



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:40 PM, Tuesday, January 03, 2017

Room 200, Municipal Council Chambers

351 West Center, Provo, Utah

Opening Ceremony

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member Kim Santiago

Council Member David Knecht

Council Member Gary Winterton

Council Member Vernon K. Van Buren

CAO Wayne Parker

Council Executive Director Clifford Strachan

Council Member David Harding

Council Member David Sewell

Council Member George Stewart

Mayor John R. Curtis

Council Attorney Brian Jones

Conducting: Outgoing Chair Kim Santiago and Incoming Chair David Sewell

1. **Prayer** – Travis Ball, Provo City Energy Director
2. **Pledge of Allegiance** – Travis Ball, Provo City Energy Director

Approval of Minutes – December 6, 2016 Council Meeting Minutes

Motion: Council Member David Sewell moved to approve the December 6, 2016 Council Meeting Minutes. The motion was seconded by Council Member Gary Winterton.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Presentations, Proclamations and Awards

3. **Recognition of Louise Jorgensen, Council Executive Assistant, as she retires.**

Chair Santiago announced that Louise Jorgensen, Provo City Council Executive Assistant, had retired and would be serving an LDS Mission with her husband Dean. She invited Clifford Strachan, Council Executive Director, to comment.

Mr. Strachan said that Ms. Jorgensen had been the executive assistant in the council office for nine years. That job title did not begin to describe everything that she did for council members,

staff, and Provo's Neighborhood Program. She was the heart and backbone of the council office. She had been a key part of welcoming each new employee and helping them get their bearings.

For most of her time, Ms. Jorgensen had been part of the neighborhood program. Many neighborhood projects and improvements (park cleanups, trail improvements, tree plantings, painted houses, new sidewalks, benches, crosswalks, sprinkler systems, lights, plaques, and neighborhood markers) came about with Louise's help.

Ms. Jorgensen was described as very down to earth and ready to help; a wonderful person with a smile that never wavered; went above and beyond her job responsibilities; encouraged people to look for the jewels in their neighborhood and in the people; and looked for the positive in everything and everyone she met.

Mr. Strachan said it was her passion for faith and family that was taking her from us and sending her on a bigger and better adventure. He thanked her for her excellent service to the city and presented her with a print of a painting by Samuel Jeppesen depicting Provo City in the late 1800's.

Public Comment

There were no public comments.

Action Agenda

4. The election of Municipal Council officers; chair and vice-chair. (17-003)

Chair Santiago thanked the council staff for their work, positive atmosphere, and can-do attitude. She thanked Vice-Chair Sewell for his service during the year. She stated he was one of the hardest working people she knew but also knew how to have fun. She presented him with a Star Wars Jedi robe as a thank you gift.

Council members thanked Chair Santiago for her service calling her a dynamo, energetic, and forceful. They acknowledged Chair Santiago for her accomplishments during the past year which included efforts to explore alternative routes for BRT; spearheading creation of a council budget committee and serving as chair for three years; serving on the Provo City Housing Authority Board; running successful efforts to prevent MMA fights from coming to Provo; leading an ad-hoc committee that designated regulations for trampoline gyms (regulations adopted by the city and, probably, adopted statewide and even nationally); serving as vice-chair of council for first two years and chair this year; and spurring the council to develop and adopt annual goals and priorities. She was a great parliamentarian.

Mr. Strachan presented a thank you gift to Chair Santiago from the council and staff.

Chair Santiago called for nominations for the council chair.

Mr. Knecht nominated David Sewell to serve as council chair for 2017. There were no other nominations. The nomination was approved 7:0.

Mr. Stewart nominated David Knecht to serve as council vice-chair for 2017. There were no other nominations. The nomination was approved 7:0.

Chair David Sewell conducted the council meeting from this point.

5. Resolution 2017-01 acknowledging the election of the chair and vice-chair of the Provo Municipal Council for calendar year 2017. (17-003)

Chair Sewell called for a motion to approve a resolution acknowledging the election of chair and vice-chair for 2017.

Motion: Council Member Gary Winterton moved to approve **Resolution 2017-01** as written. The motion was seconded by Council Member David Harding.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Recess as Municipal Council and reconvene as Redevelopment Agency

Motion: Council Member Vernon K. Van Buren moved to recess as the Municipal Council and reconvene as the Redevelopment Agency at 6:02 p.m. The motion was seconded by Council Member Kim Santiago.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Redevelopment Agency of Provo

6. The election of Redevelopment Agency of Provo officers; chair and vice-chair. (17-004)

Chair Stewart called for nominations for Redevelopment Agency (RDA) chair for calendar year 2017.

Mr. Harding nominated George Stewart to serve as RDA chair for 2017. There were no other nominations. The nomination was approved 7:0.

Mr. Knecht nominated David Harding to serve as RDA vice-chair for 2017. There were no other nominations. The nomination was approved 7:0.

7. Resolution 2017-RDA-01-03-1 appointing the chair and vice-chair of the Redevelopment Agency of Provo City for calendar year 2017. (17-004)

Motion: Board Member Kim Santiago moved to approve **Resolution 2017-RDA-01-03-1**. The motion was seconded by Board Member Vernon K. Van Buren.

Roll Call Vote: The motion passed 7:0 with Board Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Adjourn Redevelopment Agency and Reconvene as Municipal Council

Motion: Board Member Kim Santiago moved to adjourn as the Redevelopment Agency and reconvene as the Municipal Council at 6:04 p.m. The motion was seconded by Board Member Vernon K. Van Buren.

Roll Call Vote: The motion passed 7:0 with Board Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Municipal Council

Action Agenda (Continued)

- 8. Resolution 2017-02 authorizing eminent domain proceedings on the properties generally located on 3110 West from 435 South to Center Street and west along Center Street to 3240 Center Street in order to acquire right of way for Phase 1 of the Lakeview Parkway. (16-124)**

David Graves, Provo City Public Works Division Director – Engineering, presented.

In response to a question from Ms. Santiago, Mr. Graves stated that when construction began on the Westside Connector, there were two areas identified for possible archaeological sites. One was the Hinckley Mounds and the second was property owned by the LDS church just east of the Hinckley property. Preliminary excavation was required to determine if there were artifacts in those areas. There were no finds in the project boundary area near the Hinckley Mounds; however, there were some artifacts discovered near the LDS church property. Excavation on the north half of the roadway in that area was halted until the discovery was completed for the archeological artifacts. To date there had been no indication of artifacts in the proposed alignment for the Lakeview Parkway. If anything were to be discovered during the excavation we would go through the same process of discovery, mapping, and preservation of artifacts.

In response to a question from Mr. Winterton, Mr. Graves said that an appraisal would consider the highest and best use of the property, which might not be the current use of the property. He verified that state law did not require compensation for loss of businesses. However, that did not mean that the city would not compensate for some business losses as part of the negotiations. The appraisal also outlined, according to the appraiser, any other type of damage or compensation that may be appropriate as part of a fair compensation.

Chair Sewell invited property owners to address the council.

Raul Mangini, property owner at 435 South 3110 West, stated the values given by the city were not very good. He would never be compensated fairly for what he had been building for the past 25 years. With all the empty land in that area, why did the city have to go through areas where all the homes were. The city was choosing to go through areas that would cost a fortune to purchase. Why were they taking out a very expensive home on Center Street instead of building further west, closer to the lake? In addition to purchasing the land, the city will have to move

power and sewer lines to accommodate the new road. There was not a need for the road right now. They city was going to spend a lot of money and there was no guarantee that more airlines were going to land at the airport. The only traffic on 3110 West was when an airplane landed.

Jay Christianson, owner of the expensive home on west Center Street, was frustrated with the process. During the open house the residents were shown the preferred alignment which was going to go right next to his property. He asked city officials to give him more information about how close it would be to his home but he was given nothing. In August 2011, he was sent a letter that stated the preferred alignment had shifted slightly to the east and would now require the city to purchase his home and property because the new road went right through his home. He had worked all his life to build his home and now he was concerned that he was losing it. He felt they could fix the alignment to miss his home because there were open fields all around him. He asked them to reconsider the alignment of the road.

Deanna McCoard, owner of McCoard's Garden Center, expressed concern about her home and the height of the proposed road. Mr. Graves had said the new road would not affect her home, but her son stated that, according to the engineering plans, the new road would be four to six feet above her home. She wanted to know how that would not impact her home.

Harry McCoard, co-owner of McCoard's Garden Center, felt that authorizing eminent domain at that time was premature and not necessary. They had never said they would not negotiate with the city. They were working on having the ground appraised and could come back, in a week or so, with a better idea of the value of their land. Since the last meeting (December 6, 2016) his family had met with Mayor Curtis and looked at several different options, such as a land swap or minor shift in the road, in order to make their business work. Provo City could purchase other property and swap it with the McCoard's. Even with a land swap, it would take time for a new field to grow corn and allow them to continue their fall festival. He was asking the council to give them time to negotiate with the city and possibly allow them to get through another fall season. They lose their ability to negotiate fairly with the city if eminent domain was authorized. He gave an example of one landowner whose land was appraised by the city. The landowner went out and got a second appraisal, which was 70 percent higher than the city's appraisal and offer. Once eminent domain was approved, the road was put in place and there would be no further negotiating for a different alignment. Mr. McCoard said they were not trying to stop the road. He just wanted to city to vote no for the resolution and treat the property owners fairly.

Keith Oldham, property owner, asked the council to look at where the city appraisals were coming from. The city's appraisal was not fair because it was substantially lower than his appraisal. He said the city was forcefully taking his land and he should be payed top dollar for what they were taking from him. He asked the council to look at creating a new policy because the city had been stonewalling the property owners from the beginning.

Chair Sewell invited public comment from residents that did not get an opportunity to speak during the last meeting.

Jason Christensen, Provo, stated that the U.S. Constitution was the supreme law of the land. He stated that eminent domain was unconstitutional. When government used eminent domain they lowball the citizens. If the citizen does not accept the offer, the city used condemnation to get the property or sue. Amendment 5 of the U.S. Constitution stated that both parties should come

together to determine a fair and equitable value. The project was not necessary so using eminent domain was not legal.

LaDawn Christensen, landowner north of Center Street, did not know if the Utah waterways was completely addressed in the documents sent by Mr. Graves. There was talk, when the last bridge was built over the Provo River, that the city needed to meet certain specifications in order to put another bridge in. There were also questions raised about the agricultural protection zone on the Fisher and Despain lands north of Center Street that were not addressed. She said the Fishers had stated there were Indian Cress plants on the land; which were an endangered species. She did not know how closely the city had looked at annexing additional county property, especially if it was wetland. Ms. Christensen said the city should wait and see if they really need that road; the land was not going anywhere.

Chair Sewell closed public comment and invited council discussion.

Mr. Knecht said that eminent domain was a very serious thing. It should only be used after the city had made every effort to negotiate in good faith and all else had failed. He wanted to see the city reach out and work with the property owners. He would be voting against eminent domain.

Mr. Harding said he had been going back and forth on this issue. He felt there was a need for the road, but not immediately. However, it was important to secure the alignment before the road was needed. When was the appropriate time to authorize eminent domain? Was it better to move forward on all the properties from the beginning rather than a few properties at a time? He understood that Mr. McCoard asked them to wait and see if negotiations would be successful. There was a lot of wisdom to that. He also believed there was a reason to authorize eminent domain but only use it as a measure of last resort after all other negotiations had failed. He felt confident that our city staff would negotiate in good faith but he understood that the public might not have that same confidence in our city staff. He asked Mr. Graves what would happen if they did not authorize eminent domain at this meeting.

Mr. Graves stated that all the property needed to be acquired in order to receive the funding. Negotiations would continue even if eminent domain was not authorized at this meeting. However, if negotiations reached an impasse, the city would need to come back and request eminent domain, which would take up additional time and resources. This could possibly delay the project. There were also timing issues associated with the project because it was advantageous to send RFP's for construction projects early in the year.

With the Westside Connector, some property owners signed a Right of Occupancy, which meant they might not be happy with the initial offer but did not stand in the way of building the new road. The money was put in an escrow account for the property owner and negotiations continued. Those property owners were not included in the original authorization for eminent domain request.

Mr. Graves said there had only been one property owner sign the Right of Occupancy Agreement for this phase of the Lakeview Parkway project. One of the property owners had told Mr. Graves' that it was their intent to delay this project as long as possible. There was no motivation for the property owner to negotiate in good faith if there was not the option of eminent domain.

Mr. Winterton asked why some of the second appraisals were coming in significantly higher. Mr. Graves replied that in Mr. Oldham's case, the value of the property was the same with both appraisals. The 70 percent difference in the second appraisal was the value assigned to damages for the property. He had asked the appraisal to document what the damages would be. He noted the city had made a counter offer somewhere in the middle of the two appraisals. Mr. Graves stated that when the appraisals were different they evaluated what the differences would be and go to an independent third party to give an opinion on both.

Chair Sewell stated his family has had personal experience with eminent domain and it was not good (not in Provo). His biggest concern was the notion that, according to state law, we did not have to consider business losses. He did not know how we could offer fair value without considering business losses. The McCoard's property was unique. The corn maze brought 20,000 visitors to Provo this past year, an increase of 40 percent from the previous year. While he did not want to send the signal that he was not willing to vote for eminent domain, he did not want to delay the project. He felt the need to abstain on this vote. He hoped everyone could get together and figure something out.

Mr. Harding noted that Mr. McCoard had asked for the council to delay eminent domain proceedings so negotiations could take place without it hanging over the property owners' heads. He also heard from Mr. Graves about what could happen if eminent domain was not approved at this time. He was looking for a solution that would work for both the city and the property owners. He would like to say that the city staff would negotiate in good faith and provide a fair value even with eminent domain authorized. He asked Mr. McCoard if there was a solution that could work for both parties.

Mr. McCoard thought a time limit might help. From the traffic studies, it seemed the roads would not see the high capacity for 20 to 30 years and the land was not going anywhere else. He did not know how much time would be needed. He said this issue had been a big distraction to them because they did not know if they could do the corn maze next year. They typically had the plan for next year's maze already laid out. It was advantageous for them to negotiate quickly and fairly so they could move on with their business and make things work. If this was passed, who knew if the road could be moved or lowered a few feet. They had nothing in writing from the city so the road could be laid out and put into place without further negotiations. He felt the city should negotiate with each landowner and, if the landowner was not willing to negotiate, they could authorize eminent domain one owner at a time. The land owner needed to be given the benefit of the doubt. Even signing a Right of Occupancy took away from the property owners' right to negotiate. The road would be put in place and there would be no pressure for the city to negotiate.

Paul McCoard, co-owner of McCoard's, stated that the corn maze was a value to the city. Authorizing eminent domain would not give them time to put the corn maze on a different field. The road was not needed today and the funding would be available for a while. He asked that the city allow them to use the property for 2017 and give them time to find a piece of property to use in 2018.

Mr. Stewart said Mr. Graves told them the city could not go ahead with the project without assurances they could solve the land issues. He felt it was in everyone's interest to expedite this because no one, including the McCoard's, could make plans without the knowledge that this would go one way or the other. He made the following motion.

Motion: Council Member George Stewart moved to approve **Resolution 2017-02** authorizing eminent domain proceedings on the properties generally located on 3110 West from 435 South to Center Street and west along Center Street to 3240 Center Street in order to acquire right of way for Phase 1 of the Lakeview Parkway. The motion was seconded by Council Member Gary Winterton.

Mr. Knecht said he did not get the impression that not authorizing eminent domain that night would send a clear message that the road would never go through. Even if they did vote for eminent domain, it would take a long time to negotiate with the landowners. He wanted to take a month or two to wait for second appraisals. If they went forward in good faith as a city, he did not think there would be any delays because they would be working towards solutions. He felt comfortable in not voting to authorize eminent domain.

Mr. Harding asked if it was possible to authorize eminent domain or have a sale agreed upon but still have the corn maze in its current location for 2017. Mr. Graves replied that he would not know until the engineering had been completed. It was possible the project might require more than one construction season. He said the city would be willing to negotiate and see if they could make it work. With the Westside Connector, one of the property owners had a corn field and the city waited until fall to begin construction on that property so the corn could be harvested. They try to accommodate the property owners' needs.

In response to a question about continuing this item for four weeks, Mr. Graves said that was not an adequate amount of time to negotiate with property owners, especially if a second appraisal had not been completed yet. When the city received the second appraisal they had to review it and then start negotiations. Even if eminent domain was authorized, the city would continue to sit down with property owners and negotiate. Part of the negotiations was to help each party plan for the future.

Comments had been made that this road was not needed right now. The traffic study showed that in 2040 this road would carry about 16,000 cars per day. Mr. Graves said that as portions of other road projects were completed they began to see traffic patterns change immediately and he felt this might happen with this portion of the Lakeview Parkway.

Mr. Graves said that the vote that night would show the council was behind a project that had been on the Transportation Master Plan for nine years. He asked the council to move forward with a vote for the resolution, which would allow the city to get in serious negotiations with the property owners.

Mr. Stewart said that, as painful as eminent domain was, it came down to the goods and needs of the community versus the goods and needs of individuals. He had faced these issues in the past and felt, in this situation, it was important to support the goods and needs of the community.

Mr. Winterton believed the city was negotiating in good faith but would like to review the appraisal that was 70 percent higher than the city's appraisal. They needed to ask why there was such a difference between the two appraisals and negotiate, in good faith, when there was such a large difference. He agreed with the citizen that said that the city was demanding to buy the land. It was important to make sure we were negotiating and paying a fair price.

Mr. Graves confirmed that the council did not give any input after eminent domain had been authorized. He did not have any hesitation coming to the council in a different setting to report on and discuss the appraisals with council members, especially if there was a significant difference in appraised values.

In response to a question from Mr. Stewart concerning a second appraisal 70 percent higher than the city's appraisal, Mr. Graves stated the value of the land was the same on both appraisals. The difference was the value of damages assessed by the two different appraisers. They asked for clarification of those damages. As mentioned earlier, a counter proposal was made and the city offered to go to mediation with the State Ombudsman's Office.

Ms. Santiago stated that she was not hearing from her colleagues that the decision was about the alignment or that we should not build the road. The real question was whether the council should give engineering the extra tool of eminent domain to compel property owners to negotiate. This decision weighed heavily on her so she was trying to find a compelling reason to wait to add it to the tool kit or allow it to be there now.

In response to a comment by Ms. Santiago, Mr. Graves said the city had not used eminent domain in the past. Eminent domain was authorized on 12 of the 38 parcels with the Westside Connector. A settlement was negotiated on ten of the 12 properties without a court settlement. The last two were still in negotiations. They did not use eminent domain on any of the properties.

Ms. Santiago said she did not want to get five or ten years down the road and then see a new council have the same discussion but with 20, 30, or 40 homes (or other things) there, or in the way. A future council might ask why this plan was not put in place when the impacts were not as extensive as they could be in the future. They needed to think long-term and get the property purchased now, before development happened, because it would be harder down the road.

Mr. Graves said that authorizing eminent domain on the Westside Connector project allowed the city to get a court order if a property owner was not willing to sign a Right of Occupancy permit in order to expedite the project. That was the case with ten of the property owners.

There was no further council discussion.

Chair Sewell called for a vote on the motion to approve the resolution as written.

Roll Call Vote: The motion passed 4:2 with Council Members Harding, Santiago, Stewart, and Winterton in favor; Council Members Knecht and Van Buren opposed; and Council Member Sewell abstaining.

Mr. Winterton asked the McCoard's to get them copies of the appraisal and promised to review the proposal and, if they did not agree, find out why they did not agree. He wanted to be fair with them.

9. An update from the Solar & Energy Committee. (16-093)

Don Butler, Solar & Energy Committee Vice-Chair, presented. The committee, consisting of two council members, solar users, non-solar users, two representatives from the solar industry, and representatives from the Energy Department, presented their recommendation to the council. Mr. Butler said the committee spent several hours evaluating the reasons behind the proposal. He said the chair and vice-chair did not vote on the proposal and the two solar representatives abstained from voting. They were not necessarily opposed to the proposal but felt it put them in an awkward position if they voted for or against the rate.

The proposed net metering rate included the following:

- New net metering rate - \$0.06742/kWh
- Grandfather the existing customers that had signed net metering agreements by October 4, 2016. They would be compensated at the current published rate. The grandfathering clause was non-transferable.
- Increase the customer service charge, beginning March 31, 2017, and gradually increase over the next four years to the recommended base rate based on the cost of service study.
- Re-evaluate solar rates in three years. Rates for solar customers should be reviewed based on existing data from AMI meters to determine what kind of rate to select (time-of-use, demand, etc.).
- Examine ways to make the utility bills more transparent.

In response to a question from Mr. Van Buren, Mr. Jones stated that the grandfathered solar users would be compensated at the rate which applied to the retail tiers. The grandfathering clause could not be passed on to a new owner if the home was sold. If the homeowner moved the panels to another home the grandfathering clause would be void. The grandfathering applied to the meter, not the owner.

Mr. Knecht asked if the city had the ability to determine how much energy solar customers were putting on the grid so we could pay them the \$0.6742/kWh rate. Travis Ball, Energy Director, said they were working hard to install all the smart meters so we would have that capability when the new rate was implemented. They had already replaced 70 of the 300 meters.

Mr. Harding noted that there was no guarantee that the grandfathering would last forever. A future council might restructure the rates. Mr. Jones said it would be possible to state that any future changes would not apply to grandfathered customers. Another way to structure the legislation would be to state that changes would apply to customers that were not grandfathered. He felt the committee was saying that, for the life of the solar panels at your meter, a grandfathered customer would be using the same method of metering that was used at the time of your installation.

Mr. Butler pointed out that the committee was careful to just make recommendations. The council should propose the actual legislation and rates. The important thing he took from the committee was a common agreement that they supported solar energy but also supported the need to protect the grid of Provo City Power.

Mr. Knecht said he understood that grandfathered solar customers would be compensated at the published rate (second point in the recommendations). It did not say they were immune from base rate changes or increases. Mr. Jones said that was addressed in number three. The committee explicitly discussed the fact that the proposal to raise the base rates would be citywide.

Mr. Winterton appreciated the work of the committee. He supported solar and understood that it could not be treated the same as other customers. In three years, they would review the plan and make adjustments, if necessary.

Motion: Council Member George Stewart made a motion to direct staff to prepare legislation implementing the recommendations and bring back to the council for actual passage. The motion was seconded by Council Member Vernon K. Van Buren.

Chair Sewell clarified that, in the committee discussion, Mr. Stewart made a motion that the grandfathering would be perpetual and not reconsidered in three years unless a future council decided to change it.

Mr. Harding felt the current net metering customers needed to be grandfathered and he felt a future council would agree. However, he did not want there to be false expectations because in three years a future council might want to restructure the rates. He would hope that, at the time, the original solar customers would be made whole. It would not be a huge burden on the system if the current 170 to 200 solar customers were grandfathered until their panels died. A bigger concern was whether the customers signing up between now, and when the rates changed in March 2017, were grandfathered.

Mr. Jones stated that the ordinance setting the rates might include a sentence stating the council could change the net metering rate of \$0.06742/kWh from time to time.

Ms. Santiago reached out to Ryan Evans, President of the Utah Solar Association, that morning to discuss the recommendations. He had another commitment so he sent her an email stating they did not agree with the recommendations. Ms. Santiago read the email into the record (copy attached to permanent minutes).

Chair Sewell clarified that Mr. Evans was not present at the meeting when the vote was taken. His substitute, Andrew Walton, attended. At the time of the meeting, their position was to abstain from voting but felt the proposed recommendation was a significant improvement. It appears that, after further consideration, they have changed that to a no vote.

Ms. Santiago stated that, during their conversation, Mr. Evans said it was an improvement over where the city had been.

Chair Sewell stated the council had received a letter from Kate Bowman, with Utah Clean Air, stating the recommendations represent a significant improvement compared to the net metering changes passed on October 4, 2016. He read the letter into the record (copy attached to the permanent minutes).

Several council members thanked those that served on the committee for their hard work and dedication during the Holidays. They were very busy people that were willing to give of their time to serve on this important issue. They were pleased with the recommendations.

Mr. Ball stated they would take the recommendations to the Energy Board for their review and approval.

Chair Sewell called for a vote on Mr. Stewart's motion.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

10. A public hearing on a resolution to adopt the Southeast Neighborhoods Plan as a component of the Provo City General Plan. (16-0001GPA)

Austin Corey, Provo City Planner, presented. The Southeast Neighborhood Plan had been through the public process with four neighborhood meetings, two planning commission meetings, five months of bi-weekly meetings with the advisory committee, and a twelve-month process of surveys and having the plan posted online. It was presented to the council in a work meeting last month. Since that time they had received a little feedback. Mr. Corey stated they had received an email from Melanie McCoard with several proposed amendments. He said John Fenley had requested that the old county jail property, which the plan showed as residential, be left in the PF zone. The staff and planning commission felt the PF zone was contrary to feedback from the neighborhood. The recommendation from Community Development and the planning commission was for approval of the plan.

In response to a question from Ms. Santiago, Mr. Corey stated that several of Ms. McCoard's recommendations were already covered in the plan. He said that her review was very thorough. One of her recommended changes, that should be included, was on Page 18 of the document. In subsection D at the end of the first paragraph, the word "Funding" should be removed. It was part of a sentence that was moved to another part of the plan.

Mr. Harding stated that Ms. McCoard's email had some merit but he struggled with making changes because it had already gone through a public process. Any changes would not have that benefit. He was uncomfortable approving the plan without incorporating the good points of her email. However, he was also not comfortable with the amount of time it had taken to get to that point, especially if they continue it and take it through the public process again.

Mr. Knecht appreciated the work that went into the plan. He asked the Provost Neighborhood Chair, Richard Holmes, how he felt. Mr. Holmes said it had been a long process. He felt Ms. McCoard made some really good points. He wanted to see the staff's response to her comments other than just making the clerical change. They had been working on the plan for a year but they should spend the extra time necessary if it would make the plan better.

Mr. Knecht was in favor of continuing this item. He would be willing to sit on, or chair, a committee for the southeast area and, specifically, to review the concerns raised by Ms. McCoard and make some final changes. He said it was a tremendous amount of effort by Ms. McCoard and was something you might pay a consultant to do.

Since the original committee had been disbanded, Chair Sewell recommended that Mr. Knecht meet with the three neighborhood chairs and Provo City staff to review Ms. McCoard's recommendations. They could report back to the council during the first meeting in March.

Motion: Council Member David Knecht made a motion to continue this item until the first meeting March. The motion was seconded by Council Member Kim Santiago.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

11. A public hearing on Ordinance 2017-01 amending Provo City Code to allow for increased signage opportunities in the DT1, DT2, ITOD, Gateway, and West Gateway zones. (16-00180A)

Josh Yost, Provo City Planner, presented. The amendment provided expanding signage opportunities for tenants occupying floors that were not currently eligible for exterior building signage such as:

- A second-story tenant in a two-story building;
- A ground floor tenant in a building that did not have a direct entrance on the sidewalk; or
- Any building under the current eight-story minimum that was required to have mid-building signage.

He stated there were four primary areas the ordinance amendment would cover.

- The first amendment provided for the addition of one sign per building façade for tenants without direct entrance onto the street at the ground floor, or tenants occupying an upper floor of a building two to eight stories high.
- The second amendment made small geometric changes to the standards for projecting or blade signs.
 - Clarified the number of signs that could be exhibited per tenant space;
 - Limited the number of signs for small, multi-tenant spaces occupying the same store front door;
- The third amendment created opportunities for additional A-frame signage on the sidewalk.
 - Storefront businesses could have one A-frame sign on the sidewalk.
 - Signs would be regulated to preserve pedestrian safety.
 - Signs would only be allowed on the sidewalk during their hours of operation.
- The fourth amendment clarified the provisions permitting interior window signage on first floor buildings.
 - Only 50 percent of the entire window surface of the first floor could be covered with interior window signs.

There were no changes to electronic signage provisions. The sole change to illumination was a provision allowing internal illumination of projecting signs.

Chair Sewell invited public comment.

Chad Thomas, Provo City Economic Development, stated their department was in favor of the changes proposed. It provided reasonable accommodations to signage in the downtown area. The business community was also in favor of these changes because they felt it made them more competitive.

There were no further public comments.

In response to a question by Mr. Yost, council staff confirmed the ordinance presented to the council was the Community Development version.

Motion: Council Member Kim Santiago moved to approve **Ordinance 2017-01** as written. The motion was seconded by Council Member George Stewart.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Adjourn

Motion: Council Member George Stewart moved to adjourn the meeting at 8:21 p.m. The motion was seconded by Council Member David Knecht.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.