



PROVO MUNICIPAL COUNCIL

Work Meeting

12:00 PM, Tuesday, August 29, 2017
Room 310, City Conference Room
351 W Center, Provo, UT

Agenda

Roll Call

Prayer

Approval of Minutes

June 6, 2017 Work Meeting

June 6, 2017 Council-Airport Board Joint Meeting

July 11, 2017 Work Meeting

July 11, 2017 Council-Metropolitan Water Board Joint Meeting

Business

1. A discussion on a conservation easement for Rock Canyon (17-085)
2. A discussion on the Economic Development Department's efforts in workforce development, startups, and women, minority and underserved populations (17-087)
3. An update on the General Plan review (17-099)
4. A discussion on fee updates for Stormwater, Wastewater, Utility Transportation Fund, and the Fire Department (17-101)
5. A discussion on the Stormwater Fee Schedule (17-102)
6. A discussion on the Zoning Committee's recommendation to amend Provo City Code 6.26.150 (17-104)
7. A presentation and discussion on Budgeting for Outcomes (17-103)

8. A discussion on the Council's goals concerning minimum unit size requirements (17-111)
9. A discussion on possible code changes regarding signage (17-110)
10. A discussion involving the Utah Municipal Power Agency (UMPA) and the Hunter Power Plant Assignment (17-115)
11. A discussion on funding and appropriations related to an airport improvement project including issuance of sales tax revenue bonds, execution of a Tax Increment Pledge Agreement and development agreement by the Redevelopment Agency, and a resolution appropriating \$11,529,568 in the Airport Fund for infrastructure improvements (17-112, 17-113, 17-114)

Policy Items Referred from the Planning Commission

12. LaVorn Sparks requests an Ordinance Amendment to Section 14.17.020 to add to Conditional Uses SLU #4603 Long-term Vehicle Storage including autos, trucks, and boats (on unimproved lots when non-contiguous to residential zones) within Public Facilities Zones. Citywide impact. (17-0012OA)

Closed Meeting

13. 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.

Adjournment

Informal discussion may be held in the Council Conference Room between 4:30 pm and 5:30 pm.

Adjournment

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

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

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

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

The next scheduled Regular Council Meeting will be held on 09/19/2017 at 5:30 PM in the Council Chambers, 351 West Center Street, Provo, unless otherwise noticed. The Work Session meeting start times is to be determined and will be noticed at least 24 hours prior to the meeting time, but typically begins between 1:00 and 4:00pm.

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

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aides and services) during this meeting are invited to notify the Provo Council Office at 351 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email evanderwerken@provo.org at least three

working days prior to the meeting. The meeting room in Provo City Center is fully accessible via the south parking garage access to the elevator. The Council Meeting is also broadcast live Provo Channel 17 at <https://www.youtube.com/user/ProvoChannel17>. The Work Meeting is broadcast live at <https://www.youtube.com/user/ProvoCityCouncil>. For access to past Work and Council Meetings, go to playlists on <https://www.youtube.com/user/ProvoChannel17>.

Notice of Telephonic Communications

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

Notice of Compliance with Public Noticing Regulations

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

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



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:00 PM, Tuesday, June 06, 2017
Room 310, City Conference Room
351 W Center, Provo, UT 84601

Agenda (0:00:00)

Roll Call

The following elected officials were present:

Council Chair David Sewell
Council Vice-Chair David Knecht
Council member Gary Winterton
Council member Kim Santiago
Council member Kay Van Buren
Council member David Harding
Council member George Stewart
Mayor John Curtis, arrived approximately 3:45 PM

Chair David Sewell extended the Council and staff's thoughts and well wishes to Dave Decker, Public Works Director, and his family, after his daughter passed away that week.

Prayer

Cliff Strachan, Council Executive Director, prayed.

Approval of Minutes

- June 7, 2016 Work Meeting
- September 6, 2016 Work Meeting
- March 21, 2017 Work Meeting
- May 16, 2017 Joint Meeting with the Utah County Commissioners

Approved (with changes to September 6, 2016 Work Meeting minutes) by unanimous consent.

Business

1. A discussion regarding the feasibility of a new city center and public safety complex (17-076) (0:07:44)

Wayne Parker, Chief Administrative Officer, presented. At a previous Work Meeting in May, the Administration had shared information prepared by Facilities staff and the architectural consultant regarding a new city center and public safety complex. Mr. Parker intended in this presentation to respond to questions from that initial presentation, provide further information, and discuss the next steps.

Mr. Parker explained that the initial figures factored in the worst case scenario for costs and expenses. The new city center would take into account population and workforce growth over the next 25+ years, so another idea would be to rough-in some of the event spaces and currently non-needed office spaces for future completion. This would represent some cost savings which would allow for growing into those

Pending minutes – awaiting approval

spaces as the City's needs changed over time. The worst case scenario also assumed that all furniture, computers, computer servers, etc. would be completely replaced in a new facility; this represents a considerable cost, which could be adjusted based on reutilization of these items. The project could be phased such that old buildings could be repurposed during construction. There was also potential for redevelopment along Center Street.

Council members shared comments and feedback:

- With recent utility rate increases, Council members preferred to see how a new administration would feel on the discussion and to spend more time on the issue.
- Some other alternatives were suggested by Council members, including renting a space, explore further cost reductions, examine costs to maintain the current facilities, and if this is a priority, to account for it in CIP budgets.
- Many Council members had concerns about the timetable and preferred to spend more time on the research phase rather than put the topic on the ballot in November.
- With the possibility of a \$200 million bond for a sewer treatment plant, Council members had concerns about increasing the general obligation bond amount for a new city center too.

Possible next steps included forming a citizens committee and determining what questions needed answers to support making the case. Mr. Parker explained that when this building opened in 1972, Provo's population was less than half of its current amount, the City has more than double the number of employees, and the City still operates in the same amount of space, despite seismic concerns. They examined the retrofit process and a number of questions came up which necessitated a fresh look. The Administration will bring more information and next steps to a future meeting. ***Discussion only.***

2. A discussion on recommendations from the DAPR [Development Approval Process Review] Committee regarding land use agenda noticing (17-052) ([0:48:37](#))

The Development Approval Process Review Committee has examined changes to the process for noticing land use agenda items, in order to bring the current practice into alignment with state statute. The changes were intended to streamline the process and make it more predictable. The Committee proposed two options, with a marked preference for the second, which would have the dates the first Work and Council meetings [occurring on the same day] noticed with the Planning Commission information about a particular agenda item, with the option for Council members to continue an item if it merited further discussion or deliberation. Both options reduced the time between Planning Commission and Council meetings considerably. If a developer requested more time that could be accommodated. The Committee intends to send these options to the Planning Commission for review and feedback, as both will require coordination with their process and Community Development staff.

Council members shared concerns and feedback:

- The Council does not operate as a minority, but empowering the minority [by allowing a Council member to continue an item, thus delaying the process by two weeks] seemed problematic.
- This process placed the Chair in a negative reactionary mode; in the past, Council leadership has tried to be accommodating but with the proposal, it takes it out of the Chair's hands to plan the agenda and puts the Chair in a position reacting to what has been placed on the Council's agenda.
- The Council can move through the process more quickly and provide more thorough noticing.
- Some Council members liked having time between Work session and Council meeting to review.
- The applicant can still that the Council continue an item. The neighborhood chair doesn't have that ability, but they can appeal to their Council member.
- The longer and more expensive it is to get to a certain point in the process, the more pressure there is to approve a proposal. These changes would benefit the neighborhoods and developers.

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Brian Jones, Council Attorney, clarified that there were some clarifications to Title 14 which would go to the Planning Commission regardless of/independent from the Council's noticing changes.

Motion: David Harding moved that the Council ask the Planning Commission to weigh in on the three options and memo as written. Seconded by Kay Van Buren.

Roll Call Vote: Approved 6:1, with Kim Santiago opposing.

3. An overview of the Economic Development Department and a discussion regarding tools/ programs available for incentives (17-077) ([1:20:57](#))

Dixon Holmes, Economic Development Chief Deputy, presented. Mr. Holmes introduced the staff, noting that Economic Development is the only division where all of the staff have master's degrees:

- Chad Thomas (worked on east coast and City of Layton, downtown specialist)
- Allison Lew (began at Provo City as an intern in Mayor's Office and works with entrepreneurs, minorities, women, and underserved populations)
- Cameron Christiansen (worked in Cedar City; city-wide economic development)

Mr. Holmes circulated several volumes of the annual report from Economic Development, "Involved," which highlighted several recent years of the City's programs in this area. As far as citywide economic development, the Economic Development department works with many businesses which are expanding or relocating. Their staff works with Economic Council Utah and responds to leads where there are ideal opportunities. Economic Development also helps to liaise between businesses and the City (whether on the development review process, zoning, fire marshal, etc.) as a facilitator rather than a regulator.

Mr. Holmes gave an overview of and updates about:

- Duncan Aviation expansion (which will bring about 500 local jobs; Duncan will work with UVU and MATC to develop programs/training for creating the workforce)
- Entrepreneurship and programming (including Startup Ignition, 1 Million Cups, Braid, digital inclusion, Provo Girls Summit, revolving loan fund)
- Maintaining vibrancy and protecting investments businesses have made in Provo, including Downtown Provo, Mountain Vista business park, Plum Tree/The Mix, Provo Towne Centre
- Neighboring cities and competing interests (Mr. Holmes touched on the nature of demographics, traffic counts, expendable income, geography, and incentives, all of which play a role in retail)
- Development of new land in other cities versus Provo, which mainly experiences redevelopment
- Changing nature of retail to more experience-based activities

Mr. Holmes emphasized that when it comes to retail and incentives, there are not always right or wrong answers, but there are certainly opportunity costs. Mayor Curtis has said he would not trade Provo's downtown for anything in Orem and Mr. Holmes would agree. He agreed with Council members that Provo needs anchors to draw people to our retail centers. Projects such as The Mix hope to do this by using mixed-use to bring in daytime and nighttime users and create a vibrant area. **Presentation only.**

4. A discussion on 2017 Council Assignments for Boards, Committees, and Liaisons (17-010) ([2:04:42](#))

Cliff Strachan, Executive Director, presented. The Council committees are established with mission statements defining the purpose. The Budget and Audit Committee mission statement was presented:

Pending minutes – awaiting approval

“The mission of the Budget and Audit Committee is to objectively review and make recommendations to the City Council concerning: (a) the City’s annual budgets, which should be results-oriented and structurally balanced, have sustainable revenues, and promote cost effective management of programs and capital infrastructure; (b) the City’s financial reporting processes, standards, financial statements, and internal controls, as audited by the City’s independent auditors; and (c) specific assignments as requested or approved by the City Council.”

Motion: George Stewart moved to approve the proposed mission statement for the Council Budget and Audit Committee. Seconded by Kim Santiago.

Mr. Parker suggested that if these guiding statements were important language, putting it in the Committee’s mission statement does not necessarily accomplish that; Mr. Parker suggested placing this at the beginning of the budget document in the financial goals section.

Substitute motion: George Stewart amended his motion to add the language to the financial goals portion of the budget. Seconded by Kim Santiago.

Roll Call Vote: Approved: 7:0.

5. A discussion on minimum dwelling unit sizes. (16-0021OA) ([2:28:04](#))

Council member David Harding requested bringing this item back for a further discussion. Based on certain legislative deadlines, the Council moved fairly quickly without a lot of deliberation on this issue. Mr. Harding wondered whether there were better ways to accomplish the Council’s goals; there were some proposals in the downtown area which would help to move some of those goals forward. Mr. Harding wanted to reopen the discussion and refine the minimum unit size regulations to this end. Brian Jones, Council Attorney, clarified that this discussion was not intended to necessarily rescind the prior legislation—there is no rule that they Council can’t talk about something they want to talk about.

Several Council members and the Mayor shared comments and feedback:

- What were other cities were doing to develop housing types in downtown areas; the unit sizes discussed were smaller than in other Utah cities examined as case studies.
- Concerns about concentrating so many subsidized, low-income housing projects downtown—there needs to be a balance of housing throughout the County.
- A reexamination would give the Council more time to consider the effect on downtown stability.
- The Administration welcomed another look at the topic—there are demographics of people who this appeals to and would make a positive impact in being able to live in small units like this.
- Council members wanted to quantify the specific concerns.
- The earlier decision had been important to solve for the area in question, but just because it is a bad fit in one area doesn’t mean it could not work well elsewhere.

Discussion only. There were no objections to discussing the subject further at a future Work Meeting.

Policy Items Referred from the Planning Commission

6. A discussion on a request for an ordinance amending Provo City Code to allow a new PRO Zone for property generally located at 691 East 600 North from property currently zoned Residential Conservation. Joaquin Neighborhood. (17-0001OA) ([2:54:11](#))

7. A discussion on a request for a Zone Change from Residential Conservation (RC) to a PRO Zone to allow 10 residential apartments on 0.19 acres located at 691 East 600 North. Joaquin

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Neighborhood. (17-0004R) ([2:54:11](#))

Dustin Wright, Planner, presented on items 6 and 7 together. These two items pertain to an infill project surrounded by other apartment buildings in the Joaquin neighborhood. Due to the current zoning as RC, the owner cannot do more than a single family home on the site unless a rezone were permitted. The Joaquin neighborhood plan allows for campus mixed use (batching singles up to 6 single residents per unit), but the owner would prefer to do family or married housing there and the neighborhood shared this preference. The proposal is for ten one-bedroom apartment units. Rather than amend the campus mixed-use zone, they intend to create a PRO zone specific to this property. The proposal meets the current parking standard (1.5 parking spaces on site per one-bedroom unit) and includes a bicycle storage area as well. The Planning Commission gave a positive recommendation for the ordinance amendment and the rezone. ***Discussion only. These two items will be scheduled for the June 20, 2017 Council Meeting.***

8. A discussion regarding the Provo City Parks & Recreation Department's request for a Zone Change from Light Manufacturing (M-1) to Public Facilities (PF) for Construction of the Spring Creek Park located at 1140 South State Street. Spring Creek Neighborhood. (16-0015R) ([3:09:39](#))

Bill Peperone, Community Development Assistant Director, presented. This was a housekeeping item to facilitate a neighborhood park at 1140 South State Street. The cemetery is to the north, with a property between. Spring Creek Park is not intended for organized team sports, but for neighborhood functions. The neighborhood is in favor of this and expressed support at the Planning Commission hearing.

Council member Gary Winterton shared feedback from the last Parks & Recreation Board meeting—the Board is excited about this layout. There will be ample shade and park benches throughout the park. The park will have a major positive impact on the neighborhood's desirability. Doug Robins, Parks & Recreation Assistant Director, said construction will begin this summer with the park opening next summer/fall. ***Discussion only. This item is scheduled for the June 20, 2017 Council Meeting.***

9. A discussion regarding a request for the rezone of 5 properties, totaling approximately 22 acres, from the RA (Residential Agricultural) and A1.5 (Agricultural 5-acre minimum) zones to the R1.8 (Single-Family Residential) zone, located approximately 831 and 1041 West 1560 South to facilitate the development of a residential subdivision with an 8,000 square foot lot size minimum. Lakewood Neighborhood. (16-0012R) ([3:15:31](#))

Bill Peperone, Community Development Assistant Director, presented. Staff recommended denial of this rezone request and the Planning Commission upheld the denial. Mr. Peperone explained the related concerns with the rezone request:

- a. Staff foresaw potential conflicts between adjacent agricultural uses and these residential lots. Leapfrog development has not been explicitly defined, but this situation represents an example.
- b. The subdivision plan is in conflict with Provo City Code titles 14 and 15. Some lots do not comply with minimum lot requirements. The Board of Adjustment cannot grant a variance for a self-created hardship. Cul-de-sacs are discouraged unless the topography is such that there are no other options. The alternatives had less lot yield which the developer did not like.
- c. The latest designs show several lots as a detention basin. The goals and policies of west side planning committee specify open space area within a subdivision and a singular-use stormwater detention basin does not meet the intent of those policies.
- d. There were utilities issues, specifically connecting storm drain and sewer to the subdivision—no easements have been obtained and there was no practical way to develop the property.

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Since the Council has ratified the west side policies, Planning staff would like to involve a steering committee to better define the land use map, green space, and finish the area plan. ***Discussion only. This item will be scheduled for the June 20, 2017 Council Meeting.***

10. A discussion regarding a Provo City Community Development Department request for a Zone Change of approximately 58.6 acres of property generally located at 1500 South State Street from Light Manufacturing (M-1) Zone to Low Density Residential (LDR) Zone. Spring Creek Neighborhood. (17-0007R) ([3:23:35](#))

Bill Peperone, Community Development Assistant Director, presented. This area is requested as a zone change from M-1 to a residential use. Community Development initiated this request, consistent with the Southeast Neighborhood Plan. Planning Commission recommended MDR or R-1 to avoid further development of industrial uses in an area intended for residential use. The master plan calls for this area to be mixed use and residential. The current M-1 zone is inconsistent with the general plan [which has been in place for years] and the neighborhood plan. The idea was to create more residential areas to relieve over-occupancy pressures felt in that area of the city.

There are existing storage units on several parcels. One parcel is between Bear River Storage and another storage facility to the south, with additional storage unit areas across the street. The property owner of this parcel said he did not know anyone who would want to live between the railroad tracks and three storage facilities. Mr. Peperone noted the six-month window for pending legislation. If a developer submitted an application for storage units, Community Development would have to hold the application until this legislation was resolved. Mr. Peperone also noted that the Provo School District is putting in a bus yard in that area. Council members expressed concern about long-term consequences of the zone change—there are wetland areas at the rear of the properties, backfill issues, and environmental issues with putting residential uses there. Council asked what staff recommended. Mr. Peperone again noted the six-month window for pending legislation and indicated that Community Development would communicate further with landowners in the area in question. ***Discussion only. This item will be brought back to a future Work Meeting following additional work by Community Development staff.***

Closed Meeting

11. 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: David Knecht moved to close the meeting. Seconded by Kay Van Buren.
Roll Call Vote: Approved 7:0.

Adjournment

Motion: Dave Knecht moved to adjourn. Seconded by George Stewart.
Roll Call Vote: Approved 7:0.



PROVO MUNICIPAL COUNCIL

Council-Airport Board Joint Meeting Minutes

12:00 PM, Tuesday, June 06, 2017
Room 310, City Conference Room
351 West Center Street, Provo, UT 84601

Roll Call (0:00:00)

The following elected officials and board members were present:

Council Chair David Sewell, conducting
Council Vice-Chair David Knecht
Council member Kim Santiago
Council member Gary Winterton
Council member David Harding
Council member George Stewart
Bill Prochazka, Airport Board Member
Trent Johnson, Airport Board Member
Mark Hathaway, Airport Board Member
Mario Markides, Airport Board Member
Kris Whitehead, Airport Board Member
Excused: Council member Kay Van Buren & Mayor John Curtis

Agenda

The prayer was given by Stephanie Dutson, Council Intern.

1. An update on the process for updating the Airport Master Plan. (0:01:16)

Trent Johnson, Airport Operations Coordinator, presented. The terminal layout portion of the master plan is 90% done and there is continued progress on beginning environmental assessments for the terminal area. Duncan Aviation is moving ahead with their campus and is breaking ground. Mr. Johnson and other Airport Board Members gave other updates related to operations at the airport and the master plan:

- Construction on rebuilding taxiway alpha at the airport will begin in June, which is one of the FAA (Federal Aviation Administration) projects currently underway.
- Construction will begin in June on a new corporate taxi lane.
- There are plans to add an additional 150-180 parking stalls at the airport in order to expand services. They would build a temporary lot to relocate parking during construction.
- TAC Air has had requests for more areas for storage of airplanes and service.
- A new parking structure would be needed because the master plan calls for an additional taxiway, which would need to be put through the current parking lot.
- A mitigation plan is in the works for historic tee hangars to be torn down and rebuilt.
- The current terminal building is at capacity. Allegiant would like to expand its service to 10 additional locations, but the terminal is already bursting at the seams with no effective means to add on. Currently, Allegiant operates two to three flights per day. They would like to start having two aircraft there at the same time, but there is not sufficient room.

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- Council member Kim Santiago asked about building upwards; Mr. Johnson indicated that the current facility was never intended to support a second story. There would also be challenges with ramp space and other operations for a terminal. Airport Board Member Mario Markides stressed the need to mitigate some of these overly congested areas.
- Council member Gary Winterton asked whether the master plan reflect these changes and if the master plan addresses them appropriately. Mr. Johnson indicated that it does.
- The taxi lane is being redone this summer, which is mandatory before a new ramp can go in.
- There is a lot of work to be done before adding on or building a new terminal. Airport Board Member Kris Whitehead indicated that funding is also a huge factor.
- Allegiant isn't going anywhere; they want to announce two more destination cities starting next summer, but the improvements/terminal expansion needs to be done first. Other factors for consideration in a terminal expansion is the capacity for passengers and being able to maintain operations during construction.
- Currently the Provo Airport is just behind the threshold to receive more funding federal for having a higher passenger count; the airport is just below that because the facilities are not adequate for greater numbers of passengers.
- The airport is still negotiating mitigation with the Provo River Delta area regarding bird habitats. There is a lot of bird traffic at the main approach end of the runway. There are continual bird strikes, usually with smaller birds, but the Provo River Delta area could bring in larger waterfowl such as pelicans and the like, which can do significantly more damage.
- The current master plan is based on property that the City currently owns. If the City acquired more land adjacent to the airport site, some of the abilities or recommendations in the master plan would likely change or expand.

2. An update regarding the status of Duncan Aviation. ([0:26:31](#))

A handout was distributed which displayed renderings of the expansion for Duncan Aviation. They will pour footings on the project in August. On October 1, once the dirt has finished settling (in compliance with the geotechnical requirements), they can pour additional footings for the project. Questar has finished the gas substation. Phase 1 of Duncan Aviation will bring an estimated 425 jobs to the area, as well as drive other businesses to locate on the west side, to provide services for the expanded workforce.

3. An update regarding on-site development at the Provo Airport. ([0:27:41](#))

The Council and Airport Board Members determined this item was covered during the previous sections.

4. Additional questions or discussion. ([0:27:49](#))

The remaining time was used for additional questions and discussion:

- Ms. Santiago asked about visibility issues when some flights can't take off and as a result, they have to go to Salt Lake and depart there. She wondered whether that technology was available for the Provo Airport. Mr. Johnson explained that the process is expensive for a small airport. He noted that Provo Airport gets diversions from Salt Lake, so Provo's ramp is full. Diversions do generate revenue for the airport—fuel fees are diverted to the airport through TAC Air.
- There has been a push for obtaining ADS-B (Automatic Dependent Surveillance-Broadcast) technology for smaller-sized planes. There is a federal mandate for compliance by 2020, but the Provo Airport has set a deadline of 2018. This technology provides more safety on-board, as well as better communication for pilots, who currently may experience gaps in information due to geographical features, such as Point of the Mountain, which can block lower-altitude planes. This

Pending minutes – awaiting approval

has also been an obstacle in the way of getting larger commercial flights to fly into Provo. Board members were excited about the implications for these needed changes.

- This past winter, the airport never had to close the runway for ice or snow removal. A recent resurfacing project introduced a new aggregate on the runway and it is much better at preventing ice building, which will continue in future winter seasons.
- There are some concerns with drones, as the FAA has been behind on putting regulations in place. To some extent, future incidents will drive the conversation and regulation. During the forest fires in southern Utah, those municipalities have banned drones as they can interfere with firefighting operations in rural or forested areas.
- FAA funding is awarded based on the operations at all airports, rather than the total number of aircraft at any one airport. UVU's training flights help a great deal with flight counts at Provo, as well as at other small airports throughout the state.
- Board members mentioned several concerns about the airport:
 - There is great demand for leasing [commercial] hangar space, but there is not room. Hangar capacity on the field needs to be increased, but the taxiway and other infrastructure needs to be expanded should more hangars be built adjacent to the airport. Leasing hangar space can also serve as a viable revenue source for the airport. Council members expressed interest in getting more information on that aspect.
 - The airport is on the edge of the City and there are students and others flying 7 days per week from early morning to midnight hours. As Provo's west side becomes more populous there is a need for additional services as well as having patrols and maintaining a secure environment.

Chair Sewell requested that the Board Members prioritize a list of some of airport-related investments that the City isn't looking at now, but should consider for the future. It would be beneficial to Council members to get input from the Board.

Adjournment

Adjourned by unanimous consent.

Pending minutes – awaiting approval



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:00 PM, Tuesday, July 11, 2017
Room 310, City Conference Room
351 W Center, Provo, UT 84601

Agenda ([0:00:00](#))

Roll Call

The following elected officials were present:

Council Chair David Sewell, conducting
Council Vice-Chair David Knecht
Council member George Stewart
Council member Kay Van Buren
Council member Kim Santiago
Council member Gary Winterton
Council member Dave Harding
Excused: Mayor John Curtis

Prayer

Approval of Minutes

April 18, 2017 Work Meeting

May 2, 2017 Work Meeting

The May 2, 2017 Work Meeting minutes were postponed to the following meeting for approval.

The April 18, 2017 Work Meeting minutes were approved by unanimous consent.

Business

1. An introduction of prospective Board & Commission Appointments. (17-089) ([0:02:12](#))

Several individuals introduced themselves to the Council, providing information about their background and professional experience relative to the recommendations for them to serve on various boards.

Marc Liebman (Parks and Recreation Board) has spent much of his career working in public education, as an educator, superintendent, and as a consultant with several Provo businesses working in the education field. Having lived all over California, he expressed his amazement at the public support in Provo for the arts, parks, recreation, and other initiatives. His goal in serving on the Parks and Recreation Board is to help maintain the excellent level of services in Provo City.

Jeffrey Kahn (Arts Council) has previously served on Provo's Library Board and Planning Commission, several boards at UVU, and as Chair of SUU's Advisory Board for the College of Visual and Performing Arts. Professionally, he is an entrepreneur and works with hotels, health clubs, and scrapbook stores. He also manages music tours for One Republic, The Band Perry, and Carolyn Wonderland. He grew up in

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southern California, playing bass guitar for the Beach Boys for a number of years and is still close friends with Brian Wilson. Mr. Kahn served as a technical advisor on the biographical film about Brian Wilson, Love & Mercy. His wife would say Jeff is always performing. When he learned that the Arts Council was being reinstated, he wanted to be involved and do whatever he could to help the City in that initiative.

Jane Wise (Arts Council) was born and raised in Salt Lake City. She studied at the University of Utah and has a background in theater, English, and law. She was instrumental in incorporating the Salt Lake Acting Company. She moved to San Diego, but moved back to Provo about 20 years ago. She teaches law at BYU, works as a radio writer and commentator, and looks forward to her service on the Arts Council.

Andrew Howard (Planning Commission) served in the Navy Reserve for 25 years and received his MBA at Westminster in Salt Lake. He has served on the Board of Directors at AmBank and the Mayor's Veterans Council. Provo is one of the best-managed cities in the country and he looks forward to learning, participating, and contributing to the community through service on the Planning Commission.

2. A presentation from Downtown Provo, Inc. Executive Director regarding their efforts (17-088) ([0:16:57](#))

Quinn Peterson, Director of Downtown Provo, Inc. (DPI), presented. While DPI has cycled through several directors, Mr. Peterson's work with local business Unhinged and running the farmers market since 2016 has given him familiarity with downtown Provo. When the previous DPI director resigned, he was chosen to take over the program, working with the Board of Directors (which includes representatives from NuSkin, Zions Bank, UVU, BYU, Provo City, Utah Valley Chamber of Commerce, and several other downtown business owners). Mr. Peterson highlighted some of the aims of DPI:

- Create a voice for downtown businesses
- Help businesses identify shared pain points and work towards solutions (parking especially)
- Coordinate between businesses and local organizations such as United Way, Community Action
- Create collaborative environments, through programs such as Creative Collaborative, Utah YouTubers, Braid Workshop (in conjunction with Provo Economic Development)
- Reframe Downtown as a destination not a drive-through
 - Work on vacant spaces – why are they vacant, what businesses are looking for space, why have business owners not been incentivized to fill a space, etc.
 - First Friday Art Stroll – figure out what works well and what does not; DPI plans to form a subcommittee to handle the arts and address things that the City's Arts Council can't.
 - Mural public arts program at UTA stops and donated walls in downtown area
- Create additional value so what DPI provides is worth the cost for a small business membership.
 - Benefits: networking opportunities, discount UTA passes for employees, 30% off at Provo Rec Center, 30% off Corporate Alliance membership, Google Street View
- Talking to businesses, learning their needs, and connecting them with people who can help.
- There are many restaurants downtown, but entertainment is a huge need downtown. They have worked with Provo Film Society, who really want to open a theater downtown. Growth of the entertainment sector will boost the existing restaurants and encourage new ones to open.

Council members were pleased with the progress and new energy seen in downtown and the breadth of programming highlighted by Mr. Peterson in his presentation.

3. A presentation regarding Economic Development efforts in downtown Provo (17-087) ([1:38:22](#))

Wayne Parker, CAO, and Dixon Holmes, Economic Development Chief Deputy, introduced the discussion, purpose of the Economic Development department, and some of the measurable outcomes.

Pending minutes – awaiting approval

Chad Thomas, Downtown Business Development Coordinator, provided an overview of his role as a liaison with downtown businesses:

- He asks business owners: “What can we [Provo City] do to help your business? What can we do to get out of the way?” He helps liaise with the City’s bureaucracy and processes.
- Encourage investment, entrepreneurship, business recruitment (second locations of successful businesses in other cities), fill vacancies & backfill spaces, support small businesses in downtown area, protect investments of local business owners, work with local real estate brokers
- Worked with State legislature and local business owners on food truck legislation
- There are several perennial vacant properties in the downtown area. Economic Development has been working with the EPA to remediate several properties using brownfield funds, and to do environmental assessments to determine the state of properties and help move them towards viable uses for a more vibrant downtown.
- Infrastructure downtown can be very expensive to maintain or to make small changes. The mature trees downtown are overgrowing the space in planter boxes, sprinkler systems are difficult to maintain downtown, etc. Mr. Thomas helps businesses work through these kinds of issues.

Downtown is one focus of Economic Development and a critical component to maintaining a vibrant economy in Provo. Economic Development will share additional presentations in future Work Meetings.

4. A proposal from the Rules Committee regarding Minutes policy (17-082) ([0:57:20](#))

Brian Jones, Council Attorney, introduced this item. The State Legislature passed a bill in the last session regarding minutes for open meetings. Under State law it is no longer necessary to include a lengthy summary or discussion of the item; this can be provided by maintaining a link to a publicly available online version of the meeting. The Rules Committee wanted to ask for Council input on minutes in this regard. Mr. Jones noted several legal concerns which could be resolved by changing the procedure for preparing meeting minutes. When minutes turn into a more detailed summary, it can open things up for interpretation; by deferring to the recording as the more complete record of the meeting, there is additional context for comments made. Currently, the audio recording of a public meeting must be kept permanently. Should the Council go this route [with updating the minutes policy], the video recordings of meetings will need to be kept as part of the permanent record. Mr. Jones noted that moving to this method does not do away with the requirement to provide the materials relating to open meetings.

Council members shared some concerns and feedback on minutes policy:

- It is difficult to hear when a Council member is calling in for a meeting. Having a recording to play back discussion after the fact is helpful to fill in any gaps.
- Time spent reviewing minutes is not valuable; it is more like proof-reading. Referring to the video for instances where more context is needed is more valuable.
- There was concern about the ease (or not) of access for minutes via the Utah Public Notice site.
- There were also concerns about technical failures or shortcomings with the recordings. Council staff will work to get some of those details straightened out. There are redundant recordings made which aids in addressing some of these concerns.

Presentation only. The Rules Committee will continue to discuss with the feedback they received from Council members.

5. A discussion on the video component of OnBase Agenda Online (17-083) ([0:57:20](#))

Cliff Strachan, Council Executive Director, shared some of the capabilities that would be available with OnBase (which will replace SIRE for agenda management and publishing). For an additional cost, the

Pending minutes – awaiting approval

City could elect to include a video/media integration with the web version of the agenda. Council members expressed a desire to have one integrated location to access documents published in advance of the meeting and documents referenced during the meeting. Council members felt that to further integrate these components would be a step in the right direction. **Presentation only.**

Policy Items Referred from the Planning Commission

6. A zone change request from R1.7 to R1.7A to allow for accessory apartments for homes located along 690 South and 770 South, east of 1100 West. Sunset Neighborhood. (17-0005R) ([2:19:06](#))

Robert Mills, Planner, presented. This proposal is a rezone, adding an accessory apartment overlay to an existing zone. Accessory apartments can only be operated in owner-occupied housing, which provides another route for moderate income housing, while preserving the character of the neighborhood. The parking requirement is a minimum of four off-street parking stalls. This area is the only R1.7 zone in the city (with 7000 square foot lots instead of 8000 square-foot lots as in the R.18 zone). The rezone would result in a R1.7A zone. Staff found it consistent with the zone and general plan, and staff recommended approval to the Planning Commission. The neighborhood was generally supportive, especially those who live in the affected area. The Planning Commission gave a unanimous recommendation of approval.

Council members voiced concerns about the proposal and shared some of the following insights:

- There was concern that permitting an A-overlay in other areas has resulted in having many de facto duplexes, which have changed the character of those neighborhoods.
- By creating an A-overlay in this area, Council members wondered whether this would provide the kinds of houses that families can grow into and thus stay in the neighborhood.
- How many of the affected residences could have legal parking with 4 spaces? Do houses have double garages and driveways?
- The parking requirement does not account for the tendency for homes of this small size to use the garage for storage.

Mr. Mills indicated he would bring additional data on parking to the next meeting. He explained that this presents an opportunity to create legalized dwellings. The reality is that there are several places in the city where accessory apartments are happening illegally. The applicant has an accessory apartment in his home and wants to rectify that to make sure it is legal and go through the proper channels.

Discussion only; this item was scheduled for the July 18, 2017 Council Meeting.

7. A request for an amendment to Section 14.38 to allow for larger signage in the Regional Shopping Center (SC3) Zone for the Provo Towne Center Mall. East Bay Neighborhood. (17-0004OA) ([2:36:53](#))

Aaron Ardmore, Planner, presented. Current ordinance would allow two smaller signs on the Mall's I-15 frontage; Community Development worked with the applicant on this proposal which proposes one sign that is slightly larger (24 x 42 feet) and taller. The proposed sign is within the State law parameters for an on premise sign adjacent to a highway. The proposed electric screen would allow 8-second static images and current ordinance has brightness limitations in place based on ambient light. The Provo Towne Center Mall will return in the future with another ordinance amendment addressing signs along University Avenue. **Presentation only. This item is scheduled to be heard at the July 18, 2017 Council meeting.**

8. A request for a zone change from RA & A1.5 to R1.8(PD) & Neighborhood Shopping Center (SC-1) Zone for property located at approximately 1560 South 1100 West. The proposed R1.8(PD) Zone

Pending minutes – awaiting approval

includes 55.24 acres. The proposed SC-1 Zone includes 4.46 acres. Sunset and Lakewood Neighborhoods. (16-0014R) ([2:43:53](#))

Brian Maxfield, Planning Administrator, presented. This request is part of the Cottages at Bay View project. Mr. Maxfield noted that the current iteration of the site plan shows the addition of green spaces. The staff and Planning Commission did not recommend approval at this time for several reasons:

- Insufficient infrastructure, including need for a sewer and pump station
- Question concerning the appropriateness of the requested zones—the plan calls for intermittent commercial areas, but it was not clear what the size or function of these commercial areas will be.
- Dry Creek is one of the most distinctive geographic features in the southwest area and is a feature which could be better integrated into the design. It was suggested that this corridor be developed as open space to tie the community together. More delineation of the open and green space definitions in the community is also needed.

Presentation only. This item is scheduled to be heard at the July 18, 2017 Council meeting.

9. A request for a zone map amendment from the R1.6 (One-Family Residential) and RC (Residential Conservation) zones to the MDR (Medium Density Residential) Zone on approximately 2.5 acres generally located on the northeast and southeast corners of the intersection at 900 East and Center Street. Foothills and Provost Neighborhoods. (15-0004R) ([2:53:27](#))

Austin Corry, Planner, presented. This project is situated on the east side of 900 East and Center Street. Mr. Corry noted several structures which would remain under the proposal. The project proposes the addition of an 8-unit apartment building, as well as three 9-unit buildings. Mr. Corry showed a density map showing the project in the greater context of the neighborhood. Staff had raised some concerns with the applicant regarding the compatibility of project plan with the adjacent developments.

The request is for the MDR zone, which requires implementation of certain design guidelines (setback, building height, form, and function). Staff's concerns were not against the specific density allowances, but about how density was being applied to the site, the site design, and what considerations were being given for other properties. At this stage in the approval process, the proposal does not designate specific materials or finishes. The Planning Commission suggested that the zone change is premature without having established the specific design considering the sensitive nature of this corridor. This was consistent with staff recommendations. Chapter 5, covering Urban Design in the General Plan highlights this portion of Center Street as an important design corridor.

The property is subject to a review by the Landmarks Commission. There are major concerns about the north property and some about south property. There are several landmark structures directly adjacent to the proposed project, including the Van Wagenen House, and there were concerns about having multifamily structures being placed on the same property as a landmark structure. The Landmarks Commission has recommended denial.

Many neighbors shared comments at the Planning Commission hearing which aligned closely with staff recommendations and concerns about the design of the project. Staff noted that one individual, Richard Holmes (Provost Neighborhood Chair) said that conversations he has had have been generally favorable as far as redevelopment of the area, but everything staff has received has been very much in opposition to the design of the project plan. This proposal concerns just the rezone request, but it is hard to regulate and pin down the sensitive nature of design without being able to use zone change as leverage for that. The design is a huge factor in whether a project feels congruent or not. ***Presentation only. This item is scheduled for the July 18, 2017 Council meeting.***

Pending minutes – awaiting approval

10. A request for an amendments to Section 14.32.020 to allow Eating Places and Personal Services within the Residential Conservation (RC) zone in existing commercial structures. City-Wide Impact. (17-0009OA) ([3:06:16](#))

Aaron Ardmore, Planner, presented. The property is the site of the Wash Hut, an older commercial structure. This amendment would add a couple permitted uses, but these would be limited to existing commercial structures. This allows those affected properties to go back to more viable commercial uses of benefit to the area. Staff thinks it is appropriate for the RC zone; having these structures as an amenity rather than a blight to the neighborhood helps both the City and the neighborhood. Per current ordinance, the business hours are regulated as no earlier than 7 AM to no later than 10 PM. The parking requirements are also outlined in the code, and drive-thrus are not permitted [and would not be viable for this particular structure]. ***Presentation only. This item is scheduled for the July 18, 2017 Council meeting.***

11. A discussion regarding a Provo City Community Development Department request for a Zone Change of approximately 58.6 acres of property generally located at 1500 South State Street from Light Manufacturing (M-1) Zone to Low Density Residential (LDR) Zone. Spring Creek Neighborhood. (17-0007R) ([3:12:38](#))

Austin Corry, Planner, presented. The request is to rezone the entire area depicted in grey, a total of 58.6 acres which was currently zoned M1. The rezone request was for low-density residential (LDR), as an in-between step, with a future possibility of rezoning to MDR (medium-density residential) with a batching overlay and commercial mixed-use (as included in the neighborhood plan and General Plan). The Planning Commission recommendation was to change to R1.10. Council members shared concerns about a property located between existing storage units and whether this should be rezoned as residential. Mr. Corry clarified that the current uses would become non-conforming, but could continue for as long as property owners choose to operate those businesses. Bear River Storage is a fairly new facility, while the Peay storage units are older but no specific plans have been outlined. The property value is assessed by the County based on the operating use of a property. Following the Planning Commission hearing and recommendation, several property owners expressed concerns to staff about the proposed R1.10 zone, as the LDR zone would equate a more comparable property value. Council members expressed a desire to do what would be best for the long-term interest of the area.

Motion: Dave Knecht moved that the area in grey be considered for the R1.10 zone at the July 18, 2017 Council Meeting. Seconded by Dave Harding.
Roll call vote: Approved 7:0.

Closed Meeting

12. 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: George Stewart moved to close the meeting. Seconded by Kay Van Buren.
Roll Call Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.



PROVO MUNICIPAL COUNCIL

Council-Metropolitan Water Board

Joint Meeting Minutes

12:00 PM, Tuesday, July 11, 2017

Room 310, City Conference Room

351 West Center Street, Provo, UT 84601

Roll Call

The following elected officials and Metropolitan Water District of Provo Board members were present:

Council Chair David Sewell, conducting

Council Vice-Chair David Knecht

Council member George Stewart

Council member Dave Harding

Council member Gary Winterton

Council member Kay Van Buren

Council member Kim Santiago, arrived 12:10 PM

Dennis Weir, Metropolitan Water District of Provo Board Chairman

Richard Brimhall, Metropolitan Water District of Provo Board Member

Cindy Richards, Metropolitan Water District of Provo Board Member

Dan Johnson, Metropolitan Water District of Provo Board Manager

Scott Steffensen, Metropolitan Water District of Provo Board Member

Wood Miller, Metropolitan Water District of Provo Board Member

Dave Decker, Public Works Director & Provo City Member Metropolitan Water District Board

The prayer was offered by Bryce Mumford, Policy Analyst.

Agenda

The Council and Metropolitan Water District Board shared introductions. Board members acknowledged their gratitude for Bart Simons and Merrill Bingham and their contributions to water resources in Provo.

1. A discussion on the mission of the Metropolitan Water District of Provo, its relationship with Provo City, and developing a cooperative and productive relationship.

Dan Johnson, Manager of the Metropolitan Water Board, presented on the history of the Metropolitan Water District of Provo and its role as a partner in managing Provo's water resources. The Utah State Metropolitan Water District Act governs the Board, which is a separate entity from the City. The Council is responsible for appointing members of the Board, but the size of the Board is determined by the Board itself. The formation of the District was instrumental in the construction of Deer Creek Reservoir and many of the District's operations presently relate to Deer Creek and its related sources.

The District's primary revenue comes through leasing of up to 8000 acre-feet (depending on water levels) of Deer Creek water to Provo City. The price is set by the District, though historically, the cost has been based on the City budget and the revenue needs for the District's basic operations. The last agreement was signed in February 2016 and will be up for renegotiation in 2021.

The City cannot sell a permanent water right, but the Metropolitan Water District can. The District has authority to do a number of things including: acquire or lease property; acquire or construct facilities

Pending minutes – awaiting approval

(even outside state or district); acquire water, works, rights, or sources inside or outside district or state; issue bonds; and subscribe, purchase, lease, acquire stock in canal/irrigation company. In outlining the abilities of water districts, the State wanted to make it possible for the districts to take the needed steps to get water for the areas the district serves. The District has a mandate from the state to keep their business separate from the City politics, but their main purpose is to help the City with its water resources.

The City and District share a 10,000 acre-foot storage right in Jordanelle Reservoir. Due to a lawsuit in the 1980s, the City has an amazing contract which waives the annual fee of \$250,000 if none of the storage capacity is used during the year. Board members noted that Deer Creek was not designed for flood control, but there are flood control measures inherent in the design of Jordanelle Reservoir.

Provo has several unique challenges and concerns when it comes to water sources and storage:

- Deer Creek Reservoir originally prohibited recreational use, but these requirements changed due to pressure from the surrounding communities. Responsible recreational use is fine, but there are concerns with boaters spending time at Lake Powell and then transporting [unintentionally] invasive quagga mussels and other species to Deer Creek. Board members suggested that Provo seek out cooperation from the State and Federal governments to help assume this liability if reservoirs are required to allow recreational uses.
- The City and District share a membership with the local watershed council, which does testing of Provo's water sources to ensure the sources are not contaminated. The City receives notification of development happening near Deer Creek and Jordanelle in order to monitor related conditions.
- With the Provo River running through the City, Provo has to balance competing concerns—there are concerns with water rights and storage, but also put in place the precautions necessary to protect residents and property investments of citizens who live downstream.

This meeting was the first joint meeting between the Council and the Metropolitan Water District of Provo Board and the Council and Board members expressed gratitude for the opportunity to meet and share in the mutual interest of protecting water resources for Provo City.

Adjournment

Adjourned by unanimous consent.



Provo City Municipal Council

Staff Memorandum

Rock Canyon Conservation Easement

August 29th, 2017

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| <p>Council Coordinator Bryce Mumford 801-852-6135 Kelsey Zarbock 801-852-6136</p> <p>IssueFile # 17-085</p> | <p>Item Short Title A discussion on a conservation easement for Rock Canyon (17-085)</p> <p>Intended Outcome of Discussion/Requested Action</p> <ul style="list-style-type: none">• Presentation only <p>Background At the work meeting on June 20th, 2017, Erik Davis from the Rock Canyon Preservation Alliance presented the idea of placing a conservation easement on Rock Canyon to preserve the property's natural habitat in the future. Council members asked that representatives from the Rock Canyon Preservation Alliance return to a future work meeting with a draft of the conservation easement.</p> |
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Provo City Municipal Council

Staff Memorandum

Economic Development and Workforce Development

August 29th, 2017

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| <p>Council Coordinator Bryce Mumford 801-852-6135 Kelsey Zarbock 801-852-6136</p> <p>IssueFile # 17-087</p> | <p>Item Short Title A discussion on the Economic Development Department's efforts with workforce development, startups and women, and minority and underserved populations (17-087)</p> <p>Intended Outcome of Discussion/Requested Action</p> <ul style="list-style-type: none">• Presentation only <p>Background As part of the budget review process, the Council members felt like they needed to better understand the Economic Development Department's efforts and what staff plan to do moving forward. This presentation is part of a four-part series intended to relay what the Economic Development Department is doing in regards to the following topics:</p> <ul style="list-style-type: none">• Downtown Provo• Job creation and Mountain Vista• Retail incentives and retaining businesses• Workforce development |
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Provo City Municipal Council

Staff Memorandum

Stormwater Service District Fee Schedule

August 29th, 2017

Council Coordinator

[Bryce Mumford](#)
801-852-6135

[Kelsey Zarbock](#)
801-852-6136

IssueFile

17-102

Item Short Title

A discussion on the Stormwater Fee Schedule (17-102)

Intended Outcome of Discussion/Requested Action

- Pass an ordinance that adds Stormwater Pollution Protection Plan (SWPPP) fees to the Stormwater Service District Fee Schedule.

Background

An intended new fee for Stormwater pollution protection plans (SWPPP) was accidentally excluded from the Stormwater Service District Fee Schedule that the Council (acting as the Stormwater Service District) passed in June 2017. As a result, Public Works has asked that the Council add the new fee to the Stormwater Service District Fee Schedule, as shown below.

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| SWPPP Inspection Fees | |
| <= 1 Acre | \$100.00 |
| >1 Acre and <= 5 Acres | \$200.00 |
| >5 Acres and <= 20 Acres | \$400.00 |
| >20 Acres | \$500.00 |
| | |
| SWPPP Re-Inspection for Violations Fee | \$60.00 each |

STORMWATER SERVICE DISTRICT FEE SCHEDULE

Irrigation Rates

| | |
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| Lots containing 9 square rods, or any fraction | \$10.00 |
| Lots over 9 and not exceeding 12 sq. rods | \$10.50 |
| Lots over 12 and not exceeding 18 sq. rods | \$11.00 |
| Lots over 18 and not exceeding 24 sq. rods | \$11.50 |
| Lots over 24 and not exceeding 36 sq. rods | \$12.50 |
| Lots over 36 and not exceeding 48 sq. rods | \$12.50 |
| Lots over 48 and not exceeding 60 sq. rods | \$13.00 |
| Lots over 60 and not exceeding 80 sq. rods | \$13.50 |
| Lots over 80 and not exceeding 120 sq. rods | \$14.50 |
| Lots over 120 and not exceeding 160 sq. rods | \$15.50 |

Lots containing in excess of one acre shall be assessed in an amount not to exceed \$16.50 for the first acre, and \$6.00 for each additional acre, the same to be prorated for fractional acreage in excess of the first acre.

| STORM WATER | | Unit |
|-----------------------|--------|-------------|
| Storm Water User Fees | \$9.20 | Per ESU |

SWPPP Inspection Fees

| | |
|--------------------------|----------|
| <= 1 Acre | \$100.00 |
| >1 Acre and <= 5 Acres | \$200.00 |
| >5 Acres and <= 20 Acres | \$400.00 |
| >20 Acres | \$500.00 |

SWPPP Re-Inspection for Violations Fee \$60.00 each



TEL 801 852 6140
351 W CENTER ST
PO BOX 1849
PROVO, UT 84603

Provo City (*Legal*)

Staff Memorandum

Provo City Code 6.26.150 Ordinance

August 29, 2017

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| <p>Department Head Robert West (801) 852-6144</p> <p>Presenter Marcus Draper (801) 852-6158</p> <p>Required Time for Presentation 15 minutes</p> <p>Is This Time Sensitive No</p> <p>Case File # (if applicable) XX-XXX</p> | <p>Purpose of Proposal</p> <ul style="list-style-type: none">• To adopt a new requirement governing rental dwellings in Provo City. <p>Action Requested</p> <ul style="list-style-type: none">• Approval of the ordinance. <p>Relevant City Policies</p> <ul style="list-style-type: none">• Provo City Code Enforcement Strategic Plan. <p>Budget Impact</p> <ul style="list-style-type: none">• Provo City may potentially incur some additional costs in enforcing this new section of the Code and would collect additional revenue through fines and fees assessed in criminal cases. <p>Description of this item (at least 2 paragraphs)</p> <p>This is to help Council Members to have a clear understanding of what your item is.</p> <ul style="list-style-type: none">• The Provo City Municipal Council previously adopted the Code Enforcement Strategic Plan as a guideline for increased enforcement of the City Code. Goal 2 of the Strategic Plan is to use enhanced regulation and enforcement of rental dwelling licenses to increase compliance among landlords with Provo City occupancy laws. The proposed addition to the City Code would seek to implement this goal. |
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| | <ul style="list-style-type: none">• The proposed ordinance would require landlords to have a written contract with any tenant or subtenant leasing from them. The purpose of the ordinance is twofold. First, it educates landlords and tenants regarding the legal requirements regarding the occupancy restrictions of a particular residence. By requiring landlords to provide tenants with a copy of the rental dwelling license application approval letter and the Tenants' Rights and Responsibilities document, both the landlords and the tenants can have a clear understanding of their legal obligations so that they do not unwittingly violate the City Code. Additionally, it provides a way to indirectly enforce occupancy restrictions against landlords who intentionally violate the City Code. Landlords who are willfully violating occupancy restrictions are forced to choose between informing prospective tenants that they are breaking the law or violating this section of the code, as well. |
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6.26.150. Contract Required.

(1) Every owner of a rental dwelling or mobile home rental dwelling as defined in Provo City Code § 6.02.010 shall have a written contract with each adult tenant.

(2) Every adult tenant, including lessees and sublessees, shall have a written contract with the owner of any rental dwelling or mobile home rental dwelling.

(3) The contract shall contain the following:

(a) a copy of the rental dwelling license application approval letter for that property; and

(b) a copy of the Tenants Rights and Responsibilities document provided by Provo City.

(4) The owner shall make the contract available to Provo City officials upon request when reasonable cause exists to believe that there is a violation of this section.

(5) It shall be unlawful for any owner, landlord, property manager, tenant, or other individual to violate the requirements of this section.

(6) Any owner, landlord, property manager, tenant, or other individual who intentionally, knowingly, or recklessly violates this section shall be guilty of a Class B misdemeanor.

(a) No person shall be in violation of this section unless he intends a violation, is aware that his conduct is reasonably certain to cause a violation of this section, or is aware of but consciously disregards a substantial and unjustifiable risk that his conduct will result in a violation of this section.

(b) A person shall not be held liable if a violation of this section results from his criminal or simple negligence.



Provo City Municipal Council

Staff Memorandum

Budgeting for Outcomes

August 29th, 2017

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| <p>Council Coordinator Bryce Mumford 801-852-6135</p> <p>Kelsey Zarbock 801-852-6136</p> <p>IssueFile # 17-103</p> | <p>Item Short Title A presentation and discussion on Budgeting for Outcomes (17-103)</p> <p>Intended Outcome of Discussion/Requested Action Provide Council with an update on staff's research and gather Council's feedback.</p> <p>Background At the June 20th, 2017 Council Meeting, the Council passed a resolution appropriating \$50,000 to hire a "budget performance consultant" beginning in January 2018. The intent was that the consultant would "work with the Administration and Council to identify performance metrics that demonstrate the implementation or achievement of priorities."</p> <p>Provo is not the first city to explore this concept. Over the past two decades, many cities across the U.S. have been implementing models that use performance measurements to link overarching City priorities and desired outcomes to the budget process. One common model is called "Budgeting for Outcomes." At the request of Council members, staff has been researching Budgeting for Outcomes to formulate a clearer understanding of how Budgeting for Outcomes has helped other cities and what the model looks like.</p> |
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provo
COMMUNITY
DEVELOPMENT

Memo

To: Provo City Council
From: Bill Peperone
CC: Wayne Parker, Gary McGinn
Date: 8/23/2017
Re: Unit Size in the Downtown Zones

Recently, the City Council amended the ITOD and the Downtown zones to have a minimum square footage of 500 and an average square footage of 800. During deliberations for this ordinance amendment the minimum square footage for apartment buildings along from Sandy to Provo were considered by the Council. The amendment that was adopted represented a rough average of other apartment buildings, some of which were also in TOD zones.

Currently, the City Council is being asked to respond to an application for an Ordinance Amendment filed by McKay Christiansen to reduce the average unit size in the Downtown zones from 800 square feet to 600 square feet. The 500 sf minimum square footage adopted by the Council would remain in place.

If the goal of the City Council was simply to increase the size of apartment units based on what is being built locally then the minimum and average unit sizes adopted by the Council should not be amended.

However, if the goal of the Council was to minimize the number of low-income housing units from the area of the City with the highest concentration of low-income housing then the standards adopted for the ITOD Zone would accomplish this goal. Low-income housing has clustered in the Franklin and South Franklin neighborhoods which are not impacted by the Downtown zones.

If the goal of the Council was to encourage more two and/or three bedroom units in the ITOD and Downtown zones then it would be better to keep the 500 sf minimum but also require 25-30% of the apartments in these zones to be two and/or three bedrooms because having a minimum square footage of 500 and an average square footage of 800 will not necessarily accomplish more two or three bedroom units.

According to Dan Lofgren, with Cowboy Partners, downtown apartment buildings tend to have *approximately* 70% studio and one-bedroom units to 30% two

bedroom units. Just two projects in Provo are not consistent with this ratio: Start-Up Crossing (98 one-bedroom units to 2 two-bedroom units) and the project being proposed by McKay Christiansen (126 one-bedroom units to 4 two-bedroom units).

Understanding what goal the Council desires to achieve will help staff craft ordinance requirements better targeted on that goal.



Provo City Power

Staff Memorandum

Hunter Power Plant Assignment-UMPA

August 29, 2017

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| <p>Department Head Travis Ball 801-852-6801</p> <p>Presenter UMPA/ Travis 801-798-7489</p> <p>Required Time for Presentation 15 minutes</p> <p>Is This Time Sensitive Yes</p> <p>Case File # (if applicable)</p> | <p>Purpose of Proposal UMPA has requested the transfer of the Hunter Power Plant assets from Provo City to UMPA as agreed upon in principle under the Power Sale Agreement dated January 1, 2016.</p> <p>Action Requested</p> <ul style="list-style-type: none"> • Approval during the next available Council meeting for the asset transfer. <p>Relevant City Policies</p> <ul style="list-style-type: none"> • N/A <p>Budget Impact</p> <ul style="list-style-type: none"> • None until decommissioning of Hunter Power Plant when all members will participate. <p>Description of this item (at least 2 paragraphs)</p> <ul style="list-style-type: none"> • Provo city purchased a 6.25 % interest in the Hunter Power Plant in 1980. Later that decade in 1985, UMPA was formed and agreed in the Power Sale Agreement to purchase all power required for the operation of Provo’s electric utility including the energy from Downtown Plant and Hunter 1. All members of UMPA have paid for and mutually benefitted from the Hunter and Pacific Corp agreements. • Future costs for environmental upgrades and decommissioning have been assigned by contract through the Power Sales Agreement to all members of UMPA. For this purpose, UMPA and the Energy |
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Department are proposing that the assets be transferred to fall in line with the agreements signed.

Compatibility with the General Plan policies, goals, and objectives:

- N/A

1 RESOLUTION 2018-

2
3 A RESOLUTION APPROPRIATING \$11,529,568 IN THE AIRPORT FUND,
4 AIRPORT IMPROVEMENT PROJECT DIVISION FOR FUNDING
5 INFRASTRUCTURE IMPROVEMENTS TO THE AIRPORT APPLYING TO THE
6 FISCAL YEAR ENDING JUNE 30, 2018. (17-112)

7
8 WHEREAS, the Municipal Council has received a recommendation from the Mayor that
9 \$11,163,044,650 be appropriated in the Airport Fund, Airport Improvement Project Division;
10 and

11
12 WHEREAS, the city has agreed to provide improvements to the airport to accommodate
13 development related to Duncan Aviation. This appropriation will authorize \$2,888,192 in the
14 Infrastructure Projects function and \$8,641,376 in the Runway Projects function, for the construction
15 of necessary improvements.

16
17 WHEREAS, the source of funding for the appropriation will come from; Section 108 loan
18 \$2,500,000, transfer from the General Fund \$288,192, EDA Grant \$3,228,641 and \$5,512,735 in
19 bond proceeds from a Sales Tax Revenue bond.

20
21 WHEREAS, on August 29, 2017 the Municipal Council held a duly noticed public hearing
22 to receive public comment and ascertain the facts regarding this matter, which facts and comments
23 are found in the hearing record; and

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

27
28 WHEREAS, after considering the Mayor's recommendation, and facts and comments
29 presented to the Municipal Council, the Council finds the proposed appropriation reasonably furthers
30 the health, safety, and general welfare of the citizens of Provo City.

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

34
35 PART I:

36
37 The Mayor is hereby authorized to appropriate \$2,888,192 in the Infrastructure Projects
38 function, \$8,641,376 in the Runway Projects function in the Airport Improvement Project
39 Division in the Airport Fund, and transfer \$288,192 from the General Fund.

40
41 PART II:

42
43 This resolution shall take effect immediately.

44
45 END OF RESOLUTION.

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$6 MILLION AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS OF PROVO CITY, UTAH, TO BE ISSUED IN ONE OR MORE SERIES FOR THE PURPOSE OF FINANCING CERTAIN AIRPORT INFRASTRUCTURE FACILITIES; MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE PROJECT; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND THE HOLDING OF A PUBLIC HEARING; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE AND THE MAXIMUM INTEREST RATE THAT THE BONDS MAY BEAR; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED AND FOR THE RUNNING OF A CONTEST PERIOD; AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX INCREMENT PLEDGE AGREEMENT AND A DEVELOPMENT AGREEMENT; AND PROVIDING FOR RELATED MATTERS. (17-113)

*** *** ***

WHEREAS, Provo City, Utah (the “*City*”) operates a municipal airport (the “*Airport*”);

WHEREAS, pursuant to the Community Reinvestment Agency Act, Title 17C, Utah Code Annotated 1953, as amended (the “*Act*”), the Agency has established a project area plan for the Aviation Services Community Development Project Area (the “*Project Area*”);

WHEREAS, the City desires to acquire and construct certain improvements to the Airport within the Project Area (the “*Improvements*”) to be owned and operated by the City;

WHEREAS, the Improvements will benefit certain private property within the Project Area, including facilities at the Airport to be owned by a certain corporation that provides maintenance and repair services for private and corporate jet aircraft, to be located on land owned by the City and leased to such corporation (the “*Benefitted Property*”);

WHEREAS, the Municipal Council of the City (the “*Council*”) considers it desirable and necessary and for the benefit of the City that it issue sales tax revenue bonds of the City (the “*Bonds*”) to finance all or a portion of the costs of acquiring and constructing the Improvements;

WHEREAS, tax increment revenues (as defined in the Act) will be generated with respect to the Benefitted Property within Provo City School District, Utah County, and the Metropolitan Water District of Provo (the “*Taxing Entities*”), and, to the extent provided for in the Act and, if applicable, pursuant any agreements with the Taxing Entities, the Agency is entitled to receive such revenues (“*Tax Increment Revenues*”) for a period of ___ years, beginning _____;

WHEREAS, the City and the Agency intend to internally account for and fund all or part of the costs of the Improvements, including payments with respect to the Bonds, with Tax Increment Revenues;

WHEREAS, the Council considers it desirable and necessary and for the benefit of the City to issue up to \$6 million principal amount of sales tax revenue bonds (the “*Bonds*”), in one or more series, for the purpose of (1) financing all or part of the cost of the acquisition and construction of ramps, taxiways, runways, parking facilities, and related facilities at the Airport (the “*Project*”), (2) funding any necessary reserves and contingencies in connection with the Project and the Bonds, and (3) paying costs of issuance of the Bonds;

WHEREAS, pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, the City has the authority to issue its sales tax revenue bonds for the foregoing purposes;

WHEREAS, Sections 11-14-307(6) and 11-14-318 of the Local Government Bonding Act require that a public hearing be held with respect to the issuance of sales tax revenue bonds and that notice of such public hearing be given as provided by law and, in satisfaction of such requirement, the City desires to publish a Notice of Public Hearing (the “*Notice of Public Hearing*”);

WHEREAS, Section 11-14-307(7) of the Local Government Bonding Act requires the City to submit the question of whether or not to issue the Bonds to voters for their approval or rejection if, within 30 calendar days after the publication of the Notice of Public Hearing, a written petition requesting an election and signed by at least 20% of the registered voters in the City is filed with the City; and

WHEREAS, in addition to the foregoing notice provisions, Section 11-14-316 of the Local Government Bonding Act provides for the publication of a Notice of Bonds to Be Issued (the “*Notice of Bonds to Be Issued*”) and the running of a 30-day contest period, and the City desires to cause the publication of such a Notice of Bonds to Be Issued at this time in accordance therewith;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of Provo City, Utah, as follows:

Section 1. Findings and Determinations. The Council hereby finds, determines and declares that the acquisition, construction, financing and operation of the Project is in the public interest and is in the best interest of the City and the businesses and residents within the City.

Section 2. Bonds Authorized; Purpose. In addition to the findings and determinations set forth in Section 1 of this Resolution, the Council hereby finds and determines that it is in the best interests of the residents of the City for the City to issue the Bonds in an aggregate principal amount not to exceed \$6 million, to bear interest at a rate or rates not to exceed ___% per annum, to mature over a period not to [15] years from their date or dates, and to be sold at a discount from par not to exceed 3% of the principal amount thereof, pursuant to a Resolution Providing

for the Issuance of Sales Tax Revenue Bonds adopted by the Council on February 19, 2004, a copy of which is attached hereto as *Annex 1* (the “*Master Resolution*”) and a Supplemental Resolution authorizing the issuance and sale of the Bonds to be adopted and approved by the Council, in substantially the form attached hereto as *Annex 2* (the “*Supplemental Resolution*”). Therefore, the City hereby declares its intention to issue the Bonds according to the provisions of this resolution (the “*Resolution*”), the Master Resolution and the Supplemental Resolution for the purpose of (1) financing all or part of the cost of the acquisition and construction of the Project, (2) funding any necessary reserves and contingencies in connection with the Project and the Bonds, and (3) paying costs of issuance of the Bonds.

Section 3. Public Hearing. In satisfaction of the requirements of Sections 11-14-307(6) and 11-14-318 of the Local Government Bonding Act, a public hearing shall be held by the Council on September 19, 2017, during the regular Council meeting which begins at 5:30 p.m., at the regular meeting place of the Council at 351 West Center Street, in Provo, Utah, on the issuance by the City of the Bonds in an aggregate amount up to \$6 million for the purposes set forth in Section 2 and the potential economic impact of the Project.

Section 4. Publication of Notice of Public Hearing. The City Recorder shall publish or cause to be published the Notice of Public Hearing in *The Daily Herald*, a newspaper published and of general circulation available to residents of the City and in which notices relative to the City are customarily published. Such notice shall be published once a week for two consecutive weeks, with the first publication being at least 14 days prior to the date set for the public hearing. The Notice of Public Hearing shall be in substantially the form attached hereto as *Annex 3*.

Section 5. Form of Petition. The form of the petition to be used by registered voters in requesting that an election be called to authorize the Bonds shall be in substantially the form attached hereto as *Annex 4*.

Section 6. City Recorder to Perform Certain Acts. The City Recorder is hereby directed to maintain a certified copy of this Resolution on file in her office during her regular business hours for inspection by registered voters of the City, and other interested persons, and upon request to supply copies of the form of petition specified in Section 5 hereof.

Section 7. Issuance of Bonds After Thirty-Day Period. In accordance with the provisions of Section 11-14-307(7), Local Government Bonding Act, if within 30 days after the final publication of the Notice of Public Hearing, a petition or petitions, in the form specified by Section 5 hereof, are filed with the City Recorder, signed by not less than 20% of the registered voters of the City (as certified by the County Clerk of Utah County) requesting that an election be called to authorize the Bonds, then the Council shall proceed to call and hold an election on the Bonds. If such election is held and a majority of the registered voters of the City voting thereon approve the Bonds, then, in accordance with the provisions of the Local Government Bonding Act, the City shall thereupon be authorized to issue the Bonds. If no petition is filed within the 30-day period after the date of the final publication of such notice, or if it is determined that the number of signatures on the petitions filed within the 30-day period after the

date of the final publication of such notice is less than the required number, the City may proceed to issue the Bonds.

Section 8. Notice of Bonds to Be Issued; Contest Period. In accordance with the provisions of Section 11-14-316 of the Local Government Bonding Act, the City Recorder of the City shall cause the Notice of Bonds to Be Issued, in substantially the form attached hereto as *Annex 5*, to be published one time in *The Daily Herald*, a newspaper published and of general circulation within the City, and shall cause a copy of this Resolution (together with all annexes hereto), the Master Resolution, and the form of the Supplemental Resolution to be kept on file in her office for public examination during the regular business hours of the City until at least 30 days from and after the date of publication thereof. *The Daily Herald* is hereby designated pursuant to Section 11-14-316 as the “official newspaper” of the City for purposes of any notices to be published in accordance with the Local Government Bonding Act.

For a period of 30 days from and after publication of the Notice of Bonds to Be Issued, any person in interest shall have the right to contest the legality of this Resolution (including the Supplemental Resolution attached hereto) or the Bonds hereby authorized or any provisions made for the security and payment of the Bonds. After such time, no one shall have any cause of action to contest the regularity, formality or legality of this Resolution (including the Master Resolution and the Supplemental Resolution) or the Bonds or any provisions made for the security and payment of the Bonds for any cause.

Section 9. Execution and Delivery of the Tax Increment Pledge Agreement. The agreement between the Agency and the City (the “*Tax Increment Pledge Agreement*”) providing for the pledge by the Agency to the City of Tax Increment Revenues with respect to the Benefitted Property, in substantially the form attached hereto as *Annex 6*, is hereby authorized and approved, and the Mayor is hereby authorized, empowered and directed to execute and deliver the Tax Increment Pledge Agreement on behalf of the City, and the City Recorder is hereby authorized, empowered and directed to countersign and affix the seal of the City and to attest such seal, with such changes to the Tax Increment Pledge Agreement from the form attached hereto as are approved by the Mayor, his execution thereof to constitute conclusive evidence of such approval.

Section 10. Execution and Delivery of the Development Agreement. The development agreement between the Agency and the City (the “*Development Agreement*”) with respect to the Project Area and the Improvements, in substantially the form attached hereto as *Annex 7*, is hereby authorized and approved, and the Mayor is hereby authorized, empowered and directed to execute and deliver the Development Agreement on behalf of the City, and the City Recorder is hereby authorized, empowered and directed to countersign and affix the seal of the City and to attest such seal, with such changes to the Development Agreement from the form attached hereto as are approved by the Mayor, his execution thereof to constitute conclusive evidence of such approval.

Section 11. Severability. It is hereby declared that all parts of this Resolution are severable, and if any section, paragraph, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such

section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Resolution.

Section 12. Repealer. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 13. Effective Immediately. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED and ADOPTED this August 29, 2017.

Council Chair

ATTEST AND COUNTERSIGN:

City Recorder

[SEAL]

PRESENTATION TO THE MAYOR

The foregoing resolution was presented to the Mayor for his approval or disapproval on August 29, 2017.

Council Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this August 29, 2017.

Mayor

ANNEX 1

[MASTER RESOLUTION]

ANNEX 2

[SUPPLEMENTAL RESOLUTION]

ANNEX 3

**PROVO CITY, UTAH
NOTICE OF PUBLIC HEARING AND INTENT TO ISSUE
SALES TAX REVENUE BONDS**

PUBLIC NOTICE IS HEREBY GIVEN that on August 29, 2017, the Municipal Council (the “*Council*”) of Provo City, Utah (the “*City*”) adopted a resolution (the “*Resolution*”), calling a public hearing to receive input from the public with respect to the issuance of its sales tax revenue bonds (the “*Bonds*”) pursuant to the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended.

The City will hold a public hearing during its regular Municipal Council meeting which begins at 5:30 p.m. on September 19, 2017. The public hearing will be held at 351 West Center Street, in Provo, Utah. The purpose of the hearing is to receive input from the public with respect to the issuance of the Bonds and the potential economic impact of the hereinafter defined Project on the private sector. All members of the public are invited to attend and participate in the public hearing. Written comments may be submitted to the City, to the attention of the City Recorder, prior to the public hearing.

The City intends to issue the Bonds for the purpose of (1) financing all or part of the cost of acquisition and construction of ramps, taxiways, runways, parking facilities, and related facilities at the City’s municipal airport (the “*Project*”), (2) funding any necessary reserves and contingencies in connection with the Bonds and the Project, and (3) paying costs of issuance of the Bonds. The City intends to issue the Bonds in an aggregate principal amount not exceeding \$6 million.

The City proposes to pledge to the payment of the Bonds all of the legally available revenues from Local Sales and Use Taxes received by the City pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended (currently levied and collected pursuant to Section 5.01 of Provo City Code).

NOTICE IS FURTHER GIVEN that, pursuant to Section 11-14-307(7) of the Utah Code, if within 30 calendar days of the final publication of this notice on September 9, 2017, a written petition requesting an election and signed by at least 20% of the registered voters of the City is filed with the City, then the City shall submit the question of whether or not to issue the Bonds to the voters of the City for their approval or rejection.

If no written petition is filed or if fewer than 20% of the registered voters of the City file a written petition, in either case, within 30 calendar days of the final publication of this notice on September 9, 2017, the City may proceed to issue the Bonds without an election.

DATED this August 29, 2017.

PROVO CITY, UTAH

ANNEX 4

PETITION

To: City Recorder
Provo City, Utah

We, the undersigned citizens and registered voters of Provo City, Utah, respectfully request that an election be called by the Municipal Council of Provo City, Utah, pursuant to the provisions of Section 11-14-307(7), Utah Code Annotated 1953, as amended, to authorize the issuance by Provo City, Utah, of its sales tax revenue bonds, in a maximum principal amount not exceeding \$6 million, as to which notice of intention to issue was published on September 2, 2017 and September 9, 2017 in *The Daily Herald*, pursuant to the provisions of a resolution passed by the Municipal Council of Provo City at a regular meeting of the Municipal Council held on August 29, 2017, and each for himself or herself says: I have personally signed this petition; I am a registered voter of Provo City, Utah; and my residence and post office address are correctly written after my name:

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, _____, of _____, hereby certify that I am a registered voter of Provo City, Utah, that all the names which appear on this sheet were signed by persons who professed to be the persons whose names appear thereon, and each of them signed her name thereto in my presence, I believe that each has printed and signed her name, and written her post office address and residence correctly, and that each signer is a registered voter of Provo City, Utah.

Subscribed and sworn to before me this _____ day of _____, 2017.

Notary Public (or other official title)

ANNEX 5

NOTICE OF BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of Section 11-14-316, Utah Code Annotated 1953, as amended, that on August 29, 2017, the Municipal Council (the “*Council*”) of Provo City, Utah (the “*City*”), adopted a resolution (the “*Resolution*”) in which it authorized and approved the issuance of its sales tax revenue bonds in one or more series (the “*Bonds*”), in an aggregate principal amount of not to exceed \$6 million, to bear interest at a rate or rates not to exceed _____% per annum, to mature not later than [15] years from their date or dates, and to be sold at a discount from par not to exceed 3%.

Pursuant to the Resolution, the Bonds are to be issued for the purpose of (1) financing all or part of the cost of the acquisition and construction of ramps, taxiways, runways, parking facilities, and related facilities at the City’s municipal airport (the “*Project*”), (2) funding any necessary reserves and contingencies in connection with the Project and the Bonds, and (3) paying the costs of issuance of the Bonds. The Bonds are to be issued and sold by the City pursuant to the Resolution, including as part of the Resolution, a Resolution Providing for the Issuance of Sales Tax Revenue Bonds, adopted by the Council on February 19, 2004 (the “*Master Resolution*”), and a substantially final form of a draft Supplemental Resolution, each of which was before the Council and attached to the Resolution at the time of the adoption of the Resolution. The Council will adopt the Supplemental Resolution in such form, and with such changes thereto, as the Council shall approve upon the adoption thereof, *provided* that the principal amount, interest rate or rates, maturity and discount, if any, will not exceed the respective maximums described above.

The City proposes to pledge to the payment of the Bonds all of the legally available revenues from local sales and use taxes received by the City pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended (currently levied and collected pursuant to Section 5.01 of Provo City Code). Upon the issuance of the Bonds, there will be \$22,440,000 of bonds or other obligations of the City outstanding (other than the Bonds) payable from such local sales and use tax revenues of the City. More detailed information relating to the outstanding bonds of the City can be obtained by contacting the Division Director of Finance of the City at the office of the City, at the address below.

A copy of the Resolution (including the Master Indenture and a draft of the Supplemental Indenture) is on file in the office of the City Recorder of the City, located at 351 West Center Street, Provo, Utah, where it may be examined during regular business hours of the City Recorder from 7:00 a.m. to 6:00 p.m. Monday through Thursday. The Resolution shall be so available for inspection for a period of at least 30 days from and after the date of the publication of this notice.

NOTICE IS FURTHER GIVEN that pursuant to law for a period of 30 days from and after the date of the publication of this notice, any person in interest shall have the right to contest the legality of the Resolution (including the Supplemental Resolution attached thereto) of the City or the Bonds authorized thereby or any provisions made for the security and payment of the Bonds. After such time, no one shall have any cause of action to contest the regularity, formality or legality of the Resolution, the Master Resolution, the Supplemental Resolution, the Bonds or the provisions for their security or payment for any cause.

DATED this August 29, 2017.

PROVO CITY, UTAH

ANNEX 6

[TAX INCREMENT PLEDGE AGREEMENT]

ANNEX 7

[DEVELOPMENT AGREEMENT]

RESOLUTION NO. _____

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF PROVO CITY CORPORATION (THE “AGENCY”) AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX INCREMENT PLEDGE AGREEMENT AND A DEVELOPMENT AGREEMENT; AND RELATED MATTERS. (17-114)

WHEREAS, the Redevelopment Agency of Provo City Corporation (the “Agency”) is a redevelopment agency and a public body, corporate and politic duly created and established by the Provo City, Utah (the “City”) and operating and authorized to transact business and exercise its powers under and pursuant to the Community Reinvestment Agency Act, Title 17C, Utah Code Annotated 1953, as amended (the “Act”); and

WHEREAS, the City operates a municipal airport (the “Airport”);

WHEREAS, pursuant to the Act, the Agency has established a project area plan for the Aviation Services Community Development Project Area (the “Project Area”);

WHEREAS, the City desires to acquire and construct certain improvements to the Airport within the Project Area (the “Improvements”), to be owned and operated by the City;

WHEREAS, the Improvements will benefit certain private property within the Project Area, including facilities at the Airport to be owned by a certain corporation that provides maintenance and repair services for private and corporate jet aircraft, to be located on land owned by the City and leased to such corporation (the “Benefitted Property”);

WHEREAS, the City intends to issue sales tax revenue bonds (the “Bonds”) to finance all or part of the costs of acquiring and constructing the Improvements, as provided in the parameters resolution adopted by the Municipal Council of the City on the date hereof (the “City Parameters Resolution”), a copy of which is attached hereto as *Exhibit A*;

WHEREAS, tax increment revenues (as defined in the Act) will be generated with respect to the Benefitted Property within Provo City School District, Utah County, and the Metropolitan Water District of Provo (the “Taxing Entities”), and, to the extent provided for in the Act and, if applicable, pursuant any agreements with the Taxing Entities, the Agency is entitled to receive such revenues (“Tax Increment Revenues”) for a period of ___ years, beginning _____; and

WHEREAS, the City and the Agency intend to internally account for and fund all or part of the costs of the Improvements, including payments with respect to the Bonds, with Tax Increment Revenues;

NOW, THEREFORE, THE GOVERNING BODY OF THE REDEVELOPMENT AGENCY OF PROVO CITY CORPORATION (THE “BOARD”) DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The agreement between the Agency and the City (the “*Tax Increment Pledge Agreement*”) providing for the pledge by the Agency to the City of Tax Increment Revenues with respect to the Benefitted Property, in substantially the form attached hereto as *Exhibit B*, is hereby authorized and approved, and the Chair of the Board is hereby authorized, empowered and directed to execute and deliver the Tax Increment Pledge Agreement on behalf of the Agency, with such changes to the Tax Increment Pledge Agreement from the form attached hereto as are approved by the Chair, his or her execution thereof to constitute conclusive evidence of such approval.

Section 2. The agreement between the Agency and the City with respect to the Project Area and the Improvements (the “*Development Agreement*”), in substantially the form attached hereto as *Exhibit C*, is hereby authorized and approved, and the Chair of the Board is hereby authorized, empowered and directed to execute and deliver the Development Agreement on behalf of the Agency, with such changes to the Development Agreement from the form attached hereto as are approved by the Chair, his or her execution thereof to constitute conclusive evidence of such approval.

Section 3. If any provisions of this resolution should be held invalid, the invalidity of such provisions shall not affect the validity of any of the other provisions of this resolution. All resolutions of the Agency or parts thereof inconsistent herewith, are hereby repealed, only to the extent of such inconsistency.

Section 4. This Resolution shall become effective immediately upon its adoption.

PASSED, ADOPTED AND APPROVED this August 29, 2017.

REDEVELOPMENT AGENCY OF PROVO CITY
CORPORATION

By _____
Chief Executive Officer

By _____
Chair

EXHIBIT A

[CITY PARAMETERS RESOLUTION]

EXHIBIT B

[TAX INCREMENT PLEDGE AGREEMENT]

EXHIBIT B

[DEVELOPMENT AGREEMENT]



Provo City Planning Commission

Report of Action

August 9, 2017

ITEM 3* LaVorn Sparks requests an Ordinance Amendment to Section 14.17.020 to add to Conditional Uses SLU #4603 Longterm Vehicle Storage including autos, trucks, and boats (on unimproved lots when non-contiguous to residential zones) within Public Facilities Zones. **City-Wide Impact.** 17-0012OA, Brian Maxfield, 801-852-6429

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 9, 2017:

POSITIVE RECOMMENDATION

On a vote of 7:0, the Planning Commission recommended the Municipal Council approve the above noted application.

Motion By: Ed Jones

Second By: David Anderson

Votes in Favor of Motion: Ed Jones; David Anderson; Shannon Ellsworth; Brian Smith; Deborah Jensen; Andrew Howard; Jamin Rowan.

Jamin Rowan was present as Chair.

The motion includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit "A".

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- Background on PF zones within the City and location of applicant's property.
- How the amendment would possibly affect other PF sites.
- If approved, the use would be a Conditional Use.

CITY DEPARTMENTAL ISSUES

None

NEIGHBORHOOD MEETING DATE

City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

No neighborhood nor public comment was received by staff nor presented at the Planning Commission meeting.

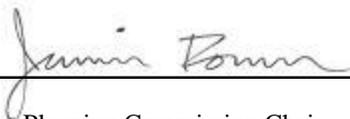
APPLICANT RESPONSE

The applicant's daughter Tiffany Burbidge, addressed the property at issue and stated the landscaping would be similar to their property across the street.

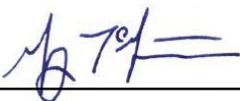
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Several commissioners spoke of the need for appropriate screening, possibly including berming or similar treatment along Center Street.



Planning Commission Chair



Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: August 9, 2017**

ITEM 3* LaVorn Sparks requests an Ordinance Amendment to Section 14.17.020 to add to Conditional Uses SLU #4603 Longterm Vehicle Storage including autos, trucks, and boats (on unimproved lots when non-contiguous to residential zones) within Public Facilities Zones. **City-Wide Impact.** 17-0012OA, Brian Maxfield, 801-852-6429

| | |
|---|--|
| <p>Applicant: LaVorn Sparks Staff Coordinator: Brian Maxfield</p> <p>Property Owner: Lakeside Storage LLC Parcel ID#: 21:026:0024 Current General Plan Designation: Public Facilities Current Zone: PF Public Facilities Acreage: 3.08 acres Number of Properties: One</p> <p>*Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Recommend Denial of the proposed ordinance amendment. <i>This would be <u>a change from the Staff recommendation; the Planning Commission should state new findings.</u></i></p> <p>2. Continue to a future meeting to allow additional input to be considered. <i>This next available meeting date would be <u>August 23, 2017.</u></i></p> | <p><u>Current Legal Use:</u> Uses as allowed in the current PF Public Facilities Zone.</p> <p><u>Relevant History:</u> It is uncommon to have privately owned land within the Public Facilities Zone. For years Mr. Sparks has looked for ways to obtain enough economic benefit from this property to at least pay the property taxes.</p> <p><u>Neighborhood Issues:</u> City-wide application although there are limited parcels in private ownership in the PF Zones.</p> <p><u>Summary of Key Issues:</u> It is not typical for the City to allow parking on unimproved lots. However, due to the location and surrounding uses, staff is comfortable with this lot being unimproved.</p> <p><u>Staff Recommendation:</u> Staff recommends the Planning Commission forward a positive recommendation to the Municipal Council regarding the proposed text amendment to Section 14.17.020, to add to Conditional Uses SLU #4603 Longterm Vehicle Storage including autos, trucks, and boats (on unimproved lots when non-contiguous to residential zones) within Public Facilities Zones.</p> <p><i>This action <u>would be consistent with the recommendation of the Staff Report.</u></i></p> |
|---|--|

OVERVIEW

This application is for a text amendment to the PF Public Facilities Zone. The applicant's desire is to add Standard Land Use (SLU) #4603 as a conditional use. The resulting ordinance amendment proposal would be:

- 4600 Automobile parking (~~except 4603~~)
4603 Long-term, unimproved parking lots allowed for vehicle storage including autos, trucks, and boats (when noncontiguous to a residential zone).

In the Zoning Ordinance, the stated purpose of the Public Facilities Zone is to "provide areas for the location and establishment of facilities which, under public franchise, ownership, or private enterprises operating for the public convenience and necessity, provide public services such as electricity, gas, communication, transportation, water, sewage treatment, education, religious activities and other public assembly, cultural facilities, parks, recreation etc. and which utilize relatively large areas of land."

It is generally uncommon to have privately owned properties within a Public Facilities zone. Besides the subject property, staff has found only five additional privately-owned properties within existing Public Facilities zones. The largest two are the Riverside Country Club and the Seven Peaks Resort. The remaining three include: Lakeside Campground directly to the east; the radio station at about 260 S 1600 West; and, the Kenny Seng construction company located just north of the main entrance to the Airport.

ANALYSIS

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

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

(a) Public purpose for the amendment in question.

The applicant's belief that the current ordinance is too restrictive while the proposed use would be appropriate within the zone and allow a viable economic return on the property.

(b) Confirmation that the public purpose is best served by the amendment in question.

The general plan designation for the property is Public Facility. As a property under an individual, private ownership, a reasonable use of the land should be allowed through the permitted uses.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

The amendment would likely not cause an incompatibility with the General Plan policies, goals, and objectives.

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

Does not apply. The proposed amendment would have no effect on the "timing and sequencing" provisions.

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

The proposed amendment would not hinder or obstruct attainment of the General Plan's articulated policies.

(f) Adverse impacts on adjacent land owners.

Although the amendment is not site specific, any adverse impact and the appropriate mitigation could seemingly be established in conjunction with the review process.

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

Does not apply. The text amendment is not site specific.

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

Does not apply. The text amendment is not site specific.

CONCLUSIONS

It is uncommon to have privately owned land within the Public Facilities Zone, and many of the uses called out as either permitted or conditional are more related to government or institutional ownership. As it is, there are only a limited number of privately owned properties and sites which might be included in a PF Zone and even fewer which might be developed for the use proposed in the amendment. Therefore, the consideration of appropriateness easily becomes site specific rather than a broader analysis for all of the properties within a PF zone. For years Mr. Sparks has looked for ways to obtain enough economic benefit from this property to at least pay the property taxes. Staff believes the additional land use allowance through the amendment, will not be burdensome on the City nor adjacent property owners and could be considered appropriate.

STAFF RECOMMENDATION

Staff recommends the Planning Commission forward a positive recommendation to the Municipal Council regarding the proposed text amendment to Section 14.17.020, to add to Conditional Uses SLU #4603 Long-term Vehicle Storage including autos, trucks, and boats (on unimproved lots when non-contiguous to residential zones) within Public Facilities Zones.

Applicant's Letter of Support

*Designation of the Title amendment desired: 14.17.4600

*Reason and justification for the amendment, and a statement explaining how the amendment will promote the objectives and purposes of the Provo City Code and General Plan.

Whereas Provo City has an ordinance prohibiting long term parking on the streets of the City and whereas the existing PF zone ordinance is so restrictive and cost prohibitive in undeveloped areas, we propose that a slight text amendment allowing for very low City impact parking be added to the existing ordinance. By simply adding compacted road base gravel with controlled entry and exit for off street parking, a suitable inexpensive solution can be made available on properties that meet the requirements and will not have negative impact on neighbors. Simply providing maintained and controlled road base or roto milled asphalt will not impact water runoff nor Storm Drain requirements over existing land uses on vacant land. Where curb and gutter and storm drains are not existent they will not be required nor of benefit as they increase expenses and impact.

*Proposed ordinance amendment how text should be modified:

Conditional Use

SLU # 4603 Long term unimproved parking lot allowed for vehicle storage including autos, trucks and boats (when noncontiguous to a residential zone)



WELCOME HOME

PLANNING COMMISSION

AUGUST 9, 2017

ITEM 3*

LaVorn Sparks requests an Ordinance Amendment to Section 14.17.020 to add to Conditional Uses SLU #4603 Longterm Vehicle Storage including autos, trucks, and boats (on unimproved lots when non-contiguous to residential zones) within Public Facilities Zones.

City-Wide Impact

17-00120A

4600 Automobile parking (~~except 4603~~)

4603 Long-term, unimproved parking lots allowed for vehicle storage including autos, trucks, and boats (when noncontiguous to a residential zone).