



PROVO MUNICIPAL COUNCIL

Work Meeting

12:00 PM, Tuesday, January 09, 2018
Room 310, City Conference Room
351 W Center St, Provo, UT

Agenda

Roll Call

Prayer

Approval of Minutes

April 11, 2017 Work Meeting

August 29, 2017 Work Meeting

September 19, 2017 Work Meeting

October 17, 2017 Work Meeting

October 31, 2017 Work Meeting

November 14, 2017 Joint Meeting with the Transportation and Mobility Advisory Committee

November 21, 2017 Work Meeting

December 5, 2017 Work Meeting

Business

1. A semi-annual report from the Sustainability Committee and Agricultural Commission (18-009)
2. A recap on Council's 2016-2017 Priorities (17-011)
3. A discussion on the Vision 2050 effort (18-011)
4. A discussion on a proposed "Welcome Home" resolution (18-012)

5. Training on the Open & Public Meetings Act and training on Government Records Access and Management Act (GRAMA) requests (18-013)
6. A presentation on the Redevelopment Agency (18-014)
7. An update on the Nevada Avenue Trail (18-015)
8. A discussion on creating the Department of Customer Service (18-016)
9. Norman Thurston nominates the Pierpont House, located at 957 East Center Street, to the Provo Landmarks Register. Foothills Neighborhood. (17-0001LMN)

Administration

Policy Items Referred from the Planning Commission

10. Nathan Chappell requests a Zone Change from A1.5 to R1.8 for 2.32 acres of property located at approximately 1282 North Geneva Road. Lakeview North Neighborhood. (17-0009R)
11. The Provo City Council Office requests ordinance amendments to Sections 6.06 and 14.38 for signage within the City. Citywide impact. (17-0019OA)
12. The Provo City Community Development Department requests an Ordinance Amendment to Section 14.06.020 to adopt a definition for "Road." Citywide impact. (17- 0023OA)

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 01/23/2018 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".

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PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, April 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 Kay Van Buren
Council member George Stewart
Council member Gary Winterton
Council member David Harding
Council member Kim Santiago, arrived 12:08 PM
Mayor John Curtis, arrived 2:20 PM

Prayer

The prayer was given by Bryce Mumford, Policy Analyst.

Approval of Minutes

March 20, 2017 Council Policy Discussion Lunch at BYU

Approved by unanimous consent.

Business

1. An introduction to the future City Recorder (17-053) ([0:02:25](#))

John Borget, Director of Administrative Services, presented this item. He referred to changes over the years with records management and use and gave some background information on the role of the City Recorder. Because the Provo 360 project component dealing with records is so closely related to the role of the City Recorder, the administration determined that the City Recorder should be very involved in the process. After 33 years with Provo, Janene Weiss, City Recorder, will retire at the end of December. The Administrative Services department recommends replacing her position now, in order to have an overlap for training purposes, and also so that the City Recorder might be involved from the ground level with the implementation of OnBase. The new City Recorder can learn firsthand from Janene about processes such as meetings, minutes, and the election later this year. As they began the recruitment process several months ago, they decided that what they were looking for were not only recorder skills, but technical skills, people skills, and a person who can work with the council.

They received 33 applications including many through active recruitment and the Utah Municipal Clerks Association. Two of these applicants lived out of state. Administrative Services set up a panel consisting of

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Marilyn Banasky (Lehi City Recorder), Gary Bushman (HR Division Director and Provo 360 Lead), and Janene Weiss, to review applicants. Panel members reviewed and came to a consensus after which they interviewed 11 candidates. For six candidates, second round interviews occurred. The second round panel included Cliff Strachan (Council Executive Director), Daniel Softley (Assistant HR Manager), and John Borget. Mr. Borget is excited to present Amanda Ercanbrack as the new City Recorder. Ms. Ercanbrack has worked for the City for 11 years. She has worked in many capacities in Customer Service and Karen Larsen, Customer Service Division Director, has spoken highly of Amanda and her capabilities. John Borget has also been impressed during his working with her. Amanda has excellent customer service and office skills, she is a good listener, outgoing and friendly, and is a quick learner and accurate. She works with POB (Point of Business) which is the service used by Customer Service to manage calls and tickets. She has worked closely with all city departments in this, and many of her skills suit her well as the new OnBase implementation specialist. They believe giving her the opportunity to work alongside Janene through her retirement is ample. She has also expressed interest and initiative to become involved in the Utah Municipal Recorders Association.

Council member Kim Santiago asked whether there were a requirement for a recorder as far as words per minute, grammar, etc. Mr. Borget explained that Ms. Weiss worked with HR to determine the job classifications for the posting; Ms. Ercanbrack did meet the minimum requirements that were posted—despite not having the experience of being a Recorder, she has the relevant skills and abilities. Ms. Weiss expressed that she is very impressed with Ms. Ercanbrack and is excited for her work as City Recorder.

Over the last 4 years since moving to this building, Ms. Ercanbrack has worked with POB. As she came to understand the product and the database management side, she became fascinated with it. She took this on despite not having an initial interest, but she grew to become interested in it due to the technological side. She is very interested in OnBase and the changes coming to Provo City. Along with Ms. Weiss's responsibilities, she found OnBase very intriguing. Ms. Ercanbrack expressed her respect and admiration for Ms. Weiss and their previous work together in the Energy Department. ***Presentation only.***

2. A request for a resolution appropriating \$1,040,000 in the General Fund for acquisition of 4.15 acres of property generally located at 320 North Geneva Road. (17-056) ([0:13:40](#))

This item was presented by Doug Robins, Parks and Recreation Assistant Director. Mr. Robins gave some background information on the property. The Parks department had become aware of this property during their practical study of the Provo River Trail Project. There were some major issues with this area of the trail—it is narrow with fences on both sides. There are issues with sight lines and other safety concerns for users.

Some improvements would need to be made and some electrical hookups abandoned, but the flat, level site is ideal for utility as a park. The trail would be designed to run along the river bank, as at other areas of the city. This would present access to the river for water activities throughout the year. Mr. Robins envisions this as being one of the premier areas along the trail. The trail also provides significant access for the Stormwater Division to the river. Fourteen feet would be the minimum trail width through this section once updated. Council member David Harding encouraged creative use of the additional park land. Mr. Robins gave some background as far as the correlation of this project with the General Plan, Provo 2050, and the Provo Parks and Recreation Master Plan. The Parks Department believes this is the highest and best use for this property, particularly from a public benefit standpoint. This was an unexpected opportunity and so funding was not set aside for this acquisition. Mr. Robins reiterated the benefits of acquiring this property.

Ms. Santiago thought this was a great opportunity for the City and she would also love creativity in how this land is used. Ms. Santiago asked about the buildout, operation, and maintenance of this new trail. Mr. Robins indicated that staff would seek to utilize existing resources. As far as additional asset improvements, this may have to be prioritized amongst other projects already lined up for funding and work. Again, he believes that

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they could install the trail and some turf utilizing existing resources, then future additions or amenities would come further down the road.

Cliff Strachan, Executive Director of Council, asked whether the funds for this acquisition would be able to be recovered in full or in part with impact fee funds. Mr. Robins believes this lies within the scope of impact fee funds, but he acknowledged that some other parks, such as the Spring Creek Park, may take precedent as they have already been in the works.

Mr. Borget shared details on the General Fund balance projection for fiscal year 2017. The Administration anticipates that the city will be up \$851,996 in revenues (including strong Community Development revenues and sales tax revenue). Transfers and Energy's revenues (weather-related) are slightly down. The Administration also anticipates that we will be up approximately \$700,000 in the general fund. The KOA property purchase represents about 2% of the fund balance. It is a significant project, but that is also a significant amount of the fund balance for one appropriation—the City is still in a good place, with the percentage still in between the minimum 20-25%. Mr. Stewart asked whether RAP Tax money could be used for the purchase of this property or whether RAP funds were already allocated to other projects which have been committed to the public. The number one project among surveys of the public was the Provo River Trail. Right now the engineers' estimates have been coming in at \$6 million, so it appears that every RAP dollar is needed for these projects. If this money were used for the KOA property, it would delay the project by a year and put them back by a third of the funding.

Mr. Harding spoke to the importance of identifying the opportunity cost in this situation. Ms. Santiago asked Mr. Borget whether he had identified other options we have not discussed. He said the other areas he identified were the CIP funds and RAP tax, and shifting those funds would have an effect on other projects and priorities. Mayor Curtis mentioned that the good fund balance management by the Council, having us above the minimum previously, has put the City in a good position to be able to take advantage of this. There is a deadline of April 13 to make a decision on this. ***Discussion only. This item was already scheduled for the April 11, 2017 Council Meeting.***

3. A discussion on recommendations from the DAPR Committee regarding land use agenda noticing
[\(17-052\) \(0:41:00\)](#)

Chair David Sewell introduced this item. The Development Approval Process Review (DAPR) Committee has reviewed the procedures for bringing land use items to Council Meetings and determined that adjusting current noticing requirements would improve the process. Mr. Sewell highlighted some of the changes and improvements which would be involved in the proposed simultaneous noticing:

- Robust decision process – not trading speed for robustness
- Mechanism which made provision for non-controversial items
- Council Attorney involved in review of ordinances earlier in the process.
- Noticing of the Planning Commission is more exhaustive, so the DAPR Committee felt that by having Council meetings on the Planning Commission mailings and noticing, we're being more thorough as well as streamlining the process for the developer.

Council members asked questions of the DAPR Committee members and shared feedback on the proposal. Council members discussed the various options for sending items to work meetings and/or two Council meeting hearings and shared feedback on the proposed options. Many Council members expressed a preference for continuing to have presentations during work meetings, as these meetings provide the opportunity to examine issues in a less formal setting. Mr. Sewell also shared some feedback he received from Representative Norm Thurston. Council member Kim Santiago noted that simultaneous noticing of the Planning Commission and Council meetings had occurred at some point in the past—Brian Jones, Council

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Attorney, remarked that he believed this had been due to the lack of dedicated Council staff at that time; when Council had their own staff, this process changed at some point. ***Discussion only. The DAPR Committee will review feedback gathered during this Work Meeting with the DAPR noticing subcommittee at an upcoming meeting.***

4. A discussion on the Ice Sheet Authority (17-055) ([1:11:00](#))

Bud Powell (Assistant City Attorney and legal representation for Provo City on the Ice Sheet Authority Board) and Scott Henderson (Parks & Recreation Director) presented and introduced Facilities Manager of the arena, Jake Drzayich. The ice sheet was established prior to the 2002 Winter Olympics, after which the facility was converted to a public facility managed by a private entity under the Ice Sheet Authority. Operations have improved over the duration of the City's involvement with management of the ice sheet. The terms of the Ice Sheet Authority are regulated by the fifth amended agreement, signed in June 2016, which also includes a provision for terminating the agreement. While the local news outlets have covered various aspects of the story, and Utah County has commented on their intent, Mr. Powell outlined what is contained in writing regarding the process for terminating the agreement. Utah County has sent notice regarding their intent under section 15.c.

Mr. Powell, Mr. Henderson, and other staff members responded to questions from Council members and outlined additional details. Dan Follett, Finance Division Director, explained some of the difficulties involved with assessing the Ice Sheet's real market value—the Ice Sheet includes the ongoing business operations as well as the actual real estate. Brian Jones, Council Attorney, noted that the intent of this session was to provide an overview of what the agreement says and what options it provides, rather than a strategy session.

Mr. Powell outlined the City's options under section 15.c., which is somewhat more restrictive than the provisions outlined under 15.e. Under 15.c. Provo City could choose either of the following:

- Option 1: By May 22, notify Utah County of Provo City's intent to purchase their share at fair market value.
- Option 2: If the City elects not to purchase Utah County's share of the ice sheet, section 15.d. specifies in the last paragraph: "then all of the assets of the ISA [Ice Sheet Authority] shall be sold in a commercial reasonable manner at fair market value"; Mr. Powell clarified that the facility would be closed, and assets would be sold at fair market value within one year with the funds split equally between the entities. If not sold, then there is a subsequent process for public auction.

Mr. Powell answered a question from Council member David Harding regarding the operations of the ice sheet—this has been funded through the end of the fiscal year, so operations would be able to continue to at least that point without interruption, no matter the outcome. ***Discussion only. This item may be scheduled for a future Work Meeting and the Council may discuss during a closed strategy session as needed.***

Policy Items Referred from the Planning Commission

5. A discussion on an ordinance amending Provo City Code to adopt minimum dwelling unit sizes in the DT1, DT2, and ITOD Zones. (16-0021OA) ([1:37:00](#))

Bill Peperone, Community Development Assistant Director, presented. Central Park Station is the only project in Provo with three- or four-bedroom units. The 401 Loft project, adjacent to Tommy Burger, has only two-bedroom units of varying sizes. The Planning Commission and neighborhood were very supportive of this project. It accomplishes much of what the city wants to see for this type of housing in the City.

Neither Orem nor Sandy have a minimum size requirement; however, Sandy relies heavily on the language quoted in the attachment ("Requirements Unique to Residential Uses"). Mr. Peperone liked the variety in

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Provo's language on minimum unit size—it allows for a project that has one standard size for units. Mr. Peperone reiterated the Planning Commission recommendations (400 minimum, 600 average), which staff recommend increasing slightly (400 or 500 minimum, 800 average). Mr. Peperone noted that with the current language, a project could be submitted with no minimum average for a project of entirely one-bedroom units.

Motion: George Stewart moved that the amounts be set to 500 square foot minimum and an 800 square foot average. Seconded by David Knecht.

Mr. Peperone clarified that the Planning Commission did not draw a distinction between the zones; all the zones listed the same amounts. Council members shared comments on the various levels for minimum and average unit size. Mr. Peperone noted staff have not had complaints from developers, but were concerned that lacking a requirement, the City's goals and objectives would not be achieved in resulting projects.

The Council removed the minimum square footage requirement in 2012 to address the needs of a developer-driven proposal: the apartment building with ground level retail space at 63 East Center Street. Staff predicted that removing the minimum requirement would allow this project to proceed, but future projects would fall on a typical bell curve for unit size. As this has not been the case, staff had concerns and wanted to address related issues. Council also had concerns about housing types with frequent turnover. Council member David Harding encouraged the Council to consider the implications of changing it again and whether future changes would be requested for a developer-driven proposal. Council member Kim Santiago spoke to the importance of long-range goals, such as increased home ownership in the downtown area, which can help direct these kinds of decisions; without an end goal, it is difficult to be consistent in accomplishing meaningful changes.

Council member Gary Winterton recalled that at the time of the 2012 changes, there were few residents downtown. It was always a desire to make this a walkable community, and the minimum had been removed in order to introduce viable housing solutions which would help the area become more walkable. Mr. Winterton also thought enough housing has come to that area now, thus it may be time to revisit. Council member Kay Van Buren said that had been a smaller project with less risk to detract from the goals and direction downtown. Council Vice-Chair David Knecht said the 2012 change sounded like an incentive; the City has tried to pare back incentives in order to get more market rate housing like other communities.

Council member David Harding would feel more comfortable with a 400 and 800 level; he thought this allowed flexibility. Mr. Van Buren believed that if 400 square foot units are not something we want in our city, it doesn't matter what the average is but we shouldn't create a minimum that is not something we want. Mr. Sewell said the tradeoff there is affordability. Mr. Winterton had concerns about residents being able to afford a 600 square-foot unit as a newly married couple in school or a similar financial situation. Mr. Sewell asked about leaving the original motion on the table and voting on that in Council Meeting.

Substitute Motion: Kay Van Buren moved to amend the motion to 600 and 800 square feet. Seconded by George Stewart.

Roll Call Vote: Failed 3:4; David Sewell, David Knecht, David Harding, and Gary Winterton opposed.

500 and 800 original motion: Approved 5:2, with David Sewell and David Harding opposed.

This item was already scheduled to be heard at the April 11, 2017 Council Meeting.

6. A discussion on an ordinance amending Provo City Code with regard to development and subdivision plan application submittal requirements and expiration deadlines. (16-0020OA) ([2:12:30](#))

Austin Corry, Planner, presented. This ordinance was proposed in order to correct/update conflicts between expirations of active applications and to consolidate redundant sections of the City code. Community

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Development staff have been discussing these requirements with the Development Approval Process Review Committee, but staff have proposed this semantic change for the time being in order to ease the transition to Provo 360. Mr. Corry noted another version of the proposed ordinance, for section 15.03.010 – Final Project Plan Submittal Requirements; this additional change would remove the submission checklist from this section and in the code, stating that the list is on the application form itself. Chair Sewell clarified that this is not a substantive change in requirements; more substantive changes to the requirements are still under review by the DAPR Committee. Ms. Santiago had concerns about removing the checklist requirements from the code—she felt that the Council should be part of that conversation, and by removing it from the code, it removes the Council's ability to be involved in that conversation. Ms. Santiago also had questions regarding the portion of 14.31.170; Mr. Corry indicated that the relevant section is documented elsewhere in the City code, in sections 2.29.040 and 15.01.030. Mr. Corry indicated that this item has some implications as far as timing for the Provo 360 project. ***This item was already scheduled for the Council Meeting on April 11, 2017.***

Business

([2:36:00](#)) John Borget, Administrative Services Director, shared an update regarding figures for the fund balance; they found a couple items that were missing from the reconciliation and updated the Council on this.

7. A discussion on budget appropriations for Public Works ([17-058](#)) ([2:37:55](#))

This item was presented by Dave Decker, Public Works Director. Expenditures for salt, due to greater than average snowfall, exceeded the budget by \$38,089. The overtime budget for snow removal was exceeded by \$10,000. Gary Winterton pointed out that this should also be added to fund balance sheet. An appropriation will be heard before the Council next week.

Mr. Decker gave information on the Stadium Avenue Project. There are four different accounts being used to fund the project. The fiscal year begins in July, but the construction season begins earlier in the year, typically March. It is a difficult logistical detail since the timelines do not align perfectly. Many projects need to be started in the previous fiscal year in order to be completed before the snow falls. When the fiscal year starts in July, the money that would come from the fund balance in those accounts would be put back into those accounts July 1. Public Works is asking for an appropriation for part of the amount needed, and for the 2018 Fiscal Year project budgets to be reduced by the same amounts. These requests will be restored July 1, showing that those fund balances have been restored. Since this is a unique approach, Public Works wanted to make sure the Council was comfortable with the proposal. ***Discussion only. This item is scheduled to be heard at the April 18, 2017 Council Meeting.***

8. A presentation from the Water Division ([17-039](#)) ([2:45:00](#))

This item was also presented by Dave Decker, with assistance from Public Works staff and several Council Members. They began with a demonstration in order to try and simulate a water tank. The Main and the Gallery, two water tanks in the City, experience some of the biggest demands. Mr. Decker illustrated with this demonstration the challenges of meeting demand in different seasons, such as summer months with peak demand. Mr. Decker explained the implications for operators of the water system and its storage tanks. Mr. Decker also showed several figures depicting the financial standing of the Water Division, and noted the support of the Council and Administration in addressing needed rate increases and other budgetary needs to get the division back on track. Mr. Decker shared several specific financial objectives which the division uses:

1. No bonding
2. Fix existing deficiencies
3. Plan for Future Projects
4. Keep rate increases reasonable
5. Achieve fund balance goal of 25% of revenue (today the amount would be just over \$2.5 million)

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Mr. Decker provided updates on several areas pertaining to the Water Division:

- Water operating fund history
- CIP transfer history (2016 should read \$3.2 million)
- Five-year rate increase plan
 - There have not been sanitation increases during the 5-year plan.
 - FY17 Rate Comparison – Provo used to be second to last (lowest) and the City felt we needed to bring the rates more into line with other area cities. This chart shows the combined comparison, but there are breakdowns of the individual utilities as well.
- CIP summary
 - 4035 Storage Reservoir – the two currently under construction
 - 4046 Reservoir Replacement – functions as a savings account; they have begun setting money aside so that they will not need to bond for these tanks in the future.
 - Table ES-7 – Recommended Capital Improvements
- Tiered rates for culinary water and 2016 Senate Bill 28
 - Mr. Decker and staff recommended that Provo City pursue changing to a tiered rate schedule once Provo 360 comes online.

West Jordan completed a study on operating comparisons between cities, showing expenditures per household. Provo was low in several areas and this study provided helpful information to Provo. The Water division has only added two new employees over an 8-9 year time period. Mr. Decker indicated that increased CIP funding means that employees need to get projects on the ground and keep things progressing. Future presentations will address other topics related to water: water testing and water quality, a water rights presentation by John Mabey, and 2002 Water Rights Study. **Presentation only.**

9. A presentation on the Airport Master Plan (17-051) ([3:18:24](#))

Steve Gleason, Airport Manager, presented and answered questions from Council members about the airport master plan and airport protection area. The airport protection area refers to a designated area with noise mapping and land use protection. Most of the airport protection area is privately owned by residents. This area was put in place in order to permit some residential or agricultural use, but to reduce construction of high density housing in this area. Mr. Gleason explained some background information on the right-hand versus left-hand flight pattern; the industry standard is generally left-hand, but the Provo Airport adopted a right-hand landing pattern, in order to reduce the noise impact to neighbors. Noise contours may change after reevaluating various aspects which contribute to the master plan.

Mr. Stewart asked what kinds of aircraft utilize the airport. Mr. Gleason said the most limitations arise for takeoff; weight is a primary factor in determining what aircraft can utilize the facilities. A 757 is about the largest. Right now, most airlines are using the Airbus 319 and the MD80. A 767 can take off, but cannot fill to its full capacity for fuel, or it will exceed the weight maximum.

The Provo Airport is ranked second in emplaned passengers, takeoff and landing in the state of Utah; the City is ranked third for based aircraft. Mr. Gleason said that the Airport is in the study stages of updating the airport master plan, with RS&H selected as the consultant. Some objectives of the master plan include a survey of the airport, inventory of electrical equipment, elevations of runway, and exploring room needed for growth, such as additional taxi lanes. Dixon Holmes, Economic Development Director, informed a buyer about 29 acres adjoining the airport campus, but that there is no Provo City airport property available.

President Trump has proposed a 13% reduction of the FAA budget. Mr. Strachan asked whether Mr. Gleason was aware of any specific concerns for Provo. Mr. Gleason is not aware of the specific details, but he has

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ideas as to how to continue the same level of service despite cuts which might affect air traffic controllers. RS&H has submitted a proposal for a terminal development plan. They would eventually complete an RFP (Request for Proposals) as they undertake an environmental study on the affected areas. **Presentation only.**

Closed Meeting

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

Brian Jones indicated that there are several items which fall under the appropriate statutory requirements.

Motion: Gary Winterton moved to close the meeting. Seconded by Kay Van Buren.

Roll Call Vote: Approved 7:0.

Adjournment

Motion: David Harding moved to adjourn. Seconded by David Knecht.

Roll Call Vote: Approved 7:0.



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, August 29, 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, arrived 12:07 PM
Council member Kim Santiago
Council member David Harding
Council member Gary Winterton
Council member George Stewart
Mayor John Curtis

Excused: Council member Kay Van Buren

Prayer

The prayer was given by Jim Miguel, Fire Chief.

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
Approved by unanimous consent.

Business

1. A discussion on a conservation easement for Rock Canyon (17-085) ([0:05:08](#))

This item was presented by Ginger Woolley, Rock Canyon Preservation Alliance (RCPA), with other members of the steering committee including George Handley and Phil Allen. Erik Davis, who has been instrumental in drafting the conservation easement, was unable to attend. The Alliance members briefed the Council on the history of the RCPA's work with protecting the canyon from development.

Brian Jones, Council Attorney, presented a draft of the conservation easement (drafted by Mr. Davis, with additional revisions by Mr. Jones). The easement references the Rock Canyon master plan, which has not been formally adopted; this would likely need to occur before the easement can be put in place. Mr. Jones noted several concerns which they have been working on clarifying with Mr. Davis and the Administration. Mr. Jones explained to the Council the various options or models of conservation; the draft has been prepared using the most stringent protection, but that is a prime consideration for the policymakers to understand, as the varying levels permit different types of uses (the lowest allows residential and the

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moderate allows agricultural uses). Council members and the RCPA expressed concern about the intentions and promises made during the donation-funded property acquisition which has led to the current state of the canyon. Many donors contributed towards the land purchases with the understanding that their contribution would help the canyon to be preserved. Mayor John Curtis spoke about the history of this fundraising effort. The Administration has explored selling the rights to the easement, but as time has passed and this has not been viable, they are satisfied that this collaboration with the RCPA is the City's best option.

Motion: George Stewart moved to move forward with the mid-range, moderate standard protection area. **No second was made. Mr. Stewart withdrew his motion.**

Council member Kim Santiago noted that it may be premature to select a protection level without having reviewed the agreement in more detail. Several Council members wished to explore the implications of these levels of protection to find a solution which would be acceptable to both parties. The City wants to create opportunities for as many people to enjoy the canyon as possible. ***Presentation only.***

2. A discussion on the Economic Development Department's efforts in workforce development, startups, and women, minority and underserved populations (17-087) ([2:00:44](#))

Allison Lew, Management Analyst, presented on the Economic Development department's programs with workforce development, startups, and work with women, minority, and underserved populations. Dixon Holmes, Economic Development Chief Deputy, noted the Council's instrumental role in helping with a \$2000 loan which was key for jumpstarting the success of the Startup District, the Startup Building, and Dev Mountain. Mr. Holmes and Ms. Lew highlighted successes of several Provo startups and tech companies which have had great success. Scott Peterson, BYU Rollins Center for Entrepreneurship and Technology, commented on the Center's collaboration with the City to serve its student population and the broader community. The relationship between the private and public sector is so important.

Ms. Lew highlighted several of Provo's programs working with girls and young women, including Provo Girls Summit, BRAID Workshop, and Women Who Build. Tanei Henry, who is on the Board of Directors of several of these programs, shared a presentation on the Provo Girls Summit and its amazing success and reach. The program allowed girls ages 8-12 to explore many different careers by talking to women who work in a variety of fields—paleontology, engineering, architecture, and many others. BRAID Workshop is a monthly skills-based workshop that helps women to establish businesses in Provo; providing resources and support in Provo is vital for the future economy. They love to help women to live lives that are economically sustainable and entrepreneurship is a great career for primary care-givers (scalable business, flexible work hours, etc.). Women Who Build focuses on helping women with personal development in business-building skills and meaningful relationships they can take with them to grow and collaborate.

Beyond these specific programs, the Economic Development department helps facilitate spaces, events, opportunities for people to collide and help serve each other and collaborate. Provo has scarce available space and buildings, so it is challenging to build a wall around the business community. Startups grow and evolve, and even when the businesses do leave town, Mr. Holmes noted that there is not a mass exodus of residents. The reasons for a business choosing to move must be compelling enough to outweigh the inconveniences of relocating. As businesses grow and move on, it opens places for other new businesses to crop up and continue the entrepreneurial cycle. ***Presentation only.***

3. An update on the General Plan review (17-099) ([0:44:05](#))

Cliff Strachan, Council Executive Director, gave an update on the General Plan review. The current version of the General Plan was amended in 2012, but much of the work contained in it is ongoing, consequently a number of implementation elements have been completed and others are obsolete. Mr.

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Strachan explained the process and future steps for prioritizing and executing elements of the General Plan, including aligning Vision 2030 and Vision 2050 with the General Plan. State statute requires municipalities to have a general plan, but the visioning documents have also been developed to serve a specific purpose. Council members expressed their support of this monumental project and encouraged public outreach through the process of the review. ***Presentation only.***

4. A discussion on fee updates for Stormwater, Wastewater, Utility Transportation Fund, and the Fire Department (17-101) ([1:02:45](#))

Mr. Strachan introduced the discussion and noted that the Utility Transportation Fund will not be covered during the presentation. He explained the methodology for these fee analyses and explained some of the inherent challenges. The majority of Fire Department fees are mandated by the State; they will focus on the fees for which the City has oversight. Fire Chief Jim Miguel provided additional background on the structure of the Fire Department's fees and their work. Some inspections are straightforward, but many vastly underestimate how much work is being done and consequently require more time from staff. The department does a lot of work (such as consulting on plans, public outreach, etc.) for which there are no fees to maintain the related infrastructure. The department has never done a time movement study to determine costs for travel to and from field locations. The policy consideration is whether fees should be a fully weighted rate based only on labor costs, or if it should include the vehicle used and other factors.

Chief Miguel and Mr. Strachan suggested that they look at these fees in more detail now and during the next budget cycle to determine some direction on the composition of fees, a time and movement study, and studies of comparable cities. They are also exploring a false alarm fee, which would be assessed for instances when there have been multiple concurrent false alarms, which often occur due to outstanding equipment or facilities repairs in commercial structures. Currently there is no incentive for building owners to fix faulty alarm systems; this fee would help to compensate the City for wasted time after an unreasonable number of false alarms and would incentivize building owners to solve any problems with their alarm systems. Chief Miguel noted that in the last year, the Fire Department received 423 false alarms/malfunctions, which came from fewer than 30 facilities. These fees are in place for the Police Department and in the City of Orem and they have seen change in a positive direction. Council members expressed support for the idea and for staff to return with more research and a proposal. Council member Kim Santiago noted that the Council has tried to have those who are using the service pay for the service, so citizens are not subsidizing a service as much as possible.

Mr. Strachan introduced the wastewater fee discussion. They have used a similar methodology to coordinate with Public Works on an analysis of the wastewater fees. Most of the fees are where they should be, as far as the costs of operating a service. The fees for non-residents to haul and dump waste are on the low end of the industry, in order to avoid illegal dumping. The irrigation fees have been retained as there are a handful of clients who are billed through irrigation. One of the primary recommendations is to add a Non-connection to Available Sewer fee; Gary Calder, Water Division Director, was surprised to discover there are several hundred Provo residences still using septic tanks. This fee would encourage residents to connect to the sewer system and lower the amount of septic tanks in the City. A sewer connection is considered 'available' if there is a sewer line within 300 feet of a house. ***Discussion only.***

5. A discussion on the Stormwater Fee Schedule (17-102) ([1:27:45](#))

Mr. Strachan also presented on this item. The Storm Water Pollution Prevention Plan (SWPPP) fees were inadvertently left off the Consolidated Fee Schedule as updates were being made at the end of the previous fiscal year. Staff is confident that these fees are fair and representative of the work involved. Mr. Harding shared feedback on the proposed SWPPP fee schedule (Storm Water Pollution Prevention Plan). Many fees are set up with large jumps between categories; he would suggest a different structure so the

Pending minutes – awaiting approval

increasing rates are more proportional and provide a smoother transition between categories. Public Works staff indicated they could come back and present some comparisons of options. Dave Decker, Public Works Director, noted that smaller steps between fee levels may not be inherently fairer to developers. Mr. Harding suggested trying to achieve a balance between simplicity and equitability. He was open to suggestions from staff who are more knowledgeable about the site-specific application of fees.

Motion: David Harding moved to continue the discussion at the September 19, 2017 Work Meeting and continue the item on the evening's Council meeting. Seconded by David Knecht.

Roll call vote: Approved 6:0, with Council member Kay Van Buren excused.

6. A discussion on the Zoning Committee's recommendation to amend Provo City Code 6.26.150
(17-104) ([1:37:50](#))

Marcus Draper, Assistant City Attorney, presented. The changes to the ordinance would require a landlord to have a contract with each adult tenant, lessee, and sub-lessee, and for it to include a copy of the Rental Dwelling License and Tenants Rights and Responsibilities document. The intent is for this requirement to better educate landlords and tenants about the legal occupancy, as well as provide an additional tool for zoning enforcement staff to utilize as they work on over-occupancy cases. Zoning enforcement ultimately is trying to help people come into compliance where they are in violation of a zoning ordinance; it does not generally escalate to the Legal department having to file criminal charges, but this can escalate if previous measures are not effective in bringing a resident into compliance.

Council members shared thoughts on the ordinance and tweaks which could improve its utility as well as invite more public support. Council Chair David Sewell shared feedback from the Utah Central Association of Realtors about the ordinance. For compliance with the new ordinance, there will be a designated effective date, and as properties with a current Rental Dwelling License (RDL) come up for renewal, compliance will be a requirement of retaining an RDL.

Mr. Sewell and Mr. Harding shared concerns from young professional constituents, who feel there are unintended consequences of this ordinance (perception that the City does not value or want them and their contributions) and have not felt their voices have been heard in the discussions. Mr. Sewell and Mr. Harding suggested holding an event to invite this demographic to participate and share feedback and concerns. Mr. Sewell suggested having two public hearings on this item, to allow more listening opportunities. ***Presentation only. This item will be scheduled for a first hearing at the September 19, 2017 Council Meeting and a second hearing and vote at the October 3, 2017 Council Meeting.***

7. A presentation and discussion on Budgeting for Outcomes (17-103) ([2:40:45](#))

Kelsey Zarbock, Policy Analyst, presented. Ms. Zarbock outlined examples of how other cities have used budgeting for outcomes—for example, a city may have a general goal of having a safe city. This could be measured through indicators such as crime rate and citizen satisfaction with police responsiveness. Ms. Zarbock explained ideas for how Provo could use a variation of these models to achieve this budgeting model. In researching and talking with other cities, Ms. Zarbock noted the key connection between successful budgeting for outcomes programs and strong administrative support in Strong Mayor-form of government communities. As there is not a cookie-cutter solution, hiring a consultant is highly recommend. Most cities, even small cities, have worked with their consultant for a year to get the program up and running. The consultant mainly works on implementation and training, and then the staff take over. The City's Finance division did a great job identifying functions during this last budget cycle (e.g., Provo Police has several individual functions: Dispatch, Patrol, and Animal Control). Provo 360 will be a key tool with dashboard capabilities allowing staff and citizens to access information.

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Ms. Zarbock outlined possible next steps: a conference call with Chattanooga, TN; unify visioning documents & general plan; research consulting options (including with local universities). Council members asked questions which Ms. Zarbock would research and share with them in a future report. Many elements of this budgeting method exist at Provo City, but it is a matter of making them cohesive. Mr. Sewell invited feedback from the Administration at the next discussion, as their involvement is key. Wayne Parker, CAO, noted that the next step is to elevate the dialogue around the mayoral and council candidate races—if this is not part of the dialogue with candidates, the newly elected officials may not share the same vision; their support will be critical. ***Discussion only.***

8. A discussion on the Council's goals concerning minimum unit size requirements (17-111) ([3:26:43](#))

Dustin Wright, Planner, presented. Council members discussed the goals and intended outcomes with minimum unit size requirements. Council members discussed the different needs in the downtown area, that the City has problems with over-occupancy because there is not enough available of the right types of housing stock, providing market rate housing, and stability in neighborhoods. Mr. Wright noted that if the goal of the Council is to establish a regulation that would promote developers to build market rate housing to help keep residents living there longer, this may be achieved through different means than a specific average unit size. There are various policy considerations on the topic, and the nature of the Council's goals will help identify the way forward. ***Discussion only.***

9. A discussion on possible code changes regarding signage (17-110) ([3:48:35](#))

Brian Jones, Council Attorney, presented. With changes in technology, more business owners want to utilize electronic signs. Mr. Jones noted a policy distinction for the Council to consider—is it electronics that the City is opposed to, or just badly implemented electronics (such as bad transitions, too bright, too much motion, jarring transitions at 1:00 AM, etc.). This proposal utilizes industry standard terms referring to how often an image changes: low-churn and high-churn. This ordinance does not change the size restrictions; these will remain as whatever is currently designated for a particular zone. Mr. Jones reviewed changes within the context of the ordinance for on premise high-churn signs. The ordinance includes a transition time of no less than 8 seconds, which is a national standard, and includes a table/matrix denoting brightness, size, and distance from light source requirements. The code change would relocate the section regarding electronic signs from the land use section of the code to the business license section. Many complaints come in regarding signs which are grandfathered under previous land-use codes, but with this change these factors will be more specific regulation for the use of a business property.

Council Chair David Sewell noted that one of his goals was to make the revised ordinance the least objectionable as possible, in order to clear up some of the current situations which have come up as a result of the ambiguity of the current code and simplifies future application of this code—it allows any business owners that want an electronic sign and permits them to have one, but unless they fall in a specially designated area, they can only have a low-churn sign and the size is dictated by the zone. Mayor Curtis admonished the Council to be ready for enforcement issues and continual pressure, as signs will have much more capability than what is permitted. The only change in area/geography is to the zone on Freedom Blvd and extending from 940 North all the way to University Parkway. Animated signs are still completely prohibited. ***Discussion only. This item will be brought back for another discussion at the September 19, 2017 Work Meeting.***

10. A discussion involving the Utah Municipal Power Agency (UMPA) and the Hunter Power Plant Assignment (17-115) ([4:15:34](#))

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Travis Ball, Provo Power Director, presented. Lane Birmingham, UMPA, was present to answer questions as well. Since 1985, Hunter Power Plant resources have been dedicated to UMPA through a past purchase agreement. Provo is the largest member of UMPA, and had paid for that resource, but other members have paid for it since 1985. In November 1994, UMPA assumed administration and operations of the plant. The asset is paid off and UMPA is currently obligated to pay for all the future costs of that resource/operation/maintenance/decommission. UMPA has this asset on the books but is difficult to bond and do things for the plant since UMPA does not own it. This assignment process simplifies many things, including removing liability for other UMPA municipalities/members. With the agreement, UMPA agrees to take on all liabilities retroactively back to 1985; if something came up and the liability pre-dated this transaction or assumption, UMPA would assume that liability. ***Presentation only. This item will be heard at the September 19, 2017 Council Meeting.***

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) ([4:23:23](#))

John Borget, Administrative Services Director, presented on an appropriation for airport improvements. Steve Gleason, Airport Manager, and Dixon Holmes, Economic Development Chief Deputy, were also present and shared in the presentation and answering related questions. The Council approved an appropriation in January for funding for design work and the ramp. This new appropriation includes other infrastructure upgrades, which will have residual benefits for other areas of the City, but which are critical needs at the airport. Sources for the appropriation include Section 108 Loans to be repaid with CDBG funds, EDA grant, tax increment toward repaying bond, and a transfer from the General Fund. Mr. Borget responded to a question regarding whether there had been any changes in expectations for CDBG funds for repayment for the future. He indicated that for the next 10 years, the City will have about \$290,000 each year committed for repayment on these bonds that will limit other uses of these funds. The assumption is that these funds will be available, with the added protection from Provo's status as a 108 Loan recipient. If there was warning that funds would not be available in the future, the City could dedicate CDBG funding during one particular year to pay off those bonds.

Dan Follett, Finance Division Director, presented on the bonds associated with the project. \$5.5 million are sales tax revenue bonds. The intent is to repay the bond via tax increment generated by Duncan Aviation. The sales tax revenue bonds are considered very secure from an investor perspective and it gives the City the lowest possible rate on bonds. The Provo School District and Metropolitan Water District of Provo have agreed to participate in the tax increment repayment for these bonds as well. The upper limit is \$6 million (to allow enough room for structuring of the bonds with discounts/premiums). ***Presentation only. This item was already scheduled for the August 29, 2017 Council Meeting.***

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) ([4:36:20](#))

Brian Maxfield, Planning Administrator, presented. The applicant has requested the addition of a use within the Public Facilities zone; an alternative would be to rezone to Industrial, however an industrial zone did not seem appropriate to staff for the area on Center Street where the applicant's property is located. This added use would allow property owners to transition a lot to another productive use; the

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applicant intends to have an unsurfaced lot for vehicle storage, with engineered gravel which would reduce the impacts of dust and runoff for neighboring properties. ***Presentation only. This item was scheduled for the September 19, 2017 Council Meeting.***

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.

Motion: Gary Winterton moved to close the meeting. Seconded by David Knecht.

Roll Call Vote: Approved 6:0, with Kay Van Buren excused.

Adjournment

The meeting was adjourned by unanimous consent.



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, September 19, 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 Kay Van Buren, arrived approx. 12:50 PM
Council Member George Stewart, arrived 12:09 PM
Council Member David Harding
Council Member Kim Santiago
Mayor John Curtis, arrived 1:48 PM
Excused: Council Member Gary Winterton

Prayer

The opening prayer was given by Wayne Parker, Chief Administrative Officer.

Approval of Minutes

July 13, 2017 Provo-Orem Councils Joint Meeting

Approved by unanimous consent.

Business

Council member David Knecht made a short statement. In the last work session, the Council had discussed family definitions. After speaking with Wes Marriott, Citywide Council candidate, Mr. Knecht wished to clarify how he had characterized Mr. Marriott's comments; Mr. Marriott is excited about the baching singles overlay and the potential it provides for the future of housing in Provo.

1. A discussion on the UDOT & H.W. Lochner 500 West Project (100 N to 800 N/Center to 1230 N) (17-117) ([0:04:38](#))

Gene Cline, H.W. Lochner Project Manager, presented. He introduced the project, its goals, and efforts for community outreach. The project runs from north of Center Street to Bulldog Boulevard. It is an extension of/similar to the 300 South project recently completed by UDOT. They will replace the asphalt paving with concrete, northbound and southbound buffered bike lanes, widened sidewalks, and other new features. The route will not reduce any active traffic lanes, but the center turn lane will be redesigned with landscaped medians, with access for existing cross streets. The project will improve safety throughout the corridor. Mr. Cline answered questions about the school pedestrian tunnel; it was constructed in the 1930s, prior to the construction of I-15 when State Street functioned as the main thoroughfare through the city. Due to many

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constraints, rebuilding the tunnel or upgrading is not feasible (property impacts to add ramps for ADA and bicycle accessibility, utility infrastructure in direct conflict with tunnel path, etc.), however, more painted crosswalks will be added. The area has large park strips, thus widening of the road will not go outside of the existing UDOT right of way. Mature trees will be preserved and impacts to trees minimized, including through taking a bend in the trail through North Park in order to preserve existing mature trees. Provo City will also perform concurrent updates and maintenance to street lights, sewer line, and other utility work. Construction is anticipated to begin in spring 2018 and will extend through the fall; they intend to complete the project in one construction season. Details about the design and timeline can be found on the project website: <http://gis.hwlochner.com/US89> **Presentation only.**

2. A discussion on parking (17-096) ([0:30:00](#))

Matt Taylor, Parking Administrator, presented. Mr. Taylor highlighted the guiding principles of the parking administration program and made note of the asset management component; the City has many assets which are part of the street system but there are capital facilities, structures, surface lots, and potentially new facilities at the City. Mr. Taylor solicited feedback from Council members regarding the review and adoption of the parking plan, sharing options of how this could proceed depending on the Council's preference. Mr. Taylor also shared a functional chart showing the areas of the city which interact with the parking administrator and shared some of the current initiatives he is focused on, including wayfinding and deploying signage for special events. **Presentation only.**

3. A discussion on the appropriation for the Freedom Lot on Block 90 (RC Willey conversion) (17-106) ([0:57:32](#))

David Walter, Redevelopment Department Director, presented. Demolition has begun on the buildings on the R.C. Willey block and the intent is to create a temporary asphalt parking lot (anticipated use of 18-36 months) to address parking concerns with the Convention Center. The estimated parking yield is about 470 parking spaces and there will be signage and wayfinding directing patrons of the Convention Center, as well as lighting, landscaping (xeriscape treatment to minimize maintenance and irrigation needs), and a kiosk and mobile app payment options. Mr. Walter answered questions from Council members. Revenues from parking payments would come to the City; Provo City has leased the land owned by PEG at a nominal rate, but there are costs for snow removal, cleaning, developing the lot, electricity/street lights, etc. Matt Taylor, Parking Administrator, noted that as future development occurs on this lot, parking needs may shift around, hence this interim/temporary solution.

Council member Kim Santiago asked about funding sources. Wayne Parker, CAO, said funds come from the R.C. Willey building rent revenues (when Provo Power rented the space) and Redevelopment fund balance. Some funds will be recouped through the paid parking. Mr. Parker explained that the project is part of the City's dialogue with Utah County and fulfilling the obligation to the Convention Center. **Presentation only.**
This item was already scheduled for the September 19, 2017 Council Meeting.

4. A presentation on complete streets and the 500 N transportation pilot project (17-118) ([1:40:00](#))

Several neighborhood chairs, including Kirby Snideman (North Park), Aaron Skabelund (Rivergrove), and Shannon Bingham (Timp) presented. Mr. Snideman, a planner in the City of Orem, spoke about Provo's unique characteristics and identity—Provo is ranked high in the nation for walkability and there is potential to build on this. Mr. Snideman and others have purchased homes in the neighborhoods they did because of the walkability of the area and proximity to downtown and other amenities. Mr. Skabelund explained that a walkability score is merely about distance, rather than conditions that promote walking (e.g., condition of sidewalks, if sidewalks are located on only one side of the street, etc.). Provo received a grant from the Utah Department of Health to complete a project related to walkability and cycling. The Bicycle Committee

Pending minutes – awaiting approval

identified a project they wanted to focus on and consulted with Public Works on the project. There are concerns about walkability and pedestrian access near the Rec Center on 500 North, with its central location to the Library, Dixon & Timpanogos Elementary Schools, and downtown locations. The project will explore temporary installations simulating raised crosswalks, raised intersections, bulb-outs, and buffered bike lanes. This kind of tactical urbanism project would help introduce the project to the neighborhood and engage and educate citizens who can share feedback. The Committee recommended allocating dedicated funding for active transportation such as walking and biking. The presenters emphasized that ‘complete streets’ does not necessarily mean the loss of on-street parking. It is case-by-case depending on the setting. Ms. Bingham noted that buffered bike lanes have been a huge benefit for both cars and cyclists: better sightlines on 500 North, more accessible crosswalks, safer area for walking and driving.

Council members shared questions on funding and Dave Decker, Public Works Director, explained that with the use of the Utility Transportation Fund, improvements on the asphalt roadways has included bike lanes, and the UTF has freed B&C funding for more use to address sidewalk improvements/replacements. Council members expressed appreciation for the Public Works department and their efforts to address critical infrastructure needs, while maintaining neighborhood areas which may be less visible but matter to residents in those areas. The Administration had feedback regarding UTF funding and suggested prioritizing alternate modes of transportation in a different way in the General Fund budget each year. Mayor John Curtis noted that the Administration intends in policy and practice to take advantage of opportunities that present themselves to better implement these kinds of solutions.

Mr. Snideman reiterated that this project was not intended to be a criticism of Public Works or the City—the residents love it. When we think streets, we can think bicyclists and pedestrian crossings. He and many appreciate what the City and Public Works are doing and hope to encourage future progress to better incorporate these kinds of solutions integrating alternate modes of transit. ***Presentation only.***

5. A discussion on possible code changes regarding signage (17-110) ([1:14:54](#))

Brian Jones, Council Attorney, presented on the changes to existing standards for electronic signs, which will now apply everywhere in the City for low- and high-churn signs. Rather than regulating based on the sign technology, the ordinance would now regulate based on the external effects, which would strengthen the City’s position in a lawsuit. This section would address requirements for business licensing, rather than zoning and use of a property. Gary McGinn, Community Development Director, answered questions from Council members regarding existing equipment and non-conforming or ‘grandfathered’ signs; moving this section from zoning to licensing would remove non-conforming status. Mr. Jones explained that the intent was to create a uniform standard that would apply for all electronic signs. The standards in this section do not specifically address reader-boards, which the Council may wish to explore in a further policy discussion.

Council member David Harding expressed a desire to find balance between accomplishing the new standards while respecting the investment of businesses. Mr. McGinn noted that the Riverwoods would be impacted the most by this change, as their sign currently utilizes full-motion video. Council Chair David Sewell suggested that perhaps a clause allowing full-motion video may make sense for the Riverwoods and Provo Towne Center mall. Mr. Harding also had concerns about extending the area on Freedom Boulevard as well as the length permitted by the high-churn standard. ***This item will be continued to a future Work Meeting, following refinement of the proposal.***

6. A presentation on Provo City's Media Services and Channel 17 (17-108) ([2:20:57](#))

Brett Borget, Media Services Coordinator, presented. The aims of the City’s Media Services division are to increase government transparency, serve as a resource for other departments, and to increase citizen involvement in local government. Mr. Borget is the only full-time employee, along with four part-time

Pending minutes – awaiting approval

employees, who together provide video services for City Council and Planning Commission meetings, and creative video work for city departments. Mr. Borget shared background on their work and successes:

- Videos: Happy Birthday Provo, Google Fiber promotion, Garbage Can Can
- Metrics and measurements for reaching target audience
 - Measuring success: more concerned with hitting target market than view counts (City Council live stream viewers are primarily located in Utah; this shows they are successful in reaching the target market for the most important functions)
 - Viewers in every country in North/South America and Europe with the exception of Cuba
 - Besides the US, most views come from Canada and England
 - Over 550,000 views on YouTube, 930+ subscribers, 900+ videos
 - Available on Google Fiber TV; previously on Comcast until 2015 when the channel switched to HD. Channel 17 is working with Comcast to get back with them.
- Content creation
 - many shots repurposed and used in videos for the next 5-10 years
 - B-roll shots licensed for use by other agencies like ESPN, C-SPAN, news networks
 - photography and content for digital video boards at City buildings and facilities
 - retail promos, business spotlights, restaurant reviews, features on public events
 - department training materials (training videos seasonal employees, Fire Department, etc.)
- GIS imagery of Sunset View Elementary (using drone)
- Demolition of Provo Power smokestacks
 - National Geographic contacted the City about licensing approx. 5 seconds of this video—this alone has generated more revenue than what it cost to create
- Operational savings (much more costly to contract out each video; operating at roughly \$60,000 less than 9 years ago)

Presentation only.

7. A discussion on the Stormwater Fee Schedule (17-102) ([3:00:48](#))

Cliff Strachan, Council Executive Director presented. Council had requested that staff complete further research in order to achieve a more linear format for the fee structure. They have worked with the Stormwater division to coordinate on this, noting that the overhead calculation factors in an economy of scale. The proposed SWPPP fee utilizes a formula developed by Public Works staff:

$$\text{Base rate of } \$200 + ((\text{Disturbed Acres})^{0.5} \times \$150)$$

Council member Kay Van Buren had concerns that added costs for stormwater inspections would ultimately be passed through to the homebuyer; with concerns about the availability of affordable housing, this could have a significant impact. Other Council members noted the Council's policy direction in the past, which has been to examine actual costs and make intentional choices about how much various services are subsidized or not. Staff have made efforts to produce a formula which approaches as closely as possible the actual costs incurred by Public Works staff for this service.

Dustin Grabau, Budget Officer, responded to questions from Council members about data requests on impact fees and how these have been spent in Provo and comparable cities.

Motion: David Harding moved to continue the item to the October 3, 2017 Work Meeting in order to give the public more opportunity to review the changes. Seconded by David Knecht.

Roll call vote: Approved 6:0, with Gary Winterton excused.

Pending minutes – awaiting approval

8. A discussion on conducting fee reviews (17-116) ([3:17:38](#))

Council member Kim Santiago presented. In early 2015, a discussion on fees brought to light that the City did not know the costs of delivering many of the services for which fees are charged. It was the intent of the Council at the time to find out what the cost of service was in order to make informed decisions regarding whether or not to subsidize certain services. The Administration was asked to find out the cost of each fee and let the Council know what the cost of delivering the service is and what the City was recovering. Where appropriate, the Council wanted to achieve full cost recovery. The Administration had proposed bringing 25 fees per quarter to the Council for review.

Wayne Parker, Chief Administrative Officer, explained conditions of the Provo 360 implementation and how this effect fee analysis. During these stages of implementation, department staff are otherwise occupied, however, once implemented the software will make fee analysis much simpler. Progress on this extensive fee analysis has been moving more slowly due to these constraints. The Budget Committee had requested an update on where the City is at in this process. Cliff Strachan, Council Executive Director, suggested departments share fees they felt merited Council attention at this time; the Administration supported this kind of approach and indicated they could be more intentional in examining fees for departments which have more staff capacity based on where they are at with implementation of Provo 360. ***Presentation only.***

9. A discussion on the zoning disclosure requirement (17-119) ([3:33:54](#))

Brian Jones, Council Attorney, introduced this item. Further discussion and input were received on zoning disclosures from both the Council's Zoning and Housing Committees, as well as from the Utah Realtors Association, including a desire to make the requirement less burdensome on buyers and sellers. Mr. Sewell invited Peter Christiansen (Utah Realtors Association) to share comments. The Association found it problematic for Provo to propose a disclosure requirement specific to Provo City. Council members shared comments on the topic:

- Mr. Sewell thought the tradeoff requested by the URA may be proactive in replacing an ineffective regulation with a stronger policy which would not be challenged by the State Legislature.
- Council member David Knecht noted that Provo has many housing types and zones. This creates potential confusion for buyers, which could be eliminated by a zoning disclosure requirement.
- Council member David Harding purchased a home 11 years previously and recalled receiving this disclosure and that it was valuable to him. He appreciates the concern about fragmentation of regulation, but thought perhaps that the State should require a form of disclosure across the board. Mr. Harding had further concerns regarding the implications for tenants which he wished to discuss.
- Council member Kim Santiago supported the disclosure requirement, as it creates a paper trail and helps inform buyers about what kind of property they were purchasing.

Presentation only.

Policy Items Referred from the Planning Commission

10. Provo City Public Works Department requests an amendment to the Aspen Loop road dedication to more accurately match the final plat. Provost Neighborhood. (17-0002SV) ([4:01:35](#))

Austin Corry, Planner, presented. This road dedication at the Aspen Summit project took place before Steve Stewart's full development plans were in place. The graphic shows the new alignment in red. The area is all owned by Mr. Stewart; the road realignment is required in order to most effectively utilize the space to install improvements and complete development of the site, which is currently unimproved. ***Presentation only. This item was already scheduled for the September 19, 2017 Council Meeting.***

Pending minutes – awaiting approval

11. Gordon Jacobson requests a Zone Change from R1.10 to R1.9 for 1.056 acres of property, located at 2585 North Timpview Drive. Rock Canyon Neighborhood. (17-0014R) ([4:04:00](#))

Austin Corry, Planner, presented. The applicant has submitted a subdivision proposal which utilizes lot sizes/areas greater than the R1.10 requirements, but in order to accommodate the requirements for flag lots, they had to narrow the lot widths. Staff felt that the alignment of the ‘flagpoles’ with the street was favorable. The request was simply to change the zone to R1.9 in order to accommodate the narrower lots. A provision with more flexibility would allow more options for infill development. ***Presentation only. This item was already scheduled for the September 19, 2017 Council Meeting.***

12. Matt Evans requests a Zone Change from Agricultural A1.1 to Residential R1.10 for approximately 1.30 acres located at 1520 West 1150 South to facilitate a three-lot subdivision. Sunset Neighborhood. (17-0015R) ([4:07:57](#))

Robert Mills, Planner, presented. These lots are already set up to connect to City utilities, but this zone change would allow for a subdivision to be created with lots conforming to City standards. The A1.1 zone requires 1 acre, whereas R1.10 requires 10,000 square feet. The proposed lots exceed the needed 10,000 square foot size. This project was located just east of Alan Prince’s Kelshaw Lane project. A neighborhood meeting had been scheduled for the day after the Planning Commission; the Neighborhood Chair reported back and spoken highly in favor of this project. ***Presentation only. This item was already scheduled for the September 19, 2017 Council Meeting.***

13. Provo City Public Works Department requests an Ordinance Amendment to add Section 15.03.020(3) to adopt Public Works Standards by reference, as required by State Code. Citywide impact. (17-0017OA) ([4:13:00](#))

Josh Yost, Planner, presented. The State has changed requirements for municipal public works departments and this request attempts to strengthen Public Works’ compliance with these requirements. Public Works proposes adopting drawing details and design standards (engineering drawings that govern how the public parts of a site are developed—driveways, water meter, etc.), which are already used by reference.

Brian Jones, Council Attorney, consulted the City’s outside legal counsel, Jody Burnett, on whether updating these standards automatically were an unlawful delegation of legislative authority. Mr. Burnett thought that was an aggressive position for the City to take. As such, Mr. Jones recommended [referring to subparagraph b] that when local standards are updated on an annual basis, that any new versions of national standards are adopted at that time. Dave Decker, Public Works Director, suggested changes in the section on water systems to address additional concerns of the department. Mr. Yost noted that Mr. Jones’ suggestion had not been reviewed by the Planning Commission. It would limit the flexibility given by the adoption of national code if the local standard would supersede the national standards which were adopted. Mr. Jones noted that this language [specifying that local standards would supersede national standards] came from the Development Approval Process Review Committee discussion. Council member David Harding suggested moving forward with the language presented and to contact the Planning Commission if there any concerns which should be revisited. ***Presentation only. This item was already scheduled for the September 19, 2017 Council Meeting.***

14. Provo City Community Development Department requests Amendments to Section 14.14E.050 to increase the required setbacks for front yards and side street yards from a maximum of 10 feet to a minimum of 5 feet for commercial frontages and a minimum of 10 feet for residential frontages. Joaquin Neighborhood. (17-0006OA) ([4:29:10](#))

Josh Yost, Planner, presented. This is the first in a series of ordinance amendments addressing flaws in requirements for the campus mixed use zone and area. There had been questions and public feedback about

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the appropriateness of the setback requirements of the zone. The change would be from a maximum of 10 feet to a minimum of 5 feet and maximum of 20 feet for commercial structures, and a minimum of 10 feet and maximum of 20 feet for residential properties. Council member David Harding expressed that he would like to have an additional hearing on this item at a second Council Meeting. ***Presentation only. This item was already scheduled for the September 19, 2017 Council Meeting.***

Closed Meeting

15. 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 Harding moved to close the meeting. Seconded by Kim Santiago.

Roll call vote: Approved 6:0, with Gary Winterton excused.

Adjournment

Adjourned by unanimous consent.



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

11:30 AM, Tuesday, October 17, 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 Kay Van Buren
Council Member George Stewart
Council Member Gary Winterton
Council Member David Harding
Council Member Kim Santiago, via conference call at 12:57 PM
Mayor John Curtis, arrived 1:00 PM

Prayer

The prayer was offered by Council member David Harding.

Business

1. A discussion on a conservation easement for Rock Canyon (17-085) ([0:04:03](#))

Brian Jones, Council Attorney, introduced the current draft of the conservation easement and noted several changes which resulted in a hybrid between the most stringent levels of conservation and moderate levels. Mr. Jones indicated that this document is sound from a legal perspective, but depends primarily on the policy direction in which the Council wishes to pursue.

Doug Robins, Parks and Recreation Assistant Director, shared concerns from their department. About a year ago, the department organized a committee with the Rock Canyon Preservation Alliance and local stakeholders to develop a master plan for Rock Canyon, including operational directives. The master plan is currently in the review process with the consultant, including coordination with other governing documents of related agencies such as the Forest Service. Mr. Robins indicated that the Department is supportive of creating an easement, but they suggest that it may be simpler (protecting the site from future development) and place much of the specific regulation within the purview of the adopted master plan. The master plan includes plans for ecological preservation, trail systems, and other aspects, which would allow the easement to be simpler in deference to the master plan.

Mr. Jones offered clarification on the recommendation from Parks and Recreation and the implications for utilizing the current iteration of the master plan, versus making provision for future amendments or updates to the master plan. Council member George Stewart believed the Parks and Recreation Department should be in agreement with what the Council approves.

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Erik Davis, Rock Canyon Preservation Alliance, shared comments. Mr. Davis and members of RCPA had concerns about removing much of the specific preservation language to the master plan, as public comment is permitted but not required in that process under State statute. RCPA is concerned for the long-term preservation of the canyon, not just the area in question for the easement, and with different leaders in 50 or 100 years, having checks and balances in place with such an easement would provide the long-range protection that they have in mind. This still allows fluidity in amending the master plan, but does not centralize control of the easement in one place. It would require that the City, if desiring to make changes inconsistent with the goals, to consult the easement holder, RCPA. Mr. Davis appreciated the great position right now of working together with the same goals, but the way to protect and preserve the property the way that RCPA hopes to, is to have a specific agreement that covers many aspects of the conservation easement. Mr. Davis believed the drafted easement does provide for growth and change, as well as an incentive to cooperate and make changes together. As drafted currently, this easement covers the Liechty property, not the whole entrance of the canyon, which was purchased by funds from the RCPA.

Council members shared feedback on the proposal and requested further review of the draft from Parks and Recreation. ***Presentation only. This item will be brought back to a future Work Meeting.***

2. A discussion on the Geographical Information Systems (GIS) Division and the work they're doing for the 2020 Census (17-127) ([0:40:35](#))

Phil Uhl, GIS Administrator, presented. Mr. Uhl shared current projects of the GIS division, including preparation for 2020 Census, LUCA (Local Update of Census Addresses), maps.provo.org, boundary and annexation survey [making sure the Census Bureau has the current City limits], gishome.provo.org, and the Participant Statistical Areas Program (PSAP). PSAP is an opportunity to influence census tracts and block groups with the Mountainland Association of Governments to better align with neighborhood boundaries. They have used similar processes in the past to recommend adjustments to precinct boundaries. Mr. Uhl answered questions from Council members about redistricting, noting some of the inherent differences—voting precincts are balanced by the number of registered voters, whereas school districts are balanced by population. The process for mapping data differs depending on the type of redistricting. ***Presentation only.***

3. A discussion on a request for variance from Technology-Based Phosphorus Effluent Limits for the Wastewater Reclamation Facility (17-128) ([0:57:20](#))

Dave Decker, Public Works Director, presented, and introduced several staff members who work with wastewater systems: Gary Calder (Water Division Director), Shane Jones (Engineer), Jimmy McKnight (Financial Analyst), and Rebecca Andrus (Engineer). Mr. Decker gave background information on this request for a variance letter, which would need Council approval before the end of the year.

Mr. Decker explained that 2020 water nutrient regulations permit no more than 1 milligram of phosphorus per liter of water. The Division of Water Quality (DWQ) anticipates a second step in 2030 moving the maximum between 0.05 to 0.5 mg/L. The Wasatch Water Quality Coalition and City staff are concerned about the lack of specific details for the 2030 changes. The City can obtain a variance to extend compliance for the 2020 regulations to 2025, however, this would shorten the time remaining to comply with the 2030 regulations, which are still unspecified at this time. Public Works staff recommend preparing a general variance request; this would permit more flexibility as staff identify and prepare the necessary solutions. There is a possibility that the State DWQ may not accept the variance, but this is something which other cities and agencies, such as Central Valley Water Reclamation, would face as well.

Mr. Decker noted that no matter the method, each possibility represents significant financial impact. The wide margin of the purported 2030 changes is concerning and the Wasatch Water Quality Coalition has represented this major concern to the State—there is not a specific target for 2030. The City could apply for revolving loan

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funds from the State to utilize in addressing compliance needs, but Mr. Decker noted that these funds are not a gift or grant; they function as a loan and would need to be paid back to the State.

Mr. Decker will give a second presentation at the November 14, 2017 Work Meeting, which will cover financial details of the proposals, as well as west side wastewater treatment options. Mr. Decker noted that during budget discussions earlier in the year, Public Works incorporated a savings account for the 36" parallel line on the west side. This financial planning step will help the City avoid bonding for this improvement, however, there is still a limited capacity with the current wastewater system—equivalent to service for approximately 600 single-family homes. Wayne Parker, CAO, noted that introducing a new industrial area, airport terminal, or other commercial development would reduce that 600-unit capacity.

Presentation only. This item will be brought back to the November 14, 2017, Work Meeting.

4. An update on Council Communications (17-125) ([1:31:35](#))

Karen Tapahe, Community Relations Coordinator, presented. At the beginning of 2016, the Council established as a priority to improve public engagement with the Council. Ms. Tapahe reviewed several aspects of these goals and provided an update on efforts to achieve this goal. The aims of Council communications have been to decrease response time, and to provide more transparency and accessibility. There are many different tools used to accomplish this, but each caters to different citizens' preferences and comfort with technology. Ms. Tapahe outlined some of these tools and shared statistics on: the neighborhood program, social media, news clips, Open City Hall, YouTube, newsletters, and Citizens Agenda. The Citizens Agenda explains and simplifies what is presented on the Council meeting agendas, demystifying legal jargon or other points of confusion. Ms. Tapahe outlined other on-going efforts and the process of making continual tweaks based on experience. Council members shared comments and feedback. Council Chair David Sewell expressed appreciation for Ms. Tapahe's work with Council communications. ***Presentation only.***

5. A discussion on adopting the Provo Parking Strategic Management Plan as a guide for decision making and policy formation (17-126) ([2:03:15](#))

Cliff Strachan, Council Executive Director, introduced the discussion. While in the process of updating the General Plan, staff have identified a way to streamline the General Plan, by incorporating through reference the supporting master plans. While the Council held a parking retreat in late 2016, no plan was formally adopted at that time. Kimley-Horn, consultant on the strategic plan, have recommended adopting a vision statement, mission statement, and guiding principles. The Council could consider adopting action steps.

Matt Taylor, Parking Administrator, thought the Council should focus on policy outcomes; much of the rest of the document is advice and best practices on the administrative side of parking issues. Council member Kim Santiago shared feedback and concerns about sections of the strategic plan. Council member David Knecht commented on the existing parking permit programs in areas such as the Foothills neighborhood; while a bit of a hassle in its current iteration, it is expected that with the onset of Provo 360, more of the process can be handled online. Council members shared thoughts on having a parking committee or adding the scope of the parking management to the Transportation & Mobility Advisory Committee. Mr. Taylor thought keeping TMAC involved in the discussion was important, though they have a wide range of projects. Mr. Taylor suggested that the Council adopt a core set of guiding principles, perhaps to incorporate into Vision 2050, and to further adopt the strategic plan to direct the Parking Administration division's work. ***Presentation only. This item will be brought back to the November 14, 2017, Work Meeting.***

6. A discussion on the baching overlay (17-124) ([2:24:39](#))

Jeremiah Maughan, Vision Real Estate, presented. Mr. Maughan talked about factors and conditions which have encouraged or resulted in baching single adults gravitating to traditional family neighborhoods. Many

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City policies or ordinances explicitly reference neighborhood goals favoring permanent, family owner-residents, but south campus area housing does not meet the needs of working single adults and graduate students who do not want to live in undergraduate student housing. This population is underserved and there are definite needs to provide quality housing for this demographic. Council members David Sewell and David Harding shared feedback from a town hall meeting with single adult residents, many of whom shared comments about the negative impacts they feel and a sense of not being valued.

Mr. Maughan outlined policy considerations and statistics and answered questions from Council members:

- Vision Real Estate surveyed approximately 600 former tenants; 75% of results came from female respondents (there are likely differences for male residents). Results showed a preference for private rooms, 93% of respondents owned one car, only 3-5% preferred apartments.
- The current scope of the baching overlay is limited to the south campus planning area. There is a large demographic of single adults that do not wish to live there—they may not want student roommates, may like the feel of a traditional neighborhood, or may financially be able to afford more space and a nicer living space than the typical student apartment; quality and parking are major amenities for many single adults. Mr. Maughan emphasized that baching should be available in neighborhoods, but done in conjunction with projects that fit the area and meet parking requirements.
- Rather than converting existing neighborhoods for baching uses, Mr. Maughan suggested utilizing redevelopment, master plans, or new construction areas, starting with areas where single adults already congregate (east of State Street, downtown, etc.).
- Mr. Maughan stated several recommendations: future baching needs to bring back the 5 to 6 option, with specific criteria to reach the conditions desired in the neighborhood. Baching areas need to have at least a parking ratio of 1:1 cars to residents, with an additional 10% factored in for guests (alternatively streets wide enough for guest street parking).
- Mr. Maughan noted that zoning such as HDR (high-density residential) could be helpful in accomplishing these aims; a developer could be approved for HDR zoning, allowing them to build closer to the road, but then complete a project with medium density, utilizing the additional space to create sufficient parking. Mr. Maughan noted often the parking ratio is problematic.
- Gary McGinn, Community Development Director, clarified that there is no baching singles overlay; currently this is a permitted land use which is incorporated into specific zones within the City. Council member David Knecht expressed a desire to create an overlay, which would be visible on a zoning map, rather than a permitted use which can be buried in the text of city code.

Presentation only.

7. A discussion on a proposed zoning ordinance amending Provo City Code 6.26.150 (17-104) ([3:03:35](#))

Brian Jones, Council Attorney, presented the current version of the drafted ordinance, noting several changes in the current draft. Council members shared comments on these differences, notably the update from “contract” to “disclosure and agreement.” Council members were of differing opinions on this change; several thought changing the definition of a commonly used term was confusing and contributed to unnecessary friction with the public. Proponents of the “contract” version worried that changing this watered down or weakened use of the ordinance by zoning staff to enforce in the necessary manner.

Mr. Jones addressed some comments of Council members, offering clarification on those concerns. One concern was that with a sub-lessee, there is not a contract between the *owner* and the sub-lessee. Mr. Jones noted that even the second version of the ordinance does not require there to be one, only a document called a contract that consists of the rental dwelling license approval letter, tenant rights and responsibilities, and acknowledgment that landlord knows sub-lessee is living there. Mr. Jones thought that the difference between the two versions was a matter of perception of who is reading the ordinance—the definitions are specific as to what is required. Gary McGinn, Community Development Director, echoed this sentiment,

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noting that it was a distinction without a legal difference and it does not change the legal meaning of what the ordinance does. He thought it came back to the message and tone the Council wants to send on enforcement. Marcus Draper, Assistant City Attorney, said that from a prosecution standpoint, the definitions are the same, though there may be a slight difference from an investigation perspective (with evidence gathering) if “contract” is specified in the ordinance. Ms. Santiago thought this was simply a semantic difference and thought it made sense to use what people understand.

Motion: Kim Santiago moved to keep the wording as contract. Seconded by George Stewart.
Roll call vote: Approved 5:2, with David Sewell and David Harding opposed.

Council Chair David Sewell noted several other items he was interested in deciding on as a Council. In the interest of increased public acceptance, he proposed reducing the penalty from a Class C misdemeanor to an infraction, with escalation to a Class C and Class B for second and third offenses, respectively. Mr. Sewell invited a motion to that effect. No motion was made.

Mr. Sewell was also concerned about the effective date of the ordinance, which was currently stated as January 1, 2018. He requested more details on a plan from the Administration regarding education and notification of landlords and tenants, as well as a timeline in which residents are expected to comply. Mr. Sewell proposed that by November 14, 2017, when the vote is scheduled, that the Administration would have a plan in place and the effective date could be based on this. Ms. Santiago thought the administrative processes for zoning compliance and business license renewals already built in time for compliance. Several Council members desired a direct or educational approach with outreach. Council member David Harding expressed a desire that all renters have the rights and responsibilities document, not only the small margin of rental units which are subjected to investigation for zoning enforcement; this universal requirement of the zoning disclosure was a major aspect of his support of the tool.

Motion: George Stewart moved to use January 1, 2018, as the effective date and instruct zoning enforcement under Community Development to use every means possible to advertise to people affected by the ordinance that this law is now in effect and to come back to council on November 14, 2017, with a plan and a budget. Seconded by David Knecht.

Mr. Sewell had concerns for advertising the ordinance when it has not yet been approved or put into official effect. Mayor John Curtis indicated that the Administration could return to the Council with a plan to present on November 14, 2017, which they would not implement until a decision had been made. They will make the necessary preparations but will not put the plan into action until a decision by the Council.

Roll call vote: Approved 7:0.

8. A discussion on above 25kW distributed generation (17-130) ([4:00:54](#))

Travis Ball, Energy Director, presented. This change to the code would allow commercial and industrial customers to utilize solar or other means of power generation and to connect to the Provo City power grid. Currently there is no provision to allow this for commercial/industrial customers. This proposal would create a provision to facilitate this, while not creating undue impacts or implications for the City budget. In cooperation with Utah Municipal Power Agency (UMPA), these customers would have a buy all, sell all arrangement; UMPA would buy all generated power at their going rate (regularly sending those customers a check for the total amount purchased), and Provo City would continue to supply power to these entities at the retail utility rate. This is metered differently than the net metering for residential solar customers, but presents a fair way to make this option possible for commercial and industrial users. This proposal has been reviewed and approved by the Provo Energy Board, UMPA Board of Directors, UMPA technical committee, and UMPA member cities. Typical residential users are on systems between 8 to 10 kW, with a

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maximum of 20 kW; this provision would apply only on 25kW or above systems, primarily used by commercial and industrial users. Mr. Ball answered questions from Council members, who expressed appreciation to Mr. Ball and staff for reaching this solution. ***Presentation only. A draft of the ordinance will be brought to the November 14, 2017, Work and Council Meetings.***

Policy Items Referred from the Planning Commission

9. Provo City Economic Development Department requests amendments to the General Plan text for the Spring Creek Neighborhood to allow for SLU#6614 Contract Construction Services and Heavy Manufacturing (M-2) Zoning, located at approximately 4000 South 2300 East. Current zoning is Planned Industrial Commercial (PIC). Spring Creek Neighborhood. (17-0004GPA)
10. Paul Washburn requests a Zone Change from Planned Industrial Commercial (PIC) Zoning to the Heavy Manufacturing (M-2) Zone for approximately 64 acres located at 3750 South Mountain Vista Parkway. Spring Creek Neighborhood. (17-0013R) ([4:11:12](#))

Items 9 and 10 were already scheduled for the October 17, 2017, Council Meeting and the presentations were continued to the evening meeting.

Business Continued

11. A discussion on the Transfer of Development Rights (17-129) ([4:13:08](#))
This item was continued to the November 14, 2017, Work Meeting.

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.

Council Attorney Brian Jones noted that separate motions would be needed to close separate sessions of the Governing Board of the Redevelopment Agency and the Municipal Council, respectively. RDA Board Chair George Stewart invited a motion to close the meeting of the Governing Board of the Redevelopment Agency.

Motion: David Harding moved to close the meeting of the Redevelopment Agency Board.
Seconded by David Knecht.

Roll call vote: Approved 7:0

Council Chair David Sewell invited a motion to close the meeting of the Provo Municipal Council.

Motion: Kay Van Buren moved to close the meeting of the Provo Municipal Council. Seconded by Gary Winterton.

Roll call vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.



PROVO MUNICIPAL COUNCIL

Work Meeting

9:00 AM, Tuesday, October 31, 2017
Room 310, City Conference Room
351 West Center Street, 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 Kim Santiago
Council member David Harding

Council member Gary Winterton
Council member Kay Van Buren, excused 10:15 AM
Council member George Stewart
Mayor John Curtis, excused 11:00 AM

Prayer

The prayer was given by Dixon Holmes, Economic Development Director.

Approval of Minutes

July 18, 2017 Work Meeting
October 3, 2017 Work Meeting
Approved by unanimous consent.

Ray Beckham, who was instrumental in building the Rec Center, Provo Foundation, and many contributions to the City, recently passed away. The Council's thoughts and prayers are with his wife Janette and family.

Closed Meeting

1. 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 Harding moved to close the meeting. Seconded by Kim Santiago.

Roll call vote: Approved 7:0.

Business

2. A discussion on the process for appointing an interim mayor (17-132) ([0:00:04](#))

Brian Jones, Council Attorney, presented. State statute specifies what to do if a midterm vacancy occurs with a mayor, however, there is no statutory process in place at this time for what occurs if an election has already taken place. Utah Code 20A-1-510 states that any time there is a midterm vacancy, the Council has the opportunity to fill that vacancy, with 14 days public notice. Mr. Jones clarified that the intent of this discussion was not to begin the process, as the election has not occurred yet, but rather to outline the

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statutory process so that the Council would be aware of the procedure in advance of any need to utilize this process. The State election Board of Canvassers meets on November 27, 2017 to certify the results of the election. Mayor John Curtis indicated that should this type of transition be necessary, he would hope it would proceed in a manner that residents would expect for the nature of the office of mayor.

Cliff Strachan, Council Executive Director, shared a suggested timeline. Should Mayor John Curtis resign on or before November 21, 2017 [given the authorization to move forward with a public notice either at that point or when it becomes clear that a resignation to become imminent], staff could notice a meeting of December 5, 2017, and request that any applicants interested in filling the mayoral vacancy make a submission to the City Recorder by 5 PM on Monday, December 4, 2017. The proposed intent statement uses language such as “it is anticipated,” with the understanding that much of the course of action is dependent on forthcoming circumstances.

Motion: George Stewart moved to adopt the timeline proposed by Mr. Strachan as the Council’s intent, with the Council Chair as the Acting Mayor until a new mayor is appointed. Seconded by David Harding.

Council members and staff discussed the content of the intent statement and how it characterizes the Council’s intended course of action with respect to the State and City laws. Council member Kim Santiago had concerns with the statement as written and made suggestions to what to change. Mr. Strachan and Mr. Jones explained that the Council does not want an appointment to be challenged for having circumvented the State’s process through a procedural deficiency, and he mentioned criteria outlined by statute. Mayor Curtis expressed his support and gratitude for how the Council was managing the uncertainties of this situation

Substitute motion: David Harding made a substitute motion to change the intent statement from “will give fair consideration to all” to “will follow state and city law.” Mr. Harding rescinded the substitute motion.

Amended motion: George Stewart amended his original motion and moved to change the intent statement from “will give fair consideration to all” to “will follow state and city law.” Seconded by David Harding.

Mr. Jones reiterated that this intent statement was not binding, but simply expressed to the public how the Council foresees the process. Wayne Parker, CAO, shared some concerns and Mr. Jones noted that many of those considerations are addressed by state statute or could be managed through this intended process.

Roll call vote: Approved 6:0, with Council member Kay Van Buren excused.

3. A presentation on Wastewater planning (17-131) ([0:35:06](#))

Dave Decker, Public Works Director, presented. Mr. Decker outlined several wastewater concerns regarding changes to nutrient treatment requirements. Public Works has a short timeline in which they can submit a variance request by the end of the year, but it would require the Council to act on November 14, 2017; because a sound understanding of the resolution is essential before November 14, Mr. Decker planned to address the financial implications of the possible directions of nutrient treatment solutions.

Mr. Decker outlined the timeline of nutrient treatment requirements, specifically regulations regarding phosphorous. The variance would allow the City to move the compliance date from 2020 to 2025, though if a variance were granted, the State would require a more advanced process for treatment/more than a chemical treatment. Mr. Decker answered questions from Council members:

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- On average, the treatment plant treats 14-15 million gallons daily. Of that, likely only 5% or less is used for irrigation at the golf course.
- It is expected that the State will make additional changes for 2030 requirements, but this is an unknown variable—there has been no clear or official indication from the State.

Mr. Decker outlined on a map some of the current infrastructure and related issues. There are significant infiltration and inflow (I&I) issues—the pipe system takes on water through leakage and otherwise, which decreases its ability to effectively treat wastewater and remove nutrients. Tracking down I&I is a complex and difficult process; age of pipes is a key factor, but high ground water and weather conditions increase the complexity for identifying these issues in the collection systems. Mr. Decker shared a slide with the five-year CIP (capital improvement projects) schedule, but noted it would be more pertinent to the later discussion.

Mr. Decker outlined other wastewater considerations for the west side of Provo. In order to facilitate future development in the area, bottlenecks and capacity needs of the existing system must be addressed. The planned 36" parallel line will bring the west side to the 4 unit per acre capacity, but it is critical to have a plan moving forward so that policy and development can be crafted and promoted accordingly. The intent is to move to a master lift station and to eliminate many of the smaller lift stations, which are highly inefficient. Mr. Decker outlined the proposed plan and the benefits of a gravity system running all the way to Utah Lake State Park. Mr. Decker outlined financial details for a new master lift station, plus the northwest area lift station near the new Provo High School. Mr. Decker also noted that the recently constructed water tanks were part of the water system master plan to address storage needs and fire flow.

Mr. Decker noted some of the concerns and related issues:

- Potential financial overburden of rater payers
- Provo Bay may see higher regulations from the State than Utah Lake in the future. Provo and partner organizations have initiated studies on Utah Lake, but data will not be available for several years.
- California, Arizona, and the Midwest have experienced aggressive change to water regulations; Mr. Decker believed these regulations will come to Utah and it was simply a matter of time.
- The Timpanogos Special Improvement District has taken steps to address the first set of regulations by modifying their existing treatment plant (which is a much newer facility than Provo).

Regarding the Provo wastewater treatment plant, Mr. Decker shared several options and financial considerations. Three options were developed with the master plan consultants, while the fourth was developed by staff, due to concerns about the age of and costs to maintain the existing facility:

1. Upgrade current/existing treatment plant and to meet 2020 requirements or 2025 variance
2. Phased approach to keep facility through 2030, possibly build small west side treatment plant
 - a. Three varied \$ bonds take off in different years to: build new facility; keep old facility running; expansion on west side. Maximum bond payment would be \$6.5 million/year.
3. Construction of a new full capacity facility by 2025
 - a. Assumptions: bond payment is about \$11 million annually for 30 years. Right now, revenue for wastewater is about \$11 million. Over 30 years, the City would pay \$110 million in interest [based on financial & interest rate assumptions] on a \$220 million bond.
4. Phased construction of new facility while putting existing facility on life support, so to speak, to meet phosphorous requirements by 2025.
 - a. This option was developed by staff with the hope to find a solution that would give the City a pay-as-you-go alternative to bonding. This approach would still require steep rate increases and will decrease fund balance, but would avoid steep interest payments. After completion, there is a sharp increase in the fund balance, because once operational, the City has the ability to generate revenues without having to pay back interest.

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- b. This is prepared assuming a state-of-the-art facility [a membrane bio-reactor plant] which could handle pharmaceuticals as well as any kinds of nutrient regulations, as well as drinking water reuse. The State looks at total effluent between the two treatment plants and the City can meet the regulations by averaging the effluent from the two plants.

These options carry the following financial assumptions:

- Forecasted through Fiscal Year 2049
- All options assume \$200,000 annual operating cost increase
- Assumed \$3 million per year in collection system for related CIP projects (for new pipes and rehabilitation I&I of current pipes) and it is a cap on new and rehab pipes.
- Rate increases consistent with the five-year plan; all four options consider a rate increase.
- All options that include bonding assume a 30-year bond with 2.8% interest rate.
 - John Borget, Administrative Services Director, answered a question from Council member George Stewart, noting that there are issuance costs associated with any bond and that the shortest term of a bond would generally be about 10 years. One possibility is to do one bond early on and perhaps combine a couple of the outlined options/approaches.
- Comparisons calculated with current dollars; there will likely be additional future impacts from cost of construction increases and inflation.
- Rate increase projections [comparison of the average resident's monthly bill in each scenario] factored in project costs, interest costs, and have been calculated to keep the fund balance above zero.

Council members asked questions about the options and rate increase projections. Wayne Parker, CAO, noted other options staff have explored as part of the discussion about development capacity on the west side, including an engineered wetland which Mr. Decker explained could alleviate concerns should the State follow industry standards in Europe or other locations, where there are stormwater nutrient regulations. The proposals do not include an option to keep the old treatment plant operational in perpetuity. Mr. Decker mentioned another option, to implement a chemical treatment at the existing plant, but he noted the estimated overhead capital costs for \$20-30 million for chemicals. This is the capital expense for the chemicals alone, and does not factor in operational costs/budget [as a new treatment procedure would require changes to the current operations], and it would also not position the Public Works department to meet additional changes to nutrient regulations in 2030. Mr. Decker acknowledged the constraints on the existing system and the modifications which would be needed to move forward. He wanted to make sure the Council understands the various paths forward if the resolution is passed on November 14. While there are still unanswered questions with building a new treatment plant on the west side, staff have generally favored the options that include a component of looking to the future and what requirements the City may need to comply with at a later date.

Mr. Parker noted that the value of reusable water in 25 years will be dramatically different than it is as the present; this market factor is something they are keeping in consideration while approaching a solution. Mr. Decker reiterated that all of the proposed options would require the variance letter. Gary Calder, Water Division Director, said most treatment plants in the Wasatch front are in the midst of similar discussions; Salt Lake City is bonding for \$300 million to meet the State's requirements. Council members suggested sharing information with the public via Open city Hall, and a possible review by the Budget Committee.

4. A discussion on adopting the Provo Parking Strategic Management Plan as a guide for decision making and policy formation (17-126) ***Continued to the November 14, 2017 Work Meeting.***

Adjournment

Adjourned by unanimous consent.



PROVO MUNICIPAL COUNCIL

Joint Meeting of Provo Municipal Council with Transportation & Mobility Advisory Committee

11:00 AM, Tuesday, November 14, 2017

Room 310, City Conference Room

351 West Center Street, Provo, UT 84601

Agenda (0:00:00)

Roll Call

The following elected officials and Transportation & Mobility Advisory Committee members were present:

Council Chair David Sewell, Acting Mayor

Ben Markham, TMAC

Council Vice-Chair David Knecht, conducting

Laurie Urquiaga, TMAC

Council member Kim Santiago

Deon Turley, TMAC

Council member Gary Winterton

Dave Decker, Public Works Director

Council member David Harding

Dave Graves, Engineering Division Director

Council member George Stewart, arrived 11:44 AM

Gary McGinn, Community Development Director

Wayne Parker, CAO

Bill Peperone, Community Development Asst. Director

Cliff Strachan, Council Executive Director

Additional staff support was also present.

Excused: Council member Kay Van Buren, TMAC Members: Sherrie Hall Everett, Anna Lim, David Arnold, Mitsuru Saito (Chair)

The prayer was offered by Jared Penrod, Engineer.

1. A discussion on a Complete Streets policy (0:02:01)

Austin Corry, Planner, introduced the discussion on complete streets. Rather than reference to a specific standard or cross-section, ‘complete streets’ is more accurately a holistic approach to policy development and implementation for transportation planning in general. It may incorporate certain kinds of approaches to street design and allocations of right-of-way space, as well as direct how those decisions are made during transportation planning in the City. Mr. Corry introduced the draft policy and recommendations which TMAC have proposed as to how the City could be more forward-thinking in transportation planning.

Ben Markham, TMAC member, led the discussion. Changes to the street usually stay in place for about 30-50 years. TMAC members recognize that not every street can be everything for everybody, but the system as a whole needs overlapping networks such that cyclists, pedestrians, and cars can all reach their respective destinations safely. Many cities are working towards these goals and policies to encourage and foster overlapping networks that are efficient, safe, aesthetically pleasing, etc. for all users. The Committee would like to develop a measure to help developers evaluate how they did with addressing these kinds of needs.

TMAC members and staff shared comments and answered questions from Council members about complete streets and other initiatives of the Committee:

- Deon Turley, TMAC member, shared their vision of having context for a particular neighborhood or region, and taking into consideration how transportation amenities are best used and what needs exist.
- Laurie Urquiaga, TMAC member, shared the committee’s vision of complete streets: looking contextually and designing streetscapes—an attractive, safe place for lots of different users.

Pending minutes – awaiting approval

- Ben Markham, TMAC Chair, noted that design of transportation systems within the city has a tremendous impact on physical health of residents—allowing more bicyclists, pedestrians, parents with strollers, etc. is beneficial. Provo has a great opportunity to make integrated changes as areas experience redevelopment. Mr. Markham encouraged policymakers to not use affordability as the only deciding factor—performance is an important factor too.
- Ms. Turley observed how street design can reduce the need for enforcement—if wide, long streets have a low speed limit, it is likely no one will follow it, but behavior can be shaped by the design and make things safer and used the way they are intended and how would be best for the City.
- Committee members shared ideas for how to implement complete streets policies, including creating a complete streets committee to review development proposals/projects and establishing complete streets standards or policies. Standards designated in the draft policy represent some of those the committee sees as forward-thinking and supporting the vision they have identified in this policy draft. These standards function as a toolbox, allowing creativity by providing ideas and options depending on the end goal of the developer, rather than a prescriptive set of exact rules. The Engineering and Planning divisions were present for these discussions, but Council members suggested involving the Planning Commission in the review of these standards.
- Integration with neighborhood plans, the General Plan, and the Transportation Master Plan will help further successful implementation of complete streets policies. Dave Graves, Engineering Division Director, explained that Engineering is working on a rewrite of the Transportation Master Plan and they intend to coordinate with the consultant to involve TMAC in the process.
- Many developers do well with connectivity within a development, but connectivity between developments is often lacking. Designing with complete streets principles in mind can help to create a better and more connected network across the board.

Council member David Knecht suggested doing more to educate neighborhood chairs about complete streets and involve the neighborhood in the discussion of what is involved in complete streets. Council member David Harding recalled that at a previous meeting with TMAC, the committee had shared a work list of their current projects and focus—he asked whether there were a current list and expressed he would love to have a copy. Mr. Harding acknowledged the committee members' dedication, work, and their contributions to the community.

Adjournment

Adjourned by unanimous consent.

Pending minutes – awaiting approval



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:00 PM, Tuesday, November 21, 2017

Moved to Municipal Council Chambers

351 W Center, Provo, UT 84601

Roll Call (0:00:00)

The following elected officials were present:

Council Chair David Sewell, Acting Mayor
Council Vice-Chair David Knecht, *Conducting*
Council member David Harding
Council member Kim Santiago
Council member Gary Winterton
Council member George Stewart
Council member Kay Van Buren

Council Chair David Sewell, Acting Mayor, has invited Vice-Chair David Knecht to conduct.

Prayer

The prayer was given by Dixon Holmes, Economic Development Chief Deputy.

Business

1. Presentations on the proposal to build a medical school on a portion of the East Bay Golf Course
(17-136) ([0:07:08](#))

The Council heard presentations from Dr. Rick Nielsen, Wasatch Educational ([0:07:27](#)), and the Parks and Recreation Department ([0:41:37](#)) regarding the proposal. Dr. Nielsen and Andy Noorda shared the history and vision of the Noorda Foundation and why they have invested in Provo and wish to continue their legacy here. Dr. Nielsen also highlighted successes of Rocky Mountain University and the projected needs for medical professionals in the state of Utah in the coming years. Dr. Nielsen clarified aspects of their proposal and shared graphics depicting the proposed phases of the project and an approximate timeline.

Scott Henderson, Parks and Recreation Director, introduced staff who presented with him on the site and East Bay Golf Course operations, and how the proposed project relates to the course. Brett Watson, East Bay Golf Course Manager, highlighted the history of golf in Provo and at the current location, sharing statistics on increasing use by diverse groups (university classes, women, youth, etc.) and projections. The course is on track to eliminate their subsidy in [the coming] fiscal year 2019. Mr. Watson also highlighted events hosted at the course and other programming. Quoting Council member David Harding, Mr. Watson echoed his sentiments that taken together, the City provides an amazing array of recreational opportunities, some of which may serve specific users but as a whole have an enormous impact. Mr. Watson noted aspects of the unique site (former landfill) which contribute to the success and sustainable operations.

Doug Robins, Assistant Director Parks and Recreation, highlighted the unique characteristics of the site such as open space, animal habitats, water source confluence flowing to Utah Lake, and sustainable water use. Mr. Robins noted challenges with the site which is a former landfill—there are inherent costs and risks with developing this property for a different use when the current use is stable and sustainable. Mr. Henderson

Pending minutes – awaiting approval

presented on the impact to the golf course facility based on the most recent proposal. The Parks and Recreation Department advised an option for control on the area in the future in order to preserve the long-term interest of the golfing community, and suggested using some proceeds of the land sale for additional capital investment in golf for improvements which have been deferred in the past, and to show a continuing commitment to the golf community. The Parks and Recreation Department has had great success managing the property and wished to illustrate the implications for the proposal and project on this facility.

Dixon Holmes, Economic Development Chief Deputy, addressed questions from Council members:

- Wasatch Educational (WE) planned to purchase the Nature Sunshine parcel as it was crucial for access to the adjacent properties, but also to afford them a degree of control over its development. The City intended to pursue creation of a community development area (CDA) in cooperation with other local agencies, which would allow WE to earn back some of their initial costs based on the future performance of the site (the Nature Sunshine parcel specifically). The City has done successful CDAs in the past and is in negotiations for various others in areas of redevelopment.
- WE have investigated the geotechnical concerns to a sufficient degree that they are confident about the project, though Mr. Holmes noted that it would be their risk and opportunity.
- Mr. Holmes noted several details on the option for an additional wedge of the golf course, which included maintaining accreditation as a medical school with full capacity/upward trends.
- The City has put out a Request for Proposals (RFP) for golf course designers.
- The possibility of a mountain course still has many variables and unknown factors, including land acquisition, soil stability, and lack of utility infrastructure/improvements.
- Relocation costs of the 3 holes would be paid by WE but overseen by the City in conjunction with the golf course designer selected through the RFP process. The City already owns the Kuhni property, which is the intended relocation site—since 2006, there have been ideas that it may be used for golf purposes. If a definitive decision were made that golf was not moving there, they would seek to attract a commercial development on the 22 acres comparable to uses in the PIC zone and other areas of East Bay (data centers, light manufacturing, etc.).
- Mr. Holmes noted the benefit to the community of having a public golf course; impacting the golf course has costs, but there have been many proposals over the last decade to do something commercially on the property to enhance and improve economic opportunities in the community. Provo is landlocked with limited ability for continued development and welcoming a medical school at this location signals that the City is willing and welcome to continued development. A medical school carries a certain level of prestige and is a unique offering which brings capital improvement, students, business, and employees, and is unique in Utah County.

Council members shared some comments at this stage of the process, noting that the choice is between two good options. Wayne Parker, Chief Administrative Officer, agreed that there is value on both sides of equation, and the balancing act is for the Council to conclude on which side value is predominant. The Administration is supportive of whatever process gets the Council to an answer and a direction.

Council member Gary Winterton requested input from the Parks and Recreation Board. Mr. Parker and Brian Jones, Council Attorney, outlined the requirements for placing a property on the surplus property list and how the Council could approach the process. With the Council meeting schedule and intervening holidays, either a special meeting would be needed to allow the required 14-day notice of the sale, or business would need to be deferred until the Council Meeting scheduled on January 9, 2018. Council members wanted to begin the outreach process in the meantime, including holding public comment at the December 5, 2017 Council Meeting and through Open City Hall and other means of outreach.

2. A discussion on the Accessory Apartment Overlay Zone, the Supplementary Residential Overlay Zone, and related zoning topics (17-137) ***This item was continued.***

Pending minutes – awaiting approval

3. A discussion on adopting the Provo Parking Strategic Management Plan as a guide for decision making and policy formation (17-126) ***This item was continued.***
4. A discussion on proposed text amendments to Title 11 regarding sanitation services (17-123) ([2:10:34](#))

Brian Torgersen, Public Services Division Director, presented on these changes, which are intended to improve the ability of the Public Works department to enforce reasonably when issues with insufficient trash collection points occur. Mr. Torgersen clarified that the City does not handle front-loading commercial dumpsters; this ordinance relates primarily to the curbside cans and operations handled by the City. Council members shared concerns and feedback about a required minimum amount of 95 gallons for trash disposal. Brian Jones, Council Attorney, shared insight on how various iterations of the ordinance would work for a criminal offense heard by a jury. In response to stated concerns, Dave Decker, Public Works Director, shared a potential change which would not institute a minimum amount unilaterally, but would state a specific minimum to be required at the discretion of the Public Works Department; this change would remove the automatic mandatory minimum, but would provide a concrete requirement for Public Works staff to utilize if and when they encountered persistent issues.

Motion: George Stewart moved to amend the ordinance per Mr. Decker's proposed change:
"Regardless of collection method, the owner of any dwelling may be required by the Public Works Department to provide up to 95 gallons of refuse waste capacity per week for each dwelling in order to satisfy Provo City Code 11.01.050(13)." Seconded by David Harding.

Roll Call Vote: Approved 7:0.

This item was already scheduled for the November 21, 2017 Council Meeting.

5. A presentation from Finance on operating budget carryovers (17-135) ([2:45:00](#))

Dustin Grabau, Budget Officer, reviewed carryover requests from City departments. The intention of providing this service to City departments is to prevent the 'last month scramble' to use up unspent excess funds in a department's budget. There are various reasons that departments carry over money, most often for an outstanding purchase order or to meet operational needs not filled through the normal budgeting process. At the end of the fiscal year, carryovers are subtracted from any operational savings. Of the remaining balance, half goes to the employee recognition fund and incentive programs, and the remaining half is returned to the general fund. Mr. Grabau made note of several specific noteworthy or unusual carryovers, including capital investment of fitness equipment at the Rec Center and Vote by Mail election costs.

John Borget, Administrative Services Director, clarified how carryovers work year-to-year if not spent in the previous year. For example, the Information Services Department has outstanding projects for which they have carried over funds, but due to their staff's time-intensive role in the implementation of Provo 360, many of these needs have not yet been addressed and so they have requested to repeat this carryover.

Some carryovers address prior financial obligations which have not been spent; others might address initiatives which a department is pursuing because of operational savings. Because the departments are in a better position to clarify how their requests are categorized, Wayne Parker, Chief Administrative Officer, suggested that the following fiscal year, the Administration request those categorizations when departments submit carryover requests. Functionally these carryovers work in the same way, but the purpose behind them may be different for each department or item. Because the audit is still underway for the previous fiscal year, there may be changes to the carryovers into September or October. Finance staff would be able to share an initial report in the fall, and disclose additional changes to carryovers should there be any. ***Presentation only.***

Pending minutes – awaiting approval

6. A discussion on proposed new Fire Department fees (17-133) ***This item was continued.***
7. A discussion on proposed Neighborhood Program changes (17-138) ([3:08:40](#))

Cliff Strachan, Council Executive Director, presented. Mr. Strachan updated the Council on the discussions of the Neighborhood Program Review Committee. The committee has recommended changes to the Neighborhood Advisory Board, retitling the chapter of city code as “Neighborhood Program” and transitioning the NAB to a Council committee called the Neighborhood Advisory Committee. The structure would remain similar, having the 5 Area Representatives as committee members, as well as several Council members (one of whom would chair the committee), and possibly several former neighborhood chairs or vice-chairs. There was also a discussion about the Downtown neighborhood and its unique situation and changes to its representation, from a Downtown Provo, Inc. representative to having a resident as neighborhood chair. The Committee has been gathering feedback from the neighborhood chairs and vice-chairs. Mr. Strachan noted that staff are pleased with the contributions of neighborhood chairs, vice chairs, and area reps to make the program better. Council members shared some comments, including the observation that there are inherent conflicts for any neighborhood and its residential and commercial components; there is an opposite but equal challenge for all neighborhoods. ***Presentation only. The Neighborhood Program Review Committee will discuss this item at their November 29, 2017 meeting.***

8. A discussion on the proposed 2018 Council meeting calendar, the timing of Council meetings, and the election of the Municipal Council Chair (17-139 and 17-140) ([2:03:10](#))

Elizabeth VanDerwerken, Council Executive Assistant, reviewed the proposed 2018 Council meeting schedule. Ms. VanDerwerken noted that meetings have been aligned as closely as possible with the traditional first and third Tuesdays of each month, while avoiding major holidays and school closures. Because there is no municipal election in 2018, there is no meeting of the Board of Canvassers.

Cliff Strachan, Council Executive Director, briefly reviewed the proposed code changes for the timing of Council meetings and the chair election. The changes suggested have been made to allow flexibility while still adhering to the intent of the ordinance; there are occasional years when the calendar dates are aligned such that it is impossible to comply with the ordinance as currently instituted. Brian Jones, Council Attorney, noted that this ordinance is covered under state law and by making these clarifications, it would provide a better expectation and level of transparency for the public. ***Presentation only. This item was already scheduled for the November 21, 2017 Council Meeting.***

Closed Meeting

9. 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: Kay Van Buren moved to close the meeting. Seconded by Gary Winterton.

Roll Call Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, December 05, 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, Acting Mayor; conducting
Council Vice-Chair David Knecht
Council Member Kay Van Buren, arrived 12:04 PM
Council Member George Stewart
Council Member Gary Winterton
Council Member David Harding

Council Member Kim Santiago was excused for the meeting but participated in some discussions via phone.

Prayer

The prayer was given by Council member George Stewart.

Approval of Minutes

June 6, 2016 Budget Retreat
October 18, 2016 Work Meeting
September 19, 2017 Council-Planning Commission Joint Meeting
November 14, 2017 Work Meeting
Approved by unanimous consent.

Business

1. A presentation on Wastewater planning (17-131) ([0:02:50](#))

Dave Decker, Public Works Director, introduced Cory Christiansen (Consultant on Wastewater Treatment Master Plan), Brent Ventura (Horrocks Engineers, consultant for piping system and large projects on west side involving Duncan Aviation and other developments), and Public Works staff. Mr. Decker highlighted several items from previous discussions and presentations:

- Capacity of existing infrastructure on west side
- Inflow and infiltration (I&I) issues with the water system/infrastructure and projects to address this (monitoring by consultant, flexible lining project, installation of new pipe in select areas)
- Review of nutrient regulations and proposed options for compliance, including exploration of a new treatment plant and financial implications of the various options
- Update on variance letter (the City will likely hear back from the State in January; the request is in line with other municipalities' requests and staff do not anticipate having any problems)

Pending minutes – awaiting approval

Mr. Decker noted that much of his presentation that day would be based on option 4 ('pay-as-you-go' option) due to Council feedback during previous discussions. Mr. Decker shared an updated figure with the comparison of rates under each option, including project costs *and interest*. Staff have verified that after determining the net present value (NPV) calculation, option 4 was still the least expensive option.

The City has identified a potential site for a new treatment facility on the west side of Provo, where the City owns about 20 acres near the airport and Lakeview Parkway. Mr. Decker noted that 2050 West is an extension of Geneva Road and would likely continue due south to connect to Lakeview Parkway. There is a parking lot there for trail access; visiting the parking lot may help Council members conceptualize the site.

Mr. Decker noted industry forecasts based on changes in California and Arizona. There are risks and unknown variables with any of the proposed options, many of which are difficult to anticipate. Mr. Decker responded to a question regarding reverse osmosis and direct reuse of water; he had concerns with the public perception issues, but observed that because Provo has many high-quality, high-priority water rights, he did not foresee this as a necessity for Provo, though it would certainly be an option with a new treatment plant.

Mr. Decker shared graphics created by Horrocks Engineers showing the existing sewer capacity in specific areas, along with a proposed schedule for phased expansion (beginning with key areas such as Duncan Aviation and on 620 North) based on development potential. Mr. Decker shared additional details on financial implications should a master lift station be built. Any revenue savings from the Geneva Road sewer line project are factored into the appropriate fiscal years' budget for west side sewer CIP 2018-2026. Mr. Decker clarified that the proposed pipe plan is development driven, but that the treatment plant is not, however the timing of both projects is closely connected (with the treatment plant scheduled to be up and running in 2022 and the pipe plan completion slated for 2021), and both carry considerable financial impacts. Based on impact fee revenue for the past five years, it is anticipated that after completion of the impact fee study, fees may double or even triple, as these fees have not changed in many years—this will play a role in financing these projects, as impact fee revenue is dedicated towards many of these projects impacting development. Because impact fee revenue comes in after the fact, there may be short-term cash flow problems, which would affect how the City may choose to approach the financing. Mr. Decker also shared insight and implications of the City's past fee increases and the State requirements for such.

Several Council members shared feedback on the proposed options:

- George Stewart wanted to look at impact fee increases with 6% growth.
- David Harding asked whether Public Works had considered following option 4 as closely as possible, while doing some bonding early on to help keep the fund balance positive, rather than having sharp increases or decreases. Mr. Harding thought this was something to consider on behalf of constituents.
- David Sewell asked whether selecting the pay-as-you-go or another option would slow development. Mr. Decker indicated that various options could enhance or inhibit progress for development.
- David Knecht thought financial ability should be a determining factor for growth and infrastructure.
- George Stewart still believed option 4 was the best option.

Mr. Ventura and Mr. Christiansen observed that as other Utah facilities will be making significant updates, it may be prudent for the City to make a move early on to secure State funding. The Council understands the complexity of the issues and concerns of staff; it seems the City is on the right track. **Presentation only.**

2. A discussion on Police fees (17-142) ([1:39:54](#))

Cliff Strachan, Council Executive Director, presented, and acknowledged Police Chief Ferguson who was in attendance. The proposed fee updates focused primarily on the false alarm fees and traffic accident (TA) report fees. Additional minor changes to the consolidated fee schedule would be submitted in the next

Pending minutes – awaiting approval

budget cycle. Staff assessment found the Police fees to be fairly comparable to other cities, though some were low. Mr. Strachan shared data on the false alarms that received a response from the Police Department and noted that while most false alarms for the Fire Department involve commercial or business properties, the majority of false alarms for the Police Department involve residential calls.

Council members shared comments and feedback on the fees for these areas:

- David Knecht wondered about the volume of users who reach the five or six false alarms and whether it would be beneficial to begin charging for the third or fourth false alarm.
- David Harding offered a counter argument to raising the traffic accident fee; responding to traffic accidents is the kind of police service which is paid for by taxes rather than by fees. As a note of policy discussion, did the Council feel that traffic accident reports are of a different nature such that it would make sense for them to be paid for out of fees instead; increasing this fee added insult to injury.
- David Knecht recommended cost recovery as much as possible. Mr. Strachan clarified that the intent would be to recover the paperwork charge, not the fieldwork involved in initially creating the traffic accident report in the field; the City wants people to call in an emergency and for the City to continue to provide those services.
- Several Council members were interested to know statistics about the number of reports sent out per year and whether there were unique circumstances above and beyond the typical process which involve more work for the city hall Police staff.
- Chief Ferguson indicated that the Police Department is supportive of the recommendation; they do not want to gouge a citizen, but generally these reports are obtained for the insurance company and as such, it was felt that the fee increase was warranted.

Brian Jones, Council Attorney, indicated that the City ordinance regarding the Government Records Access and Management Act was in need of several revisions in order to comply with changes at the State. Some of the outcomes of these fee recommendations may be useful in the context of the Police Department fees and he suggested coordinating to make that available. Chief Ferguson expressed that Council members were more than welcome to attend a ride-along with an officer or meet individually with him. ***Presentation only.***

3. A discussion on proposed new Fire Department fees (17-133) ([2:01:37](#))

Chief Jim Miguel presented on this request for a fee and process change to address persistent problems with specific, problematic users of commercial fire alarm systems. Chief Miguel clarified what does or does not constitute a false alarm, sharing an example in which the department responded to an alarm at the hospital, which responders determined was set off by burnt popcorn; Chief Miguel emphasized that in this situation, the alarm system did exactly what the system is designed to do, so it was not a false alarm. Chief Miguel explained how fire alarms operate and how this change would make the ordinance more effective: by defining terms, requiring free commercial alarm registration with the Fire Department, listing 24-hour contact personnel for each commercial alarm system, and making updates to the false alarm fee schedule.

The Fire Department had 382 false alarms in 2016, and 449 false alarms thus far in 2017—17 of which occurred at a single address. Responding to false alarms with such frequency means deploying emergency equipment and personnel who are then out of commission to respond to other calls. The Fire Department also faces increased risk and liability in leaving what appears to be a false alarm without fully investigating.

Chief Miguel explained the proposal: every business would register their fire alarm with the City, including alarm address, alarm company, and at least two 24-hour contacts. This database would be integrated with the Fire Department computerized dispatch for ready access to current contacts while out on a call. The State requires fire alarms to be tested annually, so this database would also track compliance with testing requirements. These services will be provided to Provo businesses at no cost. The fee schedule will also be

Pending minutes – awaiting approval

updated to specify that a fee is charged after the first three false alarms which occur at a property in a rolling 12-month period, rather than each calendar year. This is not intended to raise revenue, but as a disincentive which would encourage business owners to keep their alarms in proper working condition.

Chief Miguel reiterated that the Department's goal is to drastically reduce the number of false alarms they go to—fire prevention is their first priority, and they have other goals with inspections, testing, assistance, and enforcement. This is an important step in helping make businesses accountable and keep their alarm systems in good repair and will reduce the time the Fire Department spends responding to false alarms. In response to a question from Council member George Stewart, Chief Miguel indicated he did not see any reasons not to make these changes. Steve Schreiner, in the City Attorney's office, has reviewed the draft and the final version will be brought to the Council in the future. Implementation (including building up the database) will likely take a year, after which annual renewals can be easily managed. ***Presentation only.***

4. A discussion on adopting the Provo Parking Strategic Management Plan as a guide for decision making and policy formation (17-126) ([2:21:40](#))

Matt Taylor, Parking Administrator, briefly presented an update on the materials, focusing in particular on the executive summary, guiding principles, and the implementation/action steps for first 12-24 months. Council members had concerns about the length of the strategic plan, its structure, and the implications of adopting it in its entirety as a policy document. Council member David Harding thought that the mission statement, vision statement, and guiding principles were well done, but that the action items contained superfluous items and some needed to be updated. He suggested following a similar approach as the bicycle master plan, a portion of which was adopted as a short chapter in the transportation master plan, with the entire bicycle master plan as an appendix or reference. Cliff Strachan, Council Executive Director, suggested holding a further discussion with the Administration, as they have viewed parking as a service related to economic activity and other areas, rather than something solely related to Public Works; the transportation master plan is more about infrastructure and less about the parking services the City provides.

Council member David Sewell shared similar concerns to other Council members about the length of the document and non-relevant portions, but asked whether it would be sufficient to adopt the vision, mission statement, and principles. Several Council members shared this view and were comfortable with the first two chapters of the document.

Motion: David Harding moved that the Council proceed at the December 5, 2017 Council Meeting with the option of considering adopting chapters 1 and 2 of the proposed Strategic Parking Management Plan. Seconded by George Stewart.

Council member Kay Van Buren suggested clarifying the motion to state that chapters one and two specifically include the mission statement, the vision statement, and guiding principles.

Amended motion: David Harding amended the original motion to indicate that chapters 1 and 2 include the mission statement, vision statement, and guiding principles. The amended motion was seconded by George Stewart.

Mr. Strachan and Gary McGinn, Community Development Director, suggested that as staff update the General Plan, that could be an opportune time to better align the action steps with the City's policies. Council member Kim Santiago joined the discussion by conference call at approximately 2:45 PM and suggested Council members read the plan in full at some point, as it contained beneficial information.

Roll call vote: Approved 7:0.

Pending minutes – awaiting approval

5. A discussion on proposed Neighborhood Program changes (17-138) ([3:21:06](#))

Cliff Strachan, Council Executive Director, presented on the proposed changes to the ordinance regulating the Neighborhood Program, as well as several changes which have been tabled for the present:

- References will be updated to refer to the Neighborhood Program, rather than a board, making clear the ordinance pertains to the already-established neighborhood program.
- Language using the standard outlined in the Council Handbook (commission, committee, board)
- The Neighborhood Advisory Commission (previously Board) will include: a Council member will serve as chair, area representatives, and other members as appointed by the committee (could be community members or former neighborhood chairs familiar with the program).
- Changes to the Downtown Neighborhood were removed from this draft. Mr. Strachan and Council Chair David Sewell invited comments from Quinn Peterson, Downtown Provo Inc. Director, who noted the demographic composition of downtown has shifted (from exclusively commercial to a mixture of commercial and residential) since the creation of the neighborhood. The aim is to give a voice to residents, but to maintain the unique character and vibrancy of downtown Provo.
- Clarifications to the section about the role of a neighborhood chair regarding development proposals and neighborhood meetings; the majority of pushback from neighborhood chairs was regarding this section. For now, the Committee returned this to the original language, and will continue to review in more detail in tandem with the Development Approval Process Review Committee and staff to determine how to better coordinate these components.
- Clarifications to the matching grant review process: the Neighborhood Advisory Commission can make recommendations on matching grant proposals, but ultimately the discretion for how the City's funds are spent lies with the Executive Director, subject to direction of the Council Chair.

Council members shared comments and discussed the changes presented. The Neighborhood Program Review Committee planned to continue discussion on the postponed changes.

Motion: David Harding moved to proceed at the December 5, 2017 Council Meeting using a version of the ordinance that continued to use “Neighborhood Advisory Board” and omitted the sections with changes to the downtown plan and neighborhood meetings with respect to the land use development process. Seconded by David Knecht.

Roll call vote: Approved 6:0, with Kim Santiago excused.

6. A discussion on proposed Council Handbook amendments (17-037) ([2:52:38](#))

Brian Jones, Council Attorney, presented. The last official revision of the Handbook occurred five years previously and throughout 2017, the Rules Committee has completed a revision of the entire Handbook. Mr. Jones and Cliff Strachan, Executive Director, highlighted several of the more substantive or drastic changes. Council members expressed appreciation to staff for their work on this ambitious project.

Mr. Jones introduced a discussion regarding Council committees (chapter 5 in the Handbook). He suggested lessening confusion by using different names for groups with distinct purposes or structures. Mr. Jones read definitions from the Oxford English Dictionary that outlined the differences between these bodies:

- *board*: group constituted as the decision-making body of an organization;
- *committee*: a group of people appointed for a specific function by a larger group and typically including some of the people of the larger group; and
- *commission*: a group of people entrusted by a government with authority to do something.

Pending minutes – awaiting approval

Mr. Jones noted that in the City of Provo, the ability to form boards and commissions is not exclusively an executive power. Mr. Jones outlined how the Council's existing boards and committees might be delineated according to the standard definitions he shared previously. He recommended if the Council intended to implement this suggestion that a decision be made prior to establishing the 2018 committee assignments for Council members. Chair Sewell invited a comment from Odell Miner, a citizen in attendance, who noted that *standing* or *ad hoc* are statutory terms used nationally and at the state level. Council member David Harding suggested examining how a committee has been functioning historically, and how it would function under those changes. Mr. Jones agreed it was critical to decide how the Council would specifically use these terms, as maintaining consistency with the State ordinances was not always feasible.

Council member Kim Santiago shared her concerns with several sections of the handbook:

- She felt that simultaneous noticing of planning commission has created a very congested agenda, as items were unnecessarily listed on an agenda and being continued.
- She also disagreed with allowing one council member choosing to continue an item.
- She was not supportive of approving the updated handbook based on these issues.

Council members wished to leave the boards and commissions terminology as currently stated, and spend more time discussing the terminology with the intent to make a determination on that at a future time.

Motion: Gary Winterton moved to adopt the Council Handbook as it has been presented to the Council. Seconded by Kay Van Buren.

Roll call vote: Approved 6:1, with Kim Santiago opposed.

7. A discussion regarding the Provo City Audit Report and Comprehensive Annual Financial Report for the fiscal year ending June 30, 2017. (17-134) ([3:47:45](#))

John Borget, Administrative Services Director, introduced Ed Erickson of Hansen, Bradshaw, Malmrose & Erickson. Mr. Erickson presented the letter of transmittal and the independent auditor's report which accompany the Comprehensive Annual Financial Report (CAFR) prepared by Provo City staff. Mr. Erickson gave an overview of the analysis and financial highlights from the fiscal year. The City's assets have increased and liabilities have decreased, with the City's net position increasing. Most of this is not spendable and is invested in infrastructure, physical facilities, or other fixed assets, but the City has good liquidity. Mr. Erickson believed the City is in excellent financial position. The economy has rebounded and recovered; property, sales tax, and other revenue sources are strong; and the net increase was very similar from 2016 to 2017. Council member George Stewart noted increased fund balance in the Energy Department.

Mr. Erickson touched briefly on the City's liability share of the State retirement/pension system, on page 30 of the report. He clarified that the State's system itself is not entirely funded (currently about 82-84% funded), but the City has paid everything the City owes, and does so on a continual basis with each payroll.

Mr. Erickson explained portions of the report which address the methodology, internal controls, and reporting methods, which help the auditors to complete their assessment. Mr. Erickson noted the Provo 360 finance software update, during which capital asset records were transferred to the new system. Some errors occurred during the transfer process, which resulted in some fairly significant adjustments. The auditors would recommend another party review the report, but it may have been a unique situation this year with the software change over. After booking the pension liability, the fund balance went from a positive to a negative balance. The City will increase the billing rate charged to other funds to help balance that, as it is technically a violation of State law, although there are no repercussions for it. Mr. Erickson highlighted the report on compliance with major federal programs. The City has received and spent \$5.7 million in federal

Pending minutes – awaiting approval

funds. The auditors tested some programs and have found no issues or items to report—the City is in compliance with federal requirements for grants received. ***Presentation only. This item was already scheduled for the December 5, 2017 Council Meeting.***

8. A discussion on the Accessory Apartment Overlay Zone, the Supplementary Residential Overlay Zone, and related zoning topics (17-137) (video 2/2 [0:09:06](#))

Gary McGinn (Community Development Director) and Carrie Walls (Zoning Administrator) presented. Ms. Walls outlined various housing scenarios and the types of family or individual living arrangements permitted by city ordinance. Ms. Walls clarified that her focus was primarily on what is contained in city ordinances, but based on the federal Fair Housing Act [which states that if there is an adult living in a home, their minor children can always live in the home], Provo City would permit minor children of roomers and boarders.

Mr. McGinn and Ms. Walls answered questions from several Council members about various scenarios and how the examples relate to what city law permits. Mr. McGinn and Ms. Walls explained what constitutes a kitchen, as defined by city ordinance, noting differences between what “may” equal a kitchen, as opposed to what “does” equal a kitchen. Ms. Walls clarified that the existence of a second kitchen is not permitted for use as a separate unit; an agreement stipulating the conditions of the second kitchen must be signed and filed with the City. Mr. McGinn and Ms. Walls also answered questions about baching uses and where these are permitted in the city; Mr. McGinn was not aware of any baching uses outside of the Joaquin Neighborhood. Elsewhere, a single-family is comprised of a family or up to three unrelated adults. ***Presentation only.***

Policy Items Referred from the Planning Commission

9. A discussion on a request to amend Provo City Code Subsection 15.03.020(3) to update 2017 standards to 2018 standards. Citywide impact. (17-0022OA) (video 2/2 [0:00:07](#))

David Day, Engineering Development Coordinator, presented on updates to 2018 standards for Public Works. The relevant provision in the City code regarding standards for public works projects was recently adopted by the Council, per State statute; this discussion is the annual adoption of updated standards for the coming year. Mr. Day noted the addition of some other state standards which are applicable in Provo (for UDOT roads and projects, etc.). Wayne Parker, CAO, suggested that staff make available online any of the standards adopted from external agencies. Mr. Day noted several standards not available digitally, but indicated that Public Works maintains print copies of those materials for staff use and public reference. Mr. Day shared updates on specific standards which changed between 2017 and 2018 and explained the reason for the recently added State statutory requirement. The State now requires municipalities to adopt public works design standards for any aspects of a project which will require capital investment by a developer or owner; some cities had been routinely rejecting aspects of a project based on arbitrary or non-existent criteria, which frequently resulted in costly re-dos by developers. Council member David Harding asked in future years for a summary of changes, so Council members may review what they are potentially adopting. ***Presentation only. This item was already scheduled for the December 5, 2017 Council Meeting.***

Closed Meeting

No closed meeting was held.

Adjournment

Adjourned by unanimous consent.



Provo City Municipal Council

Staff Memorandum

Report from the Sustainability Committee and Agricultural Commission

January 9, 2018

<p>Presenter Shawn Miller and Don Jarvis</p> <p>Issue File # 18-009</p>	<p>Item Short Title A semi-annual report from the Sustainability Committee and Agricultural Commission (18-009)</p> <p>Intended Outcome of Discussion/Requested Action</p> <ul style="list-style-type: none">• That the City become directly involved in preserving farmland within our own city limits. While federal and state funding pays for the largest share of agricultural easements, the initiative for such efforts originates most often with city governments.• That the City of Provo approve the resolution on the LeRay McAllister Fund as soon as possible in order to influence the Legislature in a timely manner. The LeRay McAllister Fund was created to help permanently protect Utah's agricultural lands. <p>Background <i>Sustainability Committee</i></p> <p>The information below is from Provo City's website:</p> <p>“Established in March 2011 by Mayor Curtis, the (Sustainability) Committee is charged with the following:</p> <ul style="list-style-type: none">• “Keep a twenty-year view and help implement Vision 2030 goals to protect the city’s natural resources;• Be reasonable: Identify feasible projects that will have public support;• Recruit others: Publicize and develop citizen
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- | | |
|--|---|
| | <ul style="list-style-type: none">involvement in projects;• Work with city leaders: Help the Mayor and Municipal Council identify and implement priority projects. |
|--|---|

“Members of the Committee are volunteers appointed by the Mayor for three-year terms.”

Agriculture Commission

The Provo Agriculture Commission was established in February 2017 based on recommendations from Utah County Agriculture Toolbox. The Council and Mayor Curtis issued a joint resolution of support for the Agriculture Commission (Resolution 17-024), making it a sub-committee of the Sustainability Committee. The purpose of the Agriculture Commission is to promote local commercial and non-commercial agriculture. The Commission is composed of local volunteers.

1 RESOLUTION ON ALLOCATION TO LERAY MCALLISTER FUND
2

3 A JOINT RESOLUTION OF THE PROVO MAYOR AND MUNICIPAL COUNCIL
4 URGING SUSTAINED SUPPORT AND INCREASES IN THE ANNUAL STATE
5 BUDGET ALLOCATED TO THE LERAY MCALLISTER FUND FOR THE
6 PRESERVATION OF FARMS AND OPEN LAND IN THE STATE OF UTAH.
7

8 WHEREAS, agriculture is an important part of Utah's economy, and Utah County alone
9 generates \$245 million from agriculture; and
10

11 WHEREAS, agriculture, unlike residential housing, contributes more in revenue to local
12 governments than it requires in public expenditures; and
13

14 WHEREAS, many farm families want more options for current and future financial security; and
15

16 WHEREAS, Utah's best farms, particularly those along the Wasatch Front, are disappearing in
17 the face of rapid residential and commercial development; and
18

19 WHEREAS, Envision Utah predicts that, unless preservation measures are taken, all of Utah
20 County's remaining orchards and half of its farms will have been converted to residential or commercial
21 development by 2050; and
22

23 WHEREAS, the Utah Agricultural Task Force has concluded that the State of Utah should not
24 become entirely dependent on distant, out-of-state food sources to feed its own citizens; and
25

26 WHEREAS, many states, recognizing the economic, food-security, aesthetic, and historical
27 values of their agricultural lands, have been collectively spending billions of dollars each year to
28 permanently protect their own agricultural lands; and
29

30 WHEREAS, farm preservation is a shared undertaking between public entities and private
31 landholders, it is incumbent upon the state, counties, and cities to help compensate farmers who, out of
32 their own desire to keep their family lands in agricultural production and to benefit the state's future
33 generations, commendably place conservation easements on their land; and
34

35 WHEREAS, the LeRay McAllister Fund has over its lifetime attracted \$9 in matching funds for every
36 \$1 allocated to it.
37

38 NOW, THEREFORE, be it resolved that we, the members of the Provo City Municipal Council and
39 jointly with the Mayor of Provo City request of the Utah State Legislature sustained budgetary support
40 for the LeRay McAllister Fund, administered by the Utah Quality Growth Commission, for the
41 preservation of farms and open land in Utah. We also support all other measures that will advance our
42 state's critical interest in securing food security for our current residents and for future generations.
43

44 BE IT FURTHER RESOLVED, that the Clerk of Provo City transmit duly authenticated
45 copies of this resolution to the President of the Utah Senate, to the Speaker of the Utah House of
46 Representatives, to the Clerk of the Legislature, and to the news media of Utah.
47

48 END OF RESOLUTION

WHY FUND SUSTAINABILITY IN PROVO?

Provo Sustainability and Natural Resources Committee

9 January 2018

EXECUTIVE SUMMARY

Many medium-sized western cities have funded sustainability programs, and these provide major economic, health, and social benefits. For instance, Park City's program has saved taxpayers \$260,000 by retrofitting city buildings, and they invited U-Haul to establish a popular car-share program that only costs the city a little parking space. Other budgeted programs are saving city money and improving family health in such cities as Flagstaff, Arizona; Missoula Montana; Santa Fe and Las Cruces, New Mexico; Lakewood and Ft. Collins, Colorado; and Salt Lake City.

Most of these programs acquire significant amounts of outside funding to augment city budgets and improve quality of life. An unusual example is Ft. Collins, which in 2016 secured \$1,620,384 in outside funding for environmental projects.

Provo has a more severe air pollution problem than do most of these cities, and it impacts not only our families' health but our economic prospects. We have an active volunteer Sustainability Committee that would be more effective if the city had an employee with an environmental education plus sufficient time and authority to work with the Committee, apply for grants, and improve communication with city employees, elected officials, the public, and other Utah County cities.

All sustainability programs work to reduce pollution, which is the cause of many serious problems here along the Wasatch Front. Air pollution increases complications in pregnancy and birth, increases the risk of cancer, and damages the brain, lungs, and cardiovascular system. Surprisingly, pollution of various kinds is associated with increased crime, and pollution actually kills or injures more people than street crime.

Annual personnel budgets for smaller sustainability programs average around \$50,000 per full-time employee. Project budgets for such programs vary widely from \$15,875 to \$380,000.

It is recommended that Provo open a full-time position for a sustainability adviser with excellent credentials.

WHY FUND SUSTAINABILITY IN PROVO?

CITIES WITH FUNDED SUSTAINABILITY PROGRAMS HAVE MAJOR BENEFITS. Here are just four examples:

Park City, UT (population 8,299)

- ◆ Established a car-share program. UhaulCarShare owns and maintains all aspects of the program while the city provides covered parking spaces and limited marketing support.
- ◆ The city saved money while reducing pollution: Not counting their new green buildings, the integration of retrofit measures into existing facilities are now saving the city (and taxpayers) over \$260,000 per year. The greenhouse-gas reductions from these efforts are equivalent to the annual operations of 4.3 City Hall buildings.

Flagstaff, AZ (population 71,459): In 2015 they...

- ◆ Distributed \$29,670 in rebates for efficient gas water heaters and furnaces, attic insulation, air sealing, and duct sealing to 81 households as part of the Energy Rebate Program. These efficiency measures will save approximately 225,000 kwh annually in our community.
- ◆ Hosted 11 DIY Home Energy Efficiency Workshops, providing energy efficiency kits and education to 72 households.
- ◆ Generated 3,553 MWh in renewable energy at city facilities.
- ◆ Managed the Employee Bicycle Fleet and the Employee Bus Pass programs, selling 40 monthly bus passes and allowing employees to cover 250 miles by bicycle.

Lakewood, CO (population 142,980)

- ◆ Saves residents money, energy, and water by teaming with Xcel Energy, Denver Water and local contractors to bring multiple home improvement resources to residents, one neighborhood at a time through Energy and Water Blitzes.
- ◆ Has numerous programs recognizing green businesses and supporting discussion about improving the environment

Ft. Collins, CO (population 161,000)

- ◆ Acquired \$1,620,384 in grants to improve the city's environment.
- ◆ Has an air-quality loan and voucher system to help residents install a radon mitigation system or upgrade an inefficient wood stove or fireplace.

Provo has a far more severe air pollution problem than do most of these cities, and it impacts not only our families' health but our economic prospects. In the summer we have an increasingly serious ozone problem, which damages the lungs. Each winter we have 14-21 days of serious PM2.5 pollution that often ranks our air among the worst in the United States. Recruiting businesses and new employees during these inversions is nearly impossible. Some residents either have to temporarily escape to less-polluted places during the worst air quality periods, or to move away from Provo permanently, as did one member of the Mayor's Sustainability Committee, retired architect Nancy Evenson.

Provo has a well-established volunteer Sustainability Committee that would be more effective if the city had at least one employee with a good environmental education and sufficient dedicated time and the authority to work with the Committee, manage a budget, apply for grants, and improve communication with city employees, elected officials, and the public. This sustainability adviser should be a full-time employee to improve applicant quality and retention. Because air pollution is a regional issue, this employee should cooperate with other municipalities in Utah County. The present Committee chair would not be a candidate for this position, but could continue to serve with the rest of the volunteer Committee members.

Many medium-sized cities in the western US have funded sustainability programs. See attached list of eight cities with under 200,000 inhabitants and budgeted sustainability programs: tiny Park City, Utah has only 8,299 residents, but two full-time employees and 1 part-timer. Flagstaff, Arizona has only 71,459 residents but six full-time employees and two part-timers. Santa Fe, New Mexico is about Provo's size with 125,000 residents and has two full-time employees and two part-time equivalents spending part of their time on other assignments. Several cities have employees assigned both to sustainability activities and to other functions such as sanitation, economic development, or planning. That provides greater coordination and environmental thinking to other city activities.

Annual personnel budgets for smaller sustainability programs average about \$50,000 per full-time employee. Project budgets for such programs vary widely from \$15,875 to \$380,000 annually. These amounts are far less than the seldom-recognized total costs of inefficient buildings and transportation plus the health and public safety problems caused by pollution.

SUSTAINABILITY PROGRAMS CAN HELP SOLVE MANY SERIOUS PROBLEMS

- 1. Air pollution increases complications in pregnancy & birth.**
 - a. Pregnant women exposed to more air pollution have multiple clinical adverse pregnancy outcomes including: higher blood pressure, higher rates of pre-eclampsia, intrauterine growth retardation, still births, higher rates of gestational diabetes, premature births, premature rupture of membranes, low birth weight syndrome, neonates with smaller head circumference, certain types of birth defects, intrauterine inflammation... Hourly increases in air pollution at the beginning of labor is associated with higher rates of premature birth.¹
 - b. A 1% reduction in particulate matter resulted in a .35% reduction in infant mortality during a 1981-82 recession.²
- 2. Air pollution increases cardiovascular disease and death.** “Particulate pollution concentrations typical of the Wasatch Front increase mortality rates about 10% according to the formula recommended by the American Heart Association published in May, 2010. A subsequent study suggests that number should be 14%. That means between 1,000 and 2,000 Utahns die prematurely every year due to our air pollution. A recent MIT study indicates that the annual number of premature deaths in the US due to air pollution is 210,000, and that the average premature death represents a loss of ten years of life.”³
- 3. Air pollution damages the brain:** “Greater air pollution exposure is associated with impaired clinical outcomes like lower intelligence, poorer motor function, autism, attention

deficits and behavioral problems in children, decreased cognition in adults, accelerated dementia, brain atrophy, higher rates of strokes, multiple sclerosis, impaired olfactory sense, Parkinson's and other neurodegenerative diseases.”⁴

4. **Air pollution damages the lungs:** “Acute and chronic air pollution is associated with increased rates of exacerbations, hospitalization, and death from virtually every known respiratory disease from neonates to the elderly. Air pollution likely plays a causative role in the increasingly common asthma, or reactive airway disease.”⁵
5. **Air pollution increases cancer risk:** “Air pollution is associated with higher rates of breast, lung, prostate, cervical, brain, nasal, pharyngeal, liver and stomach cancer, and childhood leukemia. Pre-natal pollution exposure is associated with increased rates of multiple childhood cancers. Air pollution is associated with decreased survival in breast and liver cancer patients. The World Health Organization has declared air pollution the most important environmental cause of cancer, more important than second hand cigarette smoke. The WHO placed it in the same category as asbestos and ionizing radiation.”⁶
6. **Air pollution is associated with increased crime**
 - a. Family violence is more common when ozone pollution is high than when it is lower.⁷
 - b. Violent crime is 2.2% higher when the wind blows pollution from Chicago interstate highways into adjacent neighborhoods.⁸
 - c. Lead pollution in the US is correlated with murder rates.⁹
 - d. Pollution is a risk factor for criminal violence.¹⁰
7. **Pollution kills and injures more people than street crime**, and the financial losses associated with environmental damage are enormous.¹¹
8. **Even short-term air pollution is dangerous.** Short-term exposure to gaseous and particulate pollution increases incidence of stroke¹² and heart attack¹³

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9/18/2017

SOME WESTERN CITIES WITH PAID SUSTAINABILITY PERSONNEL

1

CITY	POPULATION	FULL-TIMEERS	PART-TIMERERS	STAFF	BUDGET	PROGRAM	BUDGET	GRANTS	LAST 2 YRS	CONTACT	PHONE
PARK CITY UT	8,299	2	1	\$	93,000	To whole city	\$	Luke Cartin	luke.cartin@parkcity.org		
FLAGSTAFF AZ	71,459	6	2	\$	270,000	\$	380,000	\$	150,000	Nicole Woodman <nwoodman@flagstaffaz.gov>	928.213.2149
MISSOULA MT	72,364	1	1 intern	\$	71,013	\$	15,875	\$	90,000	Chase Jones <cjones@ci.missoula.mt.us>	
SANTA FE NM	83,875	2	2?	\$	125,000	Several departments	One	Katherine Mortimer <kemortimer@cisanta-fe.nm.gov>	(505) 955-6635		
LAS CRUCES NM	101,759	1	1	\$	105,000	\$	100,000	Several	5,000	Lisa LaRoque <lalaroquela@las-cruces.org>	575.541.2177
LAKWOOD CO	142,980	2	1 + INTERN	\$	210,000	\$	70,000	\$	5,000	Jonathan Wachtel <Jon.Wachtel@lakewood.org>	
FT. COLLINS CO	161,000	11 FTE		\$	1,337,852	\$	2,430,698	\$	1,620,384	Jackie Kozak-Thiel <jkozak-thiel@fcgov.com>	
SALT LAKE CITY UT	193,744	3.5	1	\$	600,000	\$	50,000	\$	200,000	Vicki Bennett; Vicki <vicki.bennett@slcgov.com>	801.535.6540

Agricultural Easements

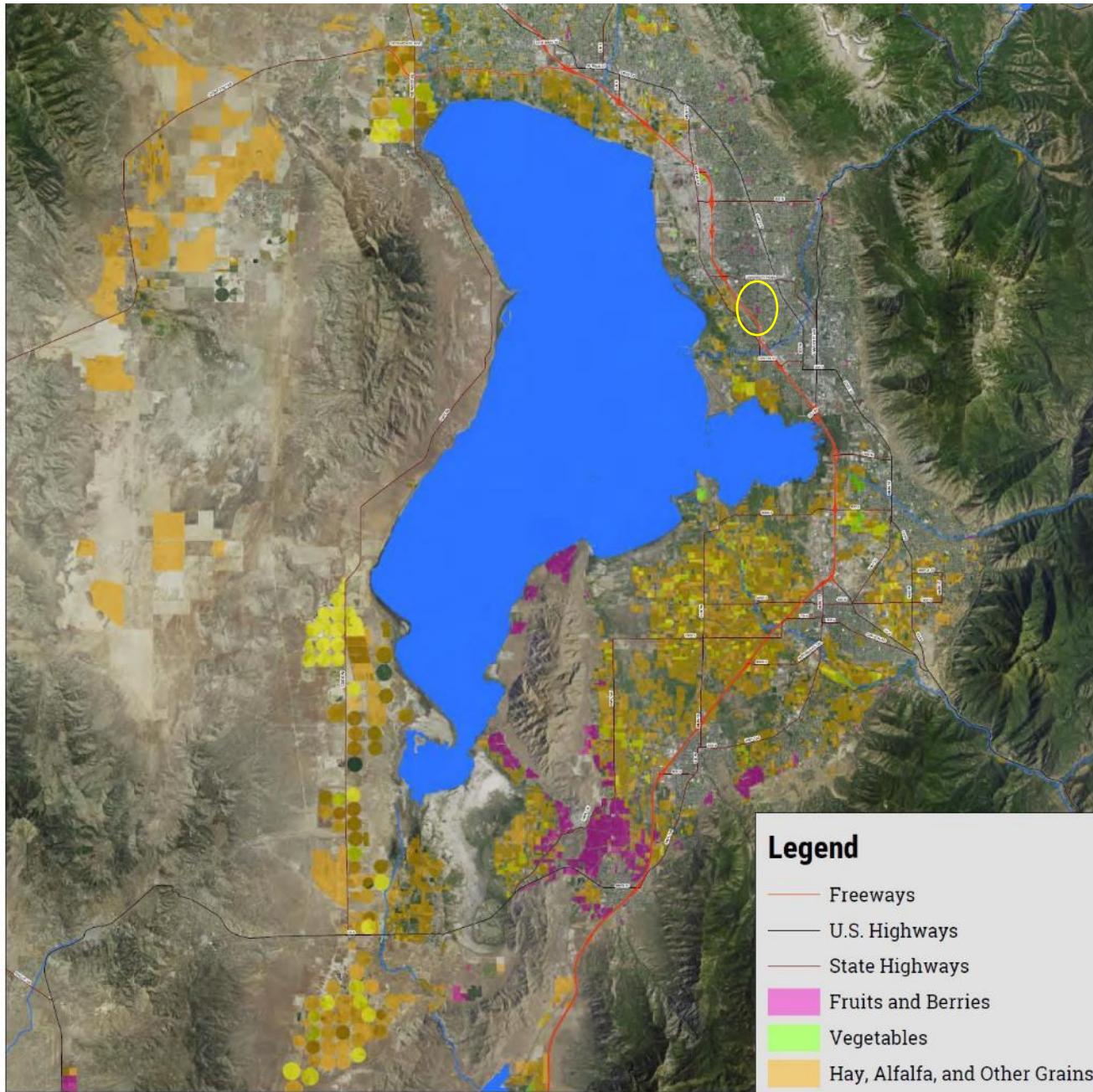
through the Purchase of Development Rights

Provo Agricultural Commission, Jan. 9, 2018

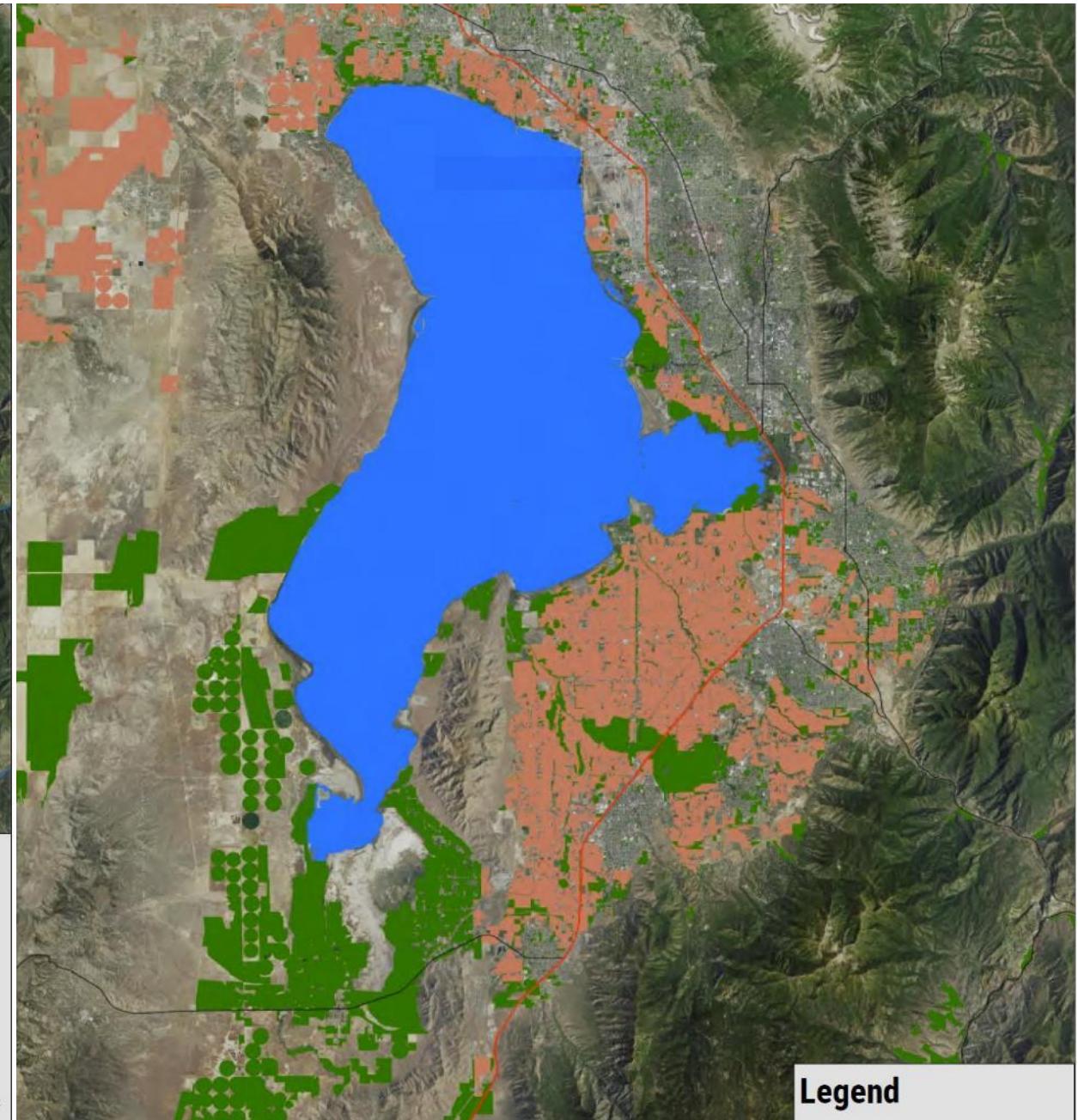
LeRay McAllister Fund

State-funded program to preserve the state's agricultural land

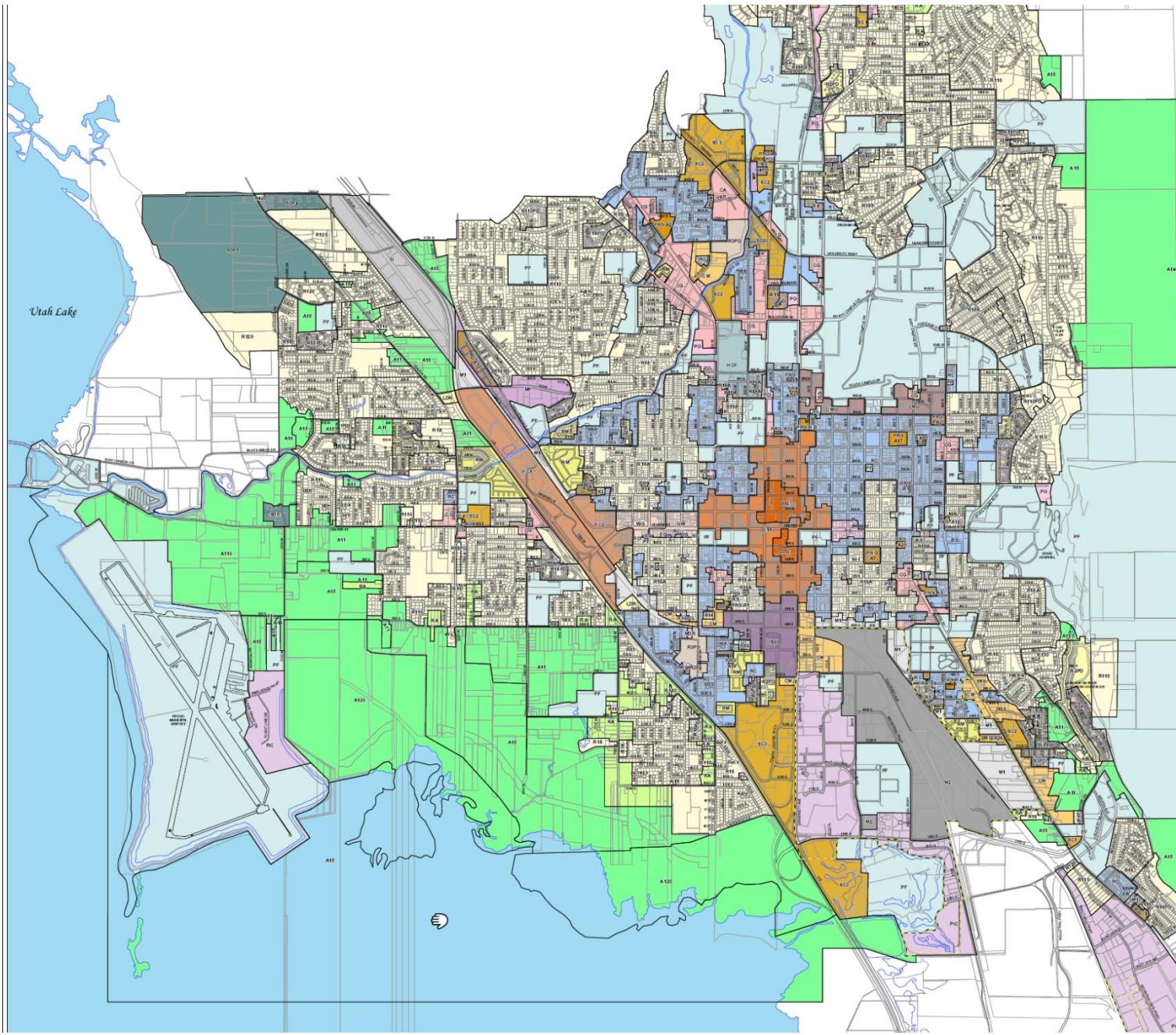
Proposed Resolution



Current Utah County Crops, by type



Utah County Farmland Developed by 2050



Provo's current zoning map

Do we want to save our farms?

97% of Utahns want more food self-sufficiency,
more agriculture, and more farms producing
fresh food.

State of New Jersey, as of July 2016

- Total farms 2,438
- Totaling acreage saved: 223,000 acres
- Total cost of easements: \$ 1.7 billion dollars
- State funded 64%
 - Cities, feds, and farmers paid the rest



New Jersey Farmland Preservation Program Permanently Preserved Farmland by County

County	Municipality	Original Owner	Acres	Total Cost	State Cost	Per Acre Total Cost	State Cost Share Percent	Type of Acquisition	Date Closed
Atlantic	Buena Boro	Castellari, Doug & Maria	34.8700	181,324.00	181,324.00	5,200.00	100.00%	SADC EP	11/14/2002
Atlantic	Buena Boro	Castellari, Edward G. & Lucy R.	18.1320	99,726.00	99,726.00	5,500.00	100.00%	SADC EP	03/26/2002
Atlantic	Buena Boro	Consalo Farms Inc. II	33.5060	136,805.00	136,805.00	4,083.00	100.00%	SADC EP	02/19/2009
Atlantic	Buena Boro	Consalo, Vincent Jr. I	66.3850	262,685.45	262,685.45	3,957.00	100.00%	SADC EP	02/19/2009
Atlantic	Buena Boro	John, Jack Baylis	19.0210	35,545.01	35,545.01	1,868.72	100.00%	SADC Pine EP	05/26/2004
Atlantic	Buena Boro	Ralph Donato	88.5000	283,200.00	169,200.00	3,200.00	59.75%	SADC Pine EP	03/24/2003
Atlantic	Buena Vista Twp.	Galbiati, Arnold	57.7710	380,806.80	380,806.80	6,591.66	100.00%	SADC EP	06/30/2009
Atlantic	Egg Harbor Twp.	(Erickson) Fleming, George & Cynthia	62.3510	195,600.00	195,600.00	3,137.08	100.00%	SADC EP	07/21/2011
Atlantic	Egg Harbor Twp.	Handson, Arthur L.	131.6250	191,756.25	191,756.25	1,456.84	100.00%	SADC EP	11/30/2010
Atlantic	Folsom Boro	Eckhardt, George J.	65.9130	170,558.88	170,558.88	2,587.64	100.00%	SADC Pine EP	05/26/2004
Atlantic	Galloway Twp.	Anthony J. Vaccarella	15.0010	48,546.84	48,546.84	3,236.24	100.00%	SADC Pine EP	06/11/2004
Atlantic	Galloway Twp.	Brown, Arthur R. & Carolyn	18.7150	91,703.50	91,703.50	4,900.00	100.00%	SADC EP	12/17/2010
Atlantic	Galloway Twp.	Mealo, Frank & Julie/Glick, Joan	58.4320	292,160.00	292,160.00	5,000.00	100.00%	SADC EP	02/03/2009
Atlantic	Galloway Twp.	Morrongiello, Paul	37.2790	277,374.44	277,374.44	7,440.50	100.00%	SADC EP	08/13/2008
Atlantic	Hamilton Twp.	Atlantic Blueberry Co.	1,450.0170	2,465,521.91	1,870,869.93	1,700.34	75.88%	Cnty Pine EP	04/27/2005
Atlantic	Hamilton Twp.	Liepe Brothers, Inc	79.1550	237,465.00	237,465.00	3,000.00	100.00%	SADC EP	05/02/2003
Atlantic	Hamilton Twp.	Liepe Brothers, Inc.	142.2350	426,705.00	426,705.00	3,000.00	100.00%	SADC EP	05/02/2003
Atlantic	Hamilton Twp.	Liepe, Matthew & Lisa	39.8510	83,687.10	83,687.10	2,100.00	100.00%	SADC EP	05/02/2003
Atlantic	Hamilton Twp.	Macrie, Paul and Joan (PN)	124.9570	334,848.52	184,245.78	2,679.71	55.02%	SADC Pine EP	05/30/2003
Atlantic	Hamilton Twp.	Morrongiello, Paul	13.1420	97,783.06	97,783.06	7,440.50	100.00%	SADC EP	08/13/2008
Atlantic	Hammonton Town	Anthony J. Berenato (8YR)	63.2190	369,831.15	241,812.68	5,850.00	65.38%	Cnty Pine EP	09/12/2008
Atlantic	Hammonton Town	Bertino Brothers	123.2500	342,590.33	240,590.33	2,779.64	70.23%	SADC Pine EP	05/02/2003
Atlantic	Hammonton Town	Bertino, John (Trust) & Sliwecki, Terri	218.7530	1,465,654.10	928,127.75	6,700.04	63.33%	Cnty Pine EP	05/25/2007
Atlantic	Hammonton Town	Betts & Betts LLC	24.1460	85,695.15	85,695.15	3,549.04	100.00%	SADC Pine EP	06/15/2004
Atlantic	Hammonton Town	Caruso, Emma	1.2650	2,934.80	1,580.59	2,320.00	53.86%	SADC Pine EP	10/07/2003
Atlantic	Hammonton Town	Clark, Russell P. & Patricia	61.3920	706,008.00	706,008.00	11,500.00	100.00%	SADC EP	02/27/2008
Atlantic	Hammonton Town	Columbia Properties (Gene Martinelli)	31.4480	118,600.16	83,739.42	3,771.31	70.61%	Cnty Pine EP	04/25/2006
Atlantic	Hammonton Town	Del Rossi	116.9500	379,509.77	235,509.77	3,245.06	62.06%	SADC Pine EP	02/06/2003
Atlantic	Hammonton Town	Del Rossi, Jr., Thomas C. & William	177.2600	669,277.04	459,277.04	3,775.68	68.62%	SADC Pine EP	02/06/2003
Atlantic	Hammonton Town	Franchetti, Daniel & Evelyn	34.0480	126,249.98	126,249.98	3,708.00	100.00%	SADC Pine EP	11/09/2004
Atlantic	Hammonton Town	Glossy Fruit Farm (D. Rizzotte, Corpor	34.9170	142,042.35	100,042.35	4,068.00	70.43%	SADC Pine EP	06/19/2003
Atlantic	Hammonton Town	Helen & George Bartmer	72.6900	216,613.04	156,613.04	2,979.96	72.30%	SADC Pine EP	09/11/2003
Atlantic	Hammonton Town	LaManna, William G.	99.0930	322,253.76	232,253.76	3,252.03	72.07%	SADC Pine EP	04/17/2003

* Highlighted entries are farms that are located in more than one municipality. For those farms, acreage and cost information reflects only the portion of the farm located in that municipality.

**Farms saved permanently
in NJ, as of July 2016
Page 1 of 89**

What about Utah?

- We have easements on fewer than 40 farms and ranches
- Lost opportunities going to other states

Source: National Conservation Easement Database, Utah Report.

http://www.conervationeasement.us/reports/easements?report_state=Utah&report_type>All

Cumberland Co., New Jersey

July 2016

- Preserved Easements
- Preserved With Federal Funding
- Current Applications

Base Map

- County Boundaries
- Municipal Boundaries
- Adjacent State/County Boundaries
- Pinelands Area
- Pinelands Development Credits
- Municipal, County and Non-Profit Preserved Open Space
- State Owned Conservation Easements
- State Owned OS & Recreation
- Lakes

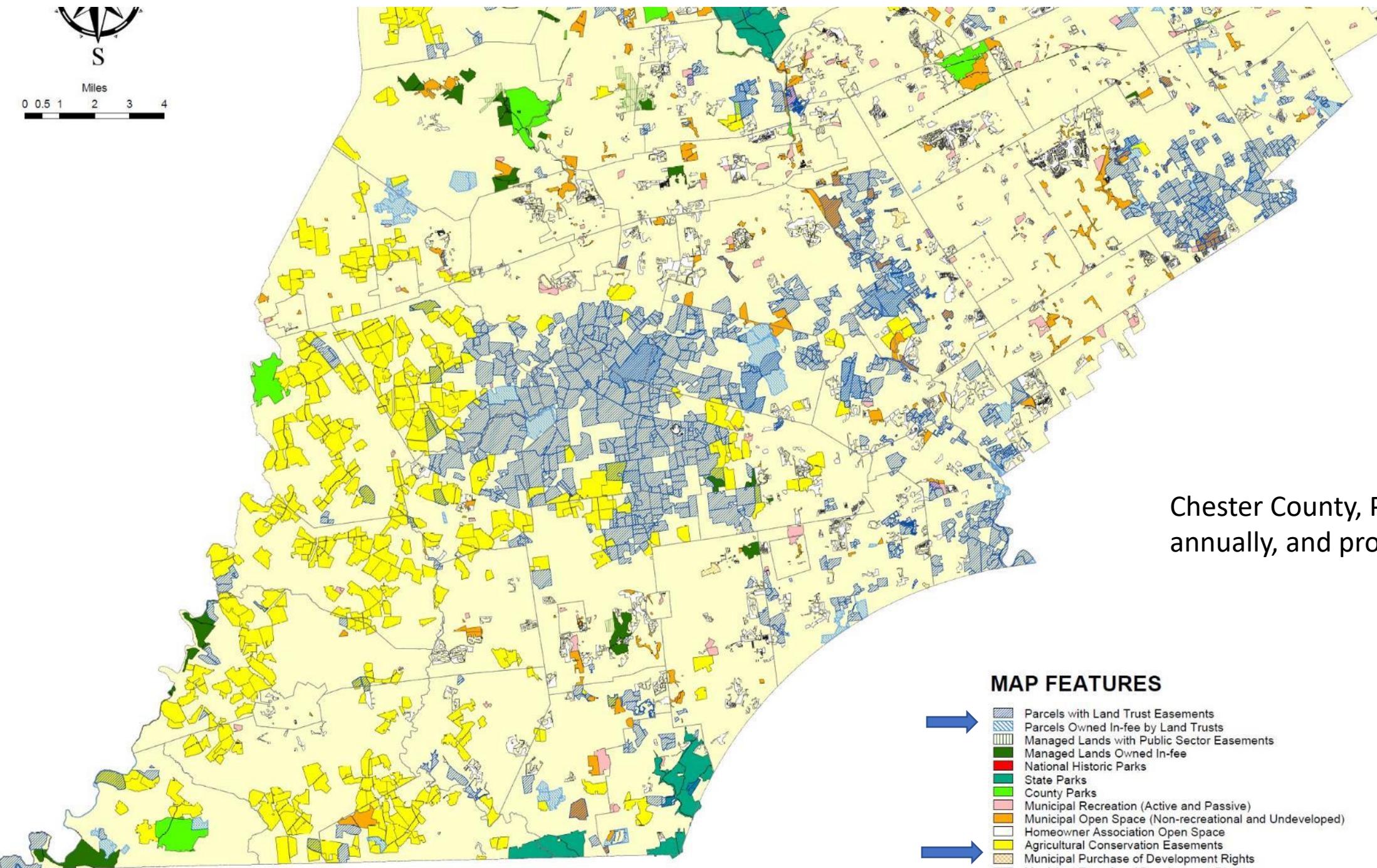




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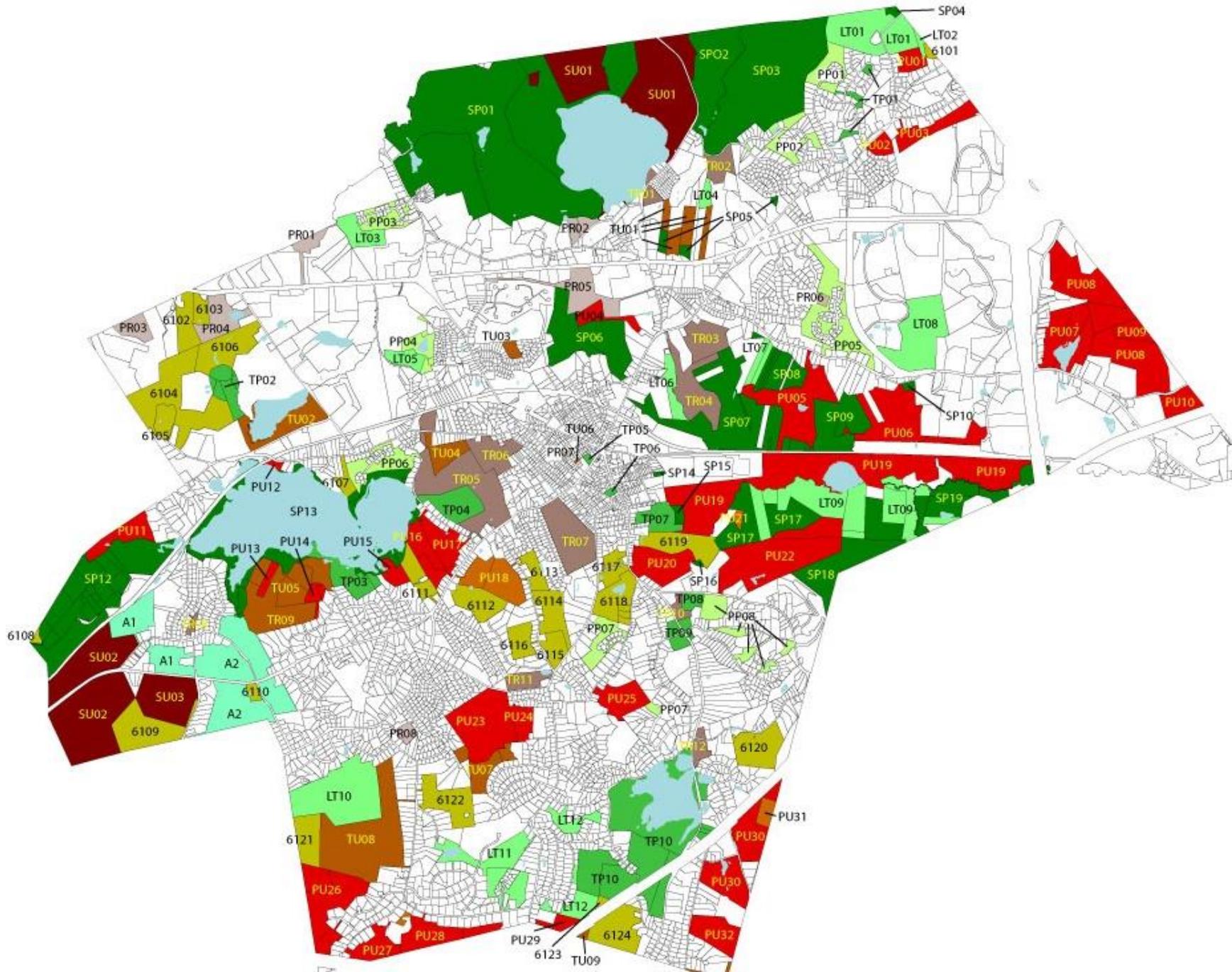


Chester County, PA. Updated annually, and proudly



Town of Westborough Open Space Inventory

- █ State Protected
 - █ Town Protected
 - █ Land Trust Protected
 - █ Private Protected
 - █ APR Protected
 - █ Chapter 61
 - █ Town Recreation
 - █ Private Recreation
 - █ State Unprotected
 - █ Town Unprotected
 - █ Private Unprotected



Westborough, Connecticut



1 mile

Cherry Hill Farm, Orem Easement established 2005



The late Paul Taylor (at right) placed a conservation easement on his family's Cherry Hill Farm. ©Stuart Ruckman

Cherry Hill Farm, Orem

PUBLIC BENEFITS

- Conserves habitat for migratory shorebirds and waterfowl
- Preserves open space
- Prevents development
- Maintains character of rural community
- Creates buffer zone between wetlands and encroaching development
- Property remains on public tax rolls

LANDOWNER BENEFITS

- Keeps farm in the family
- Preserves ecological and scenic values
- Honors and maintains traditional agricultural land uses

In 1890s, the Taylor family purchased a 150-acre parcel of land in Orem, near Utah Lake. Over the years, they built a homestead there and a profitable dairy farm — Cherry Hill Farm. Today, thanks to several conservation easements donated by and purchased from the Taylors, the farm remains in the Taylor family, and its ecologically important wetlands provide some of the only remaining habitat on Utah Lake for more than 198 species of birds. The conservation easements lowered the property's estate taxes when Paul Taylor died, allowing the fourth and fifth generations of Taylors to afford to keep the property that they otherwise might have been forced to sell.

"We realize our land has surging economic value, but it has overwhelming ecological value as well. Our goal is to preserve the property for future family generations and for the many native plants and animals which call our farm home."

— the late Paul Taylor

UTAH AT A GLANCE

43,833	acres under conservation easement across the state
38	Utah landowners who have placed easements on their land
17,800	acres of prime farmland lost between 1992 and 1997

ABOUT CONSERVATION EASEMENTS

Conservation easements are one of the most powerful, effective tools available for the conservation of private lands. Their use has successfully protected millions of acres of wildlife habitat and open space, and hundreds of miles of rivers, all while keeping property in private hands and generating significant public benefits.

Often, some of the most ecologically significant lands and waters in the country are those found in rural and agricultural landscapes. Easements have been instrumental in preserving these landscapes, from family farms to working ranches and timberlands. Between 1992 and 1997, more than 11 million acres of rural land in the United States were converted to developed use — an area five times the size of Yellowstone National Park. As people struggle to keep family farms and ranches together in the face of steep taxes and unpredictable markets, conservation easements are often the tool of choice.

Public benefits of conservation easements

- Protect water quality
- Conserve wildlife habitat
- Preserve open space
- Preserve farmland, ranchland, timberland
- Maintain character of rural communities
- Buffer public lands
- Maintain landscapes for tourism
- Require less in public services, generate more in local revenues





Provo City Municipal Council

Staff Memorandum

Recap on Council's 2016-2017 Priorities

January 9, 2018

<p>Presenter Cliff Strachan</p> <p>Issue File # 17-011</p>	<p>Item Short Title A recap on Council's 2016-2017 Priorities (17-011)</p> <p>Intended Outcome of Discussion/Requested Action The goal of this discussion is to help the Council assess the progress made toward the 2016-2017 Council Priorities before establishing the priorities for 2018-2019 at the retreat on January 16th.</p> <p>Background For the past two years, the City Council, in some cases with the help of the Administration, have been working toward the following nine priorities:</p> <ul style="list-style-type: none">• Zoning Compliance• Development Approval Process• General Plan Update• Economic Development• Housing• Budget to Priorities• Structured Policy• Plan for Westside Development• Public Engagement <p>This recap will follow-up on progress the Council has made toward its 2016-2017 Priorities.</p>
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Provo City Municipal Council

Staff Memorandum

Vision 2050 Effort

January 9, 2018

Presenter

Dave Sewell and
Dave Harding

Issue File #

18-011

Item Short Title

A discussion on the Vision 2050 effort (18-011)

Intended Outcome of Discussion/Requested Action

- Determine with the Administration whether the Council and Administration would like to proceed with a Vision 2050 effort and identify what that process would look like.
- Review Dave Harding's proposed rewrite of Section 10 from the original Vision 2050.

Background

During October through December of 2016, the Council reviewed most of the sections from the proposed "Vision 2050" document. Since then, work to move Vision 2050 forward slowed for various reasons.

Recently, Council Member Dave Harding completed a proposed revision for Vision 2050, Section 10, Diversity and Unity.

Section 10: Community, Responsibility, and Culture

(In the year 2050...)

Provo continues to be recognized as a great place to live, work, learn, and play, due in large part to the responsible people who live here. It has a strong sense of identity, springing from its rich collective heritage. It is a welcoming place to all people of goodwill.

The community offers many opportunities for growth, engagement, entertainment, enrichment, employment, education, and more. But we don't only ask what our community can do for us - we also ask what we can do for our community. We, as a community, have been the blessed by the sacrifices of those who have lived here before us. We appreciate what we have been given and will build upon it and pass along to the next generation something even better. We take seriously our individual responsibility, and our responsibility to our community. We come from a long tradition of taking care of ourselves as well as caring for others. Provo continues to lead the nation in volunteerism. Everyone in Provo has something to contribute and are invited to do so. Provo continues to thrive because so many choose to contribute to the community.

We celebrate the diverse cultures of our residents and celebrate our collective heritage that makes our city unique. We invite all to bring the best of their heritage and culture and weave them together into the beautiful tapestry that is our community.

Provo is known for the kindness of its residents. We strive to understand each other and to look out for one another. We are respectful in our communication and reject the persecution or alienation of people because of differences -- perceived or real.

Goal 10.1 Encourage residents to be responsible for themselves and their impact on the community.

*Encourage residents to obey the law. When residents chose for themselves to obey the law, we enjoy a lower crime rate and don't need to devote as many resources to law enforcement.

*Build relationships between police officers and leaders in various communities, when there are not problems, so that there is a level of trust if problems do arise.

Goal 10.2 Encourage residents to be responsible, caring, and helpful to others.

*Coordinate with service providers to meet the needs of all in the community.

*Connect willing volunteers with meaningful service opportunities.

*Encourage interactions between various service groups.

Goal 10.3 Celebrate our community heritage and the cultures of our residents.

*Support festivals, parades, and activities which commemorate the founding of our country, state, and city.

*Support cultural festivals.

*Support efforts in the community to encourage awareness of the diverse cultures of our residents.

*Create opportunities for positive interactions and appreciation between various groups.

Goal 10.4 Foster community involvement across all groups

*Appoint board and commission members who reflect the diversity and perspectives of the community.

*Identify and enlist community leaders of all cultural backgrounds to aid in communication and understanding between the various cultural groups;

Goal 10.5 Encourage kindness and civility.

*Recognize examples of individuals and groups who care for others.

Section 10 Diversity and Unity

Provo City is home to a growing and highly diversified population. Various religious, ethnic, and nationality groups merging within the neighborhoods and outlying areas of the city include Latin American, Polynesian, African-American, Asian, and others. Through the support and energy of the Provo City government, and the vision of volunteer groups providing leadership, the cultural heritage of all citizens continues to merge with greater appreciation and acceptance for one another. Effective educational programs heighten citizen awareness of community strengths and weaknesses, thus providing ongoing opportunities of service exchange programs, etc. Multi-culturalism in Provo City is enhanced, making way for stronger multi-cultural leadership and involvement on area committees, councils, and service agencies.

Goal 10.1 - Respond to the demographic shifts by educating the community on current ethnic, religious, and cultural groups residing in Provo City.

- Objective 10.1.1 Consider the well-being of children as a number one priority;
- Objective 10.1.2 Promote understanding of our diverse cultures, traditions, beliefs and heritage;
- Objective 10.1.3 Develop a multifaceted, educational process by which all citizens can learn of the diverse cultures living in Provo City and those who may yet seek a home within the city; Education is essential to broadening views and appreciating diverse cultures and customs.
- Objective 10.1.4 Work together to ensure that statistics reporting does not perpetuate stereotypes and misperceptions; and
- Objective 10.1.5 Expand facilities and venues, through various individual organizations, for teaching and learning a variety of languages.

Goal 10.2 - Bridge gaps of misunderstanding by effective communication.

- Objective 10.2.1 Acknowledge that gaps in cultural understanding exist and take positive steps to reduce the gaps and to keep them from widening;
- Objective 10.2.2 Identify and enlist community leaders of all cultural backgrounds to aid in communication and understanding between the various cultural groups; and
- Objective 10.2.3 Give recognition to caring people.

Goal 10.3 - Give greater attention to meeting the needs of the less advantaged through non-governmental as well as governmental organizations.

Goal 10.4 - Provide growth opportunities for the senior population of all cultural groups.

- Objective 10.4.1 Provide classes for seniors to develop talents, skills, and knowledge; and
- Objective 10.4.2 Allow for ample service and volunteer opportunities.

Goal 10.5 - Embrace opportunities to learn more about, and thereby appreciate, the diversity of our world's people and cultures. Work toward educating and influencing individuals who lack knowledge about the growth of multi-cultural residents in our city. Encourage dialogue and interaction between all citizens to unify and solidify our city.

- Objective 10.5.1 Promote volunteerism and interaction of various faiths, ethnicities, and organizations;

Objective 10.5.2 Bring together multi-cultural groups and organizations from Brigham Young University and Utah Valley University to work together to promote greater awareness of the various groups living in the neighborhoods of Provo City; and

Objective 10.5.3 Join together existing organizations to form public awareness and cultural education programs celebrating diversity.



Provo City Municipal Council

Staff Memorandum

“Welcome Home” Resolution

January 9, 2018

Presenter Dave Sewell	Item Short Title A discussion on a proposed "Welcome Home" resolution (18-012)
Issue File # 18-012	Intended Outcome of Discussion/Requested Action Discuss a proposed “Welcome Home” resolution that is related to Section 10 and could potentially find a home in Vision 2050. Background This discussion relates to today’s work meeting discussion on the Vision 2050 effort.

Welcome Home

Provo is recognized as a great place to live, work, learn, and play. The secret to our success is the people who call this city home. We take seriously our individual responsibility as well as our responsibility to our community. We come from a long tradition of taking care of ourselves *and* caring for others.

The Mayor and City Council call on the people of Provo to continue this tradition regardless of what may be happening elsewhere. Let us resolve to always be warm and welcoming; to be kind and caring in our interactions; to strive to understand each other; to be civil in public discourse; to communicate in a manner that is mutually respectful; and to reject the persecution or alienation of people because of differences -- real or perceived.

To all people of goodwill, we say: "Welcome Home."



Provo City Municipal Council

Staff Memorandum

Training on the Open & Public Meetings Act and GRAMA Requests

9 January 2018

Presenter Brian Jones Issue File # 18-013	Item Short Title Training on the Open & Public Meetings Act and training on GRAMA requests (18-013) Intended Outcome of Discussion/Requested Action <i>Training only.</i> The objective for today's training is for Council members to understand how the Open & Public Meetings Act and GRAMA requests apply in their service to the City. Background Utah State law requires Council members to receive annual training on the Open & Public Meetings Act. State Law 52-4-104 says, "The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter." Today's training will fulfill that requirement. In addition to the required training, some Council members have expressed interest in learning more about GRAMA requests. Brian Jones will address both training topics.
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Provo City Municipal Council

Staff Memorandum

Redevelopment Agency

January 9, 2018

Presenter David Walter	Item Short Title A presentation on the Redevelopment Agency (18-014)
Issue File # 18-014	Intended Outcome of Discussion/Requested Action <i>Presentation only.</i> The purpose of the presentation is to give the Council an overview of the functions of the Redevelopment Agency. Background In 2017, various department heads presented overviews of what they and their staff do. Council members have requested that the Redevelopment Agency give a similar presentation. David Walter has indicated that he will focus his presentation on three categories: 1) RDA project areas, 2) tax increments, and 3) CDBG funding.



Provo City Municipal Council

Staff Memorandum

Nevada Avenue Trail

January 9, 2018

Presenter Brian Torgersen	Item Short Title An update on the Nevada Avenue Trail (18-015)
Issue File # 18-015	Intended Outcome of Discussion/Requested Action <i>Update only.</i> No Council action requested or required. Background Nevada Avenue from approximately 1000 South to Slate Canyon Drive is a narrow, privately held, unimproved roadway that is used by many local residents as a walking/biking route. The roadway is also used as a cut-through for vehicle traffic entering and exiting the Slate Canyon neighborhoods. Due to the narrowness of the road, the neighborhood has requested that improvements be made to accommodate pedestrians and provide separation from vehicular traffic that often travel above advisable speeds. Provo City, neighborhood chairs, as well as Councilman Knecht, and former Councilman Hal Miller, have all worked with private property owners in an effort to provide for a walking path alongside Nevada Ave.

Mayors Office
Staff Memorandum

Creation of Department of Customer Service

Q1 2018

<p>Wayne Parker/Dixon Holmes 801-852-6102</p> <p>Required Time for Presentation 15 minutes</p> <p>Is This Time Sensitive Not urgent, but timeliness is desirable</p>	<p>Provide Municipal Council with overview and proposal for the creation of a Customer Service Department</p> <ul style="list-style-type: none">• <p>Action Requested</p> <ul style="list-style-type: none">• Informational and Council input and feedback <p>Relevant City Policies</p> <ul style="list-style-type: none">• To provide outstanding customer service and responsiveness to Provo residents, businesses and visitors – those doing business with City of Provo. Customer Service is often the front door or first impression with municipal government services for a variety of issues – paying a bill, establishing utility service, getting a dog license, businesses license or applying for a special permit, including the 311 call center.• Elevating the status from a division to a department sends a strong signal as the importance of “customer service” to both employees and residents in Provo from the Administration and the Council• Budget Impact - None at this time, as it would continue to function as an internal service fund.• Description of this item• DESIRED OUTCOMES » Establish the existing Customer Service Division of the Mayors Office as a fully functioning and independent department within the administrative departmental frame work. It is the intent and purpose of Chapter 2.10, Provo City Code to establish and to clarify the organization and operation of City offices or departments and
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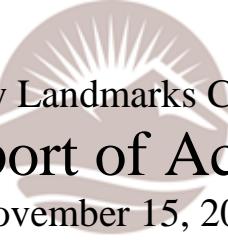
	to provide for an orderly means of conducting the administration of City government.
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Proposed to text to be added to Provo City Code

2.xx.xxx Department of Customer Service

The Department of Customer Service shall have charge of and be responsible for:

- (1) the supervision and management of customer services including implementation of customer service policy and procedures.
- (2) development and administration of public education related to 311 nonemergency vs. 911 emergency services
- (3) the following sections of the Customer Service include
 - a) utility billing
 - b) centralized cashiering
 - c) 311 Call Center
 - d) licensing (commercial, rental housing, alcohol, bicycle, solicitor, mobile food, taxi, animal)
 - e) special events
 - f) operational management of parking (permits, tickets, enforcement)
 - g) passport services
 - h) electronic fingerprinting
 - i) airport security badging



Provo City Landmarks Commission

Report of Action

November 15, 2017

ITEM 1 Norman Thurston nominates the Pierpont House, located at 957 East Center Street, to the Provo Landmarks Register. **Foothills Neighborhood.** 17-0001LMN, Josh Yost, 801-852-6408

The following action was taken by the Landmarks Commission on the above described item at its regular meeting of November 15, 2017:

RECOMMEND APPROVAL

On a vote of 5:0, the Landmarks Commission recommended that the Municipal Council approve the above noted application.

Motion By: Matthew Christensen

Second By: Susan Fales

Votes in Favor of Motion: Scott Campbell, Matthew Christensen, Susan Fales, Scott Jeff Ringer, Marian Wardle

Votes Opposed to Motion:

Scott Campbell was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Landmarks Commission determination is generally consistent with the Staff analysis and determination.

STAFF PRESENTATION

The Staff Report to the Landmarks 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 Landmarks Commission included the following:

Norman Thurston has nominated the Pierpont House, located at 957 East Center Street to the Provo Landmarks Register. All nominations to the register are reviewed by the Landmarks Commission for compliance with the requirements and standards set forth in Provo Code 16.05.020. Per 16.05.030 (3) The Landmarks Commission will review the documentation for completeness, accuracy and compliance with the "Criteria for Designating Historic Properties to the Provo Landmarks Register" and will make its decision accordingly. The Commission shall forward its recommendation in writing to the Municipal Council within fourteen (14) days.

The property meets the three basic criteria (1-3) for nomination to the Provo Landmarks Register. The property also meets four of the additional six criteria for nomination to the Provo Landmarks Register.

NEIGHBORHOOD AND PUBLIC COMMENT

The Neighborhood Chair was not present during the hearing.

CONCERNS RAISED BY PUBLIC

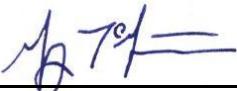
Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Landmarks Commission. Key issues raised in □ written comments received subsequent to the Staff Report or public comment during the public hearing included the following: No concerns were raised by the public.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Landmarks Commission included the following: The applicant was not present.

LANDMARKS COMMISSION DISCUSSION

Key points discussed by the Landmarks Commission included the following: The commission asked staff why the property was not listed in the Landmarks Register earlier. Staff responded that the owner objected to the designation and the nomination process was terminated.



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 Landmarks Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Landmarks 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 Landmarks Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Landmarks Commission (items not marked with an asterisk) **may appeal** that decision to the Mayor, subject to the procedures in Section 3.06.010, Provo City Code.

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



**Landmarks Commission
Staff Report
Landmarks Nomination
Hearing Date: December 13, 2017**

- *ITEM 1 Norman Thurston nominates the Pierpont House, located at 957 East Center Street, to the Provo Landmarks Register. **Foothills Neighborhood.** 17-0001LMN, Josh Yost, 801-852-6408

<p>Applicant: Norman Thurston Staff Coordinator: Josh Yost</p> <p>Property Owner: Norman Thurston Parcel ID#: 220180033</p> <p>*Council Action Required:</p> <p>ALTERNATIVE ACTIONS</p> <ol style="list-style-type: none">1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is January 17, 2017, at 12:30 p.m.</i>2. Recommend Denial of the proposed Landmark Register Nomination. <i>This would be a change from the Staff recommendation; the Planning Commission should state new findings.</i>	<p>Current Legal Use: Single family residential dwelling.</p> <p>Neighborhood Issues: None noted.</p> <p>Staff Recommendation: Staff recommends that the Landmarks Commission recommend to the Municipal Council that the Pierpont House, located at 957 East Center Street, be added to the Provo Landmarks Register.</p>
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OVERVIEW

Norman Thurston has nominated the Pierpont House, located at 957 East Center Street to the Provo Landmarks Register. All nominations to the register are reviewed by the Landmarks Commission for compliance with the requirements and standards set forth in Provo Code 16.05.020. Per 16.05.030 (3) The Landmarks Commission will review the documentation for completeness, accuracy and compliance with the "Criteria for Designating Historic Properties to the Provo Landmarks Register" and will make its decision accordingly. The Commission shall forward its recommendation in writing to the Municipal Council within fourteen (14) days.

STAFF ANALYSIS

1. Section 16.05.020, *Criteria for Designating Properties to the Landmarks Register*, outlines specific requirements that must be met in order for a property to be designated. The section reads as follows:

Any district, building, structure, object or site may be designated to the Historic Landmark Register if it meets the first three (3) criteria below, and at least one (1) of the other criteria outlined in numbers (a) through (f) below:

(1) It is located within the official boundaries of Provo City;

Address: 957 East Center Street, Provo

(2) It is at least fifty (50) years old; and

Built in 1937

(3) It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one (1) that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the building or structure when viewed from the public way.

The intensive level survey reports no additions or alterations to this house.

(a) It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.6(s). Properties listed on or determined to be eligible for the National Register must still retain their integrity;

The property has been surveyed and found to be eligible for listing on the National Register of Historic Places.

(b) It is associated with events that have made a significant contribution to the broad patterns of the history of the City, State, or Nation;

The property does not meet this criterion.

(c) It is associated with the lives of persons significant in the history of the City, State, or Nation;

The property was owned by members of the Pierpont family from 1962 to 2014. The Pierpont name is well known due to Thomas Pierpont, who was prominent in the steel and foundry business. Other owners of this home include Ralph and Elaine Bringhurst (1953 to 1962) and Dr. Albert and Pauline Taylor (1937 to 1953).

(d) It embodies the distinctive characteristics of a rare or unique type, period, or method of construction; or that represents the work of an architect or builder recognized as a master in the field; or that possesses high artistic values or style; or that represents a significant and distinguishable entity whose components may lack individual distinction;

This house is a good example of an English Tudor period cottage. The steep roof pitches, large front chimney, round arched entry and polychrome brick are character defining elements of this style.

(e) It has yielded or may be likely to yield, information important in prehistory or history (archeological sites, for example); or

The property does not meet this criterion.

(f) Because of its prominent spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the City, and contributes to the distinctive quality or identity of its neighborhood or the City. (Enacted 1994-107, Am 2006-50)

The house is a distinctive historic resource and contributes to the unique character of the east end of the historic Center Street corridor.

CONCLUSIONS

The property meets the three basic criteria (1-3) for nomination to the Provo Landmarks Register.

The property meets four of the additional six criteria for nomination to the Provo Landmarks Register.

STAFF RECOMMENDATION

Staff recommends that the Landmarks Commission recommend to the Municipal Council that the Pierpont House, located at 957 East Center Street, be added to the Provo Landmarks Register.

ATTACHMENTS

Historic Site Form

Images

(10-
91) HISTORIC SITE FORM (10-
10)

UTAH OFFICE OF PRESERVATION

1 IDENTIFICATION

Name of Property: Taylor House

Address: 957 E. Center Street *Twnshp:* *Range:* *Section:*

City, County: Provo, Utah; Utah County *UTM:*

Current Owner Name: Clifford S. Pierpont *USGS Map*

Name & Date:

Current Owner Address: 957 E. Center Street
84606-3535 *Tax Number:* 22.18.33

Legal Description (include acreage): COM. 9.42 Chs N & 20.86 Chs N89 15'W from SE Cor. of Sec 6, T 7 S, RSE, SLM, N 1E 3.50 Chs, S 89 15' E. .86 Ch; S1W 3.50 Chs; N 89 15' W.006 Ch to Beg. are a .307 of an acre.

2 STATUS/USE

Property Category *Evaluation* *Use* *Original Use:* Residential
 building(s) eligible/contributing
 structure ineligible/non-contributing
 site out-of-period
 object

Current Use: Residential

3 DOCUMENTATION

Photos: Dates *Research Sources (check all sources consulted, whether useful or not)*

slides: abstract of title city/county histories
 prints: tax card & photo personal interviews
 historic: building permit USHS Library
 sewer permit USHS Preservation Files
Drawings and Plans Sanborn Maps LDS Family History Library
 measured floor plans obituary index local library:
 site sketch map city directories/gazetteers census records university
Historic American Bldg. Survey library(ies):
 original plans available at: biographical encyclopedias
 other: newspapers

4 ARCHITECTURAL DESCRIPTION

Building Style/Type: English Tudor Revival/Period Cottage

No. Stories: 1

Foundation Material: Plastered concrete *Wall Material(s):* Multi-colored
brick; unpainted

Additions: none minor major (describe below) *Alterations:* none minor major (describe below)

Number of associated outbuildings: 1 new carport and/or structures _____.

Briefly describe the principal building, additions or alterations and their dates, and associated outbuildings and structures. Use continuation sheets as necessary.

With its very steep roof pitches, large front chimney, round-arched entry vestibule and multi-colored brick, this is a typical Tudor cottage. The five-gabled form has a roughly square floor plan which is larger than it appears from the diminutive front elevation. Except for the two front picture windows, the windows are double-hung. The trim is simple, except for the curved endings of the fascias boards. The dwelling retains its original exterior appearance. The later carport sits far back in the northeast corner of the lot and does not detract from the original architecture of the house.

5 HISTORY

Architect/Builder:

Date of Construction: 1937

Historic Themes: Mark themes related to this property with "S" or "C" (S = significant, C = contributing).

(see instructions for details)

- | | | | |
|--|---|---------------------------------------|--|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Economics | <input type="checkbox"/> Industry | <input type="checkbox"/> Politics/
Government |
| <input checked="" type="checkbox"/> Architecture | <input type="checkbox"/> Education | <input type="checkbox"/> Invention | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Archeology | <input type="checkbox"/> Engineering | <input type="checkbox"/> Landscape | <input type="checkbox"/> Science |
| <input type="checkbox"/> Art | <input type="checkbox"/> Entertainment/
Recreation | <input type="checkbox"/> Architecture | <input type="checkbox"/> Social History |
| <input type="checkbox"/> Commerce | <input type="checkbox"/> Recreation | <input type="checkbox"/> Law | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Ethnic Heritage | <input type="checkbox"/> Literature | |

Community Planning & Development Exploration/ Settlement Maritime History Other
 Conservation Health/Medicine Military Performing Arts

Write a chronological history of the property, focusing primarily on the original or principal owners & significant events. Explain and justify any significant themes marked above. Use continuation sheets as necessary.

Jesse W. and Violet D. Johnson first purchased this property in 1905. They owned it for the next twenty-three years. Oran M. Groneman and his wife Blanche bought the property in 1935 and sold it two years later to Albert R. and Pauline B. Taylor who had a house built on the property that year. Groneman was for thirty years a car inspector for the Union Pacific. He also worked as a general contractor for Groneman Construction. Ida S. Pierpont, daughter of Thomas Pierpont, bought the house in 1962. Today the house is owned by her son, Clifford S. Pierpont.

daughter-in-law

Bibliographical References (books, articles, interviews, etc.)

Attach copies of all research notes, title searches, obituaries, and so forth.

See enclosed sheets:

¹⁰ "A Tribute to Senator Reed Smoot," Improvement Era (February 1942).

Cannon, Kenneth L. A Very Eligible Place Provo & Orem An Illustrated History.

Deseret News.

Merrill, Milton R. "Reed Smoot, Apostle in Politics," Western Humanities Review, (Winter 1954-55); 1.

Moffitt, John Clifton. The Story of Provo, Utah. Provo: n.p., 1975.

Provo Pioneer Mormon City. Compiled by the Workers of the Writers' Program of the Works Projects Administration for the State of Utah. Provo: Provo City Commission, 1943.

"Reed Smoot" Improvement Era (March 1941).

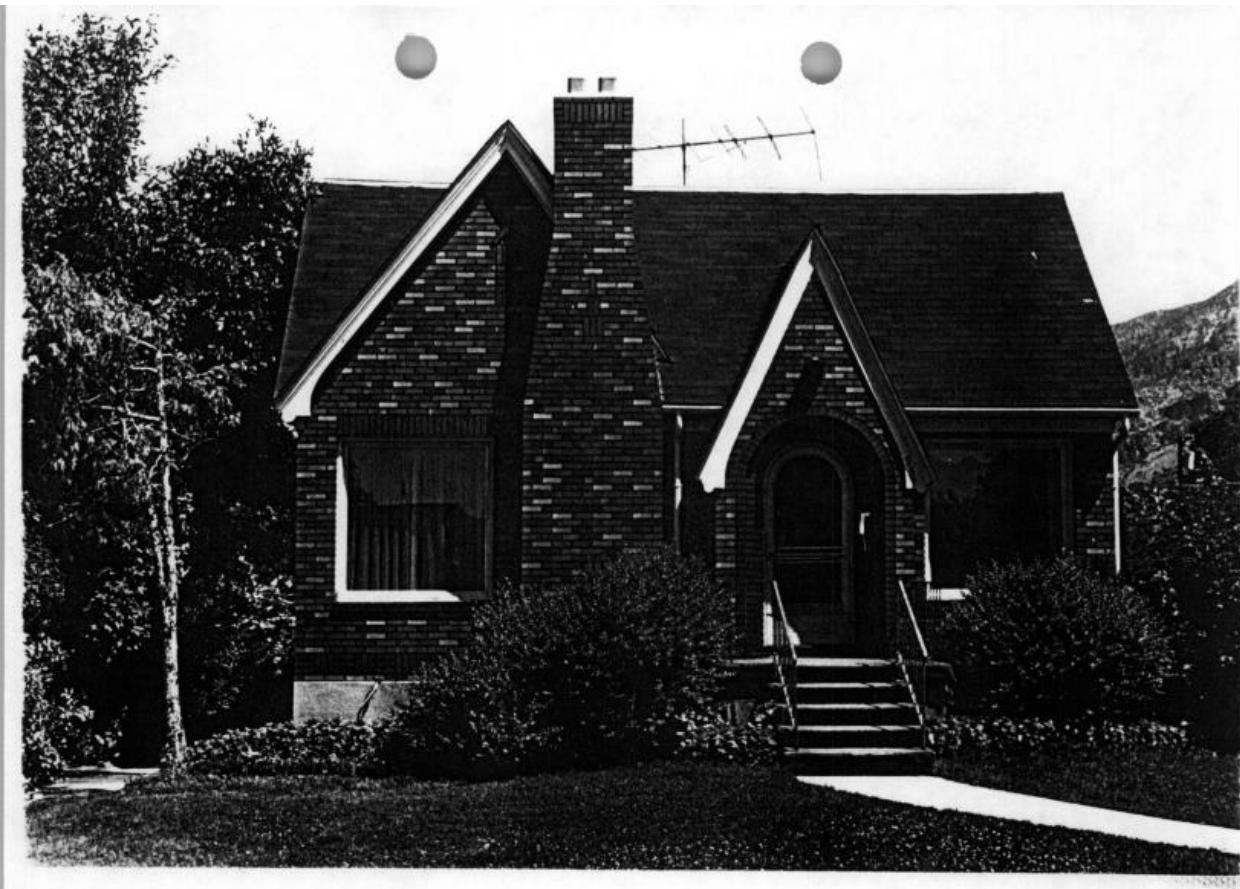
"Reed Smoot" Lives of Our Leaders. Salt Lake City: Deseret News, 1901.

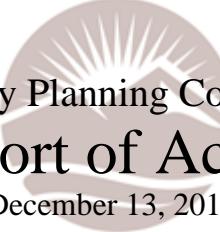
Salt Lake Tribune

Salt Lake Tribune.
Sutton, Wain, ed.

Wilson, William M. *Pictorial Provo: An Illustrated Review of Provo the Garden City of Utah*. Sutton, Wain, ed. *Utah Centennial History*. New York: Lewis Historical Publishing Co., 1949.

Wilson, William M. *Fictional Provo. An Illustrated Review of Provo the Garden City of Utah*. Salt Lake City: The Deseret News, 1910.





Provo City Planning Commission

Report of Action

December 13, 2017

- ITEM 2* Nathan Chappell requests a Zone Change from A1.5 to R1.8 for 2.32 acres of property located at approximately 1282 North Geneva Road. **Lakeview North Neighborhood.** 17-0009R, Austin Corry, 801-852-6413

The following action was taken by the Planning Commission on the above described item at its regular meeting of December 13, 2017:

RECOMMEND APPROVAL OF R1.10 ZONING

On a vote of 9:0, the Planning Commission recommended that the Municipal Council approve a zone change to R1.10 instead of the R1.8 zone as requested by the applicant.

Motion By: Maria Winden

Second By: Dave Anderson

Votes in Favor of Motion: Dave Anderson, Maria Winden, Jamin Rowan, Deon Turley, Brian Smith, Deborah Jensen, Ed Jones, Andrew Howard, Shannon Ellsworth

Deborah Jensen was present as Chair.

- 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned is described as follows:

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF GENEVA ROAD, PROVO, UTAH, AS IT CURRENTLY EXISTS, WHICH BEGINNING POINT ALSO THE SOUTHERLY-MOST CORNER OF CHAPPELL CIRCLE SUBDIVISION, PROVO, AND ALSO THE NORTHWEST CORNER OF LOT 53, PLAT "A", WHISPERWOOD SUBDIVISION, AND IS FURTHER DESCRIBED AS BEING NORTH 1655.02 FT. AND EAST 135.72 FT. (BASED UPON THE UTAH STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, BEARINGS OF SECTION LINES (NAD 27) FROM THE SOUTH ¼ CORNER OF SECTION 34, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN;

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

AREA: 101132 SQ.FT. OR 2.32 ACRES

RELATED ACTIONS

- Item was previously heard by the Planning Commission on 27 September 2017
- Item was continued on 3 October 2017 by the Council to grant the applicant more time to come into compliance
- Item returned to the Council on 17 October 2017 with no changes, Council referred back to the Planning Commission to give the applicant until the end of the year to address the still remaining concerns.

DEVELOPMENT AGREEMENT

- May apply with future approvals. Applicant has indicated a willingness to proffer a development agreement, although no formal proposed agreement has been presented - referred applicant to Council Attorney.

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:

- The R1.8 zone is potentially inconsistent with the General Plan without a development agreement
- The applicant's proposed development agreement relies on a subdivision application which is still incomplete and non-compliant with the request being made.
- The R1.10 zone would comply with the General Plan without relying on a development agreement.
- The associated subdivision would be required to be amended to meet ordinance requirements before staff would grant approval and authorize the subdivision to be recorded.

CITY DEPARTMENTAL ISSUES

- City staff has indicated a variety of items that have not been submitted that would be necessary in order to verify ability to comply with City ordinances or standards. Applicant has failed to provide or address these concerns.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present /addressed the Planning Commission during the public hearing.

CONCERNS RAISED BY PUBLIC

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

- Beth Alligood, Lakewood Neighborhood Chair, noted that the neighborhood is tired of repeatedly having the same issues with no resolution. The neighborhood is comfortable with Community Development Staff's recommendations and they will rely on city staff to come to a reasonable conclusion.

APPLICANT RESPONSE

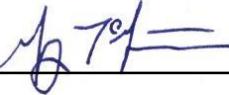
Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Mr. Chappell contested that he has submitted everything and that all City Staff have given approval except for Planning.
- Mr. Chappell stated that he is not willing to amend his subdivision to R1.10 standards.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission asked staff how the City communicates when something is missing. Staff explained that a written report from the Coordinator Review Committee (CRC) is generated giving a detailed outline of everything required to be addressed and any staff concerns. Staff noted that this report has been sent to Mr. Chappell via email and physical prints handed to Mr. Chappell on multiple occasions.
- Brian Smith asked if the City is obligated to continue hearing an item if nothing is changing. Staff noted that the City has a legal obligation to follow due process with any request and that a hearing is required every time an application is made, even if it is the same request that has already been denied previously.



Director of Community Development

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



Planning Commission Staff Report Rezone

Hearing Date: December 13, 2017

ITEM 2*	Nathan Chappell requests a Zone Change from A1.5 to R1.8 for 2.29 acres of property located at approximately 1282 North Geneva Road. Lakeview North Neighborhood. 17-0009R, Austin Corry, 801-852-6413
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<p>Applicant: Nathan Chappell</p> <p>Staff Coordinator: Austin Corry</p> <p>Property Owner(s): Aspen Construction & Development, Nila Chappell, Michael Elms, and John Meredith</p> <p>Parcel ID#: 65254002, 65254003, 65254006, 65254007, 65254008</p> <p>Current Zone: A1.5</p> <p>Proposed Zone: R1.10</p> <p>General Plan Des.: Residential</p> <p>Acreage: 2.29</p> <p>Development Agreement Proffered: Yes</p> <p>Council Action Required: Yes</p> <p>ALTERNATIVE ACTIONS</p> <ol style="list-style-type: none">Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is January 10, 2018, 5:30 p.m.</i>Recommend Approval of the proposed rezoning. <i>This would be a change from the Staff recommendation; the Planning Commission should state new findings</i>	<p>Current Legal Use: Two existing one-family residential homes</p> <p>Relevant History:</p> <ul style="list-style-type: none">This application has been heard three times by the Planning Commission; once in 2013, once in 2016, and again in September of this year. At the Municipal Council meeting following the September hearing, the Council moved to deny the project unless the applicant is able to satisfy all requirements prior to the final Planning Commission meeting 2017. <p>Neighborhood Issues:</p> <ul style="list-style-type: none">All neighborhood concerns raised in previous applications still remain with no resolution. The neighborhood chair has represented that the neighborhood is tired of the constant arguments over the property and they would like to see a resolution so that all parties can move forward. <p>Summary of Key Issues:</p> <ul style="list-style-type: none">The applicant has failed to provide all information required/requested through the CRC process.Applicant has self-created constraints causing non-compliance with the requested zone change. The applicant has refused to make any alterations to the plans to resolve these constraints. <p>Staff Recommended Motion: That the Planning Commission recommend that the Municipal Council deny the proposed zone map amendment to the R1.8 zone as proposed and recommend that the Municipal Council approve amending the zone map to the R1.10 zone for approximately 2.29 acres located at approximately 1282 North Geneva Road.</p>
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OVERVIEW

This application has been heard three times previously by the Planning Commission. In all instances, the accompanying subdivision drawings have remained almost identical, with only superficial changes occurring. The following is a brief summary of those results:

2013: The applicant requested R1.10 zoning. Planning Commission recommended denial of the zone map amendment and denied the associated subdivision application for failure to comply with City ordinances. The applicant sought a variance to code provisions and was also denied the variance. The applicant withdrew the zone map amendment request prior to being heard by the Council and the application expired with no further action.

2016: The applicant requested R1.10 zoning. Planning Commission recommended approval of the R1.10 zone, but denied the subdivision application for failure to comply with City ordinances. At that time, the Planning Commission noted that they were comfortable with what the R1.10 zone would produce and recognized that if the R1.10 zone were granted, the applicant would have to amend his proposed subdivision to comply with the zone. When the item arrived at Council, the applicant requested that the Council zone the property R1.8 so that his proposed subdivision would be closer to compliance. The Council denied this request.

September 2017: The applicant requested R1.8 zoning. Planning Commission recommended denial of the zone map amendment on the findings that the application for both the zone change and required subdivision were incomplete. The Council upheld this recommendation with one caveat. The Council moved to deny the project unless the applicant worked to satisfy all requirements prior to the final Planning Commission meeting of the year.

FINDINGS OF FACT

1. A legal subdivision (Chappell Circle, Plat A) created two lots on 13 April 2007.
2. Two homes currently exist within the proposed subdivision.
3. The property is currently illegally subdivided into five parcels.
4. The proposed R1.8 zone is potentially inconsistent with the General Plan guiding policies which limit density to four units per acre, maximum.
5. Staff recommended R1.10 zoning, without any additional agreements, which would comply with General Plan policies as they have been articulated.
6. The submitted subdivision plat would have to be amended to meet Provo City Code for either the R1.8 or the R1.10 zone.

STAFF ANALYSIS AND CONCLUSIONS

Since the Council meeting where this application was referred back to Planning Commission, Mr. Chappell has made one resubmittal. The CRC has reviewed these documents and found that they are, in essence, still the same documentation provided previously and still fail to address any of the previously provided comments. The only changes that have occurred since the Planning Commission meeting in September of this year are (1) inclusion of the original UDOT approval of the two lot subdivision, which is not being considered, or required as part of this application, and (2) a very minor adjustment to one lot line for the proposed lot 7 which still does not satisfy the ordinance requirements.

In order to provide a path forward, staff recommends that the City zone the property R1.10, per the Planning Commission recommendation in 2016. This decision would create clear expectations and eliminate the need of relying on additional documentation, such as development agreements, to ensure appropriate development.

STAFF RECOMMENDATION

That the Planning Commission Recommend that the Municipal Council **deny** the proposed zone map amendment to the R1.8 zone as proposed and recommend that the Municipal Council **approve** amending the zone map to the R1.10 zone for approximately 2.29 acres located at approximately 1282 North Geneva Road.



WELCOME HOME

PLANNING COMMISSION

December 13, 2017

ITEM 2*

Nate Chappell requests a Zone Change from A1.5 to R1.8
for 2.32 acres of property
located at approximately 1282 North Geneva Road.

Lakeview North Neighborhood

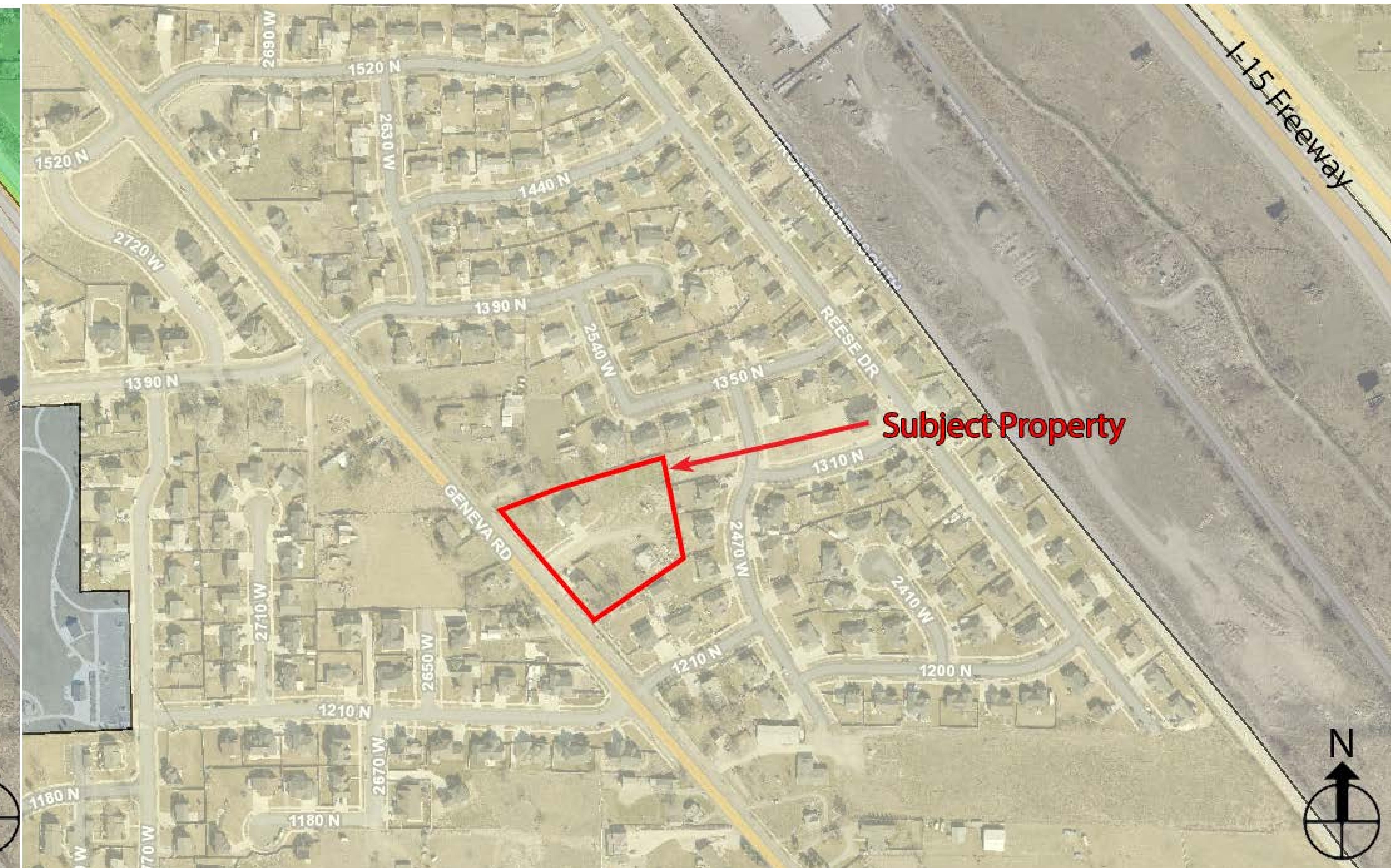
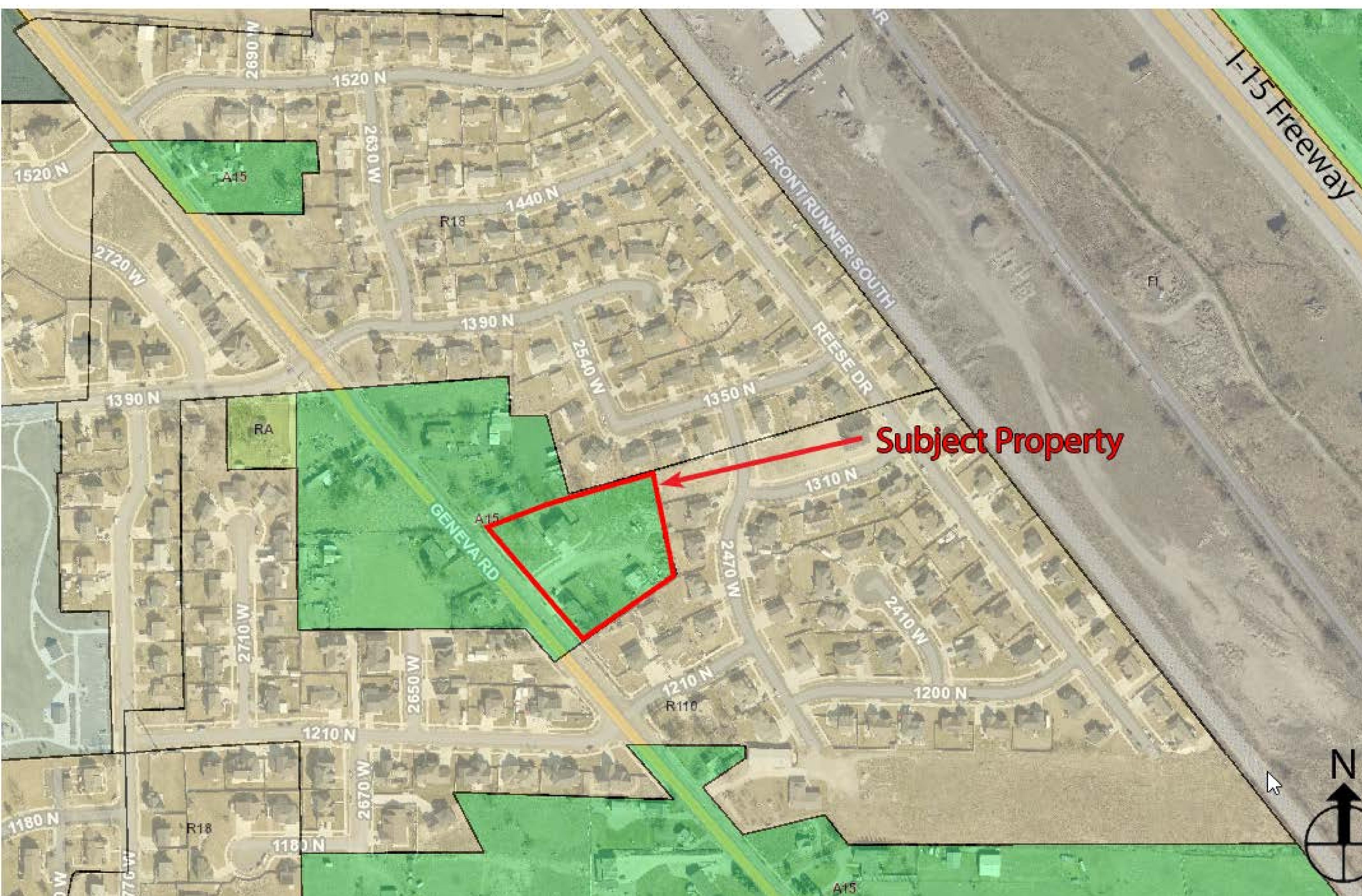
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
ITEM 3

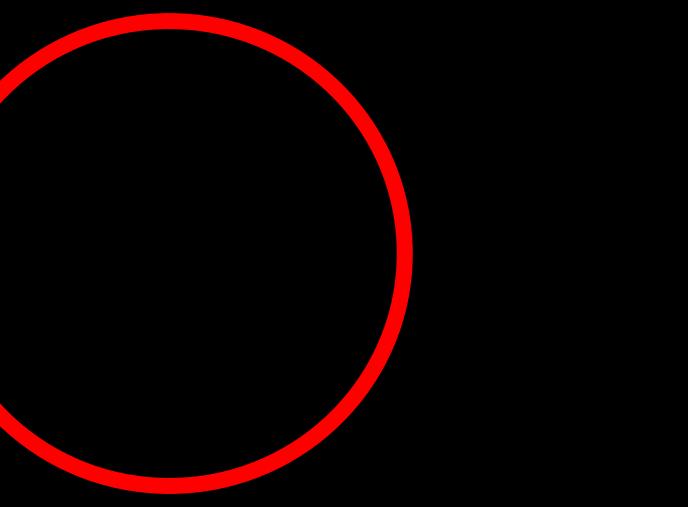
Nate Chappell requests Final Subdivision Approval, subject to approval of a Zone Change, for 2.32 acres of property located at approximately 1282 North Geneva Road.

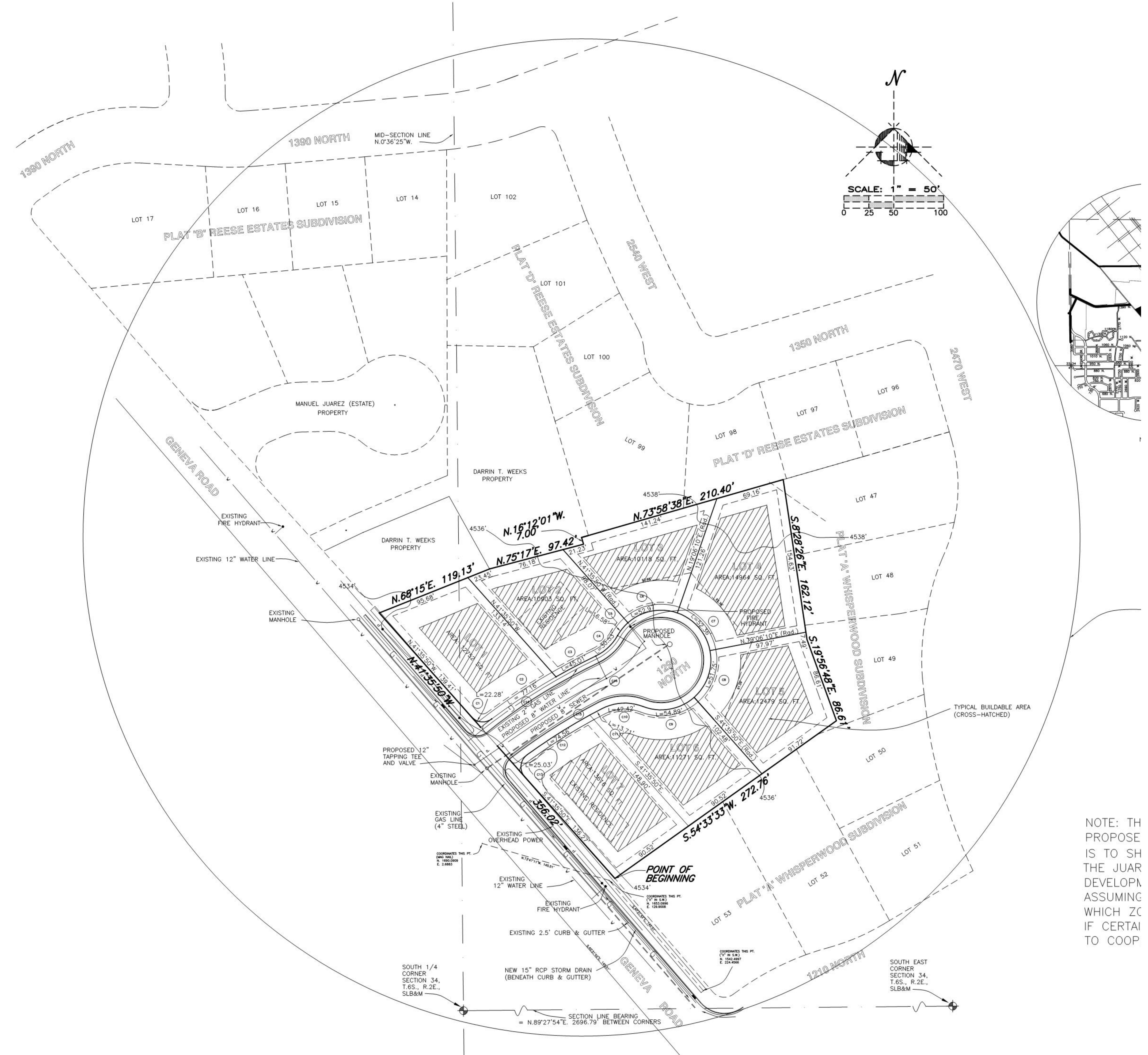
*Lakeview
North Neighborhood*

17-0009SF

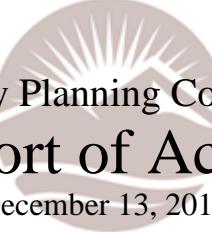








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Provo City Planning Commission

Report of Action

December 13, 2017

- ITEM 4* The Provo City Council Office requests ordinance amendments to Sections 6.06 and 14.38 for signage within the City. ***City-Wide Impact.*** 17-0019OA, Brian Maxfield, 801-852-6429

The following action was taken by the Planning Commission on the above described item at its regular meeting of December 13, 2017:

RECOMMEND APPROVAL

On a vote of 8:0, the Planning Commission recommended the Municipal Council approve the above noted application.

Motion By: Jamin Rowan

Second By: Andrew Howard

Votes in Favor of Motion: Jamin Rowan; Andrew Howard; Ed Jones; Shannon Ellsworth; Maria Winden; Jamin Rowan; Dave Anderson; Deborah Jensen.

Deborah Jensen was present as Chair.

The staff report 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 texts of the proposed amendments are 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:

- Details of Amendment
- Purpose of Amendment

CITY DEPARTMENTAL ISSUES

- None

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood Chairs received notification.

CITY DEPARTMENTAL ISSUES

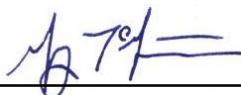
- None

NEIGHBORHOOD AND PUBLIC COMMENT

- No public comment was received nor made as part of the Public Hearing.

PLANNING COMMISSION DISCUSSION

- The Planning Commission asked brief clarifying questions regarding this item.



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.).

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6

EXHIBIT “A”

7

Chapter 6.06

8

Use of Electronic Signs

9

6.06.010. Scope. Any business operating an on-premises electronic display sign shall comply with the requirements of
10 this Chapter in order to qualify for a business license.

11

6.06.010. Hold Time and Transitions.

- 12
- (1) Each message shall be illuminated for no less than eight (8) seconds before transitioning to a new message.
- 13
- (2) Notwithstanding subsection (1), the message may not be changed more than three (3) times per day unless the sign
14 qualifies as a high-churn electronic display sign under Provo City Code Chapter 14.38.
- 15
- (3) The images and messages displayed shall be static, and the transition from one static display to another shall be
16 instantaneous with no special effects or the transition may provide a black screen for at least one (1) second.
- 17
- (4) Electronic display signs shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking,
18 changes in color, fade in or fade out in any manner imitating movement, or any other means not providing constant
19 illumination.
- 20
- (5) An electronic display sign that was in operation prior to May 28, 2013, is not subject to the requirements of this
21 Section 6.06.010 so long as the sign is not replaced, reconstructed, upgraded, moved, or otherwise substantially changed.
- 22

23

6.06.020. Brightness.

- 24
- (1) All electronic display signs shall come equipped with automatic dimming technology which automatically adjusts the
25 sign's brightness in direct correlation with natural ambient light conditions at all times.
- 26
- (2) No electronic display sign shall exceed a brightness level of more than three-tenths (3/10) foot candles above ambient
27 light as measured using a foot candle (lux) meter perpendicular to the electronic display sign face measured at ground
level and at the distances shown in the table below:

<u>Size (square feet)</u>	<u>Distance from source</u>
<u>0 to 100</u>	<u>100 feet</u>
<u>101 to 350</u>	<u>150 feet</u>
<u>351 to 650</u>	<u>200 feet</u>
<u>Over 650</u>	<u>250 feet</u>

(3) Prior to the issuance or renewal of a business license, the owner of an electronic display sign shall provide the City with a certification from the sign manufacturer stating that the sign is capable of complying with the above brightness provisions.

(4) An electronic display sign that was in operation prior to May 28, 2013 and that is not reasonably capable of complying with the brightness standards in this section is not subject to the requirements of this Section 6.06.020 so long as the sign is not replaced, reconstructed, upgraded, moved, or otherwise substantially changed.

Chapter 14.38

Signs and Outdoor Advertising

14.38.010. General Requirements.

The following general requirements shall apply to all signs and outdoor advertising structures which may be erected or maintained within the City of Provo.

(1) Sign Approval. Except as otherwise provided, it shall be unlawful and a class C misdemeanor to erect or maintain any sign or outdoor advertising structure in the City of Provo without first obtaining the approval of the Planning Commission for said sign or advertising structure, the giving of which shall be based upon the provisions of this Title.

(2) Permits. The approval of the Planning Commission shall be evidenced by a permit issued by the Building Inspection Division. All signs shall be constructed and all permits shall be issued in accordance with the provisions of the International Building Code. Permits for off-premises nonconforming signs shall be renewed on an annual basis. Applications for permits, or for the renewal of permits, shall require the applicant to disclose the owner of the sign and the owner of the property on which the sign is or will be located, all relevant dates in regard to expiration of any lease or lease option, the date and cost of construction of the sign, the date and cost of any modification of the sign, the fair market value as appraised for property tax purposes, the date the sign will be depreciated for federal income tax purposes, the cost of operating the sign, and any other information reasonably required by the planning commission. A permit may be revoked and a sign removed pursuant to Subsection (7) of this Section if the applicant for a permit makes a false or misleading statement in the permit application or renewal.

(3) Electronic Display and Animated Signs. Except as otherwise provided in this Chapter, all animated signs are prohibited. On-premise low-churn electronic display signs are permitted, but businesses using such signs are subject to the business licensing regulations contained in Provo City Code Chapter 6.06. On-premise high-churn electronic display signs are prohibited, except as otherwise provided in Section 14.38.025 of this Chapter.

(4) Sound or Emissions. No sign shall be designed for the purpose of emitting sound, smoke, or steam.

(5) Movable Signs, Banners, and A-Frame Signs. Except as otherwise provided in this Chapter, all movable signs, banners and A-frame signs are prohibited. This prohibition shall include signs mounted or painted upon vehicles or trailers which are parked in any location for the purpose of calling attention to or advertising a person, place, or thing.

(6) Canopy Signs. Signs painted on or affixed to canopies which are part of the building shall be considered part of the total allowed area of wall signs for the walls from which the canopy projects. Signs painted on or affixed to canopies which are freestanding shall be considered part of the total allowable area of freestanding signs for that use. Signs suspended under canopies (marquees) which project over public rights-of-way shall be limited to six (6) square feet. Signs with changeable copy (reader boards) located on marquees of theaters or similar public assembly uses may combine the total allowable area for all building faces as permitted by Section 14.38.140, Provo City Code, so long as there are no wall signs placed upon building faces other than the face to which the marquee is attached.

(7) Violations.

(a) It is unlawful to erect or maintain a sign contrary to the provisions of this Chapter. If a sign is erected or maintained in violation of this Chapter the Planning Commission may do the following:

- (i) Order the defect corrected within a fixed period of time, not exceeding thirty (30) days, if correction of the defect will bring the subject sign into compliance with the provisions of this Chapter; but
 - (ii) If correction of the defect will result in a violation of the provisions of this Chapter, order that the subject sign be removed by, and at the expense of the owner of the sign, within a fixed period of time not exceeding thirty (30) days.
 - (b) If the owner of the sign contests the order of the Planning Commission, the remedy shall be an appeal to the zoning Board of Adjustment, which appeal shall be taken in the time and manner otherwise provided in this Title for appeals to the zoning Board of Adjustment.
 - (c) If the owner of the sign fails or refuses to remove the subject sign at the order of the Planning Commission, the City may remove the sign at any time after the owner thereof exhausts his or her administrative remedies in relation thereto, unless otherwise ordered by a court of law. Removal by the City shall be at the expense of the owner, and the City may obtain judgment against the owner in an amount equal thereto, together with reasonable attorneys' fees and costs.

• • •

14.38.025. On-Premises High-Churn Electronic Display Sign Standards.

- (1) On-premises ~~high-churn~~ electronic display signs are prohibited in all areas of the City of Provo, except for properties within the GW, WG, FC, FC2, CA, CG, PO, CM, SC1, SC2, SC3, M1, M2 FI, MP, PIC and PF zones which have frontage on the following streets and locations:

- (a) University Parkway, from 100 West northwesterly to the boundary line of the City of Provo;
 - (b) North State Street, from Bulldog Boulevard (1230 North Street) northwesterly to the boundary line of the City of Provo;
 - (c) Bulldog Boulevard, from Canyon Road (200 East) westward to North State Street;
 - (d) Freedom Boulevard, from 550 North northward to ~~940 North Street~~ University Parkway;
 - (e) 820 North Street, from 1890 West eastward to 1350 West Street;
 - (f) Center Street, from 1300 West eastward to 600 West Street;
 - (g) University Avenue, from 920 South southward to 1860 South;
 - (h) 1860 South Street, from University Avenue eastward to South State Street; and
 - (i) South State Street, from 640 South Street southward to the boundary line of the City of Provo.

- (2) Properties described in Subsection (1) that have frontage along Interstate 15 (I-15) shall not have any on-premises high-churn electronic display sign located closer than one thousand two hundred (1,200) feet from another on-premises high-churn electronic display sign.

- (3) On-premises electronic display signs are prohibited in the DT1 and DT2 zones with the following exceptions:

- (a) A restaurant menu sign that is a wall sign meeting the requirements described in Section 14.38.105(1)(f), Provo City Code, may be an on-premises electronic display sign.

- (b) Business Hours Sign. A sign displaying the hours of operation of a business and/or whether the business is open may be an on-premises electronic display sign. Such sign may not exceed four (4) square feet and may be located on a building face or within a window.

- (4) All high-churn electronic display signs shall be subject to the following requirements:

119 (a) Comply with all other provisions of the respective zoning districts as set forth in this Title, including all sign
120 regulations described in this Chapter.

121 (b) Comply with all the provisions of Chapter 6.06 regarding use of electronic display signs by a business.

122 (c) Hold Time. Each message shall be illuminated for no less than eight (8) seconds before transitioning to a new
123 message.

124 (i) The images and messages displayed shall be static, and the transition from one static display to another shall
125 be instantaneous with no special effects or the transition may provide a black screen for at least one (1) second.

126 (ii) Electronic display signs shall not include animation, full motion video, flashing, scrolling, strobing, racing,
127 blinking, changes in color, fade in or fade out in any manner imitating movement, or any other means not
128 providing constant illumination.

129 (iii) Each message shall be illuminated for no less than eight (8) seconds before transitioning to a new message.

130 (e) Illumination.

131 (i) ~~All electronic display signs shall come equipped with automatic dimming technology which automatically~~
132 ~~adjusts the sign's brightness in direct correlation with natural ambient light conditions at all times.~~

133 (ii) ~~No electronic display sign shall exceed a brightness level of more than three tenths (3/10) foot candles above~~
134 ~~ambient light as measured using a foot candle (lux) meter perpendicular to the electronic display sign face~~
135 ~~measured at ground level and at the distances shown in the table below:~~

Size (square feet)	Distance from source
0 to 100	100 feet
101 to 350	150 feet
351 to 650	200 feet
Over 650	250 feet

136
137 (d) Prior to the issuance of any permit for construction or conversion, the owner shall provide the City with a
138 certification from the sign manufacturer stating that the sign is capable of complying with the ~~above brightness~~
139 ~~standards illumination and brightness standards~~ provisions found in Chapter 6.06.

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142 **14.38.085. North University Avenue Riverbottoms Design Corridor and Specialty Support Commercial (SSC)**
143 **Sign Standards.**

144 (1) An integrated sign design scheme which meets the requirements of this Section shall be required for each new
145 performance development, shopping center, or office complex located within the North University Avenue Riverbottoms
146 Design Corridor, as per Section 14.34.290(2), Provo City Code.

147 (2) Except as provided in Subsection (2)(a) of this Section, the provisions of this Section shall apply to any sign located
148 within the North University Avenue Riverbottoms Design Corridor notwithstanding any other provision of this Title and
149 shall supersede sign provisions in any chapter with which this Chapter 14.38 may be associated for purposes of
150 development except Section 14.38.010(1) and (2).

151 (a) The provisions of this Section shall not apply to an existing legal nonconforming sign provided, however, that the
152 size, height, or location of any such sign shall not be changed except in accordance with the provisions of this
153 Section.

154 (3) Monument Signs. Each commercial or professional office development in the North University Avenue Riverbottoms
155 Design Corridor may have therein monument signs, in accordance with the following provisions:

156
157 (a) Number. There may, in each commercial center or professional office complex, be one (1) such sign for each three
158 hundred (300) feet of street frontage.

158
159 (b) Area. The sign copy area of a monument sign shall not exceed sixty (60) square feet per side for two-sided signs.
160 Double-faced, back-to-back, and V-type signs are permitted as a single sign or structure if both faces have common
161 ownership. The monument structure upon which the sign is placed shall be designed to complement the architecture
of the building, using the same materials and stylistic themes.

162
163 (c) Spacing. A minimum spacing of one hundred fifty (150) feet between sign structures may be permitted on sites
with multiple structures.

164
165 (d) Height. No such freestanding sign (including the monument structure and pedestal) shall exceed ten (10) feet in
height above the grade of street frontage sidewalk.

166 (e) Location.

167
168 (i) Except as otherwise provided in Subsection (3)(e)(ii) of this Section, each such monument sign shall be
169 located on private property, outside the "clear vision" area of any street or driveway intersection, and shall not
project over any property line;

170
171 (ii) Notwithstanding Subsection (3)(e)(i) of this Section, a sign located on a corner lot or parcel abutting
172 University Avenue within the North University Avenue Riverbottoms Design Corridor may project up to twelve
173 (12) feet into the University Avenue right-of-way from an adjacent property line but not closer than six (6) feet to
174 any sidewalk or paved trail system located in the public right-of-way, subject to the qualifications set forth in
Subsection (3)(e)(iii) of this Section and the following conditions:

175
176 (A) The controlling government agency grants written permission to locate the sign in the University
Avenue right-of-way;

177
178 (B) Visibility of the sign, if placed on the lot or parcel as required by Subsection (3)(e)(i) of this Section,
179 would be blocked by one (1) or more utility boxes or semaphore poles whose location and design is not
180 controlled by the property owner, as observed at eye level from the curb or edge of pavement for University
Avenue within one hundred (100) feet of the sign location; and

181
182 (C) The sign does not create a sight distance hazard as reasonably determined by the City Traffic Engineer
183 based on the sign location and construction specifications, speed of nearby traffic, and other applicable City
standards designed to achieve safe traffic movement.

184
185 (iii) A sign which existed prior to April 18, 2006, may not be relocated pursuant to the provisions of Subsection
(3)(e)(ii) of this Section unless:

186
187 (A) Subsequent to the sign's original installation utility boxes or semaphore poles, whose location and
188 design is not controlled by the property owner, are installed which block the sign in the manner described in
Subsection (3)(e)(ii)(B) of this Section, and

189
190 (B) The applicant provides documentation that the sign meets the requirements of Subsection (3)(e)(iii)(A)
of this Section.

191
192 (f) Materials. Structures supporting monument and shopping center identification signs shall be compatible with
exterior materials used in building exteriors within the shopping/office center.

193
194 (g) Illumination. Internal illumination of a translucent sign face, or individual letters, characters, or figures shall be
permitted, such that the sign face, letter or character glows.

195
196 (4) Wall Signs. Each business establishment or tenant of a shopping center or professional office facility may have wall
signs in conformance with the standards listed below.

197
198 (a) Area. One (1) square foot of wall sign copy area for each linear foot of building frontage of the particular side the
199 sign is on, or tenant space where the building setback from street frontage is less than two hundred (200) feet. For
200 buildings with setbacks from street frontage of at least two hundred (200) feet or more, one and one-quarter (1 1/4)
square feet of wall sign face for each linear foot of building frontage.

201
202
203 (b) Number. There shall be no more than one (1) such sign for the front face of each business or tenant. There may, in addition, be one (1) such sign for each business establishment or tenant having a rear or side building face with a public entrance.

204 (c) Height. No part of any such sign shall extend above the top level of a wall upon or in front of which it is situated.

205 (d) Projection. No wall sign, including structural part, shall project more than eighteen (18) inches from the face of
206 the part of the building to which it is attached.

207 (e) Illumination. Internal illumination of a translucent sign face, or individual letters, characters, or figures shall be
208 permitted, such that the sign face, letter or character glows.

209 (5) Shopping Center (SC3 Zone) Signs.

210 (a) Entry Archways. An archway displaying the name and logo of the shopping center may be located over a
211 driveway, street or pedestrian entrance into the shopping center in accordance with the following provisions:

212 (i) Number. There may be one (1) sign and one (1) archway structure per entrance, not to exceed four (4)
213 entrances.

214 (ii) Area. The area of the sign shall not exceed sixty (60) square feet.

215 (iii) Height. The height of the entry feature (archway) structure shall not exceed twenty-five (25) feet. Adequate
216 vehicle and pedestrian clearance will be required as determined by Provo City.

217 (iv) Location. The sign shall be located on private property, outside the "clear vision" area of any street or
218 driveway intersection, and shall not project over any property line.

219 (v) Materials. Materials shall be compatible with exterior materials used within the shopping center.

220 (vi) Illumination. Internal illumination is permitted.

221 (b) Entry Identification Monument Signs. A sign that identifies only the name of the shopping center and/or displays
222 public greetings may be located at the entrances of the development.

223 (i) Number. There shall be not more than two (2) per driveway entrance.

224 (ii) Area. The area of the sign shall not exceed six (6) square feet.

225 (iii) Height. The sign (including the monument structure and pedestal) shall not exceed ten (10) feet in height
226 above the grade of street frontage sidewalk.

227 (iv) Location. The sign shall be located on private property, outside the "clear vision" area of any street or
228 driveway intersection, and shall not project over any property line.

229 (v) Materials. Materials shall be compatible with exterior materials used within the shopping center.

230 (vi) Illumination. Internal illumination is permitted.

231 (c) Commercial Monument Signs. Commercial monument signs are only permitted to be located along the frontage of
232 4800 North.

233 (i) Number. There may be one (1) such sign for each three hundred (300) feet of street frontage, not to exceed
234 two (2) signs if the frontage is greater than six hundred (600) feet.

235 (ii) Area. The sign copy area of a monument sign shall not exceed sixty (60) square feet per side for two-sided
236 signs. The monument structure upon which the sign is placed shall be designed to complement the architecture of
237 the building, using the same materials and stylistic themes.

238 (iii) Spacing. A minimum spacing of one hundred fifty (150) feet between sign structures is required.

- 239 (iv) Height. The sign (including the monument structure and pedestal) shall not exceed ten (10) feet in height
240 above the grade of street frontage sidewalk.
- 241 (v) Location. Monument signs shall be located on private property, outside the "clear vision" area of any street or
242 driveway intersection, and shall not project over any property line.
- 243 (vi) Materials. Materials shall be compatible with exterior materials used within the shopping center.
- 244 (vii) Illumination. Internal illumination is permitted.
- 245 (d) Shopping Center Commercial Signs.
- 246 (i) Number. There may be one (1) sign for each three hundred (300) feet of street frontage on University Avenue,
247 not to exceed two (2) signs if the street frontage is greater than six hundred (600) feet.
- 248 (ii) Area. The area of the sign shall not exceed three hundred (300) square feet per face. The name and logo of
249 the shopping center are not counted as part of the permitted square footage of the sign.
- 250 (iii) Spacing. A minimum spacing of one hundred fifty (150) feet between sign structures is required.
- 251 (iv) Height. A sign shall not exceed twenty-five (25) feet in height.
- 252 (v) Location. The sign(s) may be located on University Avenue within the Provo City right-of-way (trail system)
253 subject to the obtaining of written permission from Provo City.
- 254 (vi) Materials. Materials shall be compatible with exterior materials used within the shopping center.
- 255 (vii) Illumination. Internal illumination is permitted.

256 (6) Research and Business Park Zone (RB&P).

- 257 (a) Monument Signs. Monument signs are only permitted to be located along the frontage of University Avenue.
- 258 (i) Number. There may be one (1) such sign for each three hundred (300) feet of street frontage.
- 259 (ii) Area. The sign copy area of a monument sign shall not exceed sixty (60) square feet per side for two-sided
260 signs. The monument structure upon which the sign is placed shall be designed to complement the architecture of
261 the building, using the same materials and stylistic themes.
- 262 (iii) Spacing. A minimum spacing of one hundred fifty (150) feet between sign structures is required.
- 263 (iv) Height. The sign (including the monument structure and pedestal) shall not exceed ten (10) feet in height
264 above the grade of street frontage sidewalk.
- 265 (v) Location. There may be a monument sign located on each corner of River Park Drive. The signs shall not be
266 located any closer than fifteen (15) feet of the back of University Avenue street curb within the public right-of-
267 way subject to written permission from the controlling government agency.
- 268 (vi) Materials. Materials shall be compatible with exterior materials used within the Research and Business Park.
- 269 (vii) Illumination. Internal illumination and electronic display signs are not permitted.
- 270 (7) ~~Electronic Signs. Electronic signs which are electronically controlled contain temporary text messages that can be~~
271 ~~changed from time to time. Electronic signs are subject to the following design specifications:~~
- 272 (a) ~~Signs shall automatically dim during hours of darkness.~~
- 273 (b) ~~Sign messages shall not change more frequently than ten (10) seconds.~~
- 274 (8) Prohibited Signs. Temporary signs are not permitted except as permitted in this Chapter such as real estate and
275 campaign signs. These types of signs shall not be located in the public right-of-way.

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278 **14.38.105. Signs Permitted in the Downtown (DT, ITOD, GW, or WG) Zones.**

279 Signs within the DT1, DT2, ITOD, GW, or WG zones shall be regulated by the following provisions:

280 (1) Wall signs shall comply with the following requirements:

281 (a) Ground level businesses with individual front door entrances fronting public streets.

282 (i) Number. One (1) sign per business storefront.

283 (ii) Area. Two (2) square feet of sign for each foot of linear building facade.

284 (iii) Location. Sign shall be located on the first or second story facade.

285 (iv) Projection. Signs shall not project more than eighteen (18) inches from the facade.

286 (v) Illumination. Internal or external illumination is permitted. Externally lit signs shall be illuminated only with stationary, shielded light sources directed solely onto the sign without causing glare.

287 (b) Building directory signs:

288 (i) May be located on an exterior wall next to a public entrance or within the common entrance of the building.

289 (ii) If located on an exterior wall, such directory signs shall not exceed nine (9) square feet and copy shall not exceed one (1) inch in height.

290 (iii) One (1) directory sign for each building facade with a public entrance is permitted.

291 (c) Building identification signs for buildings three (3) to four (4) stories in height:

292 (i) Number. One (1) sign per building facade consisting of individual letters (signs shall not consist of sign cabinets). No building shall be deemed to have more than four (4) facades.

293 (ii) Area. Two (2) square feet of sign for each linear foot of building facade.

294 (iii) Location. Shall be located on the top story of the building.

295 (iv) Projection. Sign shall not project greater than eighteen (18) inches from the facade.

296 (v) Illumination. Internal or external illumination is permitted. Externally lit signs shall be illuminated only with stationary, shielded light sources directed solely onto the sign without causing glare.

297 (vi) Size of Lettering. Letters are limited to two (2) feet in height.

298 (d) Building identification signs for buildings greater than five (5) stories in height:

299 (i) Number. One (1) per building facade consisting of individual letters (signs shall not consist of sign cabinets). No building shall be deemed to have more than four (4) facades.

300 (ii) Area. Four (4) square feet of sign for each linear foot of building facade.

301 (iii) Location. Shall be located on one of the top two (2) stories and not project above the wall line.

302 (iv) Projection. Sign may not project greater than eighteen (18) inches from the facade.

303 (v) Illumination. Internal or external illumination is permitted. Externally lit signs shall be illuminated only with stationary, shielded light sources directed solely onto the sign without causing glare.

311 (vi) Size of Lettering. Letters shall not exceed four (4) feet in height.

312 (e) Tenant Identification Signs.

313 (i) Number.

314 (A) For buildings two (2) to four (4) stories in height: one (1) sign per building facade facing a public street.

315 (B) For buildings five (5) stories or greater in height: two (2) signs per building facade facing a public street.

316 (ii) Type. Signs shall consist of individual letters or logos (signs shall not consist of sign cabinets).

317 (iii) Area. The sign shall not exceed fifty (50) square feet in area.

318 (iv) Location. The sign shall be located on the story immediately below the building step-back, if present, on the
319 second floor of a two (2) story building, or below the top floor of a building greater than two (2) stories in height.

320 (v) Projection. Sign shall not project greater than eighteen (18) inches from the facade.

321 (vi) Illumination. Internal and external illumination is permitted. Externally lit signs shall be illuminated only
322 with stationary, shielded light sources directed solely onto the sign without causing glare.

323 (vii) Size of Lettering. Letters shall not exceed three (3) feet in height.

324 (f) Wall Mounted Electronic Message Center Signs.

325 (i) ~~Number. One (1) sign on the building facade where an entrance to the building exists.~~

326 (ii) ~~Area. The sign shall not exceed eight (8) square feet in area.~~

327 (iii) ~~Location. The sign shall be located within three (3) feet of the building entrance and shall be mounted flat
328 against the wall of the structure.~~

329 (2) Projecting Signs. One (1) sign shall be allowed to project from the building face for each street level business or street
330 level parking lot entry, having street frontage, subject to the following conditions:

331 (a) Entrance. The business shall have a public entrance directly onto the street.

332 (b) Location. The sign shall be located below the finished floor of the second level of a building or have a maximum
333 height of fifteen (15) feet above the final grade, whichever is lower.

334 (c) Clearance. There must be a minimum eight (8) feet of clearance from the bottom of the sign structure to the
335 ground directly below the sign.

336 (d) Area. Signs shall not exceed nine (9) square feet in area.

337 (e) Sign Length and Height. Sign length and height shall not exceed three and a half (3.5) linear feet.

338 (f) Projection. Signs, including mounting hardware, shall not project more than forty-eight (48) inches from the face
339 of the building. Signs shall not project from nor be mounted to building elements that are located within the street
340 right-of-way.

341 (g) Thickness. Signs, including the cabinet, shall not be more than five (5) inches thick. External lighting shall not be
342 limited to the five (5) inch maximum sign cabinet thickness.

343 (h) Lettering Height. Individual sign letters shall not exceed twelve (12) inches in height.

344 (i) Frontage Width.

345 (i) Any storefront or business premises that is less than thirty (30) feet in width shall have only one (1) projecting
346 sign.

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349 (ii) If such a storefront or business premises contains more than one (1) street level business, the maximum
350 permitted sign area for a single sign may be divided between a maximum of two (2) signs hung from a single
sign mounting bracket.

350 (iii) Up to six (6) inches of space between signs shall not be included in the maximum height and width.

351 (iv) The maximum projection shall meet the requirement of Subsection (2)(f) of this Section.

352 (j) Materials. Exposed surfaces of the sign may be constructed of metal, glass, stone, solid wood, or other materials
353 that are architecturally compatible with the exterior of the structure. If staff determines that the proposed materials are
354 not architecturally compatible, the sign will be referred to the Design Review Committee for review and approval.

355 (k) Lighting. Projecting signs may be illuminated internally or externally. Externally lit signs shall be illuminated
356 only with stationary, shielded light sources directed solely onto the sign without causing glare.

357 (l) Hold Harmless Agreement. When a sign extends over a public right-of-way, a hold harmless agreement must be
358 signed by the owner of the sign prior to approval and installation of said sign.

359 (m) Message. The message on projecting signs shall be limited to the name of the business and its logo.

360 (n) Sign Type. Projecting signs shall not be electronic display signs.

361 (o) Changeable Copy. Projecting signs shall not be designed to include changeable copy.

362 (p) Exemptions. City-owned wayfinding and parking facility identification signs are exempt from the requirements of
363 this Subsection.

364 (3) Parking Entry Sign. One (1) parking entry sign may be constructed for any nonconforming surface level parking lot
365 subject to the following restrictions:

366 (a) Number. One (1) sign is permitted for every parking entryway along a public street. No more than one (1) sign is
367 permitted per street frontage.

368 (b) Height. The maximum height shall not exceed twelve (12) feet from the natural grade of the lot.

369 (c) Area. Signs shall not exceed nine (9) square feet in area.

370 (d) Projection. Signs shall not project over the property line into the public right-of-way.

371 (e) Exemptions. City-owned wayfinding and parking facility identification signs are exempt from the requirements of
372 this Subsection.

373 (4) Awning Signs. One (1) sign shall be permitted on each awning located over a first floor window or door subject to the
374 following restrictions:

375 (a) Area. A maximum of one (1) square foot of sign may be installed on each lineal foot of awning.

376 (b) Location. Signs must be located on the vertical valence of the awning that directly faces a public street or right-of-
377 way and must consist of graphics that are no more than twelve (12) inches in height.

378 (c) Projection. Awnings may project a maximum of six (6) feet from the property line into the public right-of-way.

379 (5) New Construction Signs. One (1) sign shall be permitted along each street frontage of a new construction project
380 subject to the following restrictions:

381 (a) Area. Signs shall not exceed sixty-four (64) square feet in area.

382 (b) Height. The maximum height shall not exceed twelve (12) feet from the natural grade of the lot.

383 (c) Projection. Signs shall not project over the property line into the public right-of-way.

384 (d) New construction signs must be removed prior to the issuance of a certificate of occupancy for the new project.

- 385 (6) Real Estate Signs. One (1) sign shall be permitted along each street frontage of any property that is being offered for
386 sale, lease, or rent subject to the following restrictions:
387 (a) Area. Signs shall not exceed thirty-two (32) square feet in area.
388 (b) Height. The maximum height shall not exceed eight (8) feet.
389 (c) Projection. Signs shall not project over the property line into the public right-of-way.
390 (7) Window Signs. Signs shall be permitted on or inside the windows on the first floor of commercial establishments
391 subject to the following restrictions:
392 (a) Area. Signs shall not cover more than twenty-five percent (25%) of the total window area of the first floor facade
393 they are located on.
394 (b) Location. Signs are only permitted in windows that directly face a public street.
395 (c) Electronic display signs shall meet the standards in Section 14.38.025, Provo City Code.
396 (8) Monument Signs. One (1) sign shall be permitted in the landscaped front yard or street side yard of any property
397 located in the DT1 zone, DT2 zone, WG zone, or GW zone subject to the following restrictions:
398 (a) Area. Signs for single tenant properties shall not exceed fifty (50) square feet. Signs for properties with more than
399 one (1) tenant may have an additional ten (10) feet of sign for each additional tenant, up to one hundred (100) square
400 foot maximum size.
401 (b) Height. The maximum height shall not exceed five (5) feet.
402 (c) Projection. Signs shall not project over the property line into the public right-of-way.
403 (d) Design. Signs shall be of a similar material and architecturally compatible with the main building.
404 (9) A-Frame Signs. One (1) A-frame sign shall be permitted for each ground level business with an individual front door
405 entrance fronting a public street.
406 (a) Size. Maximum sign face size shall be twenty-four (24) inches wide and thirty-six (36) inches tall. Maximum sign
407 stand frame size shall be twenty-seven (27) inches wide and forty-seven (47) inches tall when closed with a maximum
408 depth of three (3) feet when opened.
409 (b) Sign Type. Sign faces shall be flat and lie in plane with the sign stand frame. Signs shall not be electrified or
410 lighted in any manner.
411 (c) Location. The sign shall be located immediately in front of and between the side walls of the associated business.
412 The sign shall be located immediately adjacent to the front facade of the business or within the park strip, provided a
413 six (6) foot wide clear pedestrian way is maintained on the sidewalk. Signs shall not be located outside of this
414 designated area in any other location within the public right-of-way.
415 (d) Time of Display. The sign shall be displayed only during the associated business's hours of operation.

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418 **14.38.160. Definitions Pertaining to Signs.**

419 The following words and phrases, whenever used in this Title, shall be construed as defined in this Section.

420 **"A-frame sign"** means any sign or structure composed of two (2) sign faces mounted or attached back-to-back in such a
421 manner as to form a basically triangular vertical cross-section through the faces.

422 **"Animated sign"** means any sign with action, motion, or moving parts, including devices activated by wind or forced air,
423 and signs that revolve, and which are designed and constructed to give their message through movement or semblance of

425 movement created through a sequence of progressive changes of parts or lights. This does not include electronic display
426 signs.

427 **“Building face”** means the visible outer surface of a main exterior wall of a building. The area of the face of the building
428 shall be the total area of such surface including the area of doors and windows which open into surface.

429 **Canopy.** See “Marquee.”

430 **“Convert, converted, conversion”** means any sign face that is changed from its existing, nondigital or nonelectronic
431 displays to an electronic display sign. Any sign that is remodeled, repaired, or maintained in such a way that it is now an
432 electronic display sign shall be considered a conversion.

433 **“Electronic display sign”** means any sign, or portion thereof, that displays electronic images, graphics or pictures, with or
434 without textual information. Such a sign has the capability of being changed or altered by electronic means on a fixed
435 display screen composed of a series of lights including light emitting diodes (LEDs), fiber optics, plasma displays, light
436 bulbs, or other illumination devices within the display area where the message is displayed. Electronic display signs
437 include computer programmable, microprocessor controlled electronic or digital displays.

438 **“Erect”** means to build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display.
439 Normal maintenance, including refinishing, is not included in this definition provided the sign copy is not changed or
440 altered.

441 **“Freestanding sign”** means any sign that is standing on or erected into the ground. Such signs are usually, but not
442 necessarily, supported from the ground by one (1) or more poles or posts or similar uprights, with or without braces. Any
443 sign which is mounted into the ground, but has the supports passing through any portion of the roof of a building or
444 structure, shall be considered to be a roof sign.

445 **“Frontage”** means the length of the sides along the street or any other principal public thoroughfare, but not including
446 such length along an alley, water course, railroad, street, or thoroughfare with no permitted access.

447 **“High-churn electronic display sign”** means any electronic display sign whose image or message is changed more than
448 three (3) times per day.

449 **“Low-churn electronic display sign”** means any electronic display sign whose image or message is changed three (3)
450 times per day or less.

451 **Marquee.** A “marquee” shall mean and include any roofed structure attached to and supported by a building, and
452 projecting over public property.

453 **“Movable sign”** means any sign not affixed to or erected into the ground.

454 **“Off-premises electronic display sign”** means any off-premises sign, as defined in this Section, that is also an electronic
455 display sign, as defined in this Section.

456 **“Off-premises sign”** means any sign which advertises products, services, or business establishments which are not
457 located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.

458 **“On-premises sign”** means any sign which advertises products, services, or business establishments which are located,
459 conducted, manufactured, or sold upon the same premises upon which the sign is erected.

460 **“Outdoor advertising structure”** means a structure erected and maintained for outdoor advertising purposes upon which
461 a poster, bill, printing, or painting may be placed to advertise products, goods, services, or business establishments other
462 than those located, conducted, manufactured, or sold upon the premises on which the structure is erected.

463 **“Projecting sign”** means any sign attached to a building or structural wall and extending horizontally outward from such
464 wall more than eighteen (18) inches.

465 **“Property”** means land or real estate, with or without structures; not goods or services.

466 **“Residential zone”** or **“district”** means any zone which is designated by the prefix “R” in this Title.

467 **"Roof sign"** means any sign which is erected upon or over the roof or over a parapet of any building or structure.

468 **"Sign"** means any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade
469 names, or trademarks by which anything is made known, such as are used to designate a firm, association, corporation,
470 profession, business, or service, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a
471 building, wall, roof, frame, support, fence, or other manmade structure, which are visible from any public street, public
472 highway, or public road right-of-way. For the purpose of this Title, the word "sign" does not include the flag, pennant, or
473 insignia of any nation, state, city, or other political unit, or of a nonprofit organization. It shall not include, further, any
474 official notice issued by any court, public body or officer, or directional warning or information sign or structure required
475 or authorized by law.

476 **Sign Area.** Sign area shall mean the area of a sign that is used for display purposes, excluding the minimum frame and
477 supports. In computing sign area, only one (1) side of a back-to-back or double-face sign covering the same subject shall
478 be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five (45)
479 degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of
480 the least rectangle, triangle, or circle large enough to frame the display.

481 **"Time and temperature device"** means any mechanism that displays the time and/or temperature, but does not display
482 any commercial advertising or identification.

483 **"Wall sign"** means any sign posted or painted upon, suspended from, or otherwise affixed to a wall, fascia, canopy, or
484 marquee in an essentially vertical position or with exposed face of the sign in a place approximately parallel with the wall
485 or fascia upon which it is attached.

486 **"Wind sign"** means any propeller, whirligig, or similar commercial device which is designed to flutter, rotate, or display
487 other movement under the influence of wind. This definition shall not include pennants, flags, or banners.

488 END
489



**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: December 13, 2017**

-
- ITEM 4*** The Provo City Council Office requests ordinance amendments to Sections 6.06 and 14.38 for signage within the City. ***City-Wide Impact.*** 17-0019OA, Brian Maxfield, 801-852-6429
-

Applicant: Provo City Council Office

Staff Coordinator: Brian Maxfield

Property Owner: City Wide Amendment

Parcel ID#: N/A

Current General Plan Designation: N/A

Proposed General Plan Designation: N/A

Current Zone: N/A

Acreage: N/A

Number of Properties: N/A

*Council Action Required: Yes

Related Application(s): None

ALTERNATIVE ACTIONS

1 **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is January 10, 2017, at 5:30 p.m.*

2 **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

Relevant History: Current electronic display rules were adopted May 28, 2013.

Neighborhood Issues: None Received

Summary of Key Issues: Appropriateness of amendment.

Staff Recommendation:

Recommend Approval of the proposed ordinance amendment to Sections 6.06 and 14.38 of the City Ordinances.

This action would be consistent with the recommendation of the Staff Report. Any additional changes should be stated with the motion

OVERVIEW

This item is a request by the Council Office to amend sections of the City Code to allow reasonable adjustments to the sign ordinance in relation to electronic messaging. The proposed amendments involve two separate Chapters of the Ordinance. The first is an addition to Title 6 “Business Licenses and Regulations, which adds Section 6.06 dealing with Use of Electronic Signs. It requires that any business operating an on-premises electronic display sign, comply with the requirements of the Chapter in order to qualify for a business license. This change provides a significant change in the enforcement capabilities of staff in regards to electronic sign violations.

The second is to Chapter 14.38 “Signs and Outdoor Advertising” as contained in Title “Zoning.” Those changes principally relate to allowance for changing messages on electronic signs. These message changes are classified as low-churn and high-churn electronic signs, with generally greater restrictions on high-churn signs.

STAFF 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.

Allowances for a broader range of signage advertisement allowances for businesses.

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

Business retention and development is a desirable result for the city.

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

The adopted Vision 2030 Document includes the following under the Section on “Prosperity.”

Goal 9.1 - Work effectively and fairly with the business community so the dominant perception in the business community is that it is easy to work with Provo City.

Objective 9.1.1 Work to significantly reduce the barriers to growing/expanding/doing business in Provo.

Objective 9.1.2 Look for ways to help grow/leverage the city assets to improve economic development.

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

The proposed amendment has no effect on “timing and sequencing.”

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

The proposed amendment does not hinder nor obstruct attainment of the General Plan’s articulated policies.

(f) Adverse impacts on adjacent land owners.

No adverse impacts are anticipated on adjacent land owners.

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

N/A

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

N/A

STAFF RECOMMENDATION

That the Planning Commission recommend to the Municipal Council, approval of the proposed addition of Chapter 6.06 and proposed amendments to Chapter 14.38.



WELCOME HOME

PLANNING COMMISSION

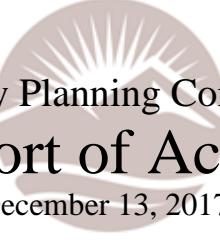
December 13, 2017

ITEM 4*

The Provo City Council Office requests ordinance amendments to Sections 6.06 and 14.38 for signage within the City.

City-Wide Impact

17-0019OA



Provo City Planning Commission

Report of Action

December 13, 2017

- ITEM 5* The Provo City Community Development Department requests an Ordinance Amendment to Section 14.06.020 to adopt a definition for "Road." ***City-Wide Impact.*** 17- 0023OA, Brian Maxfield, 801-852-6429

The following action was taken by the Planning Commission on the above described item at its regular meeting of December 13, 2017:

RECOMMEND APPROVAL

On a vote of 8:0, the Planning Commission recommended the Municipal Council approve the above noted application.

Motion By: Brian Smith

Second By: Jamin Rowan

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

Deborah Jensen 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 PRO Zone 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:

- The purpose of amendment.

CITY DEPARTMENTAL ISSUES

- None

NEIGHBORHOOD MEETING DATE

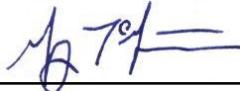
- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- No public comment was received nor made as part of the Public Hearing.

PLANNING COMMISSION DISCUSSION

- No further discussion was held by the Planning Commission



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.).

EXHIBIT “A”

Addition of a definition for the term “Road”

Chapter 14.06. Interpretation and Definitions.

14.06.020. Definitions

“Road” See definition of “Street”



**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: December 13, 2017**

-
- ITEM 5*** The Provo City Community Development Department requests an Ordinance Amendment to Section 14.06.020 to adopt a definition for "Road." ***City-Wide Impact.***
17- 0023OA, Brian Maxfield, 801-852-6429
-

Applicant: Community Development Department

Staff Coordinator: Brian Maxfield

Property Owner: City Wide Amendment

Parcel ID#: N/A

Current General Plan Designation: N/A

Proposed General Plan Designation: N/A

Current Zone: N/A

Acreage: N/A

Number of Properties: N/A

*Council Action Required: Yes

Related Application(s): None

ALTERNATIVE ACTIONS

1 **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is January 10, 2017, at 5:30 p.m.*

2 **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

Relevant History: None

Neighborhood Issues: None Received

Summary of Key Issues: Appropriateness of amendment.

Staff Recommendation:

That the Planning Commission recommend **approval** of the proposed ordinance amendment to the Municipal Council, which adds a definition for the term "Road" to Section 14.06.020 Definitions.

This action would be consistent with the recommendation of the Staff Report. Any additional changes should be stated with the motion

OVERVIEW

This item is a proposed amendment to the Zoning Ordinance to add a reference definition for ‘Road.’ The resulting amendment would simply read:

“Road” See definition of “Streets”

This proposed amendment is a result of an issue occurring during a Board of Adjustment meeting where having the proposed wording, may have saved some confusion in the discussion. Although the definition for “Street” in both Title 14 Zoning and Title 15 Land Use and Development includes “road” as basically another name for a street, an argument was presented that a road is not a street. The definition for “Street” in the current Section 14.06.020 reads (with highlighting by staff):

“Street” means a thoroughfare which has been dedicated to the public and accepted by proper public authority, or a thoroughfare not less than twenty (20) feet wide, which has become a public thoroughfare by right of use and which affords the principal means of access to abutting property; provided that easements, walkways, and alleys shall not be considered as **“Streets” for the purpose of this Title. Streets include: public rights-of-way, including** highways, avenues, boulevards, parkways, **roads**, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways. See also Chapter 15.03, Provo City Code.

Staff believes the proposed clarification in the definition would significantly lessen or eliminate any confusion in the term.

STAFF 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.**

Better clarification of ordinance terms.

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

The change addresses and clarifies what may have caused a misunderstanding of terms in an item recently considered by the Board of Adjustment.

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

The proposed amendment would not be incompatible with any of the General Plan's 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.

The proposed amendment has no effect on "timing and sequencing."

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

The proposed amendment does not hinder nor obstruct attainment of the General Plan's articulated policies.

(f) Adverse impacts on adjacent land owners.

N/A

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

N/A

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

N/A

STAFF RECOMMENDATION

That the Planning Commission recommend approval of the proposed ordinance amendment to the Municipal Council, which adds a definition for the term “Road” to Section 14.06.020 Definitions.

EXHIBIT “A”

Addition of a definition for the term “Road”

Chapter 14.06. Interpretation and Definitions.

14.06.020. Definitions

“Road” See definition of “Street”



WELCOME HOME

PLANNING COMMISSION

December 13, 2017

ITEM 5*

The Provo City Community Development Department
requests an Ordinance Amendment
to Section 14.06.020 to adopt a definition for “Road.”

City-Wide Impact

17-0023OA

EXHIBIT “A”

Addition of a definition for the term “Road”

Chapter 14.06. Interpretation and Definitions.

14.06.020. Definitions

“Road” See definition of “Street”