copies of recordings. Officers should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, meritorious conduct or reviewing the officer's performance.

Recorded files may also be reviewed:

1. Upon approval by a supervisor, by any officer of the Department who is participating in an official investigation.
2. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a case.
3. By media personnel with permission of the Chief of Police or his designee.
4. In compliance with a City approved Government Records Access and Management Act (GRAMA) request.
5. By the Records Supervisor prior to public release. Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

Civilians shall not be allowed to review the recordings at the scene of an incident.

### **Deletion of Unintentional Recordings**

In the event of an unintentional activation of the portable recorder system during a non-enforcement or non-investigative activity (such as restroom use or meal break), officers may request the recording to be deleted. A memorandum detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the Chief of Police or his designee.

### **Portable Recorder Documentation**

If an officer fails to activate their portable recorder, fails to record the entire contact, or interrupts the recording, the officer shall document his action in the report.

Appropriate disciplinary action shall be taken against any officer who is found to have intentionally failed to adhere to the recording or retention requirements contained in this policy, or to have intentionally interfered with a portable recorder's ability to accurately capture audio/video footage.

Since this is a significantly new process, each officer wearing a BWC will be granted a 30-day transition period. During that time all violations of this policy will be documented and the employee will be verbally counseled unless the violation of policy was an intentional action to deceive.

### **Other Photo, Electronic and Recording Devices**

Department members shall not use a personal electronic recording or imaging device while performing police duties except in rare events to record evidence when Departmental issued equipment is not available.

All photographs and recordings which contain any individually identifiable patient information are covered by HIPAA privacy laws and must be protected in the same manner as patient care reports and documentation.

Any recordings taken by officers in the course of their duties are the sole property of the Provo Police. This includes any images taken intentionally or inadvertently with an officer's personally owned camera. The images shall be downloaded as soon as feasible and deleted off of the officer's personal device.

No recordings taken by any officer in the course and scope of their duties may be used, printed, copied, scanned, e-mailed, posted, shared, reproduced or distributed in any manner, unless for official law enforcement purposes. This prohibition includes the posting of any Department photographs on personal Web sites including but not limited to, Facebook, Myspace, YouTube, other public safety agency Web sites, or e-mailing to friends, relatives or colleagues without prior approval of the Chief of Police.

All Department digital data will be downloaded as soon as feasible, and will be cataloged and stored in a secure database with access limited to appropriate members.

## **Auditing**

Portable recorders will be audited by a designated supervisor on a periodic basis. Those reviews will be documented in a monthly report to the Chief of Police.

Documented audits should be completed on the recording devices by randomly selecting downloads. These audits will focus on the following areas:

1. The quality of customer service;
2. The value of use for future training;
3. The officer's professional demeanor;
4. The appropriateness of the action taken;
5. The officer's ability to clearly articulate for the microphone;
6. The identification of any officer safety issues; and
7. Other issues that could result in generating a citizen complaint, a hindrance for prosecution or a potential liability for City.

## **Repairs, Inspections and Maintenance**

Officers utilizing a portable recorder will maintain the equipment per the manufacturer's guidelines and inspect the equipment for malfunctioning devices before duty and immediately report any nonfunctioning equipment to their supervisor. The shift supervisor may reassign another unit provided one is available.

## **Training Requirements**

Police personnel who are assigned personal recorders must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

The BWC training program will include discussions on constitutional policing and procedural justice.

# TASER International

Protect Life. Protect Truth.

17800 N 85th St.  
Scottsdale, Arizona 85255  
United States  
Phone: (800) 978-2737  
Fax: (480) 658-0629

**John King**  
(801) 852-6200  
jking@provo.utah.gov



## Quotation

**Quote:** Q-78753-3  
**Date:** 8/2/2016 2:58 PM  
**Quote Expiration:** 9/30/2016  
**Contract Start Date\*:** 11/1/2016  
**Contract Term:** 5 years

**AX Account Number:**  
107848

**Bill To:**  
Provo City Police Dept. - UT  
P. O. Box 1849  
Provo, UT 84603  
US

**Ship To:**  
John King  
Provo City Police Dept. - UT  
48 South 300 West  
Provo, UT 84601  
US

SALESPERSON	PHONE	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Chris Neubeck	602-708-0074	cneubeck@taser.com	Fedex - Ground	Net 30

\*Note this will vary based on the shipment date of the product.

Year 1 - Hardware and Evidence.com - Due Net 30

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
80	74001	AXON CAMERA ASSEMBLY, ONLINE, AXON BODY 2, BLK	USD 399.00	USD 31,920.00	USD 12,000.00	USD 19,920.00
83	74020	MAGNET MOUNT, FLEXIBLE, AXON BODY 2	USD 0.00	USD 0.00	USD 0.00	USD 0.00
83	74021	MAGNET MOUNT, THICK OUTERWEAR, AXON BODY 2	USD 0.00	USD 0.00	USD 0.00	USD 0.00
83	73004	WALL CHARGER, USB SYNC CABLE, FLEX	USD 0.00	USD 0.00	USD 0.00	USD 0.00
13	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	USD 35.00	USD 455.00	USD 0.00	USD 455.00
13	74008	AXON DOCK, 6 BAY + CORE, AXON BODY 2	USD 1,495.00	USD 19,435.00	USD 0.00	USD 19,435.00
13	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 2,808.00	USD 0.00	USD 2,808.00
80	85123	EVIDENCE.COM UNLIMITED LICENSE YEAR 1 PAYMENT	USD 948.00	USD 75,840.00	USD 0.00	USD 75,840.00
3,450	Included storage	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
5	89101	PROFESSIONAL EVIDENCE.COM LICENSE: YEAR 1 PAYMENT	USD 468.00	USD 2,340.00	USD 0.00	USD 2,340.00
5	88101	STANDARD EVIDENCE.COM LICENSE: YEAR 1 PAYMENT	USD 300.00	USD 1,500.00	USD 0.00	USD 1,500.00
3	Spare Body	AXON CAMERA ASSEMBLY, ONLINE, AXON BODY 2, BLK	USD 0.00	USD 0.00	USD 0.00	USD 0.00
80	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 180.00	USD 14,400.00	USD 0.00	USD 14,400.00
1	85055	AXON FULL SERVICE	USD 15,000.00	USD 15,000.00	USD 0.00	USD 15,000.00

**Year 1 - Hardware and Evidence.com - Due Net 30 Total Before Discounts:** USD 163,698.00

**Year 1 - Hardware and Evidence.com - Due Net 30 Discount:** USD 12,000.00

**Year 1 - Hardware and Evidence.com - Due Net 30 Net Amount Due:** USD 151,698.00

Year 2 - Evidence.com

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
80	85124	EVIDENCE.COM UNLIMITED LICENSE YEAR 2 PAYMENT	USD 948.00	USD 75,840.00	USD 0.00	USD 75,840.00
3,700	Included storage	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
13	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 2,808.00	USD 0.00	USD 2,808.00
10	89201	PROFESSIONAL EVIDENCE.COM LICENSE: YEAR 2 PAYMENT	USD 468.00	USD 4,680.00	USD 0.00	USD 4,680.00
10	88201	STANDARD EVIDENCE.COM LICENSE: YEAR 2 PAYMENT	USD 300.00	USD 3,000.00	USD 0.00	USD 3,000.00
80	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 180.00	USD 14,400.00	USD 0.00	USD 14,400.00

**Year 2 - Evidence.com Total Before Discounts:** USD 100,728.00

**Year 2 - Evidence.com Net Amount Due:** USD 100,728.00

Year 3 - Evidence.com

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
80	85125	EVIDENCE.COM UNLIMITED LICENSE YEAR 3 PAYMENT	USD 948.00	USD 75,840.00	USD 0.00	USD 75,840.00
3,700	Included storage	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
13	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 2,808.00	USD 0.00	USD 2,808.00
10	89301	PROFESSIONAL EVIDENCE.COM LICENSE: YEAR 3 PAYMENT	USD 468.00	USD 4,680.00	USD 0.00	USD 4,680.00
10	88301	STANDARD EVIDENCE.COM LICENSE: YEAR 3 PAYMENT	USD 300.00	USD 3,000.00	USD 0.00	USD 3,000.00
80	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 180.00	USD 14,400.00	USD 0.00	USD 14,400.00

**Year 3 - Evidence.com Total Before Discounts:** USD 100,728.00

**Year 3 - Evidence.com Net Amount Due:** USD 100,728.00

Year 4 - Evidence.com

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
80	85126	EVIDENCE.COM UNLIMITED LICENSE YEAR 4 PAYMENT	USD 948.00	USD 75,840.00	USD 0.00	USD 75,840.00
3,700	Included storage	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
13	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 2,808.00	USD 0.00	USD 2,808.00
10	89401	PROFESSIONAL EVIDENCE.COM LICENSE: YEAR 4 PAYMENT	USD 468.00	USD 4,680.00	USD 0.00	USD 4,680.00
10	88401	STANDARD EVIDENCE.COM LICENSE: YEAR 4 PAYMENT	USD 300.00	USD 3,000.00	USD 0.00	USD 3,000.00
80	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 180.00	USD 14,400.00	USD 0.00	USD 14,400.00
<b>Year 4 - Evidence.com Total Before Discounts:</b>						USD 100,728.00
<b>Year 4 - Evidence.com Net Amount Due:</b>						USD 100,728.00

Year 5 - Evidence.com

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
80	85127	EVIDENCE.COM UNLIMITED LICENSE YEAR 5 PAYMENT	USD 948.00	USD 75,840.00	USD 0.00	USD 75,840.00
3,700	Included storage	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
13	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 2,808.00	USD 0.00	USD 2,808.00
10	88501	STANDARD EVIDENCE.COM LICENSE: YEAR 5 PAYMENT	USD 300.00	USD 3,000.00	USD 0.00	USD 3,000.00
10	89501	PROFESSIONAL EVIDENCE.COM LICENSE: YEAR 5 PAYMENT	USD 468.00	USD 4,680.00	USD 0.00	USD 4,680.00
80	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 180.00	USD 14,400.00	USD 0.00	USD 14,400.00
<b>Year 5 - Evidence.com Total Before Discounts:</b>						USD 100,728.00
<b>Year 5 - Evidence.com Net Amount Due:</b>						USD 100,728.00

<b>Subtotal</b>	USD 554,610.00
<b>Estimated Shipping &amp; Handling Cost</b>	USD 477.72
<b>Grand Total</b>	USD 555,087.72

**Complimentary Evidence.com Tier Upgrade Through September 2016**

This quote contains a purchase of either the Basic or Standard Evidence.com license. You will temporarily receive the features available with the Professional license for the Basic and Standard licenses purchased until September 2016. This is a free upgrade to your account so you can enjoy all the benefits of our most feature rich license tier. In September 2016 you will be prompted to select which users you would like to assign to each tier. This will have no impact on uploaded data.

**Axon Pre-order**

Thank you for your interest in Axon! This pre-order is a commitment to purchase Axon Body 2 and/or Axon Fleet. Axon Body 2 is available for delivery between 8-10 weeks after purchase date. Axon Fleet is available for delivery between August 1, 2016 and August 14, 2016. You will be notified if there are any delays. TASER reserves the right to make product changes without notice.

Standard Issue Grant applied (\$150 per officer discount on Axon Body 2 camera)

**TASER International, Inc.'s Sales Terms and Conditions  
for Direct Sales to End User Purchasers**

By signing this Quote, you are entering into a contract and you certify that you have read and agree to the provisions set forth in this Quote and TASER's Master Services and Purchasing Agreement posted at [www.taser.com/legal](http://www.taser.com/legal). You represent that you are lawfully able to enter into contracts and if you are entering into this agreement for an entity, such as the company, municipality, or government agency you work for, you represent to TASER that you have legal authority to bind that entity. If you do not have this authority, do not sign this Quote.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Name (Print):** \_\_\_\_\_ **Title:** \_\_\_\_\_  
**PO# (if needed):** \_\_\_\_\_

Quote: Q-78753-3

Please sign and email to Chris Neubeck at [cneubeck@taser.com](mailto:cneubeck@taser.com) or fax to (480) 658-0629

THANK YOU FOR YOUR BUSINESS!

'Protect Life' and © are trademarks of TASER International, Inc., and TASER® is a registered trademark of TASER International, Inc., registered in the U.S.  
© 2013 TASER International, Inc. All rights reserved.

# Customer Ad Proof

60005417 Provo City Corporation

Order Nbr 78602

**Publication** Daily Herald

Contact Provo City Corporation

Address 1 P.O. BOX 1849

Address 2

City St Zip PROVO UT 84603

Phone 8018526505

Fax

Section Legals

SubSection

Category 999 Legal Notices

Ad Key 78602-1

Keywords 78602-Notice

Notes

**Ad Proof**

**Notice**

Notice is hereby given that the Municipal Council of the City of Provo, Utah, will hold a public hearing at a meeting that will be begin at 5:30 p.m. on Tuesday, October 18th, 2016, in the Municipal Council Chambers located at the Provo City Center, 351 West Center Street, Provo to consider a resolution appropriating \$10,800 in the General Fund City – Council Department to promote citizen engagement for the fiscal year ending June 30, 2017. The city council will also consider a resolution appropriating \$205,281 in the General Fund – Police Department for the purchase of a body worn camera system for the fiscal year ending June 30, 2017.

/s/Dustin Grabau, Provo City Budget Officer  
Legal Notice 78602 Published in The Daily Herald on October 11, 2016.

PO Number

Rate Provo City

Order Price 22.16

Amount Paid 0.00

Amount Due 22.16

Start/End Dates 10/11/2016 - 10/11/2016

Insertions 1

Size 19

Salesperson(s) CLASSIFIED DEFAULT

Taken By Carlie Peterson

# Customer Ad Proof

60005417 Provo City Corporation

Order Nbr 78602

**Publication**

**Herald Extra Online**

Contact Provo City Corporation  
Address 1 P.O. BOX 1849  
Address 2  
City St Zip PROVO UT 84603  
Phone 8018526505  
Fax

Section Legals  
SubSection  
Category 999 Legal Notices

Ad Key 78602-1  
Keywords 78602-Notice

Notes

**Ad Proof**

**Notice**

Notice is hereby given that the Municipal Council of the City of Provo, Utah, will hold a public hearing at a meeting that will be begin at 5:30 p.m. on Tuesday, October 18th, 2016, in the Municipal Council Chambers located at the Provo City Center, 351 West Center Street, Provo to consider a resolution appropriating \$10,800 in the General Fund City – Council Department to promote citizen engagement for the fiscal year ending June 30, 2017. The city council will also consider a resolution appropriating \$205,281 in the General Fund – Police Department for the purchase of a body worn camera system for the fiscal year ending June 30, 2017.

/s/Dustin Grabau, Provo City Budget Officer  
Legal Notice 78602 Published in The Daily Herald on October 11, 2016.

PO Number  
Rate Provo City  
Order Price 22.16  
Amount Paid 0.00  
Amount Due 22.16  
Start/End Dates 10/11/2016 - 10/11/2016  
Insertions 1  
Size 19  
Salesperson(s) CLASSIFIED DEFAULT  
Taken By Carlie Peterson

1 RESOLUTION 2016-.

2  
3 A RESOLUTION APPROPRIATING \$205,281 IN THE GENERAL FUND FOR  
4 BODY-WORN CAMERAS AND EQUIPMENT FOR STORAGE AND  
5 APPLYING TO THE FISCAL YEAR ENDING JUNE 30, 2017. (16-103)  
6

7 WHEREAS, the Municipal Council has received a recommendation from the Mayor that  
8 \$205,281 be appropriated in the General Fund for the purpose of providing the Police Department  
9 with Body-worn cameras and to purchase equipment necessary for storage of data and applying to  
10 fiscal year ending June 30, 2017; and

11  
12 WHEREAS, the appropriation is funded by a transfer from Fund Balance; and

13  
14 WHEREAS, on October 18, 2016, the Municipal Council held a duly noticed public hearing  
15 to receive public comment and ascertain the facts regarding this matter, which facts and comments  
16 are found in the hearing record; and

17  
18 WHEREAS, all persons for and against the proposed appropriation were given an  
19 opportunity to be heard; and

20  
21 WHEREAS, after considering the Mayor's recommendation, and facts and comments  
22 presented to the Municipal Council, the Council finds the proposed appropriation reasonably furthers  
23 the health, safety, and general welfare of the citizens of Provo City.  
24

25 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah as  
26 follows:

27  
28 PART I:

29  
30 The Mayor is hereby authorized to appropriate \$205,281 in the General Fund.  
31

32 PART II:

33  
34 This resolution shall take effect immediately.  
35

36 END OF RESOLUTION.

ORDINANCE 2016-

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 2.44 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 1290 NORTH GENEVA ROAD, FROM AGRICULTURAL ZONE (A1.5) TO ONE-FAMILY RESIDENTIAL (R1.10). LAKEVIEW NORTH NEIGHBORHOOD. (14-0013R)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 2.44 acres of real property, generally located at 1290 North Geneva Road (as described in the attached Exhibit A), be amended from Agriculture (A1.5) to One-Family Residential (R1.10); and

WHEREAS, on August 24, 2016, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended to the Municipal Council that the zoning of the property be changed as proposed; and

WHEREAS, on September 20, 2016, and October 4, 2016, the Municipal Council held duly noticed public meetings to ascertain the facts regarding this matter, which facts and comments are found in the meeting records; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Zone Map of Provo, Utah should be amended as described herein; and (ii) the proposed zone map classification amendment for the real property described in the attached Exhibit A reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

**PART I:**

The classification on the Zone Map of Provo, Utah is hereby amended from the Public Agriculture (A1.5) Zone to the One-Family Residential (R1.10) Zone for approximately 2.44 acres of real property generally located at 1290 North Geneva Road, as described in the attached Exhibit A.

**PART II:**

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.

42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

C. The Municipal Council hereby directs that the official copy of the Zone Map of Provo City, Utah be updated and codified to reflect the provisions enacted by this ordinance.

D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

END OF ORDINANCE.

55

Exhibit A

56

**LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED**

The property to be rezoned to the R1.10 Zone is described as follows:

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF GENEVA ROAD, PROVO, UTAH, AS IT CURRENTLY EXISTS, WHICH BEGINNING POINT ALSO THE SOUTHERLY-MOST CORNER OF CHAPPELL CIRCLE SUBDIVISION, PROVO, AND ALSO THE NORTHWEST CORNER OF LOT 53, PLAT "A", WHISPERWOOD SUBDIVISION, AND IS FURTHER DESCRIBED AS BEING NORTH 1 655.02 FT. AND EAST 135.72 FT. (BASED UPON THE UTAH STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, BEARINGS OF SECTION LINES (NAO 27) FROM THE SOUTH 1/ 4 CORNER OF SECTION 34, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN;

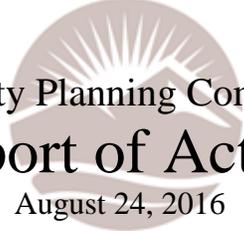
THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID GENEVA ROAD NORTH 41°35'50" WEST 356.02 FT; THENCE THENCE NORTH 68° 15' EAST 119.13 FT; THENCE NORTH 75°17' EAST 97.42 FT; THENCE NORTH 16°12'01" WEST 7.00 FT; THENCE NORTH 73°58'38" EAST 210.40 FT; THENCE SOUTH 8°28'26" EAST 162.12 FT; THENCE SOUTH 19°56'48" EAST 86.61 FT; THENCE SOUTH 54° 33' 33" WEST 272.76 FT. TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID GENEVA ROAD AND THE POINT OF BEGINNING.

AREA: 101132 SQ. FT. OR 2.32 ACRES

57



58



Provo City Planning Commission

# Report of Action

August 24, 2016

ITEM 3\* Nathan Chappell, agent for Aspen Development, requests approval of a Zoning Map Amendment of 2.44 acres generally located at 1290 North Geneva Road from A1.5 (Agricultural) Zone to R1.10 (One-Family Residential) Zone in order to subdivide the property into seven building lots. *Lakeview North Neighborhood*. 14-0013R, Austin Corry, 801-852-6413

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 24, 2016:

## RECOMMEND APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Conditions of Approval: None

Motion By: Brian Smith

Second By: Maria Winden

Votes in Favor of Motion: Brian Smith, Kermit McKinney, Jamin Rowan, Ross Flom, Maria Winden, Ed Jones

*Jamin Rowan was present as Chair.*

- New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council; Planning Commission determination is not generally consistent with the Staff analysis and determination.

### LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the R1.10 Zone is described as follows:

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF GENEVA ROAD, PROVO, UTAH, AS IT CURRENTLY EXISTS, WHICH BEGINNING POINT ALSO THE SOUTHERLY-MOST CORNER OF CHAPPELL CIRCLE SUBDIVISION, PROVO, AND ALSO THE NORTHWEST CORNER OF LOT 53, PLAT "A", WHISPERWOOD SUBDIVISION, AND IS FURTHER DESCRIBED AS BEING NORTH 1 655.02 FT. AND EAST 135.72 FT. (BASED UPON THE UTAH STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, BEARINGS OF SECTION LINES (NAO 27) FROM THE SOUTH 1/ 4 CORNER OF SECTION 34, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN;  
THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID GENEVA ROAD NORTH 41'35'50" WEST 356.02 FT; THENCE THENCE NORTH 68' 15' EAST 119.13 FT; THENCE NORTH 75'17' EAST 97.42 FT; THENCE NORTH 16'12'01" WEST 7.00 FT; THENCE NORTH 73'58'38" EAST 210.40 FT; THENCE SOUTH 8'28'26" EAST 162.12 FT; THENCE SOUTH 19'56'48" EAST 86.61 FT; THENCE SOUTH 54' 33' 33" WEST 272.76 FT. TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID GENEVA ROAD AND THE POINT OF BEGINNING.

AREA: 101132 SQ. FT. OR 2.32 ACRES

### RELATED ACTIONS

Preliminary Subdivision (Casefile #14-0004SP) has not been approved by the CRC pending a zoning decision. In the event R1.10 zoning is granted, the current proposal is still non-compliant with the ordinance and must be resolved.

### **DEVELOPMENT AGREEMENT**

- May apply with future approvals. Applicant has indicated a desire to pursue R1.8 instead of the noted R1.10 and is willing to enter into a development agreement to limit the development to the seven lots shown on the accompanying preliminary subdivision plat (Casefile #14-0004SP).

### **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. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- A recent decision by the Municipal Council to deny a proposed R1 subdivision (Scott's Corner) has suggested a need to develop a west-side master plan prior to any additional zoning being granted.
- The applicant has not provided documented evidence to staff of UDOT granting approval for a new road access.
- The accompanying preliminary subdivision does not comply with the R1.10 zoning ordinance.

### **CITY DEPARTMENTAL ISSUES**

- Important issues raised by other departments – addressed in Staff Report to Planning Commission.

### **NEIGHBORHOOD MEETING DATE**

- A neighborhood meeting was held on 5 February 2015.

### **NEIGHBORHOOD AND PUBLIC COMMENT**

- The Neighborhood Chair was not present, but submitted written communication to the Planning Commission for consideration during the hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

### **CONCERNS RAISED BY PUBLIC**

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

- Beth Alligood, Neighborhood Chair, stated that the property has a “rocky history with a lot of misinformation” and that the neighborhood would like the discrepancies resolved before moving forward with a decision to rezone.
- Both homeowners that currently reside on the property indicated that they want the zoning granted so that the land can be improved and the weeds can be controlled.
- John Meredith presented images of his home stating that the homes that would be built on the property are of a high-quality and that the other neighbors are being unfair to the applicant.
- The Weeks, adjacent property owners, are concerned the development will land-lock their property since UDOT will not allow additional access off Geneva Road.

### **APPLICANT RESPONSE**

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

- Mr. Chappell stated that he has been granted approval from UDOT for three accesses along Geneva Road.
- Mr. Chappell asked that since the subdivision doesn't meet R1.10 that he would like to request R1.8 instead which would make the proposed subdivision compliant without changes.

### **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- It was noted that the purpose behind the Council's desire for a west-side master plan is important.
- The Commission discussed the feasibility and potential impacts of stopping all west-side development while waiting for a west-side master plan to be completed.

- The Commission noted that approval of the zoning does not grant approval of the subdivision and that the subdivision would still be expected to meet the zoning ordinances, which the proposed plat shown does not.
- It was noted that the decision for a zone change should be made independent of the subdivision proposal.

#### **FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION**

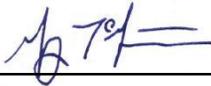
The Planning Commission identified the following findings as the basis of this decision or recommendation:

- The proposed property to be rezoned is an infill project that should not be encumbered by the desire to have a master plan prior to any new zoning applications.
- R1.10 zoning is consistent with the neighboring development.
- The proposed subdivision will be required to meet the applicable zoning ordinances.



---

Planning Commission Chair



---

Director of Community Development

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 Community Development Department, 330 West 100 South, 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**



**Planning Commission  
Staff Report  
Rezone  
Hearing Date: August 24, 2016**

**ITEM 3\*** Nathan Chappell, agent for Aspen Development, requests approval of a Zoning Map Amendment of 2.44 acres generally located at 1290 North Geneva Road from A1.5 (Agricultural) Zone to R1.10 (One-Family Residential) Zone in order to subdivide the property into seven building lots. **Lakeview North Neighborhood**. 14-0013R, Austin Corry, 801-852-6413

<p><b>Applicant:</b> Nathan Chappell</p> <p><b>Staff Coordinator:</b> Austin Corry</p> <p><b>Property Owner(s):</b> Aspen Construction &amp; Development, Nila Chappell, Michael Elms, and John Meredith</p> <p><b>Parcel ID#:</b> 65254002, 65254003, 65254006, 65254007, 65254008</p> <p><b>Current Zone:</b> A1.5</p> <p><b>Proposed Zone:</b> R1.10</p> <p><b>General Plan Des.:</b> Residential</p> <p><b>Acreage:</b> 2.44</p> <p><b>Development Agreement Proffered:</b> Yes</p> <p><b>Council Action Required:</b> Yes</p> <p><b><u>ALTERNATIVE ACTIONS</u></b></p> <p>1. <b>Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is September 10, 2016, 5:30 p.m.</i></p> <p>2. <b>Recommend Approval</b> of the proposed rezoning. <i>This would be <u>a change</u> from the Staff recommendation; the Planning Commission should <u>state new findings</u></i></p>	<p><b>Current Legal Use:</b> Two existing one-family residential homes</p> <p><b>Relevant History:</b></p> <ul style="list-style-type: none"><li>• Two legal lots were created on 13 April 2007, known as Chappell Circle Plat A. One lot had an existing home and the other became a buildable lot.</li><li>• A new home was constructed on Lot 2 in 2012.</li><li>• After the completion of the home on Lot 2, both Lots 1 and 2 were illegally subdivided into a total of five new parcels.</li></ul> <p><b>Neighborhood Issues:</b> A neighborhood meeting was held on 5 Feb 2015 with an attendance of 35-40 residents where the following concerns were expressed:</p> <ul style="list-style-type: none"><li>• Concern the developer is misrepresenting the project and not giving all the facts.</li><li>• Neighborhood feels R1.10 would be the highest acceptable density.</li></ul> <p><b>Summary of Key Issues:</b></p> <ul style="list-style-type: none"><li>• UDOT approval has not been obtained to convert the existing drive access into a road access for multiple homes.</li><li>• Applicant has self-created constraints causing non-compliance with the proposed preliminary plans should R1.10 zoning be sought.</li></ul> <p><b>Staff Recommended Motion:</b> Recommend that the Municipal Council deny the proposed zone map amendment of approximately 2.44 acres generally located at 1290 North Geneva Road from the A1.5 Agricultural Zone to the R1.10 One-Family Residential Zone.</p>
--	---

## **OVERVIEW**

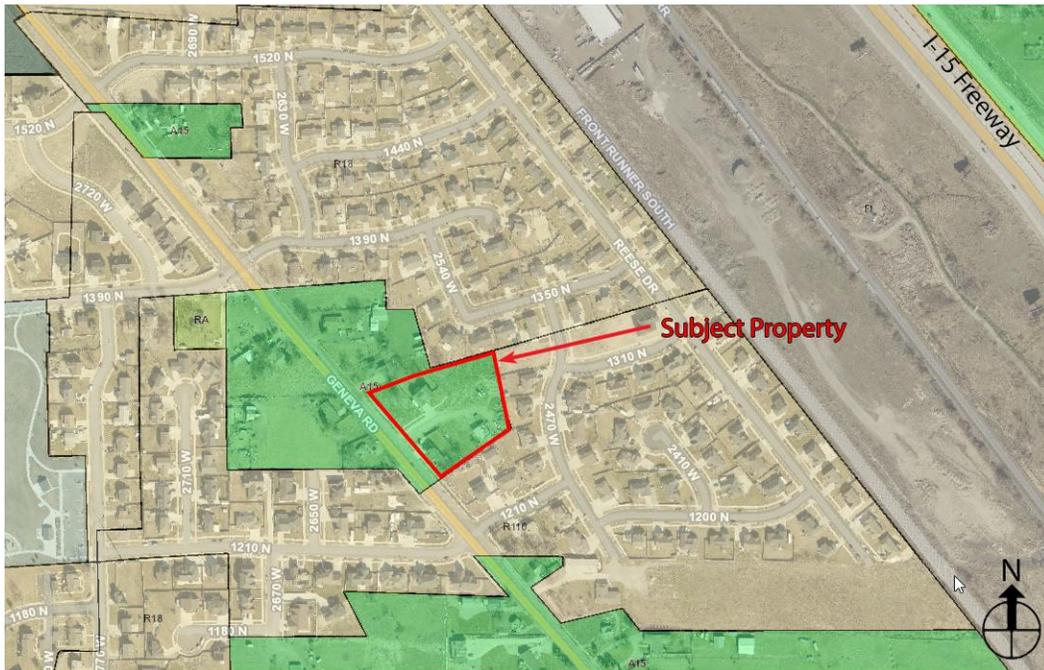
Mr. Nathan Chappell is seeking a zone map amendment in order to create a seven-lot, residential subdivision at approximately 1290 North Geneva Road, which includes the incorporation of two existing homes. In 2007, the applicant recorded a legal subdivision, Chappell Circle, creating two lots in the existing A1.5 zone. Lot 2 of this subdivision included the existing residence at 1282 North Geneva and a building permit was later issued for the construction of a home at 1306 North Geneva Road (Lot 1). Since that time, the applicant has illegally subdivided the property through deeds recorded directly with Utah County and fenced the properties at the County parcel lines.

The General Plan guiding principles identify this area for residential development with a maximum density of four units per acre. The proposed R1.10 zoning is compliant with this density restriction. However, recent decisions of the Municipal Council have also indicated that the Council is uncomfortable with entitling further development on the west-side until further master planning is completed to verify the appropriateness of the current density policies.

Preliminary review of the accompanying subdivision has identified compliance with the requested R1.10 zone with two exceptions that would have to be resolved before the Plat can be recorded: 1) The width of the proposed lot one is 95 feet, where 100 feet is required and 2) the depth of the proposed lot seven is 90 feet where 100 feet is required.

Due to the previously installed fencing, and the placement of the most recently constructed home, Mr. Chappell claims that compliance is infeasible as it would reduce the number of lots that could otherwise be created. Staff has noted that these two constraints are self-imposed hardships that the applicant has created and the applicant would be responsible for resolving these issues to comply with the ordinance.

Current Zoning Map



Current General Plan Map



### **GENERAL PLAN POLICIES**

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of zoning map amendments:

*Upon receipt of a petition by the Planning Commission, the Commission shall hold a public hearing in accordance with the provisions of Section 14.02.010 of this Title and may approve, conditionally approve, or deny the preliminary project plan. Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan: (Staff analysis has been provided in bold)*

- (a) *Public purpose for the amendment in question.*  
**Response: Establish additional one-family detached dwellings to accommodate housing needs noted in Chapter Four – Housing. However, additional housing could also be provided in a RA Zone or a R1.20 Zone.**
  
- (b) *Confirmation that the public purpose is best served by the amendment in question.*  
**Response: The proposed amendment will facilitate an opportunity to bring a currently underutilized property into compliance with existing ordinances intended to protect the health, safety, and welfare of the general public.**
  
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives.*  
**Response: The General Plan policies for the Southwest area identify a desire to “maintain the Residential (R) designation with one-family residential development...not to exceed four units per acre.” The proposed R1.10 zone would be consistent with this density restriction and housing type as would any zone that would allow for less density than R1.10.**
  
- (d) *Consistency of the proposed amendment with the General Plan’s timing and sequencing provisions on changes of use, insofar as they are articulated.*  
**Response: There are no timing and sequencing issues identified in the current written policies; however, recent direction from the Municipal Council has indicated that a refined master plan should be completed for the west-side prior to any further zone changes in the area.**

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

**Response: No hindrances have been identified at this time.**

- (f) *Adverse impacts on adjacent land owners.*

**Response: Any increase in single-family housing always increases vehicle trip generation in the local area. The more single-family homes that are built, the greater the traffic impact.**

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

**Response: The current agricultural zone is inconsistent with the current General Plan designation for residential housing. Proposed residential zoning would correct this discrepancy.**

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

**Response: No conflicts were identified.**

### **FINDINGS OF FACT**

1. A legal subdivision, titled Chappell Circle Plat A, created two lots on 13 April 2007.
2. Two homes currently exist within the proposed subdivision.
3. The property is currently illegally subdivided into five parcels.
4. The proposed R1.10 zone is consistent with the General Plan guiding policies, as would any residential zone with a density less than four units per acre.
5. The proposed subdivision does not meet the applicable zoning ordinances.
6. Adequate approvals from UDOT for road access have not been obtained for the proposed 1290 North street.

### **CONCLUSIONS**

Although the R1.10 zone meets the current written policies of the General Plan, other zoning designations would also meet these same policies. Considering that the proposed subdivision does not meet the standards of the zone being requested and considering that the Council has

identified a priority to refine a west-side master plan prior to additional zone changes, staff feels the requested zone change is premature for a zone change at this time.

**STAFF RECOMMENDED MOTION**

Recommend that the Municipal Council deny the proposed zone map amendment of approximately 2.44 acres generally located at 1290 North Geneva Road from the A1.5 Agricultural Zone to the R1.10 One-Family Residential Zone.

**ATTACHMENTS**

1. Proposed Subdivision
2. Chappell Circle Plat A
3. Existing Utah County Parcels





**ATTACHMENT #3 – Existing Utah County Parcels**



# Developer-Neighborhood Information Meeting

Regarding the Chappell Circle project located at 1290 N  
in the Lakeview North Neighborhood

**Part A. As Neighborhood Chair, I chose not to hold a meeting because**

---

\*\*\* OR \*\*\*

**Part B. Results of Neighborhood Meeting:**

Date 2/5/15 Place of meeting Lakeview Elementary Time 4pm

How many residents of the Neighborhood attended the meeting 35-40

**1. Project presented by the Developer**

1. 7 lots, 10,000+ ft<sup>2</sup> (2 existing homes)
2. said state would allow another access to land North
3. More comments on back or attached on a separate sheet

**2. Provo City requirements as presented by the Developer**

1. seems to meet all requirements
2. does not have to have 3 acres anymore
3. More comments on back or attached on a separate sheet

**3. Aspects of the project that concern the neighbors**

1. Austin Tripp from UDOT said would not allow another access
2. but private road for the two properties. It wanted to build more than 2 houses must get city and state approval. →
3. More comments on back or attached on a separate sheet

**4. Aspects of the project that the neighbors liked**

1. Many are tired of the half truths & fighting and just want
2. to see the land developed and be done with it.
3. More comments on back or attached on a separate sheet

Signed  Date \_\_\_\_\_  
Neighborhood Chair for Lakeview North Neighborhood

Signed \_\_\_\_\_ Date \_\_\_\_\_

Developer representing \_\_\_\_\_

Within five (5) days of meeting, please email to [council2@provo.utah.gov](mailto:council2@provo.utah.gov) or mail:

1 copy to  
Provo Community Development  
P.O. Box 1849  
351 W. Center, Provo, 84603

1 copy to  
Provo City Council  
c/o Neighborhood Programs  
P.O. Box 1849  
351 W. Center, Provo, 84603

2) Too many homes for Cul-de-sac - suggested R10



**Planning Commission  
Staff Report  
Rezone  
Hearing Date: April 27, 2016**

**ITEM 1\*** Nathan Chappell, agent for Aspen Development, requests approval of a Zoning Map Amendment of 2.44 acres generally located at 1290 North Geneva Road from A1.5 (Agricultural) Zone to R1.8 (One-Family Residential) Zone in order to subdivide the property into seven lots for construction. **Lakeview North Neighborhood.** 14-0013R, Austin Corry, 801-852-6413

<p><b>Applicant:</b> Nathan Chappell</p> <p><b>Staff Coordinator:</b> Austin Corry</p> <p><b>Property Owner(s):</b> Aspen Construction &amp; Development, Nila Chappell, Michael Elms, and John Meredith</p> <p><b>Parcel ID#:</b> 65254002, 65254003, 65254006, 65254007, 65254008</p> <p><b>Current Zone:</b> A1.5</p> <p><b>Proposed Zone:</b> R1.8</p> <p><b>General Plan Des.:</b> Residential</p> <p><b>Acreage:</b> 2.44</p> <p><b>Development Agreement Proffered:</b> Yes</p> <p><b>Council Action Required:</b> Yes</p> <p><b><u>ALTERNATIVE ACTIONS</u></b></p> <p>1. <b>Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is May 11, 2016, 5:30 p.m.</i></p> <p>2. <b>Recommend Approval</b> of the proposed rezoning. <i>This would be a <u>change</u> from the Staff recommendation; the Planning Commission should <u>state new findings</u></i></p>	<p><b>Current Legal Use:</b> Two existing one-family residential homes</p> <p><b>Relevant History:</b></p> <ul style="list-style-type: none"><li>• Two legal lots were created on 13 April 2007, known as Chappell Circle Plat A. One lot had an existing home, the other became a buildable lot.</li><li>• A new home was constructed on lot two in 2012.</li><li>• After the completion of the home on lot two, both lot one and two were illegally subdivided into a total of five new parcels.</li></ul> <p><b>Neighborhood Issues:</b> A neighborhood meeting was held on 5 Feb 2015 with an attendance of 35-40 residents where the following concerns were expressed -</p> <ul style="list-style-type: none"><li>• Concern the developer is misrepresenting the project and not giving all the facts.</li><li>• Neighborhood feels R1.10 would be better.</li></ul> <p><b>Summary of Key Issues:</b></p> <ul style="list-style-type: none"><li>• UDOT approval has not been obtained to convert the existing drive access into a road access for multiple homes.</li><li>• Applicant has self-created constraints causing non-compliance with the proposed preliminary plans should R1.10 zoning be sought.</li></ul> <p><b>Staff Recommended Motion:</b> Forward a recommendation to the Municipal Council to Deny the proposed zone map amendment of approximately 2.44 acres generally located at 1290 North Geneva Road from the A1.5 Agricultural Zone to the R1.8 One-Family Residential Zone.</p>
---	---

## **OVERVIEW**

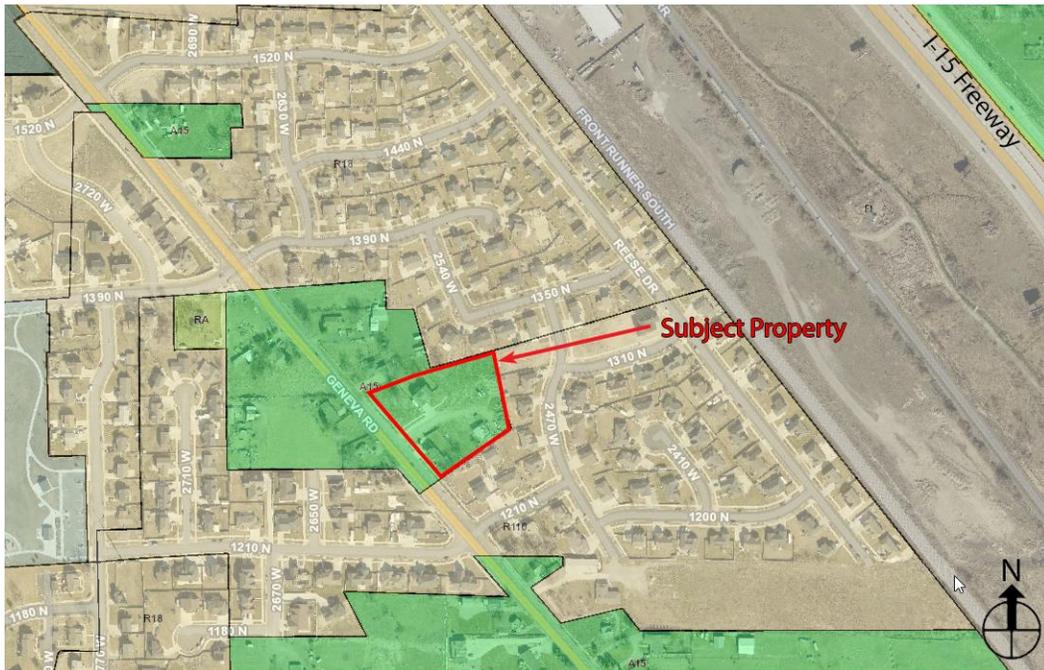
Mr. Nathan Chappell is seeking a zone map amendment and preliminary subdivision approval in order to create a seven-lot, residential subdivision at approximately 1290 North Geneva Road, which includes the incorporation of two existing homes. In 2007, the applicant recorded a legal subdivision, creating two lots in the existing A1.5 zone. Lot two of this subdivision included the existing residence at 1282 North Geneva and a building permit was later issued for the construction of a home at 1306 North Geneva Road (lot one). Since that time, the applicant has illegally subdivided the property through deeds recorded directly with Utah County and fenced the properties at the proposed property lines.

The General Plan guiding principles for the area identify a desire to maintain a maximum density of four units per acre. While the proposed subdivision is under this density limit, the potential density of an R1.8 zone does not. In order to mitigate the potential concern of increasing density after the rezoning is granted, the applicant has indicated they would be willing to enter into a development agreement with the City to limit the subdivision to the proposed seven lots.

Preliminary review of the subdivision has identified compliance with the requested R1.8 zone, with the exception of meeting the depth requirements of the proposed lot seven. However, both the neighborhood and staff have indicated to the applicant that the area is better suited for R1.10 zoning, which would also alleviate the need to rely on any development agreements. The applicant has requested to pursue R1.8 zoning regardless of these identified concerns.

Due to the previously installed fencing, and the placement of the most recently constructed home, Mr. Chappell claims that R1.10 zoning is infeasible as it would reduce the number of lots that could otherwise be created. Staff has noted that these two constraints are self-imposed hardships that the applicant has created.

Current Zoning Map



Current General Plan Map



## **GENERAL PLAN POLICIES**

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of zoning map amendments:

*Upon receipt of a petition by the Planning Commission, the Commission shall hold a public hearing in accordance with the provisions of Section 14.02.010 of this Title and may approve, conditionally approve, or deny the preliminary project plan. Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan: (Staff analysis has been provided in bold)*

- (a) *Public purpose for the amendment in question.*  
**Response: Establish additional one-family detached dwellings to accommodate housing needs noted in Chapter Four – Housing.**
  
- (b) *Confirmation that the public purpose is best served by the amendment in question.*  
**Response: While the establishment of additional one-family dwelling areas is encouraged throughout the General Plan, the proposed zone change does not specifically follow the other guiding principles identified to “best serve” the public purpose.**
  
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives.*  
**Response: The General Plan policies for the Southwest area identify a desire to “maintain the Residential (R) designation with one-family residential development...not to exceed four units per acre.” The proposed R1.8 zone, at face value, exceeds the four units per acre maximum. However, an R1.10 zone, as suggested by the neighborhood, would remain consistent with this density restriction.**
  
- (d) *Consistency of the proposed amendment with the General Plan’s timing and sequencing provisions on changes of use, insofar as they are articulated.*  
**Response: There are no timing and sequencing issues identified.**

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

**Response: While the accompanying preliminary subdivision application meets the density restrictions of the General Plan, the proposed R1.8 zone has the potential to exceed the articulated density maximums identified.**

(f) *Adverse impacts on adjacent land owners.*

**Response: No major adverse impacts are foreseen by the proposed amendment.**

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

**Response: The current agricultural zone is inconsistent with the General Plan designation for residential housing. Proposed residential zoning would correct this discrepancy.**

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

**Response: No conflicts were identified.**

### **FINDINGS OF FACT**

1. A legal subdivision, titled Chappell Circle Plat A, created two lots on 13 April 2007.
2. Two homes currently exist within the proposed subdivision.
3. The property is currently illegally subdivided into five parcels.
4. The proposed R1.8 zone is inconsistent with the General Plan guiding principles.
5. The neighborhood and staff recommend R1.10 zoning, which complies with the guiding principles of the General Plan.
6. Adequate approvals from UDOT for road access have not been obtained for the proposed 1290 North street.

### **CONCLUSION**

Due to the density restrictions noted in the General Plan policies, potential for additional lots to be created after the zoning is applied, and lack of necessary approvals to guarantee road access to Geneva, staff does not have an adequate level of comfort to support this rezone request. Staff would, however, be supportive of a R1.10 zone designation in this area as it would resolve any of the noted conflicts with the General Plan provisions.

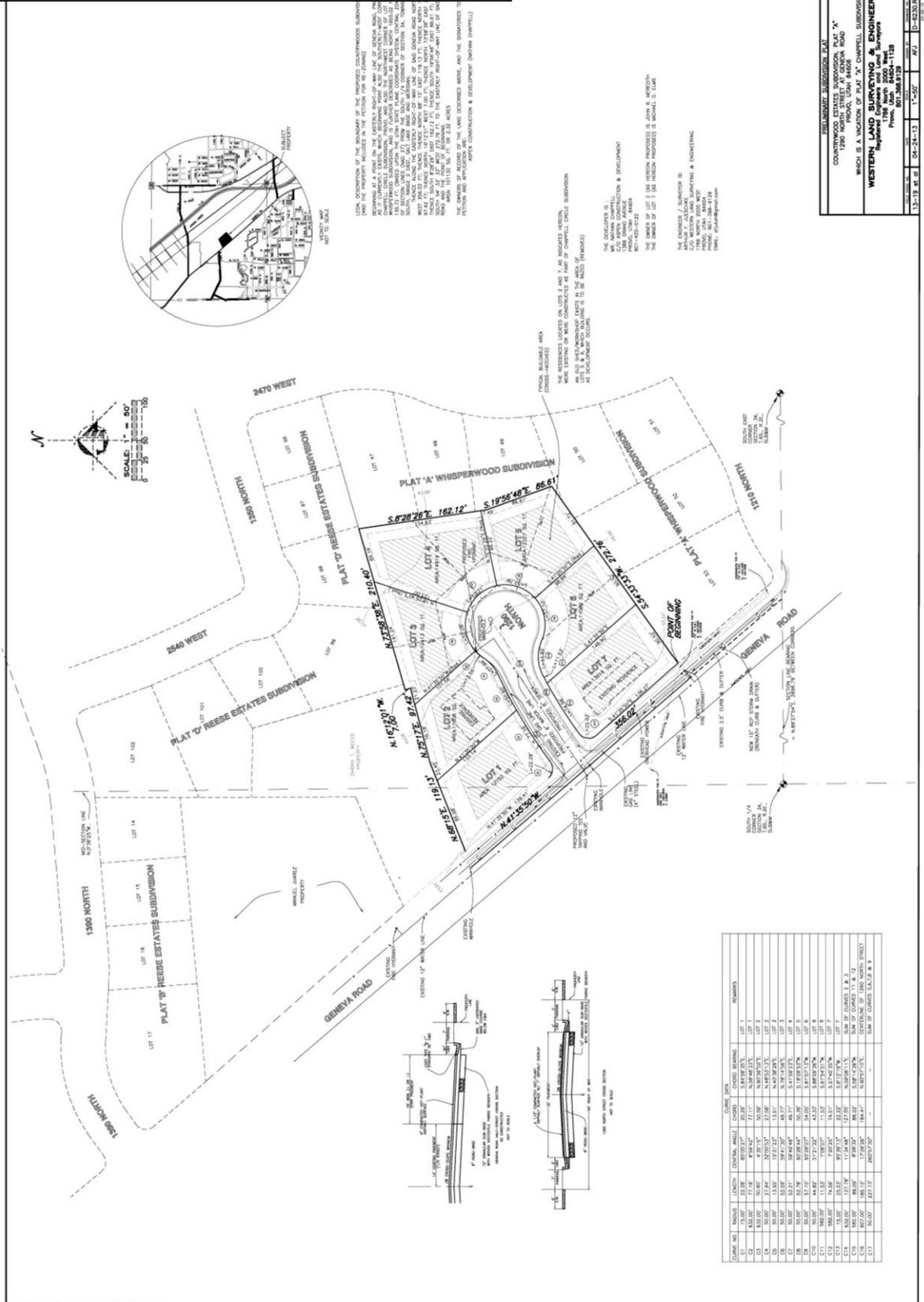
### **STAFF RECOMMENDED MOTION**

Forward a recommendation to the Municipal Council to Deny the proposed zone map amendment of approximately 2.44 acres generally located at 1290 North Geneva Road from the A1.5 Agricultural Zone to the R1.8 One-Family Residential Zone.

### **ATTACHMENTS**

1. Proposed Subdivision
2. Chappell Circle Plat A
3. Existing Utah County Parcels

**ATTACHMENT #1 – Proposed Subdivision**



LOT	AREA (SQ. FT.)	AREA (SQ. YD.)	AREA (AC.)	PERCENTAGE OF TOTAL AREA
LOT 17	13,500	310	0.006	0.006%
LOT 18	13,500	310	0.006	0.006%
LOT 19	13,500	310	0.006	0.006%
LOT 20	13,500	310	0.006	0.006%
LOT 47	13,500	310	0.006	0.006%
LOT 48	13,500	310	0.006	0.006%
LOT 49	13,500	310	0.006	0.006%
LOT 50	13,500	310	0.006	0.006%
LOT 51	13,500	310	0.006	0.006%
LOT 52	13,500	310	0.006	0.006%
LOT 53	13,500	310	0.006	0.006%
LOT 54	13,500	310	0.006	0.006%
LOT 55	13,500	310	0.006	0.006%
LOT 56	13,500	310	0.006	0.006%
LOT 57	13,500	310	0.006	0.006%
LOT 58	13,500	310	0.006	0.006%
LOT 59	13,500	310	0.006	0.006%
LOT 60	13,500	310	0.006	0.006%
LOT 61	13,500	310	0.006	0.006%
LOT 62	13,500	310	0.006	0.006%
LOT 63	13,500	310	0.006	0.006%
LOT 64	13,500	310	0.006	0.006%
LOT 65	13,500	310	0.006	0.006%
LOT 66	13,500	310	0.006	0.006%
LOT 67	13,500	310	0.006	0.006%
LOT 68	13,500	310	0.006	0.006%
LOT 69	13,500	310	0.006	0.006%
LOT 70	13,500	310	0.006	0.006%
LOT 71	13,500	310	0.006	0.006%
LOT 72	13,500	310	0.006	0.006%
LOT 73	13,500	310	0.006	0.006%
LOT 74	13,500	310	0.006	0.006%
LOT 75	13,500	310	0.006	0.006%
LOT 76	13,500	310	0.006	0.006%
LOT 77	13,500	310	0.006	0.006%
LOT 78	13,500	310	0.006	0.006%
LOT 79	13,500	310	0.006	0.006%
LOT 80	13,500	310	0.006	0.006%
LOT 81	13,500	310	0.006	0.006%
LOT 82	13,500	310	0.006	0.006%
LOT 83	13,500	310	0.006	0.006%
LOT 84	13,500	310	0.006	0.006%
LOT 85	13,500	310	0.006	0.006%
LOT 86	13,500	310	0.006	0.006%
LOT 87	13,500	310	0.006	0.006%
LOT 88	13,500	310	0.006	0.006%
LOT 89	13,500	310	0.006	0.006%
LOT 90	13,500	310	0.006	0.006%
LOT 91	13,500	310	0.006	0.006%
LOT 92	13,500	310	0.006	0.006%
LOT 93	13,500	310	0.006	0.006%
LOT 94	13,500	310	0.006	0.006%
LOT 95	13,500	310	0.006	0.006%
LOT 96	13,500	310	0.006	0.006%
LOT 97	13,500	310	0.006	0.006%
LOT 98	13,500	310	0.006	0.006%
LOT 99	13,500	310	0.006	0.006%
LOT 100	13,500	310	0.006	0.006%
LOT 101	13,500	310	0.006	0.006%
LOT 102	13,500	310	0.006	0.006%
LOT 103	13,500	310	0.006	0.006%
LOT 104	13,500	310	0.006	0.006%
LOT 105	13,500	310	0.006	0.006%
LOT 106	13,500	310	0.006	0.006%
LOT 107	13,500	310	0.006	0.006%
LOT 108	13,500	310	0.006	0.006%
LOT 109	13,500	310	0.006	0.006%
LOT 110	13,500	310	0.006	0.006%
LOT 111	13,500	310	0.006	0.006%
LOT 112	13,500	310	0.006	0.006%
LOT 113	13,500	310	0.006	0.006%
LOT 114	13,500	310	0.006	0.006%
LOT 115	13,500	310	0.006	0.006%
LOT 116	13,500	310	0.006	0.006%
LOT 117	13,500	310	0.006	0.006%
LOT 118	13,500	310	0.006	0.006%
LOT 119	13,500	310	0.006	0.006%
LOT 120	13,500	310	0.006	0.006%
LOT 121	13,500	310	0.006	0.006%
LOT 122	13,500	310	0.006	0.006%
LOT 123	13,500	310	0.006	0.006%
LOT 124	13,500	310	0.006	0.006%
LOT 125	13,500	310	0.006	0.006%
LOT 126	13,500	310	0.006	0.006%
LOT 127	13,500	310	0.006	0.006%
LOT 128	13,500	310	0.006	0.006%
LOT 129	13,500	310	0.006	0.006%
LOT 130	13,500	310	0.006	0.006%
LOT 131	13,500	310	0.006	0.006%
LOT 132	13,500	310	0.006	0.006%
LOT 133	13,500	310	0.006	0.006%
LOT 134	13,500	310	0.006	0.006%
LOT 135	13,500	310	0.006	0.006%
LOT 136	13,500	310	0.006	0.006%
LOT 137	13,500	310	0.006	0.006%
LOT 138	13,500	310	0.006	0.006%
LOT 139	13,500	310	0.006	0.006%
LOT 140	13,500	310	0.006	0.006%
LOT 141	13,500	310	0.006	0.006%
LOT 142	13,500	310	0.006	0.006%
LOT 143	13,500	310	0.006	0.006%
LOT 144	13,500	310	0.006	0.006%
LOT 145	13,500	310	0.006	0.006%
LOT 146	13,500	310	0.006	0.006%
LOT 147	13,500	310	0.006	0.006%
LOT 148	13,500	310	0.006	0.006%
LOT 149	13,500	310	0.006	0.006%
LOT 150	13,500	310	0.006	0.006%
LOT 151	13,500	310	0.006	0.006%
LOT 152	13,500	310	0.006	0.006%
LOT 153	13,500	310	0.006	0.006%
LOT 154	13,500	310	0.006	0.006%
LOT 155	13,500	310	0.006	0.006%
LOT 156	13,500	310	0.006	0.006%
LOT 157	13,500	310	0.006	0.006%
LOT 158	13,500	310	0.006	0.006%
LOT 159	13,500	310	0.006	0.006%
LOT 160	13,500	310	0.006	0.006%
LOT 161	13,500	310	0.006	0.006%
LOT 162	13,500	310	0.006	0.006%
LOT 163	13,500	310	0.006	0.006%
LOT 164	13,500	310	0.006	0.006%
LOT 165	13,500	310	0.006	0.006%
LOT 166	13,500	310	0.006	0.006%
LOT 167	13,500	310	0.006	0.006%
LOT 168	13,500	310	0.006	0.006%
LOT 169	13,500	310	0.006	0.006%
LOT 170	13,500	310	0.006	0.006%
LOT 171	13,500	310	0.006	0.006%
LOT 172	13,500	310	0.006	0.006%
LOT 173	13,500	310	0.006	0.006%
LOT 174	13,500	310	0.006	0.006%
LOT 175	13,500	310	0.006	0.006%
LOT 176	13,500	310	0.006	0.006%
LOT 177	13,500	310	0.006	0.006%
LOT 178	13,500	310	0.006	0.006%
LOT 179	13,500	310	0.006	0.006%
LOT 180	13,500	310	0.006	0.006%
LOT 181	13,500	310	0.006	0.006%
LOT 182	13,500	310	0.006	0.006%
LOT 183	13,500	310	0.006	0.006%
LOT 184	13,500	310	0.006	0.006%
LOT 185	13,500	310	0.006	0.006%
LOT 186	13,500	310	0.006	0.006%
LOT 187	13,500	310	0.006	0.006%
LOT 188	13,500	310	0.006	0.006%
LOT 189	13,500	310	0.006	0.006%
LOT 190	13,500	310	0.006	0.006%
LOT 191	13,500	310	0.006	0.006%
LOT 192	13,500	310	0.006	0.006%
LOT 193	13,500	310	0.006	0.006%
LOT 194	13,500	310	0.006	0.006%
LOT 195	13,500	310	0.006	0.006%
LOT 196	13,500	310	0.006	0.006%
LOT 197	13,500	310	0.006	0.006%
LOT 198	13,500	310	0.006	0.006%
LOT 199	13,500	310	0.006	0.006%
LOT 200	13,500	310	0.006	0.006%

**PRELIMINARY SUBDIVISION PLAN**  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 1300 NORTH STREET AT GENEVIEVE ROAD  
 PROVO, UTAH 84601  
**WESTERN LAND SURVEY AND ENGINEERING**  
 1000 WEST 1000 SOUTH  
 PROVO, UTAH 84601-1128  
 PHONE: 801-368-9128  
 FAX: 801-368-9128



**ATTACHMENT #3 – Existing Utah County Parcels**





WELCOME HOME

PLANNING COMMISSION

AUGUST 24, 2016



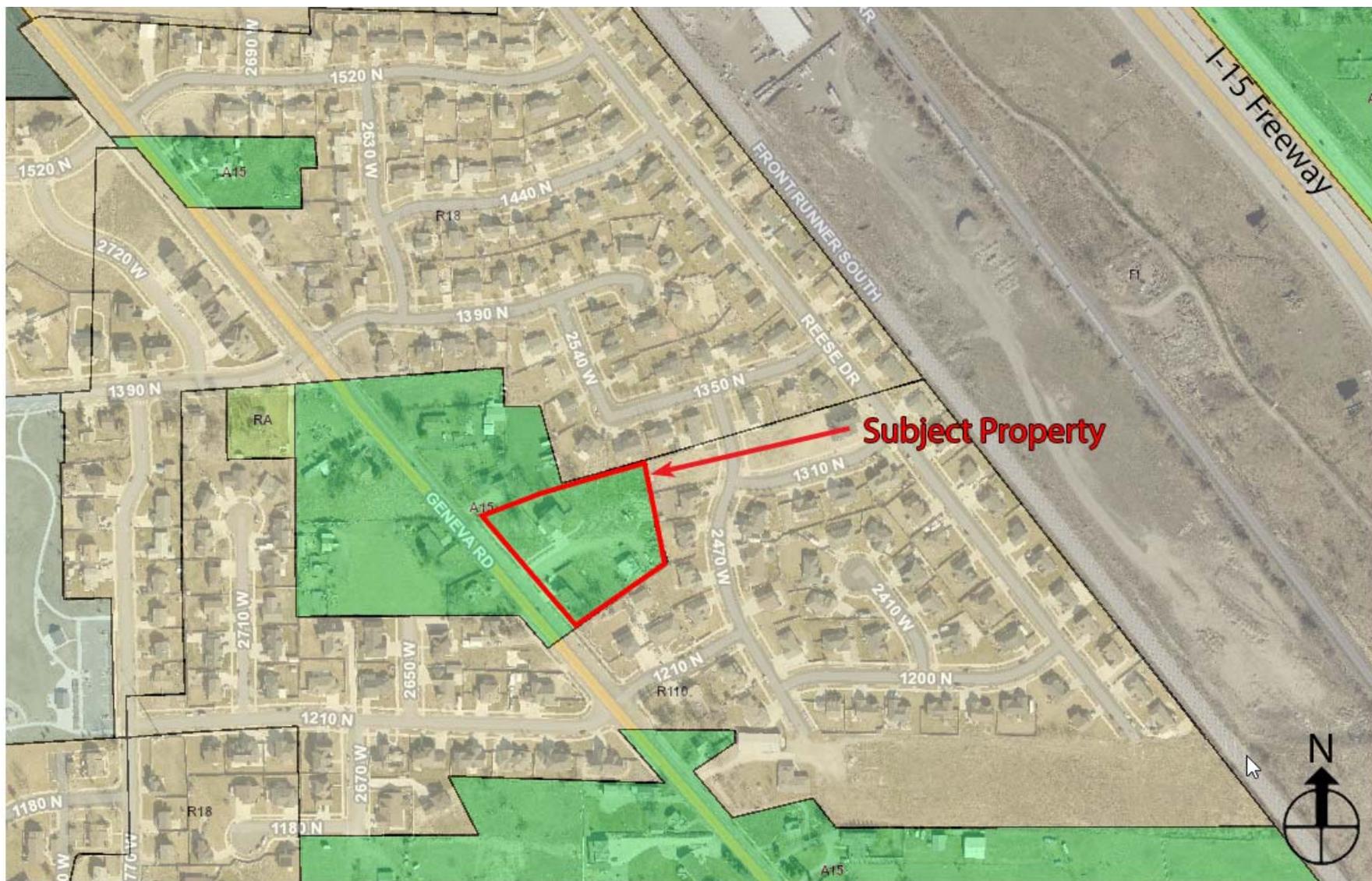
## ITEM 3\*

Nathan Chappell, agent for Aspen Development, requests approval of a Zoning Map Amendment of 2.44 acres generally located at 1290 North Geneva Road from A1.5 (Agricultural) Zone to R1.10 (One-Family Residential) Zone in order to subdivide the property into seven building lots.

***Lakeview North Neighborhood***

14-0013R









UT-114  
Provo, Utah  
[View on Google Maps](#)







# Customer Ad Proof

60005417 Provo City Corporation

Order Nbr 78602

**Publication** Daily Herald

Contact Provo City Corporation

Address 1 P.O. BOX 1849

Address 2

City St Zip PROVO UT 84603

Phone 8018526505

Fax

Section Legals

SubSection

Category 999 Legal Notices

Ad Key 78602-1

Keywords 78602-Notice

Notes

**Ad Proof**

**Notice**

Notice is hereby given that the Municipal Council of the City of Provo, Utah, will hold a public hearing at a meeting that will be begin at 5:30 p.m. on Tuesday, October 18th, 2016, in the Municipal Council Chambers located at the Provo City Center, 351 West Center Street, Provo to consider a resolution appropriating \$10,800 in the General Fund City – Council Department to promote citizen engagement for the fiscal year ending June 30, 2017. The city council will also consider a resolution appropriating \$205,281 in the General Fund – Police Department for the purchase of a body worn camera system for the fiscal year ending June 30, 2017.

/s/Dustin Grabau, Provo City Budget Officer  
Legal Notice 78602 Published in The Daily Herald on October 11, 2016.

PO Number

Rate Provo City

Order Price 22.16

Amount Paid 0.00

Amount Due 22.16

Start/End Dates 10/11/2016 - 10/11/2016

Insertions 1

Size 19

Salesperson(s) CLASSIFIED DEFAULT

Taken By Carlie Peterson

# Customer Ad Proof

60005417 Provo City Corporation

Order Nbr 78602

**Publication**

**Herald Extra Online**

Contact Provo City Corporation  
Address 1 P.O. BOX 1849  
Address 2  
City St Zip PROVO UT 84603  
Phone 8018526505  
Fax

Section Legals  
SubSection  
Category 999 Legal Notices

Ad Key 78602-1  
Keywords 78602-Notice

Notes

**Ad Proof**

**Notice**

Notice is hereby given that the Municipal Council of the City of Provo, Utah, will hold a public hearing at a meeting that will be begin at 5:30 p.m. on Tuesday, October 18th, 2016, in the Municipal Council Chambers located at the Provo City Center, 351 West Center Street, Provo to consider a resolution appropriating \$10,800 in the General Fund City – Council Department to promote citizen engagement for the fiscal year ending June 30, 2017. The city council will also consider a resolution appropriating \$205,281 in the General Fund – Police Department for the purchase of a body worn camera system for the fiscal year ending June 30, 2017.

/s/Dustin Grabau, Provo City Budget Officer  
Legal Notice 78602 Published in The Daily Herald on October 11, 2016.

PO Number  
Rate Provo City  
Order Price 22.16  
Amount Paid 0.00  
Amount Due 22.16  
Start/End Dates 10/11/2016 - 10/11/2016  
Insertions 1  
Size 19  
Salesperson(s) CLASSIFIED DEFAULT  
Taken By Carlie Peterson

1 RESOLUTION 2016 -

2  
3 A RESOLUTION APPROVING AN ONLINE CIVIC ENGAGEMENT  
4 SERVICES PROVIDER AND APPROPRIATING \$10,800 IN THE GENERAL  
5 FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2017. (16-042)  
6

7 WHEREAS, the Municipal Council has received a recommendation from Municipal  
8 Council Staff that \$10,800 be appropriated in the General Fund for the fiscal year ending June  
9 30, 2017 for the purpose of contracting with an online civic engagement firm for the use of its  
10 services; and

11  
12 WHEREAS, under the direction of the Municipal Council, a Request for Proposals (RFP)  
13 was issued in July 2016 to provide an online civic engagement solution; and

14  
15 WHEREAS, Municipal Council Staff reviewed and evaluated the six proposals received  
16 and presented their recommendations to Council; and

17  
18 WHEREAS, on October 4, 2016 and October 18, 2016, the Municipal Council held duly  
19 noticed public meetings and a hearing to receive public comment and ascertain the facts  
20 regarding this matter, which facts and comments are found in the meeting and hearing records;  
21 and

22  
23 WHEREAS, all persons for and against the proposed appropriation were given an  
24 opportunity to be heard; and

25  
26 WHEREAS, after considering facts and comments presented to the Municipal Council,  
27 the Council finds the proposed appropriation and vendor selection reasonably further the health,  
28 safety, and general welfare of the citizens of Provo City.

29  
30 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah as  
31 follows:

32  
33 PART I:

34  
35 The Municipal Council hereby:

36 1) approves the selection of Peak Democracy to provide online civic engagement  
37 services for at least one year from the date of the contract with the option to renew  
38 annually;

39 2) authorizes the Council Chair to execute a contract in conformance with the  
40 RFP and Peak Democracy's response, in a form substantially similar to that shown in the  
41 attached Exhibit A; and

42 3) appropriates \$10,800 in the General Fund for the fiscal year ending June 30,  
43 2017 to pay for these services.  
44

45 PART II:

46  
47 This resolution shall take effect immediately.  
48

49 END OF RESOLUTION.

**Provo Municipal Council**  
**“Council Conversations”**  
**Policy Development and Expectations**

**Purpose:**

The “**Council Conversations**” program is to provide Provo’s citizenry with an opportunity to participate in community discussions about important topics, while maintaining a safe environment. The input generated will be presented to Council and may be considered to be formal public input on that topic.

**Administration of the site:**

- The Provo Municipal Council has contracted with Peak Democracy for its *Open Town Hall* online product and has named its use of the product as “**Council Conversations**”.
- As the contract entity, the Provo Municipal Council is the administrator of the site and will establish policies and procedures for use of the product. The Council’s Executive Director acts as the primary site administrator and is the gatekeeper for the program and its content.
- The goal of **Council Conversations** is to:
  - provide clear and concise information that is as complete as possible at the time of posting;
  - provide easy-to-use links to information developed on the topic; and
  - list questions that generate public discussion.
- The Council recognizes that its staff resources are limited, and that there is value in getting information out early to the public. Council will allow **Council Conversations** postings to evolve and to have information added as needed rather than waiting until the information is fully refined before asking for public input.

**Process for submitting new topics or policy questions:**

1. Council members, the Council as a body, Council staff, or the City’s Administration may present topics or policy questions for consideration.
2. All topics or policy questions to be posted to **Council Conversations** are subject to approval by a majority authorization of Council. Normally, we will do this by a process akin to common consent. A proposed topic or policy question will be sent via email to Council members and they will have 24 hours to object. If the majority of the Council does not submit an objection then the topic is approved.
3. Topics should be developed according to the **Council Conversations** guidelines.
4. The Council’s Executive Director (or designee) is responsible for posting, responding, reporting on, etc. topics or policy questions posted to the program.

## **Council Direction:**

Per [Provo City Code 2.50.130](#), the Council may direct the Executive Director to in writing with regard to the administration of the **Council Conversations** site, including posting, amending, or removing a topic.

## **Types of Issues:**

While there are no restrictions on the types of topics that might be presented on **Council Conversations**, we will focus on issues that involve a public decision making process. This allows comments to postings to be prepared and treated as formal comments. Examples include: site specific developments, zoning text and map amendments, budget issues and other general policy development issues.

Approved topics or policy questions may be updated as needed. Updates may be based upon changes in information as the project or processes develop, or an update may be a closing statement discussing the resolution or decision made and how or when the comments received were presented to the decision-making body. Providing feedback to the constituent that their input has been considered is very important. We need to develop and monitor successful feedback methods.

For topics or policy questions (such as land-use decisions, budgets or appropriations) requiring or including a public hearing, the topic or policy question will close on or before noon of the date of the noticed hearing. As soon as practicable following a decision on the topic or policy question, a narrative of the decision should be posted on the site.

## **Notification of a new topic or policy question:**

Prior to or at time of posting of a new topic or policy question, we will notify as appropriate - Council members, Council staff, City Administration and relevant departments of the topic or policy question posted. As needed, we may seek internal review of the topic or policy question and any included materials. [If a topic is marked internal then any user with a provo.org suffix to their email can log in and view the topic.]

## **Opportunities for spreading the word:**

Social media and email list services have proven to be the best way to send notice of a new topic. Provo Municipal Council can use **Council Conversations** to prepare announcements and follow-up messages via the Subscribe function within the info tab. The subscriptions announcement is a must for all topics. Beyond the subscription feed a short summary and links to the topic should be circulated to those managing social media accounts within the City so that they may share the information and attract new participants.

## **Follow-up:**

Topics should be closed and follow-up done in a timely manner. It is important to let the subscribers/commenters know of the decision (or next action if no decision has been made) and that their statements were submitted for consideration. When possible, input gathered from ***Council Conversations*** should be mentioned during relevant Council meeting discussions.

## **Closing Statements:**

A closing statement is very important; it confirms active listening with the participant. The closing statement should include the outcome of the decision or action, when the decision was made and any links to additional information and/or adopted ordinances.

## **Responses to Comments:**

Peak Democracy provides moderation of comments for ***Council Conversations***. If a moderator determines that a comment is uncivil, the comment will be moved to a nonpublic area. The moderator then contacts the commenter to attempt to resolve the issue. If unable to resolve, the moderator will work with the site administrator to decide how to handle the comment. Peak Democracy will not delete comments but may keep uncivil comments in the non-public area if the commenter refuses to delete them.

As appropriate, staff may add specific or general responses to comments on topics or policy questions.

## **Resources:**

Peak Democracy maintains [Product Updates](#), [Tips](#), [Accessibility](#) and [Insights](#) pages to assist in developing topics and the administration of the site. These pages and more can be accessed through their Blog at <http://www.peakdemocracy.com/blog>.

## **Statement on Privacy**

The Provo Municipal Council respects the privacy policies of Peak Democracy. We will allow “Name Not Shown” postings (i.e., comments which display the words ‘Name Not Shown’ instead of the author’s name next to the comment). The user (commenter) would still be registered in the program with a verified address, but other cities have seen that allowing “Name Not Shown” comments may encourage participation by those who may feel intimidated by posting their identity. Topics which are site specific or personal in nature may use the “Name Not Shown” status. This privacy setting is manageable per topic and it may be appropriate to require full name or allow Name Not Shown.

## GRAMA Requests

A statement will be displayed on **Council Conversations** so that users may know that information displayed on the site may constitute a public record. Peak Democracy has sole possession of names, home addresses, and email addresses of people who post comments on the online product. Provo City will comply with the *Government Records Access Management Act* (GRAMA), but does not consider records owned by Peak Democracy as Provo's records subject to GRAMA.

## APPENDIX A: TOPIC DEVELOPMENT

### Tools and Templates:

**Council Conversations** offers a collection of tools and features which may help structure your topic. These include: priority widgets helpful for budgeting or assessing values; polling, allows participants to select an opinion and comment; surveys for doing traditional surveys, ideation topics enabling residents to post ideas and comment on others' ideas and comments, blogs enabling an admin to post blog posts and others to comment on them, maps, custom maps may be uploaded and embedded in the topic. If you feel that one of these may be helpful to better develop your topic, discuss the idea with a site administrator.

### Template: Topic Basic Outline

Each topic is unique and this outline should be considered to be a minimum standard. Try to use common language (while limiting jargon) that can be easily understood by the general public. It is encouraged to prepare your topic utilizing an AP style for consistency in our topic formats. The following link takes you to a short AP style guide: <http://bit.ly/APguide-CC>

### Introduction:

- Identify who the listener is. While the Council will usually be the listener (and we should state it) in our application of the online program, it may be that a specific board or commission, committee, department, division, or office is reviewing the comments.
- Provide a general summary of the issue and process.
- Include one or more non-leading question(s) or statement(s) of the input sought.
- If the issue is heading towards a public meeting, note the date and time the comment period will be closed so that the comments report may be prepared and presented to the decision-making body for its consideration. [The Council Office should probably develop a standard for this.]

**Fact Sheet:**

The topic should include the basic facts. Detailed discussions or supporting information should be added as an attachment.

- Purpose
- Bullets of key points
- Area involved, if site or district specific

**Where to get more information:**

- Contacts: Names, phone and email
- Web links

**Public Meetings or Process:**

- State who is the decision maker, where the project is in the process, how will the decision be made.
- Include Time and Place of any public hearings or meetings on the topic.

**Attachments:**

- Attachments such as site plans, staff reports, memos, etc. should be prepared in PDF format and uploaded for review.
- Images may be placed on the fact sheet for quick reference; the images should be reduced for web viewing.



# OPEN TOWN HALL

## Exhibit A: Scope of Work

Open Town Hall is a feature-rich online civic engagement service that is designed by Peak Democracy to help government agencies and their communities identify and explore broad public interests and ultimately increase public trust in government. This document summarizes how Open Town Hall connects each user's experience with broad public interests and builds that trust.

## Table of Contents

<b>SCOPE OF SERVICES</b> .....	<b>3</b>
<b>FORUM SUPPORT SERVICES</b> .....	<b>3</b>
TRAINING.....	3
BEST PRACTICES.....	3
WEBPAGE LOOK.....	3
HEAT MAPS.....	3
TOPIC DEVELOPMENT.....	3
TOPIC MARKETING.....	3
TECHNICAL SUPPORT.....	3
COMMUNITY ASSISTANCE.....	3
FORUM MONITORING.....	4
USER AUTHENTICATION.....	4
ISSUE RECONCILIATION.....	4
<b>INFORMATION TECHNOLOGY SERVICES</b> .....	<b>4</b>
IMPLEMENTATION.....	4
HOSTING.....	4
PERFORMANCE.....	4
AVAILABILITY.....	4
ACCESS.....	5
BACKUP.....	5
WEB BROWSER SUPPORT.....	5
RECORDS RETENTION.....	5
OPEN TOWN HALL SERVICE LEVEL AGREEMENT.....	5
<b>WORK PRODUCTS</b> .....	<b>7</b>
<b>THE OPEN TOWN HALL PORTAL</b> .....	<b>7</b>
TEN WAYS TO GUIDE THE DIALOG:.....	7
TEN WAYS TO GLEAN COMMON INTERESTS:.....	10
ADDITIONAL FEATURES:.....	13
FORUM ADMINISTRATION:.....	14
<b>ADDITIONAL WORK PRODUCTS</b> .....	<b>16</b>
<b>TOPIC INTRODUCTIONS</b> .....	<b>16</b>
<b>MARKETING TEMPLATES</b> .....	<b>16</b>
<b>EMAIL ANNOUNCEMENTS</b> .....	<b>16</b>
<b>COMMENT MONITORING</b> .....	<b>16</b>
<b>EMAILS TO DISRUPTIVE AUTHORS</b> .....	<b>16</b>
<b>TOPIC REPORTS</b> .....	<b>16</b>
<b>OBLIGATIONS OF THE CLIENT</b> .....	<b>17</b>
<b>BEFORE THE FIRST TOPIC</b> .....	<b>17</b>
<b>FOR EACH TOPIC</b> .....	<b>17</b>
<b>PERFORMANCE STANDARDS</b> .....	<b>18</b>
<b>TURNAROUND TIME FOR COMMENT MONITORING</b> .....	<b>18</b>
<b>TURNAROUND TIME FOR SERVICE REQUESTS FROM CLIENT</b> .....	<b>18</b>
<b>TURNAROUND TIME FOR SERVICE REQUESTS FROM OTHER USERS</b> .....	<b>18</b>

**RECORDS RETENTION .....18**

---

# Scope of Services

---

## Forum Support Services

Peak Democracy will provide the following support services:

### Training

Via web conferencing, web-based documentation including videos, how-to guides, and other resources, Peak Democracy staff will provide training on how to use the service.

### Best Practices

Peak Democracy staff will provide advice and documentation on best practices for government online forums – including best practices on how to maintain civil and legal forums as well as best practices on how to optimize the quality and quantity of user participation.

### Webpage Look

Peak Democracy staff will make clients forums match the look of the client's website by customizing images, colors and fonts. The Client can also designate a name for its services such as "Open City Hall", "Open County Hall", or other custom name.

### Heat Maps

Peak Democracy staff will post maps on the client's service that correspond to shape or KML files provided by client.

### Topic Development

Peak Democracy staff will help client staff craft topic content, and post topic content on client's website.

### Topic Marketing

Peak Democracy staff will work with client staff to market topics via techniques such as press releases, posting on social media, HTML-formatted email announcements to subscriber lists, and other methods.

### Technical Support

Peak Democracy staff will provide technical support to client staff. This support will be available via email, phone and web conferencing.

### Community Assistance

Peak Democracy staff will provide a help desk for the client's user community. This assistance will be available primarily via links on service to email, and when necessary via phone.

## Forum Monitoring

Peak Democracy staff (in conjunction with Company's software) will monitor user registrations and content posted on the client's service.

## User Authentication

Peak Democracy staff (in conjunction with Company's software) will authenticate all users that register. This authentication includes, (1) confirming that each registrant's email address is active, (2) geocoding each registrant's street address, and (3) monitoring each registrant's name, IP address as well as browser cookies.

## Issue Reconciliation

If Peak Democracy software and staff detect activities or content that potentially violates the client's guidelines, then Peak Democracy staff will work with client staff to reconcile the issue.

## Information Technology Services

Peak Democracy will provide the following Information Technology Services:

### Implementation

At the client's discretion, Peak Democracy will implement the service on either: (a) an iframe on a webpage within the client's website, or (b) a dedicated website domain established by the client.

In case (a), the frame around the Open Town Hall portal is directly under the client's control. Peak Democracy will provide an HTML snippet, which the client must embed on the client's page without modification.

In case (b), the client may provide the following elements

1. HTML header section above Open Town Hall
2. HTML footer section below Open Town Hall
3. HTML snippet containing favicons

## Hosting

Peak Democracy will host client's service on a server provisioned by the Company.

## Performance

Peak Democracy will provide network bandwidth between its servers and the Internet at levels that are comparable to popular consumer web services.

## Availability

Peak Democracy will continuously monitor the client's service for availability.

## Access

Peak Democracy will maintain access to the client's service 24 hours a day, 7 days a week.

## Backup

Peak Democracy will maintain daily backups of the client's service.

## Web Browser Support

Open Town Hall supports the the versions of Firefox, Chrome, Safari, Internet Explorer and Microsoft Edge that are supported by their respective providers.

## Records Retention

Peak Democracy will retain the client's service for the client's record retention period via Amazon.com's S3 storage service that provides 99.999999999% durability. The Client's staff can also download its forum content in PDF and CSV format for the client's own storage, archive and analysis.

## Open Town Hall Service Level Agreement

During the Term of the applicable Open Town Hall Agreement (the "Agreement"), the Open Town Hall user interface will be operational and available to Customer at least 99.9% of the time in any calendar month (the "Open Town Hall SLA"). If Peak Democracy does not meet the Open Town Hall SLA, and if the Client meets its obligations under this Open Town Hall SLA, the Client will be eligible to receive the Service Credits described below. This Open Town Hall SLA states the Client's sole and exclusive remedy for any failure by Peak Democracy to meet the Open Town Hall SLA.

## Definitions

The following definitions shall apply to the Open Town Hall SLA.

"Downtime" means, for a domain, downtime as reported by the pingdom monitoring service in default configuration targeting that domain.

"Monthly Uptime Percentage" means total number of minutes in a calendar month minus the number of minutes of Downtime suffered in a calendar month, divided by the total number of minutes in a calendar month.

"Service Credit" means the following:

<ul style="list-style-type: none"><li>• <b>Monthly Uptime Percentage</b></li></ul>	<ul style="list-style-type: none"><li>• <b>Days of Service added to the end of the Service term (or monetary credit equal to the value of days of service), at no charge to the Client</b></li></ul>
<ul style="list-style-type: none"><li>• &lt; 99.9% - &gt;= 99.0%</li></ul>	<ul style="list-style-type: none"><li>• 3</li></ul>
<ul style="list-style-type: none"><li>• &lt; 99.0% - &gt;= 95.0%</li></ul>	<ul style="list-style-type: none"><li>• 7</li></ul>
<ul style="list-style-type: none"><li>• &lt; 95.0%</li></ul>	<ul style="list-style-type: none"><li>• 15</li></ul>

The Client must request the service credit. In order to receive any of the Service Credits described above, the Client must notify Peak Democracy within thirty days from the time the Client becomes eligible to receive a Service Credit. Failure to comply with this requirement will forfeit the Client's right to receive a Service Credit.

The aggregate maximum number of Service Credits to be issued by Peak Democracy to the Client for all Downtime that occurs in a single calendar month shall not exceed fifteen days of Service added to the end of the Client's term for the Service (or the value of 15 days of service in the form of a monetary credit).

The Open Town Hall SLA does not apply to any services that expressly exclude this Open Town Hall SLA (as stated in the documentation for such services) or any performance issues that resulted from the Client's equipment or third-party equipment, or both (not within the primary control of Peak Democracy).

# Work Products

---

## The Open Town Hall Portal

Peak Democracy will provide the client with one Open Town Hall portal and grant administrative access to that portal for an unlimited number of full or part time employees of client. The Open Town Hall portal will support these features:

- Ten Ways to Guide the Dialog
- Ten Ways to Glean Common Interests
- Additional Features
- Forum Administration

### Ten Ways to Guide the Dialog:

Open Town Hall features ten kinds of topics, each designed to guide the public dialog toward broad public interests.

### FORMAL FEEDBACK

---

Description	Guidance
Structured like a council or commission meeting, each user submits one on-topic statement per topic.	Users are restricted to one statement per topic to preclude any one person from dominating the forum. Peak Democracy monitors every statement to ensure it is on topic defined by the client to be in the broad public interest. If necessary, staff can post a response either publicly or privately to a statement.

### FEEDBACK WITH SUPPORT

---

Description	Guidance
Users submit one on-topic statement per topic, which other users can support. Readers can sort statements by support.	In addition to Formal Feedback guidance, the links posted by social media share buttons bring friends back to participate in the topic, not to support the sharer's statement. The support count can also be hidden to preclude the perception of a vote.

### IDEAS

---

Description	Guidance
Structured like a workshop or charrette, each user submits ideas which other users can comment on.	Peak Democracy monitors all ideas and comments to ensure they remain on topic and in compliance with the client's guidelines for civility.

## POLL

Description	Guidance
Users select a preferred option from a list of options	The options are defined by the client to be in the broad public interest, and are labeled 'positions' not 'votes'. The links posted by social media share buttons bring friends back to participate in the topic, not to support the sharer's position.

## BUDGET

Description	Guidance
Modeled after participatory budgeting workshops, users allocate \$100, \$500 or a percentage to a set of priorities	Users asked to prioritize items pre-defined by client to be in the broad public interest, with a limited budget. Users are also allowed to supplement those items with their own statement.

## PRIORITY LIST

Description	Guidance
Users drag items up or down to prioritize them in a list.	Users are allowed to prioritize items pre-defined by client to be in the broad public interest, and to supplement the list with their own statement

## AREA PLAN

Description	Guidance
Users place land use place-types (e.g., open space, commercial, etc.) on a map to indicate preferred land use.	Users asked to use place types pre-defined by client to be in the broad public interest. Users can also describe their suggested land use strategy through their own statement.

## SURVEY

---

Description	Guidance
Users complete a traditional survey.	Users are guided through a series of questions designed by the client. Responses are constrained to lie within parameters defined by the client for each question. Each question/survey element can be one of eleven types: Textbox, Text area, Multiple Choice (only one answer), Multiple Choice (multiple answers), Numeric, Select, Message, Page Break, Priority List, Matrix of Choices (only one answer per row), Matrix of Choices (multiple answers per row).

## BLOG

---

Description	Guidance
A blogger (staff) writes topical posts designed to pique interest in the project.	Users can write comments on the post's topic and on other users' comments Users are required to post comments on the post's topic.

## PHOTO

---

Description	Guidance
Users share photos	Users share photos and can comment on the photo they provide in addition to 'liking' other photos.

## ANNOTATION

---

Description	Guidance
Inspired by wiki-media, users may 'mark-up' or annotate a text or image based document.	Users may annotate a text and/or image based document created within Open Town Hall that reflects a real policy document, a design for a space, or something else. Users may provide annotations specifically where administrators allow them to provide input. These annotation places allow for additional content to be placed within the document by the administrator to further inspire users in their feedback.

## Ten Ways to Glean Common Interests:

Peak Democracy features ten 'Insights' that are publicly available analysis tools that reflect common interests back to the community. Not just back-end analysis tools (that are only available to staff), Insights are available to all members of the public, enabling everyone to better understand the broad public interests in their own community, and thereby build consensus.

### WORD CLOUD

---

Description	Reflected Interests
An interactive set of words sized to reflect their frequency in the submitted statements. Clicking a word displays all statements containing that word.	Shows interests expressed through frequently used words found across many statements.

### SEARCH

---

Description	Reflected Interests
A form used to select statements from authors in specific cities or statements containing a user-defined phrase.	Shows how interests vary from city to city, and how interests are expressed through a key phrase.

### DEMOGRAPHICS

---

Description	Reflected Interests
A clickable bar graph displaying the number of users by age, gender or frequency of participation.	Shows how interests vary by age or by gender. The frequency of participation graph reflects how the interests of 'frequent flyers' (residents who frequently participate in Open Town Hall) differ from those participating for the first time.

## MAP

Description	Reflected Interests
An interactive map displaying regions within the client's jurisdiction: council districts, planning districts, bull's eye circles around a project, transportation corridors, focus areas, neighbourhoods, etc. For Tally, Budget and Priority List topics, hovering over regions also displays the tally, average allocation or average priority of users from that region.	Shows how interests vary by place, e.g., distance from a project or a neighbourhood.

## FILTER

Description	Reflected Interests
Filter responses in a survey topic by selecting answers to survey questions to determine how respondents responded to other questions.	Shows additional insights in feedback across sub-groups of participants to identify trends.

## TALLY

Description	Reflected Interests
Tally of positions over all participants	Shows trends in preferred position across all participants.

## AVERAGE ALLOCATION

Description	Reflected Interests
The amount allocated to items in a Budget topic, averaged over all participants.	Show trends in Priorities over all participants, given limited resources.

## AGGREGATE AREA PLAN

---

Description	Reflected Interests
An interactive map displaying all place types as located by all participants. Specific categories of place types (e.g., open space, industry, commercial development) can be selectively displayed.	Shows where participants would like to see open space, industry, commercial development, etc.

## AVERAGE PRIORITY

---

Description	Reflected Interests
The priority rank of all items averaged over all participants.	Shows trends in Priorities over all participants.

## CONNECTED STATEMENTS

---

Description	Reflected Interests
“Users who support this statement also supported these statements”. Borrowed from Amazon.com’s shopping feature: “Users who bought this book also bought these books”. A clickable listing or graph of statements, connected with other statements by users who support multiple statements.	Shows interests grouped by similar content. Since two statements are connected when someone supports them both, connected statements tend to have similar content (like the books listed in Amazon’s shopping feature).

## GALLERY

---

Description	Reflected Interests
Photos receiving the most ‘likes’ in a photo topic.	Shows favorite photos.

### Additional Features:

In addition, all topic types have access to added features and services.

Feature / Service	Benefits
All topics can be embedded in the agency's official website	This creates a formality (like council chambers) which encourages statements that are on topic and civil.
Name Not Shown For each topic, the client can require participants to display their full name next to their publicly displayed content, or allow them to display "Name not shown." In either case, full registration is required, and full authentication is conducted by Peak Democracy.	To build participation
Users can post video, images, files and other media types with statements.	To build participation
Responsive design for tablets and phones.	To build participation
Integrates with social media	To build participation
Topic marketing services	To build participation
Translation via Google translate	To build participation
All public data downloadable via PDF and CSV (spreadsheet) files	To facilitate review and analysis

### Forum Administration:

In addition, Peak Democracy provides these back end tools to create and manage topics and to monitor and build participation. Note that Peak Democracy and staff both have access to these tools. Peak Democracy typically takes an active role in forum administration, at the discretion of the client.

### PEAK NETWORK

---

Description	Purpose
Search tool that enables administrators to search by key word across all topics launched by all Peak Democracy clients. Search parameters can also include population, agency type, topic type and phase.	Topics in the search results can be copied into the administrator's portal with a single click. This helps the administrator design a new topic by providing easy access to existing topics that have common objectives, and to use them as a starting template with a single click.

### TOPIC EDITOR

---

Description	Purpose
Simple editor for creating new topics and managing existing topics, including their name, question, introduction, closeout statement, list of public officials who are listening and configuration of the various input tools: Tally, Budget, Priority List, Area Plan, Map selection etc.	To enable the admin to easily create and/or manage topics, preview draft topics in private mode with other admins (including Peak Democracy), and launch topics.

### FORUM EDITOR

---

Description	Purpose
Simple editor for grouping topics into forums: categories of topics around similar themes.	To enable users to easily navigate to topics of interest.

## **ANNOUNCEMENT**

---

<b>Description</b>	<b>Purpose</b>
A button to announce topics and topic updates to current subscribers	To notify subscribers of key developments in the forum topics.

## **USER SURVEY**

---

<b>Description</b>	<b>Purpose</b>
First time users will be surveyed on their satisfaction with the service.	To build participation by monitoring user satisfaction and improving the service to meet user requirements.

## **PARTICIPATION REPORTS**

---

<b>Description</b>	<b>Purpose</b>
Cumulative visitors, participants and subscribers	To build participation by tracking it and its correlation with outreach efforts.

## **MONITORING THE MONITOR**

---

<b>Description</b>	<b>Purpose</b>
Real-time monitoring of Peak Democracy's monitoring of statements.	To provide the admin with an overview of Peak Democracy's monitoring process, including a list of statements that are civil versus not civil and their status in the statement resolution protocol.

## *Additional Work Products*

### **Topic Introductions**

Peak Democracy staff will be available to write the topic introductions that guide the dialog and frame the topic. Peak Democracy staff will also be available to review and/or edit the client's drafts at client's discretion.

### **Marketing Templates**

Peak Democracy staff will provide the client with templates that can be used to market each topic, including drafts of press releases, announcements for emails or newsletters for the client to distribute and examples of posters or fliers for the client may use as templates.

### **Email Announcements**

Peak Democracy staff will be available to draft emails that announce new topics and updates to existing topics. Upon client's approval, Peak Democracy staff will distribute those announcements to subscribers.

### **Comment Monitoring**

Peak Democracy staff and software will monitor every comment to ensure each comment complies with the client's guidelines for civility. If Peak Democracy staff believes that a comment may not meet those guidelines, the comment is moved off the forum onto a separate section of the forum (The 'off forum' section) and the client is asked whether the statement violates their guidelines for civility. If the client confirms that the statement violates the guidelines, then Peak Democracy staff contacts the author (see below). If the client decides the statement does not violate the guidelines, then Peak Democracy moves the statement back 'on forum' to the public page.

Non-English comments will be translated into English using Google Translate before monitoring; all interactions with the author will be in English.

In no case does Peak Democracy edit or delete any comment without the author's approval.

### **Emails to Disruptive Authors**

When the client acknowledges that a participant's statement violates the client's guidelines for civility, Peak Democracy staff will draft an email to the participant inviting him or her to edit their statement to comply with those guidelines. Upon client's approval of that draft, Peak Democracy will send it to the author and keep the client apprised of any changes or emails received from the participant.

### **Topic Reports**

Peak Democracy will be available to generate a PDF and/or a spreadsheet of all comments and other public input from participants. The client and/or members of the general public can also download these same documents from the Open Town Hall forum.

# Obligations of the Client

---

Drawing on our experience from more than 2,000 forum topics, Peak Democracy is available to assist the client in executing each of these tasks.

## Before the First Topic

Before launching the first topic, the client will:

- Approve the guidelines for civility.
- Formulate the initial outreach strategy.
- Select a home page for the forum, either on the client's website or on one provisioned by Peak Democracy.
- Embed Open Town Hall as described in the section above titled Implementation.

## For Each Topic

For each topic, the client will:

- Select the topic for public input.
- Provide background information.
- Approve any topic introduction written by Peak Democracy.
- Approve any marketing materials distributed by Peak Democracy.
- Review statements that Peak Democracy identifies as potentially uncivil. For each such statement, the client classifies it as either meeting or failing to meet the client's guidelines for civility. For each uncivil statement, the client approves all emails sent by Peak Democracy to the author.

Though it is not strictly required, it is highly recommended that the client posts an 'outcome statement' at the conclusion of each topic which summarizes the decision made or the action taken. If possible, the outcome statement should describe how input from Open Town Hall was incorporated into the decision process. Our experience tells us that when clients post outcome statements, residents receive confirmation that their participation is worthwhile, they therefore continue to participate, and public trust in government grows.

## Performance Standards

---

### Turnaround Time for Comment Monitoring

Peak Democracy software will monitor all comments immediately as they are entered by users. Peak Democracy staff will monitor all comments: 95% of comments will be monitored within 20 minutes of posting during business hours (8am – 5pm Pacific Time), and 95% of comments will be monitored within 12 hours of posting off business hours.

### Turnaround Time for Service Requests from Client

Peak Democracy will respond to all service requests: 95% of all service requests will be responded to within one hour of receipt of the request via email or phone during business hours.

### Turnaround Time for Service Requests from Other Users

Peak Democracy will respond to all service requests: 95% of all service requests will be responded to within four hours of receipt of the request via email during business hours.

### Records Retention

Peak Democracy will maintain all input from users on Amazon.com S3's storage designed to provide 99.999999999% durability.

## Exhibit A

**Service Agreement**  
**for**  
**Open Town Hall**  
**Powered by Peak Democracy Inc**

This agreement (“**OPEN TOWN HALL AGREEMENT**”), which is entered into as of the date that this OPEN TOWN HALL AGREEMENT is fully executed by all parties, is by and between:

- **City of Provo, Utah** (“**GOVERNMENT**”), an organization having an address at **City Center Building, 351 W Center St, Provo, UT 84601**; and
- Peak Democracy, Inc., a Delaware Corporation having an address at PO Box 516 Trinidad, CA 95570 (“**PEAK DEMOCRACY**”).

## 1 Background

- 1.1 **GOVERNMENT** wants to engage PEAK DEMOCRACY for the purposes of providing the products and services described in the attached *Scope of Work* addendum to this OPEN TOWN HALL AGREEMENT.
- 1.2 **PEAK DEMOCRACY** represents that the company has the special expertise, qualifications and experience necessary to provide the products and services described in the attached Scope of Work addendum to this OPEN TOWN HALL AGREEMENT.

## 2 Pricing & Timing

- 2.1 **Pricing**: GOVERNMENT will pay PEAK DEMOCRACY **ten thousand eight hundred dollars (\$10,800)** to perform the services as specified in this OPEN TOWN HALL AGREEMENT – including those specified in Paragraphs 3.2.6.

- 2.2 Duration & Start Date: The duration of this OPEN TOWN HALL AGREEMENT is for a **one (1) year** period starting on **the date that this OPEN TOWN HALL AGREEMENT is executed by both parties**; and this agreement may be extended if agreed to in writing by both parties.
- 2.3 Expiration: This offer to enter into this OPEN TOWN HALL AGREEMENT expires at the end of the day of **2016 October 31**.

### 3 Responsibilities

- 3.1 GOVERNMENT Responsibilities: GOVERNMENT will designate a representative as the primary contact for implementing OPEN TOWN HALL and that representative will be the primary point-of-contact with PEAK DEMOCRACY. Through this point-of-contact, GOVERNMENT will:
- 3.1.1 Train: Learn about the features, benefits and best practices of OPEN TOWN HALL, and communicate these features, benefits and best practices to GOVERNMENT employees, elected officials and users.
- 3.1.2 Lead: Specify the topics and content that GOVERNMENT wants to post on OPEN TOWN HALL via the administrative system supplied for that purpose.
- 3.1.3 Implement: Facilitate the implementation of OPEN TOWN HALL within GOVERNMENT'S web site via links and/or iframe embedding.
- 3.1.4 Promote: Lead the promotion, (i) of OPEN TOWN HALL in general and, (ii) for each posted topic in particular, to GOVERNMENT jurisdiction's residents, including via email, social media, and press coverage.

3.1.5 Review: At PEAK DEMOCRACY's request, participate in OPEN TOWN HALL review meetings in which GOVERNMENT will present the status of its OPEN TOWN HALL implementation as well as learn about the latest features and best practices from PEAK DEMOCRACY.

3.2 PEAK DEMOCRACY Responsibilities:

3.2.1 Services: Provide all features and services listed in the attached Scope of Work addendum to this OPEN TOWN HALL AGREEMENT.

3.2.2 Technology: Host the software as a service on servers provisioned by PEAK DEMOCRACY.

3.2.3 Administration: Provide administrative access privileges to an unlimited number of employees of GOVERNMENT.

3.2.4 End-User Support: Provide end-users with assistance in their use of GOVERNMENT'S OPEN TOWN HALL, using email as the primary means of this assistance.

3.2.5 Administrative Support & Consultation: As directed by GOVERNMENT, provide administrative support and consulting ("CLIENT SUPPORT") via email, phone and web meetings.

3.2.6 Custom Software Development: If GOVERNMENT requests features or services ("CUSTOM SOFTWARE DEVELOPMENT") that are not included in the Scope of Work, then PEAK DEMOCRACY will provide a quote for performing CUSTOM SOFTWARE DEVELOPMENT on a time and materials basis. PEAK DEMOCRACY will provide the first six (6) hours of CUSTOM SOFTWARE DEVELOPMENT to GOVERNMENT at no charge; thereafter, additional hours will be charged at one hundred dollars (\$100) per hour. If GOVERNMENT uses less than six (6) hours of CUSTOM SOFTWARE

DEVELOPMENT, then unused hours cannot be redeemed for cash, but can be carried forward to subsequent agreement periods.

3.3 No Tracking or Advertising: PEAK DEMOCRACY will protect GOVERNMENT's efforts to broaden civic engagement without interference from political campaigns or other special interests, and accordingly PEAK DEMOCRACY will not:

3.3.1 Display any message, communication or advertisement sponsored by any third party to any user on any website, email, regular mail, browser, phone or any other device;

3.3.2 Require any user to accept messages or advertising from any third party as a condition of use in any privacy policy, terms of service or other agreement; and

3.3.3 Collect any information from any user without GOVERNMENT's prior approval. GOVERNMENT hereby authorizes PEAK DEMOCRACY to collect users':

3.3.3.1 Responses to GOVERNMENT's requests for feedback;

3.3.3.2 Contact information for determining the neighborhood of the user's residence or business, and for contacting the user under the GOVERNMENT's direction;

3.3.3.3 Demographic information as approved by GOVERNMENT; and

3.3.3.4 Browser ID (cookies) and remote IP only as necessary to support the user's interaction with OPEN TOWN HALL.

## 4 Miscellaneous

4.1 Extent: This OPEN TOWN HALL AGREEMENT embodies the entire understanding of the parties and supersedes all previous communications, representations, or understandings, whether oral or written, between the parties relating to the subject matter hereof.

- 4.2 Scope: Nothing contained in this OPEN TOWN HALL AGREEMENT will be deemed to grant to GOVERNMENT either directly or by implication, estoppel, or otherwise any license or other rights in or to any copyrights, copyrightable material, patents, patent applications, or other proprietary interests of PEAK DEMOCRACY existing prior to the effective date of this OPEN TOWN HALL AGREEMENT or arising out of performance of this OPEN TOWN HALL AGREEMENT.
- 4.3 Independence: In performing their respective duties under this OPEN TOWN HALL AGREEMENT, each of the parties will be operating as an independent contractor. Nothing contained herein will in any way constitute any association, partnership, or joint venture between the parties hereto, or be construed to evidence the intention of the parties to establish any such relationship. Neither party will have the power to bind the other party or incur obligations on the other party's behalf without the other party's prior written consent.

The remainder of this page is intentional left blank

In witness whereof, PEAK DEMOCRACY and GOVERNMENT have executed this OPEN TOWN HALL AGREEMENT by their respective officers hereunto duly authorized, on the date and year hereinafter written:

PEAK DEMOCRACY INC

CITY OF PROVO UTAH

By: \_\_\_\_\_  
(Signature)

By: \_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_  
(Print)

Name: \_\_\_\_\_  
(Print)

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_