Agenda

Roll Call
The following elected officials were present:
  Kim Santiago, Chair
  David Sewell, Vice Chair
  David Knecht
  George Stewart
  David Harding
  Gary Winterton
  Vernon K. Van Buren
  Mayor John Curtis, arrived at 1:30 PM
Conducting:  Kim Santiago

Prayer
The prayer was offered by Kelsey Zarbock, Policy Analyst.

Approval of Minutes
  July 7, 2015 Work Meeting Minutes
  July 21, 2015 Council/Airport Board Joint Meeting
  September 14, 2015 Legislative Breakfast
  January 22, 2016 Legislative Breakfast
  May 17, 2016 Council Work Meeting Minutes
  July 19, 2016 Work Meeting Minutes
  August 16, 2016 Council/Planning Commission Joint Meeting
  August 18, 2016 Council/School Board Joint Meeting Minutes
  August 20, 2015 Council/School Board Joint Meeting
  November 15, 2016 Council/TMAC Joint Meeting Minutes
  November 15, 2016 Work Meeting Minutes

  Motion: Council Member David Knecht moved to approve the stated minutes.
          Seconded by Council Member Gary Winterton.

  Roll Call Vote: The motion Passed 7:0

Business
  1. A discussion on the programs and goals of the Utah Lake Commission (17-002)
     Eric Ellis, Executive Director of the Utah Lake Commission, presented goals and objectives of the
Commission (see attachment). Mr. Ellis highlighted features of the Commission’s new website, which better highlights opportunities for citizens to access and utilize the lake for recreation and other purposes.

The Utah Lake Commission is partnering with the Division of Wildlife Resources (DWR) to promote shoreline restoration and wildlife preservation and management, including vegetation improvements, and has secured funding to treat Provo Bay and Goshen Bay as well. The Commission has applied for a Wetland Mitigation Bank with the Army Corp of Engineers, which will offset costs as they complete related restoration work. Council Member Gary Winterton advised that the Lake Commission should seek to work with the airport as well on their wildlife management initiatives.

The Utah Lake Commission is also working with Utah County, Mountainland Association of Governments, and bordering municipalities to plan and secure funding sources in order to build a shoreline trail along the perimeter of the lake.

Mr. Ellis also provided information about dredging projects which are underway at present:
- Utah Lake State Park
- Utah Lake
- Pelican Bay Marina – work has begun
- Lindon Marina
Utah Lake is 150 square miles. There is the possibility of private individuals exploring dredging of the whole lake, as this would reduce the burden on municipalities to secure sufficient funding.

Mr. Ellis updated the Council on the carp removal initiative. Since beginning the project, the Commission has removed 23 million pounds of carp. In the upcoming legislative session, the Commission will be requesting funding for one more year in order to achieve their goal of 30 million pounds. The removal of this invasive fish species allows other species to take hold and balance out the ecological equilibrium in the lake. The efforts taken in the fall have been extremely successful. Council Members are invited to participate in a future event—ice fishing of carp. Ice conditions will determine when a forthcoming date is set.

As noted in Mr. Ellis’ presentation, future projects concerning recreation and restoration include the following:
- Saratoga Springs Marina
- Wakeboard Park
- Provo Beach Park at Utah Lake
- Expansion of parking lot and restrooms outside Utah Lake State Park, in addition to river access at Provo River Trail for paddle boarders, etc.
- Sandy Beach
- American Fork Boat Harbor
- Provo River Delta Restoration Project

The Utah Lake Commission has developed a model ordinance to help guide municipalities in healthy directions of economic direction in conjunction with the Lake. Communities have the option of adopting the model ordinance; American Fork and Saratoga Springs have both done so.

Council Member Gary Winterton asked how the algae bloom has affected current plans and plans for the future. Mr. Ellis explained that the algae bloom can be mitigated; shoreline restoration projects with native vegetation on the shoreline helps to prevent algae blooms. There are also
systems in place to gather data on pH levels, temperature, and other factors promoting algae bloom. The Commission is working with private entities which can filter water for the lake during regular water treatment processes to create biofuels and electricity, while reducing the input to the lake which would promote algae bloom. Algae grows at about 78 degrees and water levels impact the outcome as well; the conditions this year were just right for worse algae conditions.

Provo Public Works is aware of the monitoring stations on Utah Lake and hope to be able to collaborate and use this data for relevant projects at the City.

The lake only reaches the “compromise level” at which it is considered full every 20-30 years. Private owners tend not to want the lake to rise above this mark, as it may compromise their farming operations, land improvements, etc. Presentation only.

2. A presentation on Falls at Kelshaw Lane/Scott’s Corner Project (15-0014R)

An earlier version of this project, known as Scott’s Corner, was presented at the August 16, 2016 Work Meeting. The original plans involved building a development on the corner of 890 South and widening 1600 West. At the time, Council members had expressed concerns over the original plans, specifically regarding safety issues and advancing this project while lacking a Southwest Master Plan.

This project has been given special consideration to be brought back before the Council at this Work Meeting. Its original presentation, on August 16, 2016, occurred prior to the formation of the West Side Planning Committee. The West Side Planning Committee discussions which have taken place since then have influenced the direction of policy for the southwest area of the City, helping to fill some of the gaps left by lack of a Southwest Master Plan. This sequence of events is atypical of the development approval process, however Alan Prince (applicant) is under time and financial constraints with land acquisition. Due to the protracted time required for drafting and adoption of a master plan for the area, he sought direction from the Council in a preliminary sense to determine whether he should take measures to extend the contracts on those land parcels and move forward with the standard review process.

Mr. Prince has brought a revised version of the plans in effort to address some of the safety concerns posed by the Council. The new plans include a new section that will provide a full-sized, fully-improved public roadway leading up to 600 South and Sunset Elementary School. Mr. Prince seeks feedback from the Council in order to work with Community Development to move forward with the project.

There were traffic and safety concerns which led to the denial of the plan in August. Mr. Prince displayed a revised Master Plan (see attachment) which showed further improvements to address these concerns. Mr. Prince has contracted to build a safe roadway from 890 South to 600 South. This and other contracts may lapse if the project is held up due to deliberations of the West Side Planning Committee. Mr. Prince wanted to try and expedite the process by seeking approval from the Council in order to move forward.

Two members of the Sunset Neighborhood Council in attendance shared comments representing a survey of neighborhood residents. Nathan Walsh, Vice-Chair of the Sunset Neighborhood, stated that following the first neighborhood meeting regarding the project, residents were largely positive in their responses, though citizens expressed concern with the safety of children going to and from school. With varying degrees of interest, the neighborhood is either very interested in the project or willing to explore/go forward. As neighborhood vice-chair, Mr. Walsh explained that their goal is
to elevate the neighborhood, and he believes this project would support that. Mr. Walsh could not provide further comment from Brian Taylor, Sunset Neighborhood Chair.

Council Members asked for comment from Public Works. Dave Decker, Public Works Director, and Public Works staff have not reviewed this updated master plan, though Greg Beckstrom, Water Division, has looked over a concept for this plan. As a full review has not ensued, Public Works could not give decisive comments at this point.

Brian Jones, Council Attorney, offered some clarification on this item and why it was before the Council at this particular meeting. Usually the Council would not see plans at this point in the project, however this is a unique situation. Council Members had discussed the need for a comprehensive area plan before this project could go forward. As such, the Council wasn’t going to consider rezoning this area until the master plan was done and in place. The master plan for the area/neighborhood is still in process, but Mr. Prince is trying to determine whether he should even begin going through the normal review process, or if the Council will pronounce the same verdict – that the project is not to be considered until the comprehensive neighborhood plan is done.

Mr. Harding wondered what the definition of “done” is regarding a neighborhood or area master plan. It typically requires a significant length of time to go through the entire review process, but in this case is it merely the types of principles and ideas formulating the master plan which are needed. Mr. Harding is Chair of the West Side Planning Committee and believes that the Committee is close on determining the principles and direction of this type of policy. As such, he would be willing to consider a rezone if the project generally conforms with the policies the Council would adopt.

Bill Peperone, Community Development Assistant Director, agrees that the Committee is close with the objectives and principles for the West Side plan. He believes it may be another six months to one year until the formal plan would be adopted by the Council, due to the work at a staff level, then process of public review and vetting of the plan. It seems to Mr. Peperone that this property is located far enough to the east that it was not one that was strongly considered for aggressive agricultural preservation, so in his opinion this project could move forward for consideration.

Mr. Peperone recommends that the Council changes view and communicates that residents moving into these areas will be in proximity to aggressive agricultural preservation, so they may experience the typical effects of agricultural production and complaints will fall on deaf ears.

Mr. Knecht asked Mr. Harding whether any aspects of Mr. Prince’s plan appear to fall short of the major objectives and principles of the West Side Committee’s vision. Mr. Harding has some concerns about the connectivity of this area and the process/timeline for introducing a variety of housing types.

The Council asked for more details regarding the intended density of the project. Mr. Prince explained that project is just over 3.25 units per acre as represented on the current master plan. The exact density would be varied through the project, with different housing types, in order to meet the density standard for the project as a whole.

Shannon Jenks, Vice-Chair of the Sunset Neighborhood felt that this project would serve the neighborhood and serve the community. They haven’t had full support from the Chair or the ability to make a master plan, but have been able to communicate with residents and developers regarding the direction of this project.
Council Member David Sewell commented that as a former neighborhood vice chair, he would love to have seen a project brought in by a developer which had such positive support from the neighborhood and from neighborhood leadership. He is in favor of moving the project forward for formal approval by Community Development and the Council.

Alan Prince clarified that the orange portion at the top right side of the map is not under contract for the project. There may be future expansion in this area, but it is not part of the project now.

Council Member Kim Santiago commented that she sees this application as different because it had previously come before the Council and doesn't think that considering it sets a precedent for other applications that may want to be heard before the completion of the Southwest Area Master Plan.

**Motion:** Council Member George Stewart moved to declare that it is the sense of the Council at this time that we would consider this application after it has followed the normal process. Seconded by Council Member David Sewell.

**Roll Call Vote:** The motion Passed  7:0

3. A discussion on Mayoral and Council compensation (17-007)

Clifford Strachan, Executive Director of City Council presented (see attachment). It is proposed to create a process for independent review and recommendation of Council compensation by including that process in the existing Mayoral compensation review process and renaming the commission the “Elected Officials Compensation Commission,” with the same structure and similar timing as already established. Said commission would be appointed in February 2017 and complete its work by end of April 2017, with any changes to council member and mayoral compensation to take effect in January 2018 when new terms of office commence. The intended outcome for the discussion would be for the Council to select an option and recommend staff to bring back this option before the Council as a proper ordinance at a later meeting.

Mayor Curtis indicated that he is very supportive of simply adding the Council into the current system. Should the Council wish to make extensive tweaks or changes to the system, he suggests creating an entirely separate system, rather than tampering with the Mayoral Compensation Commission. This system functions in a capacity which had been extremely lacking in the past; it’s not perfect, but it’s a lot better than what it was. Mr. Strachan indicated that many cities rely on their Human Resources department, while Salt Lake City has a Citizens Commission involved in determining compensation for elected officials.

Mayor Curtis is comfortable with either Alternative 1 or 2. He thinks that Council Members are probably more likely to make bad decisions on undercompensating themselves, rather than making bad decisions on overcompensating themselves. He doesn’t oppose the second alternative, because the less involvement they have is better.

Council Chair Kimberly Santiago is fine with alternative 2. She feels that the citizens would let the Council know if they felt it was not right, and the current Council is very responsive to Citizen concerns and could vote to reject or reduce this if necessary.

**Motion:** Council Member George Stewart moved to select Alternative 2 and direct staff to prepare an ordinance to be presented to the Council at the January 17, 2017 Council Meeting. Seconded by Council Member David Harding.
4. Rules Committee Policy Evaluation

A discussion on amendments to Chapter 4 of the Council Policies and Procedures Handbook (16-125)

The Council continued discussion of this item from a previous Work Meeting, beginning with “Implied Motions.” Council Vice-Chair David Sewell presented and led the discussion on this item. Robert’s Rules recommends that a specific motion be set forth prior to debate, so that Council Members may know what is being debated. In the past there has been confusion with which version of documents were being discussed, and a motion was not made until the very end.

Brian Jones, Council Attorney, clarified that making a motion for the purposes of discussion is not intended to imply approval or that one is in favor of it; it is okay for a Council Member to make a motion even if he or she is unsure of their stance on an issue. The question is whether this system would really work, which is where the notion of an implied motion comes to the forefront. It takes the pressure off of any one Council Member. Generally negative motions are disfavored, but it is hard for a Council Member to craft or state a motion where they are not in favor of it and want the motion to fail. By presenting an ‘Implied Motion,’ there is no ambiguity about what the first motion is. Substitute motions may be suggested, with the Implied Motion merely serving as a starting point.

Vice-Chair Sewell stated that this was a unanimous recommendation from the three members of the Rules Committee. It would improve efficiency and the quality of discussion. Mr. Sewell asked whether there were a sentiment to go ahead and pass this and try it for several months, or whether more discussion would be needed.

Council Member Gary Winterton asked whether the public would have a perception that the Council is making up their minds before they discuss an issue. Mr. Jones thinks we already face this problem with the way the agenda is written; many members of the public assume is that the reason something is on an agenda because the Council wants to approve it. The problem already exists and this could be mitigated by actually putting in an explanation about how the implied motion works, stating, in effect, this is what our rules of procedure require and this is what is going to happen next.

Vice-Chair Sewell suggested that a Council Member’s first motion could be to amend the implied motion so they have a better starting point. David Knecht said that he was ready to experiment and is in support of future review or changes later if needed. Kim Santiago requested more time to review Robert’s Rules. She still has unanswered questions on Robert’s Rules and would like to continue the discussion to another work session.

\[\text{Motion:}\] Council Member David Knecht moved to continue further discussion of this item to the next work session on January 17, 2017 in which 30 minutes will be allocated for discussion. Seconded by Council Member George Stewart.

\[\text{Roll Call Vote:}\] The motion Passed 7:0

5. A presentation on zoning in the Provost Neighborhood (17-008)

Hannah Petersen, Provost Neighborhood Vice-Chair, presented (see attachment). This presentation represents the combined efforts of several neighborhoods in Provo.
Ms. Petersen explained some of the neighborhoods’ frustrations with over-occupancy and other changes which were affecting the feel of the neighborhood. The neighborhood and some citizens have taken an initiative to work with the Zoning division to increase enforcement measures in an effort to solve some of these major issues, however these means were not fixing the problem. Ms. Petersen shared three suggested policy items that may help:

- **Zoning Disclosure**
  - This is part of current City ordinance, but 85% of homeowners had no idea how their property was zoned. Chapter 6.25 states that we require a zoning disclosure, but there is no procedure or mechanism to state how and ensure that this takes place. Nearly 100% of renters were never told about occupancy restrictions. Most realtors were not aware of zoning disclosure requirements. There are holes in the policy and as a result, there are neighborhoods such as Provost that are being grossly exploited.

- **Lack of incentive to comply to zoning laws**

- **Lack of enforcement consistency and victims’ rights**

6. An update on the Council Priority concerning zoning enforcement, and a discussion on what to do about zoning in the future (16-015)

Carrie Walls, Zoning Administrator, presented this item, continuing discussion on the Council’s Zoning initiatives. She began with some context and statistics regarding the Zoning division:

- 638 zoning complaints in 2015
- 1070 zoning complaints in 2016
- Sources of complaints include: staff-initiated, Neighborhood Chairs, citizens, Provo 311
- Part-time weed abatement staffer during the summer
- During the last few months, two additional zoning officers were hired, bringing the total to six zoning staff
  - Of these, four zoning officers are assigned to specific geographic areas;
  - The other two zoning officers address areas or issues which need more attention.
- Casefile [current Zoning software program] does not allow them to track timing on resolving complaints to assess benchmarks. There are flowcharts which outline how long things should take, but the current software does not have monitoring capability.

Gary Millward, City Attorney, presented prosecution statistics.

- From May to September 2016: 72 zoning cases referred to Legal
  - 61 came into compliance after receiving letter from Legal (85% compliance rate)
  - 11 cases have been charged
    - 6 have been resolved
    - 3 are currently in process
    - 2 have not been able to serve the defendants.

Gary McGinn, Community Development Director, continued the discussion further. Mr. McGinn asked the Council where they see problems or deficiencies as they’ve had the opportunity to evaluate Zoning. Mr. McGinn reiterated that the majority of zoning complaints are resolved with staff; of this, a small subset goes to Legal where most of these are resolved. There remains a group of about less than 5% of zoning cases that are very difficult to solve, or are repeat offenders, particularly with occupancy—why is this? There are ups and downs in the Zoning division’s workload and they try to staff for the average workload. In dealing with this 5% of very difficult cases, having more staff is not as helpful because these cases are sent to the Legal Department. Mr. McGinn suggests that in these recalcitrant situations, we need to change the dynamic. Currently there is no financial incentive to comply in cases of over-occupancy of rentals; in fact, the longer

http://publicdocuments.provo.org/sirepub/docs.aspx
Elizabeth VanDerwerken, Executive Assistant
an investor can keep a unit over-occupied, non-compliance becomes more profitable for them.

Mr. McGinn presented to the Council a list of zoning enforcement proposals, within a hierarchy of high impact, medium impact, and low impact (see attachment). Mayor Curtis suggested merging this list with Ms. Petersen’s list and examining further to outline the next steps. Council Member George Stewart believes if the Council is serious about Zoning enforcement, that they should adopt most or all of these recommendations.

Brian Jones shared a comment from a Deputy City Attorney perspective, rather than one within his purview as the Council Attorney, regarding the first item on Community Development’s Zoning Enforcement Proposals list: “Pool of money to fund civil cases/dedicated attorney.” The pool of money is necessary because Legal discussed identifying certain repeat offenders and doing something more than the $250 fine, such as suing them civilly, which is a much more involved process. It involves other processes than the current route taken by Legal for zoning cases, so they discussed setting money aside to hire outside counsel; the other option would be to have a dedicated attorney to handle these cases. The billable rate for outside counsel would likely be significantly greater than the cost to create a full-time position for a current part-time employee in Legal, who well-suited to the task of enforcing the Council’s #1 priority of Code Enforcement. For several items on Community Development’s list, there are additional legal processes that must take place and which would require dedicated staff time. For every item on this list which requires a legislative change, the attorney for Code Enforcement could draft the legislation and come back with recommendations. This is the Legal Department’s vision with respect to this line item, and Mayor Curtis indicated that the Administration can likely identify the funding source this year.

The direction for staff at this point was to combine both lists of Zoning Priorities to guide future discussions and the purpose or work of a committee.

Motion: Council Member David Knecht moved to discuss this item, the forming of a committee, and mission statement at the Work Meeting on January 17, 2017. Seconded by Council Member George Stewart.

Roll Call Vote: The motion Passed 7:0

7. A discussion on a resolution authorizing the Redevelopment Agency of Provo City to enter into an agreement with the Department of Housing and Urban Development for the purpose of seeking funding for the infrastructure necessary for the expansion of Duncan Aviation. (17-005)

David Walter, Redevelopment Director, presented (see attachment). Since securing Duncan Aviation at the Provo Airport, the City has enjoyed many benefits. Now, however, RDA must seek funding in order to pay for the City’s commitments for infrastructure. The estimated costs are: $9,000,000 for the ramp component, $4,300,000 million for further infrastructure, and $356,125 in capitalized interest.

Mr. Walter discussed several potential funding sources for the total $13,633,841:

- Bonds
- 108 Loan ($2.5million plus 2.5% issuance fee; the City would pay $276,099/year for 10 years)
- EDA Grant
- Wastewater lift station
- Energy infrastructure
- General Fund
The 108 Loans for Ironton have been paid in full; there is no outstanding 108 Loan debt at this time. Dixon Holmes, Economic Development, clarified that there is no penalty for completing the 108 Loan payments early, however, there is no reduction in the interest rates the City pays due to the structuring of the agreement. Wayne Parker, CAO, clarified that Duncan Aviation will pay their associated impact fees, which reduces some of the infrastructure burden on the City. This item has been noticed and will come before the Council on January 17, 2017. 

*Presentation & discussion only. This item will be heard by the Council on the January 17, 2017 Council Meeting.*

**Administration**

**Closed Meeting**

8. The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with § 52-4-204 and 52-4-205 et. seq., Utah Code.

**Motion:** Council Member David Harding moved to close the meeting. Seconded by Council Member David Knecht.

**Roll Call Vote:** The motion Passed  7:0

**Adjournment**

**Motion:** Council Member David Harding moved to adjourn the meeting. Seconded by Council Member Kay Van Buren.

**Roll Call Vote:** The motion Passed  7:0
UTAH LAKE COMMISSION
MASTER PLAN; GOALS AND REPORTS
ERIC ELLIS - EXECUTIVE DIRECTOR
UTAH LAKE COMMISSION: GOALS

• Encourage and promote multiple uses of the lake
• Foster communication and coordination between Commission members
• Promote resource utilization and protection
• Maintain and develop recreation access
• Monitor and promote responsible economic development
ENCOURAGE AND PROMOTE MULTIPLE USES OF THE LAKE

- Developed a new website –
- DWR Wildlife Management Areas –
- Sponsoring Lake Competitions: Sailing, Paddle boarding, runs, Christmas in Color
- Working with shoreline municipalities to explore and develop activities, events, tournaments on and around Utah Lake
- Developing Social Media networks: -
  - Photo Contests, perception improvements, current and accurate information, promotion of seasonal lake activities
Looking for recreation ideas at Utah Lake? This page was created just for YOU. Below you will find a list of activities commonly seen at Utah Lake. By clicking on some of them, you will be taken to other websites that will be useful in planning your activity. Please let us know if you have questions or comments, or if you have another activity you want added to our list!

- Bird Watching
- Boat rentals
- Broomball
- Building Sand Castles
- Camping
- Canoeing
- Christmas lights at Utah Lake State Park
- Fishing
- Hoverscraft
- Hunting
- Ice Fishing
- Ice Skating
- Jet Skiing
- Jogging
- Kayaking
- Sled boarding
- Paddle boarding
- Paddle boards
- Photography
- Picnics
- Powered Paragliding
- Riding Bikes
- Sailing
- Swimming
- Utah Lake Festival
- Walks
- Water skiing
MULTIPLE USES – SHORELINE RESTORATION WORK: WILDLIFE MANAGEMENT AREAS

- Treatment of 2300 acres was completed in 2016 in Provo Bay and Powell Slough (Partners: Utah County, WRI, ISM, Utah Lake Commission)

- WRI application for an additional 1090 acres at the mouth of Provo Bay and 450 acres in Goshen Bay.

- WRI application for 290 acres of wetland native seeds. In partnership with DWR.

- Restoration Work has allowed for the creation of a Wetland Mitigation Bank worth ~$13M and will grow as new work is completed
MULTIPLE USES – SOCIAL MEDIA: MARKETING AND PUBLIC RELATIONS

Photo Contests, perception improvements, current and accurate information, promotion of seasonal lake activities

Social Media Improvements August-Current (last 5-months)

**Facebook**
- Increased page likes from 567 to 628 pages likes currently.
- Post an average of 4 times a week (or 16 times a month).
- Our reach has increased by 53% in the last 3 months.
  - *Reach is the number of people who have seen, liked, commented on our posts.*

**Instagram**
- Increased our followers from 616 to 3568 followers (579% increase).
- Post an average of 10 times a week (40 posts a month).

**Twitter**
- Increased our followers from 877, to 1363 followers (55% increase).
- Post an average of 12 times a week (or 48 times a month).
- Our average monthly impressions went from 4,800, to over 15,800 impressions a month.
  - *Tweet Impressions are the number of times a user is served a Tweet in timeline or search results.*
FOSTER COMMUNICATION AND COORDINATION BETWEEN COMMISSION MEMBERS

The Utah Lake Commission works with Utah County, Lakeside Communities, the June Sucker Recovery Implementation Program, Division of Wildlife Resources, and Division of Water Quality to complete the following:

- **Restoration / improvement projects**
  - Saratoga Springs Canal, Sandy Beach clean up and development, Provo River Delta Restoration Project*

- **Permit activities** – private / public partnerships (concessionaires, marina lease holders, HOA’s)

- Clean up at beach access points – **Adopt a Shoreline program**
FOSTER COMMUNICATION AND COORDINATION BETWEEN COMMISSION MEMBERS:

- Plan and secure funding to build trails
  - Developing Online GIS Map of Lake Shore Trail and incorporate all trail data in the County
- Governing Board Meetings (Elected Officials)
- Technical Committee (Specialists from community and municipalities)
- Public Information Officer/Planner Group coordination (water quality, blooms, treatments)
PROMOTE RESOURCE UTILIZATION AND PROTECTION

• Fourth Grade Field Trips (Spring/Fall Sessions)
• Utah Lake Nature Research Center Planning
• Dredging Efforts
  • Utah Lake
  • Utah Lake State Park
  • Pelican Bay Marina
  • Lindon Marina
MAINTAIN AND DEVELOP RECREATION ACCESS

- Provo’s Utah Lake State Park
  - Dredging: ETC – Spring/Summer 2017
  - Wakeboard Park (Post Dredge)
  - Non motorized public access point and parking lot outside park (Fall 2017)
  - Masterplan for phased expansion of State Park
Sandy Beach
- Road Improvements, Parking lot, toilets, picnic pavilions, upland restoration work (fall 2017)

American Fork Boat Harbor Expansion (2-phases, 2017 and 2018)

Provo River Delta Restoration Project (ETC ~2020)
- Community fishery in historic channel, piers, trails, viewing towers, educational amenities
- Potential site for Nature Center
The Utah Lake Commission developed a Model Ordinance for development along the shoreline of Utah Lake.

- American Fork and Saratoga Springs have adopted ordinances that align with this model ordinance.

- Restoration work along the shoreline of Utah Lake was identified as a potential resource for future recreational developments around Utah Lake.

- The Wetland Mitigation Bank that is under final review by the Army Corps of Engineers will allow for recreational developments at key locations, trails, and marina expansions to take place without the $80k - $100k cost per acre mitigation needed for such projects.
QUESTIONS?

Eric Ellis
Executive Director
eric@utahlakecommission.org
801-851-2900
A proposal to amend Chapter 4.04 of the Provo City Code to provide an independent process for setting Council Member’s Compensation
Status Quo

- 4.04.110 Municipal Council Members Compensation, Expenses, and Benefits
  - Set by ordinance by majority vote of Council

- 4.04.120 Mayoral Compensation
  - Mayoral Compensation Commission created in 2009 and formalized in 2013 to review and recommend compensation
Proposed

- 4.04.125 Elected Official Compensation Commission

- Same commission –
  - 3 members by Mayor
  - 3 members by Council
  - 1 member selected by the six

- add direction to review a survey of Council member compensation from other cities and counties in Utah

- add direction to recommend salary for Council members, additional remuneration already described in 4.04.110 Council Member Compensation, Expenses and Benefits, and any other compensation matters considered pertinent
Alternative 1

• After receipt of the recommendations of the Commission, the Municipal Council shall hold a vote upon said recommendations no later than the third Tuesday in June and shall by majority vote establish any change in the annual compensation for the Mayor and Municipal Council Members by ordinance, effective at the beginning of the first pay period that includes the first Monday in January of the following year.
Alternative 2

• (4) After receipt of the recommendations of the Commission:
  • (a) The Municipal Council may hold a vote upon said recommendations no later than the third Tuesday in June in order to accept, reject, or reduce any compensation adjustments proposed by the Commission.
  • (b) If the Municipal Council does not act as provided in Subsection (4)(a) by the deadline established therein, any compensation adjustments proposed by the Commission are accepted by law and shall take effect as provided in this Section.
• (5) Compensation adjustments occurring under this Section shall be effective at the beginning of the first pay period that includes the first Monday in January of the following year.
COUNCIL HANDBOOK CHAPTER FOUR UPDATE SUMMARY

Two Phases: The document changes are divided into two phases. Phase 1 is a restructuring that adds an introductory paragraph and outline, reorders sections into a more logical sequence, and makes rules easier to find by separating them from informational material. Phase 2 applies the content changes.

Gap Filler: Robert’s Rules is proposed as our “gap filler” to specify parliamentary procedure in cases where applicable law or our handbook rules do not apply. It is the most widely used parliamentary authority in the United States and the most commonly used gap filler by city councils.

Undoing or Amending a Prior Action: This proposal updates our reconsideration rule to match Robert’s so that it can only be done at the same meeting. Paragraphs explaining reconsideration, rescission, and amending something previously adopted have been added.

Clarity on Votes: Utah Code requires that every resolution or ordinance be in writing before a vote is taken. However, past rules allowed substitute motions that combined amendments and passage in one step – leaving clarity dependent on motion phrasing. Going forward, amendments must be passed first, written down, and made available to Council members before voting on adoption.

Debate Limits: This proposal institutes default debate limits from Robert’s Rules that have stood the test of time: a limit of two speeches per issue per Council member and ten minutes per speech - with certain exceptions. Amendments are considered to be separate issues. Additionally, a Council member who has not yet spoken on an issue gets preference over someone who has already spoken on it. By comparison, state legislatures typically only allow one speech per member per issue.

Currently there are no limits on the number or length of speeches. This allows long back-and-forth exchanges between two or three Council members with little or no comment from the others. Though recent Councils have been respectful, the lack of debate rules could lead to worse scenarios in the future. For example, one or two Council members could speak indefinitely without restraint by rule. This could require an arbitrary intervention without rule guidance. Furthermore, the majority can currently cut off debate and prevent as many as three other Council members from speaking. Robert’s recommends that a two-thirds (2/3) vote be required to suspend rules or limit debate.

Suspension of the Rules: This proposal modifies City Code 2.50.010 to require a two-thirds (2/3) vote (instead of a majority) to temporarily suspend rules during a Council meeting, as Robert’s recommends.

Unanimous Consent: Procedural motions such as recessing or adjourning may pass without a motion by Unanimous Consent. To obtain it, the Chair asks if there is any objection to taking the procedural action. If there is not, the Chair may declare the action taken by Unanimous Consent.

Consent Agenda: The Consent Agenda is for items that are routine, non-controversial, and require no discussion. All Consent Agenda items may be passed with a single vote and without debate. These could include approval of minutes, routine contracts, and items vetted in other meetings that do not require a public hearing. Any Council member may remove an item from the Consent Agenda.
**Implied Motion:** During Council Meetings (not Work Meetings), after any presentations and public comment on an agenda item, the Chair will declare, by rule, an implied motion to affirmatively pass the measure under consideration. Robert’s recommends that a motion be on the table before debate begins. Otherwise there can be a lack of clarity concerning what is being discussed. An implied motion by rule is an efficient way to provide a clear starting point for debate. The Council may vote to amend the motion as often as necessary during debate before voting on passage of the measure.

**Cleanup:** A variety of small changes were made concerning grammar, accuracy, and readability.
IV. Council Meetings and Rules of Procedure

This chapter contains two major sections. The first presents general background information regarding the handling of Council business in meetings of the Council body and summaries of some relevant rules and laws existing outside this handbook. The second section sets forth special rules of procedure specifically adopted by the Council to supplement or supersede those rules found elsewhere. An outline of the Chapter is included below in order to assist in finding particular points of interest:

1. Background Information and Summaries of Governing Laws
   a. General Principles Applicable to Meetings of the Council
      i. The Open and Public Meetings Act
      ii. Voting or Abstaining
      iii. Checks and Balances
      iv. Mayoral Veto
   v. Undoing or Amending a Prior Action
      (1) Reconsideration
      (2) Rescinding an Action Not Yet Executed
      (3) Repealing an Action Already Executed
      (4) Amending Something Previously Adopted (Rescinding Differences)
      (5) Amending Something Previously Adopted (Repealing Differences)
   vi. Council Minutes
   vii. Council Meeting Rules
   b. Types of Council Meetings
      i. Work Meeting
         (1) Work Meeting Agenda
         (2) Work Meeting Schedule
         (3) Work Meeting Actions
      ii. Council Meeting
         (1) Council Meeting Schedule
         (2) Council Actions
      iii. Other Meetings

2. Special Rules of Procedure
   a. General Rules
      i. Robert’s Rules of Order
      ii. Requests for Council Action
      iii. Rules Governing Meetings of the Council
      iv. Debate
      v. Motions
b. Rules for Certain Meetings
   i. Electronic Meetings
   ii. Work Meeting
      (1) Moving Items from Work Meeting to a Council Meeting Agenda
      (2) Land Use Items Moving from Work Meeting to a Council Meeting Agenda
      (3) Work Meeting Procedure
   iii. Council Meeting Procedure

1. Background Information and Summaries of Governing Laws

a. General Principles Applicable to Meetings of the Council

i. The Open and Public Meetings Act

Public notice is required when a quorum (four or more Council Members) are present at a meeting convened (called by someone with authority) for the purpose of discussing or acting on a subject over which the Council has jurisdiction.

Different types of Council actions require different types of noticing. Generally, Council meetings require 24 hours’ notice, with agendas placed in three public places and submitted to the press. The notice must include the place, date, and time, as well as the agenda. A topic of discussion not on the agenda that is raised during an open meeting may be discussed, but no final action may be taken during the meeting.

Different types of Council action may require additional legal notice. For example, General Plan amendments require 10 days’ notice.

ii. Voting or Abstaining

Voting upon City issues and policies is the privilege and the responsibility of each Council member. The choice to vote in the affirmative or negative, or to abstain is a personal and often weighty decision.

To pass or amend an ordinance or resolution or take any other action, four (a majority) or more Council “yes” votes are required, even if less than all Council members are present, unless the law provides otherwise for a specific type of matter. When a Council member chooses to abstain from a vote, at least four affirmative votes are still required for the vote to succeed. Thus, even though an abstention is not a vote, it may contribute to a motion’s failure. See UCA 10-3-504 and 10-3-507.

iii. Checks and Balances
Patterned after both State and Federal governments, the Council-Mayor system has definite checks and balances. For example, the Mayor must receive a majority confirmation from the Council on appointments of Department Heads and statutory officers and proposed appointments to City boards or commissions. State law also dictates that the Mayor may join in the discussion during Council meetings, but does not vote.

iv. Mayoral Veto

The Mayor can veto an ordinance, tax levy or appropriation. If the Mayor vetoes a Council action, the Mayor must return the action to the Council within 15 days with a written statement of explanation. If, after considering the Mayor’s objections, the Council feels justified in its original action, it can override the Mayor’s veto with a vote of at least two-thirds of the members (5 votes) at the next Council Meeting. If the Mayor does not return an item within 15 days, the action takes effect without the Mayor's signature. See UCA 10-3b-204.

vi. Undoing or Amending a Prior Action

(1) Reconsideration

A Council member may move to reconsider a vote of the Council held earlier during the same meeting, but only if that Council member voted originally with the prevailing side. A motion to reconsider requires a second, which may be made by any Council Member. If a motion to reconsider passes with four or more votes, the motion to be reconsidered is immediately undone and is once again before the Council to be debated and voted on.

(2) Rescinding an Action Not Yet Executed

A motion to rescind may be made with respect to an action that the Council approved at a previous meeting as long as it is still possible to undo the action. An ordinance or a portion of an ordinance that has not yet gone into effect may be rescinded. For example, a zone change may be rescinded before the effective date of the ordinance, but approval of a contract may not be rescinded after it has been executed and gone into effect.

A motion to rescind may be made by any Council Member and requires a second. If public notice of consideration of the motion to rescind was given not less than 24 hours in advance of the meeting during which it is considered, the motion may be passed by a vote of four or more Council Members. If a motion to rescind is considered in an emergency meeting for which less than 24 hours public notice is given, the motion may be passed by a vote of five or more
Council Members. When a motion to rescind passes, the previously approved action is immediately undone as if it had never been approved.

(3) Repealing an Action Already Executed

Where a previously approved action has gone into effect and may no longer be rescinded, it may be repealed. There is no time limit on making such a motion after the adoption of the original action. Repeal is accomplished by a formal resolution or ordinance that does away with the resolution or ordinance that is being repealed. Repeal is effective only after the resolution or ordinance accomplishing the repeal becomes effective under state and local law. (So for example, a repeal ordinance may be vetoed by the Mayor, and would only go into effect if subsequently passed over the Mayor’s veto.) Therefore, a resolution or ordinance that is later repealed is still considered to have been in effect from its effective date until the effective date of the repeal and may potentially create some vested rights during that effective period.

(4) Amending Something Previously Adopted
(Releasing Differences)

A previously approved action may also be amended rather than being undone entirely. However, a distinction must be made with regard to whether the action to be amended has already gone into effect or not. If not, then it may be amended in accordance with the rules pertaining to a rescission, and if such a motion to amend passes, the previously approved action is immediately amended as if it had originally been passed in its new, amended form.

(5) Amending Something Previously Adopted
(Repealing Differences)

If the action to be amended has already gone into effect, then it may be amended in accordance with the rules for repeal, but, just as with a repealed action, the original version of the action is considered to have been in effect from its original effective date until the effective date of the amendment. Similarly, this type of amendment may be vetoed and the original version may have created some vested rights during its effective period.

vi. Council Minutes

Council minutes are not intended to be a verbatim record. A digital sound and visual recording exist and are available to the public as an exact record of the proceedings. In addition to the written minutes, recordings will be kept in perpetuity (beyond existing records retention requirements under Utah State
Government Records and Management Act). The medium in which they are stored will be updated by Council Staff every five years to prevent data corruption and file loss.

Regular Council Meeting minutes are maintained by the City Recorder. Council minutes are a written record of the proceedings during an actual time period. They reflect the substance of what actually occurred in Council meetings. Their purpose is to legally record the official actions that were taken by the Council.

To conserve Council Staff time and resources, Work Meeting minutes are intentionally brief and need only capture the substance of the topics discussed.

Council members are required to approve the minutes. Corrections, deletions or additions to factual information, quoted statements, meeting events and official Council actions should be made during the Council meeting prior to the vote when minutes are approved. The Council should view this as an opportunity to correct the record of the actual Council meeting, not an opportunity to revise history.

After minutes are approved, any additional corrections, deletions, clarifications or additions should be submitted in writing to the Chair, other Council members, and the Council Director. The Council as a whole, will review the submitted document and will vote to determine if the document is:

a. a factual correction and will be inserted into the previously approved minutes; or
b. a necessary and pertinent clarification and will be attached to the minutes as an addendum; or
c. insignificant, unrelated or inappropriate information that will not be included or attached to the minutes.

vii. Council Meeting Rules

By City and State law, the Council is required to adopt rules to regulate the Council’s meetings. Section 2 of this Chapter describes the rules adopted by the Council. By state law, those rules shall be made available at each meeting of the Council and on the City website.

The Executive Director or designee shall fill the role of parliamentarian. This Handbook helps to solidify some of the Council’s internal procedures and should be reviewed by the Council at least every two years. See PCC 2.50.010 and UCA 10-3-606.
b. Types of Council Meetings

i. Work Meeting

(1) Work Meeting Agenda

The following types of information are usually considered in a Work Meeting:

- Presentations and reports from community organizations or City Departments;
- Previews of proposed new or amended ordinances/resolutions; and
- In-depth discussion of internal Council processes, procedures, missions, and/or goals.

(2) Work Meeting Schedule

Council Work Meetings are usually held in the afternoon prior to regular Council Meetings, and are usually followed by a meal for Council Members, the Mayor, and select staff. Work Meetings are designed to be a less formal venue for discussion among Council Members. Generally, no public input is taken during the meeting.

(3) Work Meeting Actions

Work Meetings are legally noticed by staff and must list all topics proposed for discussion and action. In a Work Meeting, the Council may:

- Vote to move an item forward to the next available Council Meeting for final action.
- Vote to move an item forward to a future Council Meeting when more information on the issue will be available (on a specific date or at the Chair’s discretion if no date is specified).
- Vote to refer an item back to another Work Meeting (on a specific date or at the Chair’s discretion if no date is specified).
- Vote to refer an item (if appropriate) to the Planning Commission for further review.
- Vote to refer an item to a Council Committee for study, usually with a specific report date.
- Vote to deny any further action (the issue is dead).
- Take such further action as the Municipal Council, by majority vote, shall approve.

ii. Council Meeting
(1) Council Meeting Schedule

By City ordinance, regular Council Meetings are held on the first and third Tuesday of each month at 5:30 p.m. unless otherwise legally noticed. See PCC 2.50.035. Each meeting usually begins with a ceremonial portion which may include the Pledge of Allegiance, an invocation, presentations of merit, City-wide proclamations, and a Public Comment period.

The Chair or the Vice Chair at the Chair’s direction, or a Leadership designee conducts the Council meeting. State law requires that certain actions be conducted as a public hearing. Other items may be opened for public comment at the discretion of the Chair or by majority vote of the Council.

(2) Council Actions

Typical actions on Council Meeting agenda items include the following:

- Approve an action.
- Reject an action either by (1) an explicit motion to reject or (2) as the result of a failed motion to approve.
- Continue an item to a future specified date.
- Move an item to an unspecified date. (This may affect the validity of the current legal notice. The Council may want to check with staff or plan for the City to pay for additional legal noticing of Land Use or appropriation items if no specific date is included in the motion to forward an item.)
- Refer an item back to a Work Meeting or Council Committee, convene an Ad Hoc Committee, or refer to Council or Administrative Staff for more study or information. It is usual to designate a “report back to Council” date and a lead person.

iii. Other Meetings

Other Meetings, such as Closed Meetings or joint meetings with the Orem City Council, the Provo School Board, or City Boards and Commissions, are scheduled on a regular basis or as needed. The Mayor is always invited to all noticed meetings, and his or her schedule is taken into consideration whenever possible.

Notice for these meetings shall be given by staff as required by law.

2. Special Rules of Order
a. General Rules

i. Robert’s Rules of Order

The rules contained in the current edition of Robert’s Rules of Order Newly Revised (RONR) shall govern in all cases to which they are applicable and in which they are not inconsistent with the Special Rules of Order in this handbook, with Provo City Code or with Utah State Code. Pursuant to PCC 2.50.010, the Council may adopt or repeal any rules by majority vote. Rules may also be suspended in a given meeting by a 2/3 vote of those present. Violation of a rule contained herein shall not be the basis for invalidating any ordinance, resolution, or provision of City Code.

ii. Requests for Council Action

A request for Council action may be brought forward by two Council members, the Council Chair, or the Mayor. When a private individual or group sees a need for new or changed legislative policy, they may bring their proposal to an individual Council member and request sponsorship. When a Council member is willing to sponsor proposed legislative changes, he or she should work with the Chair or gain support from a second Council member. The legislative change process is set in motion when the sponsoring Council member has secured support from the Chair or a second Council member and then delivers a memo to Leadership and the Council Executive Director by noon, at least seven days prior to the Work Meeting where it could first be considered. The memo should be dated, and should include a description of the proposal, the desired outcome and any pertinent background information. If the Chair is not a sponsor, the memo should include communications of support from the sponsoring members or their signatures.

Council staff, under the direction of the Chair, will coordinate scheduling, legal noticing, informing the Mayor, and gathering any additional legal information for the Council members’ packet.

iii. Rules Governing Meetings of the Council

The following rules/procedures shall govern the conduct of any meeting of the Council, unless superseded by a more specific rule in subsection 2.b. of this Chapter:

- The Council Chair shall call an agenda item or items and describe the item(s);
- As needed, Administration or Council Staff shall present relevant information regarding the item(s);
- Council members may ask questions of the presenter(s);
- At the discretion of the Chair, or if legally required, the floor shall be opened for public comment;
- Following public comment, if any, the Chair shall invite comments or motions from Council members;
- Once a motion has been made, the Chair shall ask if any Council member wishes to second the motion (which merely indicates a desire to discuss the motion further, not necessarily to approve it);
- If there is no second, the motion dies;
- If there is a second, the Chair shall clarify the motion and invite discussion on it;
- If the measure is a resolution or ordinance, the Chair shall ask that a written version of it be displayed or distributed to Council members;
- During discussion of a measure, a Council member may move to amend it in part or in whole;
- Once discussion of a motion concludes, the Chair shall call for a vote;
- The Chair shall announce the result of the vote;
- Throughout this process, the Chair shall control who has the floor and shall make rulings on motions or questions of procedure as needed;
- Any member may move to appeal a procedural ruling of the Chair and, if seconded, the question shall be decided by majority vote. Members may not criticize a ruling of the Chair unless they make such an appeal;
- Council members and City staff shall be recognized and given the floor by the Chair before speaking;
- Members of the public shall refrain from comment except as called upon and recognized by the Chair or in accordance with the procedures for a formal public comment period;
- Only one person may speak at a time.

iv. Debate

The following rules apply to the discussion of, and debate on, any pending motion and are intended to preserve the rights of Council Members to express their opinions and arguments, while simultaneously promoting efficiency in reaching decisions. The Council Chair has discretion to apply or interpret these rules in the way that best serves these twin purposes. However, that discretion is a procedural decision that is subject to majority vote of the Council or, in the event of a seconded motion to extend or limit debate, a 2/3 majority.

- Members shall be recognized by the Chair before speaking.
- Council members may speak twice on any debatable motion on the same day, for up to ten minutes each time. Speaking time cannot be saved or yielded to someone else.
- The maker of a motion gets preference to speak first in debate.
A member who has not yet spoken on the same motion gets preference over someone who has already spoken on it.

Members may be permitted to speak more than twice to clear up a matter of fact or to explain some material part of their speech. While they don't have the right to discuss the question itself more than twice, they may be permitted to do so.

A member who has spoken twice on the main question may again speak twice on an amendment.

In practice, a member is often given the privilege of speaking more than twice – when that member can explain any point misunderstood and present facts to refute arguments by those opposed.

The rule that no one shall be permitted to speak more than twice should not be so strictly enforced that someone who has spoken twice cannot clear up some question that has arisen in the debate.

When members are known by the Chair to have opposite opinions on a motion, the Chair should try to alternate between speakers who favor and those who oppose the motion under discussion.

During debate, Council member speech must relate to the topic under discussion. Comments should be germane to the question of whether the pending motion should be adopted.

Debate on a measure is confined to the measure under consideration and does not extend to criticism of other measures before the Council or in committee, even though they relate to the same subject.

It is out of order to refer in debate to potential committee recommendations or findings not yet reported by the committee.

Vigorous debate about the merits of a motion is healthy to achieving a good result. However, the proposal is the subject of the debate, not any member. Personal attacks are not allowed. Ideas or likely results of a proposal may be attacked but not personalities. The motives of another member should not be attacked or impugned.

To decrease the danger that debate becomes personal, certain formalities of speech are encouraged – such as speaking as though talking to the Chair, using titles instead of names, and using last names instead of first names. Work Meeting may be somewhat less formal than Council Meetings.

v. Motions

The following rules shall govern the making of, and voting on, motions during the various Council meetings:

- Procedural motions such as approving minutes, recessing, or adjourning may pass without a motion by Unanimous Consent. To obtain Unanimous Consent, the Chair asks if there is any objection to taking the procedural
action. If not, the Chair declares the action to be taken by Unanimous Consent. If there is an objection, the Chair shall call for a vote.

- A Main Motion regarding a resolution or ordinance must refer unambiguously to a written copy of the resolution or ordinance that is available for Council members to view before discussion or voting proceeds.
- A Motion to Amend may insert, strike out, or substitute words, paragraphs, sections, or an entire main motion.
- Secondary amendments (second degree) which amend an amendment are allowed. Third degree amendments are not allowed.
- Substitute Motions that combine a proposed amendment of a resolution or ordinance and passage in one step are not allowed. Such substitute motions introduce the possibility of “on the fly” amendments that are ambiguous. The written draft should be amended first so that Council members may view it. Additional amendments may be considered and voted on. After the draft has been amended, possibly multiple times until there are no further amendments, the Council votes separately on whether to pass the amended draft.
- Other Substitute Motions are allowed. For example, assume there is a Main Motion that does not deal with a resolution or ordinance, but instead moves to form a committee with a certain makeup and mission statement. A Substitute Motion to request a report from the Administration rather than form a committee would be in order.
- There can be up to three motions on the floor at the same time.
- No debate is allowed on the following motions:
  - A motion to adjourn;
  - A motion to recess;
  - A motion to fix a time to adjourn;
  - A motion to table; and
  - A motion to limit debate;
- Most motions carry by simple majority vote unless the law, Robert’s Rules, or these rules specifically requires otherwise (for example, motions to go into a closed session).
- Motions that require a two-thirds majority to carry include:
  - A motion to suspend the rules;
  - A motion to extend or limit debate;
  - A motion for the Previous Question (which ends debate and brings the matter to an immediate vote).

b. Rules for Certain Meetings

i. Electronic Meetings
This rule was adopted to satisfy UCA 52-4-207: Electronic Communications. Council Members may, on occasion, participate in Council meetings by electronic communication if the required technology is available and the meeting is legally noticed in accordance with the Utah State Law. The Council must provide space and facilities at a location where the public may attend, monitor and participate in the open portions of the meetings as specified in UCA 52-4-207.

ii. Work Meeting

(1) Moving Items from Work Meeting to a Council Meeting Agenda

All proposed legislative changes must be discussed in a Council Work Meeting prior to being heard in a regular Council Meeting. A Council majority must vote to move each item forward from Work Meeting to a future Council Meeting agenda. The date of the future Council Meeting is either specified in the motion or left to the discretion of the Council Chair, if not specified.

If proposed legislation has not already been drafted, then once a majority has voted to move an item from Work Meeting to a Council Meeting Agenda, Council staff will work with the sponsor to draft the proposed legislation for Council action. Input should be solicited from the Mayor and other affected parties at all stages of this process.

Because of the depth of information provided by Community Development through Staff and Planning Commission reports, Land Use Items may, at the Chair’s discretion, be placed directly on the Council Meeting Agenda. Executive Sessions may also function as a Council Work Meeting. See PCC 2.60.040.

(2) Land Use Items Moving from Work Meeting to an Action Agenda

In order to provide predictability for Land Use applicants, issues where the Council has received a recommendation from the Planning Commission are placed on the next available Work Meeting after receipt of the Planning Commission’s Report of Action. These items require no motion from the Council to advance them from a Work Session to the Council Meeting agenda. If concerns arise regarding the application, the Council may elect to continue the item for further review and discussion during the Council Meeting.

(3) Work Meeting Procedure
Work Meetings shall generally follow the rules of order stated in Section 2.a. of this Chapter, except that the Chair may, at his or her discretion, cut off discussion of an agenda item. A decision by the Chair to cut off discussion may be overruled by majority vote of the Council.

iii. Council Meeting

(1) Council Meeting Procedure

Council Meetings shall generally follow the rules of order stated in Section 2.a. of this Chapter, with the following differences:

- Following any presentations and public comment on an agenda item, rather than inviting a motion, the Chair shall declare that, by rule, an implied motion is on the table, without need of a second, to affirmatively pass the measure under consideration and shall then invite discussion among Council members;
  - The affirmative nature of this implied motion does not signify that any Council member is necessarily in support of the measure;
- Once discussion has concluded, no additional motion is necessary to approve the measure as originally constituted. If no other motion is on the table, such as a motion to amend, the Chair shall simply call for a vote on the implied motion.

(2) Consent Agenda

The purpose of the Consent Agenda is to quickly and efficiently handle agenda items that may not require further discussion, such as approval of:

- Minutes;
- Routine contracts or agreements that meet criteria set forth in ordinances and policies;
- Resolutions or Ordinances that have been fully vetted in other meetings; and
- Other items that require formal approval, but do not need Council Meeting discussion.

The following rules govern the placement of items on the Consent Agenda:

- Approval of Council Meeting minutes will automatically appear on the Consent Agenda, unless the Council Chair directs otherwise;
- Items that legally require a public hearing may not appear on the Consent Agenda; and
- Other items may be placed on the Consent Agenda by unanimous vote of the Council Members at a prior meeting or by the Council Chair.
A motion to place an item on a Council Meeting agenda must specify if the item is intended to be on the Consent Agenda. Otherwise, the item will be placed on the regular agenda.

The Council Chair may not place an item on the Consent Agenda if the Council has already voted to place it on the regular agenda.

Once placed on the Consent Agenda, items shall be handled as follows:

- The Council Chair shall introduce the Consent Agenda and list all the items that are currently on the Consent Agenda;
- The Chair shall then ask if any Council Member desires to remove any item from the Consent Agenda;
- Any item that is removed by a Council Member shall be handled individually following the conclusion of the Consent Agenda;
  - During the Public Comment period, a member of the audience may encourage that an item be removed from the Consent Agenda, but the item will remain on the Consent Agenda unless a Council Member requests removal.
- If there are items remaining on the Consent Agenda, the Council Chair shall, without discussion or the need for a motion, call for a vote to collectively approve all the remaining Consent Agenda items.
- If four or more Council Members vote for approval, all items on the Consent Agenda are approved.
- If the Consent Agenda is not approved in this manner, then any Consent Agenda items shall be handled individually as part of the regular agenda.
Southeast Area Zoning Enforcement
Zoning Efforts in the Southeast Neighborhoods 2014 to Present.

60+ Residents and zoning officers spent 100’s of man hours:

- Mapping Neighborhoods.
- Locating all over occupied residences.
- Collecting contact information and taking photos for the zoning department.
- Sending mass zoning informational letters.
- Meeting with zoning staff.
- Contacting sellers and Realtors of “at risk” properties to inform them of zoning laws.
Zoning enforcement results

- We “set the city record” for number of zoning cases closed.
- Many over occupied homes and condos in the summer of 2015 were put up for sale by investor owners who could no longer rent them illegally.
- The batching singles in the Southeast area became aware of the occupancy laws and the momentary zoning moratorium was put in place.
- Within 6 months most homes that sold were over occupied again.
- Most residents that did not sell their homes started to rent illegally again.
- Our zoning officer left Provo city so all of his open cases stalled for months.
- Most of the cases that needed follow up are now renting illegally again.
- Investors continue to canvas the neighborhoods looking for more properties to buy.
85% of homeowners do not understand their properties zoning or did not know Provo city had penalties for breaking zoning laws.

Nearly 100% of renters were never told about occupancy restrictions when they signed the lease.

In 2 years of contacting Realtors and sellers only a few disclosed zoning adequately.

Most Realtors do not know there is a Provo City requirement for zoning disclosure.

Most of the Realtors called do not understand the zoning laws. They all interpret them differently.

Many sellers of “at risk” homes or condos do not use Realtors and disclose zoning falsely.
There is also a separate entrance to the basement if you wanted to rent out the bottom half, along with separate driveways.”
1346 S 1440 E, Provo, UT 84606
1 bed 1 bath 400 sqft

FOR RENT
$460 /mo
Rent Zestimate®: $950 /mo
List your rental on Zillow. It's free!
Master bedroom available at the special introductory price of $450 until August 2017 in this 4 bedroom 2.5 bath town home. Male roommates.

This town home features a large front room; big kitchen with dining area, snack bar, and walk-in pantry; laundry area with washer & dryer; and small patio in back with sliding door to kitchen & gated fence to 2 covered parking spots. Bright cheery space with great open floor plan! Located in the highly desirable Deer Haven community of SE Provo. Bicentennial Park within walking distance. Close to bus line and shopping, with easy access to freeway and BYU. No smoking, no pets. Not contracted for BYU undergraduate housing. Apply online @ www.visionutah.com. Application fee of $35. Call or text to schedule a showing (703)899-4497.
What we are asking for:

- Law requiring a clear zoning disclosure document to be signed at time of sale and filed with zoning office. (Possible done through Title Agency)
- Renter Protection Laws and enforcement:
  1. Loss of Provo business licence for management companies who do not manage occupancy of rentals.
  2. Loss of rental licence for owners who do not manage occupancy of rentals.
  3. Hold tenants responsible for over occupancy when owners cannot be located. Leniency for first time offenders.
  4. Require HOA’s to keep development agreements.
Lack of incentive to comply to zoning laws

- According to several Realtors, most midsize to small homes in Provo will rent to a family for $1000 to $1300/per month.
- A home with an illegal basement apartment will bring $1200 to $1600/per month rent.
- Single Rooms rent between $395 to $475 per month. Homes trying to attract 5 to 6 singles will rent for $2400 per month.
- Homes that rent as Airbnb can see profits of $3000+ per month.
- Many investors simply have not complied when turned into zoning office, even if they face court or $250 fine.
- Threats of civil action have remedied problems quickly without conflict if owner's contact information is available.
- Provo city has a reputation for not collecting fines in the past.
What we are asking for:

- Significant leniency and education for first time offenders.
- $1500 per month fines for repeat over occupancy offenders or investors with multiple properties. These fines clearly defined on Disclosure documents.
- Fines collected by private collection agency.
- Fines for management companies who manage over occupied rentals.
- Subletting laws.
Lack of enforcement consistency and victims rights.

- Often it takes months to years before a zoning complaint is addressed.
- Residents do not know if their complaint is being worked on or if it is closed unless they call the zoning department.
- Residents are unclear if anonymity will be respected when they submit a complaint.
What we are asking for:

- Victims rights laws and policy similar to police department.
- Anonymity clearly stated on zoning complaint form.
- Set time frames for contact (For example: 2 weeks for Zoning office to confirm they received the complaint; 30 days to make contact and inform victim they opened a case; contact victim when case is closed and let them know what happened, etc…)
- City departments support developmental agreements and not enable illegal activity.
- More administrative budget in the Zoning office along with zoning officers.
What we (Provost, Provost Southeast, Spring Creek and other neighborhoods) are asking for:

1. Amend Zoning Disclosure Requirements (Chapter 6.25) to require a zoning disclosure document to be signed by the buyer and filed with the city zoning office at time of sale. This document will clearly outline the zoning and occupancy restrictions of the property. It would also ask the buyer to disclose if the property will be used as a rental or if it has a second kitchen. If the property is going to be used as a rental or has a second kitchen, zoning administrative staff would send Second Kitchen Agreements and Rental Licence Forms to the new owner as soon after the Disclosure Document is filed. Laws could be passed requiring Title Agencies (90% of all title transfers happen in provo city limits) to file such documents with the city and allow them to charge a processing fee that would be added to the closing costs. Currently a $25 dollar fee is charged for zoning verification. This fee could be augmented to cover filing costs.

2. Amend Section 6.25.080 (Failure to Disclose-Damages). Add city penalties and fines to this section to include:
   a. Loss of business licence to any property management company who knowingly manages or advertises illegal and over occupied dwellings. Fines may also be appropriate.
   b. Loss of rental licence and fines for property owners who over occupy dwellings after initial warnings.

3. Require HOAs to enforce development agreements that were promised when development was approved. Set policy that discourages city departments from accommodating and servicing non conforming developments. For example, the Pioneer Development has narrow streets and was built with no on-street parking. This was intended to curb over occupancy and promised to the neighborhood. As many of the units became over occupied the HOA announced a cessation of parking regulation. This decision quickly encouraged further over occupancy. Provo City continues to provide fire and garbage service to this development even though the streets are now too crowded for 2 way traffic. Residents have to back up to let the garbage truck through because of the on street parking. Complaints have been made by residents to the city but nothing has been done.

4. Policy change to allow significant leniency for first time offenders (3 to 6 months to comply). Provide brochures or information explaining why zoning is necessary and its effects to better educate residents and lessen neighborhood conflict.

5. Fines for property owners that match the profit of over occupancy. These fines deferred to tenants who do not disclose owner information. All fines occur only after initial warning is not heeded.

6. Policy that ensures fines are collected by a private collection agency and not city staff.
7. Subletting laws that have monetary consequences if broken.

8. Victims Rights Laws and Policy:
   a. Assurance of anonymity clearly stated on zoning complaint forms and websites. (The zoning office does keep things confidential, but residents are still wary to submit complaints.)
   b. Increase contact from zoning staff to residents so they know their complaints are being worked on.

9. Policy and budget that will ensure adequate zoning officers are employed.

10. Budget for additional zoning administrative staff member that would ensure zoning disclosures documents are signed and filed; keep the city interactive map updated; monitor and report large, city wide zoning trends like Airbnb, VRBO, Rentler, etc...
## Zoning Enforcement Proposals - January 3, 2017

### HIGH IMPACT

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Cost</th>
<th>Legislative</th>
<th>Administrative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pool of money to fund civil cases/dedicated attorney</td>
<td>High</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>More liberal requesting of tax returns</td>
<td>High</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>More liberal requesting of bank statements</td>
<td>High</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Post rental information on the back of the main door</td>
<td>Medium</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Good Neighbor Task Force</td>
<td>Low</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

### MEDIUM IMPACT

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Cost</th>
<th>Legislative</th>
<th>Administrative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate suspension of license for certain violations</td>
<td>High</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Immediate suspension of license if contact information is not current</td>
<td>High</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Administrative warrants</td>
<td>Medium</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Require that the property owner have a contract with each tenant/resident</td>
<td>Medium</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Email owner and/or manager if any type of police visits w/a cc to BYU Off-Campus Housing</td>
<td>Medium</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Police deliver Notices for certain cases</td>
<td>Medium</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Clarify the definition of &quot;family&quot;</td>
<td>Low</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Change the definition of visitor (shorten the time frame)</td>
<td>Low</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Have a form for property owners/managers to update information every year</td>
<td>Low</td>
<td></td>
<td>X</td>
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</tbody>
</table>

### LOW IMPACT

<table>
<thead>
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<th>Proposal</th>
<th>Cost</th>
<th>Legislative</th>
<th>Administrative</th>
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</thead>
<tbody>
<tr>
<td>Make it easier for the public to see who has a RDL</td>
<td>Medium</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Uniforms for zoning officers</td>
<td>Low</td>
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<tr>
<td>Real Estate agents to disclose occupancy and legal use at time of closing</td>
<td>Low</td>
<td>X</td>
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<tr>
<td>Zone Verifications available for free</td>
<td>Low</td>
<td></td>
<td>X</td>
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<tr>
<td>Have RDL applicants/property owners sign a statement that they will obey the laws</td>
<td>Low</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
DUNCAN AVIATION
The Good News
The Bad News
Cost Components

Ramp       Infrastructure
<table>
<thead>
<tr>
<th>Costs</th>
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<tbody>
<tr>
<td>Ramp</td>
<td>9,000,000</td>
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<tr>
<td>Infrastructure</td>
<td>4,277,716</td>
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<tr>
<td>Capitalized interest</td>
<td>356,125</td>
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<tr>
<td></td>
<td>13,633,841</td>
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<table>
<thead>
<tr>
<th>Funding Sources</th>
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<tbody>
<tr>
<td>Bonds (Tax Increment)</td>
<td>5,356,125</td>
</tr>
<tr>
<td>108 Loan</td>
<td>2,500,000</td>
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<tr>
<td>EDA Grant</td>
<td>3,500,000</td>
</tr>
<tr>
<td>Waste water lift station</td>
<td>1,200,000</td>
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<tr>
<td>Energy infrastructure</td>
<td>189,524</td>
</tr>
<tr>
<td>General Fund</td>
<td>888,192*</td>
</tr>
<tr>
<td></td>
<td>13,633,841</td>
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* $500,000 potentially will be paid back at the end of the project to the General Fund
<table>
<thead>
<tr>
<th>Item</th>
<th>Item Description</th>
<th>Estimated Cost</th>
<th>Current Funding</th>
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</thead>
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<tr>
<td>1</td>
<td>Water (12-inch Water Line Loop)</td>
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<tr>
<td></td>
<td>Water (8-inch Internal Water Line Loop)</td>
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<td></td>
<td>Sewer Lift Station &amp; Force Main</td>
<td>$1,355,854.00</td>
<td>$1,200,000.00</td>
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<td></td>
<td>Sewer (Gravity Main North Road)</td>
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<td></td>
<td>Sewer (Gravity Main from South Bldg to 3800 West)</td>
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<td>2</td>
<td>Electrical Service</td>
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<td>$189,524.00</td>
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<tr>
<td>3</td>
<td>Gas Service</td>
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<td>4</td>
<td>Communications Conduits</td>
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<td>5</td>
<td>Storm Water System (For Roads)</td>
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<tr>
<td></td>
<td>Storm Water System (For Parking Area/Ramp)</td>
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<tr>
<td>6</td>
<td>Street Lighting</td>
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<td>7</td>
<td>3800 West (Duncan Dr) &amp; North Road Improvements</td>
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<td>8</td>
<td>Property Private Areas (Duncan Site)</td>
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<td>9</td>
<td>Truck Dock and Fuel Farm</td>
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<td>10</td>
<td>Ramps</td>
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<td>11</td>
<td>Excess Asphalt Removal</td>
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<tr>
<td>12</td>
<td>Earthwork</td>
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<td>13</td>
<td>Landscape Areas</td>
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<td><strong>Total Cost Estimate</strong></td>
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<td></td>
<td><strong>Current Funding for Project(s)</strong></td>
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<td><strong>Additional Funding Needed</strong></td>
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<td><strong>Section 108</strong></td>
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<td><strong>Estimated General Fund Needed</strong></td>
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<td><strong>($388,191.60)</strong></td>
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<tr>
<td>Period</td>
<td>Principal Payment</td>
<td>Interest Payment</td>
<td>Total Payment</td>
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</tr>
<tr>
<td>1</td>
<td>$240,736.60</td>
<td>$35,362.50</td>
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<tr>
<td>2</td>
<td>$244,058.76</td>
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<td>3</td>
<td>$247,426.77</td>
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<tr>
<td>4</td>
<td>$250,841.26</td>
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<td>5</td>
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<td>6</td>
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<td>7</td>
<td>$261,370.06</td>
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<td>8</td>
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<td>$11,122.13</td>
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<tr>
<td>9</td>
<td>$268,633.65</td>
<td>$7,465.45</td>
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<tr>
<td>10</td>
<td>$272,340.80</td>
<td>$3,758.30</td>
<td>$276,099.10</td>
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</table>
QUESTIONS?